



STATUTES
OF THE
YUKON TERRITORY

PASSED BY THE LEGISLATURE OF
THE YUKON TERRITORY
IN THE YEAR
1984

IN THE FOURTH SESSION OF THE TWENTY FIFTH
LEGISLATIVE ASSEMBLY

VOLUME 1

TABLE OF CONTENTS
STATUTES OF THE YUKON TERRITORY
1984

<u>BILL</u> <u>NO.</u>	<u>CHAPTER</u> <u>NO.</u>	<u>TITLE</u>	<u>PAGE</u>
32	1	An Act to Amend the Business Development Assistance Act	1
19	2	Children's Act (Act published in separate volume)	3
20	3	An Act to Amend the Dental Profession Act	4
26	4	Electoral District Boundaries Commission Act	9
3	5	Employment Standards Act	13
31	6	Energy Conservation Assistance Act	55
14	7	Fifth Appropriation Act, 1982-83	58
13	8	Fifth Appropriation Act, 1983-84	62
21	9	An Act to Amend the Financial Administration Act	66
9	10	Financial Agreement Act, 1984	67
23	11	An Act to Amend the Government Employee Housing Plan Act	69
22	12	Government Employees Unemployment Insurance Agreement Act	71
10	13	An Act to Amend the Income Tax Act	72
11	14	Interim Supply Appropriation Act, 1984-85	74
25	15	Interim Supply Appropriation Act, 1984-85 (No. 2)	76
5	16	An Act to Amend the Landlord and Tenant Act	78
4	17	Legal Profession Act	79
30	18	Legal Services Society Act	149
34	19	Legislative Assembly Retirement Allowances Act	159
29	20	An Act to Amend the Liquor Act	162
15	21	An Act to Amend the Mental Health Act	165
15	22	Miscellaneous Statute Law Amendment Act, 1984	172

27	23	An Act to Amend the Motor Vehicles Act	173
2	24	An Act to Amend the Municipal Finance Act	174
24	25	An Act to Amend the Public Sector Compensation Restraint (Yukon) Act	180
7	26	Public Utilities Act	181
16	27	An Act to Amend the Real Estate Agents' Licensing Act	204
12	28	Second Appropriation Act, 1984-85	205
17	29	An Act to Amend the Securities Act	207
33	30	Third Appropriation Act, 1984-85	208
18	31	An Act to Amend the Transport Public Utilities Act	211
28	32	Young Offenders Agreement Act	214

STATUTES OF THE YUKON TERRITORY
1984, Chapter 1

AN ACT TO AMEND
THE BUSINESS DEVELOPMENT ASSISTANCE ACT

(Assented to May 17, 1984)

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

- 1 (1) This Act amends the Business Development Assistance Act.
- 2 (1) The following is substituted for subsection 13(4):

"(4) A member of the Board who is not a member of the public service of Yukon may be paid such remuneration as may be prescribed by the Commissioner in Executive Council and may be paid transportation, accommodation, and living expenses incurred in connection with the performance of his duties away from his ordinary place of residence but, except as otherwise provided by the regulations, the payment of such expenses shall conform as nearly as possible in all respects to the payment of such expenses for members of the public service of Yukon."
- 3 (1) Sections 23, 24, and 25 are repealed.
- 4 (1) The following are substituted for paragraph 26(1)(g):

"(g) describing the kinds of projects that are eligible for financial assistance;

(h) prescribing the purposes for which financial assistance may be used; and

(i) generally, carrying the provisions and purposes of this Act into effect."
- 5 (1) In subsections 13(1), 16(2), 26(1), and 27(1), "Commissioner in Executive Council" is substituted for "Commissioner".

- (2) In subsections 3(1), 4(1), 4(3), 5(1), 7(1), 7(4), 8(1), 8(2), 8(3), 8(4), 9(1), 12(1), 17(1), 17(2), 17(3), 21(1), 21(2), 22(1) and 22(2), "Executive Council Member" is substituted for "Commissioner".
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 2

CHILDREN'S ACT

(Assented to May 17, 1984)

This Act is printed in a separate volume.

STATUTES OF THE YUKON TERRITORY
1984, Chapter 3

AN ACT TO AMEND
THE DENTAL PROFESSION ACT

(Assented to April 18, 1984)

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

- 1 (1) This Act amends the Dental Profession Act.
- 2 (1) The following is substituted for subsection 1(1):

"1(1) This Act may be cited as the Dental Profession Act."
- 3 (1) The following definition is added to subsection 2(1):

"'dental corporation' means a corporation licensed pursuant to this Act to practise dentistry in the Territory;".

 - (2) In the definition of "dentist" in subsection 2(1), "natural person" is substituted for "person".
 - (3) In the definition of "Medical Health Officer" in subsection 2(1) "Commissioner in Executive Council" is substituted for "Commissioner".
- 4 (1) The following subsections are added to section 3:
 - "(2) No corporation shall practise dentistry in Yukon except through or by means of dentists.
 - (3) For the purposes of subsection (2), the practice of dentistry by a corporation shall be deemed not to be carried on by clerks, secretaries, nurses or assistants performing services that are not ordinarily considered by law, custom or practice to be services that may be performed only by a dentist."

5 (1) The following subsections are added to section 5:

- "(2) The Executive Council Member may refuse to register the name of a person in the register where
- (a) he is entitled to be registered under clause (1)(b)(if) but is no longer entitled to practise dentistry in the province, or
 - (b) he is not entitled to be registered under clause (1)(b)(if) and he acquired the qualifications relied on under paragraph (1)(a) or clause (1)(b)(f) more than two years before his application for a licence under this Act.
- (3) A corporation is entitled to be registered in the register where
- (a) all of its issued share capital having voting rights under any circumstances belongs to one or more dentists,
 - (b) all of its directors are dentists, and
 - (c) it pays the prescribed registration fee.
- (4) The Executive Council Member may refuse to register the name of a corporation in the register where he would be entitled to remove its name from the register under subsection 7(1.1)."

6 (1) The following sections are added after section 5:

- "5.1 (1) Except as provided by subsection (2), no person who is not a dentist is entitled to exercise voting rights in respect of any shares in a dental corporation.
- (2) Where a shareholder in a dental corporation dies, his personal representative may hold his shares and exercise his voting rights for 90 days after the date of death.

5.2 (1) Notwithstanding section 7, where a dental corporation ceases to be entitled to be registered in the register under section 5 by reason only of the death of one of its shareholders, the removal of his name from the register or the suspension of his licence, the dental corporation has a period of 90 days after the death, removal or suspension in which to rectify the deficiency in its entitlement to be registered.

5.3 (1) The relationship of a dentist to a dental corporation, whether as a shareholder, director, officer or employee, does not affect the application of this Act to him."

7 (1) The following subsection is added to section 6:

"(2) Different annual licence fees may be prescribed for dentists and dental corporations."

8 (1) The following subsection is added to section 7:

"(1.1) The Executive Council Member may remove the name of a dental corporation from the register where he is satisfied that

- (a) the corporation is not in good standing under the Business Corporations Act,
- (b) the articles or by-laws of the corporation unduly restrict the ability of the corporation to practise dentistry,
- (c) the corporation is not entitled to be registered in the register under section 5,
- (d) the corporation has been convicted of an offence under subsection 3(2) and the time for appealing the conviction has expired,
- (e) any person has been convicted of an offence in respect of the corporation under section 14 and the time for appealing the conviction has expired, or
- (f) any person who is not a dentist has exercised voting rights in respect of any shares in the corporation except as provided by section 5.2."

(2) Subsection 7(2) is amended by striking out the expression "subsection (1)" and substituting for it the expression "subsection (1) or (1.1)".

(3) Subsection 7(3) is amended

(a) by striking out the expression "subsection (1)" and substituting for it the expression "subsection (1) or (1.1)", and

(b) by adding to the end of the subsection the expression "and satisfying the Executive Council Member that he is entitled to be registered in the register under section 5".

9 (1) In subsection 8(1)

(a) "Executive Council Member may, on the recommendation" is substituted for "Commissioner may, on the recommendation",

(b) "Commissioner in Executive Council may prescribe" is substituted for "Commissioner may prescribe", and

(c) "in the opinion of the Executive Council Member" is substituted for "in the opinion of the Commissioner".

10 (1) The following section is added after section 9:

"9.1 (1) Notwithstanding any other Act, every person who is a shareholder of a dental corporation or any other corporation during a time when it is practising dentistry is liable for malpractice to the same extent and in the same manner as if the shareholders of the corporation during that time were practising dentistry as a partnership or, where there is only one shareholder, as an individual.

(2) In subsection (1), "shareholder" means a holder of shares having any voting rights.

(3) The liability of any person practising dentistry is not affected by the fact that he does so as an employee or on behalf of a corporation."

- 11 (1) In subsection 10(1), "practising dentistry" is substituted for "practising as a dentist".
- (2) In subsection 10(4), "Treasurer" is substituted for "Territorial Treasurer".
- 12 (1) The following subsection is added to section 12:
- "(3) This section applies with the necessary changes to dental corporations."
- 13 (1) The following subsection is added to section 13:
- "(4) This section applies with the necessary changes to dental corporations."
- 14 (1) In paragraph 24(1)(a), "dentists, dental corporations," is substituted for "dentists".
- 15 (1) In subsection 28(2), "order the Territorial Secretary to" is struck out.
- 16 (1) The following section is added after section 28:
- "29 (1) In every Act or regulation enacted or made at any time, a reference to a person authorized to practise dentistry in Yukon shall be read as including a dental corporation, except as provided otherwise."
- 17 (1) In subsections 4(1), 6(1), 7(1), 13(1), 13(2), 13(3) and 20(1), "Executive Council Member" is substituted for "Territorial Secretary".
- 18 (1) In subsections 10(1), 13(1), 13(2), 20(1), 22(1), 22(2) and 24(1), "Commissioner in Executive Council" is substituted for "Commissioner".
- 19 (1) In subsections 10(6), 10(7), 12(1), 12(2), 27(1), 27(2), 28(1) and 28(2), "Executive Council Member" is substituted for "Commissioner".
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 4

ELECTORAL DISTRICT BOUNDARIES COMMISSION ACT

(Assented to May 17, 1984)

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

1 (1) This Act may be cited as the Electoral District Boundaries Commission Act.

2 (1) In this Act:

"Chairman" means the Chairman of the Electoral District Boundaries Commission appointed pursuant to section 4;

"Commission" means the Electoral District Boundaries Commission established pursuant to section 3;

"electoral district" means any place or area entitled to representation in the Legislative Assembly;

"Judge" means a judge or deputy judge of the Supreme Court of Yukon;

"Speaker" means the Speaker of the Legislative Assembly.

3 (1) There shall be an Electoral District Boundaries Commission for Yukon.

4 (1) The Commission shall consist of a Chairman and two members.

(2) The Chairman of the Commission shall be a Judge and the other members shall be the Clerk of the Legislative Assembly and Josephine Sias of the settlement of Silver City, Yukon.

- 5 (1) The purpose of the Commission is to review the boundaries of the 16 electoral districts which currently exist and to make recommendations respecting any way in which those boundaries should be altered.
- (2) For the purpose of making recommendations, the Commission shall take into consideration:
- (a) geographic considerations, including in particular the density and relative rate of growth of population of any region of Yukon, the accessibility of any such region, and the size thereof;
 - (b) any special community or diversity of interests of the inhabitants of various regions of Yukon;
 - (c) the availability and means of communication and transportation between various parts of Yukon; and
 - (d) all other similar relevant factors.
- (3) The Commission shall not alter the number of electoral districts within or outside the City of Whitehorse.
- (4) The Commission may not include in an electoral district in the City of Whitehorse any area outside the City of Whitehorse and may not include in an electoral district outside the City of Whitehorse any area inside the City of Whitehorse.
- (5) The Commission is to give special consideration to the electoral district of Old Crow and to make recommendations which would protect that electoral district from significant demographic changes.
- (6) The Commission may recommend new names for electoral districts.
- 6 (1) The Commission shall appoint one of its members to act as Chairman in the event of the absence or incapacity of the Chairman or if the office of Chairman is vacant.
- (2) At all meetings of the Commission, two members of the Commission constitute a quorum.
- (3) A vacancy in the membership of the Commission or in the office of Chairman does not impair the right of the remaining members to act, but where any such vacancy occurs it shall be filled within seven days:
- (a) by resolution of the Legislative Assembly if it is then sitting, or

- (b) by order of the Commissioner in Executive Council after consultation with the Leader of the Official Opposition, if the Legislative Assembly is not then sitting.
- (4) Notwithstanding subsection (3), where the Chairman is unable to act he may appoint another Judge to act in his stead and such other Judge shall have all the powers and duties of the Chairman other than the power of appointment mentioned in this subsection.
- 7 (1) The member of the Commission, other than the Chairman and the Clerk of the Legislative Assembly, shall be paid such remuneration as the Commissioner in Executive Council may prescribe.
- (2) A member of the Commission and a person appointed under section 8 may be paid transportation, accommodation, and living expenses incurred in connection with his duties while away from his ordinary place of residence but, except as the Commissioner in Executive Council may otherwise prescribe, the payment of such expenses shall conform as nearly as possible in all respects to the payment of such expenses for members of the Public Service of Yukon.
- 8 (1) The Commissioner in Executive Council shall appoint a person to act as Secretary of the Commission.
- (2) Upon being requested by the Chairman to do so, the Commissioner in Executive Council may, from time to time, appoint one or more persons having special knowledge to assist the Commission in carrying out its functions.
- (3) A person appointed pursuant to this section shall be paid such remuneration as the Commissioner in Executive Council may prescribe.
- 9 (1) The Commission may be called together at any time by the Chairman for the purpose of carrying out its functions.
- (2) The Commission may meet at any time on its own motion to perform any of its functions or duties.
- (3) The Commission may, in the performance of its duties, sit at such times and places in Yukon as it deems necessary for the hearing of representations.

- 10 (1) The Commission may make rules for regulating its proceedings and for the conduct of its business.
- (2) In performing its duties, the Commission has all the powers of a Board of Inquiry appointed under the Public Inquiries Act.
- 11 (1) The Commission may authorize a member or any other person to investigate and report on any question or matter arising in connection with the business of the Commission.
- (2) A person authorized pursuant to this section has all the powers of the Commission for the purpose of taking evidence or acquiring the necessary information for his report.
- 12 (1) The Commission shall keep a record of its proceedings and the Chairman shall be responsible for the custody and care of all records and documents belonging or pertaining to the Commission.
- 13 (1) The Commission shall complete its report prior to the first day of November, 1984.
- (2) The Commission shall forthwith after completion of its report:
- (a) file its report with the Speaker; and
 - (b) transmit its records and documents to the Speaker after delivering its report to him.
- (3) Copies of the report filed with the Speaker shall be made available to the public at the offices of the Legislative Assembly and the Territorial Agents for inspection during office hours.
- (4) The Clerk of the Assembly shall transmit copies of the report to each member of the Legislative Assembly.
- (5) After receiving the report of the Commission, the Speaker shall forthwith lay it before the Legislative Assembly if it is sitting, or if the Assembly is not sitting, then within five days after the opening of the next session.

STATUTES OF THE YUKON TERRITORY
1984, Chapter 5

EMPLOYMENT STANDARDS ACT

(Assented to May 17, 1984)

Part 1

INTERPRETATION AND APPLICATION

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

- 1 (1) This Act may be cited as the Employment Standards Act.
- 2 (1) In this Act

"Board" means the Employment Standards Board established under section 86;

"collective agreement" means an agreement in writing between an employer or an employer's organization acting on behalf of an employer, on the one hand, and a trade union acting on behalf of the employees of the employer in collective bargaining or as a party to an agreement with the employer or employer's organization, on the other hand, containing terms or conditions of employment of the employees including provisions with reference to rates of pay and hours of work;

"conditions of employment" means all matters and circumstances in any way affecting employers and employees in respect of the employment relationship;

"Court" means the Supreme Court of the Yukon Territory;

"day" means any period of twenty-four consecutive hours after the commencement of work;

"Director" means the Employment Standards Officer who is, from time to time, appointed by the Executive Council Member as the Director of Employment Standards;

"employee" includes

- (i) a person, including a deceased person, in receipt of or entitled to wages for employment or services performed for another,
- (ii) a person being trained by an employer for the purpose of the employer's business, and
- (iii) a person who was an employee;

"employer" means a person who employs an employee and includes a former employer;

"general holiday" means New Year's Day, Good Friday, Victoria Day, Canada Day, Discovery Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day and includes any day substituted for any such general holiday pursuant to subsection 29(2) or 36(1);

"member of the employer's family", in respect of an employer, means the employer's spouse, parent, grandparent, step-parent, child, grandchild, step-child, brother, sister, half-brother, half-sister, and a person who stands in the place of parent to the employer or to whom the employer stands in the place of parent, whether or not there is any degree of consanguinity between that person and the employer;

"qualified medical practitioner" means a person entitled to engage in the practice of medicine under the laws of a province or territory;

"overtime" means hours of work in excess of standard hours of work;

"pay period" means any period of employment, not exceeding 16 consecutive calendar days, established by the employer for the computation of wages;

"standard hours of work" means the hours of work described in subsection 7(1);

"trade union" means an organization of employees formed for purposes that include the regulation of relations between employers and employees;

"wages" includes salaries, commissions, compensation or seasonal bonuses paid or payable by an employer to an employee for his services or labour, money required to be paid by an employer to an employee under this Act or by order of the Board, and money required to be paid for an employee's benefit under a contract of employment or a collective agreement to a fund, insurer or other person, but does not include gratuities, money that is paid at the discretion of the employer and that is not related to hours of work, production or efficiency, travelling allowances or expenses, or other expenses; and

"week" means, in relation to Part 2, the period between midnight on Saturday and midnight on the immediately following Saturday.

- (2) Where the employer is a corporation and its controlling shareholder is an individual, any person who bears to the controlling shareholder any relationship described in the definition of "member of the employer's family" in subsection (1), shall be deemed to be a member of the employer's family and this Act shall apply to that person and to the corporation in the same way as it would if the controlling shareholder were the employer.
- 3 (1) This Act applies to every employee employed in the Yukon Territory and to the employer of every such employee.
- (2) This Act does not apply to the Commissioner or to the employees of the Commissioner.
- 4 (1) This Act applies notwithstanding any other law or any custom, contract or arrangement, whether made before or after the date on which this Act comes into force, but nothing in this Act shall be construed as affecting any rights or benefits of an employee under any law, custom, contract or arrangement that are more favourable to him than his rights or benefits under this Act.

PART 2

HOURS OF WORK

- 5 (1) This Part does not apply to
- (a) an employee who is a member of the employer's family;
 - (b) a travelling salesman;
 - (c) an individual whose duties are primarily of a supervisory or managerial character;
 - (d) a member or student of such professions as may be designated by the regulations as a profession to which this Part does not apply; and
 - (e) such other persons or classes of persons as may be designated by the regulations as persons or classes or persons to which this Part does not apply.
- (2) An individual to whom paragraph 5(1)(c) applies is not included in the application of this Part by reason only of the occasional performance of duties other than those of a supervisory or managerial character.
- 6 (1) Subject to subsections 74(1) and 103(1), where there is a dispute as to whether this Part applies in relation to any person or class of persons the matter shall be determined by the Director.
- 7 (1) Subject to this Part, the working hours of an employee shall not exceed eight hours in a day and 40 hours in a week.
- 8 (1) Subject to this Part, no employer shall cause or permit an employee to work in excess of the standard hours of work unless the employer complies with section 9.
- 9 (1) Where an employer requires or permits an employee to work in excess of the standard hours of work, he shall pay to the employee one and one-half times his regular wages for all hours worked in excess of
- (a) eight in a day, or
 - (b) 40 in a week, but excluding from this calculation hours worked in excess of eight in a day.
- (2) Where a week contains a general holiday to which an employee is entitled,
- (a) the references to hours in a week in subsection (1) shall be reduced by eight hours for each general holiday in the week, and

- (b) in calculating the overtime hours worked by an employee in that week, no account shall be taken of hours worked by him on the general holiday.
- 10 (1) Where, in the opinion of the Director, the nature of the work justifies irregular distribution of an employee's hours of work, the Director may order that the standard hours of work of that employee in a week may be averaged in respect of a period of two or more weeks in such manner and in such circumstances as may be prescribed in the order.
- (2) Notwithstanding any other provision contained in this Part, where employees of an employer are represented by a trade union for the purpose of bargaining collectively, and the employer and the trade union so agree in writing, the Director may order that the standard hours of work of those 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 Director may limit the duration of an order under subsection (1) or (2) to such period of time during which he considers the circumstances under which the order is made will continue to exist.
- 11 (1) Where the employees of an employer are represented by a trade union for the purpose of bargaining collectively and the employer and the trade union so agree in writing, or where employees of an employer are not so represented and the employer and a majority of the employees so agree in writing, the employees may work a maximum of 10 hours in any day over a period of four days in a week or 12 hours in any day over a period of three days in a week, as the agreement may specify, without requiring the employer to pay overtime pay pursuant to subsection 9(1) in respect of hours worked pursuant to the agreement in excess of eight hours in a day.
- 12 (1) Except as may be otherwise prescribed by the regulations, standard hours of work in a week shall wherever practicable be so scheduled and actually worked that each employee has at least two full days of rest in the week and wherever practicable Sunday shall be one of the normal days of rest in a week.

- (2) Notwithstanding subsection (1), where the employer requires or permits the employee to work regularly in excess of the daily standard hours of work, the employer
 - (a) may require the employee to work up to 28 continuous days without a day of rest, and
 - (b) may require the employee to work up to seven more days continuous with the period of 28 days described in paragraph (a), where the additional work is necessary in order to complete the project upon which the employee was employed during those 28 days.

- (3) An employee who is required or permitted to work a work schedule under subsection (2) is entitled
 - (a) to at least one day of rest for each continuous seven days of work, and
 - (b) to take his accrued days of rest continuously with each other.

- 13 (1) An employer shall ensure that each employee has an eating period of at least one-half hour at intervals that will ensure that no employee will work longer than five consecutive hours without an eating period.

- (2) For the purpose of computing the hours worked by an employee, the period allowed the employee for eating shall not be counted as hours worked unless the employee is required to work during those periods.

- 14 (1) Except for an emergency and subject to subsection (2), an employer shall ensure that each employee has a rest period of at least eight consecutive hours free from work between each shift worked.

- (2) Where, on the application of an employer, the Director is satisfied that the rest period of eight consecutive hours referred to in subsection (1) would impose an unreasonable hardship on the employer because of the specific circumstances surrounding a specific project or piece of work, the Director may order that the rest period be shortened to six consecutive hours for the period of time during which he considers the specific circumstances will continue to exist.

- 15 (1) Where an employee works a split shift, the employer shall limit the employee's standard hours of work to the 12 hours immediately following commencement of his shift.

- 16 (1) Where the Director is satisfied after such inquiry as he considers adequate, that the hours of work of an employee are excessive or are detrimental to the employee's health or safety he may, by order,
- (a) require an employer to limit the daily or weekly hours of work or both to not less than eight in a day or 40 in a week,
 - (b) require the employer to post and keep posted a copy of the order in a conspicuous place to which all employees have ready access to read the order, and
 - (c) allow the employer to exceed the limit of hours of work of employees established under paragraph (a) under such conditions and for such periods of time as the Director considers appropriate.

PART 3

MINIMUM WAGES

- 17 (1) Subject to this Part, an employer shall pay to each employee who is seventeen years of age or over a wage at the rate of not less than the equivalent of that rate for the time worked by him.
- 18 (1) The Board may, from time to time, ^{on the basis of time, the minimum wage} ~~fix the minimum hourly wage~~ to be paid by employers to employees; and
- (a) fix the amount by which the wages of an employee may be reduced for any pay period below the minimum wage, either by deduction from wages or by payment from the employee to the employer, where board or lodging or both are furnished by or on behalf of an employer to an employee, if the arrangement is accepted by such employee.
- (2) Where on the application of the Director or an employer, employee or trade union representing employees directly affected by the matter, the Board deems it necessary, it may
- (a) require employers to pay employees who report for work at the call of the employer wages for such minimum number of hours as may be prescribed whether or not the employee is called upon to perform any work after so reporting for work;

- (b) fix the maximum price to be charged for board, whether full or partial, supplied by or on behalf of an employer to an employee, and the maximum deduction to be made in respect of board from the wages of the employee by the employer;
 - (c) fix the maximum price to be charged for living quarters, either permanent or temporary, furnished by or on behalf of an employer to an employee, whether or not such quarters are self-contained and whether or not the employer retains general possession and custody of them, or the maximum deduction to be made in respect of the quarters from the wages of the employee by the employer;
 - (d) fix the charges or deductions for furnishing uniforms or other articles of wearing apparel that an employer may require an employee to wear, and require an employer in any specified circumstances to provide, maintain or launder uniforms or other articles of wearing apparel that he requires an employee to wear;
 - (e) fix the charges or deductions for furnishing any tools or equipment that an employer may require an employee to use and for the maintenance and repair of any such tools or equipment;
 - (f) specifying the circumstances and occupations in which persons under seventeen years of age may be employed by an employer, fixing the conditions of such employment and prescribing the minimum wage for such employment; and
 - (g) exempting, upon such terms and conditions and for such periods as are considered advisable, any employer from the application of subsection 17(1) in respect of any class of employees who are being trained on the job, if the training facilities provided and used by the employer are adequate to provide a training program that will increase the skill or proficiency of an employee.
- (3) On an application pursuant to subsection (2) the Board may expand the scope of its inquiry into the matter to include all employers and employees or one or more classes of employers or employees.

- (4) Where the wages of an employee are computed and paid on a basis other than time or on a combined basis of time and some other basis, the Board may, by order
 - (a) fix a standard basis of work to which a minimum wage on a basis other than time may be applied, and
 - (b) fix a minimum rate of wage that in its opinion is the equivalent of the minimum rate set forth in paragraph (1)(a).

- (5) Subject to this Part, an employer shall pay to each employee who is paid on a basis other than time a wage at a rate not less than the minimum rate fixed by the order under subsection (4).

- (6) No employer shall employ a person under seventeen years of age
 - (a) in such occupations as may be prescribed by the regulations;
 - (b) at a wage less than the minimum wage prescribed by the regulations for the occupation in which such person is employed; or
 - (c) contrary to such conditions as may be prescribed by the regulations.

- (7) Any order of the Board made pursuant to this section shall not come into effect until it has been approved by the Commissioner in Executive Council.

PART 4

ANNUAL VACATIONS

- 19 (1) In this Part

"vacation pay" means four percent of the wages of an employee during a year of employment in respect of which he is entitled to a vacation; and

"year of employment" means the continuous employment of an employee by one employer for a period of twelve consecutive months beginning with the date the employment began or any subsequent anniversary date thereafter.

- 20 (1) This Part applies to all employees, including employees who are employed on a part-time, seasonal or temporary basis.
- (2) This Part does not apply to an employee who is a member of the employer's family.
- 21 (1) Subject to this Part, every employee is entitled to and shall be granted a vacation with vacation pay of at least two weeks in respect of every completed year of employment.
- (2) Vacation pay shall be deemed to be wages.
- 22 (1) The employer of an employee who under this Part has become entitled to a vacation with vacation pay
- (a) shall grant to the employee the vacation to which he is entitled, which shall begin not later than ten months immediately following the completion of the year of employment for which the employee became entitled to the vacation; and
- (b) shall, at least one day before the beginning of the vacation, or at such earlier time as the regulations prescribe, pay to the employee the vacation pay to which he is entitled in respect of that vacation.
- 23 (1) An employer and employee may enter into a written agreement whereby the employee will not take the annual vacation to which he is entitled under section 21.
- (2) Where an employer and an employee enter into a written agreement pursuant to subsection (1), the employer is not subject to the provisions of section 22 with respect to that employee.
- (3) Where an agreement referred to in subsection (1) is entered into, the employer shall, within ten months after the date on which the employee became entitled to the vacation, pay to the employee in addition to any other amount due to him, his vacation pay for the year immediately preceding the date on which he became entitled to the vacation.
- 24 (1) Where a general holiday occurs during the vacation granted to an employee pursuant to this Part, the vacation to which the employee is entitled under this Part shall be extended

by one day, and the employer shall pay to the employee, in addition to the vacation pay, the wages to which the employee is entitled for that general holiday.

- 25 (1) Where the employment of an employee by an employer is terminated before the completion of the employee's year of employment, the employer shall, within three days from the date of termination, pay to the employee
- (a) any vacation pay then owing by him to the employee under this Part in respect of any prior completed year of employment; and
 - (b) four percent of the wages of the employee during the completed portion of his year of employment.
- (2) Notwithstanding paragraph (1)(b), an employer is not required to pay an employee any amount under that paragraph unless the employee has been continuously employed by him for a period of ten working days or more.
- 26 (1) In this section, "transfer" in relation to a business includes a sale, lease or other disposition of the business and a merger of the business with another business, and "transfers" and "transferred" have corresponding meanings.
- (2) For purposes of this Part, where an employer employs an employee in connection with a business, and the employer transfers the business to another employer, the employment of the employee by the two employers before and after the transfer of the business shall, notwithstanding the transfer, be deemed to be continuous with the employer to whom the business is transferred.
- 27 (1) The Commissioner in Executive Council may make regulations for carrying out the purposes and provisions of this Part and, without restricting the generality of the foregoing, may make regulations
- (a) prescribing the notices to be given to or by employees of the times when vacations may be taken;
 - (b) defining the absences from employment that shall be deemed not to have interrupted continuity of employment;
 - (c) providing for the application of this Part where, owing to illness or other unavoidable circumstances, an employee has been absent from his employment.

PART 5

GENERAL HOLIDAYS

28 (1) In this Part

"continuous operation" means an operation or service normally carried on without regard to Sundays or public holidays.

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

29 (1) Subject to this Part, every employer shall give to each of his employees a holiday with pay in respect of every general holiday falling within any period of their employment.

(2) Where a general holiday falls on a day that is a non-working day for an employee, the employee is entitled to and shall be granted a holiday with pay on the working day immediately following the general holiday.

30 (1) Subject to subsection (2),

(a) an employee whose wages are calculated on a weekly or monthly basis shall not have his weekly or monthly wages reduced for a week or month in which a general holiday occurs by reason only of his not working on the general holiday;

(b) an employee whose wages are calculated on a daily or hourly basis shall, for a general holiday on which he does not work, be paid at least the equivalent of the wages he would have earned at his regular rate of wages for his normal hours of work; and

(c) an employee whose wages are calculated on any basis other than a basis referred to in paragraphs (a) or (b) shall, for a general holiday on which he does not work, be paid at least the equivalent of his daily wages, based upon the average of his daily wages, exclusive of overtime or bonus, for the week in which such general holiday occurs.

- (2) An employee who works less than the standard hours of work or who works irregular hours shall be paid at least the equivalent of the wages he would have earned for the average number of hours he worked on each working day during the two-week period immediately preceding the week in which the general holiday falls.
- 31 (1) Subject to section 36, an employee who is required to work on a day in respect of which he is entitled under this Part to a holiday with pay shall be paid, in addition to his regular payment made in accordance with section 30, at a rate at least equal to the applicable overtime rate.
- 32 (1) An employee who is not required to work on a general holiday shall not be required to work on another day that would otherwise be a non-working day in the week in which that holiday occurs, unless he is paid at a rate at least equal to the applicable overtime rate.
- 33 (1) Pay granted to an employee in respect of a general holiday on which he does not work shall be deemed to be wages.
- 34 (1) No employee is entitled to be paid in respect of a general holiday on which he does not work
- (a) where the general holiday occurs during the first 30 days of his employment by an employer;
 - (b) where he did not report for work on that day after having been called to work on that day; or
 - (c) where, without the consent of his employer, he has not reported for work on either his last regular working day preceding or his first regular working day following the general holiday, except where his absence was permitted by this Act.
- 35 (1) Where an employee employed in or in relation to custodial work, essential services, or a continuous operation is required to work on a day that is a holiday under this Part, he shall, in addition to his regular rate of pay for the hours worked by him on that day,
- (a) be paid not less than the applicable overtime rate for all hours worked by him on that day, or

- (b) be given a holiday with pay in accordance with section 29 at some other time which may be added to his annual vacation or granted as a holiday with pay at a time convenient to him.
- 36 (1) Notwithstanding any other provision contained in this Part, where employees of an employer are represented by a trade union for the purpose of bargaining collectively and the employer and the trade union so agree in writing, or where employees of an employer are not so represented and the employer and a majority of the employees so agree in writing, a general holiday shall be observed by such employees on a specific working day other than the general holiday.
- (2) Where an employer and a trade union or a majority of employees, as the case may be, make an agreement pursuant to subsection (1) with respect to a general holiday, the working day specified in the agreement shall be deemed to be the general holiday for the purposes of this Part.

PART 6

MATERNITY LEAVE

- 37 (1) An employee is entitled to a leave of absence from work, without pay, in accordance with subsection (2) where the employee
- (a) has completed 12 months of continuous employment by an employer,
 - (b) submits to her employer a written request for leave under this subsection at least four weeks before the day on which she intends to commence such leave, and
 - (c) provides her employer with a certificate of a qualified medical practitioner stating that she is pregnant and estimating the probable date of birth of the child.
- (2) The leave of absence to which an employee is entitled pursuant to subsection (1) shall consist of period of 17 weeks or such shorter period as the employee may request and is agreed to by her employer.

- (3) An employee who has, pursuant to subsection (1), requested a leave of absence for a period may, with the consent of her employer, resume employment before the expiration of that period.
- (4) Where an employee gives birth or the pregnancy is terminated before a request for leave is made under subsection (1), the employer shall, on the employee's request and on receipt of a certificate of a qualified medical practitioner stating that the employee has given birth or the pregnancy terminated on a specific date, grant the employee a leave of absence from work, without pay, for a period of six consecutive weeks, or such shorter period as the employee may request, commencing on the specified date.
- 38 (1) An employer may, at any time within the period of six weeks preceding the probable date of birth of the child, require an employee to commence a leave of absence under Section 37.
- (2) Where the duties of the employee cannot reasonably be performed because of the pregnancy, an employer may at any time, with the consent of the Director, require an employee to commence a leave of absence under Section 37.
- (3) Where an employer requires an employee to commence a leave of absence pursuant to subsection (1), the provisions of this Part apply with all necessary changes to that leave of absence.
- 39 (1) The services of an employee who is absent from work in accordance with this Part shall be considered continuous for the purpose of this Act.
- (2) Section 26 applies to this Part.
- 40 (1) An employee who resumes employment on the expiration of the leave of absence granted in accordance with this Part shall be reinstated in all respects by the employer in the position occupied by her on the date such leave commenced, or in a comparable position.
- (2) An employer who reinstates an employee pursuant to subsection (1) shall pay the employee not less than the wages and benefits that had accrued to her on the date the leave of

absence commenced and all increments to wages and the benefits to which the employee would have been entitled had the leave not been taken.

- (3) Where the employer has suspended or discontinued operations during the leave of absence granted under this Part and has not resumed operations on the expiry of the leave of absence, the employer shall, on resumption of operations and subject to any seniority provisions in a collective agreement, comply with subsection (1).

- 41 (1) An employer shall not terminate an employee, or change a condition of employment of an employee without the employee's written consent because of an absence authorized by this Part or because of the employee's pregnancy, unless the employee has been absent for a period exceeding that permitted under this Part.

- 42 (1) Where the Director is satisfied that an employer has contravened this Part, he may make one or more orders requiring the employer to do one or more of the following:
- (a) comply with this Part;
 - (b) remedy or cease doing an act;
 - (c) reinstate an employee and pay her any wages lost by reason of the contravention;
 - (d) instead of reinstating her, pay an employee compensation in respect of wages lost by reason of the contravention.

PART 7

EQUAL PAY

- 43 (1) No employer or person acting on behalf of an employer shall discriminate between his male and female employees by paying a female employee at a rate of pay less than the rate of pay paid to a male employee, or vice versa, employed by him for similar work performed in the same establishment under similar working conditions and the performance of which requires similar skill, effort and responsibility, except where such payment is made pursuant to

- (a) a seniority system;
 - (b) a merit system;
 - (c) a system that measures earnings by quality or quantity of production; or
 - (d) a differential based on any factor other than sex.
- 44 (1) No employer shall reduce the rate of pay of an employee in order to comply with section 43.
- 45 (1) No organization of employers or employees, as the case may be, or its agents shall cause or attempt to cause an employer to pay his employees rates of pay that are in contravention of section 43.
- 46 (1) Where an employer has not complied with section 43 the Director may determine the amount of monies owing an employee and such amount shall be deemed to be unpaid wages.

PART 8

TERMINATION OF EMPLOYMENT

- 47 (1) In this Part,
- (a) "temporary layoff" means an interruption of an employee's employment by an employer for a period
 - (i) not exceeding 13 weeks of layoff in a period of 20 consecutive weeks, or
 - (ii) exceeding 13 weeks of layoff, where the employer recalls the employee to employment within a time fixed by the Director;
 - (b) "terminate" includes
 - (i) a layoff of an employee from employment, other than a temporary layoff, or
 - (ii) the alteration of a condition of employment that the Director declares to be a termination of an employee's employment.
- 48 (1) This Part does not apply to
- (a) the construction industry;
 - (b) a seasonal or intermittent undertaking that operates for less than six months in a year;
 - (c) an employee discharged for just cause;

- (d) an employee whose employer has failed to abide by the terms of the employment contract;
 - (e) an employee on temporary layoff;
 - (f) an employee employed under a contract of employment that is impossible to perform due to an unforeseeable event or circumstance; or
 - (g) an employee who has been offered and who has refused reasonable alternative employment by his employer.
- (2) Section 26 applies to this Part.
- (3) Sections 49 to 56 do not apply to an employee who is represented by a trade union for the purpose of bargaining collectively.
- 49 (1) Where an employee has completed six consecutive months of employment with an employer,
- (a) the employer shall not terminate the employment of the employee without giving the employee one week's notice in writing; and
 - (b) the employee shall not terminate his employment with the employer without giving the employer one week's notice in writing.
- (2) The period of notice prescribed in subsection (1) shall not coincide with an employee's annual vacation.
- 50 (1) Where an employer terminates the employment of an employee without having given the notice required by section 49 he shall pay to the employee one week's wages at his regular rate of pay for his normal hours of work.
- 51 (1) Where an employee terminates his employment with an employer without having given the notice required by section 49, the employer may, with the consent of the employee, deduct from the wages due to the employee an amount equal to one week's wages of the employee at his regular rate of pay for his normal hours of work.
- (2) Where an employee to whom subsection (1) applies does not consent to the deduction from his wages of the amount referred to in subsection (1), the employer shall pay that amount to the Director.

- (3) Where the Director receives the payment of an amount pursuant to subsection (2), he shall investigate the matter and may make one or more of the following orders:
- (a) determining whether the employee was required by this Part to give notice pursuant to section 49;
 - (b) to repay the amount to the employer; or
 - (c) to pay the amount to the employee where section 49 does not apply or where it would be inequitable in the circumstances to deprive the employee of his wages.
- 52 (1) Where an employer temporarily lays off an employee and the layoff exceeds a temporary layoff, the employee shall be deemed to have been terminated at the commencement of the temporary layoff and the employer shall pay the employee the amount required by section 50.
- (2) Where subsection (1) applies to the temporary layoff of an employee by an employer, the employer may, with leave of the Board, extend the period of the temporary layoff of the employee for such period of time as the Board may order.
- 53 (1) Where the notice referred to in section 49 has been given, the employer shall not, without the consent of the employee, alter his rate of wages or any other term or condition of his employment.
- 54 (1) Where an employee continues to be employed after the expiry of the period of notice given under section 49, the notice is without effect.
- 55 (1) Where an employer has substantially altered a condition of employment and the Director is satisfied that the purpose of the alteration is to discourage the employee from continuing in the employment of the employer, he may declare that the employer has terminated the employment of the employee.
- 56 (1) Where the Director is satisfied that an employer has contravened this Part, he may make one or more orders requiring the employer to do one or more of the following:
- (a) comply with this Part;
 - (b) remedy or cease doing an act; or
 - (c) pay any wages lost by reason of the contravention.

- 57 (1) Any employer who terminates, either simultaneously or within any period not exceeding four weeks, the employment of a group of 25 or more employees shall, in addition to any notice required to be given by him under section 49, give notice to the Director of his intention to do so
- (a) at least four weeks before the date of the termination where not more than 49 and not less than 25 employees are terminated;
 - (b) at least eight weeks before the date of the termination where not more than 99 and not less than 50 employees are terminated;
 - (c) at least 12 weeks before the date of the termination where not more than 299 and not less than 100 employees are terminated; and
 - (d) at least 16 weeks before the date of the termination where 300 or more employees are terminated.
- (2) Any employer who, either simultaneously or within any period not exceeding four weeks, places a group of 50 or more employees on temporary layoff shall give notice to the Director of his intention to do so at least four weeks before the date of the temporary layoff.

Part 9

SPECIAL LEAVE WITHOUT PAY

- 58 (1) No employer shall dismiss or lay off an employee solely because of his absence due to illness or injury if the period of absence does not exceed the employee's entitlement under subsection (2).
- (2) An employee's entitlement under subsection (1) with respect to an employer is one day without pay for every month he has been employed by that employer less the number of days on which the employee has previously been absent due to illness or injury, but an employee's maximum net entitlement at any time under this subsection shall not exceed six days.

- (3) An employer may request that an employee claiming to be entitled to the benefit of this Part produce the certificate of a qualified medical practitioner as a condition of his entitlement.
- 59 (1) In this section, "immediate family" means a spouse, parent, child, including a child to whom the employee stands in the place of parent, sister, brother, mother-in-law, father-in-law, common-law spouse, and any relative permanently residing in the employee's household or with whom the employee resides.
- (2) In the event of the death of a member of his immediate family, every employee is entitled to and shall be granted bereavement leave without pay for up to three days that occur during the period commencing the day of the death and ending two days after the funeral.
- 60 (1) Where the Director is satisfied that an employer has contravened this Part, he may make one or more orders requiring the employer to do one or more of the following:
- (a) comply with this Part;
 - (b) reinstate an employee and pay him any wages lost by reason of the contravention; or
 - (c) instead of reinstating him, pay an employee compensation in respect of wages lost by reason of the contravention.
- (2) Section 26 applies to this Part.

PART 10

PAYMENT OF WAGES

- 61 (1) Every employer shall keep records relating to the wages of his employees, their hours of work, and the general holidays, annual vacations and conditions of employment of his employees.
- (2) Every employer shall keep the records referred to in subsection (1) in his principal place of business in the Territory.

- (3) The Director may require an employer to supply any information referred to in subsection (1) by a notice to that effect served personally or sent by certified mail addressed to the last known address of the employer, and the employer shall supply the information within such reasonable time as is specified in the notice.
- 62 (1) Every employer shall, at least once in each month, furnish to each employee a statement in writing setting out:
- (a) the period for which the payment of wages is made;
 - (b) the number of hours for which payment is made;
 - (c) the rate of wages;
 - (d) details of the deductions made from the wages; and
 - (e) the actual sum being received by the employee.
- 63 (1) Subject to subsection (2) an employer shall, not later than seven days after the expiration of each pay period, pay to his employees all wages, other than vacation pay, owing to him in respect of such pay period.
- (2) When the employment of an employee is terminated at any time, the employer shall pay to the employee within three days from the date of termination all wages then owing to him.
- 64 (1) An employer shall pay all wages
- (a) in lawful currency of Canada,
 - (b) by cheque, bill of exchange or order to pay, payable on demand, drawn on a savings institution, or
 - (c) by deposit to the credit of the employee's account in a savings institution designated by the employee.
- 65 (1) Where an employer is required to pay wages to an employee, and the employee cannot be found for the purpose of making such payment, the employer shall, within six months after the wages became due and payable, pay the wages to the Director, and payment made to the Director shall be deemed payment to the employee.
- (2) Any amount received by the Director under subsection (1) shall be trust money under the Financial Administration Act and shall be deposited in an account to be known as the Yukon

Employment Standards Act Suspense Account and the Director may authorize payment out of the account to, or on behalf of, any employee whose wages were held therein.

- (3) The Director shall keep a record of receipts and disbursements in respect of the Yukon Employment Standards Act Suspense Account.
- (4) Where, upon the expiration of three years from the date the Director received a payment under subsection (1), no claim has been made by the employee entitled thereto for such wages, the amount so held shall, upon the order of the Commissioner in Executive Council, be forfeited to and become the property of the Government of Yukon.

PART 11

ADMINISTRATION AND GENERAL

Part 11, Division (1) - INVESTIGATION OF COMPLAINTS

- 66 (1) The Director may require an employer to post and keep posted a notice relating to the administration or enforcement of this Act or the regulations in a conspicuous place where it is most likely to come to the attention of his employees, and the employer shall post and keep posted any such notice.
- 67 (1) The Executive Council Member shall designate a person in the public service to be the the Director to administer this Act, who shall have such powers and perform such functions and duties as are conferred by this Act, including all of the powers of an Employment Standards Officer.
- (2) The Deputy Head of the department responsible for the administration of this Act shall designate persons in the public service to be Employment Standards Officers to administer this Act, who shall have such powers and perform such functions and duties as may be conferred by this Act.

- (3) For the purposes of enforcing this Act, the regulations, or any order made under this Act or the regulations, an Employment Standards Officer shall conduct such investigations as may be necessary and may
 - (a) at any reasonable time, enter any place to which the public is customarily admitted;
 - (b) with the consent of an occupant apparently in charge of the premises, enter any other place;
 - (c) for his examination, request the production of documents or things that are or may be relevant to his investigation; and
 - (d) upon giving a receipt therefor, remove from any place documents produced in response to a request under paragraph (c) for the purpose of making copies of them or extracts from them.
- (4) An Employment Standards Officer who removes documents pursuant to paragraph (3)(c) shall return those documents within 72 hours of the time when he removes them.
- (4) An Employment Standards Officer acting under subsection (3) shall not, without the consent of the occupier, enter a place that is being used as a dwelling, except under the authority of a warrant to enter issued under subsection (7).
- (5) Where any person who has or may have documents or other things that are or may be relevant to the investigation denies the investigating Employment Standards Officer entry to any place, instructs the Officer to leave any place, or impedes or prevents an investigation by the Officer in a place, the Employment Standards Officer may apply to a justice of the peace for a warrant to enter under subsection (7).
- (6) If a person refuses to comply with a request of an Employment Standards Officer for production of documents or things, the Employment Standards Officer may apply to a justice of the peace for an order for the production of the documents or things.
- (7) Where a justice of the peace is satisfied by evidence upon oath or affirmation that there are reasonable grounds to believe it is necessary that a place being used as a dwelling, or to which entry has been denied, be entered to investigate

any matter under this Act, he may issue a warrant to enter in the prescribed form authorizing entry by any Employment Standards Officer named in the warrant.

- (8) Where a justice of the peace is satisfied by evidence on oath or affirmation that a request under subsection (3) for production of a document or thing has been refused and that there are reasonable grounds to believe that production of the document or thing is necessary to investigate any matter under this Act, he may make an order for the production of documents in the prescribed form authorizing any Employment Standards Officer named in the order to seize the documents or things described in the order.
- (9) An order under subsection (8) for the production of documents or other things may be included in a warrant to enter issued under subsection (7) or may be made separately from such a warrant.
- (10) A warrant issued under subsection (7) and any separate order made under subsection (8) shall be executed at such reasonable time as shall be specified in the warrant or order.
- (11) Every warrant issued under subsection (7) and every separate order made under subsection (8) shall name a date on which it expires, which shall be a date not later than 14 days after it is issued or made.
- (12) An Employment Standards Officer shall be supplied by the Executive Council Member with a certificate of his authority, and on entering any place shall, if so requested, produce the certificate to the person who asks to see evidence of his authority.
- 68 (1) An Employment Standards Officer may administer all oaths and take and receive all affidavits and statutory declarations.
- 69 (1) Where an Employment Standards Officer finds that an employer has failed to pay an employee any wages due to the employee, the Employment Standards Officer may determine the difference between the wages actually paid to the employee and the wages to which the employee is entitled and, if the amount of the difference is agreed to in writing by the employer and the employee, the employer shall, within three days after the date

of the agreement, pay that amount to the employee or, if the Director so orders, to the Director who shall pay it over to the employee forthwith upon the receipt thereof by him.

- (2) When an employer has made payment of the wages agreed to be due in accordance with subsection (1), no prosecution for failure to pay an employee the full wages to which he was entitled under this Act shall be instituted against the employer.
- 70 (1) A complaint under this Act shall be made to the Director or an Employment Standards Officer
- (a) in respect of wages alleged to be due, within one year after the last date on which payment of the wages was to be made to an employee and an employer failed to make it, or
 - (b) in respect of other matters, within one year after the date on which the subject matter of the complaint arose.
- 71 (1) Where the complainant makes a request to the Director or an Employment Standards Officer that his name and identity be withheld, it shall not be disclosed to any person except where disclosure
- (a) is necessary for the purposes of proceeding under this Act; or
 - (b) is considered by the Director or the Board to be in the public interest.
- 72 (1) On receiving a complaint within the time permitted under section 70, the Director or an Employment Standards Officer shall investigate the complaint.
- (2) Notwithstanding subsection (1), the Director may
- (a) refuse to investigate a complaint where he considers that the complaint is frivolous, vexatious, trivial or has not been initiated in good faith, and
 - (b) cease investigating a complaint where, in his opinion, there is insufficient evidence to substantiate the complaint.

- (3) The Director may institute an investigation without receiving a complaint where he considers it necessary to determine that the requirements of this Act are being complied with.
- (4) The Director may, on application to him or on his own motion, reconsider a decision, order, authorization or direction made by him and may vary or revoke his decision, order, authorization or direction.
- (5) For the purposes of this Act, the Director has the protection, privileges and powers of a Board appointed under the Public Inquiries Act.
- 73 (1) Where the Director is unable to resolve a complaint made under this Act he may refer the matter to the Board for a decision.
- 74 (1) A person affected by a decision, order, authorization or direction made by the Director may appeal to the Board.
- (2) An appeal must be made in writing and delivered to the Director within 14 days after the date of the decision, order, authorization or direction of the Director.
- (3) Where the Director receives an appeal pursuant to subsection (2), he shall forward the appeal forthwith to the Board
- (4) An appeal may, with leave of the Board, be taken after the expiration of the time set by subsection (2).
- 75 (1) Where the Board considers an appeal made to it under section 74, it may deny or allow the appeal in whole or in part and may make any order that it considers the Director ought to have made.

Part 11, Division (2) - CERTIFICATE FOR WAGES

- 76 (1) Where the Director is satisfied that wages are due to an employee from an employer he may serve on the employer a demand that the employer pay to the Director the amount of the wages due.

- (2) An employer who receives a demand from the Director pursuant to subsection (1) shall, within 14 days of the date on which the demand is served on him,
 - (a) pay the amount set out in the demand, or
 - (b) serve the Director with a notice that he disputes or disagrees that the amount set out in the demand is due.
- (3) Subject to subsection (4), where an employer fails to comply with paragraph (2)(a) or where the employer serves a notice under paragraph 2(b) and the Director is unable to resolve the dispute or disagreement, the Director may issue a certificate showing the amount of wages that in his opinion is owed by the employer to the employee.
- (4) The Director shall not issue a certificate pursuant to subsection (3) with respect to wages due from an employer to an employee until
 - (a) he has obtained a statutory declaration from the employee or his authorized representative setting out the particulars of the wages due,
 - (b) a copy of the statutory declaration has been served on the employer, and
 - (c) five days have elapsed since the date on which the statutory declaration was served on the employer.
- (5) The Director may file the certificate issued under subsection (3) in the office of the Clerk of the Court, and when so filed the certificate shall be deemed to be a judgment of the Court in favour of the employee named in the certificate against the employer named therein and may be enforced as a judgment of the Court by the employee or by the Director on behalf of the employee against the employer for the amount shown in the certificate.
- (6) Where the Director has filed a certificate in accordance with subsection (5), he shall forthwith serve the employer and each employee named in the certificate with a notice setting out
 - (a) the amount of wages shown in the certificate that is owed or will become owing by the employer to the employee;
 - (b) the date on which the certificate was filed; and

- (c) that if the employer or any employee named in the certificate desires to dispute or disagree with any amount shown in the certificate he may, within 14 days after the notice is served upon him, appeal to the Board.
- 77 (1) Where the employer or an employee named in the certificate filed in accordance with subsection 76(5) disputes or disagrees with the amount of the wage that is shown in the certificate, the employer or employee may, within 14 days after being served with notice of the filing of the certificate apply to the Board to have the amount of the wages shown in the certificate reviewed.
- (2) An application under subsection (1) shall be served on the Director and the respondent employee or employer.
- (3) The Board shall begin its hearing within 14 days of receiving the application under subsection (1).
- (4) Subject to subsection 91(1), the Board shall determine the amount of the unpaid wages due and owing to an employee named in the certificate and shall make any amendment required to the certificate in order to make the certificate accord with its decision.
- (5) Where an employer or an employee affected by the decision of the Board made pursuant to subsection (4) disputes or disagrees with the decision, he may, within 14 days after being served with notice of the decision, apply to the Court to have the amount of wages shown in the certificate reviewed.
- (6) An application under subsection (5) shall be made in accordance with the Rules of Court by originating notice which shall be served on the Board, the Director and the respondent employee or employer.
- (7) The Court shall consider the application and make such order as it deems appropriate, including any amendment required to the certificate to make the certificate accord with the order.

- 78 (1) After the Director has issued a certificate pursuant to Section 76 the employee shall not, without the written consent of the Director, commence any other proceeding to recover unpaid wages unless the certificate is cancelled and not replaced under section 76.
- 79 (1) Notwithstanding any other provision in this Act or any provision in any other Act, the directors of a corporation are jointly and severally liable to an employee of the corporation for all debts, not exceeding two months wages, due for services performed for the corporation and not exceeding 12 months vacation pay earned by the employee while they are the directors.
- (2) Where wages that are owed to an employee by an employer that is a corporation are due and unpaid after 30 days from the date on which the employer is served with notice under subsection 76(6) that a certificate in respect of the unpaid wages has been filed, the Director may file with the Clerk of the Court
- (a) a copy of the certificate setting out the date on which notice of the filing of the certificate was served on the employer,
- (b) a statement to the effect that wages in a stated amount are due and unpaid by the employer after 30 days from the date on which the notice referred to in clause (a) was served, and
- (c) a list of the directors of the corporation who, in the opinion of the Director, are liable under subsection (1) for the unpaid wages of the employee named in the certificate.
- (3) Where the documents mentioned in subsection (2) are filed by the Director in accordance with that subsection, the certificate shall be deemed to be a judgment of the Court in favour of each employee named in the certificate against the directors named in the list for the amount set out in the statement and the certificate is enforceable as a judgment of the Court.
- (4) Section 77 applies with all necessary changes in respect of a certificate filed under this section.

- (5) Where a director pays a debt referred to in subsection (1) to an employee,
- (a) he is entitled to the same preference that the employee is entitled to under this Act for purposes of recovering the amount of the debt from the corporation, and
 - (b) he is entitled to an assignment of any judgment in the Court in favour of the employee in respect of the debt.
- 80 (1) Where a certificate has been filed under section 76 the amount of wages shown in the certificate in respect of the employees named therein shall be paid by the employer to the Director and the receipt of the Director for any moneys paid to him pursuant to this section is a good and sufficient discharge of the liability of the employer making the payment to the extent of the amount shown in the receipt.
- 81 (1) Where the Director has reason to believe that any person, including the Government of Yukon and its agencies, is or is about to become indebted to an employer named in a certificate made under section 76, the Director may serve a demand in writing on that person requiring that the money otherwise payable by him to that employer be paid to the Director to the extent of the liability of that employer pursuant to the certificate.
- (2) Where a demand is made under subsection (1), the person to whom the demand is made
- (a) shall pay the amount of money demanded by the Director or the amount due from the person to the employer, whichever is the lesser amount, to the Director, and
 - (b) shall not, except with the written consent of the Director, pay the money demanded to any person other than the Director.
- (3) The Director shall deposit any amount received under subsection (2) in the Yukon Employment Standards Act Suspense Account referred to in subsection 65(2), and he has the same powers and duties in relation thereto as prescribed in subsections 65(2) and (3).

- (4) The receipt of the Director for money paid under subsection (1) constitutes a good and sufficient discharge of the liability of the person to the employer named in the certificate to the extent of the amount referred to in the receipt.
 - (5) Where a demand made on a person pursuant to subsection (1) is not honoured and the Director is satisfied the person is indebted to the employer named in the certificate, the Director may enforce recovery of the amount as if it were unpaid wages and may issue a certificate showing the amount that in his opinion is owed by the person to the employer.
 - (6) A certificate issued pursuant to subsection (5) may be filed in the office of the Clerk of the Court pursuant to subsection 76(5) and the provisions of this section and sections 78, 80, 83, 84 and 85 apply in respect of the certificate.
 - (7) Where a person upon whom a demand is made pursuant to subsection (1) denies being indebted to the employer named in the certificate, the Director may require that person to produce such information as the Director considers necessary to establish that there is no indebtedness.
- 82 (1) Where the Director has received moneys pursuant to section 81, he shall forthwith send by certified mail to the employer and the employee named in the certificate a notice stating
- (a) the date of receipt of the moneys,
 - (b) the amount received,
 - (c) the amount payable to the employees under the certificate, and
 - (d) that unless the employer notifies the Director within 14 days of the date of the notice that he disputes the amount payable to the employee, the Director will pay the amount paid to him pursuant to section 81 or the amount claimed by the employee, whichever is the lesser amount, to the employee under the expiry of the 14 day period.
- (2) Unless the employer upon whom a notice is served pursuant to subsection (1) notifies the Director within the period mentioned in that subsection that he disputes the amount payable to the employee, the Director shall, upon the expiry of the 14

day period, pay the amount paid in pursuant to section 81 or the amount claimed by the employee whichever is the lesser amount, to the employee.

- (3) Where an employer notifies the Director that he disputes the amount payable to the employee, the Director shall decide the dispute.
- 83 (1) Subject to section 84 and notwithstanding the provisions of any other Act and except upon a distribution made by a trustee under the Bankruptcy Act, wages shall have priority over the claims or rights, and be paid in priority to the claims or rights, including the claims or rights of the Government of Yukon, of all preferred, ordinary or general creditors of the employer.
- 84 (1) Unpaid wages set out in a certificate as being due from an employer to an employee constitute a lien, charge and secured debt in favour of the employee against all the real and personal property of the employer including money due or accruing due to the employer from any source.
- (2) Notwithstanding any other Act, the amount of a lien, charge and secured debt referred to in subsection (1) is payable and enforceable in priority over all liens, judgments, charges or any other claims or rights including those of the Government of Yukon
- (a) of all preferred, ordinary or general creditors of the employer whether made or created before or after the date the wages were earned or the date a payment for the benefit of an employee became due; and
- (b) of all secured creditors of the employer where the security was made or created after the date the wages were earned or the date a payment for the benefit of an employee became due.
- (3) Notwithstanding subsection (2), the lien, charge and secured debt referred to in subsection (1) does not have a priority over a mortgage of land or a debenture charging land that was registered in a land title office before the filing of the certificate pursuant to subsection 76(5), except with respect to money advanced under the mortgage or debenture after the certificate was filed.

- 85 (1) Where in the opinion of the Director an employer is indebted or is likely to become indebted to an employee for wages, and there are reasonable and probable grounds to believe that the employer intends to remove all or part of his assets from the Territory, the Director may apply without notice to any party to the Court for an order prohibiting the employer from removing any of his assets from the Territory until the employer pays to the employee all wages that are due to the employee or provides adequate security for the payment of the wages.
- (2) Where the Court makes an order pursuant to subsection (1), the employer affected thereby may, with notice to the Director, apply to the Court to review or rescind the order.
- (3) An application by an employer to the Court pursuant to subsection (2) to review or rescind an order does not operate as a stay of the order.

PART 12

EMPLOYMENT STANDARDS BOARD

- 86 (1) There is established a Board to be called the Employment Standards Board.
- (2) The Board shall be composed of five members appointed by the Executive Council Member consisting of
- (a) a chairman,
 - (b) two members who are representative of employers, and
 - (c) two members who are representative of employees.
- (3) The term of the members of the Board shall be three years, or such lesser term as the Executive Council Member may specify at the time of the appointment, and members are eligible for re-appointment.
- (4) A member of the Board may be paid transportation, accommodation, and living expenses incurred in connection with the performance of his duties as a member of the Board away from his ordinary place of residence but, except as otherwise provided by the regulations, the payment of such expenses

shall conform as nearly as possible in all respects to the payment of such expenses for members of the public service of Yukon.

- (5) A member of the Board may be paid such remuneration as may be prescribed by the Commissioner in Executive Council.
 - (6) The Executive Council Member may appoint one or more vice chairman from among the members of the Board, who may act in the place of the chairman during his absence.
- 87
- (1) The chairman of the Board may from time to time establish a panel consisting of one or more members of the Board.
 - (2) Where the chairman of the Board refers a matter to a panel the panel has all the power and authority of the Board in respect of that matter.
- 88
- (1) A quorum of the Board or of a panel is a majority of its members.
- 89
- (1) Where there is no majority decision of the members of the Board or a panel, the decision of the presiding chairman is the decision of the Board or panel.
- 90
- (1) For the purposes of this Act, the Board and each of its members has the protection, privileges and powers of the Board appointed under the Public Inquiries Act.
- 91
- (1) Where a matter comes before the Board under or pursuant to this Act, the Board shall begin its inquiry into the matter with 14 days.
 - (2) The Board shall give full opportunity to the parties to a proceeding to present evidence and to make submissions to it and, where the Board considers it necessary, it may hold a hearing.
 - (3) In a proceeding before the Board, the parties shall be
 - (a) the person alleged to have contravened this Act,
 - (b) the complainant, if any,
 - (c) the Director or his authorized representative, and
 - (d) any other person specified by the Board.

- (4) The Board may order the payment by a party of costs or expenses to another party referred to in subsection 3(a), (b) or (d), including compensation for wage loss resulting from attending a hearing, that it considers appropriate.
- 92 (1) Where a member of the Board resigns or his appointment terminates, he may, in relation to a proceeding in which he participated as a member of the Board and until the proceeding is completed, carry out and complete the duties or responsibilities and continue to exercise the powers that he would have had if he had not ceased to be a member.
- 93 (1) The Board may on its own motion reconsider a decision, order, authorization, direction, declaration or ruling made by it or a panel within 14 days after making it and may vary or revoke the decision, order, authorization, direction declaration or ruling.
- 94 (1) Subject to subsection 77(5), an order or decision of the Board or a panel is final and binding.
- 95 (1) The Board may on application or on its own motion give a declaratory opinion on a matter arising under this Act.
- 96 (1) In addition to the functions and duties conferred on it by this Act, the Board shall advise the Executive Council Member with respect to any matter that he wishes to refer to it.

PART 13

GENERAL

- 97 (1) Where an employer has a contract for the performance of a public work of the Territory, he shall pay his employees who are engaged on or in connection with that public work not less than the prevailing wage rate applicable to the work performed by his employees as that rate is set out in an applicable schedule of wage rates established by the Board with the approval of the Commissioner in Executive Council.

- (2) The schedule of wage rates may contain rates payable to apprentices by reference to the Apprentice Training Act and regulations, or otherwise.
- 98 (1) Where an employer terminates the employment of an employee or lays off an employee who has been employed by the employer at a remote site, the employer shall provide transportation for the employee without cost to the employee to the nearest point at which regularly scheduled transportation services are available.
- 99 (1) Where the Commissioner in Executive Council is satisfied that reciprocal provisions will be made by a province for the enforcement of certificates issued under this Act, he may declare the province to be a reciprocating province and may designate the enforcement authority of that province for the purpose of this section.
- (2) Where an order, judgment or certificate for the payment of wages has been obtained by a designated enforcement authority of a reciprocating province, the authority may apply to the Director to enforce the order, judgment or certificate for the payment of wages.
- (3) Where the Director receives an application pursuant to subsection (2) with respect to an order, judgment or certificate that has been certified by the Court in which it is registered or, if there is no provision in the reciprocating province for registration, that has been certified a true copy thereof by the authority, and is satisfied that all or part of the wages claimed therein are still owing, the Director may issue and file a certificate with the Court in the same manner as prescribed by subsections 76(3) and 76(5).
- (4) A certificate issued and filed pursuant to subsection (3) is enforceable in the same manner and with the same priorities as are provided in this Act for wages owing.
- 100 (1) A person who
- (a) contravenes any provision of this Act or the regulations, or any order made thereunder, or

- (b) discharges or threatens to discharge or otherwise discriminates against a person because that person
 - (i) has testified or is about to testify in any proceeding had or taken under this Act, or
 - (ii) has given any information to the Director, an Employment Standards Officer or the Board regarding the wages, hours of work, annual vacation or conditions of employment of any employee,commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars.

- (2) Where an offence under this Act committed by a corporation is committed with the consent or connivance of any director, manager, secretary or any official of the corporation in charge or apparently in charge of a project he, as well as the corporation, commits an offence and he is liable on summary conviction to a sentence not exceeding three months or to a fine not exceeding one thousand dollars or to both fine and imprisonment.

- (3) Where a complaint is laid against a person who is a corporation a summons may be issued requiring an officer, director, secretary or partner named therein to appear to answer the charge on behalf of the corporation and to attend from day to day until the trial or hearing has been completed.

- (4) Any person who fails to obey a summons issued pursuant to subsection (3) commits an offence and is liable on summary conviction to a sentence not exceeding three months or a fine not exceeding one thousand dollars or to both fine and imprisonment.

- (5) Where a person is convicted of an offence under this Act the presiding judge may, on the application of the Director, order such person to furnish to the Director security, either in the form of a bond together with one or more sureties as the presiding judge thinks fit or otherwise satisfactory to the presiding judge in an amount and form and conditioned for the payment of all wages.

- (6) Where the employer furnishes a bond or other security under subsection (5) the Director may, by giving written notice to the employer either by certified mail or by service of the

notice on that employer, apply the proceeds of the bond or security in whole or in part to any wages that the Director ascertains the employer subsequently owes to any employee.

- (7) Where the employer fails to furnish the bond or security under subsection (5) the Court, upon an application made by the Director, may restrain the employer from employing people in the industry or business specified in the order until the bond or security is furnished and the costs of the application are paid.
- 101 (1) A complaint or information under this Act may relate to one or more offences by one employer in respect of one or more of his employees.
- (2) Proceedings in respect of an offence under this Act may be instituted at any time within one year after the time when the subject matter of the proceedings arose.
- 102 (1) Where an employer has been convicted of an offence under this Act in respect of any employee, the presiding judge shall, in addition to any other penalty, order the employer to pay to the employee any wages to which the employee is entitled under this Act the non-payment or insufficient payment of which constituted the offence for which the employer was convicted.
- (2) Where an employer has been convicted of an offence under this Act in respect of the discharge of an employee, the presiding judge may, in addition to any other penalty, order the employer
- (a) to pay compensation for loss of employment to the employee not exceeding such sum as in the opinion of the presiding judge is equivalent to the wage that would have accrued to the employee up to the date of conviction but for such discharge; and
- (b) to reinstate the employee in his employ at such date as in the opinion of the presiding judge is just and proper in the circumstances and in the position that the employee would have held but for such discharge.

- (3) An employer who refuses or neglects to comply with an order of a presiding judge made under this section commits an offence and is liable on summary conviction to a fine not exceeding fifty dollars for each day during which such refusal or failure continues.
 - (4) In determining the amount of wages for the purposes of subsection (1), if the presiding judge finds that the employer has not kept accurate records of hours worked by the employee, the employee affected shall be conclusively presumed to have been employed for 10 hours in each day and 60 hours in each week, or the number of hours deposed to by the employee, whichever is the less and to be entitled to full wages therefor.
- 103 (1) Subject to subsection 69(2) and section 78, nothing in this Act or the regulations affects the right of a person to commence and maintain an action which, but for this Act, he would have had the right to commence and maintain.
- 104 (1) Where by this Act or the regulations, the Director or the Board is authorized to make any order in respect of any matter, the order may be made to apply generally or in particular cases, or to classes of employees or employers.
- 105 (1) Any application, appeal, demand, notice, statutory declaration or other document required to be served by this Act shall be served personally or sent by certified mail to the person to be served and, when sent by certified mail, shall be deemed to have been served on the person to whom it was sent on the seventh day after it was mailed.
- 106 (1) The Commissioner in Executive Council may make such regulations as he deems necessary for carrying out the provisions of this Act and, without restricting the generality of the foregoing, may make regulations
- (a) requiring employers to keep records of wages, vacations, holidays and hours of work of employees and of other particulars relevant to the purposes of this Act or any part thereof, in such form as may be required;
 - (b) governing the production and inspection of records required to be kept by employers;

- (c) for calculating and determining wages received by an employee in respect of his employment, including the monetary value of remuneration other than money and the regular rate of wages of employees who are not paid solely on a basis of time;
- (d) prescribing custodial work and essential services for the purposes of subsection 35(1);
- (e) for any other matter or purpose that under this Act is required or permitted to be prescribed by regulation; and
- (f) to exempt any person or class of persons from some or all of the provisions of this Act.

107 (1) The following section is added immediately after section 114 of the Business Corporations Act:

- "114.1 (1) Every person who is a director of a corporation is jointly and severally liable with the other directors in accordance with the Employment Standards Act, to each employee of the corporation for all debts payable to the employee for services performed for the corporation, while he is a director.
- (2) If a director pays a debt referred to in subsection (1) that is proved in liquidation, dissolution or bankruptcy proceedings, he is entitled to any preference that the employee would have been entitled to, and if a judgment has been obtained, he is entitled to an assignment of the judgment.
- (3) A director who has satisfied a claim under this section is entitled to contribution from the other directors who were liable for the claim."

(2) Subsection 140(7) of the Business Corporations Act is amended by deleting the words "liabilities to the same extent" and substituting therefor the words "liabilities, including any liabilities under section 79 of the Employment Standards Act, to the same extent".

108 (1) The Labour Standards Act is repealed.

(2) The Wages Recovery Act is repealed.

109 (1) This Act shall come into force on a date to be fixed by the
Commissioner in Executive Council.

STATUTES OF THE YUKON TERRITORY
1984, Chapter 6

ENERGY CONSERVATION ASSISTANCE ACT

(Assented to May 17, 1984)

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

- 1 (1) This Act may be cited as the Energy Conservation Assistance Act.

PART 1

Saving Energy Action Loans

- 2 (1) The Executive Council Member may make loans to the eligible owners of residential premises so as to help those owners improve the thermal efficiency of their residential premises.
- (2) The amount of a loan made under subsection (1) may not exceed the maximum prescribed by the Commissioner in Executive Council.
- (3) A loan under subsection (1) shall be made subject to such conditions as are prescribed by the Commissioner in Executive Council.
- 3 (1) A person is eligible to receive a loan under subsection 2(1) where
- (a) he owns the residential premises in respect of which the loan is made;
- (b) he has already been granted whatever financial assistance he may be eligible for in respect of the thermal efficiency of those premises under any program of the Government of Canada;

- (c) those premises are
 - (i) the owner's principal place of residence, or
 - (ii) continuously occupied as a residence, or continuously available for residential occupancy by a tenant of the owner; and
 - (d) those premises were constructed or under construction before April 1, 1984.
- 4 (1) The Commissioner in Executive Council may make regulations prescribing
- (a) the maximum amount of a loan that may be made under subsection 2(1);
 - (b) the maximum number of units of residential premises for which a person may receive a loan under subsection 2(1);
 - (c) conditions that a loan shall be made subject to;
 - (d) materials, services and labour in respect of which a loan may be made; and
 - (e) the procedure for applying for a loan and the information that must be supplied in support of an application.

PART 2

Yukon Energy Alternatives Program

- 5 (1) The Executive Council Member may make grants to persons to assist in discovering or in demonstrating the practicality of alternative energy sources, methods of energy use, or energy conservation.
- (2) The amount of grants made under subsection (1) may not exceed in respect of the same project the maximum prescribed by the Commissioner in Executive Council.
- (3) A grant under subsection (1) shall be made subject to such conditions as are prescribed by the Commissioner in Executive Council.

- 6 (1) The Commissioner in Executive Council may make regulations prescribing
- (a) the procedure for applying for a grant under subsection 5(1) and the information that must be supplied in support of an application;
 - (b) conditions that a grant shall be made subject to including conditions about copyright or patent rights arising from the project in respect of which the grant is made and conditions about reporting the results and public access to the reported results of the project;
 - (c) the materials, services or labour for which the grant may be used; and
 - (d) criteria by which projects will be chosen to receive a grant.
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 7

FIFTH APPROPRIATION ACT, 1982-83

(Assented to April 18, 1984)

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 Yukon and for related purposes for the period of 12 months ending on March 31, 1983;

And whereas, out of the sums previously appropriated, the sums appearing in parenthesis in Schedule "A" of this Act are not required for the purpose of defraying certain expenses of the public service of Yukon or for related purposes for the period of 12 months ending on March 31, 1983.

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

- 1 (1) This Act may be cited as the Fifth Appropriation Act, 1982-83.
- 2 (1) In addition to the sum of \$37,438,000 provided for in the First Appropriation Act, 1982-83, the sum of \$133,557,000 provided for in the Second Appropriation Act, 1982-83, the sum of \$5,226,000 provided for in the Third Appropriation Act, 1982-83, and the sum of \$6,489,000 provided for in the Fourth Appropriation Act, 1982-83, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$14,595,000 for defraying the several charges and expenses of the public service of Yukon payable in the period of 12 months ending

on March 31, 1983, as set forth in Schedule "A" of this Act and appearing there as sums not in parentheses, and that sum shall not be paid or applied except in accordance with Schedule "A" and the Financial Administration Act.

- (2) The sums previously appropriated to an appropriation or item that is listed in Schedule "A" and that has a sum appearing in parentheses after it are reduced by the amount of the sum appearing in the parentheses.
- 3 (1) The due application of all monies paid or applied pursuant to section 2 shall be accounted for.
- (2) The sums appearing in Schedule "B" are the total sums that have been appropriated by the First Appropriation Act, 1982-83, the Second Appropriation Act, 1982-83, the Third Appropriation Act, 1982-83, the Fourth Appropriation Act, 1982-83, and this Act.
-

FIFTH APPROPRIATION ACT, 1982-83

SCHEDULE A

<u>Appropriation or Item</u>	<u>\$ (Dollars in 000's)</u>
Sums that are required:	
Executive Council Office	2
Health and Human Resources	6,669
Municipal and Community Affairs	164
Justice	308
Finance	936
Tourism, Recreation and Culture	139
Government Services	191
Loan Amortization	<u>6,186</u>
Sub-Total (sums required)	<u>14,595</u>
Sums previously appropriated that are not required:	
Yukon Legislative Assembly	(24)
Executive Council Office	(62)
Education, Advanced Education and Manpower	(1,082)
Consumer and Corporate Affairs	(61)
Economic Development	(571)
Justice	(156)
Highways and Transportation	(1,582)
Public Service Commission	(61)
Tourism, Recreation and Culture	(17)
Renewable Resources	(764)
Government Services	(376)
Yukon Housing Corporation	(271)
Yukon Liquor Corporation	<u>(15)</u>
Sub-Total (sums not required)	<u>(5,042)</u>
TOTAL	<u>9,553</u>

FIFTH APPROPRIATION ACT, 1982-83

SCHEDULE B

\$ (Dollars in 000's)

	<u>Operation and Maintenance</u>	<u>Capital</u>	<u>Total</u>
Yukon Legislative Assembly	1,137	0	1,137
Executive Council Office	1,420	2	1,422
Education, Advanced Education and Manpower	26,243	8,726	34,969
Consumer and Corporate Affairs	1,020	0	1,020
Health and Human Resources	32,422	414	32,836
Municipal and Community Affairs	6,378	7,770	14,148
Economic Development	1,646	861	2,507
Justice	10,490	286	10,776
Highways and Transportation	26,284	7,281	33,565
Public Service Commission	1,072	0	1,072
Finance	4,536	0	4,536
Tourism, Recreation and Culture	2,610	1,960	4,570
Renewable Resources	5,009	836	5,845
Government Services	6,801	1,020	7,821
Yukon Housing Corporation	1,381	0	1,381
Yukon Liquor Corporation	0	825	825
Loan Capital	300	0	300
Loan Amortization	<u>13,235</u>	<u>0</u>	<u>13,235</u>
TOTAL	<u>141,984</u>	<u>29,981</u>	<u>171,965</u>

STATUTES OF THE YUKON TERRITORY
1984, Chapter 8

FIFTH APPROPRIATION ACT, 1983-84

(Assented to March 29, 1984)

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 Yukon and for related purposes for the period of 12 months ending on March 31, 1984.

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

- 1 (1) This Act may be cited as the Fifth Appropriation Act, 1983-84.
- 2 (1) In addition to the sum of \$24,412,000 provided for in the First Appropriation Act, 1983-84, the sum of \$141,407,000 provided for in the Second Appropriation Act, 1983-84, the sum of \$1,000,000 provided for in the Third Appropriation Act, 1983-84, and the sum of \$28,331,000 provided for in the Fourth Appropriation Act, 1983-1984, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$7,415,000 for defraying the several charges and expenses of the public service of Yukon payable in the period of 12 months ending on March 31, 1984, 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.
- 3 (1) The due application of all monies paid or applied pursuant to section 2 shall be accounted for.

- (2) The sums appearing in Schedule B are the total sums that have been appropriated by the First Appropriation Act, 1983-84, the Second Appropriation Act, 1983-84, the Third Appropriation Act, 1983-84, the Fourth Appropriation Act, 1983-1984, and this Act.
-

FIFTH APPROPRIATION ACT, 1983-84

SCHEDULE A

<u>Appropriation or Item</u>	<u>\$ (Dollars in 000's)</u>
Sums that are required:	
Yukon Legislative Assembly	23
Executive Council Office	354
Education, Advanced Education and Manpower	515
Consumer and Corporate Affairs	76
Health and Human Resources	1,459
Municipal and Community Affairs	168
Economic Development	64
Justice	523
Highways and Transportation	427
Public Service Commission	273
Finance	641
Tourism, Recreation and Culture	78
Renewable Resources	815
Government Services	750
Yukon Liquor Corporation	29
Loan Amortization	<u>1,220</u>
Subtotal (sums required)	<u>7,415</u>
Sums previously appropriated that are not required:	
Education, Advanced Education and Manpower	(288)
Municipal and Community Affairs	(602)
Economic Development	(109)
Highways and Transportation	(2,722)
Finance	(1)
Tourism, Recreation and Culture	(275)
Government Services	(143)
Yukon Housing Corporation	(28)
Loan Capital	<u>(2,250)</u>
Subtotal (sums not required)	<u>(6,418)</u>
TOTAL	<u>997</u>

FIFTH APPROPRIATION ACT, 1983-84

SCHEDULE B

	<u>\$ (Dollars in 000's)</u>		
	<u>Operation</u>	<u>Capital</u>	<u>Total</u>
	<u>& Maintenance</u>		
Yukon Legislative Assembly	1,101	10	1,111
Consumer and Corporate Affairs	1,031	0	1,031
Economic Development	2,265	1,619	3,884
Education, Advanced Education and Manpower	30,461	6,054	36,515
Executive Council Office	3,035	8	3,043
Finance	3,913	0	3,913
Government Services	9,328	4,082	13,410
Health and Human Resources	30,768	2,707	33,475
Highways and Transportation	30,626	10,877	41,503
Justice	11,387	615	12,002
Municipal and Community Affairs	7,028	9,203	16,231
Public Service Commission	1,759	0	1,759
Renewable Resources	5,558	2,384	7,942
Tourism, Recreation and Culture	4,154	2,141	6,295
Yukon Housing Corporation	2,020	294	2,314
Yukon Liquor Corporation	0	285	285
Loan Capital	2,750	0	2,750
Loan Amortization	8,684	0	8,684
	<hr/>	<hr/>	<hr/>
TOTAL	<u>155,868</u>	<u>40,279</u>	<u>196,147</u>

STATUTES OF THE YUKON TERRITORY
1984, Chapter 9

AN ACT TO AMEND
THE FINANCIAL ADMINISTRATION ACT

(Assented to April 18, 1984)

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

- 1 (1) In paragraph 45(1)(d) of the Financial Administration Act, "\$2,000,000" is substituted for "\$1,200,000".
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 10

FINANCIAL AGREEMENT ACT, 1984

(Assented to May 17, 1984)

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

- 1 (1) This Act may be cited as the Financial Agreement Act, 1984.
- 2 (1) In this Act, "agreement" means the agreement entered into pursuant to section 3.
- 3 (1) Subject to this Act, the Commissioner in Executive Council is authorized to make an agreement providing for the payment by the Government of Canada to the Government of Yukon, in respect of the period of one year commencing on April 1, 1984, and ending on March 31, 1985,
 - (a) as an operating grant, an amount equal to \$83,402,000 for operating expenses, and
 - (b) as a capital grant, an amount equal to \$28,123,000 for capital expenses.
- 4 (1) The agreement shall include a schedule providing for the amount and timing of the payments to be made by the Government of Canada to the Government of Yukon.
 - (2) The agreement shall contain such other conditions as may be agreed upon for the purpose of giving effect to this Act and may be executed on behalf of the Commissioner in Executive Council by the Executive Council Member.
- 5 (1) The agreement may be amended from time to time by agreement between the Government of Canada and the Commissioner in Executive Council, but no such amendment is valid unless it is ratified by the Legislative Assembly.

- 6 (1) Upon the execution of the agreement, every Act, and every regulation or by-law made thereunder, including the by-laws of every municipality or local improvement district, shall, for the relevant periods provided in the agreement, be deemed to be amended, suspended or inoperative as the case may be to the extent necessary to give effect to the agreement and to permit the Government of Yukon to fulfill every obligation assumed by it under the agreement.
 - (2) The Commissioner in Executive Council is empowered to do every act and exercise every power for the purpose of fulfilling every obligation assumed by the Government of Yukon under the agreement.
 - (3) This section shall remain in operation only for so long as may be necessary to give effect to the agreement.
- 7 (1) The Financial Agreement Act, 1983 is amended in paragraph 3(1)(a) by substituting "\$78,606,000" for "\$72,809,000".
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 11

AN ACT TO AMEND
THE GOVERNMENT EMPLOYEE HOUSING PLAN ACT

(Assented to May 17, 1984)

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

- 1 (1) This Act amends the Government Employee Housing Plan Act.
- 2 (1) The following is substituted for clause (1i) in the definition of "employee" in subsection 2(1):

"(1i) a person appointed to a part-time position".
- 3 (1) The following is substituted for subsection 3(1):

"3 (1) Every employee who has at least two years continuous service and owns a housing unit that qualifies under section 7 becomes eligible for the benefits of the Plan when
(a) he resigns from the public service,
(b) he proceeds to pension,
(c) he is laid off or discharged by his employer,
(d) he is retired for ill health by his employer,
or
(e) he is transferred by the Government of Yukon away from the community in which his housing unit is located."
- (2) In subsection 3(2), "eligible employee" is substituted for "employee".
- 4 (1) The following is substituted for paragraph 4(1)(b):

"(b) the housing unit has been under offer for sale to the public at a price not greater than the amount that is 5 per cent greater than the mean of the two appraisals

under section 6 for not less than 60 days during the period commencing 61 days prior to the day on which he becomes an eligible employee and ending 61 days after he makes his application for the benefit of the plan."

5 (1) In paragraph 6(1)(b), "93" is substituted for "95" and "Corporation" is substituted for "Government".

6 (1) The following is substituted for paragraph 7(1)(a):

"(a) it is owned by the employee and occupied by him as his principal place of residence on the date on which he becomes eligible for the benefits of the Plan under subsection 3(1) or, in a case where subsection 3(2) applies, on the date on which he dies, and".

(2) In subsection 7(2), "from the Public Service" is deleted.

7 (1) In paragraphs 11(1)(b) and (d), "the market rent" is substituted for "an economic rent".

8 (1) The following is substituted for subsection 12(1):

"(1) A revolving fund of \$1,500,000 is hereby established for the purpose of acquiring and maintaining housing units in accordance with this Act."

9 (1) In subsection 14(1), "Executive Council Member" is substituted for "Commissioner".

10 (1) In subsections 15(1) and (2), "Commissioner in Executive Council" is substituted for "Commissioner".

11 (1) Section 16 is repealed but its repeal shall not affect the continuation of any benefits acquired before its repeal.

STATUTES OF THE YUKON TERRITORY

1984, Chapter 12

GOVERNMENT EMPLOYEES
UNEMPLOYMENT INSURANCE AGREEMENT ACT

(Assented to April 18, 1984)

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

- 1 (1) This Act may be cited as the Government Employees Unemployment Insurance Agreement Act.

 - 2 (1) The Commissioner in Executive Council may enter into agreements with the Government of Canada under and for the purposes of the Unemployment Insurance Act, 1971 (Canada) providing for the extension of unemployment insurance programs to employees of the Government of Yukon.
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 13

AN ACT TO AMEND
THE INCOME TAX ACT

(Assented to April 18, 1984)

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

- 1 (1) This Act amends the Income Tax Act.
- 2 (1) In subsection 5(1.3), "and (1.2)" is substituted for "and (1.3)".
- 3 (1) The following is substituted for subsection 4(5):

 "(5) An individual who, under the federal Act, pays tax computed in accordance with subsection 117(6) of that Act may, in lieu of a tax under subsection (1), pay a tax determined in accordance with prescribed rules."
- 4 (1) The following is substituted for paragraph 17(1)(a):

 "(a) either:
 (i) on or before the last day of each of the first 12 months in that period, an amount equal to one-twelfth of its tax payable for the year; or
 (ii) on or before the last day of each of the first 12 months in that period, an amount equal to one-twelfth of its first installment base for the year; or

(iii) on or before the last day of each of the first two months in that period, an amount equal to one-twelfth of its second installment base for the year, and on or before the last day of each of the next following 10 months in that period, an amount equal to one-tenth of the amount remaining after deducting the amount computed under this sub-paragraph in respect of the first two months in the period from its first installment base for the year; and".

(2) The following subsection is added to section 17:

"(4) In this section, 'first installment base' and 'second installment base' of a corporation for a taxation year have the meanings established under subsection 157(4) of the federal Act, with such modifications as the circumstances require."

STATUTES OF THE YUKON TERRITORY
1984, Chapter 14

INTERIM SUPPLY APPROPRIATION ACT, 1984-85

(Assented to March 29, 1984)

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 Yukon and for related purposes for the month of April, 1984:

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

- 1 (1) This Act may be cited as the Interim Supply Appropriation Act, 1984-85.
- 2 (1) In addition to the sum of \$25,959,000 provided for in the First Appropriation Act, 1984-85, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$14,423,000 for defraying the several charges and expenses of the public service of Yukon for the month of April, 1984 as set forth in Schedule "A" of this Act and that sum shall not be paid or applied except in accordance with Schedule "A".
- 3 (1) The due application of all monies paid or applied pursuant to section 2 shall be accounted for.

INTERIM SUPPLY APPROPRIATION ACT, 1984-85

SCHEDULE A

\$ (Dollars in 000's)

<u>Appropriation or Item</u>	<u>TOTAL</u>
Yukon Legislative Assembly	\$130
Executive Council Office	250
Education, Advanced Education and Manpower	2919
Consumer and Corporate Affairs	83
Health and Human Resources	2824
Municipal and Community Affairs	1815
Economic Development	236
Justice	1068
Highways and Transportation	2687
Public Service Commission	155
Finance	365
Tourism, Recreation and Culture	413
Renewable Resources	546
Government Services	790
Yukon Housing Corporation	<u>142</u>
TOTAL	\$14,423

STATUTES OF THE YUKON TERRITORY
1984, Chapter 15

INTERIM SUPPLY APPROPRIATION ACT, 1984-85 (No.2)

(Assented to April 30, 1984)

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 Yukon and for related purposes for the month of May, 1984:

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

- 1 (1) This Act may be cited as the Interim Supply Appropriation Act, 1984-85 (No. 2).
- 2 (1) In addition to the sum of \$25,959,000 provided for in the First Appropriation Act, 1984-85 and the sum of \$14,423,000 provided for in the Interim Supply Appropriation Act, 1984-85, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$14,423,000 for defraying the several charges and expenses of the public service of Yukon for the month of May, 1984 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.
- 3 (1) The due application of all monies paid or applied pursuant to section 2 shall be accounted for.

INTERIM SUPPLY APPROPRIATION ACT, 1984-85 (No. 2)

SCHEDULE A

\$ (Dollars in 000's)

<u>Appropriation or Item</u>	<u>TOTAL</u>
Yukon Legislative Assembly	\$130
Executive Council Office	250
Consumer and Corporate Affairs	83
Economic Development	236
Education, Advanced Education and Manpower	2919
Finance	365
Government Services	790
Health and Human Resources	2824
Highways and Transportation	2687
Justice	1068
Municipal and Community Affairs	1815
Public Service Commission	155
Renewable Resources	546
Tourism, Recreation and Culture	413
Yukon Housing Corporation	<u>142</u>
TOTAL	\$14,423

STATUTES OF THE YUKON TERRITORY
1984, Chapter 16

AN ACT TO AMEND
THE LANDLORD AND TENANT ACT

(Assented to April 18, 1984)

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

1 (1) This Act amends the Landlord and Tenant Act.

2 (1) The following subsection is added to section 61.1:

"(5.1) Notwithstanding subsection (4), any person referred to in paragraph (5)(c),(d), or (e) who becomes a new landlord may terminate a lease for a term certain or for periods longer than year to year by giving notice of the termination not less than 90 days before the intended effective date of the termination.

3 (1) The following is substituted for subsection 64(2):

"(2) A landlord shall pay annually to the tenant interest on any money held by the landlord as a security deposit at the rate of 10 per cent per year or such other rate as may from time to time be prescribed."

STATUTES OF THE YUKON TERRITORY
1984, Chapter 17

LEGAL PROFESSION ACT

(Assented to April 18, 1984)

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

- 1 (1) This Act may be cited as the Legal Profession Act.

- 2 (1) In this Act,
 - (a) "active member" means a member other than an inactive member or a member who is suspended;
 - (b) "bar admission course" means a bar admission course established and operated by the Society;
 - (c) "bar admission examination" means an examination in general subjects related to the practice of law, including practice, procedure, ethics and statutes of Yukon or Canada or both;
 - (d) "Committee of Inquiry" means a committee appointed pursuant to section 32 for the purpose of conducting an inquiry under this Act;
 - (e) "Discipline Committee" means the Discipline Committee appointed under section 26;
 - (f) "Executive" means the regulating body of the Society referred to in section 5;
 - (g) "inactive member" means a member shown on the Roll as being an inactive member;
 - (h) "member" means a person enrolled as a member of the Society but does not include an honorary member;
 - (i) "Roll" means the Roll of the Law Society of Yukon referred to in section 17;
 - (j) "Rules" means the Rules of the Society made by the Executive or confirmed or adopted by the Society in a general meeting under this Act;
 - (k) "Society" means the Law Society of Yukon constituted under section 3;

- (1) "special examination" means examination at university standards in subjects pertaining to substantive law in force in Yukon;
 - (m) "student-at-law" means a person serving articles of clerkship approved by the Society to a member;
- (2) Subject to subsection (3), in this Act the practice of law includes doing any of the following for another person on one or more than one occasion:
- (a) appearing as a counsel or advocate before any court or other adjudicative tribunal required to function judicially;
 - (b) preparation of pleadings and other documents for use in proceedings in court or before any other adjudicative tribunal required to function judicially;
 - (c) advising about the legal requirements for and consequences of the incorporation, registration, organization, dissolution or winding up of a corporate body; and the preparation of documents necessary to achieve any of those results;
 - (d) preparation of any will or other testamentary instrument, power of attorney, deed of settlement, trust deed or other document relating to the estate of any deceased person or to probate or letters of administration;
 - (e) preparation of any document relating to property and that is intended or required to be registered, recorded, or filed in any registry or other public office;
 - (f) advising on the legal sufficiency of any document referred to in paragraphs (b) to (e); and
 - (g) giving legal advice, such as by advising any person about his legal rights or the legal consequences of his acts.
- (3) In this Act the practice of law does not include:
- (a) any act referred to in subsection (2) that is not done for or in the expectation of any fee, gain, or reward, whether direct or indirect, from any other person,
 - (b) any act referred to in subsection (2) that is done by a public servant or public officer or a member of Parliament or of the Legislature or of a municipal council, in his capacity as such,

- (c) any act that is done by an employee for his employer and in the course of his employment, where the employer, in causing that act to be done, is not himself practicing law;
- (d) preparation of any opinion or document on the instructions and supervision of a member of the Society and in the expectation that the legal sufficiency of the opinion or document will be reviewed by the member.

PART 1

LAW SOCIETY OF YUKON

Constitution, Executive and Powers Generally

- 3 (1) There is hereby established a corporation to be known as the Law Society of Yukon.
- (2) The head office of the Society shall be such place within Yukon, other than the office of a member, as may be determined by the Executive.
- 4 (1) The paramount duty of the Society and its members is to serve and protect the public interest in the administration of justice and the preservation of the rights of all persons in a manner that is consistent with respect for independence, subject only to law, in the relationship between a member and his client.
- 5 (1) The affairs of the Society shall be managed and conducted by an Executive which shall be composed of not less than six persons of whom
 - (a) not less than four shall be elected by and from among the active members of the Society; and
 - (b) two shall be persons who are not members of the Society and who shall be appointed by the Commissioner in Executive Council.

- (2) The term of office of a member of the Executive shall not exceed 12 months and, unless the member is re-elected or reappointed, his term shall be terminated by the election or appointment of another person in his place.
- 6 (1) The Executive, for and on behalf of the Society and subject to this Act and the Rules, has the power to
- (a) exercise the powers vested in a corporation by the Interpretation Act;
 - (b) acquire and hold real property and sell, lease or otherwise dispose of it at pleasure;
 - (c) borrow money for the purposes of the Society and mortgage or charge property of the Society or its sources of funds as security for moneys borrowed;
 - (d) enter into any contract;
 - (e) appoint any person as an honorary member of the Society or an honorary member of the Executive;
 - (f) appoint, or provide for the appointment of, committees and confer upon any such committee power and authority to act for the Executive in relation to such matters as the Executive directs;
 - (g) appoint counsel, delegates and other representatives to appear on behalf of and represent the Society;
 - (h) provide for the reporting of legal decisions;
 - (i) establish and maintain libraries for the use of the members of the Society;
 - (j) distribute to members memoranda or publications relating to ethical standards of professional conduct in the practice of law;
 - (k) take such action and incur such expenses as the Executive considers necessary for the promotion, protection, interest or welfare of the Society;
 - (l) establish a program of continuing legal education;
 - (m) authorize the Society to provide legal aid or to enter into agreements relating to the provision of legal aid;
 - (n) recommend guidelines for fees that may be charged to clients by solicitors;
 - (o) enter into co-operative arrangements with other professional bodies in any jurisdiction;

- (p) insure or underwrite its members or any class thereof, reinsure its liability with regard to any insurance contracts, and generally operate insurance and pension schemes for the benefit of its members or any class thereof and for the protection of the public;
 - (q) grant pensions and allowances to the employees and former employees of the Society and the dependants of such persons, and make payments towards insurance to provide such pensions and allowances; and
 - (r) do such things as are incidental or necessary to the exercise of the powers set out in paragraphs (a) to (q).
- 7 (1) The Executive may make Rules not inconsistent with this Act for the regulation of the Society, the management and conduct of the business affairs of the Society and for the exercise or carrying out of the duties and powers conferred or imposed on the Society or the Executive under this Act and without restricting the generality of the foregoing, may make Rules
- (a) respecting the terms and conditions upon which approval for admission as members or as student-at-law may be given, and the manner of proof thereof;
 - (b) establishing a bar admission course, the contents thereof and fees for enrollment therein for persons required to pass a bar admission examination;
 - (c) establishing a bar admission examination or a special examination or both, and the contents thereof;
 - (d) fixing the admission fees and the membership fees payable to the Society by students-at-law and members;
 - (e) providing with respect to any Rule respecting the payment of fees or an assessment that a member is suspended without notice or investigation upon contravening that Rule;
 - (f) respecting the reinstatement
 - (i) of members and students-at-law under suspension,
 - (ii) of former members whose names have been struck from the Roll, and
 - (iii) of former students-at-law whose articles have been terminated under this Act;
 - (g) respecting inactive membership and the reinstatement of inactive members as active members;
 - (h) respecting trust accounts to be opened and maintained by members for clients' money;

- (i) respecting books of account and records to be kept by members containing particulars and information as to moneys received, held or paid for or on account of clients; and respecting the furnishing of evidence that those accounts and records are being kept and maintained; and providing for the inspection of those books and records from time to time by the auditors or agents of the Society;
- (j) respecting the manner of keeping the records and accounts of the Society including the Roll and the information that may be entered therein;
- (k) providing for the procedure for the nomination of candidates for election as members of the Executive and for the appointment of the Discipline Committee;
- (l) respecting the procedure to be used for the holding of elections and for determining the elected members;
- (m) respecting a code of professional ethics and conduct;
- (n) respecting advertising by members;
- (o) respecting certification of specialist fields of practice;
- (p) respecting matters relating to the discipline of members and students-at-law, the making of investigations and inquiries concerning the conduct of such persons, including the procedure to be followed by and the powers and duties of the Discipline Committee or any Committee of Inquiry and the giving of public notice of disbarments, expulsions and suspensions of members and students-at-law;
- (q) respecting the powers, duties and qualification of the officers and employees of the Society;
- (r) for the admission of members of the legal profession outside Yukon as barristers and solicitors for occasional appearances for specified proceedings;
- (s) respecting the procedure for meetings of the Society and the Executive, including the calling of meetings the quorum required, voting and notice of motion to be given of the meeting and of Rules to be made or submitted to a meeting of the Society for confirmation or adoption;
- (t) respecting the maximum fees that may be charged by a member in the absence of a written agreement with his client;

- (u) respecting the form in which members must render their statements of account or bills of costs for services rendered;
 - (v) respecting a requirement that members disclose to persons who seek to retain them the fees or basis for calculating the fees that the member proposes to charge that person; and
 - (w) respecting the establishment of committees of the Executive and the membership, duties and powers of such committees.
- (2) Notwithstanding subsection (1),
- (a) the admission fee levied upon a person seeking registration as a student-at-law shall not exceed 25% of the annual membership fee levied upon an active member;
 - (b) the admission fee levied upon a student-at-law seeking enrollment as a member shall not exceed 25% of the annual membership fee levied upon an active member;
 - (c) the admission fee levied upon an inactive member or upon any person, other than a student-at-law, seeking enrollment as an active member shall not exceed 50% of the annual membership fee levied upon an active member;
 - (d) the membership fee levied upon an active member who is not resident in Yukon shall not exceed the membership fee levied upon an active member who is resident in Yukon,
 - (e) the membership fee levied upon an inactive member shall not exceed 25% of the membership fee levied upon an active member who is resident in Yukon and shall not vary according to the place of residence of the inactive member,
 - (f) if there is more than one class of active member the membership fee levied upon an active member shall be the same for active members of all classes;
 - (g) the fee levied upon a person to whom a permit is granted under subsection 21(7) shall not exceed 25% of the annual membership fee levied upon an active member, and
 - (h) the fee levied upon a person to whom a permit is granted under subsection 21(8) shall not exceed the annual membership fee that is levied upon an active member.

- (3) Notwithstanding subsection (1), admission and membership fees shall not be used directly or indirectly to pay for or fund in whole or in part the Assurance Fund or the Professional Liability Claims Fund.
- (4) No Rule made by the Executive respecting the admission, conduct or discipline of members or of students-at-law or respecting admission fees or membership fees shall have effect until it is confirmed by resolution supported by at least two-thirds of the active members present at a general meeting.
- (5) A Rule made by the Executive, other than a Rule referred to in subsection (4) shall not take effect until at least 30 days after the day the text of the Rule is mailed to the active members and shall have effect only until the day of the next annual meeting of the active members unless
 - (a) it is sooner confirmed by resolution passed by the active members in general meeting, or
 - (b) it is confirmed by resolution passed by the active members in the annual meeting.
- (6) At any annual or other general meeting the active members may make, amend, or revoke any Rule.
- (7) Notice of motion proposing any Rule to be submitted to an annual or other general meeting of the active members for confirmation, adoption, amendment, or revocation shall be given in accordance with subsection 13(2).
- (8) Until otherwise provided by the Rules under this Act, the Code of Professional Conduct adopted by the Council of the Canadian Bar Association on August 25, 1974 shall be the code of professional ethics and conduct to be followed by members.
- (9) Where a member has been struck off pursuant to a Rule made under paragraph (1)(e), that member shall be deemed to be reinstated without application by him immediately upon payment of the fee.

- (10) The Executive may issue
 - (a) a certificate of good standing about a member, or
 - (b) a certificate of standing about a member or former member containing an endorsement about any respect in which the member or former member is not in good standing.
 - (11) No member or former member shall be denied a certificate of standing under paragraph (10)(b) containing such endorsement as may accurately represent his standing in or with the Society.
- 8
- (1) A Rule and any resolution under subsection 7(4) or (5) shall be deemed to be a regulation within the meaning of the Regulations Act and, except to the extent it is otherwise provided in this section, the provisions of that Act apply to every Rule of the Society.
 - (2) A Rule shall be invalid unless it and any resolution under subsection 7(4) or (5) confirming it is filed in accordance with the Regulations Act.
 - (3) Where he believes the Rule is contrary to the public interest, the Commissioner in Executive Council may annul any such Rule in relation to the following matters
 - (a) the admission, conduct and discipline of members and student members and the suspension and restoration of their rights and privileges, the cancellation of memberships and student memberships, the resignation of members, and the readmission of former members and student members;
 - (b) the books, records and accounts, including trust accounts, to be kept by members and the exemption from such requirements of any class of member;
 - (c) the examination or audit of members' books, records, accounts and transactions and the filing with the Society of reports with respect thereto;
 - (d) a code of professional ethics and conduct;
 - (e) the employment of student members; and
 - (f) legal education, including any bar admission course or bar admission examination.

- (4) A Rule that under subsection 7(4) shall not have legal effect until it is confirmed by resolution of the Society does not have to be filed under the Regulations Act until it has been so confirmed.
 - (5) An order of the Commissioner in Executive Council annulling a Rule is a regulation within the meaning of the Regulations Act.
 - (6) The Executive shall no later than 15 days after each annual meeting file with the registrar under the Regulations Act a report about each Rule made by the Executive that is not confirmed under paragraph 7(5)(a).
- 9
- (1) Subject to paragraph 5(1)(b), no person who is not an active member is eligible for nomination and election to the Executive.
 - (2) Any active member in good standing is eligible for nomination and election to the Executive.
 - (3) Retiring members of the Executive are eligible for nomination and re-election or reappointment.
- 10
- (1) No person who is not an active member is entitled to vote at an election of the Executive.
 - (2) Any active member in good standing is entitled to vote at an election of the Executive and on any resolution or motion in an annual or special general meeting of the Society.
- 11
- (1) From among the members of the Executive there shall be a President and such other officers of the Society as the Rules may provide and the President and those other officers shall be selected in such manner as the Rules may provide.
 - (2) The President of the Society shall be an active member of the Society.
 - (3) The Executive may appoint deputy executive officers who may, unless otherwise provided in the Rules, exercise and perform such powers, functions and duties of an officer as the Executive assigns to them.

- (4) Where there is a vacancy in the portion of the membership of the Executive that is elected by the members of the Society, the Executive may appoint some other active member of the Society to fill the vacancy for the balance of the term of the person whose departure from office created the vacancy.
 - (5) A vacancy in the membership of the Executive does not impair the right of the remaining membership of the Executive to act.
 - (6) In meetings of the Executive a quorum shall be such number as is fixed by the Rules.
 - (7) The President of the Executive shall be entitled to chair all meetings of the Executive, but in his absence the most senior member of the Executive who is also a member of the Society present at the meeting shall be entitled to chair the meeting.
 - (8) A decision of the majority of members present at a meeting of the Executive is a decision of the Executive, but in the event of an evenly divided opinion between the members, including the vote of the chairman of the meeting, the matter shall be decided in accordance with the vote of the chairman.
- 12
- (1) At every annual general meeting the Society shall appoint an auditor for the Society.
 - (2) Where the auditor is absent or for any reason cannot act, the President may appoint any person as acting auditor and that person while so acting has the powers and shall perform the duties of the auditor.
 - (3) The auditor shall be a chartered accountant or certified general accountant.
- 13
- (1) The Society shall, once in each year, hold an annual general meeting of the members of the Society at such place and time as the Executive determines.
 - (2) At least ten days before an annual general meeting the Executive shall mail to each member of the Society a notice of the meeting and of any Rule that is to be submitted to the meeting for confirmation or adoption.

- (3) At each annual general meeting the Executive shall present a report of the proceedings of the Executive and the proceedings of the Discipline Committee since the last annual general meeting.
- 14 (1) In an annual general meeting or a special meeting called under section 16 a quorum shall be such number of active members as is fixed by the Rules.
- 15 (1) A statement of the financial position of the Society during the previous fiscal year, shall be given by the Executive at each annual general meeting.
- 16 (1) A special general meeting of the Society shall be called by the Secretary
- (a) when the Executive so directs, or
 - (b) within fourteen days of the receipt by him of a written request signed by three active members setting out the business to be discussed at the meeting.
- (2) At least ten days before a special general meeting the Secretary shall cause to be mailed or delivered to each member of the Society a notice of the meeting and of the nature of the business to be discussed or of the Rule that is to be submitted to the meeting for confirmation or adoption.

PART 2

MEMBERSHIP AND ENROLLMENT IN LAW SOCIETY

- 17 (1) The Executive shall keep and maintain a record called the "Roll of The Law Society of Yukon" in accordance with the Rules.
- (2) The Executive shall keep and maintain a record pertaining to persons admitted to the Society as students-at-law.
- (3) The Roll and the records pertaining to students-at-law shall be open for inspection by any person upon reasonable notice to the Secretary.

- 18 (1) The membership of any member who assumes office as a judge under any Act of Parliament of Canada or any Act of the Legislature of Yukon or of any province is in abeyance while he continues in any such office, and when he ceases to hold the office he shall, upon his request, be restored to active member or in-active member status, according to his request.
- 19 (1) Notwithstanding anything in this Part, the Executive, where it considers that special circumstances so warrant with respect to any person, may waive or vary the requirements set out in paragraph 21(1)(c).
- 20 (1) The Executive may, subject to such terms and conditions as it considers proper, permit an applicant for admission as a student-at-law to serve a part of his period under articles with
- (a) a judge of the Supreme Court of Canada,
 - (b) a judge of the Supreme Court of Yukon,
 - (c) a judge of the Territorial Court, or
 - (d) an active member employed by the Government of Canada or the Government of Yukon.
- 21 (1) The following persons are qualified for admission to the Society and are entitled to be enrolled as members:
- (a) a person who, on the coming into force of this Act is enrolled under the Legal Profession Act as a barrister and solicitor;
 - (b) a person who, has been duly called to the bar of a province or has been admitted to practise as an attorney, advocate, barrister or solicitor in a province, and is of good standing in the law society of the province in which he last practised as an attorney, advocate, barrister or solicitor, and has passed a bar admission examination, if such is established by the Rules;
 - (c) a person who has, subject to subsection (2), completed twelve months continuous service in Yukon under articles as a student-at-law approved by the Executive to an active member and has taken a bar admission course, if such is established by the Rules, and passed a bar admission examination, if such is established by the Rules, and is a graduate of a law school approved by the Executive, or

- (d) person who has been duly called to the bar in a country that is a member of the British Commonwealth of Nations and has been actively engaged in the practice of law in that jurisdiction for a period of not less than three years within the five years immediately preceding the date of his application and who has a legal education that is equivalent to graduation from a law school approved by the Executive, and has passed a bar examination, if such is established by the Rules.
- (2) Except as provided under subsection 20(1), the articles of student-at-law referred to in paragraph (1)(c) shall be with an active member who:
 - (a) resides in Yukon,
 - (b) who is and has been engaged in the practice of law for not less than five years or such lesser time as the Executive may approve,
 - (c) is in good standing, and
 - (d) whose practice affords reasonable opportunity for the instruction and training of the student-at-law in the general practice of the profession of a barrister and solicitor.
 - (3) Every person who is qualified pursuant to subsection (1) and sends to the Executive the admission fee prescribed by the Rules, is entitled to be admitted as a member of the Society.
 - (4) For the purpose of subsection (1), a person who is not in good standing in another province or jurisdiction solely by reason that he has not paid a fee or assessment in that province or jurisdiction or is suspended or struck off the roll or register in that province or other jurisdiction for failure to pay a fee or assessment may, with the approval of the Executive, such approval not to be unreasonably withheld, be deemed to be in good standing.
 - (5) A member shall not be refused a certificate of good standing solely by reason that he has not paid a fee or assessment or is suspended or struck off the Roll for failure to pay a fee or assessment, but any certificate of good standing that is issued to such a member may have endorsed on it a memorandum of the failure to pay or of the suspension or striking off for failure to pay.

- (6) Notwithstanding paragraph (2)(c), where the member was in good standing when the student-at-law entered into articles with him, the articles of the student-at-law shall not be interrupted solely by reason that the member does not subsequently pay a fee or assessment to the Society.
- (7) The Executive may permit a person who is entitled to practice in any province as an attorney, advocate, barrister or solicitor to act as a barrister or solicitor in Yukon in relation to a particular matter or proceeding without becoming a member of the Society.
- (8) The Executive may permit a person in Yukon who is entitled to practise law in another province or jurisdiction to engage in the practice of giving in Yukon, without becoming a member of the Society, advice respecting the laws of that other province or jurisdiction; but no such permit is required solely for the purpose of appearing as a witness in a proceeding in Yukon.
- (9) When granting a permit under subsection (7) or (8), the Executive may require compliance with such conditions as it thinks proper and as it is authorized by the Rules to impose.
- (10) A person who, on the coming into force of this Act, is enrolled under the Legal Profession Act as a barrister and solicitor shall be deemed to be enrolled as a member of the Society.
- 22 (1) Where the Society refuses or neglects to admit a person as a member or to grant a permit under subsection 21 (7) or (8), the person aggrieved may, upon ten days written notice to the Society, apply to the Supreme Court of Yukon which, upon due cause shown, may make an order directing the Society to admit the person or make such other order as is warranted by the facts.
- 23 (1) When a person has been approved by the Executive as a member of the Society and the prescribed admission fee has been paid, the Executive shall issue to that person a certificate to that effect.

- (2) Every person to whom a certificate is issued under subsection (1), shall before engaging in the practice of law in Yukon, make and subscribe the following upon oath or affirmation before a judge of the Supreme Court:

"I ... do sincerely promise that I will be faithful and bear true allegiance to Her Majesty, Queen Elizabeth the Second (or the reigning Sovereign for the time being); that I will, as a barrister and solicitor, conduct all causes and matters faithfully and to the best of my ability; that I will not pervert the law to favour or prejudice any person, but will in all things conduct myself truly and with integrity; and that I will uphold and maintain the interests of my fellow citizens according to the constitution and laws in force in Yukon."

- (3) When the applicant for admission has made and subscribed the oath or affirmation set out in subsection (2), a Clerk of the Court shall issue a certificate to that effect and deliver it forthwith to the Executive who shall enroll the applicant as a member of the Society.

- 24 (1) No member may avoid proceedings, suspension, or disbarment under Part 3
- (a) by failure to pay any fee or assessment, or
 - (b) by resigning from the Society without the consent of the Executive.
- (2) The Executive may permit a member to resign rather than be suspended or disbarred.
- (3) Every application of a member for permission to resign shall be in writing and sent to the Executive accompanied by sworn statement or statutory declaration setting forth
- (a) his age, date of call to the bar, place of residence, office address, if any, number of years in practice, if any, and stating briefly the reasons for the application;

- (b) that, except to the extent disclosed, all trust funds or clients' property for which the applicant was responsible have been accounted for and paid over to the persons entitled thereto (an accountant's certificate to that effect shall be attached and marked as an exhibit), or that the applicant has not handled trust funds or other client's property;
 - (c) that, except to the extent disclosed, all clients' matters have been completed and disposed of or that arrangements have been made to the clients' satisfaction to have their papers returned to them or turned over to some other barrister and solicitor, or that the applicant has not engaged in practice;
 - (d) that, except to the extent disclosed, the applicant is not aware of any claims against him in his professional capacity or in respect of his practice; and
 - (e) such additional information or explanation as may be relevant by way of amplification of the foregoing.
- (4) The applicant shall also furnish proof of publication in two issues of the Yukon Gazette of a notice of his intention to apply for permission to resign in the form prescribed in the Rules, such notice to be published at least 30 days and not more than 90 days before the application is sent to the Executive.
- (5) The Executive may require additional information and may accept undertakings from the applicant and may include conditions which are to be complied with by the applicant as a term of granting permission to resign.
- (6) Where the applicant believes that there may be good reason for dispensing with any of the foregoing requirements, he may make application to the Executive setting forth his reasons and the Committee may in its discretion dispense with any of such requirements.
- (7) Where a member has been found to be mentally incompetent and a committee of his affairs has been appointed, the application for permission to resign may be made by his committee.

- (8) A member has the same right of appeal against a decision of the Executive in relation to his application for consent to resignation as he would have against any decision in relation to his reprimand, suspension or disbarment.

PART 3

DISCIPLINE OF MEMBERS

- 25 (1) Subject to any right of appeal conferred by this Part or any other Act, the question of whether the conduct of a member or student-at-law is deserving of censure shall be determined by a Committee of Inquiry and the Executive in accordance with this Part.
- (2) Any act or conduct of a member or student-at-law that is contrary to the public interest or that harms the standing of the legal profession generally or that is contrary to the code of professional conduct and ethics established by the Rules or under subsection 7(8) is conduct deserving of censure, whether or not that act or conduct is disgraceful or dishonourable and whether or not that act or conduct relates to the practice of law.
- (3) Without restricting the generality of subsection (2), conduct deserving of censure includes incompetently carrying out duties or obligations undertaken by a member or student-at-law in his capacity as a member or student-at-law.
- (4) Conduct deserving of censure may be censured by an order under section 38:
- (a) reprimanding the member,
 - (b) suspending in whole or in part and with or without conditions the rights and privileges of the member under this Act, or
 - (c) striking the name of the member from the Roll, thereby ending his rights and privileges as a member under this Act.

- (5) Except where specific provision is made with respect to students-at-law, the provisions under this Part and any Rules respecting discipline applicable to members apply with the necessary changes to students-at-law.
 - (6) Proceedings may be taken and orders may be made under this Part against
 - (a) a person who is no longer a member by reason that he has been suspended or struck off the Roll for failure to pay a fee or an assessment, and
 - (b) a person who has resigned from the Society, if the proceeding or order is in relation to a matter not disclosed or known to the Executive at the time consent to resign was given or the proceeding or order is in consequence of some undertaking given or some condition imposed in relation to the resignation.
- 26
- (1) There shall be a Discipline Committee which shall consist of the membership appointed pursuant to subsections (2) and (3).
 - (2) The Executive shall appoint to the Discipline Committee at least nine members of the Society of whom no less than three shall be active members resident in Yukon and no less than three shall be members not resident in Yukon.
 - (3) The Commissioner in Executive Council shall appoint to the Discipline Committee at least three persons who are not members of the Society.
 - (4) The Discipline Committee shall be the panel of persons from which a Committee of Inquiry shall as the need arises under this Part be constituted.
 - (5) Subject to the Rules and to disqualification for proper cause, such as conflict of interest, bias, reasonable apprehension of bias, every person who is a member of the Discipline Committee is entitled to participate in any Committee of Inquiry.
 - (6) The Chairman of the Discipline Committee shall be designated by the Executive from among the members of the Society appointed to the Committee by the Executive, and may also be an officer, other than the President, of the Society.

- (7) The Chairman of the Discipline Committee shall not be on any Committee of Inquiry.
 - (8) From among the members of the Society appointed by it to the Discipline Committee, the Executive shall designate one or more members to function as Acting Chairman of the Discipline Committee in the event of the absence, disqualification, or incapacity of the Chairman in relation to any particular matter.
 - (9) A member who functions as Acting Chairman of the Discipline Committee shall not be on any Committee of Inquiry in respect of a matter in which he acts as Chairman, but he may, if not otherwise disqualified, be on any other Committee of Inquiry.
 - (10) Each Committee of Inquiry shall be composed of three members of the Discipline Committee.
 - (11) A decision of a majority of the membership present at a meeting of any Committee of Inquiry is a decision of the Committee, but in the event of an evenly divided opinion among the membership, the matter shall be deemed decided against the party on whom the onus of proof or persuasion rests.
 - (12) Each Committee of Inquiry shall include one of the persons appointed by the Commissioner in Executive Council to the Discipline Committee unless:
 - (a) all those persons, having been invited to serve on the Committee of Inquiry, refuse to serve on it or are disqualified from serving on it, or
 - (b) the matter the Committee of Inquiry hears and determines relates solely to some aspect of the relationship between a member and the Society and does not relate to any public conduct of the member or any conduct of the member that affects one or more of his clients or the public.
- 27 (1) For the purposes of this Part the Executive may make Rules
- (a) providing for the making of preliminary investigations into any matter regarding the conduct of a member or a student-at-law, whether a complaint is made or not, and respecting the appointment and remuneration of persons to make such preliminary investigations,

- (b) prescribing the powers and duties of a person conducting such preliminary investigations,
 - (c) prescribing the procedure for conducting such preliminary investigations,
 - (d) respecting proceedings before the Executive in matters pertaining to discipline,
 - (e) respecting the taking of courses of study and examinations by members who have, in accordance with this Part, been found by reason of incompetence to have engaged in conduct deserving of censure.
- 28 (1) The Executive shall refer to the Chairman of the Discipline Committee every complaint about the conduct of a member of the Society that is made to the Executive.
- (2) The Chairman of the Discipline Committee shall review any matter regarding the conduct of a member referred to his attention by a member or by the Executive, whether a complaint is made or not, and shall either
- (a) direct that no further action be taken, if he is of the opinion that the member's conduct is not capable of being found to be conduct deserving of censure, or
 - (b) direct that a preliminary investigation be held regarding the matter.
- 29 (1) A person conducting a preliminary investigation may require the member concerned and any other member to produce to him any ledgers, books, papers, records, files and other documents in the member's possession or under the member's control that, in any way, relate to the matter and may require the attendance at the investigation of the member concerned.
- (2) The Society may apply without notice to any party to the Supreme Court of Yukon for an order
- (a) directing the member concerned and any other member to produce to the person conducting a preliminary investigation any ledgers, books, papers, records, files and other documents in his possession or under his control that, in any way, relate to the matter, or

- (b) directing the member concerned to produce to the person conducting a preliminary investigation any ledgers, books, papers, records, files and other documents in his possession or under his control that, in any way, relate to his practice as a barrister and solicitor or his articles as a student-at-law.
 - (3) The Society in addition to the applications referred to in subsection (2) may apply without notice to any party to the Supreme Court of Yukon for an order directing any person, including any bank, trust company or other corporation in which a member has trust money on deposit, to produce to a person conducting a preliminary investigation any ledgers, books, papers, records, files and other documents that are or may be related to the subject matter of the complaint being investigated.
 - (4) A person making a preliminary investigation into a matter concerning the conduct of a member may investigate any other matter regarding the conduct of the member concerned that arises in the course of the investigation.
 - (5) Nothing in this section compels disclosure of any thing or information that is protected by solicitor-client privilege.
- 30
- (1) On the conclusion of the preliminary investigation, the person or persons who conducted the investigation shall report their findings in writing to the Chairman of the Discipline Committee.
 - (2) The Chairman of the Discipline Committee shall consider the report on the preliminary investigation and shall
 - (a) direct that no further action be taken, if he is of the opinion and belief that reasonable and probable grounds do not exist for concluding that the member's conduct might be deserving of censure,
 - (b) direct that there be an investigation, if he is of the opinion that the member's conduct might be deserving of censure but that more investigation is necessary before he can decide whether or not further action can or should be taken, or

- (c) direct that the matter concerning the member's conduct be referred to a Committee of Inquiry for a hearing, if he is of the opinion and belief that reasonable and probable grounds do exist for concluding that the member's conduct might be deserving of censure.
- 31 (1) Where the Chairman of the Discipline Committee directs pursuant to section 28 or 30 that no further action be taken, the complainant, if any, may appeal to the Executive against that direction.
- (2) On hearing the appeal the Executive shall give the complainant an opportunity to make representations in person or by agent, shall consider such things as the Chairman of the Discipline Committee ought to have considered, and may make any decision or direction that the Chairman could have made under section 28 or 30.
- (3) In an appeal under subsection (1) the Chairman, or acting Chairman, whose direction is being appealed shall not participate in the hearing before or decision of the Executive.
- 32 (1) Where the Chairman of the Discipline Committee directs that the matter concerning the member's conduct be referred to a Committee of Inquiry, he shall in accordance with the Rules and this Act
- (a) convene a Committee of Inquiry to hear the matter, and
- (b) give reasonable notice to the member whose conduct is the subject of the inquiry of the time and place of the inquiry and of reasonable particulars of the conduct and matter to be inquired into.
- (2) A Committee of Inquiry may at any time during a hearing amend any notice in writing given to the member being inquired into and may also inquire into any other matter concerning the conduct of the member that arises in the course of the inquiry, but in either event the Committee shall declare its intention to amend the notice in writing or to investigate the new matter and shall permit the member sufficient opportunity to prepare his answer to the amendment or the new matter.

- (3) The Committee of Inquiry shall inquire into the matter in accordance with the principles of natural justice and for that purpose may
 - (a) adduce and hear evidence on its own motion,
 - (b) hear evidence adduced by the Society or the member,
 - (c) summon and enforce the attendance of persons, other than the member whose conduct is being inquired into,
 - (d) compel the testimony of witnesses, other than of the member whose conduct is being inquired into,
 - (e) compel witnesses to produce documents and things relevant as evidence in the matter being inquired into, and for that purpose may have the powers and remedies of a person under section 29 conducting a preliminary investigation,
 - (f) administer oaths and affirmations, and
 - (g) do all other things as are necessarily incidental to the reasonable exercise of the powers and discharge of the duties of the Committee.
- (4) The attendance of witnesses before a Committee of Inquiry and the production of documents or other things may be enforced by a notice issued by the Chairman of the Discipline Committee requiring the witness to attend and stating the time and place at which the witness is to attend and the documents or other things he is required to produce.
- (5) On the written request of or the member whose conduct is being inquired into, the Chairman of the Discipline Committee shall without charge issue and deliver to the member any notices he needs for the attendance of witnesses or the production of documents or other things.
- (6) A witness who has been served with a notice to attend or a notice for the production of documents or other things under subsection (4) or (5) is entitled to the same fees as are payable to witnesses in civil proceedings in the Supreme Court of Yukon.
- (7) Failure to comply with any order or direction of the Committee of Inquiry made under subsection (3) may be dealt with by the Supreme Court of Yukon, upon application by the member whose conduct is being inquired into or by the Chairman of the

Discipline Committee, in the same way as the Supreme Court could deal with the failure to comply with a similar order or direction in civil proceedings before it and in relation to the production of documents or other things the Court may also make any order that it could make under section 29.

- (8) Nothing in the section compels disclosure of any thing or information that is protected by solicitor-client privilege.
- (9) Subject to subsection 26(12), where the Chairman of the Discipline Committee directs that the matter concerning the member's conduct be referred to a Committee of Inquiry and the member whose conduct is being inquired into requests that the Committee of Inquiry be so constituted, the Chairman of the Discipline Committee shall convene a Committee of Inquiry that:
- (a) does not include any member of the Society who resides in Yukon, or
 - (b) does not include more members of the Society who reside in Yukon than the number that the member whose conduct is being inquired into consents to.
- 33 (1) The Society and any member whose conduct is being inquired into has the right to be represented by counsel in proceedings before a Committee of Inquiry and before the Executive.
- 34 (1) Notwithstanding any other provision of this Act, a Committee of Inquiry may make an order limiting the rights and privileges of a member or suspending the member pending the inquiry of a matter concerning his conduct and pending the making of its finding as to the matter, but in no case shall such limitation or suspension exceed a period of 30 days.
- 35 (1) In any proceedings under this Part, the standard of proof shall be proof on the balance of probabilities and that standard is discharged if the trier of fact is satisfied of the existence of the fact to be proven on evidence sufficient to establish that the existence of the fact is more probable than its non-existence.

- (2) In proceedings under this Part the following evidence is admissible if relevant
 - (a) opinion evidence, even where it is relevant to the very question before the Committee of Inquiry or Court, and
 - (b) hearsay evidence, but the weight to be given to hearsay evidence shall be judged according to its apparent reliability and the availability of other evidence that would be admissible without relying on this paragraph.
 - (3) Subject to subsection 36(2), where previous proceedings under this Part have taken place in respect to the same member, the Committee of Inquiry may accept any evidence taken in the previous proceeding.
 - (4) Where other proceedings have taken place before any Court or other tribunal acting judicially in respect of the same conduct that the Committee of Inquiry is inquiring into, the Committee may accept any evidence taken in that other proceeding, other than evidence that would be excluded under subsection 36(2) if that other proceeding had been a proceeding under this Part.
 - (5) The weight to be attached in present proceedings to evidence referred to in subsection (3) shall be a matter for the Committee of Inquiry to determine and the Committee is not bound by any determination in that respect that may have been made in the previous proceedings.
 - (6) Where it is established or admitted that a member has received any moneys upon trust, the burden of proof that the moneys have been properly dealt with lies upon the member.
- 36 (1) A member whose conduct is being inquired into has the right to appear at the inquiry but in the event of non-attendance of such member, the Committee of Inquiry may, upon proof of service of notice to the member, proceed with the investigation in the absence of the member and without further notice to the member make a report of its findings or take such other action as it is authorized to take under this Act.

- (2) A witness in a proceeding under this Part may be examined on all matters relevant to the inquiry but has the right not to have any incriminating evidence so given used to incriminate him in any other proceedings, except in a prosecution for perjury or for giving contradicting evidence.
 - (3) A member who attends as a witness in any proceedings under this Part may not refuse to give evidence or produce any documents or other things on the ground of solicitor and client privilege.
 - (4) For the purpose of obtaining the testimony of a witness who is out of Yukon, the Supreme Court of Yukon, upon an application without notice by the Committee of Inquiry or the member whose conduct is being inquired into, may make such orders for the taking of the evidence of that person out of Yukon as the Court could make in civil proceedings before it.
 - (5) Where it is justifiable for the protection of the complainant or of a client or other person affected by the conduct of the member whose conduct is being inquired into or who attends as a witness, admittance to the place in which the hearing under this Part takes place may be restricted at the discretion of the Committee of Inquiry and no person shall be permitted to be present other than the officials of the Committee, the parties, their counsel and such other persons as the Committee may require or permit to be present and whose presence will not be prejudicial to the interests of that complainant, client or other person.
- 37 (1) Where the Committee of Inquiry finds that the member has not engaged in conduct deserving of censure, no further proceedings other than an appeal under section 43 may be taken under this Part in respect of the matter.
- 38 (1) Where the Committee of Inquiry finds that the member has engaged in conduct deserving of censure, the Committee may
- (a) reprimand the member,
 - (b) order that the member's right under this Act to practice law be suspended for a specified time,

- (c) impose for a specified time reasonable restrictions on the member's right under this Act to practice law, including the restriction that he not carry on the private practice of law as a sole practitioner or in specified fields of law, or
 - (d) order that the name of the member be struck off the Roll and that the member's right under this Act to practice law be terminated.
- (2) Where an order of suspension is made under subsection (1), or an order continuing the suspension is made under this subsection, the suspension shall not continue beyond the expiration of two years after the day the order is made unless
- (a) a Committee of Inquiry conducts a review of the justification for the suspension within the last six months of that two year period,
 - (b) the continuation of the suspension is necessary for the protection of the public, and
 - (c) the Committee orders a continuation of the suspension.
- (3) Notwithstanding subsection (1), where the Committee of Inquiry finds a member has engaged in conduct deserving of censure by reason of having incompetently carried out duties he undertook in his capacity as a member, the Committee may
- (a) suspend the member from engaging in the practise of law or in a field of law,
 - (b) suspend the member from engaging in the practice of law or in a field of law until the member has successfully completed a course of study ordered by the Committee,
 - (c) suspend the member from engaging in the practise of law or in a field of law until the member has appeared before a board of examiners appointed by the Committee and has satisfied the board that he is competent to engage in the practise of law or in a field of law in respect of which an adverse determination was made,
 - (d) suspend the member from engaging in the practise of law or in a field of law until the member has undertaken in writing in a form specified by the Committee that he will restrict his practice in the manner ordered by the Committee,

- (e) require that the member successfully complete a course of study ordered by the Committee within a period of time determined by the Committee and on his failure to complete the course successfully suspend the member from engaging in the practise of law or in a field of law in respect of which an adverse determination was made,
 - (f) require the member to appear before a board of examiners appointed by the Committee within a period of time ordered by the Committee and satisfy the board that he is competent to engage in the practise of law or in a field of law in respect of which an adverse determination was made and, on his failure to satisfy the board, suspend the member from engaging in the practise of law or in a field of law in respect of which the adverse determination was made,
 - (g) suspend the member from engaging in the practice of law until the member has appeared before a board of examiners appointed by the committee and has satisfied the board that his competence to practise is not adversely affected by a physical or mental disability, or addiction to alcohol or drugs, or
 - (h) require the member to appear before a board of examiners appointed by the Committee within a period of time ordered by the Committee and satisfy the board that his competence to practise is not adversely affected by a physical or mental disability or addiction to alcohol or drugs, and on his failure to satisfy the board, suspend the member from engaging in the practice of law or in a field of law in respect of which an adverse determination was made.
- (4) For the purpose of subsection (3), no member shall be required to take and no board of examiners shall set an examination other than one that is based upon a curriculum or course of studies established by the Rules, and the standard of success in an examination or of satisfactorily demonstrating competence to practise shall in all cases be reasonable.
- (5) Where an order referred to in subsection (1) or (3) is made, costs in relation to the proceedings under this Part may be ordered against the member whose conduct was found to be deserving of censure, but those costs shall in no case exceed

the cost incurred by the Society in the conduct of the proceedings and shall in all cases be taxable by a clerk of the Supreme Court in the same manner and on the same basis as if the proceeding had been a proceeding in the Supreme Court.

- (6) Costs ordered against a member under subsection (5) are a debt payable by the member to the Society.
- 39 (1) Where the Committee of Inquiry finds that a student-at-law has engaged in conduct deserving of censure by reason of having incompetently carried out duties that he undertook in his capacity as a student-at-law, the Committee
- (a) shall not terminate the articles of the student-at-law unless there is no reasonable prospect that he can, with more training and experience, qualify for admission as a member,
 - (b) shall not suspend the articles of the student-at-law, but may instead extend the required period of articles for a specified time, and
 - (c) subject to paragraphs (a) and (b), exercise in relation to the student-at-law all the powers of the Committee under section 38.
- 40 (1) Every Committee of Inquiry shall make and keep a record of the proceedings before it.
- (2) The record shall consist of notices related to the proceeding or review and proof of service thereof, a transcript of any evidence adduced, the documents or other things received in evidence and a description of any findings or orders and reasons therefor, but need not include a transcript of argument presented by or on behalf of any party to the proceeding or review.
- 41 (1) Upon the expiration of two years after the date the last finding or order in the proceeding or review was given the Society may apply, without notice to any party, to a judge of the Supreme Court for an order for the destruction of the record of the proceeding, other than of the findings or orders and reasons therefor, and the judge may make the order upon being satisfied there is no reasonable likelihood of any future need for the record in the interests of the Society, the public or the member whose conduct was the subject of the proceeding or review.

- 42 (1) Where a member is suspended or struck from the Roll or his right to practice is restricted, the Chairman of the Discipline Committee shall so notify the law society in each province.
- 43 (1) The member whose conduct was inquired into may appeal to the Supreme Court of Yukon against any finding or order of the Committee of Inquiry under section 38.
- (2) An appeal under subsection (1) shall be taken by notice of appeal given within 30 days, or such longer time as the Court may allow, from the date on which the finding or order appealed against was given.
- (3) The procedure for the conduct of an appeal taken under subsection (1) shall be, with such reasonable modifications directed by the Court as may be necessary, the same as for an appeal in the Court of Appeal.
- (4) On hearing the appeal the Supreme Court of Yukon may
- (a) make any finding that in its opinion ought to be made,
 - (b) quash or confirm any finding made by the Committee of Inquiry,
 - (c) make any order that in its opinion the Committee of Inquiry ought to have made, and
 - (d) refer the matter back to the Committee of Inquiry, with or without directions, for further consideration by it.
- (5) Where a member appeals under subsection (1) the Chairman of the Discipline Committee shall deliver to the Clerk of the Supreme Court and to the member a true copy of the record of proceedings before the Committee of Inquiry.
- 44 (1) Where the member appeals under subsection 43(1) he may apply to the Supreme Court of Yukon for, and the Court may grant, an order staying the order of the Committee of Inquiry pending the appeal.

- (2) The judge may make the staying order under subsection (1) subject to such conditions as to the financial responsibility of the member and such restrictions on the member's right to practice as the judge thinks appropriate, including the restriction that he not carry on the private practice of law as a sole practitioner or in specified fields of law.
- 45 (1) When the name of any member has been struck off the Roll under this Part, he may apply to the Executive for reinstatement, but he shall not be reinstated as a member except by permission of the Executive, and that permission shall not be unreasonably withheld.
- (2) When the articles of a student-at-law are terminated under this Part, he may apply to the Executive for admission again, but he shall not be admitted again as a student-at-law except by permission of the Executive, and that permission shall not be unreasonably withheld.
- (3) The Executive shall not grant permission under subsection (1) or (2) within two years after the date the order for striking off or termination was given or confirmed on appeal, if it was appealed.
- (4) No member of the Executive when the application is made for permission under subsection (1) or (2) who was a member of the Committee of Inquiry that ordered the striking off or termination is, for that reason alone, disqualified from participating in the hearing and decision on the application for permission.

PART 4

PROTECTION OF CLIENTS

Part 4, Division (1) - Assurance Fund

- 46 (1) The Society shall establish, maintain and operate a fund to be known as the "Assurance Fund" for the reimbursement of pecuniary losses sustained by reason of the misappropriation or wrongful conversion by a member of property entrusted to or received by him in his capacity as a barrister or solicitor.

- 47 (1) The Executive may make rules,
- (a) respecting the administration of the Assurance Fund;
 - (b) providing for levying upon active members an annual assessment and of special assessments of such amounts as may be fixed by the Executive from time to time for the purpose of establishing, maintaining, and augmenting the Assurance Fund;
 - (c) providing for the payment out of the Assurance Fund of expenses incurred in the administration of the Fund or in connection with audits, investigations, hearings or other action taken pertaining to the accounts of members under this Act; and
 - (d) prescribing conditions to be met before the reimbursement of a loss may be made out of the Assurance Fund.
- 48 (1) A member is not required to pay the annual assessment or any special assessment referred to in paragraph 47(1)(b) if, during the time in respect of which the assessment is levied, no property that belongs to another person was entrusted to or received by him in his capacity as a barrister or solicitor in the private practice of law and
- (a) he did not engage in the private practice of law in Yukon,
 - (b) he practised exclusively as an employee of a sole practitioner or of a firm and did not practise on his own account apart from such employment,
 - (c) he acted exclusively as an employee of a corporation or a government or a government agency and has not practised on his own account apart from such employment.
- (2) A member who has not paid the annual assessment referred to in paragraph 47(1)(b) shall not receive, in his capacity as a barrister or solicitor in the practice of law, any property that belongs to another person.
- (3) In each annual general meeting of the Society the Executive shall deliver to the members a full financial report upon the Assurance Fund identifying,
- (a) the sources of its revenue and the disposition of claims made during the previous year, and
 - (b) any claims outstanding as of the date of the report.

- 49 (1) The Assurance Fund is not subject to any trust, and it shall be kept separate from the other funds of the Society.
- (2) All funds of the Assurance Fund shall, pending investment or application in accordance with this section, be paid into a bank or trust company in Yukon to the credit of a separate account.
- (3) The Executive may invest the Assurance Fund, but only in whatever way a trustee may, under the Trustee Act, invest money entrusted to him.
- (4) The Society may enter into contracts with insurers or other persons whereby the Fund may be protected in whole or in part against any claim or loss to the Fund.
- 50 (1) Where property that belongs to a person has been entrusted to or received by a member in his capacity as such barrister and solicitor in the practice of law and the person sustains pecuniary loss by reason of the misappropriation or wrongful conversion of the property by the member, the person qualifies for reimbursement of his loss out of the Assurance Fund.
- (2) Any person who alleges he qualifies for reimbursement under subsection (1) may apply to the Executive for reimbursement.
- (3) The maximum entitlement of any person to reimbursement out of the Assurance Fund is \$500,000 in respect of the same loss.
- (4) Where a person qualifies under subsection (1) for reimbursement out of the Assurance Fund, the Executive shall, subject to the maximum described in subsection (3), pay out of the Fund to that person the amount of his loss.
- (5) No payment out of the Assurance Fund shall be made to any person who does not qualify for reimbursement under subsection (1).

- (6) Where the Executive makes a payment out of the Assurance Fund the Society is subrogated to the rights, remedies, and securities to which the person who claimed and received payment from the Fund was entitled as against the member who caused the loss or against that member's trustee, assignee, estate or personal representative and those rights, remedies, and securities may be enforced or realized in the name of the Society.

Part 4, Division (2) - Professional Liability Claims Fund

- 51 (1) In this Part,
- (a) "deductible amount" means
 - (i) with reference to the Fund, the amount, if any, prescribed by the Rules as the amount to be deducted from any claim paid from the Fund, and
 - (ii) with reference to a group contract, the amount, if any, specified in the contract as the amount that the insurer is entitled to deduct from the amount of any claim for which the insurer is liable under the contract;
 - (b) "Fund" means the Professional Liability Claims Fund;
 - (c) "group contract" means a group insurance contract entered into pursuant to subsection 53;
 - (d) "professional liability claim" means a claim against a member for an amount of money that the member is legally obligated to pay as damages arising out of the performance of professional services for another person in the member's capacity as a barrister or solicitor and caused by the member or any other person for whose acts the member is legally liable.
- 52 (1) The Executive may establish and maintain a fund to be known as the Professional Liability Claims Fund.
- (2) The Executive may make rules
- (a) specifying the purposes mentioned in subsection (3) for which the Fund may be used,
 - (b) respecting the administration of the Fund,

- (c) providing for levying upon active members an annual assessment and of special assessments of such amounts as may be fixed by the Executive from time to time for the purpose of establishing, maintaining and augmenting the Fund,
 - (d) governing the payment and recovery of the whole or part of any deductible amounts pursuant to section 53.
- (3) The Fund may be used for whichever of the following purposes the rules specify:
- (a) the indemnification by the Society in whole or in part of members liable to pay assessments referred to in paragraph (2)(c) in respect of professional liability claims made against them;
 - (b) the payment in whole or in part of deductible amounts pursuant to section 53;
 - (c) the payment of premiums payable by the Society under a group contract;
 - (d) the payment of premiums or other costs payable by the Society under a contract entered into pursuant to subsection (5);
 - (e) the payment of expenses incurred in connection with audits, investigations of claims against the Fund and hearings pertaining to such claims.
- (4) Where the rules specify that the Fund may be used for the purpose referred to in paragraph (3)(a) the Executive may make rules
- (a) prescribing the deductible amount and also the maximum amount, which shall be not less than \$1,000,000, that may be paid from the Fund in respect of any professional liability claim,
 - (b) prescribing the conditions to be met before any claim may be paid from the Fund,
 - (c) prescribing classes of professional liability claims in respect of which no payment or partial payment only shall be made from the Fund, and
 - (d) providing for any matter or procedure in connection with the filing, settling, administration and payment of claims made against the Fund.

- (5) The Society may enter into contracts with insurers or other persons whereby the Fund may be protected in whole or in part against any claim or loss to the Fund.
 - (6) The Fund shall be kept separate and apart from any other funds of the Society, and is not subject to any trust.
 - (7) The Fund shall, pending investment or application in accordance with this Part, be deposited with a bank or trust company in Yukon.
 - (8) The Executive may invest the Fund, but only in whatever way a trustee may, under the Trustee Act, invest money entrusted to him.
 - (9) A member may but is not required to pay the annual or any special assessment referred to in paragraph (2)(c) if, during the time in respect of which the assessment is levied:
 - (a) he did not engaged in the private practice of law in Yukon,
 - (b) he practised exclusively as an employee of a sole practitioner or of a firm and did not practise on his own account apart from such employment, or
 - (c) he acted exclusively as an employee of a corporation or a government or a government agency and has not practised on his own account apart from such employment.
 - (10) A member who is not required to pay and does not pay the annual or special assessment is not entitled to indemnification from the Fund or under a group contract, as the case may be.
- 53
- (1) The Society may enter into a group insurance contract providing for the indemnification by the insurer thereunder in whole or in part of members liable to pay assessments referred to in paragraph 52(2)(c) in respect of professional liability claims against them, on such terms and conditions as may be agreed upon.
 - (2) An insurance contract made under subsection (1) may stipulate a maximum amount that may be paid under the contract in respect of a professional liability claim, but that maximum amount be not less than \$1,000,000 in respect of any professional liability claim.

- (3) The Society may enter into a group contract with an insurer either alone or jointly with one or more law societies or governing bodies of the legal profession in other provinces that are incorporated for purposes comparable to those of the Society.
- (4) The Executive may make rules
 - (a) providing for any matter or procedure in connection with the filing, settling, administration and payment of claims made against the insurer under the group contract and which is not otherwise provided for in the group contract, and
 - (b) respecting the notice required to be given by an active member to the Society of a claim or possible claim against him and for which the insurer may be liable for indemnification under the group contract.

- 54 (1) Where an amount is paid or is payable from the Fund or by the insurer under a group contract as indemnification in respect of a professional liability claim, or where the amount of a professional liability claim is equal to or less than the deductible amount, the Society shall pay from the Fund
- (a) the whole or part of the deductible amount to the claimant in the event of the inability or failure of the member concerned or any other person to pay the whole or part of the deductible amount, or
 - (b) the whole or part of the deductible amount to the claimant with the consent of and on behalf of the member concerned, upon such terms as to repayment by the member to the Society as the Executive may prescribe.
- (2) Where any payment is made by the Society pursuant to paragraph (1)(a), the Society is subrogated to the rights, remedies and securities to which the claimant was entitled as against the member concerned or against the member's trustee, assignee, estate or personal representative and those rights, remedies and securities may be enforced or realized in the name of the Society.

- 55 (1) Where the Executive has not established or is not maintaining the Professional Liability Claims Fund, every active member, other than a member referred to in subsection (2), shall take out and maintain in force a policy of liability insurance in respect of professional liability claims against him to a limit of at least \$1,000,000.
- (2) Subsection (1) does not apply to any member who:
- (a) does not engage in the private practice of law in Yukon,
 - (b) practices exclusively as an employee of a sole practitioner or of a firm and does not practise on his own account apart from such employment, or
 - (c) acts exclusively as an employee of a corporation or a government or a government agency and does not practice on his own account apart from such employment.
- (3) The Executive may make Rules limiting the amount of any deductible amount that a member may contract for in a policy of liability insurance he is required under subsection (1) to take out and maintain.
- 56 (1) Each active member to whom subsection 55(1) applies shall, at least once in each year and more frequently if so required by the Rules, satisfy the Executive that he is complying with subsection 55(1).
- (2) Notwithstanding subsection (1), the Chairman of the Discipline Committee may, whenever he considers it necessary or advisable, require any active member to whom subsection 55(1) applies to satisfy the Executive that he is complying with subsection 55(1).
- 57 (1) Where a member has taken out a policy of liability insurance in respect of professional liability claims
- (a) no cancellation or voiding of that policy in whole or in part by the insurer for any reason is effective unless the insurer gives both the member and the Executive at least 30 days notice of the cancellation or voiding, and

- (b) where the policy is cancelled or voided by reason of failure to pay a premium it shall be reinstated upon payment of the premium by or on behalf of the insured and, upon such reinstatement, shall be deemed to have been continuously in effect.

Part 4, Division (3) - Seizure and Custody of Property

- 58 (1) In this Division,
- (a) "depository" means any bank or trust company or person holding by way of deposit or otherwise any moneys, trust funds or assets of any kind relating to the business of a member as a barrister and solicitor;
 - (b) "member" includes a former member of the Society;
 - (c) "property" or "property of a member" means any thing wherever situated acquired and being used by a member in relation to his practice or given to a member by or for a client or any other person where it in any way relates to his practice or former practice as a barrister or solicitor or the business or affairs of his clients or former clients and whether or not it was acquired before or after he ceased to practise as a barrister or solicitor.
- 59 (1) A judge of the Supreme Court of Yukon may, upon application by the Society either without notice to any party or on such notice as the judge may require, appoint a person as custodian to have custody of the property of the member and to manage or wind up the legal business of the member in any of the following cases:
- (a) when the name of a member has been struck from the Roll,
 - (b) when a member has been suspended,
 - (c) when a member has died or become mentally incapacitated,
 - (d) when by reason of illness or for any other reason a member is unable to practise as a barrister and solicitor,
 - (e) when a member has absconded or is otherwise improperly absent from his place of business or has neglected his practice for an unduly extended period,
 - (f) where there is reason to believe that the trust moneys held by a member are not sufficient to meet his trust liabilities, or
 - (g) when other sufficient grounds exist.

- (2) In an order under subsection (1) or in any subsequent order made without notice to any party, or upon such notice as the judge may require, the judge may
- (a) direct the sheriff to seize and remove and place in the custody of the custodian all property of the member, and to that end the order may authorize the sheriff to enter upon any premises or open any safety deposit box or other receptacle where there are grounds for believing that property of the member may be found,
 - (b) direct any depository of property of a member to deal with, hold, pay over or dispose of such property to the custodian, or in such other manner as the judge may deem proper,
 - (c) direct the removal of any custodian appointed by such order and appoint another custodian,
 - (d) give directions to the custodian as to the disposition of the property in his hands or any part or parts thereof,
 - (e) make provision for the remuneration, disbursements and indemnification of the custodian out of the property of the member,
 - (f) make provision for the discharge of a custodian upon completion of the responsibilities imposed on him under this Part, and
 - (g) give such further directions or make such further orders as the nature of the situation requires.
- 60 (1) Where property of a member has been placed in the custody of a custodian under section 59 the Executive or any person appointed by the Executive for the purpose shall examine the property and thereafter the custodian shall, upon reasonable notice, inform clients of the member or such other persons as he considers necessary
- (a) that the property of the member is in the custody of the custodian, and
 - (b) that the client or other person may apply to the custodian in person or by solicitor or agent for the delivery to him of the property in which he appears to have an interest or for permission to make copies of any documents and papers among the property that he thinks necessary to copy, in respect of any transactions or dealings he had with the member.

- (2) Where the custodian is satisfied that a person is entitled to any property in his custody he may deliver the property to the person claiming it.
- (3) Where a member whose property has been placed in the custody of a custodian under section 59 claims to be entitled to a solicitor's lien upon or in respect of any part or parts thereof
 - (a) he shall, within thirty days from the service of the order upon him, file notice and particulars of his claim for lien with the custodian, and
 - (b) the custodian shall forthwith give notice of the claim for lien to the apparent owner of the property against which the lien is claimed and thereafter the rights of the parties shall be determined according to law.
- (4) Where a barrister and solicitor fails to file a claim for lien pursuant to this section, any lien that he might otherwise be entitled to is extinguished and the custodian is entitled to deliver any property to the claimant thereof, if otherwise satisfied that it is proper to do so.
- (5) Notwithstanding anything in this section, a judge of the Supreme Court may summarily determine the validity of any claim to a solicitor's lien.

Part 4, Division (4) - Books, Records and Accounts

- 61 (1) In sections 62 to 64,
- (a) "client" includes any person or body of persons, corporate or unincorporate, from whom or on whose behalf a member in connection with his practice receives money or other property;
 - (b) "member" includes a firm of members;
 - (c) "money" includes current coin, government or bank notes, cheques, drafts, post office orders, or express or bank money orders.

- 62 (1) Every member who receives money in trust for a client, except money hereinafter expressly exempted from the application of this section, shall forthwith pay the money into an account at a bank or trust company to be kept in the name of the member or in the name of the firm of which he is a member or by which he is employed and designated as a trust account.
- (2) A member may keep one or more trust accounts as he thinks fit.
- (3) A member who receives money in trust for a client shall inform the client in writing that an arrangement may be made between the member and the client to deposit the money in a separate trust account and that the interest, if any, shall be the property of the client.
- (4) Trust money is money received by a member that belongs in whole or in part to a client or that is to be held on the client's behalf or to his or another's direction or order, and includes money advanced to a member on account of fees for services not yet rendered or money advanced on account of disbursements not yet made.
- (5) There shall be paid into a trust account established under this section only,
- (a) trust money;
 - (b) money that may by inadvertence have been drawn from the trust account in contravention of this section;
 - (c) money paid to a member representing in part money belonging to a client and in part money belonging to the member where it is not practicable to split the payment, but money belonging to the member shall be drawn from the trust account without delay.
- (6) Money need not be paid into a trust account,
- (a) that a client in writing requests a member to withhold from the trust account or to deposit elsewhere;
 - (b) that a member pays into a separate account opened or to be opened in the name of a client or some person named by that client or the duly authorized agent of that client;
or
 - (c) that in the ordinary course of business upon its receipt is paid forthwith, in the form in which it is received, to or on behalf of the client,

- (7) The handling of money that, pursuant to subsection (6), is not paid into a trust account shall be shown in the books and records of the member.
- (8) Money shall not be paid into a trust account,
- (a) that belongs entirely to the member or to others in his firm, including an amount received as a general retainer for which the member is not obligated either to account or to render services;
 - (b) that is received by the member on account of fees for which a billing has been delivered or for services already performed for which a billing is delivered forthwith thereafter or is received to reimburse the member for disbursements made or expenses incurred on behalf of a client.
- (9) Money on deposit in a trust account to which the member becomes entitled shall promptly thereafter be drawn from the trust account in accordance with subsection (10).
- (10) Money shall not be drawn from a trust account unless it is
- (a) money properly required for payment to or on behalf of a client;
 - (b) money required to reimburse the member for money properly expended on behalf of a client or for expenses properly incurred on behalf of a client;
 - (c) money properly required for or toward payment of the member's fees for which a billing or other written notification has been rendered;
 - (d) money that is directly transferred into another trust account and held on behalf of a client;
 - (e) money that may by inadvertence have been paid into the trust account in contravention of this section.
- (11) In no case shall the money so drawn under subsection (9) exceed the unexpended balance of the money held in the trust account for the client.
- (12) Money drawn from a trust account under paragraph (b) or (c) of subsection (10) shall be drawn only,
- (a) by a cheque drawn in favour of the member; or
 - (b) by a transfer to a bank account that is in the name of the member and is not a trust account.

- (13) A cheque drawn on a trust account shall not be.
- (a) made payable either to cash or to bearer; or
 - (b) signed by a person who is not a member, unless there are circumstances and the person who signs is bonded in an amount at least equal to the maximum balance on deposit during the immediately preceding fiscal year of the member in all the trust accounts on which signing authority has been delegated to the person.
- (14) Money, other than money permitted by subsection (10), shall not be drawn from a trust account unless the Executive specifically authorizes in writing its withdrawal.
- (15) At all times a member shall maintain sufficient balances on deposit in his trust account or accounts to meet all his obligations with respect to moneys held in trust for clients.
- (16) For the purposes of subsection (10) and (15), cash or a certified cheque or cheques negotiable by the member or cheques drawn by the member on his trust account, in the possession and control of the member, shall be deemed to be money held in a trust account if such cash or cheques received are deposited in the trust account not later than the next banking day.
- 63 (1) In this section, "Treasurer", means the Treasurer defined in the Financial Administration Act.
- (2) Subject to any conditions of the trust, a member who has for seven years held money in his trust account or held any other property in trust in his capacity as member on behalf of a person who the member is unable to locate and to whom the money is payable or the property is to be delivered shall pay the money or deliver the property to the Treasurer unless the Executive authorizes him to hold it for such longer time as the Executive may specify.
- (3) Subject to any conditions of the trust, a member who has for two years held money in his trust account or held any other property in trust in his capacity as member on behalf of a person who the member is unable to locate and to whom the money is payable or the property is to be delivered may apply to the Executive for permission to pay the money or deliver the property to the Treasurer.

- (4) On an application under subsection (2) or (3) the Executive shall have regard to
 - (a) the nature of the trust and the circumstances in which it arose,
 - (b) whether the member has made a reasonable effort to locate the person to whom the money is payable or the property is to be delivered,
 - (c) whether there is a reasonable prospect that the member will be able to locate the person to whom the money is payable or the property is to be delivered.
- (5) Upon the payment of the money or delivery of the property under subsection (2) or (3) to the Treasurer, the liability of the member to pay or deliver it to the person on whose behalf he previously held it, or to that person's legal representative, is extinguished.
- (6) Subject to subsections (8) and (9), money paid under subsection (2) or (3) to the Treasurer becomes public money within the scope of the Financial Administration Act.
- (7) Subject to subsection (8), property delivered under subsection (2) or (3) to the Treasurer becomes public property within the scope of the Financial Administration Act.
- (8) A person or his legal representative who, but for subsections (2), (3), and (5), could have claimed the money or property from the member may claim the money or property from the Treasurer and the Treasurer shall pay the money or deliver the property to him when he satisfactorily demonstrates that he is entitled to receive it.
- (9) The Treasurer is not required to pay interest on any money paid to him under subsection (2) or (3).
- (10) No claim against the Treasurer is enforceable after 10 years after the money or property was received by the Treasurer under subsection (2) or (3) and, after that period, the money or property becomes the property of the Government of Yukon.

- (11) A person whose claim against the Treasurer under subsection (8) is not allowed by the Treasurer may apply to the Supreme Court of Yukon for a review of the Treasurer's decision and the Court may allow the claim in such amount as it may determine.
- 64 (1) Every member shall maintain books, records and accounts in connection with his practice to record all money and other negotiable property received and disbursed, and as a minimum requirement every member shall maintain,
- (a) a book of original entry showing the date of receipt and source of money received in trust for each client and identifying the client on whose behalf the trust money is received;
 - (b) a book of original entry showing all disbursements out of money held in trust for each client and showing each cheque number, the date of each disbursement, the name of each recipient, and identifying the client on whose behalf each disbursement is made out of money held in trust;
 - (c) a clients' trust ledger showing separately for each person on whose behalf money has been received in trust all such money received and disbursed and any unexpended balance;
 - (d) a record showing all transfers of money between clients' trust ledger accounts and explaining the purpose for which each transfer is made;
 - (e) a book of original entry showing the date of receipt and source of all money received other than trust money;
 - (f) a book of original entry showing all disbursements of money other than trust money and showing each cheque or voucher number, the date of each disbursement, and the name of each recipient;
 - (g) a fees book or chronological file of copies of billings showing all fees charged and other billings to clients, the dates such charges are made, and identifying the clients so charged;
 - (h) a record showing a comparison made monthly of the total of balances held in the trust account or accounts and the total of all unexpended balances of funds held in trust for clients as they appear from the books and records

- together with the reasons for any differences between the totals and supported by,
- (i) a detailed listing made monthly showing the amount of trust money held for each client and identifying each client for whom trust money is held,
 - (ii) a detailed reconciliation made monthly of each trust bank account
 - (iii) a record showing all negotiable or other valuable property, other than money, held in trust from time to time for all clients;
- (f) bank statements or pass books, cashed cheques and detailed duplicate deposit slips for all trust and general accounts.
- (2) The books, records and accounts required to comply with subsection (1)
- (a) shall be entered and posted currently at all times, and the trust comparison required by paragraph (h) shall be made monthly within fifteen days from the effective date of each comparison, and
 - (b) shall be entered and posted in ink or a duplication thereof, or by machine, and shall be preserved for at least the six-year period previous to the most recent fiscal year-end of the member, with the exception of trust cash receipt and disbursement books of original entry and the books and records required by paragraphs (c), (h) and (i) of subsection (1) which shall be preserved for at least 10 years.
- 65 (1) Every active member who engages in the private practice of law in Yukon shall inform the Executive in writing of the termination date of his fiscal year, and shall file with the Executive written notice of any change in the fiscal year within one month after the change is made.
- (2) Subject to subsection (3), every active member who engages in the private practice of law in Yukon shall file with the Society within six months from the termination of his fiscal year a statutory declaration in the prescribed form and a

report duly completed in the prescribed form by a chartered accountant or a certified general accountant signed by the member in respect of each practice with which he was associated since his last filing.

- (3) Subsections (1) and (2) do not apply to a member,
- (a) who has not engaged in the private practice of law in Yukon since last filing under this section;
 - (b) who has practised exclusively as an employee of a sole practitioner or of a firm and who has not practised on his own account apart from such employment since last filing under this section; or
 - (c) who has acted exclusively as an employee of a corporation or a government agency and has not practised on his own account apart from such employment since last filing under this section.

66 (1) Nothing in this Act deprives a member of any recourse or right, whether by way of lien, set-off, counter claim, charge or otherwise, against money standing to the credit of a client in the member's trust account.

67 (1) Where he considers it necessary or advisable, the Chairman of the Discipline Committee may make an order providing for the audit by a chartered accountant or a certified general accountant of the books and accounts of a member and that member shall forthwith make his books and accounts fully available for examination by such accountant.

68 (1) Where the Chairman of the Discipline Committee is satisfied that a member has failed to account to a client or to deliver any property to a client or as directed by the client, the Chairman may,

- (a) direct the member to give to the client or to the Executive, or both, an accounting of the property, or
- (b) direct the member to pay the property into or deposit the property with the Supreme Court of Yukon,

and may fix a time within which the member is to comply with the direction.

- (2) Property paid or deposited under subsection (1) may, upon an order of a judge of the Court, be paid out or delivered to the person or persons named in the order as being entitled thereto.

Part 4, Division (5) - Fees and Review of Fees

- 69 (1) Notwithstanding any law or usage to the contrary, a member may contract with a person as to the remuneration to be paid to him for services rendered or to be rendered to the person instead of or in addition to fees established under the Rules or to the costs which are allowed to the member but such a contract shall be unenforceable by the member unless in writing.
- (2) A member may make an agreement, to be known as a contingent fee agreement, that provides that a member's remuneration for services to be provided for or on behalf of a client be based upon a percentage of the amount recovered but such an agreement shall be unenforceable unless it is in writing.
- (3) A member may not enter into a contingent fee agreement where the services provided relate to an application respecting
 - (a) any proceeding under the Matrimonial Property and Family Support Act or the Divorce Act (Canada), or in relation to any other matrimonial cause or the property of an infant,
 - (b) any proceeding in relation to the property of any person under legal disability,
 - (c) any proceeding in relation to the distribution of the estate of a deceased person or the partition of property, or
 - (d) any other matter or class of matters described in the Rules.
- (4) The Executive may make rules respecting contingent fee agreements, and the rules may
 - (a) provide for the form and content of contingent fee agreements,
 - (b) establish maximum percentages for different classes of service, and
 - (c) establish maximum percentages that are applicable at different stages of a proceeding in respect of which a contingent fee agreement has been entered into.

- (5) Champertous contracts are prohibited and unenforceable by the member, but the taking of a fee based on a proportion of the amount recovered is not, in itself, champertous.
- (6) No member shall purchase or agree to purchase the interest or any part of the interest of his client in any action or other contentious proceeding to be brought or maintained and, subject to subsections (2) to (5), no member shall make an agreement in which he stipulates for payment only in the event of success in the action or proceeding.
- (7) Any agreement that is made contrary to subsection (6) shall be deemed to be champertous.
- (8) A contingent fee agreement shall
- (a) set out the percentage established under subsection (4)(b) and (c), and
 - (b) provide that the client or member may apply to have the contract reviewed by the clerk of the Supreme Court under subsection (10).
- (9) Where a contingent fee agreement has been entered into and the member receives or is paid, through a settlement, costs in respect of the proceeding or anticipated proceeding in respect of which the contingent fee agreement was entered into, the costs shall not, for the purpose of determining the amount of fees the member is entitled to under the agreement, form part of the recovery, but shall
- (a) constitute part of the fees payable to the member, and
 - (b) be deducted from the amount that would otherwise be payable under the agreement.
- (10) A person who has made an agreement with a member for the payment of legal services, or who is contingently liable to make payment on such an agreement including a contingent fee agreement, may, within 90 days after the agreement was made or the retainer between the solicitor and client was terminated, apply to the clerk of the Supreme Court to have the agreement reviewed, notwithstanding that the person has made payment to the member under the agreement.

- (11) On an application under subsection (10) the clerk shall, where he considers that the contract is unfair, modify or cancel the agreement and where he cancels the agreement he
- (a) may require the member to prepare a bill for review, and
 - (b) shall review the costs, fees, charges and disbursements for the services provided as though there were no agreement.
- (12) A person or member, as the case may be, may appeal a decision of the clerk on any matter under subsection (11) to the Supreme Court.
- (13) A provision in an agreement referred to in subsection (1) that the member shall not be liable for negligence, or that he shall be relieved from responsibility to which he would otherwise be subject as a member, is void.
- (14) Where remuneration has been received or retained by a member in excess of the amount permitted by this section or, in the case of a review by a clerk under subsection (11), in excess of the amount fixed by the clerk, he shall refund the excess amount to the client.
- (15) Unless a member informs his client and has the approval of his client, no member shall arrange to split the fees for his services with another member or with any other person.
- 70 (1) A member who is employed to commence or defend a proceeding in a court or tribunal has a charge against any property that is recovered or preserved as a result of the proceeding for the proper costs, charges and expenses of or in relation to the proceeding, including counsel fees.
- (2) Where the proceeding has been heard or is pending, the court or tribunal may make an order for the taxation and payment of the costs, charges and expenses out of the property as to the court or the tribunal may appear just and proper.
- (3) Where the proceeding is before a court or tribunal, the member or the client may apply to the court or the tribunal for an order under subsection (2).

- (4) Any agreement or conveyance that defeats or would defeat a member's charge under subsection (1) is unenforceable against the charge, unless the agreement is with or the conveyance is to a bona fide purchaser for value who does not have notice of the charge.
- (5) No proceeding for the purpose of realizing or enforcing a charge under subsection (1) shall be taken except with the leave of the Supreme Court of Yukon and upon such conditions as the Court may deem just and proper.
- 71 (1) A member may sue for reasonable fees and disbursements in relation to services performed by him in his capacity as an active member but no such action may be taken until the expiration of 30 days after he has delivered or mailed a bill for those fees and disbursements to the person he seeks to charge with payment.
- (2) Without restricting the Rules or the Rules of Court, the member's bill shall contain a reasonably descriptive statement of the services performed, itemizing the fees and services, and a detailed statement of the amount and purpose of each disbursement.
- (3) The member may, without notice, apply to the Supreme Court of Yukon for and the Court may grant, leave for the commencement of action for the recovery of the amount of the bill before the expiration of the 30 day period where the Court is satisfied that there is probable cause for believing that the person charged with the bill is about to leave the Territory other than temporarily or has made or is about to make a preference or conveyance that would be, as against the member, void under the Fraudulent Preferences and Conveyances Act.
- 72 (1) A member's bill may be reviewed by the Clerk of the Supreme Court of Yukon, or any other officer empowered to tax a bill of costs in that Court.
- (2) The review of the bill may be obtained at the request of any person claiming the whole or any portion of the bill or at the request of any person from whom payment of the whole or any portion of the bill is claimed.

- (3) The person claiming the whole or any portion of the bill may not obtain a review of a bill under subsection (1) until he would be entitled to sue for the amount of the bill.
 - (4) The person from whom payment of the whole or any portion of the bill is claimed may obtain the review at any time.
 - (5) The person who seeks the review shall give his opposite party not less than five days notice of the time and place for the review.
 - (6) The notice shall be given
 - (a) by personal delivery or whatever other method allowed under the Rules of Court for service of a writ of summons, where the notice is given by the person claiming the whole or any portion of the bill, and
 - (b) by personal delivery to or certified mail addressed to the office of the member who performed the services and incurred the disbursements that are the subject of the bill.
 - (7) If, after due notice, a party fails to attend for the review, the bill may be reviewed in his absence.
- 73 (1) If no bill for services of a member has been delivered or sent, a person believing himself to be chargeable with the bill may seek an order from the clerk of the Supreme Court of Yukon, or any other officer empowered to tax a bill in that Court, requiring the delivery of the bill, and the clerk or other officer may make such an order but shall allow a reasonable time, not to exceed 30 days, for compliance with the order.
- (2) The order under subsection (1) may be obtained by the same procedure as described in section 72 for obtaining a review of the bill.
 - (3) On an application under subsection (1), the clerk or other officer shall, if requested by the person believing himself chargeable with the bill, include in the order an appointment for the review of the bill.

- (4) If the order under subsection (1) does not include an appointment for the review of the bill, the review may, after delivery of the bill, be obtained in the manner described in section 72.
- 74 (1) On any review of a bill or an agreement under this part, the reviewing officer shall have power to determine what are the reasonable fees and disbursements for the services rendered and whether the person charged with the bill is liable to pay all or any part of the bill, and in making that determination the reviewing officer shall take into account all relevant factors including:
- (a) any agreement between the member and his client in respect of the services, and the circumstances of the making of that agreement;
 - (b) the extent and character of the services rendered;
 - (c) the labour exerted and the time spent;
 - (d) the character and importance of the matter in respect of which the services were rendered;
 - (e) the amount of money or the value of the property involved;
 - (f) the skill and experience of the member rendering the service;
 - (g) the reason the disbursement was incurred;
 - (h) the results achieved.
- (2) The principles and rules of law respecting taxation of costs in the Supreme Court of Yukon shall apply to the review of bills and agreements under this Part and, in conducting the review, the reviewing officer shall have all the powers of the clerk of the Supreme Court upon a taxation of costs in the Court.
- 75 (1) Upon the completion of his review the reviewing officer shall certify his determination and, subject to the right of appeal, his determination is binding on the parties and his certificate is enforceable as a judgment of the Supreme Court.
- 76 (1) The determination of the reviewing officer under section 73 or 74 may be appealed to a judge of the Supreme Court.
- (2) The procedure for the appeal under subsection (1) shall be the same as the procedure described in section 72 for obtaining a review.

- (3) Nothing in this Act shall limit the power of the Supreme Court with respect to the revision or taxation of a member's bill.
- 77 (1) An order as to costs in relation to a review, an application for delivery of a bill, and an appeal under subsection 76(1) may be made against the person claiming the whole or any portion of the bill, but such an order shall not be made against a person from whom payment of the whole or any part of the bill is claimed.
- (2) Subsection (1) does not restrict any entitlement to costs that there may be in any appeal against the decision of the judge of the Supreme Court in the appeal to him under subsection 76(1).
- 78 (1) A client of a member may apply to the Supreme Court for an order that the client's solicitor or former solicitor deliver to the court, or the client any property that the member has under his control on behalf of the client.
- (2) Where a client changes solicitors or a client commences acting on his own behalf without a solicitor, the client or the former solicitor may apply to the Supreme Court for an order directing that the former solicitor deliver the client's records to a new solicitor nominated by the client or to the client himself, as the case may be.
- (3) In an order under subsection (1) or (2) the Court may make the direction conditional on the client
- (a) paying all amounts due to the former solicitor by the client, or
- (b) giving security for the payment in an amount and manner satisfactory to the court.
- (4) In an order under subsection (1) or (2) the court may order a review of any claim of the solicitor or former solicitor for fees or disbursements.

PART 5

YUKON LAW FOUNDATION

- 79 (1) There is hereby established a corporation to be known as the Yukon Law Foundation (in this Part called the Foundation).
- 80 (1) The objects of the Foundation are to receive moneys and property and to maintain and manage a fund the interest and capital of which is to be used from time to time as the Board sees fit for
- (a) conducting research into and recommending reform of law and the administration of justice;
 - (b) establishing, maintaining and operating law libraries for public use;
 - (c) contributing to the legal education and knowledge of members and the people of Yukon and providing programs and facilities therefor;
 - (d) legal aid programs and programs of like nature for the benefit of persons unable to afford the legal services they require;
 - (e) contributing to the Assurance Fund;
 - (f) contributing to the cost incurred by the Society in relation to proceedings under Part 3; and
 - (g) doing all other things that are incidental or conducive to the attainment of the objects enumerated in paragraphs (a) to (f).
- 81 (1) The affairs of the Foundation shall be conducted by a Board of Directors (in this Part called the "Board") composed of six members of whom
- (a) three shall be appointed by the Executive Council Member, and
 - (b) three shall be appointed by the Executive from among the members of the Society.
- (2) The term of office of the members of the Board shall be for a period of two years.

- (3) The Board shall designate one of its members as chairman and may, in its absolute discretion, change the designation from time to time.
 - (4) Four members of the Board constitute a quorum.
 - (5) A decision of a majority of the members present at a meeting of the Board is a decision of the Board, but in the event of an evenly divided opinion between the members, including the vote of the chairman, the matter shall be decided in accordance with the vote of the chairman.
 - (6) The Foundation shall not make any contribution to the cost incurred by the Society in relation to proceedings under Part 3 except upon the unanimous consent of the members of the Board.
- 82
- (1) The Board may make by-laws respecting calling of meetings of the Board and the conduct of its business, the duties and conduct of its members and generally as to the conduct of the business and affairs of the Foundation.
 - (2) Without limiting the generality of subsection (1), the Board may make by-laws regarding
 - (a) the number and designation of officers of the Foundation;
 - (b) the appointment of and terms of office of officers of the Foundation and all matters relating to their offices;
 - (c) the resignation or removal from office of officers of the Foundation;
 - (d) the number and designations of employees of the Foundation other than officers, and their terms and conditions of employment;
 - (e) the remuneration, if any, of officers and employees of the Foundation, and
 - (f) the operation of the Law Foundation Account.
- 83
- (1) The Board shall apply the funds of the Foundation, in such manner as the Board may decide, in carrying out the objects of the Foundation.
 - (2) The Board shall not contribute more than \$50,000 in any year to the Assurance Fund.

- (3) The funds of the Foundation shall consist of all sums paid to the Foundation pursuant to section 83, interest accruing from investment of the funds of the Foundation, and any other moneys received by the Foundation.
 - (4) There shall be paid out of the funds of the Foundation the costs, charges and expenses involved in the administration of the Foundation, and the costs, charges, and expenses incurred by the Board in carrying out the objects of the Foundation.
 - (5) No director who is a member of the Society may receive any remuneration for his services.
 - (6) A director may be paid out of the funds of the Foundation transportation, accommodation, and living expenses incurred in connection with his duties as a member of the Board away from his ordinary place of residence but, except as otherwise provided by the by-laws, the payment of such expenses shall conform as nearly as possible in all respects to the payment of such expenses for members of the public service of Yukon.
 - (7) All funds of the Foundation shall, pending investment or application in accordance with this section, be paid into a bank or trust company in Yukon to the credit of a separate account.
 - (8) The Board may invest the funds of the Foundation, but only in whatever way a trustee may, under the Trustee Act, invest money entrusted to him.
 - (9) The accounts of the Foundation shall be audited annually by a chartered accountant or a certified general accountant appointed by the Board.
- 84 (1) After the end of each year, the Foundation shall prepare and submit to the Executive Council Member and the Executive a report consisting of
- (a) a general summary of its transactions and affairs during that year, its revenues and expenditures during that year,
 - (b) an audited balance sheet, and
 - (c) such other information as the Executive Council Member may require.

- (2) Upon receiving a report under subsection (1), the Executive Council Member shall cause a copy of it to be tabled in the Legislature if it is then in session or, if it is not then in session, during the next session.
- 85 (1) The Foundation may borrow or raise or secure the payment of money upon the credit of the Foundation from time to time as the Board thinks fit to fulfill the objects of the Foundation and may for the purpose issue notes, bonds, debentures, debenture stock or other evidences of indebtedness.
- 86 (1) Every member (or firm of more than one member, which shall be included in the term "member") shall maintain an interest-bearing trust account in a bank or trust company in Yukon into which he shall deposit any moneys received by him upon trust from or on account of any client and shall instruct the bank or trust company, to remit the interest earned thereon to the Foundation semi-annually and such interest thereupon becomes the property of the Foundation.
- (2) A member is not liable, by virtue of the relation between the member and his client, to account to any client for interest earned on money deposited in the bank or trust company pursuant to subsection (1).
- (3) Nothing in this Part affects any arrangement made between a member and his client to deposit money received from or on behalf of the client or to which the client is entitled in a separate account for the client at interest that is to be the property of the client.

PART 6

PROFESSIONAL CORPORATIONS

- 87 (1) In this Part,
- (a) "permit" means a permit issued pursuant to subsection 89(3);
 - (b) "professional corporation" means the holder of a subsisting permit.
- 88 (1) The Executive may make Rules
- (a) respecting the procedure for making applications for permits and the information required to be submitted in support of an application;
 - (b) respecting the reinstatement or reissuance of any permit suspended or revoked;
 - (c) providing for the creation and maintenance of a register of professional corporations and requiring the filing of periodic returns by those corporations;
 - (d) respecting the annual renewal of permits; and
 - (e) prescribing the types of names by which a professional corporation, a partnership of two or more professional corporations, or a partnership of one or more professional corporations and one or more individual barristers and solicitors, may be known.
- 89 (1) Notwithstanding anything in this Act, a corporation to which a permit is issued under this section may practise law in its own name.
- (2) Notwithstanding subsection (1), no corporation shall be enrolled as a member of the Society.
- (3) The Executive shall issue a permit to any corporation that fulfils the following conditions:
- (a) files an application in the form prescribed by the Executive;
 - (b) pays all the fees prescribed by the Executive;

- (c) satisfies the Executive that it is a company limited by shares and is in good standing under the Business Corporations Act;
 - (d) satisfies the Executive that it has the capacity to practice law;
 - (e) satisfies the Executive that the name of the company is in accordance with the rules of the Society and contains the words "Professional Corporation";
 - (f) satisfies the Executive that the legal and beneficial ownership of all the issued shares of the company is vested in one or more active members of the Society and that all of the directors of the company are active members of the Society;
 - (g) satisfies the Executive that the persons who will carry on the practice of law on behalf of the company are active members of the Society.
- (4) A permit issued under subsection (3) expires on December 31 of the year for which it was issued.
- (5) Paragraph (3)(g) shall not be construed so as to impose on a professional corporation any restriction that is not imposed on an individual member of the Society in connection with the employment of a student-at-law or any other person.
- 90 (1) If a professional corporation ceases to fulfil any condition specified in section 89(3) by reason only of the death or loss of active membership in the Society of a shareholder of the company, the professional corporation has a period of 90 days from the date of the death or loss of active membership, as the case may be, in which to fulfil the condition failing which the permit is automatically terminated effective on the expiration of the 90-day period without the necessity of an order of the Executive.
- 91 (1) Notwithstanding anything to the contrary in the Business Corporations Act, every person who is a shareholder of a corporation during the time that it is the holder of a permit or of a corporation during the time that it acts in contravention of subsection 104(1) or section 105 is liable to the same

extent and in the same manner as if the shareholders of the corporation were during that time carrying on the business of the corporation as a partnership or, if there is only one shareholder, as an individual practising law.

- (2) The liability of any person in carrying on the practice of law is not affected by the fact that the practice of law is carried on by that person as an employee and on behalf of a professional corporation.
- 92 (1) No shareholder of a professional corporation shall enter into a voting trust agreement, proxy or any other type of agreement vesting in another person who is not an active member of the Society the authority to exercise the voting rights attached to any or all of his shares.
- 93 (1) The relationship of a member of the Society or of a student-at-law to a professional corporation, whether as a shareholder, director, officer or employee, does not affect, modify or diminish the application to him of the provisions of this Act and the Rules.
- 94 (1) Nothing in section 89 affects, modifies or limits any law applicable to the fiduciary, confidential or ethical relationships between a barrister and solicitor and a person receiving the professional services of a barrister and solicitor.
- (2) The relationship between a professional corporation carrying on the practice of law and a person receiving the professional services of the corporation is subject to all applicable laws relating to the fiduciary, confidential and ethical relationships between a barrister and solicitor and his client.
- (3) All rights and obligations pertaining to communications made to or information received by a barrister and solicitor, or his advice thereon, apply to the shareholders, directors, officers and employees of a professional corporation.

- 95 (1) No person or persons shall trade or carry on business within Yukon under any name or title containing the words "Professional Corporation" or the abbreviation "P.C." unless that person or those persons are duly incorporated and the corporation holds a subsisting permit, or unless otherwise expressly authorized by statute.
- (2) Every person who contravenes subsection (1) commits an offence punishable on summary conviction.
- (3) On application by the Society, the Supreme Court of Yukon may grant an injunction enjoining any person who has been convicted of an offence under subsection (2) from continuing the conduct that constitutes the offence, notwithstanding that a sentence has been imposed.
- 96 (1) Unless otherwise expressly provided in this Part, all the provisions of this Act and the Rules thereunder that are applicable to members apply with all necessary modifications to a professional corporation under this Part and a professional corporation shall be deemed to be an active member.
- (2) Without limiting the generality of subsection (1), proceedings that may be taken under this Act against a member who is an individual may also be taken against a professional corporation and any order that may be made against an individual may be made against a professional corporation, unless the order is to do a thing that is capable of being done only by an individual.
- (3) Where in proceedings under Part 3 a professional corporation is found to have engaged in conduct deserving of censure, the individual member whose conduct justifies that finding may also be found to have engaged in conduct deserving of censure and, in addition to any order that is made against the professional corporation, any order that may be made against a member who is an individual may be made against him.
- (4) In proceedings against a professional corporation, provisions in this Act in relation to striking the name of a member off the Roll shall be deemed also to be provisions in relation to revoking the permit of the professional corporation.

- 97 (1) The misappropriation or wrongful conversion referred to in subsection 50(1) includes misappropriation or wrongful conversion by a member of the Society of money or other property entrusted to or received by any professional corporation in its capacity as a barrister or solicitor, of which corporation that member is a shareholder, director, officer or employee.
- (2) An order authorized to be made by a judge of the Supreme Court of Yukon in the case of a member under subsection 59(1) may, in the case of a professional corporation, be made in any of the following cases:
- (a) when the permit of the corporation has been revoked or suspended under subsection 96(3);
 - (b) when a shareholder of the corporation has died or become mentally incapacitated;
 - (c) when for any reason the corporation is unable to practise as a barrister and solicitor;
 - (d) when a shareholder of the corporation has absconded or is otherwise improperly absent from the corporation's place of business, or the corporation has neglected its practice for an unduly extended period;
 - (e) when there is reason to believe that the trust money held by the corporation is not sufficient to meet its trust liabilities;
 - (f) when sufficient grounds otherwise exist.
- 98 (1) Subject to Part 4, Division (5), a professional corporation may sue for fees for services performed on its behalf and in its name by a person in his capacity as an active member at any time after the services are performed, if the services were performed during the time that the corporation was the holder of a subsisting permit.
- 99 (1) A certificate purporting to be issued by the Executive and stating that a named corporation was or was not, on a specified day or during a specified period, a professional corporation according to the records of the Society, shall be admitted in evidence as prima facie proof of the facts stated therein without proof of the appointment or signature of the officer who signed the certificate.

- 100 (1) In any provision of an Act of the Legislature or any regulation, rule, order or by-law made under an Act of the Legislature enacted or made before, at or after the commencement of this section, a reference to a person authorized to carry on the practice of law, whether referred to as a member of The Law Society of Yukon, a barrister and solicitor or otherwise, shall be read as including a professional corporation unless otherwise expressly provided.

PART 7

Miscellaneous, Offences, Repeals

- 101 (1) Members of the Society shall be known and designated as barristers and solicitors.
- 102 (1) Active members and students-at-law are officers of the Supreme Court of Yukon and all other courts in Yukon and have a right of audience in the Supreme Court and those other courts.
- (2) Any person who, in the absence of subsection 2(3) or subsection 104(2), would be practicing law or would violate subsection 104(1) by appearing in the Supreme Court of Yukon or in any other court in Yukon has a right of audience in the Supreme Court or that other court in respect of what he is permitted to do under subsection 2(3) or subsection 104(2).
- 103 (1) A student-at-law shall disclose to his client that he is a student-at-law before he acts for the client.
- 104 (1) No person shall engage in the practice of law in Yukon unless he is an active member of the Society.
- (2) No person violates subsection (1) by
- (a) acting on his own behalf in an action, matter or proceeding to which he is a party,
 - (b) drawing, preparing, revising or settling for his own use any will, conveyance or other instrument pertaining to real or personal property, or any other instrument or document that is or intended to be enforceable by law or have a legal effect,

- (c) lawfully acting as an insurance adjuster under the Insurance Act,
 - (d) appearing as an agent without reward for another person before a justice of the peace or judge of any court or other tribunal,
 - (e) acting as an accountant or auditor,
 - (f) doing anything described in subsection 2(3).
- (3) Subsection (1) does not apply to a student-at-law in the course of acting as counsel or in doing any other thing in the course of his service under articles, if it is done under the direction or supervision of an active member or of a professional corporation under Part 6.
- (4) The exemption provided by paragraph(2)(a) applies to a person to whom a debt has been assigned for collection purposes only.
- 105 (1) No person shall, unless he is an active member of the Society, hold himself out as or represent himself to be an active member of the Society.
- (2) No suspended member shall, while suspended, hold himself out as or represent himself to be a member in good standing or a member not under suspension.
- (3) No person shall, unless he is admitted to the Society as a student-at-law, hold himself out as or represent himself to be a student-at-law or an articulated law student or law clerk.
- 106 (1) Every person who contravenes subsection 104(1) or section 105 commits an offence punishable on summary conviction.
- (2) On application by the Society the Supreme Court of Yukon may grant an injunction enjoining any person who has been convicted of an offence under subsection (1) from continuing the conduct that constitutes the offence, notwithstanding that a sentence has been imposed.
- 107 (1) A member may advertise in his capacity as a member but, unless the Rules otherwise provide, he shall restrict such advertising to conveying information about
- (a) his place and hours of practice,

- (b) the identity of other members with whom he practices,
 - (c) with their consent and in professional directories or journals or reports only, the identity of representative clients,
 - (d) fields of law to which he restricts his practice, and
 - (e) the types of services he provides in his practice.
- 108 (1) The Executive Council Member shall serve as a guardian of the public interest in all matters within the scope of this Act, and for this purpose he may apply by originating application to the Supreme Court for an order requiring the Society or any member to produce any document, record, or thing pertaining to the affairs of the Society.
- (2) No admission of any person in any document, record, or thing produced under subsection (1) is admissible in evidence against that person in any proceedings other than disciplinary proceedings under this Act.
- 109 (1) No action for defamation may be founded on a communication that consists of or pertains to a matter regarding the conduct of a member if the communication is published to or by the Society, the Executive, or any officer or employee of the Society in the course of inquiring into the matter or in the course of proceedings relating to the matter.
- 110 (1) All fees and assessments payable by a member under this Act or the Rules are the property of the Society and shall be paid to the Treasurer of the Society.
- 111 (1) Service of any notice, order or other document under this Act or the Rules on a member or student-at-law may be made personally or by registered letter addressed to the last known place of residence or business of the person to be served and, if service is made by registered letter, service is deemed to be made on the seventh day after the notice, order or other document is mailed and proof that the notice, order or other document was so addressed and posted is proof of service.
- (2) Service of any document of the Society may be made by service upon the Secretary or the registered office of the Society.

- 112 (1) No municipality has the power to require any member or professional corporation to obtain a licence from the municipality to practise law or to carry on the practice or profession of a barrister and solicitor.
- 113 (1) Upon the coming into force of this Act the Clerk of the Supreme Court of Yukon shall deliver to the Society the Roll of barristers and solicitors hitherto maintained under the Legal Professional Act that is repealed by this Act.
- 114 (1) The Legal Profession Act is repealed.
- (2) The Solicitors Act, 1843 (Great Britain) is, insofar as it might otherwise have any force in Yukon, repealed.
- 115 (1) The Legal Profession Accounts Act is repealed.
- 116 (1) This Act shall come into force on a day to be fixed by the Commissioner in Executive Council.
- 117 (1) The persons who, on the day this Act comes into force, hold office as members of the executive of the Yukon Law Society incorporated under the Societies Act, shall, for the purposes of paragraph 5 (1)(a), be deemed to have been elected under this Act and may hold office as members of the Executive for up to six months after this Act comes into force.
- (2) The first election of Executive members under paragraph 5 (1)(a) shall be held within six months of the day this Act comes into force.
- 118 (1) No proceedings shall be taken under Part 3 against any member in relation to events or conduct that occurred before this Act came into force, unless the event or conduct was not known about and could not with reasonable diligence have been known about until after this Act came into force.
- (2) Notwithstanding subsection 114(1), proceedings that cannot be taken under Part 3 may be taken under the provisions of the Legal Profession Act that is repealed by this Act and to that end all things may be done and all powers may be exercised under that Legal Profession Act as if it had not been repealed.

- 119 (1) Upon the coming into force of this Act the assets and liabilities of the Yukon Law Foundation established under the Legal Profession Act that is repealed by this Act shall become assets and liabilities of the Yukon Law Foundation that is established by this Act.
- (2) Notwithstanding subsection 83(2), the Board of the Yukon Law Foundation established by this Act shall, as soon as practicable after the coming into force of this Act, transfer \$100,000 to the Assurance Fund established by the Society.

SCHEDULE

The objects for which the company is established are

- (a) to engage in every phase and aspect of rendering the same legal services to the public that a barrister and solicitor, being an active member of The Law Society of Yukon, is authorized to render;
- (b) to purchase or otherwise acquire and to own, mortgage, pledge, sell, assign, transfer or otherwise dispose of, and to invest in, deal in and with, real and personal property necessary for the rendering of legal services;
- (c) to contract debts and borrow money, issue and sell or pledge bonds, debentures, notes and other evidences of indebtedness and execute such mortgages, transfers of corporate property or other instruments to secure the payment of corporate indebtedness as required;
- (d) to enter into partnerships, consolidate or merge with or purchase the assets of another corporation or individual rendering the same professional services.

STATUTES OF THE YUKON TERRITORY
1984, Chapter 18

LEGAL SERVICES SOCIETY ACT

(Assented to May 17, 1984)

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

1 (1) This Act may be cited as the Legal Services Society Act.

2 (1) In this Act;

"applicant" means an individual who applies for legal aid, or to whom legal aid is furnished;

"board" means the board of directors of the society under section 4;

"Law Society" means the Yukon Law Society established under the Legal Profession Act;

"lawyer" means a person who is a barrister and solicitor under the Legal Profession Act;

"legal aid" means legal advice and other services ordinarily provided by a lawyer that may be furnished to an individual under this Act;

"Registrar of Regulations" means the Registrar of Regulations under the Regulations Act;

"society" means the Yukon Legal Services Society established under this Act.

3 (1) There is hereby established a body corporate under the name "Yukon Legal Services Society", consisting of the persons appointed from time to time under section 4.

- (2) For the purposes of this Act, the society has all the powers and capacity of a natural person.
- (3) The society is not an agent of the Government of Yukon or the Law Society.

Board of Directors

- 4 (1) The society shall have a board of directors consisting of
 - (a) three persons nominated by the Law Society,
 - (b) one person nominated by the Attorney General of Canada, and
 - (c) four persons nominated by the Executive Council Member, at least three of whom shall not be lawyers.
 - (2) Nominations under paragraphs (1)(a) and (b) shall be in writing signed by or on behalf of the nominator, and are effective from the time they are delivered to the Registrar of Regulations.
 - (3) Nominations under paragraphs (1)(a) and (b) may be revoked by delivery to the Registrar of Regulations of an appropriate statement, signed by or on behalf of the person entitled to make the nomination.
 - (4) Where a vacancy occurs in the membership of the board, it may be filled for the unexpired term of the person who was a member by nomination or appointment of the appropriate authority pursuant to subsections (1) and (2).
 - (5) The Registrar of Regulations shall, within one month of receiving a nomination or revocation under this section, publish notice of it in the Yukon Gazette.
 - (6) A vacancy in the membership of the board does not impair the right of the remaining members to act.
- 5 (1) The term of office for which members of the board may be appointed shall not exceed two years.
 - (2) A member of the board is eligible for reappointment on the expiration of his term of office.

- (3) Notwithstanding subsection (1), of the members first nominated under paragraph 4(1)(a), two shall hold office for a term of one year, and of the members first appointed under paragraph 4(1)(c), two shall hold office for a term of one year.
- 6 (1) The board shall select a chairman from its members.
- 7 (1) The board shall meet at the call of the chairman, who shall ensure that members receive not less than five days' notice of meetings.
- (2) Notwithstanding subsection (1), a meeting of the board may be called with less than five days' notice where, in the opinion of the chairman, it is necessary to do so to deal with an urgent matter, but no business shall be conducted at the meeting unless the decision of the chairman to call the meeting is ratified at the meeting by not less than three quarters of the members of the board.
- 8 (1) A majority of the members of the board is a quorum.
- 9 (1) A decision of a majority of the members present at a meeting of the board is a decision of the board.
- 10 (1) Members of the board who are not members of the public service of Yukon or Canada may be paid such remuneration as may be prescribed.
- (2) A member of the board may be paid transportation, accommodation and living expenses incurred in connection with the performance of his duties as a member of the board away from his ordinary place of residence, but the payment of such expenses shall conform as nearly as possible in all respects to the payment of such expenses for members of the public service of Yukon.

Management of the Society

- 11 (1) Subject to this Act, the board shall control and direct the business of the society and may, by resolution, determine its own procedures.

- (2) Without limiting the generality of subsection (1), the board may, by resolution, make provision for
- (a) the conduct of the meetings and business of the board,
 - (b) the records to be kept in respect of the business of the board, and the custody, preservation and provision of access to them,
 - (c) the appointment, powers and duties of a vice-chairman,
 - (d) the procedures to be followed where a member of the board has a conflict of interest in respect of any matter under consideration by the board, and
 - (e) any other matter that reasonably is necessary or advisable for the effective and orderly performance of the duties of the board.
- (3) All members of the board are entitled to have access to records referred to in paragraph (2)(b).
- 12 (1) The board may, by resolution, appoint an executive director and determine the terms and benefits of his employment.
- (2) The executive director shall supervise, manage and administer the business of the society in accordance with the policies of the board, and subject to its control and direction.
- 13 (1) The board may appoint officers and employees, and engage specialists and consultants required to carry out the business of the society.
- (2) A board may determine the terms and benefits of employment of persons employed or engaged under subsection (1).
- (3) The Public Service Commission Act and the Public Service Staff Relations Act do not apply to the society and its staff.
- (4) The society may, for the benefit of some or all of the members of its staff and their dependents, establish, support or participate in pension, superannuation or group insurance plans.
- 14 (1) The board may, by resolution, delegate any of its powers under this Act not required to be exercised by order or resolution to one or more members of the board, or to the executive director, where the board is of the opinion that it is advisable to do so for the effective conduct of its business.

- (2) A decision of a person to whom power has been delegated under subsection (1) is a decision of the board, but the board may revoke, vary or confirm the decision.

Legal Aid

- 15 (1) Subject to this Act and the regulations, the society may
- (a) provide legal aid to individuals who are unable for financial reasons to secure legal services necessary because of their involvement in
 - (i) criminal proceedings that could lead to their imprisonment,
 - (ii) civil proceedings that could lead to their imprisonment or confinement,
 - (iii) proceedings respecting domestic disputes that may affect their or their children's physical or mental safety or health, or
 - (iv) legal problems that threaten their livelihood, the physical or mental safety or health of themselves or their families, or their ability to provide food, clothing and shelter for themselves or their families.
 - (b) establish student legal aid offices, community clinics and other programs for the provision of legal advice or services, and
 - (c) develop or co-ordinate programs to reduce or prevent the occurrence of legal problems among the people of Yukon, and to increase their knowledge about the law, legal processes, and the administration of justice.
- (2) Legal aid shall not be provided except for a proceeding or proposed proceeding in any court in respect of
- (a) an offence by an individual against an Act of Parliament or the Legislature,
 - (b) an offence by an individual against a regulation made pursuant to an Act of Parliament or the Legislature, or
 - (c) a civil matter in respect of which legal aid may be provided to an individual pursuant to an agreement between the Government of Canada and the Government of Yukon.

- (3) Notwithstanding any other provision of this or any other Act, and notwithstanding any rule of law to the contrary, legal aid shall not be provided except by decision of the board pursuant to this Act.
- 16 (1) Notwithstanding section 15, and notwithstanding the provisions of the Legal Profession Act, the society in providing legal aid shall be deemed not to be practising law within the meaning of that Act.
- 17 (1) Subject to this Act, the board may by order specify or establish
- (a) the matters in respect of which legal aid may be provided,
 - (b) the standards and criteria for determining an applicant's eligibility for legal aid,
 - (c) the circumstances in which an applicant may be required to contribute to the cost of legal aid provided to him, and the amount required to be contributed,
 - (d) the procedures for accommodating applicants who reside in remote areas of Yukon,
 - (e) the procedures for accommodating applicants who are under the age of 19 years,
 - (f) classes of matters in respect of which legal aid may be provided, and the manner in which and extent to which legal aid may be provided for any such class,
 - (g) the basis for determining the amount of fees and disbursements payable to a lawyer for services provided under this Act,
 - (h) a tariff of fees and disbursements to be used in taxing lawyers' bills,
 - (i) the procedure for approving, taxing, settling and paying the accounts of lawyers,
 - (j) the appointment, duties and remuneration of duty counsel,
 - (k) the procedures and forms to be used for applications for legal aid,
 - (l) the procedures for selecting and appointing a lawyer to provide services under this Act to an applicant,
 - (m) the procedures and forms to be used by lawyers for submitted bills to the society,
 - (n) the rules to be followed by lawyers in the provision of services under this Act,
 - (o) the procedures for the maintenance of a panel of lawyers for the provision of services under this Act.

- (p) the circumstances in which and the extent to which costs awarded against an applicant in proceedings in respect of which he has been provided with legal aid may be paid by the society, and
 - (q) appeals to the board from decisions made by a person in the exercise of a power delegated to him under section 14.
- (2) The board may by order revise or repeal any order made under subsection (1), and in such revision or repeal may make such transitional provisions as the board considers necessary.
- 18 (1) Orders of the board under section 17 come into force upon their publication in the Yukon Gazette, or such later time as they may specify.
- (2) An order of the board under section 17 is a regulation within the meaning of the Regulations Act.
- 19 (1) The eligibility of an applicant for legal aid shall be determined by the board on the basis of
- (a) its orders in force under section 17 at the time at which the legal aid is to be provided, and
 - (b) the ability of the applicant to obtain legal services at his own expense.

Financial Matters

- 20 (1) The funds of the society consist of money received by it from any source including, without restricting the generality of the foregoing,
- (a) money granted to it by the Government of Yukon or the Government of Canada,
 - (b) money received by it by way of gift, bequest or otherwise for the purposes of this Act, and
 - (c) money received by it as a contribution from recipients of legal aid, or as costs in respect of proceedings in respect of which legal services have been provided under this Act.

- (2) The board may invest, expend and administer funds of the society subject to this Act and subject to the terms, if any, upon which the money is given or otherwise made available to the society.
- 21 (1) The board shall, at least once in every fiscal year at such time as the Executive Council Member directs, submit to him an estimate of the sum required to fulfill its programs under this Act during the next succeeding fiscal year after making allowances for the society's estimated revenues from sources other than the Government of Yukon.
- (2) For the purposes of this Act, the Executive Council Member may, subject to the Financial Administration Act, pay grants to the society from the Yukon Consolidated Revenue Fund with monies authorized to be paid and applied for legal aid or legal education by an Act of the Legislature, and he may for the purposes of subsection 20(2) specify terms relating to the investment, expenditure and administration of the grants.
- 22 (1) Where an applicant is required pursuant to paragraph 17(1)(c) to make a contribution toward the cost of legal aid furnished to him, the amount of the contribution until paid constitutes a debt due and owing to the society recoverable in a court of competent jurisdiction.
- 23 (1) A court may award costs to an individual in a proceeding in which he has received legal aid, notwithstanding that he has not paid and will not be liable to pay his counsel.
- (2) Where costs are awarded under subsection (1), they shall be deemed to be assigned to the society and recoverable by it.
- 24 (1) Where any money is paid to or recovered by the society or a lawyer for an applicant in respect of any proceedings for which legal aid has been provided to the applicant, the society is entitled to receive or retain out of that money compensation for its lawyer's costs and other expenses incurred in the course of and as a consequence of the provision of the legal aid.
- 25 (1) The Financial Administration Act does not apply to funds of the Society.

- 26 (1) The fiscal year of the society shall be the same as that of the Government of Yukon.
- 27 (1) An auditor appointed by the Executive Council Member shall annually audit the books, records and accounts of the society and submit a report to the Executive Council Member.

Miscellaneous

- 28 (1) All information and communications in the possession of the society relating to an applicant for legal aid and his affairs is privileged to the same extent that privilege would attach to information and communications in the possession of a lawyer.
- (2) Notwithstanding any other Act or rule of law, a lawyer who provides services under this Act to an applicant shall disclose to the board, or to a member of the board or its staff designated by the board, all information of which the lawyer is aware respecting the eligibility of the applicant to receive legal aid.
- 29 (1) The society is not liable for anything done or omitted to be done by a lawyer in the provision of services to an applicant under this Act.
- (2) Except as provided under paragraph 17(1)(p), the society is not liable for the payment of costs awarded against an applicant in any proceedings in respect of which he receives legal aid.
- (3) With respect to services provided by a lawyer under this Act, he remains subject to the Legal Profession Act and the rules of the Law Society.
- 30 (1) The Societies Act does not apply to the society.
- (2) Notwithstanding subsection (1), the Commissioner in Executive Council may order that one or more of the provisions of the Societies Act apply to the society.

- (3) Upon the winding-up of the society, the assets of the society remaining after discharge of its debts and other liabilities shall become the property of the Government of Yukon.
- 31 (1) The board shall submit to the Executive Council Member an annual report on its affairs, including such statistical, financial, descriptive and explanatory information as the Executive Council Member may require.
- 32 (1) The Commissioner in Executive Council may enter into agreements with the Government of Canada respecting the provision of legal aid in Yukon.
- 33 (1) The Commissioner in Executive Council may make regulations respecting
- (a) the remuneration payable to members of the board,
 - (b) the oaths of office to be taken by members of the board, and
 - (c) any other matter not provided for in section 17 that he considers necessary to carry the purposes and provisions of this Act into effect.
- 34 (1) The Legal Aid Act is repealed.
- 35 (1) This Act comes into force on a day to be fixed by the Commissioner in Executive Council.
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 19

LEGISLATIVE ASSEMBLY RETIREMENT ALLOWANCES ACT

(Assented to May 17, 1984)

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

- 1 (1) This Act may be cited as the Legislative Assembly Retirement Allowances Act.

RETIREMENT ALLOWANCES

- 2 (1) In this Act "member" means a member of the Legislative Assembly.
- (2) For the purposes of this Act
- (a) a person does not cease to be a member by reason only of a dissolution of the Legislative Assembly; and
 - (b) a person who, immediately before a dissolution of the Legislative Assembly, was a member shall cease to be a member, effective the day on which the general election was held, if
 - (1) he is not elected as a member at the general election next following the dissolution, or
 - (1i) having been elected as a member he does not take office as a member in the next Legislative Assembly.
- 3 (1) A retirement allowance shall be paid in accordance with this Act to a person who, being a member, ceases to be a member.
- 4 (1) Subject to section 6, where a person, at the time he ceases to be a member, has served at least six years as a member of the Legislative Assembly there shall be paid to him, when he attains the age of 55 years and during his lifetime, an annual retirement allowance in an amount equal to the number of years

of service for which he has served multiplied by two and one-half percent of the total of the current indemnity and expense allowance payable to a member representing an electoral district of the same type as the former member was representing when he ceased to be a member.

- 5 (1) Upon the death of a member who has served less than six years as a member of the Legislative Assembly there shall be paid to his estate, or to his beneficiary designated by him for the purpose in a testamentary instrument, a lump sum calculated by multiplying the total of the current indemnity and expense allowance of the member by 15 percent.
- (2) Upon the death of a member who has served at least six years as a member of the Legislative Assembly there shall be paid to his estate, or to his beneficiary designated by him for the purpose in a testamentary instrument, a lump sum calculated by multiplying the total of the current indemnity and expense allowance of the member by 15 percent and by the number of years of service of the member in the Legislative Assembly.
- (3) Upon the death of a former member who has served at least six years as a member and who would, upon attaining the age of 55 years, be entitled to a retirement allowance under this Act, there shall be paid to his estate, or to his beneficiary designated by him for the purpose in a testamentary instrument, a lump sum calculated by multiplying the total of the current indemnity and expense allowance payable to a member representing an electoral district of the same type as the former member was representing when he ceased to be a member by 15 percent and by the number of years of service as a member.
- 6 (1) A retirement allowance that is otherwise payable to a person under this Act shall be discontinued while that person is a member of the Legislative Assembly.
- 7 (1) Amounts payable under this Act shall be a charge upon and be paid out of the Yukon Consolidated Revenue Fund.

REGULATIONS.

- 8 (1) The Commissioner in Executive Council may make regulations
- (a) providing for the payment of the annual retirement allowance through installments payable at intervals of less than one year, and
 - (b) for any other purpose necessary to give effect to this Act.
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 20

AN ACT TO AMEND THE LIQUOR ACT

(Assented to May 17, 1984)

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

- 1 (1) This Act amends the Liquor Act.
- 2 (1) The following definition is added to section 2:
" 'sports stadium' means an establishment with stepped rows of seats designed and used for presentation of a sporting or athletic event or spectacle, and includes an amphitheatre or arena;".
- 3 (1) The following paragraphs are added to subsection 22(1):
" (g.1) Recreation Facility Licences;
 (g.2) Sports Stadium Licences;".
- 4 (1) The following subsection is added to section 37:
" (4) No tavern licences shall be issued except in respect of an application made before April 30, 1984."
- 5 (1) The following subsection is added to section 38:
" (4) Notwithstanding subsections 61(1) and (2), the Board may issue a cocktail lounge licence to any person holding a tavern licence issued under this Act, subject to such conditions as the Board may impose."
- 6 (1) The following headings and sections are added immediately after section 43:

"Recreation Facility Licenses

43.1 (1) A recreation facility licence entitles the licensee to sell liquor on the licensed premises on such days and during such hours as may be determined by the Board and endorsed on the licence.

- (2) A recreation facility licence shall not be issued unless, subject to the approval of the Board,
- (a) the licensed premises contain a room set aside and equipped with facilities for the sale of liquor,
 - (b) the licensed premises contain recreation facilities in accordance with the regulations,
 - (c) the licensee establishes a system of memberships in accordance with the regulations for use in controlling access to the area of his premises where liquor is served or consumed,
 - (d) the recreation facility has been operated as such throughout the period of two years immediately preceding the date on which application is made for a recreation facility licence, and
 - (e) the licensed premises are constructed, equipped and operated in accordance with this Act and the regulations.
- (3) The holder of a recreation facility licence shall not permit more than two guests of any one member to be present at once in the area of his premises where liquor is served or consumed, and he shall not permit any guests to be present in that area in the absence of the member who introduced them under subsection 47(5).
- (4) Subsections 47(2) to (5) and 48(1) to (3) apply with the necessary changes in respect of recreation facility licences.

Sports Stadium Licences

- 43.2 (1) A sports stadium licence entitles the licensee to sell beer and cider on the licensed premises on such days and during such hours as may be determined by the Board and endorsed on the licence.
- (2) A sports stadium licence may be issued to a society under the Societies Act in respect of the presentation, in a sports stadium, of sporting or athletic events or spectacles approved by the Board and endorsed on the licence.

- (3) A sports stadium licence shall not be issued unless, subject to the approval of the Board,
 - (a) the licensed premises contain an area set aside and equipped with facilities for the sale of beer and cider, and
 - (b) the licensed premises are constructed, equipped and operated in accordance with this Act and the regulations."

 - 7 (1) In subsections 47(1) and (1.1), "club licence" is substituted for "licence".

 - 8 (1) In subsection 61(1), "tavern or" is struck out.

 - (2) The following is substituted for subsection 61(2):

"(2) In any other place, no cocktail lounge licence shall be granted except in respect of a hotel that has at least twenty bedrooms."

 - (3) The following subsection is added to section 61:

"(5) Notwithstanding subsection (2), in any place other than the City of Whitehorse, the Board may grant a cocktail lounge licence in respect of a hotel that has at least ten bedrooms where

 - (a) the cocktail lounge facility is constructed after April 30, 1984, and
 - (b) the cocktail lounge facility is located at least 20 kilometres from any other cocktail lounge facility licensed on April 30, 1984."
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 21

AN ACT TO AMEND
THE MENTAL HEALTH ACT

(Assented to April 18, 1984)

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

- 1 (1) This Act amends the Mental Health Act.
- 2 (1) In subsection 2(1), the following is substituted for the definition of "approved institution"

"approved institution" means the Whitehorse General Hospital and such other place or institution, whether within or outside Yukon, as may be prescribed."

- (2) The following definitions are added to subsection 2(1)

"'detain' means keep under control by such use of force, mechanical apparatus, secure enclosure, or drugs as is reasonable having regard to the conduct and the apparent physical and mental condition of the person.

'mentally disordered person' means a person

- (a) in whom there is such a condition of arrested or incompleting development of the mind, whether arising from inherent causes or induced by disease or injury, that he requires treatment, supervision, or care and control for the protection of the public or for his own protection or for the protection of his property or the property of others, or

(b) who is suffering from such a disorder of the mind that he requires treatment, supervision, or care and control for the protection of the public or for his own protection or for the protection of his property or the property of others."

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

"(3) For the purposes of determining the right of appeal, any decision of a justice of the peace under this Act may be appealed to a judge of the Supreme Court within 60 days of the decision appealed against, or such additional time as a judge of the Supreme Court may allow.

(4) An appeal under subsection (3) may be taken by notice of motion and the Supreme Court judge may hear the appeal on the record of the proceedings before the justice of the peace or require the appeal to be heard as a new application, and the judge may make such order as he thinks the justice of the peace ought to have made."

4 (1) In subsection 4(1), "custody or treatment" is substituted for "custody or commitment".

(2) In subsection 4(2), "bring him before the court for a hearing or take him to an approved institution for examination and assessment or to a place of secure detention under subsection (4)" is substituted for "bring him before the court for a hearing".

(3) The following are substituted for subsection 4(3):

"(3) Any peace officer who has reasonable and probable grounds to believe and does believe that a person is mentally disordered and is acting in a manner that is dangerous to himself or to others may apprehend and detain that person without a warrant and take the person to an approved institution for examination and assessment or to a place of secure detention under subsection (4).

- (4) An alleged mentally disordered person who has been apprehended under subsection (2) or (3) may be detained in any place of secure detention, whether within or outside an approved institution, where his conduct creates danger to others and proper provision cannot be made for his detention in an approved institution."

- 5 (1) The following are substituted for section 6.1, 6.2, and 6.3:

"6.1 (1) The chief executive officer of an approved institution may admit a person to and detain him in the institution where he receives in respect of that person a medical certificate in the prescribed form and with the prescribed content from each of two medical practitioners who are licensed to practise medicine in Yukon or in any province.

- (2) Subject to subsection 4(4), where a person is apprehended under subsection 4(2) or (3), he shall forthwith be taken to, admitted to, and detained in an approved institution.

- (3) A person who is admitted to an approved institution under subsection (1) or (2), or who is detained under subsection 4(4) in a secure place of detention shall not be detained there for more than 120 hours except upon the authority of an order of the court or a warrant made or issued under this Act.

- (4) A person who is detained under section 4 or under this section may be medically examined and psychiatrically assessed with a view to the results of the examination or assessment being used in further proceedings under this Act and, pending such proceedings, the person may also be given such medical or psychiatric treatment as is authorized under subsection 6.2(1).

- 6.2 (1) A person who is being detained under section 6.1 or who has been declared by the court in a subsisting order to be mentally disordered may be given medical or psychiatric treatment without his consent where
- (a) the treatment is given or authorized by a medical practitioner or other person authorized by law to give the treatment,
 - (b) the treatment is necessary to preserve the life or the mental or physical health of the person,
 - (c) failure to give the treatment or delay in giving the treatment would create a reasonably foreseeable risk of injury to the person or to any other person, and
 - (d) in the case of a person who is being detained under section 4 or under section 6.1 and has not yet been declared by the court in the proceeding then in progress to be mentally disordered, the treatment cannot reasonably be delayed through alternate means of detention or some other way until the conclusion of that proceeding.
- (2) A person who has been declared by the court in a subsisting order to be mentally disordered may be given medical or psychiatric treatment without his consent where the treatment
- (a) is necessary to preserve the life or to preserve or restore the mental or physical health of the person,
 - (b) is authorized by the court after hearing an application under section 4, and
 - (c) is given or authorized by a medical practitioner or other person authorized by law to give the treatment.
- 6.3 (1) There is hereby established a Mental Health Review Board which shall consist of the following members to be appointed by the Commissioner in Executive Council
- (a) two medical practitioners,
 - (b) one member of the Law Society of Yukon, and
 - (c) three other persons.

- (2) The Board shall have the power and the duty to review the circumstances of
 - (a) all admissions and detentions under section 6.1, as soon as practical after the admission,
 - (b) all committals under section 6, as soon as practical after the committal, and
 - (c) the custody, treatment, and mental and physical condition of all persons committed under section 6, at intervals of not more than 60 days after the committal of that person.
- (3) Where the Board has conducted a review it may make recommendations concerning what applications, if any, ought to be made under this Act.
- (4) The Commissioner in Executive Council shall appoint one of the members of the Board to be chairman and another to be vice-chairman.
- (5) The Chairman is the chief executive officer of the Board and he shall supervise and direct the work of the Board, and preside at meetings of the Board.
- (6) If the chairman is unable at any time for any reason to exercise the powers or perform the duties of his office, the vice-chairman may act in his place.
- (7) Three members of the Board is a quorum, but no quorum exists unless the chairman or vice-chairman is present.
- (8) The Board shall meet at the call of chairman who shall convene such meetings as he considers necessary for the conduct of the business of the Board.
- (9) A member of the Board may be paid such remuneration as may be prescribed.

- (10) A member of the Board may be paid transportation, accommodation, and living expenses incurred in connection with the performance of his duties as a member of the Board away from his ordinary place of residence but, except as otherwise provided by the regulations, the payment of such expenses shall conform as nearly as possible to the payment of such expenses for members of the public service of Yukon.

- (11) The Executive Council Member may provide such financial assistance to the Board and, from among the persons employed in the public service, provide the Board with such assistants as he may deem necessary for the proper conduct of the business of the Board.

- 6.4 (1) A person who is detained under section 6.1 shall be informed as soon as practical of
 - (a) the proceedings under this Act that will or might be taken in respect of him,
 - (b) of his right to appear in court and oppose any application affecting him that might be made,
 - (c) of his right to retain counsel to represent him in those proceedings and any future review or appeal, and
 - (d) of his possible eligibility for legal aid to help him to retain counsel.

- (2) A person who is committed under section 6 shall be informed as soon as practical of his rights of appeal and further review by the court under this Act.

- (3) A person who is detained under section 6.1 or who is committed under section 6 shall be given reasonable opportunity to consult counsel from time to time."

6 (1) The following section is added:

"8.1 (1) Subject to subsection (2), the procedure for proceedings in the court under this Act shall be the same as is provided in the Rules of Court for civil proceedings in the Supreme Court.

(2) An application under this Act to a justice of the peace or a judge of the Supreme Court may be made by notice of motion and dealt with as though it were an interlocutory application in a proceeding under the Rules of Court."

7 (1) In the definition of "court" in subsection 2(1), and in subsections 3(1), and 8(1), "Supreme Court" is substituted for "Territorial Court".

STATUTES OF THE YUKON TERRITORY
1984, Chapter 22

MISCELLANEOUS STATUTE LAW AMENDMENT ACT, 1984

(Assented to April 18, 1984)

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

- 1 (1) In the definition of "resident" in subsection 2(1) of the Cancer Diagnosis Act, "other than an Indian as defined under the Indian Act of Canada or an Eskimo" is struck out.

(2) The following new section is added immediately after section 3 of the Cancer Diagnosis Act:
"3.1(1) This Act does not apply to any person in respect of whom expenditures such as those referred to in subsection (3) may be made by the Government of Canada."
- 2 (1) In subsection 8(1) of the Exemptions Act, "surviving spouse" is substituted for "widow".

(2) In paragraph 9(1)(a) of the Exemptions Act, "spouse" is substituted for "wife".
- 3 (1) In subsection 21(1) of the Forest Protection Act, "male" is struck out.
- 4 (1) In subsection 16(1) of the Mediation Board Act, "spouse" is substituted for "wife".
- 5 (1) Subsection 122(1) of the School Act is amended
(a) by adding "or" to the end of paragraph (b), and
(b) by striking out paragraph (d).

STATUTES OF THE YUKON TERRITORY
1984, Chapter 23

AN ACT TO AMEND
THE MOTOR VEHICLES ACT

(Assented to May 17, 1984)

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

- 1 (1) This Act amends the Motor Vehicles Act.
- 2 (1) In paragraph 61(1)(c), "and accident reports and for services provided in respect of matters under this Act" is substituted for "and accident reports".
- 3 (1) In subsection 62(1.1),

"except solely by muscular power, but does not include a motor power assisted wheel chair" is substituted for "except solely by muscular power".
- 4 (1) In subsection 241.1(1), "the administration and enforcement of this Act" is substituted for "the enforcement of this Act".

(2) In subsection 241.1(2), "the administration and enforcement of any by-law" is substituted for "the enforcement of any by-law".

(3) In subsection 241.1(2.1), "the administration and enforcement of this Act" is substituted for "the enforcement of this Act".
- 5 (1) In subsection 246.1(1), "100 millilitres of blood" is substituted for "100 milligrams of blood".

STATUTES OF THE YUKON TERRITORY
1984, Chapter 24

AN ACT TO AMEND
THE MUNICIPAL FINANCE ACT

(Assented to April 18, 1984)

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

- 1 (1) This Act amends the Municipal Finance Act.
- 2 (1) In subsection 2(1), the following definition is substituted for the definition of "dwelling unit":

"'dwelling unit' means one or more rooms in a building constituting a self-contained dwelling place used or intended to be used as a place of habitation by one or more persons, and includes any place that is prescribed in the regulations to be a dwelling unit, but does not include any place

- (a) that is a hotel or motel room or suite offered for rent or occupation on a daily or weekly basis,
- (b) that is excluded by the regulations, or
- (c) that may not lawfully be used for the purposes of habitation."

- (2) In subsection 2(1), the following definition is substituted for the definition of "municipal operating grant"

"'municipal operating grant' means an amount payable under sections 7, 8, and 9."

3 (1) The following is substituted for section 5:

- "5(1) A grant in lieu of taxes shall not be paid to a municipality until the Executive Council Member has received a written request from the municipality stating
- (a) the total amount of taxes that would be payable for the current year under the Assessment and Taxation Act in respect of the property listed in the schedule under section 4 if that property were not exempt from taxation under that Act, and
 - (b) the amount of the taxes referred to in paragraph (a) that are local improvement taxes."

4 (1) The following section is added:

- "6.1 (1) The Government of Yukon may pay to a municipality a refundable advance in respect of any grant in lieu of taxes payable by the Government of Canada.
- (2) An advance under subsection (1) may be paid only where
- (a) the unpaid part of the grant in lieu of taxes is a substantial part of the municipality's total revenue, and
 - (b) the municipality needs the money before the unpaid part of the grant in lieu of taxes will likely be paid.
- (3) A municipality that receives an advance under subsection (1) shall refund the amount of the advance to the Government of Yukon as soon as practicable after the municipality receives the grant in lieu of taxes in respect of which the advance was paid."

5 (1) The following are substituted for sections 7, 8, 9 and 10:

- "7 (1) The Government of Yukon may pay to each municipality in each year a municipal operating grant comprising an assessment equalization grant and, subject to subsection 9(2), a dwelling unit grant.

- 8 (1) The assessment equalization grant shall be calculated by multiplying the assessment deficiency by the average tax rate, and then multiplying the product of that calculation by the number of dwelling units in the municipality.
- (2) For the purpose of subsection (1), in a municipality other than the City of Whitehorse, the assessment deficiency shall be calculated by subtracting the assessment per dwelling unit in the municipality from the assessment per dwelling unit in the City of Whitehorse.
- (3) No assessment equalization grant shall be paid to the City of Whitehorse.
- (4) For the purpose of subsection (2), the assessment per dwelling unit shall be calculated by dividing the total assessed value of all property subject to assessment under the Assessment and Taxation Act in the municipality by the number of dwelling units in the municipality.
- (5) For the purpose of subsection (1), the average tax rate shall be calculated by taking the total assessed value of all property subject to assessment under the Assessment and Taxation Act in all municipalities and determining what tax rate would be necessary to produce from that total assessed value an amount equal to the total revenue of all municipalities from property tax levied under section 53 of the Assessment and Taxation Act and from grants in lieu of taxes in the fiscal year of the municipalities preceding the fiscal year in respect of which the municipal operating grant is to be paid.
- 9 (1) Dwelling unit grants shall be payable and calculated in the manner described in this section.
- (2) Where the aggregate of funds available for grants to municipalities under section 12 is not fully disposed of through payment of assessment equalization grants, the balance shall be distributed among the municipalities according to the ratio that the number of dwelling units in each municipality bears to the total number of dwelling units in all the municipalities.

(3) For the purpose of subsection (1), the number of dwelling units in each municipality that has fewer than 250 actual dwelling units, or such other number as may be prescribed, shall be deemed to be the product obtained by multiplying the actual number of dwelling units in the municipality by a factor that shall be prescribed from time to time and be known as the diseconomy of scale factor.

10 (1) Assessment roll information needed for calculations under sections 8 and 9 shall be obtained from the assessment roll used by the municipality for taxes in the fiscal year of the municipality preceding the fiscal year in respect of which the municipal operating grant is to be paid."

6 (1) Section 11 is repealed.

7 (1) The following are substituted for subsection 12(1):

"(1) Subject to subsections (1.1), (2), (3), and (4), the annual aggregate of municipal operating grants to be paid to municipalities may be increased from one year to the next by a rate not exceeding the lesser of the rate of increase in the total revenues or expenditures of the Territory as shown in the main estimates approved by the Legislature for the Government of Yukon fiscal year immediately preceding the fiscal year in respect of which the grants are payable.

(1.1) Expenditures in relation to capital items and increases in expenditures and revenues of the Territory in consequence of the Government of Yukon assuming, after this Act comes into force, programs previously administered by the Government of Canada shall not be included in revenues or expenditures for the purpose of subsection (1)."

(2) Subsection 12(4) is repealed.

8 (1) The following paragraph is added to subsection 15(1):

"(g) such other facilities or services as may be prescribed."

(2) Subsection 15(4) is repealed.

(3) The following is substituted for subsection 15(6):

"(6) For each of the facilities or services referred to in paragraphs (1)(a) to (g), the Commissioner in Executive Council may prescribe the amount or the means of calculating the amount of the municipal services grant, but in no case shall the amount of the grant be as great as the total cost of the operation and maintenance of the facility or service during the year in respect of which the grant is made."

9 (1) The heading "Extraordinary Financial Assistance" is substituted for the heading "Extraordinary Assistance Grants" immediately before section 16.

(2) In subsection 16(1), "extraordinary financial assistance" is substituted for "an extraordinary assistance grant".

(3) In subsection 16(2), "extraordinary financial assistance" is substituted for "extraordinary assistance grant".

10 (1) The following is substituted for section 19:

"19 (1) The Commissioner in Executive Council may make regulations for carrying into effect the purposes of this Act, including regulations

(a) respecting the procedure for making applications for grants and the information required to be submitted in support of an application,

(b) prescribing dwelling units,

(c) excluding places from the definition of dwelling unit,

(d) prescribing the diseconomy of scale factor,

(e) prescribing a right and procedure for appeals by a municipality in respect of the Executive Council Member's determination about the number of dwelling units in the municipality,

- (f) prescribing special conditions upon which municipal services grants not otherwise provided for in this Act may be made, and
- (g) prescribing conditions upon which extraordinary financial assistance may be provided.

11 (1) In subsection 20(4), "for 1982, 1983, and 1984" is substituted for "1982 and 1983".

(2) The following subsection is added to section 20:

"(8) For the purpose of section 231 of the Municipal Act, a local improvement district shall be deemed to be a municipality."

STATUTES OF THE YUKON TERRITORY
1984, Chapter 25

AN ACT TO AMEND
THE PUBLIC SECTOR COMPENSATION
RESTRAINT (YUKON) ACT

(Assented to May 17, 1984)

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

- 1 (1) The following new subsection is added to section 9 of the Public Sector Compensation Restraint (Yukon) Act:

"(3) Subsection (1) does not restrict an increase in the rates of the Yukon Electrical Company Limited resulting from changes made to the rate schedule of the Northern Canada Power Commission coming into effect in 1984 for wholesale electrical power supplied for retail sale to the public."

STATUTES OF THE YUKON TERRITORY
1984, Chapter 26

PUBLIC UTILITIES ACT

(Assented to April 18, 1984)

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

1 (1) This Act may be cited as the Public Utilities Act.

2 (1) In this Act,

"Board" means the Yukon Utilities Board established by section 3;

"compensation" means a rate, remuneration, gain or reward of any kind paid, payable, promised, demanded, received or expected directly or indirectly by a public utility, and includes a promise or undertaking by a public utility to provide service as consideration for, or as part of, a proposal or contract to dispose of land or any interest in it;

"costs" includes fees, counsel fees and expenses;

"expenses" includes expenses of the Board;

"gas" means all natural gas both before and after it has been subjected to any treatment or process by absorption, purification, scrubbing or otherwise, and includes all fluid hydrocarbons not recovered in liquid form from a pool by ordinary production methods;

"public hearing" means a hearing of which public notice is given, which is open to the public, and at which any person the Board determines has an interest in the matter may be heard;

"member" means a member of the Board;

"public utility" means a person, or his lessee, trustee, receiver or liquidator, who owns or operates in Yukon, equipment or facilities for the production, generation, storage, transmission, sale, delivery or furnishing of electricity or gas to or for the public or a corporation for compensation, but does not include a person not otherwise a public utility who

- (a) furnishes service only to himself, his employees or tenants,
- (b) is engaged in the petroleum industry or in the well-head production of oil, natural gas or other natural petroleum substances, or
- (c) sells or delivers gas otherwise than by means of a pipeline;

"rate" includes a general, individual or joint rate, fare, toll, charge, rental or other compensation charged or chargeable by a public utility, any rule, regulation, practice, measurement, classification or contract of a public utility relating to a rate, and any schedule or tariff respecting a rate;

"service" includes the use and accommodation provided and a product or commodity furnished by a public utility, and also the plant, equipment, apparatus, appliances, property and facilities employed by or in connection with a public utility in providing service or in furnishing a product or commodity for the purposes in which the public utility is engaged.

PART I

YUKON UTILITIES BOARD

- 3 (1) The Yukon Utilities Board is established, composed of not fewer than three nor more than five persons appointed by the Executive Council Member.
- (2) The Board is responsible to the Executive Council Member for the administration of this Act.
- 4 (1) The term of office for which a member may be appointed is three years.

- (2) Notwithstanding subsection (1), of the members first appointed to the Board, not less than half shall be appointed for a term of not more than two years.
- (3) A member is eligible for re-appointment on the expiration of his term of office.
- 5 (1) The executive Council Member may appoint a substitute member to act in the place of a member who is for any reason unable to perform his duties.
- (2) Where a substitute member is appointed under subsection (1), he may attend all meetings of the Board notwithstanding that there is no vacancy in the permanent membership, but he shall not vote unless one of the permanent members is absent.
- 6 (1) A member may be paid transportation, accommodation and living expenses incurred in connection with the performance of his duties as a member of the Board away from his ordinary place of residence but, except as otherwise provided by the regulations, the payment of such expenses shall conform as nearly as possible in all respects to the payment of such expenses for members of the public service of Yukon.
- 7 (1) The Executive Council Member shall appoint one of the members to be the chairman and another to be the vice-chairman.
- (2) The chairman is the chief executive officer of the Board, and he shall
- (a) supervise and direct the work of the Board, and
- (b) preside at sittings of the Board.
- (3) Where the chairman is unable at any time for any reason to exercise the powers or perform the duties of his office, the vice-chairman may act in his place.
- 8 (1) The Board shall meet at the call of the chairman, who shall convene such meetings as may be necessary for the conduct of the business of the Board.
- (2) Notwithstanding subsection (1), the Board shall meet at least twice a year.
- 9 (1) A majority of the members is a quorum, but no quorum exists unless the chairman or vice-chairman is present.

- (2) Subject to subsection (1), a decision of a majority of the members present at a meeting of the Board is a decision of the Board, but in the event of an evenly divided opinion between members including the chairman, the matter shall be decided in accordance with the vote of the chairman.
- 10 (1) A vacancy in the membership reduces the number of members required for a quorum and, subject to section 9, does not impair the right of the remaining members to act.
- 11 (1) Subject to this Act, the Board may by order make rules respecting
- (a) the conduct of its meetings and business,
 - (b) the notices authorized or required to be given under this Act,
 - (c) the records to be kept in respect of its business, including the custody, preservation and provision of access to such records,
 - (d) the procedure for making applications and representations to the Board,
 - (e) the conduct of hearings by or before the Board,
 - (f) the filing and investigation of complaints, including the information to be provided in support of complaints, and
 - (g) generally, the procedures of the Board and any other matter that reasonably is necessary for the effective and orderly conduct of the business of the Board.
- (2) Orders under this section shall be published in the Gazette.
- 12 (1) Where a member has a direct or indirect personal interest in a matter or a corporation under review by the Board, he shall refrain from participating in any way in the review of the matter or corporation by the Board.
- (2) A member shall not, directly or indirectly,
- (a) hold or acquire a beneficial interest in any share or other security of a corporation or other person subject to regulation under this Act,
 - (b) have a significant beneficial interest in all or part of any article or process that is required or used by a corporation or other person referred to in paragraph (1) for the purpose of its equipment or service, or
 - (c) have a significant beneficial interest in a contract for the construction of works or the furnishing of a service for or by a corporation or other person referred to in paragraph (a).

- (3) A member in whom a beneficial interest referred to in subsection (2) is or becomes vested shall, within three months after his appointment or acquisition of the property as the case may be, divest himself of the interest.
 - (4) The use or purchase for personal or domestic purposes, of heat, light, power, electricity or gas or service from a corporation or other person subject to regulation under this Act is not a contravention of this section and does not disqualify a member from acting in any matter affecting the corporation or other person.
- 13
- (1) Every member and every official of the Board, and every person involved in the administration of this Act, shall keep confidential from all other persons all information acquired by him in confidence in the course of his duties, except insofar as disclosure is necessary for the administration of this Act or the Board authorizes the release of the information.
 - (2) No person referred to in subsection (1) shall be required to testify in a civil action to which the Board is not a party about information obtained by him in the discharge of his duty.
- 14
- (1) Subject to the Public Service Commission Act, the Executive Council Member may make provision for a secretary to the Board and other administrative support services for the Board.
 - (2) The secretary shall
 - (a) keep a record of the proceedings of the Board,
 - (b) ensure that copies of every rule and order of the Board are filed in the records of the Board, and
 - (c) carry out the instructions and directions of the Board under this Act or the regulations respecting his duties or office.
 - (3) On the application of any person who pays the prescribed fee, the secretary shall give him a certified copy of any rule or order of the Board, or report of the Board under section 20.
 - (4) An acting secretary may be appointed or assigned in the absence of the secretary.

- 15 (1) The Executive Council Member may, at the request of the Board, from time to time engage one or more persons having special technical or other knowledge to inquire into and report to the Board on any matter arising in connection with the business of the Board.
- 16 (1) The Board or the chairman may authorize one or more of the members to inquire into and report to the Board on any question or matter arising in connection with the business of the Board.
- (2) A member authorized pursuant to this section to report to the Board on a question has and may exercise all the powers of the Board for the purpose of taking evidence or acquiring the necessary information for the purposes of his report.
- (3) The report of a member under this section may be adopted as an order of the Board or otherwise dealt with as the Board considers proper.
- 17 (1) Subject to subsection (2), for the purpose of carrying out the duties and exercising the powers imposed or conferred on it under this Act, the Board may avail itself of the services of any officer or employee of any board, commission, agency or department of the Government of Yukon.
- (2) Every officer or employee of a board, commission, agency or department of the Government of Yukon shall give to the Board whatever service, assistance and information he is able to give and the Board requires, subject to the approval of the Executive Council Member in charge of the administration of the service in which the officer or employee is employed.
- 18 (1) Notwithstanding any other provision of this Act, the Board shall comply with any general or special direction of the Commission in Executive Council with respect to the exercise of the powers and functions of the Board.
- (2) A direction under subsection (1) is a regulation within the meaning of the Regulations Act.

- (3) The Board may request a review of a direction under subsection (1), and upon receipt of such a request from the Board by the Executive Council Member the Commissioner in Executive Council may
 - (a) suspend or continue the operation of the direction pending the completion of a review, or
 - (b) confirm, vary or revoke the direction.
 - (4) The Board may, in respect of any matter arising in connection with the business of the Board, transmit to the Executive Council Member a request that the Commissioner in Executive Council issue a direction under this section.
 - (5) Where a direction is issued under this section during the course of any matter under consideration by the Board, any party to the matter
 - (a) may be granted such adjournment as the Board considers necessary to deal with any change in circumstances, and
 - (b) may be awarded such costs as the Board considers just and fair in the circumstances.
- 19
 - (1) The Board shall conduct such investigations, make such reports and perform such duties in addition to the duties assigned to it by this Act, as the Executive Council Member may request.
 - (2) Where the Executive Council Member requests a report from the Board on a matter of general public policy, the Board may seek such representations from the public or from interested persons or organizations as the Board considers appropriate and, subject to section 51, may hold hearings.
 - (3) A report requested pursuant to subsection (1) shall be delivered within such time as the Executive Council Member may specify.
 - (4) A report under this section is not binding on the Executive Council.
- 20
 - (1) The Board shall make a report to the Executive Council Member not later than June 30 in each year upon the activities and affairs of the Board during the year ending on March 31 of that year.

PART II

REGULATION OF PUBLIC UTILITIES

- 21 (1) No public utility shall operate in Yukon unless it has been granted a franchise by the Commissioner in Executive Council.
- 22 (1) The Commissioner in Executive Council may, with the approval of the Board and subject to such terms and conditions as the Board may recommend,
- (a) grant a franchise to a public utility, or
 - (b) renew, alter or revoke a franchise granted to a public utility, or deemed by section 78 to have been granted.
- (2) The Board may give its approval for the purposes of subsection (1) where, after hearing representations from, or with the consent of, such persons as the Board considers appropriate, the Board determines that
- (a) the franchise is necessary and proper for the public convenience and properly conserves the public interests,
 - (b) the scheme proposed is reasonable and sufficient having regard to the general circumstances, and
 - (c) having regard to the availability of any other source of supply in the area to be served and to any other circumstances, the granting of the franchise is to the general benefit of any area directly or indirectly affected by it.
- (3) The Board may, in approving the grant, renewal or alteration of a franchise, recommend the imposition of any terms or conditions as to construction, equipment, maintenance, service or operation that, in the opinion of the Board, the public convenience or interest reasonably requires.
- 23 (1) Notwithstanding section 21, where in respect of any place no franchise has been granted, the Board may recommend to the Commission in Executive Council that an interim permission be granted to a person to operate a public utility, subject to such terms and conditions as the Board may recommend.
- 24 (1) Every public utility shall
- (a) keep such books, records and accounts as afford a reasonable understanding of the conduct of its business, and

- (b) maintain depreciation, amortization and depletion accounts in accordance with such rates and methods as the Board directs.
 - (2) A public utility shall not change its accounting practices under subsection (1) except with the prior approval of the Board.
- 25
- (1) The Board may review the affairs, earnings and accounts of any public utility.
 - (2) A person whose interest, in the opinion of the Board, is affected or likely to be affected by the result of a review is entitled, on payment of reasonable costs, to obtain from the Board the result of the review, including all information in the Board's possession in respect of the earnings of the public utility.
- 26
- (1) Every public utility shall, within three months after the end of each of its fiscal years, file with the Board
 - (a) a statement showing its rates,
 - (b) financial statements for the fiscal year in such form and verified in such manner as the Board may direct, and
 - (c) a statement setting forth the name, address and duties of every officer and every director of the public utility.
 - (2) A public utility shall notify the Board within ten days of every change in its officers or directors.
- 27
- (1) Every public utility shall maintain its property and equipment in such condition as to provide safe, adequate and proper service.
- 28
- (1) The Board may make orders
 - (a) fixing rates of a public utility,
 - (b) prohibiting or limiting any proposed rate change,
 - (c) fixing proper and adequate rates and methods of depreciation, amortization or depletion in respect of the property of any public utility,
 - (d) fixing just and reasonable standards, classifications, regulations, practices, measurements or services to be observed, provided or followed by a public utility,
 - (e) determining the areas to which a public utility shall provide service, and requiring the public utility to establish, construct, maintain and operate any reasonable expansion of its existing services, and

- (f) determining the conditions that may be imposed by a public utility to establish, construct, maintain or operate an expansion of its existing services.
- 29 (1) No public utility shall charge any rate for the supply of the service for which it is franchised other than the rate set by the Board pursuant to this Act unless, 90 days before it proposes to charge a different rate,
- (a) a statement showing the new rate is filed with the Board, and
 - (b) a notice showing the new rate is sent by mail or delivered to each municipality within which the service is provided and to the Executive Council Member.
- (2) No public utility shall commence to charge a new rate except upon receipt from the Board of an order or interim order authorizing it to do so.
- 30 (1) In fixing rates that a public utility is permitted to charge,
- (a) the Board may consider the revenues and costs of the public utility in the fiscal year in which the proceedings for fixing the rates and charges commenced or in any period immediately following, without considering the allocation of those revenues and costs to any part of such period,
 - (b) the Board may give effect to that part of any excess of revenue received or deficiency incurred that is in the opinion of the Board applicable to the whole of the fiscal year of the public utility in which the proceeding was initiated as the Board considers just and reasonable,
 - (c) the Board may give effect to such part of any excess revenue received or deficiency incurred after the commencement of the proceeding as the Board determines has been due to undue delay in the hearing and determining of the matter, and
 - (d) the Board shall by order approve the method by which and the period during which any excess revenue received or deficiency incurred is to be used or dealt with.
- 31 (1) The Board, by order, may issue guidelines to be followed by any public utility that generates electricity by the use of petroleum products purchased pursuant to a contract under which provision is made for

- (a) the progressive increase in their cost to the public utility, or
 - (b) the redetermination of their cost either by agreement of the parties or pursuant to arbitration.
- (2) Guidelines under subsection (1) may make provision for establishing a new schedule of rates to be charged by the public utility occasioned by any change in the cost of petroleum products.
- (3) Nothing in this section limits the jurisdiction of the Board to fix rates under section 28.
- (4) This section applies, with any necessary changes, where a public utility purchases electrical power from a producer for distribution and sale to the public.
- (5) Where a public utility enters into a contract under which provision is made for any of the matters referred to in subsection (1) or (4), it shall file a copy of the contract with the Board.
- 32 (1) Any contract for the supply of a service to a person by a public utility that fixes a fixed or variable rate either for a present or future supply of the service is deemed to include a clause under which the Board has the jurisdiction, on application of one of the parties, to increase or reduce the rate to a rate that the Board considers fair and reasonable.
- 33 (1) The Board, by order, shall determine a rate base for the property of a public utility used or required to be used to provide service to the public, and may include a rate base for property under construction, or constructed or acquired, and intended to be used in the future to provide service to the public.
- (2) The Board, by order, shall fix a fair return on the rate base.
- (3) In determining a rate base the Board shall give due consideration to the cost of the property when first devoted to public utility use, to prudent acquisition cost less depreciation, amortization or depletion, and to necessary working capital.

- (4) In fixing the fair return that the public utility is entitled to earn on the rate base, the Board shall give due consideration to all those facts that in the opinion of the Board are relevant.
 - (5) Notwithstanding the other provisions of this section, the Board may adopt any just and reasonable basis for determining a method of calculating a fair return on property that is being constructed or that has been constructed or acquired but is not yet being used to provide service to the public.
- 34 (1) The Board shall not require a public utility to construct, maintain or operate an extension of its existing services unless, in the judgment of the Board,
- (a) the extension is reasonable and practical and will furnish sufficient business to justify the expense of its construction, maintenance and operation, and
 - (b) the financial position of the public utility reasonably warrants the capital expenditure required.
- (2) The Commissioner in Executive Council may, by direction under section 18, instruct the Board to require a public utility to construct, maintain or operate an extension of its existing services notwithstanding subsection (1), but where he does so the public utility is not required to construct, maintain or operate the extension except upon the agreement of the Commissioner in Executive Council
- (a) to pay any additional expenses incurred by the public utility that are not justified under paragraph (1)(a), and
 - (b) to underwrite any capital expenditure not reasonably warranted under paragraph (1)(b).
- 35 (1) Where it is in the public interest or, as a means of saving expense, it is in the interest of public utilities or telecommunications companies that there be a joint use of poles, conduits or equipment or other means of distribution, the Board may, after notice to all parties concerned, in cases where it is practicable,
- (a) order the joint use,
 - (b) declare the terms of the joint use, and
 - (c) make any other orders for the convenient carrying out of the work and the operation of the services that use the poles or equipment.

- (2) In this section, "telecommunications" means any transmission, emission or reception of signs, signals, writings, images, sounds, data, message or intelligence of any nature by wire, radio communications, cable, waves or any electronic, electro-magnetic or optical means, but does not include the transmission, emission or reception of broadcasting that is a radiocommunication in which the transmissions are intended for direct reception by the general public, and "telecommunications company" means a company that provides any service that is provided principally through telecommunications.
- (3) The Board shall on the application of a public utility or telecommunications company adjudicate upon any dispute arising out of the joint use of any poles, conduits or equipment pursuant to this section or any prior arrangement between the parties, and may make such order after hearing the parties as may be required.
- 36 (1) The Executive Council Member may, by order, on the recommendation of the Board, exempt a person from such provisions of this Part as he may specify in the order.

PART III

ENERGY PROJECTS

- 37 (1) In this Part,
- "energy operation certificate" means a certificate issued under this Part authorizing the holder of the certificate to operate a regulated project;
- "energy project certificate" means a certificate issued pursuant to this Part to construct a regulated project;
- "energy resource" means natural gas, oil and all other forms of petroleum and hydrocarbon, in gaseous or liquid state, and electricity;

"energy project" means

- (a) any plant, smelter, refinery or other undertaking or facility designed to use, convert or process an energy resource or coal,
- (b) a facility for the generation of electricity from the motion of wind or water, or the combustion of natural gas, oil, petroleum products, coal or plant products or geothermal energy, or
- (c) an oil or natural gas transmission pipeline, and includes all associated structures, machinery, appliances, fixtures and equipment, and storage and handling facilities;

"regulated project" means any energy project that the Commissioner in Executive Council considers to be significant in the matter of any form of energy and, by order, designates as a regulated project.

- 38 (1) No person shall construct a regulated project except in accordance with an energy project certificate.
- 39 (1) No person shall operate a regulated project except in accordance with an energy operation certificate.
- 40 (1) An application for an energy project certificate or energy operation certificate shall be made to the Executive Council Member and shall contain the prescribed information.
- 41 (1) On receipt of an application, the Executive Council Member shall refer the application to the Board for a review.
- 42 (1) Upon receipt of an application from the Executive Council Member under section 41, the Board may, subject to subsection (2) and section 51, hold a public hearing in accordance with such terms of reference as may be specified by the Executive Council Member, and on conclusion of review the Board shall submit a report and recommendations to the Executive Council Member.
- (2) The Board may, for the purpose of receiving information or evidence that the Board considers is of a confidential character, exclude the public from a hearing under this section while it receives that information or evidence.

- 43 (1) On receipt of the report and recommendations of the Board, the Executive Council Member, may
- (a) refuse the application, or
 - (b) grant the application subject to terms or conditions he considers to be in the public interest.
- (2) The conditions for an energy project certificate under paragraph (1)(b) may include any terms or conditions the Executive Council Member considers necessary to be included in an energy operation certificate for the project.
- 44 (1) On completion of the construction of a regulated project for which an energy project certificate has been issued, the person to whom the certificate was issued shall submit a report to the Executive Council Member in accordance with the certificate and the regulations.
- (2) Upon receipt of a report under subsection (1), and on being satisfied that the conditions of the energy project certificate have been substantially complied with, the Executive Council Member shall issue an energy operation certificate for the regulated project, and may include in the certificate the terms or conditions referred to in subsection 43(2).

PART IV

ADMINISTRATION AND ENFORCEMENT

Complaints and Investigations

- 45 (1) Any person may file a complaint with the Board respecting
- (a) the rates of a public utility,
 - (b) a proposed rate change,
 - (c) the manner in which a public utility provides service,
 - (d) the areas to which a public utility provides service, or
 - (e) the conditions imposed by a public utility to establish, construct, maintain or operate an expansion of its service.
- (2) A copy of every complaint filed with the Board shall be served upon the public utility to which it applies within the time fixed by the rules of the Board.

- 46 (1) Subject to section 51, where a complaint is made to the Board, the Board has the power to determine, generally, whether any action on its part shall or shall not be taken.
- (2) The Board may decide not to deal with a complaint where it appears to the Board that
- (a) the complaint is one that could or should be more appropriately dealt with under another Act,
 - (b) the subject matter of the complaint is trivial, frivolous or vexatious,
 - (c) the complaint is made in bad faith, or
 - (d) the complaint is not within the jurisdiction of the Board.
- (3) The Board may decide not to deal with a complaint where it is of the opinion that the facts upon which the complaint is based occurred more than six months before the complaint was filed, unless the Board is satisfied that the delay was incurred in good faith and no substantial prejudice will result to any person affected by the delay.
- (4) Where the Board decides not to deal with a complaint, it shall advise the complainant in writing of the decision and the reasons for it.
- 47 (1) Subject to section 46, the Board shall, without undue delay, investigate every complaint.
- 48 (1) Where the Board considers it appropriate, the Board may endeavour to effect a settlement of a complaint.
- (2) Where a settlement of a complaint is agreed to in writing, signed by the public utility and the complainant, and approved by the Board, the settlement is binding upon the parties and its terms are enforceable as an order of the Board under this Act.
- 49 (1) The Board may, on its own motion, investigate any matter respecting the provision of service by a public utility.
- 50 (1) An investigation by the Board may be made by a member of the Board or its staff who is authorized by the Board for the purpose.

- (2) Notice of an investigation shall be given to the public utility under investigation.
- (3) The Board or a person authorized under subsection (1) may
 - (a) enter upon and inspect at any reasonable time any place, building, works or other property of a public utility,
 - (b) require the attendance of such persons as it or he deems necessary to summon and examine, and take the testimony of such persons,
 - (c) require the production of such books, plans, specifications and other documents as it or he deems necessary, and
 - (d) administer oaths, affirmations or declarations.

Hearings

- 51 (1) Notwithstanding any other provision of this Act, the Board shall not hold any inquiry or public hearing under this Act without the advance written approval of the Executive Council Member for the necessary expenses.
- 52 (1) The Board may on its own motion inquire into, hear and determine any matter or thing respecting the production, transmission, delivery or furnishing of electricity or gas to the public.
- 53 (1) Subject to the other provisions of this Act and the regulations and to the need to abide by the fundamental principles of justice, the Board in respect to any inquiry or hearing
 - (a) has the exclusive jurisdiction and authority to determine any question of fact, law, or mixed fact and law required to be decided,
 - (b) may receive such evidence or other information as it considers appropriate, whether or not such evidence is given under oath or affirmation, and whether or not it would be admissible in a court of law,
 - (c) has the powers, privileges and immunities of a Board of Inquiry under the Public Inquiries Act,
 - (d) may determine the persons to whom notice of the proceedings shall be given, and
 - (e) may determine its own procedures.

- 54 (1) Where the Board exercises its power to issue a summons requiring the production in evidence of documents or things it may, upon the production of the documents or things before it, adjourn the proceedings to permit the parties to examine the documents or things.
- (2) Oral evidence or submissions need not be recorded in written form, but the Board shall cause electronic sound recordings to be made of all statements made orally at its public hearing, and shall make such recordings as well as all relevant documents available on reasonable conditions for inspection or copying by any person who so requests, and by any court exercising jurisdiction over the Board.
- 55 (1) A member is not disqualified from participating in a public hearing or any other proceeding respecting a complaint because he has previously taken part in any investigation or consideration of the subject matter of the complaint before the hearing unless he has communicated directly or indirectly with any party or his representative without notice to and opportunity for all parties to participate before any final decision.
- (2) Notwithstanding subsection (1), the Board or a member may seek legal advice from an advisor independent of the parties, but in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.
- 56 (1) The Board may combine two or more complaints or other matters under this Act and deal with them in the same proceeding where
- (a) they relate to the same public utility, or
 - (b) they have questions of law or fact in common.
- 57 (1) The Board may order to whom or by whom any costs incidental to any proceeding before the Board are to be paid, and may fix the costs to be paid.

Orders

- 58 (1) The Board may make any order authorized under this Part on its own motion, or upon the complaint or application of an interested person.

- 59 (1) The Board may order any person to do anything that such person is or may be required to do under this Act, and may forbid the doing of anything that is contrary to this Act.
- (2) An order issued under subsection (1) may prescribe the time and the manner in which the order is to be carried out.
- 60 (1) Where the circumstances of the case so require the Board may, upon such notice to persons affected as it deems reasonable, or in its discretion without notice, extend the time specified in any Board order or decision for compliance with the order or decision.
- 61 (1) Except in cases of urgency, of which the Board shall be the sole judge, the Board shall not without a hearing make any order involving an outlay by, or a loss or deprivation to, a public utility.
- (2) Where an order under subsection (1) is made without a hearing, the Board, on the application of an interested person, shall as soon as practicable hear and reconsider the matter and make such further or other order as it considers advisable.
- (3) Where any order is made by the Board without a hearing, any person affected by the order may, within ten days of the making of the order within such further time as the Board may allow, apply to the Board to amend or rescind the order.
- 62 (1) Every order and decision of the Board is final and binding until changed or amended by the Board, but no order of the Board shall be effective until a copy of it is served upon the person to whom it is directed.
- (2) Where in any case it is made to appear to the satisfaction of the Board that service of any document cannot be made by personal service on a person or, in the case of a corporation, at its head office or chief place of business in Yukon, the Board may allow substituted service by publication in a local newspaper or by prepaid registered or certified mail.
- 63 (1) The Board may review, change or cancel any decision or order made by it, and may re-hear any application or complaint before deciding it.

- 64 (1) The Board may, in any matter before it,
- (a) make such interim orders on appropriate terms as it may deem necessary to facilitate its inquiry or to prevent serious harm occurring prior to its decision, and
 - (b) reserve further direction either for an adjourned hearing or for further application.

Enforcement

- 65 (1) The Board may take any steps necessary for the enforcement of any order made by it.
- (2) Subject to the Public Service Commission Act, the Executive Council Member may, upon the request of the Board, appoint persons to enforce orders of the Board.
- 66 (1) Where the Board considers it necessary for the enforcement of an order, the Board may, with the approval of the Executive Council Member, authorize a person appointed under section 65 to act as administrator of the affairs of a public utility.
- (2) An administrator may enter on and take possession of the property, books and offices of a public utility and, until the order has been enforced, may
- (a) assume and take over the management of the public utility for and in the interests of the shareholders and the public, and
 - (b) assume all the powers of the directors and officers of the public utility, including the power to employ and dismiss officers and servants of the public utility.
- (3) Where an administrator takes possession of a public utility, every officer and employee shall obey the orders of the Board of the administrator in the management of the public utility.
- (4) The Board and the administrator may, on taking possession of a public utility, determine, receive and pay out all money due or owing by the public utility, and give cheques and receipts for money, to the same extent as the proper officers.
- (5) The costs and expenses of proceedings under this section are in the discretion of the Board.

- 67 (1) An order of the Board becomes an order of the Supreme Court immediately upon filing with the clerk of the Court of a certified copy of the order, and the order may then be enforced in like manner as any order of the Court.
- 68 (1) In any action or proceeding, a copy of any order or decision of the Board purporting to be certified by a member or the secretary to be a true copy is prima facie evidence without proof of the signature or the appointment of the secretary or member.
- 69 (1) A person who fails to comply with any of the provisions of this Act commits an offence and is liable on summary conviction,
- (a) in the case of an individual, to a fine not exceeding \$1,000, and in default thereof to imprisonment for a term not exceeding one year, and
 - (b) in the case of a corporation, to a fine not exceeding \$5,000.
- (2) Any person who advises, solicits or persuades, or knowingly instructs, directs or orders any officer, agent or employee of a public utility to perform, commit or do any act that is contrary to an order of the Board or to the requirements of this Act, commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one year, or both.

Appeals

- 70 (1) On application to the Court of Appeal within 30 days of a decision or order of the Board or within a further time allowed by the Court of Appeal in special circumstances, the Court of Appeal may grant leave to appeal to that Court from the order or decision on a question of law or excess of jurisdiction.
- (2) The granting of leave to appeal and the costs of the application are in the discretion of the Court of Appeal.

- (3) The applicant shall give notice of the application stating the grounds of appeal to the Board, to the Executive Council Member, and to any party adverse in interest, at least three clear days before the hearing of the application.
- 71 (1) Where leave is granted, the appellant shall, within 15 days, give notice of appeal to the Board, to the Executive Council Member and to any party adverse in interest.
- (2) The Board and the Executive Council Member may be heard by counsel on the appeal.
- (3) Neither the Board nor an officer, employee or agent of the Board is liable for costs in respect of an application or appeal under this section.
- 72 (1) An appeal to the Court of Appeal shall not of itself stay or suspend the operation of the decision or order appealed from, but either the Court of Appeal or the Board has the power to suspend the operation of the decision or order upon such terms as may be fixed by the Court or the Board, as the case may be.
- 73 (1) The Court of Appeal has the same jurisdiction and powers on appeals as it has for appeals from orders of the Supreme Court.
- (2) Except as otherwise provided in this Act, appeals shall conform as far as possible with the rules governing appeals from the Supreme Court.
- 74 (1) The Board may at any stage of its proceedings refer any question of law, jurisdiction, practice or procedure to the Court of Appeal for hearing and determination.
- 75 (1) An application, appeal or reference to the Court of Appeal under this Act shall be heard and determined without delay in a summary way.

Miscellaneous and Transition

- 76 (1) No provision of this Act authorizes or requires the expenditure of public money except with the approval of the Executive Council Member.

- 77 (1) The Commissioner in Executive Council may make such regulations as he considers necessary for carrying the purposes and provisions of this Act into effect.
- 78 (1) The Northern Canada Power Commission is deemed to have been granted a franchise by the Commissioner in Executive Council pursuant to this Act subject to such terms and conditions as have been imposed on or accepted by the Northern Canada Power Commission pursuant to the Electrical Public Utilities Act immediately before the coming into force of this Act.
- (2) The Yukon Electrical Company Limited is deemed to have been granted a franchise by the Commissioner in Executive Council pursuant to this Act subject to such terms and conditions as have been imposed on or accepted by the Yukon Electrical Company Limited pursuant to the Electrical Public Utilities Act immediately before the coming into force of this Act.
- (3) The Yukon Hydro Company Limited is deemed to have been granted a franchise by the Commissioner in Executive Council pursuant to this Act subject to such terms and conditions as have been imposed on or accepted by the Yukon Hydro Company Limited pursuant to the Electrical Public Utilities Act immediately before the coming into force of this Act.
- (4) Nothing in this section limits the power of the Commissioner in Executive Council to revoke or vary the terms or conditions of any franchise granted or deemed to have been granted under this or any other Act.
- 79 (1) The Electrical Public Utilities Act is repealed.
- 80 (1) This Act comes into force on a day to be fixed by the Commissioner in Executive Council.
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 27

AN ACT TO AMEND THE
REAL ESTATE AGENTS' LICENSING ACT

(Assented to April 18, 1984)

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

- 1 (1) This Act amends the Real Estate Agents' Licensing Act.
- 2 (1) In subsection 2(1), the following definitions are added:

"gratuitous property manager" means a person who has no interest in the real estate and who, without fee or reward or expectation of fee or reward, takes care of or deals with occupants or potential occupants of the real estate on behalf of a person who does have an interest in that real estate, and includes a person who, without carrying on the business of doing any of those things, does some or all of those things for a fee or reward under an arrangement made only occasionally"

"time sharing agreement" has the same meaning as "property user's licence"
- (2) In the definition of "real estate" in subsection 2(1), and in subsection 2(2), "property user's licence, or time sharing agreement," is substituted for "property user's licence".
- 3 (1) The following paragraph is added to subsection 3(1):

"(e) a trade in real estate made by a gratuitous property manager as an incidental part of the management of the property he undertook to manage."
- 4 (1) In section 24, "real estate" is substituted for "land, tenements or hereditaments."

STATUTES OF THE YUKON TERRITORY
1984, Chapter 28

SECOND APPROPRIATION ACT, 1984-85

(Assented to May 17, 1984)

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 mentioned in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of Yukon and for related purposes for the period of 12 months ending on March 31, 1985:

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

- 1(1) This Act may be cited as the Second Appropriation Act, 1984-85.
 - 2(1) In addition to the sum of \$25,959,000 provided for in the First Appropriation Act, 1984-85, but including the sum of \$14,423,000 provided for in the Interim Supply Appropriation Act, 1984-85, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$153,284,000 for defraying the several charges and expenses of the public service of Yukon for the period of 12 months ending on March 31, 1985, 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.
 - 3(1) The due application of all monies paid or applied pursuant to section 2 shall be accounted for.
-

Second Appropriation Act, 1984-85

SCHEDULE A

<u>Appropriation or Item</u>	<u>\$ (Dollars in 000's)</u>
Yukon Legislative Assembly	1,241
Executive Council Office	2,911
Consumer and Corporate Affairs	939
Economic Development	2,777
Education, Advanced Education & Manpower	31,889
Finance	3,352
Government Services	9,303
Health and Human Resources	33,278
Highways and Transportation	30,712
Justice	11,869
Municipal and Community Affairs	7,380
Public Service Commission	1,827
Renewable Resources	4,805
Tourism, Recreation and Culture	4,352
Yukon Housing Corporation	1,579
Loan Capital	3,253
Loan Amortization	<u>1,817</u>
TOTAL	\$153,284

STATUTES OF THE YUKON TERRITORY
1984, Chapter 29

AN ACT TO AMEND
THE SECURITIES ACT

(Assented to April 18, 1984)

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

- 1 (1) This Act amends the Securities Act.
- 2 (1) The following paragraph is added to the definition of "security" in subsection 2(1):

"(p) any claim, mineral claim, or mining property, or any interest therein, acquired under the Yukon Placer Mining Act (Canada) or the Yukon Quartz Mining Act (Canada)"

STATUTES OF THE YUKON TERRITORY
1984, Chapter 30

THIRD APPROPRIATION ACT, 1984-85

(Assented to May 17, 1984)

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 Yukon and for related purposes for the period of 12 months ending on March 31, 1985.

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

- 1 (1) This Act may be cited as the Third Appropriation Act, 1984-85.
- 2 (1) In addition to the sum of \$25,959,000 provided for in the First Appropriation Act, 1984-85, and the sum of \$153,284,000 provided for in the Second Appropriation Act, 1984-85, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$19,883,000 for defraying the several charges and expenses of the public service of Yukon payable in the period of 12 months ending on March 31, 1985, 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.
 - (2) The sums previously appropriated to an appropriation 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.
- 3 (1) The due application of all monies paid or applied pursuant to section 2 shall be accounted for.
 - (2) The sums appearing in Schedule B are the total sums that have been appropriated by the First Appropriation Act, 1984-85, the Second Appropriation Act, 1984-85, and this Act.

THIRD APPROPRIATION ACT, 1984-85

SCHEDULE A

<u>Appropriation or Item</u>	<u>\$ (Dollars in 000's)</u>
Sums that are required:	
Economic Development	304
Education, Advanced Education and Manpower	2,129
Government Services	1,691
Health and Human Resources	450
Highways and Transportation	12,588
Justice	57
Municipal and Community Affairs	1,857
Renewable Resources	366
Tourism, Recreation and Culture	299
Yukon Liquor Corporation	142
	<hr/>
Sub-Total (sums required)	<u>19,883</u>
Sums previously appropriated that are not required:	
Executive Council Office	(1)
Yukon Housing Corporation	<u>(28)</u>
Sub-Total (sums not required)	<u>(29)</u>
TOTAL	19,854 *****

THIRD APPROPRIATION ACT, 1984-85

SCHEDULE B

	<u>\$ (Dollars in 000's)</u>		
	<u>Operation</u>	<u>Capital</u>	<u>Total</u>
	<u>& Maintenance</u>		
Yukon Legislative Assembly	1,241	8	1,249
Executive Council Office	2,911	-	2,911
Consumer and Corporate Affairs	939	-	939
Economic Development	2,777	3,262	6,039
Education, Advanced Education & Manpower	31,889	4,390	36,279
Finance	3,352	-	3,352
Government Services	9,303	3,803	13,106
Health and Human Resources	33,278	751	34,029
Highways and Transportation	30,712	18,283	48,995
Justice	11,869	125	11,994
Municipal and Community Affairs	7,380	11,715	19,095
Public Service Commission	1,827	-	1,827
Renewable Resources	4,805	1,096	5,901
Tourism, Recreation & Culture	4,352	1,643	5,995
Yukon Housing Corporation	1,579	563	2,142
Yukon Liquor Corporation	-	174	174
Loan Capital	3,253	-	3,253
Loan Amortization	<u>1,817</u>	<u>-</u>	<u>1,817</u>
TOTAL	153,284	45,813	199,097
	=====	=====	=====

STATUTES OF THE YUKON TERRITORY
1984, Chapter 31

AN ACT TO AMEND
THE TRANSPORT PUBLIC UTILITIES ACT

(Assented to April 18, 1984)

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

- 1 (1) This Act amends the Transport Public Utilities Act.
- 2 (1) The following is substituted for section 1:

"(1) This Act may be cited as the Motor Transport Act."
- 3 (1) In subsection 2(1) the following is substituted for the
definition of Board:

"'Board' means the Motor Transport Board constituted by this
Act".

(2) In subsection 2(1), the definition of "identification plate"
is repealed.
- 4 (1) In subsection 14(2), "administration with respect to the
Board's functions under this Act" is substituted for "the
administration and enforcement of this Ordinance".

(2) Paragraph 14(2)(c) is repealed.

(3) Subsection 14(3) is repealed.
- 5 (1) The following is substituted for subsection 20(1):

"(1) The Executive Council Member may appoint in-
spectors to enforce the provisions of this Act."

6 (1) The following are substituted for subsections 24(5) and (6):

- "(5) Notwithstanding any other provision of this Act, the Board shall comply with any directive given by the Commissioner in Executive Council under section 52 with respect to the circumstances or criteria the Board must consider and give effect to when exercising its powers under this Act.
- (6) Notwithstanding subsection 25(1), the Board may in its discretion and without holding a hearing issue a temporary certificate for the purpose and time stated in the certificate.
- (7) Subject to subsection (8) a temporary certificate may be issued under subsection (6) only to a person whose principal place of business is in the Territory.
- (8) Subsection (7) does not apply where equipment that is not regularly available in the Territory is required or where equipment is not available in the Territory when it is required.
- (9) The holder of a certificate or any other person affected by the issuance of a temporary certificate under subsection (6) may, within 14 days of the issuance of the certificate, apply to the Board to have the temporary certificate amended or revoked."

7 (1) The following is substituted for subsection 25(5):

- "(5) Subject to subsection (4), where a person gives notice to the Board before it issues a certificate that he wants to be heard in relation to the matter, the Board may postpone issuing the certificate until a public hearing or a further public hearing has been held."

8 (1) Subsection 26(4) is repealed.

9 (1) The following is substituted for section 32:

- "32 (1) The Board shall inquire into and make recommendations about any matter respecting transportation that the Executive Council Member refers to the Board."

- 10 (1) The following is substituted for section 47.1:
- "47.1(1) No person shall operate a motor vehicle for which a certificate or a permit has been issued except in accordance with the terms and conditions of the certificate or permit."
- 11 (1) Section 47.2 is repealed.
- 12 (1) In subsection 48.2(2), "in respect of which the identification plate was issued" is deleted.
- (2) In subsection 48.2(3), "47.1" is substituted for "47.2", and "in respect of which the sticker was issued" is deleted.
- 13 (1) In subsection 50.1(1), "certificate or permit" is substituted for "permit".
- (2) Subsection 50.1(2) is repealed.
- 14 (1) In subsection 51(1), "The Board shall review every certificate at least once every three years and may review any certificate at any time" is substituted for "The Board shall review every certificate at least once in each year".
- 15 (1) The following paragraph is added to subsection 52(1):
- "(aa) directives about the circumstances and criteria the Board must consider and give effect to when exercising its powers under this Act."
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 32

YOUNG OFFENDERS AGREEMENT ACT

(Assented to May 17, 1984)

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

- 1 (1) This Act may be cited as the Young Offenders Agreement Act.
 - 2 (1) The Commissioner in Executive Council may enter into agreements with the Government of Canada under and for the purposes of the Young Offenders Act (Canada) providing for payments by Canada to the Government of Yukon in respect of costs incurred by the Government of Yukon for care of and services provided to young persons.
-

TABLE OF STATUTES

This is a table of those Statutes included in the Revised Ordinances, 1971, those subsequently added to the consolidation and those enacted since the coming into force of the Revised Ordinances, 1971, regardless of whether added to the consolidation.

Legend:

In. = Included in Am. = Amended

En. = Enacted Sp. = Spent

Rp. = Repealed History = from the earlier of:

(i) enactment or

Re. = Re-enacted (ii) inclusion in R.O.Y.T., 1971

N.C.N.R. = Not Consolidated, Not Repealed.

R.S.Y.T. = Revised Statutes of the Yukon Territory, originally published under the title Revised Ordinances of the Yukon Territory.

S.Y.T. = Statutes of the Yukon Territory, published before November 12, 1981, under the title Ordinances of the Yukon Territory or Ordinances of the Government of Yukon.

* = On June 1, 1984 a date for the coming into force of this Act had yet to be proclaimed. In this index there is no distinction made between an Act that has been proclaimed in force in its entirety and an Act that has been proclaimed in force only in part, there being other parts still to be proclaimed in force. Therefore, where the Act by its terms confers authority for it to be proclaimed in force in whole or in part, the user should check the proclamation to determine what parts of the Act are in force. The absence of an asterisk can in those cases be taken only as indication that some part of the Act has been proclaimed in force.

Consolidation Chapter No. = Chapter designation of the Act for the purposes of the Consolidated version of the Statutes of the Yukon Territory.

<u>STATUTE</u>	<u>CONSOLIDATION CHAPTER No.</u>	<u>HISTORY</u>
Access to Information	A-0.05	En. S.Y.T. 1983, c. 12
Accountants (Chartered)		See Institute of Chartered Accountants
Adult Occupational Training Agreements Repeal	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 10
Age of Majority	A-0.1	En. S.Y.T. 1972 (1st), c. 1
Agriculture Development	A-0.15	En. S.Y.T. 1982, c.17
Alaska Highway Maintenance (1972)	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 2
Animal Protection	A-0.2	En. S.Y.T. 1977 (2nd), c. 1

Apprentice Training	A-1	In. R.S.Y.T. 1971, c. A-1
Appropriation		See First, Second, etc. to Sixth
Arbitration	A-2	In. R.S.Y.T. 1971, c. A-2
Archives	A-3	In. R.S.Y.T. 1971, c. A-3
Area Development	A-4	In. R.S.Y.T. 1971, c. A-4 Am. S.Y.T. 1975 (3rd), c.3
Assessment and Taxation	A-4.1	En. S.Y.T. 1972 (1st), c. 13 Am. S.Y.T. 1975 (1st), c. 18 Am. S.Y.T. 1979 (2nd), c. 16 Am. S.Y.T. 1980 (1st), c. 20, s. 2 Am. S.Y.T. 1980 (2nd), c. 17, s. 440
Assessment in the City of Whitehorse	N.C.N.R.	En. S.Y.T. 1977 (2nd), c. 11
Assignment of Book Debts	A-5	In. R.S.Y.T. 1971, c. A-5 Rp. S.Y.T. 1980 (2nd), c. 20, s. 74
Bills of Sale	B-1	In. R.S.Y.T. 1971, c. B-1 Rp. S.Y.T. 1980 (2nd), c. 20, s. 74
Blasting	B-2	In. R.S.Y.T. 1971, c. B-2
Boiler and Pressure Vessels	B-2.1	En. S.Y.T. 1979 (2nd), c. 1 Am. S.Y.T. 1980 (2nd), c. 16, s. 1
Brands	B-3	In. R.S.Y.T. 1971, c. B-3 Am. S.Y.T. 1980 (1st), c. 20, s. 3
Building Standards	B-3.1	En. S.Y.T. 1973 (1st), c. 1 Am. S.Y.T. 1980 (2nd), c. 17, s. 440 Am. S.Y.T. 1981 (2nd), c. 1
Bulk Sales	B-4	In. R.S.Y.T. 1971, c. B-4
Bulk Sales	B-4.05	En. S.Y.T. 1981 (2nd), c. 2*
Business Corporations Act	B-.06	En. S.Y.T. 1983, c. 13*
Business Development Assistance	B-4.1	En. S.Y.T. 1980 (1st), c. 1* Am. S.Y.T. 1984, c. 1
Business Licence	B-5	In. R.S.Y.T. 1971, c. B-5 Am. S.Y.T. 1980 (1st), c. 20, s. 4
Cancer Diagnosis	C-1	In. R.S.Y.T. 1971, c. C-1 Am. S.Y.T. 1984, c. 22, s. 1
Cemeteries and Burial Sites	C-2	In. R.S.Y.T. 1971, c. C-2
Certified General Accountants	C-2.1	En. S.Y.T. 1983, c. 14
Change of Name	C-3	In. R.S.Y.T. 1971, c. C-3
Child Welfare	C-4	In. R.S.Y.T. 1971, c. C-4 Am. S.Y.T. 1972 (1st), c. 15 Rp. S.Y.T. 1984, c. 2, s 185
Children's	C-4.5	En. S.Y.T. 1984, c. 2
Chiropractic	C-5	In. R.S.Y.T. 1971, c. C-5 Am. S.Y.T. 1972 (1st), c. 16
Choses in Action	C-6	In. R.S.Y.T. 1971, c. C-6 Am. S.Y.T. 1980 (2nd), c. 20, s. 75

Citizenship Instruction Agreement	C-7	In. R.S.Y.T. 1971, c. C-7
Civil Defence Workers' Compensation Agreement	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 26
Civil Emergency Measures	C-8	In. R.S.Y.T. 1971, c. C-8
Collection	C-9	In. R.S.Y.T. 1971, c. C-9
Community Assistance	C-9.1	En. S.Y.T. 1975 (1st), c. 1 Am. S.Y.T. 1975 (3rd), c. 4 Am. S.Y.T. 1976 (1st), c. 4 Am. S.Y.T. 1977 (1st), c. 8 Am. S.Y.T. 1978 (1st), c. 3 Am. S.Y.T. 1980 (1st), c. 2 Am. S.Y.T. 1980 (2nd), c. 1 Am. S.Y.T. 1980 (2nd), c. 16, s. 2 Am. S.Y.T. 1981 (1st), c. 11, s. 21
Companies	C-10	In. R.S.Y.T. 1971, c. C-10 Am. S.Y.T. 1975 (3rd), c. 5 Am. S.Y.T. 1980 (1st), c. 3 Am. S.Y.T. 1980 (2nd), c. 2 Am. S.Y.T. 1980 (2nd), c. 20, s. 76 Am. S.Y.T. 1982, c. 18 Am. S.Y.T. 1983, c. 13*
Compensation for Victims of Crime	C-10.1	En. S.Y.T. 1975 (1st), c. 2 Am. S.Y.T. 1976 (1st), c. 5 Am. S.Y.T. 1980 (2nd), c. 3 Am. S.Y.T. 1981 (1st), c. 10, s. 1 Am. S.Y.T. 1983, c. 15
Conditional Sales	C-11	In. R.S.Y.T. 1971, c. C-11 Rp. S.Y.T. 1980 (2nd), c. 20, s. 74
Condominium	C-12	In. R.S.Y.T. 1971, c. C-12 Am. S.Y.T. 1977 (2nd), c. 5 Am. S.Y.T. 1980 (1st), c. 4
Conflict of Laws (Traffic Accidents)	C-12.1	En. S.Y.T. 1972 (1st), c. 3
Constitutional Questions	C-12.2	En. S.Y.T. 1983, c. 16
Consumers' Protection	C-13	In. R.S.Y.T. 1971, c. C-13
Contributory Negligence	C-14	In. R.S.Y.T. 1971, c. C-14 Am. S.Y.T. 1980 (1st), c. 20, s. 5
Controverted Elections	C-15	In. R.S.Y.T. 1971, c. C-15 Am. S.Y.T. 1977 (2nd), c. 3, s. 103
Co-operative Associations	C-16	In. R.S.Y.T. 1971, c. C-16 Am. S.Y.T. 1973 (1st), c. 8 Am. S.Y.T. 1975 (2nd), c. 7 Am. S.Y.T. 1980 (2nd), c. 4 Am. S.Y.T. 1981 (1st), c. 10, s. 2 Am. S.Y.T. 1983, c. 13*
Cornea Transplant	C-17	In. R.S.Y.T. 1971, c. C-17 Rp. S.Y.T. 1980 (1st), c. 14, s. 16
Coroners	C-18	In. R.S.Y.T. 1971, c. C-18 Am. S.Y.T. 1972 (2nd), c. 17
Corporation Securities Registration	C-19	In. R.S.Y.T. 1971, c. C-19 Am. S.Y.T. 1980 (1st), c. 20, s. 6 Rp. S.Y.T. 1980 (2nd), c. 20, s. 74

Corrections	C-19.1	En. S.Y.T. 1973 (1st), c. 2 Am. S.Y.T. 1980 (1st), c. 20, s. 7 Am. S.Y.T. 1984, c. 2, s. 186
Court of Appeal	C-20	In. R.S.Y.T. 1971, c. C-20 Am. S.Y.T. 1981 (2nd), c. 3 <i>← 1974(2nd), c. 4</i>
Court Worker Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 3
Credit Union	C-20.1	En. S.Y.T. 1977 (1st), c. 2 Rp. S.Y.T. 1980 (1st), c. 5
Credit Unions	C-21	In. R.S.Y.T. 1971, c. C-21 Am. S.Y.T. 1975 (2nd), c. 8 Am. S.Y.T. 1976 (1st), c. 6 Rp. S.Y.T. 1977 (1st), c. 2, s. 158
Creditors' Relief	C-22	In. R.S.Y.T. 1971, c. C-22
Curfew	C-23	In. R.S.Y.T. 1971, c. C-23
Custody of Federal Parole Violators Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 4
Dawson, City of, General Purposes Loan	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 25
Dawson City Utilities Replacement	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 14 Am. S.Y.T. 1980 (2nd), c. 16, s. 3 Am. S.Y.T. 1981 (2nd), c. 11, s. 1
Dawson General Purposes Loan	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 31
Dawson Historic Sites Aid Grants	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 21
Day Care	D-01	En. S.Y.T. 1979 (2nd), c. 3 Am. S.Y.T. 1980 (2nd), c. 16, s. 4 Am. S.Y.T. 1983, c. 19
Defamation	D-1	In. R.S.Y.T. 1971, c. D-1 Am. S.Y.T. 1980 (2nd), c. 5
Dental Profession	D-2	In. R.S.Y.T. 1971, c. D-1 Am. S.Y.T. 1973 (1st), c. 9 Am. S.Y.T. 1979 (1st), c. 1 Am. S.Y.T. 1984, c. 3
Dependants' Relief	D-3	In. R.S.Y.T. 1971, c. D-3 Rp. S.Y.T. 1980 (2nd), c. 6
Dependants' Relief	D-3.1	En. S.Y.T. 1980 (2nd), c. 6 Am. S.Y.T. 1981 (1st), c. 10, s. 3
Devolution of Real Property	D-4	In. R.S.Y.T. 1971, c. D-4
Disabled Persons' Allowance	D-5	In. R.S.Y.T. 1971, c. D-5 Rp. S.Y.T. 1975 (1st), c. 11
Distress	D-6	In. R.S.Y.T. 1971, c. D-6 Am. S.Y.T. 1980 (2nd), c. 20, s. 77
Dog	D-7	In. R.S.Y.T. 1971, c. D-7 Am. S.Y.T. 1980 (2nd), c. 16, s. 5
Economic and Regional Develop- ment Agreement	E-.05	En. S.Y.T. 1983, c. 17

Elections	E-1	In. R.S.Y.T. 1971, c. E-1 Am. S.Y.T. 1974 (2nd), c. 5 Am. S.Y.T. 1975 (3rd), c. 6 Am. S.Y.T. 1977 (1st), c. 9 Am. S.Y.T. 1977 (2nd), c. 2 Am. S.Y.T. 1977 (2nd), c. 3, s. 104 Am. S.Y.T. 1978 (1st), c. 4 Rp. S.Y.T. 1979 (2nd), c. 18, s. 5
Elections	E-1.1	En. S.Y.T. 1977 (2nd), c. 3 Am. S.Y.T. 1980 (1st), c. 20, s. 8 Am. S.Y.T. 1980 (2nd), c. 7 Am. S.Y.T. 1981 (2nd), c. 4 Am. S.Y.T. 1983, c. 18
Elections, 1977	E-1.2	See Elections, c. E-1.1
Electoral District Boundaries	E-1.3	En. S.Y.T. 1977 (2nd), c. 2 Am. S.Y.T. 1981 (2nd), c. 11, s. 2 Am. S.Y.T. 1982 (1st), c. 1
Electoral District Boundaries Commission	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 1 Sp. June 17, 1974
Electoral District Boundaries Commission	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 3 Sp. November 7, 1977
Electoral District Boundaries Commission	N.C.N.R.	En. S.Y.T. 1984, c. 4
Electrical Protection	E-2	In. R.S.Y.T. 1971, c. E-2 Rp. S.Y.T. 1976 (3rd), c. 3
Electrical Protection	E-2.01	En. S.Y.T. 1976 (3rd), c. 3
Electrical Public Utilities	E-2.1	En. S.Y.T. 1972 (1st), c. 4 Am. S.Y.T. 1974 (2nd), c. 6 Rp. S.Y.T. 1984, c. 26, s. 79*
Elevator and Fixed Conveyances	E-3	In. R.S.Y.T. 1971, c. E-3
Emergency Medical Aid	E-3.1	En. S.Y.T. 1976 (3rd), c. 1
Employment Agencies	E-4	In. R.S.Y.T. 1971, c. E-4 Rp. S.Y.T. 1972 (1st), c. 5
Employment Agencies	E-4.1	En. S.Y.T. 1972 (1st), c. 5
Employment Expansion and Development	N.C.N.R.	En. S.Y.T. 1983, c. 1
Employment Standards	E-4.5	En. S.Y.T. 1984, c. 5*
Energy Conservation Agreement	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 6
Energy Conservation Assistance	E-4.7	En. S.Y.T. 1984, c. 6
Engineering Profession	E-5	In. R.S.Y.T. 1971, c. E-5
Evidence	E-6	In. R.S.Y.T. 1971, c. E-6 Am. S.Y.T. 1980 (1st), c. 7 Am. S.Y.T. 1980 (1st), c. 20, s. 9 Am. S.Y.T. 1981 (1st), c. 10, s. 4
Executions	E-6.1	En. S.Y.T. 1980 (1st), c. 8
Executive Council	E-6.2	En. S.Y.T. 1982, c. 16

Exemptions	E-7	In. R.S.Y.T. 1971, c. E-7 Am. S.Y.T. 1984, c. 22, s. 2
Expropriation	E-8	In. R.S.Y.T. 1971, c. E-8
Factors	F-1	In. R.S.Y.T. 1971, c. F-1 Am. S.Y.T. 1980 (2nd), c. 16, s. 6 Am. S.Y.T. 1980 (2nd), c. 20, s. 78
Fair Practices	F-2	In. R.S.Y.T. 1971, c. F-2 Am. S.Y.T. 1974 (2nd), c. 7
Faro General Purposes Loan	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 30
Faro General Purposes Loan	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 27
Fatal Accidents	F-3	In. R.S.Y.T. 1971, c. F-3 Rp. S.Y.T. 1980 (1st), c. 9
Fatal Accidents	F-3.1	En. S.Y.T. 1980 (1st), c. 9
Fifth Appropriation, 1971-72	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 28
Fifth Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 16
Fifth Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 21
Fifth Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 5
Fifth Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1982, c. 19
Fifth Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1984, c. 7
Fifth Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1984, c. 8
Financial Administration	F-4	In. R.S.Y.T. 1971, c. F-4 Rp. S.Y.T. 1976 (3rd), c. 4
Financial Administration	F-4.1	En. S.Y.T. 1976 (3rd), c. 4 Rp. S.Y.T. 1983, c. 19
Financial Administration	F-4.2	En. S.Y.T., 1983, c. 19 Am. S.Y.T., 1984, c. 9
Financial Agreement, 1973	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 28
Financial Agreement, 1974	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 22
Financial Agreement, 1975	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 21
Financial Agreement, 1976	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 10
Financial Agreement, 1977	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 14
Financial Agreement, 1978	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 19
Financial Agreement, 1979	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 8
Financial Agreement, 1980	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 10
Financial Agreement, 1981	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 1
Financial Agreement, 1982	N.C.N.R.	En. S.Y.T. 1982, c. 10
Financial Agreement, 1983	N.C.N.R.	En. S.Y.T. 1983, c. 2 Am. S.Y.T. 1984, c. 10, s. 7
Financial Agreement, 1984	N.C.N.R.	En. S.Y.T. 1984, c. 10

Fire Prevention	F-5	In. R.S.Y.T. 1971, C. F-5 Am. S.Y.T. 1972 (1st), c. 18 Am. S.Y.T. 1973 (1st), c. 10 Am. S.Y.T. 1980 (2nd), c. 12 Am. S.Y.T. 1980 (2nd), c. 16, s. 7
Firearms Administration Agreement	N.C.N.R.	En. S.Y.T. 1979 (1st), C. 3
First Appropriation, 1972-73	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 27
First Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 21
First Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 17
First Appropriation, 1975-76	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 20
First Appropriation, 1976-77	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 11
First Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 15
First Appropriation, 1978-79	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 18
First Appropriation, 1979-80	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 7
First Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1979 (2nd), c. 4
First Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1980 (2nd), c. 8
First Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1980 (2nd), c. 5
First Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1982, c. 20
First Appropriation, 1984 -85	N.C.N.R.	En. S.Y.T. 1983, c. 20
Fitness and Amateur Sport Agreement	F-6	In. R.S.Y.T. 1971, C. F-6
Flag	F-7	In. R.S.Y.T. 1971, C. F-7
Floral Emblem	F-8	In. R.S.Y.T. 1971, c. F-8
Forest Protection	F-9	In. R.S.Y.T. 1971, c. F-9 Am. S.Y.T. 1980 (1st), c. 20, s. 10 Am. S.Y.T. 1984, c. 22, s. 3
Fourth Appropriation, 1972-/3	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 20
Fourth Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1973 (4th), c. 24
Fourth Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 20
Fourth Appropriation, 1975-76	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 12
Fourth Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 17
Fourth Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1980 (2nd), c. 6
Fourth Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1982 (1st), c. 2
Fourth Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1983, c. 3
Fourth Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1983, c. 21
Fraudulent Preferences and Conveyances	F-9.1	En. S.Y.T. 1973 (1st), c. 3
Frustrated Contracts	F-10	In. R.S.Y.T. 1971, c. F-10 Rp. S.Y.T. 1980 (1st), c. 11

Frustrated Contracts	F-10.1	En. S.Y.T. 1980 (1st), c. 11
Fuel Oil Tax	F-11	In. R.S.Y.T. 1971, c. F-11 Rp. S.Y.T. 1973 (1st), c. 4
Fuel Oil Tax	F-11.1	En. S.Y.T. 1973 (1st), c. 4 Am. S.Y.T. 1975 (2nd), c. 9 Am. S.Y.T. 1979 (1st), c. 2 Am. S.Y.T. 1981 (1st), c. 2
Fur Export	F-12	In. R.S.Y.T. 1971, c. F-12 Am. S.Y.T. 1979 (2nd), c. 5 Rp. S.Y.T. 1981 (2nd), c. 16, s. 193
Game	G-1	In. R.S.Y.T. 1971, C. G-1 Am. S.Y.T. 1972 (1st), c. 19 Am. S.Y.T. 1973 (1st), c. 11 Am. S.Y.T. 1975 (2nd), c. 10 Am. S.Y.T. 1975 (3rd), c. 7 Am. S.Y.T. 1979 (2nd), c. 6 Am. S.Y.T. 1980 (2nd), c. 9 Am. S.Y.T. 1980 (2nd), c. 16, s. 8 Rp. S.Y.T. 1981 (2nd), c. 16, s. 193
Goals	G-2	In. R.S.Y.T. 1971, c. G-2
Garage Keepers' Lien	G-3	In. R.S.Y.T. 1971, c. G-3 Am. S.Y.T. 1980 (2nd), c. 20, s. 79
Garnishee	G-4	In. R.S.Y.T. 1971, c. G-4 Rp. S.Y.T. 1980 (1st), c. 12
Garnishee	G-4.1	En. S.Y.T. 1980 (1st), c. 12
Gasoline Handling	G-5	En. S.Y.T. 1972 (1st), c. 6
General Development Agreement	G-5.1	En. S.Y.T. 1977 (1st), c. 4
Government Employee Housing Plan	G-6	En. S.Y.T. 1975 (1st), c. 5 Am. S.Y.T. 1980 (1st), c. 13 Am. S.Y.T. 1980 (1st), c. 20, s. 11 Am. S.Y.T. 1983, c. 19 Am. S.Y.T. 1984, c. 11
Government Employees Unemployment Insurance Agreement Act	G-7	En. S.Y.T. 1984, c. 12
Health Care Insurance Plan	H-1	In. R.S.Y.T. 1971, c. H-1 Am. S.Y.T. 1981 (1st), c. 3 Am. S.Y.T. 1983, c. 19
Highways	H-1.1	En. S.Y.T. 1975 (3rd), c. 1 Am. S.Y.T. 1976 (3rd), c. 5 Am. S.Y.T. 1978 (1st), c. 5
Historic Sites and Monuments	H-2	In. R.S.Y.T. 1971, c. H-2 Am. S.Y.T. 1975 (2nd), C. 11
Home Owners' Grant	H-2.1	En. S.Y.T. 1976 (1st), c. 1 Am. S.Y.T. 1976 (3rd), c. 6 Am. S.Y.T. 1978 (1st), c. 6 Am. S.Y.T. 1980 (2nd), c. 10 Am. S.Y.T. 1981 (1st), c. 4
Hospital Insurance Services	H-3	In. R.S.Y.T. 1971, c. H-3 Am. S.Y.T. 1975 (3rd), c. 8

Hotels and Tourist Establishments	H-4	In. R.S.Y.T. 1971, c. H-4
Housing	H-5	In. R.S.Y.T. 1971, c. H-5
Housing Corporation	H-5.1	En. S.Y.T. 1972 (1st), c. 7 Am. S.Y.T. 1983, c. 19
Housing Development	H-6	In. R.S.Y.T. 1971, c. H-6 Am. S.Y.T. 1975 (2nd), c. 12
Human Tissue Gift	H-7	En. S.Y.T. 1980 (1st), c. 14
Immunity of Members	I-1	In. R.S.Y.T. 1971, c. I-1 Rp. S.Y.T. 1978 (1st), c. 2, s. 42
Income Tax	I-1.01	En. S.Y.T. 1979 (2nd), c. 7 Am. S.Y.T. 1980 (2nd), c. 11 Am. S.Y.T. 1981 (2nd), c. 7 Am. S.Y.T. 1983, c. 4 Am. S.Y.T. 1984, c. 13
Institute of Chartered Accountants	I-1.1	En. S.Y.T. 1976 (3rd), c. 2
Insurance	I-2	In. R.S.Y.T. 1971, c. I-2 Rp. S.Y.T. 1977 (1st), c. 1, s. 236
Insurance	I-2.01	En. S.Y.T. 1977 (1st), c. 1 Am. S.Y.T. 1977 (2nd), c. 4, s. 257 Am. S.Y.T. 1980 (1st), c. 15 Am. S.Y.T. 1980 (1st), c. 20, s. 12 Am. S.Y.T. 1980 (2nd), c. 16, s. 9 Am. S.Y.T. 1982, c. 21
Insurance Premium Tax	I-2.1	En. S.Y.T. 1976 (1st), c. 2 Am. S.Y.T. 1976 (3rd), c. 7 Am. S.Y.T. 1980 (2nd), c. 12
Interim Supply Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 23
Interim Supply Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 16
Interim Supply Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 5
Interim Supply Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1982 (1st), c. 4
Interim Supply Appropriation, 1982-83 (no. 2)	N.C.N.R.	En. S.Y.T. 1982, c. 11
Interim Supply Appropriation, 1982-83 (no. 3)	N.C.N.R.	En. S.Y.T. 1982, c. 12
Interim Supply Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1983, c. 5
Interim Supply Appropriation, 1983-84 (No. 2)	N.C.N.R.	En. S.Y.T. 1983, c. 6
Interim Supply Appropriation, 1984-85	N.C.N.R.	En. S.Y.T. 1984, c. 14
Interim Supply Appropriation, 1984-85 (No. 2)	N.C.N.R.	En. S.Y.T. 1984, c. 15

International Child Abduction (Hague Convention)	I-2.2	En. S.Y.T. 1981 (1st), c. 6 Rp. S.Y.T. 1984, c. 2, s. 187
Interpretation	I-3	In. R.S.Y.T. 1971, c. I-3 Am. S.Y.T. 1973 (1st), c. 12 Am. S.Y.T. 1974 (2nd), c. 8 Am. S.Y.T. 1979 (2nd), c. 2, s. 4 Am. S.Y.T. 1980 (1st), c. 20, s. 13 Am. S.Y.T. 1980 (1st), c. 30, s. 35 Am. S.Y.T. 1980 (2nd), c. 20, s. 80 Am. S.Y.T. 1982 (1st), c. 4 Am. S.Y.T. 1983, c. 19 Am. S.Y.T. 1984, c. 2, s. 191.1
Interprovincial Subpoena	I-3.1	En. S.Y.T. 1981 (1st), c. 7
Intestate Succession	I-4	In. R.S.Y.T. 1971, c. I-4 Am. S.Y.T. 1984, c. 2, s. 188
Judicature	J-1	In. R.S.Y.T. 1971, c. J-1 Am. S.Y.T. 1975 (2nd), c. 13 Am. S.Y.T. 1980 (1st), c. 28, s. 1 Am. S.Y.T. 1980 (1st), c. 30, s. 35 Am. S.Y.T. 1980 (2nd), c. 13* Am. S.Y.T. 1980 (2nd), c. 15 Am. S.Y.T. 1980 (2nd), c. 20, s. 81 Am. S.Y.T. 1981 (2nd), c. 8 Am. S.Y.T. 1983, c. 19 Am. S.Y.T. 1984, c. 2, s. 189
Jury	J-2	In. R.S.Y.T., c. J-2
Justice of the Peace	J-3	In. R.S.Y.T. 1971, c. J-3 Am. S.Y.T. 1976 (3rd), c. 8 Rp. S.Y.T. 1979 (2nd), c. 8, s. 23
Justice of the Peace Court	J-3.1	En. S.Y.T. 1979 (2nd), c. 8 Am. S.Y.T. 1981 (2nd), c. 9 Rp. S.Y.T. 1983, c. 10, s. 13
Labour Standards	L-1	In. R.S.Y.T. 1971, c. L-1 Am. S.Y.T. 1973 (1st), c. 13 Am. S.Y.T. 1974 (2nd), c. 9 Am. S.Y.T. 1975 (1st), c. 14 Am. S.Y.T. 1975 (3rd), c. 9 Rp. S.Y.T. 1984, c. 5, s. 108*
Land Acquisition Fund	L-1.1	En. S.Y.T. 1976 (2nd), c. 1 Rp. S.Y.T. 1983, c. 19
Land Planning	L-1.2	En. S.Y.T. 1982, c. 22*
Landlord and Tenant	L-2	In. R.S.Y.T. 1971, c. L-2 Am. S.Y.T. 1972 (1st), c. 20 Am. S.Y.T. 1980 (1st), c. 20, s. 14 Am. S.Y.T. 1981 (2nd), c. 10 Am. S.Y.T. 1982, c. 23 Am. S.Y.T. 1984, c. 16
Lands	L-3	In. R.S.Y.T. 1971, c. L-3 Rp. S.Y.T. 1972 (1st), c. 8, 14
Lands	L-3.01	En. S.Y.T. 1972 (1st), c. 8, 14 Am. S.Y.T. 1981 (1st), c. 8
Legal Aid	L-3.1	En. S.Y.T. 1975 (3rd), c. 2 Rp. S.Y.T. 1984, c. 18*

Legal Profession	L-4	In. R.S.Y.T. 1971, c. L-4 Am. S.Y.T. 1975 (3rd), c. 10 Am. S.Y.T. 1979 (2nd), c. 9 Am. S.Y.T. 1980 (1st), c. 20, s. 15 Rp. S.Y.T. 1984, c. 17*
Legal Profession	L-4.1	En. S.Y.T. 1984, c. 17*
Legal Profession Accounts	L-5	In. R.S.Y.T. 1971, c. L-5 Am. S.Y.T. 1980 (1st), c. 20, s. 16 Rp. S.Y.T. 1984, c. 17, s. 115*
Legal Services Society	L-5.05	En. S.Y.T. 1984, c. 18*
Legislative Assembly	L-5.1	En. S.Y.T. 1978 (1st), c. 2 Am. S.Y.T. 1979 (2nd), c. 18 Am. S.Y.T. 1980 (2nd), c. 25 Am. S.Y.T. 1981 (1st), c. 20 Am. S.Y.T. 1982 (1st), c. 9 Am. S.Y.T. 1982, c. 24 Am. S.Y.T. 1983, c. 22 Am. S.Y.T. 1983, c. 23
Legislative Assembly Retirement Allowances	L-5.2	En. S.Y.T. 1984, c. 19
Legitimation	L-6	In. R.S.Y.T. 1971, c. L-6 Rp. S.Y.T. 1984, c. 2, s. 190
Limitation of Actions	L-7	In. R.S.Y.T. 1971, c. L-7
Liquor	L-8	In. R.S.Y.T. 1971, c. L-8 Am. S.Y.T. 1976 (1st), c. 3, s. 5 Am. S.Y.T. 1976 (3rd), c. 9 Am. S.Y.T. 1977 (1st), c. 13 Am. S.Y.T. 1979 (2nd), c. 10* Am. S.Y.T. 1980 (1st), c. 17 Am. S.Y.T. 1980 (1st), c. 20, s. 17 Am. S.Y.T. 1982, (2nd), c. 25 Am. S.Y.T. 1983, c. 19 Am. S.Y.T. 1984, c. 20
Liquor Tax	L-8.1	En. S.Y.T. 1976 (1st), c. 3 Am. S.Y.T. 1977 (1st), c. 10 Am. S.Y.T. 1980 (1st), c. 18
Loan Agreement (1972), No. 1	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 26
Loan Agreement (1973), No. 1	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 29
Loan Agreement (1973), No. 2	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 30
Loan Agreement (1974), No. 1	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 24
Loan Agreement (1975), No. 1	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 22
Loan Agreement (1975), No. 2	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 14
Loan Agreement (1976), No. 1	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 13
Loan Agreement (1977), No. 1	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 19
Loan Agreement (1978), No. 1	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 20
Loan Agreement (1979), No. 1	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 9
Loan Agreement (1980), No. 1	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 19 Rp/Re. S.Y.T. 1980 (2nd), c. 14

Loan Agreement (1981), No. 1	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 9
Loan Agreement (1982), No. 1	N.C.N.R.	En. S.Y.T. 1982 (1st), c. 5
Local Improvement District	L-9	In. R.S.Y.T. 1971, c. L-9 Am. S.Y.T. 1972 (1st), c. 21 Am. S.Y.T. 1972 (2nd), c. 22 Am. S.Y.T. 1977 (1st), c. 11 Am. S.Y.T. 1977 (1st), c. 22 Am. S.Y.T. 1977 (2nd), c. 6 Rp. S.Y.T. 1980 (2nd), c. 17, s. 441
Lord's Day	L-10	In. R.S.Y.T. 1971, c. L-10
Lotteries	L-10.1	En. S.Y.T. 1974 (2nd), c. 2 Rp. S.Y.T. 1983, c. 26
Low Cost Housing	L-11	In. R.S.Y.T. 1971, c. L-11
Magistrate's Court	M-1	See Territorial Court
Maintenance	M-2	In. R.S.Y.T. 1971, c. M-2 Am. S.Y.T. 1980 (1st), c. 30, s. 34 Rp. S.Y.T. 1980 (2nd), c. 15 See Matrimonial Property & Family Support.
Marriage	M-3	In. R.S.Y.T. 1971, c. M-3 Am. S.Y.T. 1981 (1st), c. 10, s. 5
Married Women's Property	M-4	In. R.S.Y.T. 1971, c. M-4
Matrimonial Property	M-4.1	See Matrimonial Property & Family Support
Matrimonial Property & Family Support	M-4.1	En. S.Y.T. 1979 (2nd), c. 11 Am. S.Y.T. 1980 (2nd), c. 15 Am. S.Y.T. 1980 (2nd), c. 16, s. 10 Am. S.Y.T. 1981 (2nd), c. 11, s. 3 Am. S.Y.T. 1984, c. 2, s. 191
Mechanics' Lien	M-5	In. R.S.Y.T. 1971, c. M-5 Am. S.Y.T. 1980 (2nd), c. 20, s. 82
Mediation Board	M-5.1	En. S.Y.T. 1972 (1st), c. 9 Am. S.Y.T. 1984, c. 22, s. 4
Medical Profession	M-6	In. R.S.Y.T. 1971, c. M-6 Am. S.Y.T. 1975 (3rd), c. 11 Am. S.Y.T. 1978 (1st), c. 7 Rp. S.Y.T. 1979 (2nd), c. 12, s. 63
Medical Profession	M-6.1	En. S.Y.T. 1979 (2nd), c. 12 Am. S.Y.T. 1980 (2nd), c. 16, s. 11 Am. S.Y.T. 1983, c. 13*
Mental Health	M-7	In. R.S.Y.T. 1971, c. M-7 Am. S.Y.T. 1973 (1st), c. 14 Am. S.Y.T. 1980 (1st), c. 20, s. 18 Am. S.Y.T. 1984, c. 21
Metric Information Agreement	N.C.N.R.	En. S.Y.T. 1977 (2nd), c. 12
Miners' Lien	M-8	In. R.S.Y.T. 1971, c. M-8
Mining Safety	M-9	In. R.S.Y.T. 1971, c. M-9 Am. S.Y.T. 1974 (2nd), c. 10 Am. S.Y.T. 1975 (1st), c. 15 Am. S.Y.T. 1978 (1st), c. 8
Motion Pictures	M-10	In. R.S.Y.T. 1971, c. M-10 Rp. S.Y.T. 1981 (2nd), c. 12, s. 2

Motor Transport		See Transport Public Utilities
Motor Vehicles	M-11	In. R.S.Y.T. 1971, c. M-11 Am S.Y.T. 1972 (1st), c. 23 Am. S.Y.T. 1973 (1st), c. 15 Am. S.Y.T. 1974 (2nd), c. 11 Am. S.Y.T. 1975 (3rd), c. 12 Am. S.Y.T. 1976 (2nd), c. 4 Am. S.Y.T. 1977 (1st), c. 1, s. 236 Rp. S.Y.T. 1977 (2nd), c. 4, s. 258 Am. S.Y.T. 1983, c. 24
Motor Vehicles	M-11.1	En. S.Y.T. 1977 (2nd), c. 4 Am. S.Y.T. 1980 (1st), c. 20, s. 19 Am. S.Y.T. 1980 (1st), c. 21 Am. S.Y.T. 1980 (1st), c. 30, s. 35 Am. S.Y.T. 1980 (1st), c. 32, s. 26 Am. S.Y.T. 1980 (2nd), c. 17, s. 440 Am. S.Y.T. 1981 (2nd), c. 11, s. 4 Am. S.Y.T. 1982, c. 26 Am. S.Y.T. 1983, c. 24 Am. S.Y.T. 1984, c. 23
Municipal	M-12	En. S.Y.T. 1972 (1st), c. 10 Am. S.Y.T. 1975 (1st), c. 16 Am. S.Y.T. 1975 (2nd), c. 14 Am. S.Y.T. 1976 (3rd), c. 10 Am. S.Y.T. 1977 (2nd), c. 7 Am. S.Y.T. 1980 (1st), c. 20, s. 20 Am. S.Y.T. 1980 (1st), c. 30, s. 35 Rp. S.Y.T. 1980 (2nd), c. 17, s. 441 Am. S.Y.T. 1983, c. 13* Am. S.Y.T. 1983, c. 25
Municipal	M-12.1	En. S.Y.T. 1980 (2nd), c. 17 Am. S.Y.T. 1981 (1st), c. 10, s. 7 Am. S.Y.T. 1981 (2nd), c. 11, s. 5 Am. S.Y.T. 1981 (2nd), c. 13 Am. S.Y.T. 1982, c. 13 Am. S.Y.T. 1983, c. 13 Am. S.Y.T. 1983, c. 25
Municipal Aid	M-13	En. S.Y.T. 1972 (1st), c. 11 Rp. S.Y.T. 1981 (1st), c. 11, s. 21
Municipal Elections	M-14	En. S.Y.T. 1972 (1st), c. 12 Rp. S.Y.T. 1980 (2nd), c. 17, s. 441
Municipal Employees Benefits	M-15	En. S.Y.T. 1975 (2nd), c. 1 Rp. S.Y.T. 1980 (2nd), c. 17, s. 441
Municipal Finance	M-15.1	En. S.Y.T. 1981 (1st), c. 11 Am. S.Y.T. 1981 (2nd), c. 11, s. 6 Am. S.Y.T. 1981 (2nd), c. 14 Am. S.Y.T. 1982, c. 27 Am. S.Y.T. 1984, c. 24
Municipal General Purposes Loan (1974)	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 25
Municipal General Purposes Loan (1975)	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 23
Municipal General Purposes Loan (1976)	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 15
Municipal General Purposes Loan (1977)	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 20
Municipal General Purposes Loan (1978)	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 21

Municipal General Purposes Loan (1979)	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 10
Municipal General Purposes Loan (1980)	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 22 Am. S.Y.T. 1980 (2nd), c. 18
Municipal General Purposes Loan (1981)	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 12
Newspaper	N-1	In. R.S.Y.T. 1971, c. N-1 Rp. S.Y.T. 1981 (2nd), c. 12, s. 3
Noise Prevention	N-2	In. R.S.Y.T. 1971, c. N-2
Notaries	N-3	In. R.S.Y.T. 1971, c. N-3 Am. S.Y.T. 1974 (2nd), c. 12
Northern Natural Gas Pipeline Agreement	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 4
Occupational Training	O-0.1	En. S.Y.T. 1975 (1st), c. 6
Old Age Assistance and Blind Persons' Allowance	O-1	In. R.S.Y.T. 1971, c. O-1 Rp. S.Y.T. 1975 (1st), c. 12
Optometry	O-2	In. R.S.Y.T. 1971, c. O-2 Am. S.Y.T. 1982, c. 28
Parks	P-01	En. S.Y.T. 1979 (2nd), c. 13 Am. S.Y.T. 1980 (2nd), c. 16, s. 12 Am. S.Y.T. 1983, c. 19
Partnership	P-1	In. R.S.Y.T. 1971, c. P-1 Am. S.Y.T. 1977 (2nd), c. 8 Am. S.Y.T. 1980 (1st), c. 20, s. 21 Am. S.Y.T. 1980 (2nd), c. 19 Am. S.Y.T. 1980 (2nd), c. 20, s. 83 Am. S.Y.T. 1982, c. 29
Pawnbrokers and Second- Hand Dealers	P-2	In. R.S.Y.T. 1971, c. P-2
Perpetuities	P-3	In. R.S.Y.T. 1971, c. P-3 Rp. S.Y.T. 1980 (1st), c. 23
Perpetuities	P-3.1	En. S.Y.T. 1980 (1st), c. 23
Personal Property Security	P-3.2	En. S.Y.T. 1980 (2nd), c. 20 Am. S.Y.T. 1982, c. 30
Pharmaceutical Chemists	P-4	In. R.S.Y.T. 1971, c. P-4 Am. S.Y.T. 1973 (1st), c. 16 Am. S.Y.T. 1975 (3rd), c. 13
Pioneer Utility Grant	P-4.1	En. S.Y.T. 1978 (1st), c. 1 Am. S.Y.T. 1980 (1st), c. 20, s. 22 Am. S.Y.T. 1981 (1st), c. 13 Am. S.Y.T. 1981 (2nd), c. 11, s. 7 Am. S.Y.T. 1982 (1st), c. 6
Plebiscite	P-5	In. R.S.Y.T. 1971, c. P-5
Pounds	P-6	In. R.S.Y.T. 1971, c. P-6 Am. S.Y.T. 1973 (1st), c. 17 Am. S.Y.T. 1980 (1st), c. 20, s. 23
Presumption of Death	P-7	In. R.S.Y.T. 1971, c. P-7 Rp. S.Y.T. 1980 (1st), c. 24
Presumption of Death	P-7.1	En. S.Y.T. 1980 (1st), c. 24

Public Health	P-8	In. R.S.Y.T. 1971, c. P-8 Am. S.Y.T. 1972 (1st), c. 24 Am. S.Y.T. 1975 (3rd), c. 14
Public Inquiries	P-8.1	En. S.Y.T. 1973 (1st), c. 5
Public Lotteries	P-8.2	En. S.Y.T. 1983, c. 26
Public Printing	P-9	In. R.S.Y.T. 1971, c. P-9
Public Sector Compensation Restraint (Yukon)	P-9.1	En. S.Y.T. 1982, c. 31 Am. S.Y.T. 1983, c. 7 Am. S.Y.T. 1984, c. 25
Public Service	P-10	In. R.S.Y.T. 1971, c. P-10 Rp. S.Y.T. 1976 (2nd), c. 2, s. 217
Public Service Commission	P-10.1	En. S.Y.T. 1976 (2nd), c. 2
Public Service Staff Relations	P-11	In. R.S.Y.T. 1971, c. P-11 Am. S.Y.T. 1974 (2nd), c. 13 Am. S.Y.T. 1976 (3rd), c. 11
Public Utilities	P-12	En. S.Y.T. 1984, c. 26*
Purchase and Supply Services Agreement	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 31
Real Estate Agents' Licensing	R-0.1	En. S.Y.T. 1977 (1st), c. 5 Am. S.Y.T. 1980 (1st), c. 20, s. 24 Am. S.Y.T. 1984, c. 27
Reciprocal Enforcement of Judgments	R-1	In. R.S.Y.T. 1971, c. R-1 Am. S.Y.T. 1980 (2nd), c. 21 Am. S.Y.T. 1981 (1st), c. 10, s. 8
Reciprocal Enforcement of Maintenance Orders	R-2	In. R.S.Y.T. 1971, c. R-2 Rp. S.Y.T. 1980 (1st), c. 25
Reciprocal Enforcement of Maintenance Orders	R-2.1	En. S.Y.T. 1980 (1st), c. 25
Recording of Evidence by Sound Apparatus	R-3	In. R.S.Y.T. 1971, c. R-3
Recreation	R-3.05	En. S.Y.T. 1983, c. 27
Recreation Development	R-3.1	En. S.Y.T. 1977 (1st), c. 6 Am. S.Y.T. 1980 (2nd), c. 17, s. 440 Rp. S.Y.T. 1983, c. 27
Regulations	R-4	In. R.S.Y.T. 1971, c. R-4 Am. S.Y.T. 1980 (1st), c. 20, s. 25
Rehabilitation Services	R-5	In. R.S.Y.T. 1971, c. R-5 Am. S.Y.T. 1975 (1st), c. 17
Rental-Purchase Housing	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 25
Retirement Plan Beneficiaries	R-5.1	En. S.Y.T. 1979 (2nd), c. 14
Robert Campbell Bridge Agreement	N.C.N.R.	En. S.Y.T. 1973 (4th), c. 32
Sale of Goods	S-1	In. R.S.Y.T. 1971, c. S-1
Saw Logs Driving	S-2	In. R.S.Y.T. 1971, c. S-2 Rp. S.Y.T. 1981 (2nd), c. 12, s. 4

School	S-3	In. R.S.Y.T. 1971, c. S-3 Rp. S.Y.T. 1974 (2nd), c. 14
School	S-3.1	En. S.Y.T. 1974 (2nd), c. 14 Am. S.Y.T. 1980 (2nd), c. 22 Am. S.Y.T. 1983, c. 8 Am. S.Y.T. 1984, c. 22, s. 5
School Trespass	S-3.2	En. S.Y.T. 1981 (1st), c. 14
Scientists and Explorers	S-4	In. R.S.Y.T. 1971, c. S-4
Second Appropriation, 1972-73	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 29
Second Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 22
Second Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 18
Second Appropriation, 1975-76	N.C.N.R.	En. S.Y.T. 1975 (2nd), c. 17
Second Appropriation, 1976-77	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 18
Second Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 16
Second Appropriation, 1978-79	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 6
Second Appropriation, 1979-80	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 26
Second Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 27
Second Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 15
Second Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1982, c. 32
Second Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1983, c. 9
Second Appropriation, 1984-85	N.C.N.R.	En. S.Y.T. 1984, c. 28
Securities	S-5	In. R.S.Y.T. 1971, c. S-5 Am. S.Y.T. 1976 (3rd), c. 12 Am. S.Y.T. 1980 (1st), c. 20, s. 26 Am. S.Y.T. 1980 (2nd), c. 20, s. 84 Am. S.Y.T. 1983, c. 13* Am. S.Y.T. 1984, c. 29
Seniors' Income Supplement	S-5.1	En. S.Y.T. 1982 (1st), c. 7
Sixth Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 19
Small Claims		See Judicature
Social Assistance	S-6	In. R.S.Y.T. 1971, c. S-6 Am. S.Y.T. 1980 (2nd), c. 16, s. 13
Societies	S-7	In. R.S.Y.T. 1971, c. S-7 Am. S.Y.T. 1974 (2nd), c. 15 Am. S.Y.T. 1980 (1st), c. 20, s. 27 Am. S.Y.T. 1980 (2nd), c. 23 Am. S.Y.T. 1983, c. 13*
Society of Industrial Accountants	S-7.1	See Society of Management Accountants
Society of Management Accountants	S-7.2	En. S.Y.T. 1975 (2nd), c. 2 Am. S.Y.T. 1977 (2nd), c. 9 Am. S.Y.T. 1983, c. 28
Special Rural Development Agreement (Special ARDA)	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 15

Woodme	Stabilization Fund Loan	S-7.3	En. S.Y.T. 1977 (1st), c. 7 Am. S.Y.T. 1978 (1st), c. 9 Rp. S.Y.T. 1980 (1st), c. 29
Worker	Steam Boilers	S-8	In. R.S.Y.T. 1971, c. S-8 Rp. S.Y.T. 1979 (2nd), c. 1, s. 4
	Students' Financial Assistance	S-8.1	En. S.Y.T. 1975 (2nd), c. 3 Am. S.Y.T. 1978 (1st), c. 10 Am. S.Y.T. 1982, c. 14 Am. S.Y.T. 1983, c. 19
Workme	Students' Grants	S-9	In. R.S.Y.T. 1971, c. S-9 Rp. S.Y.T. 1975 (2nd), c. 6
Workme Supp	Summary Convictions	S-9.1	En. S.Y.T. 1980 (1st), c. 30
Young	Superannuation, Territorial Employees	S-10	In. R.S.Y.T. 1971, c. S-10 Am. S.Y.T. 1975 (2nd), c. 16
Young Agre	Supervision of Federal Parolees Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 7
Young	Supreme Court	S-10.1	In. R.S.Y.T. 1971, c. T-2 Am. S.Y.T. 1971 (3rd), c. 3 Am. S.Y.T. 1979 (2nd), c. 15 Am. S.Y.T. 1980 (1st), c. 28, s. 3 Am. S.Y.T. 1983, c. 16
Yukon Stud	Survival of Actions	S-10.2	En. S.Y.T. 1981 (1st), c. 16
	Survivorship	S-11	In. R.S.Y.T. 1971, c. S-11 Rp. S.Y.T. 1980 (1st), c. 31
	Survivorship	S-11.1	En. S.Y.T. 1980 (1st), c. 31
	Taxation	T-0.1	See Assessment and Taxation
	Tenants in Common	T-1	In. R.S.Y.T. 1971, c. T-1
	Territorial Court	T-2	See Supreme Court
	Territorial Court	T-2.05	In. R.S.Y.T. 1971, c. M-1 Am. S.Y.T. 1979 (2nd), c. 2 Am. S.Y.T. 1980 (1st), c. 28, s. 2 Am. S.Y.T. 1983, c. 10
	Territorial Municipal Employment Loans	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 33
	Third Appropriation, 1972-73	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 19
	Third Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1973 (3rd), c. 23
	Third Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 19
	Third Appropriation, 1975-76	N.C.N.R.	En. S.Y.T. 1975 (3rd), c. 15
	Third Appropriation, 1976-77	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 16
	Third Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 17
	Third Appropriation, 1978-79	N.C.N.R.	En. S.Y.T. 1979 (2nd), c. 17
	Third Appropriation, 1979-80	N.C.N.R.	En. S.Y.T. 1980 (2nd), c. 24
	Third Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 17

Third Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 18
Third Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1982, c. 33
Third Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1983, c. 11
Third Appropriation, 1984-85	N.C.N.R.	En. S.Y.T. 1984, c. 30
Tobacco Tax	T-2.1	En. S.Y.T. 1974 (2nd), c. 3 Am. S.Y.T. 1976 (1st), c. 9 Am. S.Y.T. 1978 (1st), c. 12 Am. S.Y.T. 1981 (1st), c. 19
Trade Schools Regulation	T-3	In. R.S.Y.T. 1971, c. T-3
Transfer of Prisoners Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 8
Transport Public Utilities	T-4	In. R.S.Y.T. 1971, c. T-4 Am. S.Y.T. 1980 (1st), c. 32 Am. S.Y.T. 1980 (2nd), c. 16, s. 14 Am. S.Y.T. 1982 (1st), c. 8 Am. S.Y.T. 1984, c. 31
Travel for Medical Treatment	T-4.1	En. S.Y.T. 1975 (2nd), c. 4
Travel Industry Development Agreement	N.C.N.R.	En. S.Y.T. 1975 (2nd), c. 5
Trustee	T-5	In. R.S.Y.T. 1971, c. T-5 Am. S.Y.T. 1980 (1st), c. 33 Am. S.Y.T. 1981 (1st), c. 16, s. 12
Unemployment Assistance Agreement Repeal	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 13
Variation of Trusts	V-1	In. R.S.Y.T. 1971, c. V-1
Vital Statistics	V-2	In. R.S.Y.T. 1971, c. V-2 Am. S.Y.T. 1973 (1st), c. 18 Am. S.Y.T. 1984, c. 2, s. 192
Wages Recovery	W-1	In. R.S.Y.T. 1971, c. W-1 Rp. S.Y.T. 1984, c. 5, s. 108*
Warehouse Receipts	W-1.5	En. S.Y.T. 1981 (2nd), c. 15
Warehousemen's Lien	W-2	In. R.S.Y.T. 1971, c. W-2 Am. S.Y.T. 1980 (2nd), c. 20, s. 85
Whitehorse, An Ordinance to open a certain portion of Land in the City of	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 13
Whitehorse General Purposes Loan (1972)	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 32
Whitehorse General Purposes Loan (1973)	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 34
Whitehorse (Takhini and Valleyview) Lands	N.C.N.R.	En. S.Y.T. 1975 (2nd), c. 18
Wildlife	W-2.5	En. S.Y.T. 1981 (2nd), c. 16 Am. S.Y.T. 1982, c. 15 Am. S.Y.T. 1982, c. 34
Wills	W-3	In. R.S.Y.T. 1971, c. W-3

Woodmen's Lien	W-4	In. R.S.Y.T. 1971, c. W-4 Am. S.Y.T. 1980 (2nd), c. 20, s. 86
Workers' Compensation	W-4.1	In. R.S.Y.T. 1971, c. W-5 Rp/Re. S.Y.T. 1973 (3rd), c. 6 Am. S.Y.T. 1975 (3rd), c. 6, s. 4 Am. S.Y.T. 1977 (2nd), c. 10 Am. S.Y.T. 1980 (1st), c. 20, s. 28 Am. S.Y.T. 1981 (1st), c. 10, s. 6 Am. S.Y.T. 1982, c. 35 Am. S.Y.T. 1983, c. 19 Am. S.Y.T. 1983, c. 29
Workmen's Compensation	W-5	See Workers' Compensation
Workmen's Compensation Supplementary Benefits	N.C.N.R.	En. S.Y.T. 1973 (3rd), c. 7
Young Offenders Agreement	N.C.N.R.	En. S.Y.T. 1984, c. 32
Young Offenders Welfare Agreement	N.C.N.R.	En. S.Y.T. 1976 (2nd), c. 3
Young Voyageur Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 9
Yukon Council	Y-1	See Legislative Assembly
Yukon River Basin Study Agreement	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 34 Am. S.Y.T. 1983, c. 30



STATUTES
OF THE
YUKON TERRITORY

PASSED BY THE LEGISLATURE OF
THE YUKON TERRITORY
IN THE YEAR
1984

IN THE FOURTH SESSION OF THE TWENTY FIFTH
LEGISLATIVE ASSEMBLY

CHILDREN'S ACT
VOLUME 2

STATUTES OF THE YUKON TERRITORY
1984, Chapter 2

CHILDREN'S ACT

(Assented to May 17, 1984)

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

- 1 (1) This Act may be cited as the Children's Act.
- 2 (1) This Act shall be construed and applied so that in matters arising under it the interests of the child affected by the proceeding shall be the paramount consideration and where the rights or wishes of a parent or other person and the child conflict the best interests of the child shall prevail.
- 3 (1) Subject to subsection (2), in all questions relating to the custody and education of minors, the rules of equity shall prevail.

(2) The rules of equity shall not prevail over the provisions of this or any other Act.
- 4 (1) For the purposes of construing any instrument or any Act, regulation or other legislative instrument, a reference to a guardian with respect to the person of a child shall be construed to refer to custody of the child and a reference to a guardian with respect to property of a child shall be construed to refer to guardianship for the child.

(2) Subsection (1) applies to any instrument or any Act, regulation or other legislative instrument enacted or made before, on or after the day this section comes into force.
- 5 (1) In this Act "parent" means the father or mother of a child by birth, or by virtue of an adoption order made or recognized under this Act.

PART 1

CHILD STATUS AND ESTABLISHMENT OF PARENTAGE

Part 1, Division (1) - EQUAL STATUS OF CHILDREN

- 6 (1) Subject to section 14, for all purposes of the laws of Yukon a person is the child of his or her natural parents, and his or her status as their child is independent of whether the child is born within or outside marriage.
- (2) Where an adoption order has been made or is recognized pursuant to this Act, the child is the child of the adopting parents as if they were the natural parents.
- (3) Kindred relationships shall flow from and be determined according to the relationships described in subsection (1) and (2), and in section 14.
- (4) Any distinction between the status of a child born inside marriage and a child born outside marriage is abolished and the relationship of parent and child and kindred relationships flowing from that relationship shall be determined for the purposes of the common law and equity in accordance with this section and section 14.
- 7 (1) For the purpose of construing any instrument, Act or regulation, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person shall be construed to refer to and include a person who comes within the description by reason of the relationship of parent and child as determined under sections 6 and 14.
- (2) Subsection (1) applies to any Act and to any regulation, or other legislative instrument enacted or made before, on or after the day this Division comes into force and it also applies to any other instrument made on or after the day this Division comes into force, but it does not affect
- (a) such other instrument made before this Act comes into force, or
- (b) a disposition of property made before this Act comes into force.

Part 1, Division (2) - ESTABLISHMENT OF PARENTAGE

- 8 (1) The court having jurisdiction for the purposes of sections 9 to 12 shall be the Supreme Court of Yukon.
- 9 (1) Any person having an interest may apply to the Court for a declaratory order that a person is or is not in law the mother of a child.
- (2) Where the Court finds on the balance of probabilities that a person is or is not in law the mother of a child, the Court may make a declaratory order to that effect.
- 10 (1) Any person having an interest may apply to the Court for a declaratory order that a person is or is not in law the father of a child.
- (2) Where the Court finds on the balance of probabilities that a person is or is not in law the father of a child, the Court may make a declaratory order to that effect.
- (3) Where the Court finds that a presumption of paternity exists under section 13, the Court shall make a declaratory order confirming that the presumed paternity is recognized in law, unless the Court finds on the balance of probabilities that the presumed father is not the father of the child.
- (4) A declaratory order that a person is in law the father of a child shall not be made under this section unless both the father and the child whose relationship is sought to be established are living.
- (5) Notwithstanding subsection (4), where only the father or the child is living and the Court finds that a presumption of paternity exists under section 13, the Court may make a declaratory order that a person is in law the father of the child.
- 11 (1) In sections 9 and 10 the concept of interest shall not be restricted to a proprietary interest and may include any other interest that the Court thinks justifies allowing the applicant the standing to proceed with his application.

- (2) For the purposes of section 9 and 10, a person who seeks a declaratory order to establish that there exists or that there does not exist a relationship between him and another person shall be deemed to have an interest.
- 12 (1) Subject to this section, a declaratory order made under section 9 or 10 shall be recognized for all purposes.
- (2) Where a declaratory order has been made under section 9 or 10 and evidence that was not available at the previous hearing becomes available, the Court may discharge or vary that order and make such other orders or directions as are ancillary thereto.
- 13 (1) Unless the contrary is proven on the balance of the probabilities, a person shall be presumed to be the father of a child in any one of the following circumstances:
- (a) he was married to the mother of the child at the time of the birth of the child;
 - (b) he was married to the mother of the child by a marriage that was terminated by death or judgment of nullity within 300 days before the birth of the child or by divorce where the decree nisi was granted within 300 days before the birth of the child;
 - (c) he married the mother of the child after the birth of the child and acknowledges that he is the natural father;
 - (d) he was cohabiting with the mother of the child in a relationship of some permanence at the time of the birth of the child or the child is born within 300 days after they ceased to cohabit;
 - (e) he and the mother of the child have acknowledged in writing that he is the father of the child;
 - (f) he has been found or recognized in his lifetime by a court to be the father of the child.
- (2) Where circumstances exist that give rise to a presumption or presumptions of paternity by more than one father under subsection (1), no presumption shall be made as to paternity.
- 14 (1) In this section, "artificial insemination" includes the fertilization by a man's semen of a woman's own ovum outside of her uterus and subsequent implantation of the fertilized ovum in her.

- (2) A man whose semen was used to artificially inseminate a woman is deemed in law to be the father of the resulting child if he was married to or cohabiting with the woman at the time she is inseminated even if his semen were mixed with the semen of another man.
 - (3) A man who is married to a woman at the time she is artificially inseminated solely with the semen of another man shall be deemed in law to be the father of the resulting child if he consents in advance to the insemination.
 - (4) A man who is not married to a woman with whom he is cohabiting at the time she is artificially inseminated solely with the semen of another man shall be deemed in law to be the father of the resulting child if he consents in advance to the insemination, unless it is proved that he refused to consent to assume the responsibilities of parenthood.
 - (5) Notwithstanding a married or cohabiting man's failure to consent to the insemination or consent to assume the responsibilities of parenthood under subsection (3) or (4) he shall be deemed in law to be the father of the resulting child if he has demonstrated a settled intention to treat the child as his child unless it is proved that he did not know that the child resulted from artificial insemination.
 - (6) A man whose semen is used to artificially inseminate a woman to whom he is not married or with whom he is not cohabiting at the time of the insemination is not in law the father of the resulting child.
- 15 (1) For the purposes of sections 13 and 14,
- (a) where a man and woman go through a form of marriage with each other and at least one of them does so in good faith and they then cohabit and the marriage is void, they shall be deemed to be married during the time they cohabit, and
 - (b) where a voidable marriage is decreed a nullity, the man and woman shall be deemed to be married until the date of the decree of nullity.

- 16 (1) Upon the application of a party in a civil proceeding in which a court is called upon to determine the parentage of a child, the court may give the party leave to obtain blood tests on such persons as are named in the order granting leave and to submit the results in evidence.
- (2) Leave under subsection (1) may be given subject to such terms and conditions as the court thinks proper.
- (3) No order under subsection (1) authorizes the taking of a blood test without a sufficient consent given by the person on whom the blood test is taken.
- (4) Where leave is given under subsection (1) and a person named therein refuses to submit to the blood test, the court may draw such inferences as it considers appropriate.
- (5) Where a person named in an order granting leave under subsection (1) is not capable of consenting to having a blood test taken, the consent shall be deemed to be sufficient,
- (a) where the person is a minor of the age of 16 years or more, if the minor consents;
- (b) where the person is a minor under the age of 16 years, if the person having the right to authorize medical treatment for the minor consents; and
- (c) where the person is without capacity for any reason other than minority, if the person having his charge consents and a legally qualified medical practitioner certifies that the giving of a blood sample would not be prejudicial to his proper care and treatment.
- 17 (1) The Commissioner in Executive Council may make regulations governing blood tests for which leave is given by a court under section 16 including, without limiting the generality of the foregoing,
- (a) the method of taking blood samples and the handling, transportation and storage thereof;
- (b) the conditions under which a blood sample may be tested;
- (c) designating persons or facilities or classes thereof who are authorized to conduct blood tests for the purposes of section 16;
- (d) prescribing procedures respecting the admission of reports of blood tests in evidence.

- 18 (1) A written acknowledgment of paternity referred to in subsection 13(1) may be filed in the office of the Registrar General of Vital Statistics.
- (2) Any person having an interest, upon applying, furnishing information satisfactory to the Registrar General of Vital Statistics and paying the prescribed fee, may, if the Registrar General is satisfied that the information or documents the person seeks will not be used for an improper purpose, inspect and obtain certified copies of
- (a) any written acknowledgment of paternity filed under subsection (1), and
- (b) any documents made pursuant to subsection 3(6) or (8) of the Vital Statistics Act.
- (3) The clerk of the Court shall deliver to the Registrar General of Vital Statistics a statement in the prescribed form respecting each order of the Court under sections 9 or 10 that makes a declaration of parentage.
- (4) Any person may inspect an order filed under subsection (3) and obtain a certified copy of it from the Registrar General of Vital Statistics upon payment of the prescribed fee.
- (5) Subject to subsections 3(6) and (8) of the Vital Statistics Act, the Registrar General of Vital Statistics shall not make any amendment in the register of births in consequence of the filing of a written acknowledgment of paternity under subsection (1).
- (6) In consequence of receiving from the clerk of the Court a statement under subsection (3) about an order that makes a declaration about parentage, the Registrar General of Vital Statistics shall amend the register of births accordingly.
- (7) A certificate certifying a copy of a document to be a true copy, obtained under this section, purporting to be signed by the Registrar General or Deputy Registrar General or on which the signature of either is lithographed, printed or stamped is, without proof of the office or signature of the Registrar General or Deputy Registrar General, receivable in evidence as prima facie proof of the filing and contents of the document for all purposes in any action or proceeding.

Part 1, Division (3) - RECOGNITION OF EXTRA-PROVINCIAL
DETERMINATION OF PATERNITY

- 19 (1) In sections 20 to 28
- (a) "extra-provincial declaratory order" means an order in the nature of a declaratory order provided for in section 9 or 10 but made by a court outside of Yukon;
 - (b) "extra-provincial finding of paternity" means a judicial finding of paternity that is made incidentally in the determination of another issue by a court outside of Yukon and that is not an extra-provincial declaratory order.
- 20 (1) An extra-provincial declaratory order that is made in Canada shall be recognized and have the same effect as if made in Yukon.
- 21 (1) An extra-provincial declaratory order that was made outside Canada shall be recognized and have the same effect as if made in Yukon if,
- (a) at the time the proceeding was commenced or the order was made, either parent was habitually resident,
 - (i) in the jurisdiction of the court making the order,
 - or
 - (ii) in a jurisdiction in which the order is recognized;
 - (b) the court that made the order would have had jurisdiction to do so under the rules that are applicable in Yukon;
 - (c) the child was habitually resident in the jurisdiction of the court making the order at the time the proceeding was commenced or the order was made; or
 - (d) the child or either parent had a real and substantial connection with the jurisdiction in which the order was made at the time the proceeding was commenced or the order was made.
- 22 (1) A court may decline to recognize an extra-provincial declaratory order and may make a declaratory order under this Act where,
- (a) new evidence that was not available at the hearing becomes available; or
 - (b) the court is satisfied that the extra-provincial declaratory order was obtained by fraud or duress.

- 23 (1) A copy of an extra-provincial declaratory order, certified under the seal of the court that made it, may be filed in the office of the Registrar General of Vital Statistics but where the extra-provincial declaratory order is made outside of Canada, the copy shall be accompanied by,
- (a) the opinion of a lawyer entitled to practise law in Yukon that the declaratory order is entitled to recognition under the law of Yukon;
 - (b) a sworn statement by a lawyer or public official in the extra-provincial jurisdiction as to the effect of the declaratory order; and
 - (c) such translation, verified by affidavit, as the Registrar General of Vital Statistics requires.
- (2) Upon the filing of an extra-provincial declaratory order under this section, the Registrar General of Vital Statistics shall amend the register of births accordingly, but where the extra-provincial declaratory order contradicts paternity declared by an order already filed, the Registrar General shall restore the amended record as if unaffected by it or previous orders.
- (3) The Registrar General of Vital Statistics is not liable for any consequences resulting from filing under this section material that is apparently regular on its face.
- 24 (1) A copy of an extra-provincial declaratory order, certified under the seal of the court that made it, is admissible in evidence without proof of the signatures or office of any person executing the certificate.
- 25 (1) An extra-provincial finding of paternity that is made in Canada shall be recognized and have the same effect as if made in Yukon under the same circumstances.
- 26 (1) An extra-provincial finding of paternity that is made outside Canada by a court that has jurisdiction to determine the matter in which the finding was made as determined by the conflict of laws rules of Yukon shall be recognized and have the same effect as if made in Yukon under the same circumstances.

- 27 (1) A copy of an order or judgment in which an extra-provincial finding of paternity is made, certified under the seal of the court that made it, is admissible in evidence without proof of the signature or office of any person executing the certificate.
- 28 (1) Sections 19 to 28 apply to extra-provincial declaratory orders and extra-provincial findings of paternity whether made before or after sections 19 to 28 come into force.

CUSTODY, ACCESS AND GUARDIANSHIP

Part 2, Division (1) - GENERAL PURPOSE

- 29 (1) In this Part,
- "care", in relation to a child, means the physical care and control of a child;
- "Court" means the Supreme Court of Yukon;
- "extra-provincial order" means an order, or that part of an order, of an extra-provincial tribunal that grants to a person custody of or access to a child;
- "extra-provincial tribunal" means a court or tribunal outside Yukon that has jurisdiction to grant to a person custody of or access to a child;
- "custody", in relation to a child, includes the right to care and nurturance of the child, the right to consent to medical treatment for the child, the right to consent to the adoption or the marriage of the child, and the responsibilities concomitant with those rights, including the duty of supporting the child and of ensuring that the child is appropriately clothed, fed, educated and disciplined, and supplied with the other necessities of life and a good upbringing.
- (2) In this Part, a reference to a child is a reference to the child while a minor.

- 30 (1) The purposes of this Part are,
- (a) to ensure that applications to the Courts in respect of custody of, incidents of custody of, access to children will be determined in accord with the best interests of the children.
 - (b) to recognize that the concurrent exercise of jurisdiction by judicial tribunals of more than one province, territory or state in respect of the custody of the same child ought to be avoided, and to make provision so that the Court in Yukon will, unless there are exceptional circumstances, decline or refrain from exercising jurisdiction in cases where it is more appropriate for the matter to be determined by a tribunal having jurisdiction in another place with which the child has a closer connection;
 - (c) to discourage the abduction of children as an alternative to the determination of custody rights by due process; and
 - (d) to provide for the more effective enforcement of custody and access orders and for the recognition and enforcement of custody and access orders made outside Yukon.
- 31 (1) In determining the best interests of a child for the purposes of an application under this Part in respect of custody of or access to a child, the Court shall consider all the needs and circumstances of the child including,
- (a) the bonding, love, affection and emotional ties between the child and,
 - (i) each person entitled to or claiming custody of or access to the child,
 - (ii) other members of the child's family who reside with the child, and
 - (iii) persons involved in the care and upbringing of the child;
 - (b) the views and preferences of the child, where such views and preferences can be reasonably ascertained;
 - (c) the length of time, having regard to the child's sense of time, that the child has lived in a stable home environment;
 - (d) the ability and willingness of each person applying for custody of the child to provide the child with guidance, education, the necessities of life and any special needs of the child;

- (e) any plans proposed for the care and upbringing of the child;
 - (f) the permanence and stability of the family unit with which it is proposed that the child will live;
 - (g) the effect that awarding custody or care of the child to one party would have on the ability of the other party to have reasonable access to the child.
- (2) The past conduct of a person is not relevant to a determination of an application under this Part in respect of custody of or access to a child unless the conduct is relevant to the ability of the person to have the care or custody of a child.
- (3) There is no presumption of law or fact that the best interests of a child are, solely by virtue of the age or the sex of the child, best served by placing the child in the care or custody of a female person rather than a male person or of a male person rather than a female person.
- (4) In any proceedings in respect of custody of a child between the mother and the father of that child, there shall be a rebuttable presumption that the Court ought to award the care of the child to one parent or the other and that all other parental rights associated with custody of that child ought to be shared by the mother and the father jointly.

Part 2, Division (2) - CUSTODY AND ACCESS

- 32 (1) Except as otherwise provided in this Part, the father and the mother of a child are equally entitled to custody of the child.
- (2) A person entitled to custody of a child has the rights and responsibilities of a parent in respect of the person of the child and must exercise those rights and responsibilities in the best interests of the child.
- (3) Where more than one person is entitled to custody of a child, any one of them may exercise the rights and responsibilities of a parent on behalf of them in respect of the child.

- (4) Where the parents of a child live separate and apart and the child lives in the care of one of them with the consent, implied consent or acquiescence of the other of them, the right of the other to exercise the entitlement to custody and the incidents of custody, but not the entitlement to access, is vested in the parent with care of the child until an agreement between the parents or an order otherwise provides.
 - (5) The entitlement to access to a child includes the rights to visit with and be visited by the child and the same right as a parent to make inquiries and to be given information as to the health, education and welfare of the child.
 - (6) In addition to rights referred to in subsection (5), the parent not having care of a child shall have
 - (a) the right to consent to the adoption or marriage of his minor child; and
 - (b) the right to give consent to urgent medical treatment on his or her child where the consent of the parent entitled to the care and custody of the child cannot expeditiously be obtained.
 - (7) The entitlement to custody of or access to a child is terminated on the marriage of the child.
 - (8) Any entitlement to custody or incidents of custody or to access under this section is subject to alteration by an order of the court or by an agreement between the parents or other persons entitled to the custody or access.
- 33
- (1) A person entitled to custody of a child may appoint one or more persons to have any of the appointor's rights of custody in relation to the child.
 - (2) An appointment of a custodian under subsection (1) may be effective during the lifetime of the appointor for such time as the appointor may specify.
 - (3) An appointment of a custodian under subsection (1) shall not be effective after the death of the appointor unless the appointment is made by a valid will.

- 34 (1) A parent of the child, or any other person, may apply to the Court for an order respecting custody of or access to the child or determining any aspect of the incidents of custody of the child.
- (2) In an application under subsection (1) the Court
- (a) may grant the custody of or access to the child to one or more persons;
 - (b) may determine and make an appropriate order about any aspect of the incidents of the right to custody or access; and
 - (c) may make such additional order as the court considers necessary and proper in the circumstances.
- 35 (1) The Court shall not make an order under this Part that varies an order in respect of custody or access unless there has been a material change in circumstances that affects or is likely to affect the best interests of the child.
- 36 (1) Where an order is made for custody of or access to a child, the Court may give such directions as it considers appropriate for the supervision of the custody or access by a person, who has consented so to act.
- 37 (1) The Court may make an order restraining any person from molesting, annoying or harassing the applicant, or a child in the lawful care or custody of the applicant.
- 38 (1) The Court shall only exercise its jurisdiction to make an order for custody of or access to a child where,
- (a) the child is habitually resident in Yukon at the commencement of the application for the order;
 - (b) although the child is not habitually resident in Yukon the court is satisfied that,
 - (i) the child is physically present in Yukon at the commencement of the application for the order,
 - (ii) substantial evidence concerning the best interests of the child is available in Yukon,
 - (iii) no application for custody of or access to the child is pending before an extra-provincial tribunal in another place where the child is habitually resident,

- (iv) no extra-provincial order in respect of custody of or access to the child has been recognized by a court in Yukon;
 - (v) the child has a real and substantial connection with Yukon; and
 - (vi) on the balance of convenience, it is appropriate for jurisdiction to be exercised in Yukon.
- (2) A child is habitually resident in the place where he resided,
- (a) with both parents;
 - (b) where the parents are living separate and apart, with one parent under an agreement or with the consent, implied consent or, acquiescence of the other or under a court order; or
 - (c) with a person other than a parent on a permanent basis for a significant period of time;
- whichever last occurred.
- (3) The removal or withholding of a child without the consent of the person having care and custody of the child does not alter the habitual residence of the child unless there has been acquiescence or undue delay in commencing due process for the return of the child by the person from whom the child is removed or withheld.
- 39 (1) Notwithstanding sections 38 and 51, the Court may exercise its jurisdiction to make or to vary an order in respect of the custody of or access to a child where,
- (a) the child is physically present in Yukon; and
 - (b) the Court is satisfied that the child would, on the balance of probabilities, suffer serious harm if,
 - (i) the child remains in the custody of the person legally entitled to custody of the child, or
 - (ii) the child is returned to the custody of the person legally entitled to custody of the child.
- 40 (1) In an application under this Part in respect of custody or access to a child, the Court may decline to exercise its jurisdiction where it is of the opinion that it is more appropriate for jurisdiction to be exercised outside Yukon.

- 41 (1) Where any party to any proceeding in respect of custody of or access to a child wants to continue his application and obtain the decision of the Court, the Court shall complete the hearing of the application within three months after the commencement of the proceeding, unless a party seeks a delay or stay and the Court is satisfied that there is justification for the delay or stay and that the delay or stay will not cause any prejudice to the best interests of the child.
- (2) The Court shall make its decision disposing of the application in respect of the custody of or access to the child so soon as practicable after the end of the hearing.
- 42 (1) An application under this Part in respect of custody of or access to a child is stayed by the commencement of an action for divorce under the Divorce Act (Canada) in which an application is also made in respect of custody of or access to that child, unless the Court grants leave for the application under this Part to be continued separately from that action for divorce.
- 43 (1) In an application for custody of or access to a child, the Court, at the request of the parties, may appoint a person selected by the parties to mediate any matter specified in the order.
- (2) The Court shall not appoint a person under subsection (1) unless the person
- (a) has consented to act as mediator, and
 - (b) has agreed to file a report with the Court within the period of time specified by the Court.
- (3) It is the duty of a mediator to confer with the parties and endeavour to obtain an agreement in respect of the matter he is appointed to mediate.
- (4) Before entering into mediation on the matter, ~~the parties~~ shall decide whether,
- (a) the mediator is to file with the Court a full report on the mediation, including anything that the mediator considers relevant to the matter in mediation; or

- (b) the mediator is to file with the Court a report that either sets out the agreement reached by the parties or states only that the parties did not reach agreement on the matter.
- (5) The mediator shall file his report with the clerk of the Court in the form decided upon by the parties.
- (6) The clerk of the court shall give a copy of the report to each of the parties and to counsel, if any, representing the child.
- (7) Where the parties have decided that the mediator's report is to be in the form described in paragraph (4)(b), evidence of anything said or of any admission or communication made in the course of the mediation is not admissible in any proceeding except with the consent of all parties to the proceeding in which the order was made under subsection (1).
- (8) The Court may order the parties to pay the fees and expenses of the mediator.
- (9) The Court may specify in the order the proportions or amounts of the fees and expenses that each party is to pay.
- 44 (1) In an application under this Part in respect of a child, the Court may request the Director of Family and Children's Services appointed under section 110 to cause an investigation to be made and to report to the court upon all matters relating to the custody, support and education of the child.
- (2) The Director shall have no obligation to prepare a report or to prepare a report within a stipulated period unless he consents to or has given a prior written report.
- 45 (1) Where the Court is of the opinion that it is necessary to receive further evidence from a place outside Yukon before making a decision, the Court may send to the Attorney General, Minister of Justice or similar officer of the place outside the Yukon such supporting material as may be necessary together with a request,
- (a) that the Attorney General, Minister of Justice or similar officer take such action as may be necessary in order to require a named person to attend before the proper tribunal in that place and produce or give evidence in respect of the subject-matter of the application; and

- (b) that the Attorney General, Minister of Justice or similar officer or the tribunal send to the Court a certified copy of the evidence produced or given before the tribunal.
- (2) The Court that acts under subsection (1) may assess the cost of so acting against one or more of the parties to the application or may deal with such cost as costs in the cause.
- 46 (1) Where the Deputy Head of the Department of Justice receives from an extra-provincial tribunal a request similar to that referred to in section 37 and such supporting material as may be necessary, the Deputy Head of Justice shall refer the request and the material to the Court.
- (2) A court to which a request is referred by the Deputy Head of the Department of Justice under subsection (1) shall require the person named in the request to attend before the court and produce or give evidence in accordance with the request.
- 47 (1) Where the Court is satisfied by a person in whose favour an order has been made in relation to custody of or access to a child that there are reasonable and probable grounds for believing that any person is unlawfully withholding the child from the applicant, the court may authorize the applicant or someone on his behalf to apprehend the child for the purpose of giving effect to the rights of the applicant in relation to custody or access, as the case may be.
- (2) Where the Court is satisfied that there are reasonable and probable grounds for believing,
- (a) that any person is unlawfully withholding a child from a person entitled to custody of or access to the child, or
- (b) that a person who is prohibited by court order or separation agreement from removing a child from Yukon proposes to remove the child or have the child removed from Yukon, or
- (c) that a person who is entitled to access to a child proposes to remove the child or to have the child removed from Yukon and is not likely to return the child to Yukon,

the Court may direct the sheriff or a police officer, or both, having jurisdiction in any area where it appears to the Court that the child may be, to locate, apprehend and deliver the child to the person named in the order.

- (3) An order may be made under subsection (2) upon an application made without notice where the court is satisfied that it is necessary that an order should be made without delay.
 - (4) The sheriff or police officer directed to act by an order under subsection (2) shall do all things reasonably able to be done to locate, apprehend and deliver the child in accordance with the order.
 - (5) For the purpose of locating and apprehending a child in accordance with an order under subsection (2), a sheriff or a member of a police force may with such assistance and such force as is reasonable, enter and search any place where he has reasonable and probable grounds for believing and does believe that the child may be.
 - (6) An entry or a search referred to in subsection (5) shall be made only between 6 o'clock in the forenoon and 9 o'clock in the afternoon unless the Court, in the order, authorizes entry and search at another time.
 - (7) An order made under subsection (2) shall name a date on which it expires, and that date shall be not later than one month after the order is made unless the Court, before the order expires, is satisfied that a longer period of time is necessary and grants an extension.
 - (8) An application under subsection (1) or (2) may be made with or separately from an application for custody or access.
- 48 (1) Where the Court is satisfied upon reasonable and probable grounds that a person prohibited by court order or an agreement from removing a child from Yukon proposes to remove the child from Yukon, the Court, in order to prevent the removal of the child from Yukon, may make an order under subsection (3).

- (2) Where the Court is satisfied upon reasonable and probable grounds that a person entitled to access to a child proposes to remove the child from Yukon and is not likely to return the child to Yukon, the Court, in order to secure the prompt, safe return of the child to Yukon may make an order under subsection (3).
- (3) An order mentioned in subsection (1) or (2) may require a person to do any one or more of the following:
- (a) pay into Court or transfer property to a trustee to be held subject to the terms and conditions specified in the order;
 - (b) where payments have been ordered for the support of the child; make the payments into Court or to a trustee subject to the terms and conditions specified in the order;
 - (c) post a bond or other similar instrument satisfactory to the Court, with or without sureties, payable to the applicant in such amount as the court considers appropriate;
 - (d) deliver the person's passport, the child's passport and any other travel documents of either of them to the Court or to a person or public body specified by the Court.
- (4) In an order under paragraph (a) of subsection (3), the Court may specify terms and conditions for the return or the disposition of the property as the court considers appropriate.
- (5) A person or public body specified by the court in an order under paragraph (d) of subsection (3) shall hold a passport or travel document delivered pursuant to the order in safekeeping in accordance with any directions set out in the order.
- (6) In an order under subsection (3), the Court may give such directions in respect of the safekeeping of the property, payments, passports or travel documents as the court considers appropriate.
- 49 (1) Where it appears to the Court that,
- (a) for the purpose of bringing an application in respect of custody or access under this Part; or
 - (b) for the purpose of the enforcement of an order for custody or access,

the proposed applicant or person in whose favour the order is made needs to learn or confirm the whereabouts of the proposed respondent or person against whom the order referred to in paragraph (b) is made, the Court may order any person or public body to provide the Court with such particulars of the address of the proposed respondent or person against whom the order referred to in paragraph (b) is made as are contained in the records in the custody of the person or body, and the person or body shall give the Court such particulars as are contained in the records and the Court may then give the particulars to such person or persons as the court considers appropriate.

- (2) The Court shall not make an order on an application under subsection (1) where it appears to the Court that the purpose of the application is to enable the applicant to identify or to obtain particulars as to the identity of a person who has custody of a child, rather than to learn or confirm the whereabouts of the proposed respondent or the enforcement of an order for custody or access.
 - (3) The giving of information in accordance with an order under subsection (1) shall be deemed for all purposes not to be a contravention of any Act or regulation or any common law rule of confidentiality.
 - (4) This section binds the Government of the Yukon Territory.
- 50 (1) Where the Court may not exercise jurisdiction under section 38, or has declined jurisdiction under section 40 or 52, or is satisfied that a child has been wrongfully removed to or is being wrongfully detained in Yukon, the Court may do any one or more of the following:
- (a) make such interim order in respect of the custody or access as the Court considers is in the best interests of the child;
 - (b) stay the application subject to,
 - (i) the condition that a party to the application promptly commence a similar proceeding before an extra-provincial tribunal, or
 - (ii) such other conditions as the Court considers appropriate;

- (c) order a party to return the child to such place as the Court considers appropriate and, in the discretion of the Court, order payment of the cost of the reasonable travel and other expenses of the child and any parties to or witnesses at the hearing of the application.
- 51 (1) Upon application by any person in whose favour an order for the custody of or access to a child has been made by an extra-provincial tribunal, the Court shall recognize the order unless the Court is satisfied
- (a) that the respondent was not given reasonable notice of the commencement of the proceeding in which the order was made;
 - (b) that the respondent was not given an opportunity to be heard by the extra-provincial tribunal before the order was made;
 - (c) that the law of the place in which the order was made did not require the extra-provincial tribunal to have regard for the best interests of the child; or
 - (d) that, in accordance with section 38, the extra-provincial tribunal would not have jurisdiction if it were a court in Yukon.
- (2) An order made by an extra-provincial tribunal that is recognized by the Court shall be deemed to be an order of the Court and enforceable as such.
- (3) Where the Court is presented with conflicting orders made by extra-provincial tribunals for the custody of or access to a child that, but for the conflict, would be recognized and enforced by the Court under subsection (1), the Court shall recognize and enforce the order that appears to the Court to be most in accord with the best interests of the child.
- (4) Where the Court has recognized an extra-provincial order, the Court may make such further orders under this Part as the Court considers necessary to give effect to the order.
- 52 (1) The Court may make an order that supersedes an extra-provincial order in respect of custody of or access to a child where the Court is satisfied that there has been a material change in circumstances and that the change affects or is likely to affect the best interests of the child and

- (a) the child is habitually resident in the Yukon at the commencement of the application for the order, or
 - (b) although the child is not habitually resident in the Yukon the Court is satisfied that,
 - (i) the child is physically present in Yukon at the commencement of the application for the order,
 - (ii) the child no longer has a real and substantial connection with the place where the extra-provincial order was made,
 - (iii) substantial evidence concerning the best interests of the child is available in Yukon,
 - (iv) the child has a real and substantial connection with the Yukon, and
 - (v) on the balance of convenience, it is appropriate for jurisdiction to be exercised in Yukon.
- (2) The Court may decline to exercise its jurisdiction under this section where it is of the opinion that it is more appropriate for jurisdiction to be exercised outside Yukon.
- 53 (1) The Court may make an order that supersedes an extra-provincial order in respect of custody of or access to a child where the Court is satisfied that the child would, on the balance of probability, suffer serious harm if,
- (a) the child remains in the custody of the person legally entitled to custody of the child; or
 - (b) the child is returned to the custody of the person entitled to custody of the child.
- 54 (1) A copy of an extra-provincial order certified as a true copy by a judge, other presiding officer or registrar of the tribunal that made the order or by a person charged with keeping the orders of the tribunal is prima facie evidence of the making of the order, the content of the order and the appointment and signature of the judge, presiding officer, registrar or ~~other person~~.
- 55 (1) For the purposes of an application under this Part, the Court may take notice, without requiring formal proof, of the law of a jurisdiction outside Yukon and of a decision of an extra-provincial tribunal.

Part 2, Division (3) - INTERNATIONAL CHILD ABDUCTION(HAGUE CONVENTION)

- 56 (1) In this Division, "convention" means the Convention on the Civil Aspects of International Child Abduction set out in the Schedule to this Division.
- 57 (1) On, from and after the date the convention enters into force in respect of Yukon as set out in Article 43 of the convention, except for the reservation described in subsection (2), the convention is in force in Yukon and the provisions thereof are law in Yukon.
- (2) The Government of the Yukon Territory is not bound to assume any costs resulting under the convention from the participation of legal counsel or advisers or from court proceedings except in accordance with the Legal Aid Act.
- 58 (1) The Department of Justice of the Government of the Yukon Territory shall be the Central Authority for Yukon for the purpose of the convention.
- (2) An application may be made to the Supreme Court in pursuance of a right or an obligation under the convention.
- 59 (1) The Executive Council Member shall publish in The Yukon Gazette the date the convention comes into force in the Yukon.
- 60 (1) The Commissioner in Executive Council may make such regulations as he considers necessary to carry out the intent and purpose of this Division.
- 61 (1) Where there is a conflict between this Division and any other enactment, this Division prevails.

SCHEDULE
CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL
CHILD ABDUCTION

The States signatory to the present Convention,

Firmly convinced that the interests of children are of paramount importance in matters relating to their custody,

Desiring to protect children internationally from the harmful effects of their wrongful removal or retention and to establish procedures to ensure their prompt return to the State of their habitual residence, as well as to secure protection for rights of access,

Have resolved to conclude a Convention to this effect and have agreed upon the following provisions:

CHAPTER I - SCOPE OF THE CONVENTION

Article 1

The objects of the present Convention are:

- (a) to secure the prompt return of children wrongfully removed to or retained in any Contracting State and
- (b) to ensure that rights of custody and of access under the law of one Contracting State are effectively respected in the other Contracting States.

Article 2

Contracting States shall take all appropriate measure to secure within their territories the implementation of the objects of the Convention. For this purpose they shall use the most expeditious procedures available.

Article 3

The removal or the retention of a child is to be considered wrongful where:

- (a) it is in breach of rights of custody attributed to a person, an institution or any other body, either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal or retention, and
- (b) at the time of removal or retention those rights were actually exercised, either jointly or alone, or would have been so exercised but for the removal or retention.

The rights of custody mentioned in sub-paragraph (a) above may arise in particular by operation of law or by reason of a judicial or administrative decision, or by reason of an agreement having legal effect under the law of that State.

Article 4

The Convention shall apply to any child who was habitually resident in a Contracting State immediately before any breach of custody or access rights. The Convention shall cease to apply when the child attains the age of 16 years.

Article 5

For the purposes of this Convention:

- (a) "rights of custody" shall include rights relating to the care of the person of the child and, in particular, the right to determine the child's place of residence;
- (b) "rights of access" shall include the right to take a child for a limited period of time to a place other than the child's habitual residence.

CHAPTER II - CENTRAL AUTHORITIES

Article 6

A Contracting State shall designate a Central Authority to discharge the duties which are imposed by the Convention upon such authorities.

Federal States, States with more than one system of law or States having autonomous territorial organizations shall be free to appoint more than one Central Authority and to specify the territorial extent of their powers. Where a State has appointed more than one Central Authority, it shall designate the Central Authority to which applications may be addressed for transmission to the appropriate Central Authority within that State.

Article 7

Central Authorities shall co-operate with each other and promote co-operation amongst the competent authorities in their respective States to secure the prompt return of children and to achieve the other objects of this Convention.

In particular, either directly or through any intermediary, they shall take all appropriate measures:

- (a) to discover the whereabouts of a child who has been wrongfully removed or retained;
- (b) to prevent further harm to the child or prejudice to interested parties by taking or causing to be taken provisional measures;
- (c) to secure the voluntary return of the child or to bring about an amicable resolution of the issues;
- (d) to exchange, where desirable, information relating to the social background of the child;
- (e) to provide information of a general character as to the law of their State in connection with the application of the Convention;
- (f) to initiate or facilitate the institution of judicial or administrative proceedings with a view to obtaining the return of the child and, in a proper case, to make arrangements for organizing or securing the effective exercise of rights of access.
- (g) where the circumstances so require, to provide or facilitate the provision of legal aid and advice, including the participation of legal counsel and advisers;

- (h) to provide such administrative arrangements as may be necessary and appropriate to secure the safe return of the child;
- (i) to keep each other informed with respect to the operation of this Convention and, as far as possible, to eliminate any obstacle to its application.

CHAPTER III - RETURN OF CHILDREN

Article 8

Any person, institution or other body claiming that a child has been removed or retained in breach of custody rights may apply either to the Central Authority of the child's habitual residence or to the Central Authority of any other Contracting State for assistance in securing the return of the child.

The application shall contain:

- (a) information concerning the identity of the applicant, of the child, and of the person alleged to have removed or retained the child;
- (b) where available, the date of birth of the child;
- (c) the grounds on which the applicant's claim for return of the child is based;
- (d) all available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be.

The application may be accompanied or supplemented by:

- (e) an authenticated copy of any relevant decision or agreement;
- (f) a certificate or an affidavit emanating from a Central Authority, or other competent authority of the State of the child's habitual residence, or from a qualified person, concerning the relevant law of that State;
- (g) any other relevant document.

Article 9

If the Central Authority which receives an application referred to in Article 8 has reason to believe that the child is in another Contracting State, it shall directly and without delay transmit the application to the Central Authority of the Contracting State and inform the requesting Central Authority, or the applicant, as the case may be.

Article 10

The Central Authority of the State where the child is shall take or cause to be taken all appropriate measures in order to obtain the voluntary return of the child.

Article 11

The judicial or administrative authorities of Contracting States shall act expeditiously in proceedings for the return of children.

If the judicial or administrative authority concerned has not reached a decision within six weeks from the date of commencement of the proceedings, the applicant or the Central Authority of the requested State, on its own initiative or if asked by the Central Authority of the requesting State, shall have the right to request a statement of the reasons for the delay. If a reply is received by the Central Authority of the requested State, that Authority shall transmit the reply to the Central Authority of the requesting State, or to the applicant, as the case may be.

Article 12

Where a child has been wrongfully removed or retained in terms of Article 3 and, at the date of the commencement of the proceedings before the judicial or administrative authority of the Contracting State where the child is, a period of less than one year has elapsed from the date of the wrongful removal or retention, the authority concerned shall order the return of the child forthwith.

The judicial or administrative authority, even where the proceedings have been commenced after the expiration of the period of one year referred to in the preceding paragraph, shall also order the return of the child, unless it is demonstrated that the child is now settled in its new environment.

Where the judicial or administrative authority in the requested State has reason to believe that the child has been taken to another State, it may stay the proceedings or dismiss the application for the return of the child.

Article 13

Notwithstanding the provisions of the preceding Article, the judicial or administrative authority of the requested State is not bound to order the return of the child if the person, institution or other body which opposes its return establishes that:

- (a) the person, institution or other body having the care of the person of the child was not actually exercising the custody rights at the time of removal or retention, or had consented to or subsequently acquiesced in the removal or retention, or
- (b) there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation.

The judicial or administrative authority may also refuse to order the return of the child if it finds that the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of its views.

In considering the circumstances referred to in the Article, the judicial and administrative authorities shall take into account the information relating to the social background of the child provided by the Central Authority or other competent authority of the child's habitual residence.

Article 14

In ascertaining whether there has been a wrongful removal or retention within the meaning of Article 3, the judicial or administrative authorities of the requested State may take notice directly of the law of, and of judicial or administrative decisions, formally recognized or not in the State of the habitual residence of the child, without recourse to the specific procedures for the proof of that law or for the recognition of foreign decisions which would otherwise be applicable.

Article 15

The judicial or administrative authorities of a Contracting State may, prior to the making of an order for the return of the child, request that the applicant obtain from the authorities of the State of the habitual residence of the child a decision or other determination that the removal or retention was wrongful within the meaning of Article 3 of the Convention, where such a decision or determination may be obtained in that State. The Central Authorities of the Contracting States shall so far as practicable assist applicants to obtain such a decision or determination.

Article 16

After receiving notice of a wrongful removal or retention of a child in the sense of Article 3, the judicial or administrative authorities of the Contracting State to which the child has been removed or in which it has been retained shall not decide on the merits of rights of custody until it has been determined that the child is not to be returned under this Convention or unless an application under this Convention is not lodged within a reasonable time following receipt of the notice.

Article 17

The sole fact that a decision relating to custody has been given in or is entitled to recognition in the requested State shall not be a ground for refusing to return a child under this Convention, but the judicial or administrative authorities of the requested State may take account of the reasons for that decision in applying this Convention.

Article 18

The provisions of this Chapter do not limit the power of a judicial or administrative authority to order the return of the child at any time.

Article 19

A decision under this Convention concerning the return of the child shall not be taken to be a determination on the merits of any custody issue.

Article 20

The return of the child under the provisions of Article 12 may be refused if this would not be permitted by the fundamental principles of the requested State relating to the protection of human rights and fundamental freedoms.

CHAPTER IV - RIGHTS OF ACCESS

Article 21

An application to make arrangements for organizing or securing the effective exercise of rights of access may be presented to the Central Authorities of the Contracting States in the same way as an application for the return of a child.

The Central Authorities are bound by the obligations of co-operation which are set forth in Article 7 to promote the peaceful enjoyment of access rights and the fulfillment of any conditions to which the exercise of those rights may be subject. The Central Authorities shall take steps to remove, as far as possible, all obstacles to the exercise of such rights.

The Central Authorities, either directly or through intermediaries, may initiate or assist in the institution of proceedings with a view to organizing or protecting these rights and securing respect for the conditions to which the exercise of these rights may be subject.

CHAPTER V - GENERAL PROVISIONS

Article 22

No security, bond or deposit, however described, shall be required to guarantee the payment of costs and expenses in the judicial or administrative proceedings falling within the scope of this Convention.

Article 23

No legalization or similar formality may be required in the context of this Convention.

Article 24

Any application, communication or other document sent to the Central Authority of the requested State shall be in the original language, and shall be accompanied by a translation into the official language or one of the official languages of the requested State or, where that is not feasible, a translation into French or English.

However, a Contracting State may, by making a reservation in accordance with Article 42, object to the use of either French or English, but not both, in any application, communication or other document sent to its Central Authority.

Article 25

Nationals of the Contracting States and persons who are habitually resident within those States shall be entitled in matters concerned with the application of this Convention to legal aid and advice in any other Contracting State on the same conditions as if they themselves were nationals of and habitually resident in that State.

Article 26

Each Central Authority shall bear its own costs in applying this Convention.

Central Authorities and other public services of Contracting States shall not impose any charges in relation to applications submitted under this Convention. In particular, they may not require any payment from the applicant towards the costs and expenses of the proceedings or, where applicable, those arising from the participation of legal counsel or advisers. However, they may require the payment of the expenses incurred or to be incurred in implementing the return of the child.

However, a Contracting State may, by making a reservation in accordance with Article 42, declare that it shall not be bound to assume any costs referred to in the preceding paragraph resulting from the participation of legal counsel or advisers or from court proceedings, except insofar as those costs may be covered by its system of legal aid and advice.

Upon ordering the return of a child or issuing an order concerning rights of access under this Convention, the judicial or administrative authorities may, where appropriate, direct the person who removed or

retained the child, or who prevented the exercise of rights of access, to pay necessary expenses incurred by or on behalf of the applicant, including travel expenses, any costs incurred or payments made for locating the child, the costs of legal representation of the applicant, and those of returning the child.

Article 27

When it is manifest that the requirements of this Convention are not fulfilled or that the application is otherwise not well founded, a Central Authority is not bound to accept the application. In that case, the Central Authority shall forthwith inform the applicant or the Central Authority through which the application was submitted, as the case may be, of its reasons.

Article 28

A Central Authority may require that the application be accompanied by a written authorization empowering it to act on behalf of the applicant, or to designate a representative so to act.

Article 29

This Convention shall not preclude any person, institution or body who claims that there has been a breach of custody or access rights within the meaning of Article 3 or 21 from applying directly to the judicial or administrative authorities of a Contracting State, whether or not under the provisions of this Convention.

Article 30

Any application submitted to the Central Authorities or directly to the judicial or administrative authorities of a Contracting State in accordance with the terms of this Convention, together with documents and any other information appended thereto or provided by a Central Authority, shall be admissible in the courts or administrative authorities of the Contracting States. .

Article 31

In relation to a State which in matters of custody of children has two or more systems of law applicable in different territorial units:

- (a) any reference to habitual residence in that State shall be construed as referring to habitual residence in a territorial unit of that State;
- (b) any reference to the law of the State of habitual residence shall be construed as referring to the law of the territorial unit in that State where the child habitually resides.

Article 32

In relation to a State which in matters of custody of children has two or more systems of law applicable to different categories of persons, any reference to the law of the State shall be construed as referring to the legal system specified by the law of that State.

Article 33

A State within which different territorial units have their own rules of law in respect of custody of children shall not be bound to apply this Convention where a State with a unified system of law would not be bound to do so.

Article 34

This Convention shall take priority in matters within its scope over the Convention of 5 October 1961 concerning the powers of authorities and the law applicable in respect of the protection of minors, as between Parties to both Conventions. Otherwise the present Convention shall not restrict the application of an international instrument in force between the State of origin and the State addressed or other law of the State addressed for the purposes of obtaining the return of a child who has been wrongfully removed or retained or of organizing access rights.

Article 35

This Convention shall apply as between Contracting States only to wrongful removals or retentions occurring after its entry into force in those States.

Where a declaration has been made under Article 39 or 40, the reference in the preceding paragraph to a Contracting State shall be taken to refer to the territorial unit or units in relation to which this Convention applies.

Article 36

Nothing in the Convention shall prevent two or more Contracting States, in order to limit the restrictions to which the return of the child may be subject, from agreeing among themselves to derogate from any provisions of this Convention which may imply such a restriction.

CHAPTER VI - FINAL CLAUSES

Article 37

The Convention shall be open for signature by the States which were Members of the Hague Conference on Private International Law at the time of its Fourteenth Session.

It shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

Article 38

Any other State may accede to the Convention.

The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

The Convention shall enter into force for a State acceding to it on the first day of the third calendar month after the deposit of its instrument of accession.

The accession will have effect only as regards the relations between the acceding State and such Contracting States as will have declared their acceptance of the accession. Such a declaration will also have to be made by any Member State ratifying, accepting or approving the Convention after an accession. Such declaration shall be deposited at the Ministry of Foreign Affairs of the Kingdom of the Netherlands; this Ministry shall forward, through diplomatic channels, a certified copy to each of the Contracting States.

The Convention will enter into force as between the acceding State and the State that has declared its acceptance of the accession on the first day of the third calendar month after the deposit of the declaration of acceptance.

Article 39

Any State may, at the time of signature, ratification, acceptance, approval or accession, declare that the Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect at the time the Convention enters into force for that State.

Such declaration, as well as any subsequent extension, shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

Article 40

If a Contracting State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in this Convention, it may at the time of signature, ratification, acceptance, approval or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.

Any such declaration shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and shall state expressly the territorial units to which the Convention applies.

Article 41

Where a Contracting State has a system of government under which Executive, judicial and legislative powers are distributed between central and other authorities with that State, its signature or ratification, acceptance or approval of, or accession to this Convention, or its making of any declaration in terms of Article 40 shall carry no implication as to the internal distribution of powers within that State.

Article 42

Any State may, not later than the time of ratification, acceptance, approval or accession, or at the time of making a declaration in terms of Article 39 or 40, make one or both of the reservations provided for in Article 24 and Article 26, third paragraph. No other reservation shall be permitted.

Any State may at any time withdraw a reservation it has made. The withdrawal shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands.

The reservation shall cease to have effect on the first day of the third calendar month after the notification referred to in the preceding paragraph.

Article 43

The Convention shall enter into force on the first day of the third calendar month after the deposit of the third instrument of ratification, acceptance, approval or accession referred to in Articles 37 and 38.

Thereafter the Convention shall enter into force:

1. for each State ratifying, accepting, approving or acceding to it subsequently, on the first day of the third calendar month after the deposit of its instrument of ratification, acceptance, approval or accession;
2. for any territory or territorial unit to which the Convention has been extended in conformity with Article 39 or 40, on the first day of the third calendar month after the notification referred to in that Article.

Article 44

The Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 43 even for States which subsequently have ratified, accepted, approved it or acceded to it. If there has been no denunciation, it shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Kingdom of the Netherlands at least six months before the expiry of the five year period. It may be limited to certain of the territories or territorial units to which the Convention applies.

The denunciation shall have effect only as regards the State which has notified it. The Convention shall remain in force for the other Contracting States.

Article 45

The Ministry of Foreign Affairs of the Kingdom of the Netherlands shall notify the States Members of the Conference, and the States which have acceded in accordance with Article 38, of the following:

1. the signatures and ratifications, acceptances and approvals referred to in Article 37;
2. the accessions referred to in Article 38;
3. the date on which the Convention enters into force in accordance with Article 43;
4. the extensions referred to in Article 39;
5. the declarations referred to in Articles 38 and 40;
6. the reservations referred to in Article 24 and Article 26, third paragraph, and the withdrawals referred to in Article 42;
7. the denunciations referred to in Article 44.

Done at The Hague, on the 25th day of October, 1980 in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Kingdom of Netherlands, and of which a certified copy shall be sent, through diplomatic channels, to each of the States Members of the Hague Conference on Private International Law at the date of its Fourteenth Session.

Part 2, Division (4) - GUARDIANSHIP

- 62 (1) A guardian for a child has charge of and is responsible for the care and management of the property of the child and shall act in the best interests of the child.
- (2) Where there is more than one guardian for a child, the guardians are jointly responsible for the care and management of the property of the child.

- (3) Notwithstanding subsection (2), where there is more than one guardian for a child, and subject to any testamentary appointment or to any order of the Court, any one of the guardians may exercise the rights and discharge the responsibilities of the guardianship without the consent of the other.
- (4) Notwithstanding subsection (2), a guardian is not liable for things done by another guardian without his knowledge, acquiescence or consent.
- 63 (1) Except as otherwise provided in this Part, the father and the mother of a child are, during their cohabitation, equally entitled to guardianship and are the guardians for the child.
- (2) Where the father and mother of the child do not cohabit, then the parent who has the lawful care and custody of the child is also the sole guardian for the child unless
- (a) the parents agree that the other parent shall also be a guardian,
 - (b) some other person is also a guardian in consequence of an appointment under section 64,
 - (c) the Court appoints the other parent or some other person to be a guardian in addition to or instead of the parent who has the lawful care and custody.
- (3) Where there is only one surviving parent who has the lawful care and custody of the child, that parent is also the sole guardian for the child unless
- (a) some other person is also a guardian in consequence of an appointment made under section 64, or
 - (b) the Court appoints some other person to be a guardian in addition to or instead of the surviving parent who has the lawful care and custody.
- (4) Where there is no surviving parent who has the lawful care and custody of the child, then the person who has the lawful care and custody of the child is also the sole guardian for the child unless
- (a) some other person is also a guardian in consequence of an appointment under section 64, or
 - (b) the Court appoints some other person to be a guardian in addition to or instead of the person who has the lawful care and custody.

- (5) Where there is no guardian with capacity to act in Yukon, the Official Guardian shall be the guardian for the child until the Court appoints some other person to act as the guardian.
- 64 (1) A guardian for a child may, by a written document, appoint one or more persons to have the appointor's rights of guardianship in relation to the child.
- (2) An appointment of a guardian under subsection (1) may be effective during the lifetime of the appointor for such time as the appointor may specify.
- (3) An appointment of a guardian under subsection (1) shall not be effective after the death of the appointor unless the appointment is made by a valid will.
- 65 (1) A person who is a minor may make an appointment under section 64.
- (2) An appointment under section 64 is not effective while the person appointed is a minor.
- (3) No appointment under section 64 is effective without the consent or ratification of the person appointed.
- (4) An appointment under this section does not prevent an application for or the making of an order under this Part.
- 66 (1) Subject to the terms of his appointment or an order of the Court, a person appointed under section 64 to guardianship for a child shall be entitled to act jointly with any other person entitled to guardianship for the child, and in the event of dispute between them any one of them may apply to the Court for any order or directions necessary to resolve the dispute.
- 67 (1) A parent of the child, or any other person entitled to custody of the child, may apply to the Court for an order respecting guardianship for the child or determining any aspect of the incidents of the guardianship.

- (2) Where there is no surviving parent or no other surviving person entitled to custody of the child, any person may apply to the Court for an order respecting guardianship for the child or determining any aspect of the incidents of the guardianship.
 - (3) In an application under subsection (1) or (2), the Court may
 - (a) appoint one or more guardians in addition to or in the place of any existing guardian;
 - (b) determine and make an appropriate order about any aspect of the incidents of the guardianship;
 - (c) limit the scope of the guardianship by reference to the length of time during which it may be exercised or to the property in respect of which it may be exercised; and
 - (d) make such additional order as the Court considers necessary and proper in the circumstances in order to implement guardianship for the child.
 - (4) In deciding an application for the appointment of a guardian of the property of a child, the Court shall consider all the relevant circumstances, including,
 - (a) the ability of the applicant to manage the property of the child;
 - (b) the merits of any plans proposed by the applicant for the care and management of the property of the child; and
 - (c) the views and preferences of the child, where such views and preferences can reasonably be ascertained.
- 68 (1) The Court may require the guardian for a child to post a bond or other similar instrument satisfactory to the Court, with or without sureties, payable to the child in such amount as the Court considers appropriate in respect of the care and management of the property of the child.
- (2) Subsection (1) does not apply where the Court is of the opinion that it is inappropriate to require the person to post a bond or other similar instrument.
- 69 (1) Any guardian for a child may be required to account or may voluntarily pass his accounts in respect of his care and management of the property of the child in the same manner as a trustee under a will may be required to account or may pass his accounts in respect of his trusteeship.

- 70 (1) A guardian for a child shall transfer to the child all property of the child in the care of the guardian when the child attains the age of majority.
- 71 (1) A guardian for a child, who is not a parent of the child and who does not have the care and custody of the child, is entitled to payment of a reasonable amount for his fees and expenses for management of the property of the child and the Court may make those fees and expenses a charge upon the property of the child.
- 72 (1) Guardianship for a child ends when the child reaches the age of majority or marries, whichever first occurs.
- 73 (1) Any guardian for a child may be removed from his guardianship by the Court for the same reasons for which a trustee may be removed.
- (2) Any guardian appointed by another guardian under section 64 may resign his office upon giving reasonable notice to the person who appointed him, if that person is still living, and to any other guardian for the child and any person with the care or custody of the child known to him.
- (3) Any guardian appointed by the Court may resign his office upon giving reasonable notice to any other guardian for the child and any person with the care or custody of the child known to him.
- (4) Where a guardian who wants to resign his office is not able, after making a reasonable effort, to give the notice referred to in subsections (2) and (3), he may instead give reasonable notice of his resignation to the Official Guardian.
- (5) A guardian who gives the Official Guardian notice of his resignation shall also give the Official Guardian the information he has about the identity and possible whereabouts of the person who appointed him, if any, and of any other guardian for the child or any person with the care or custody of the child.
- 74 (1) A person who is under a duty to pay money or deliver personal property to a child shall discharge that duty by paying the money or delivering the property to a guardian for the child.

- (2) Notwithstanding subsection (1) but subject to subsection (3), where a person is under a duty to pay money or to deliver personal property to a child, the payment of not more than \$2,000 in a year and an aggregate of \$5,000 or the delivery of the personal property to a value of not more than \$2,000 in a year and an aggregate of \$5,000 discharges the duty to the extent of the amount paid or the value of the personal property delivered where it is paid or delivered to.
 - (a) the child, where the child is married,
 - (b) a parent with whom the child resides, or
 - (c) a person who has or is entitled to the care and custody of the child.
 - (3) There is no discharge of the duty to pay money or to deliver personal property under subsection (1) where the person under the duty to pay or to deliver knew or, by taking reasonable care, would have known
 - (a) that the person to whom he made the payment or the delivery was not a guardian for the child, or
 - (b) where he made the payment or delivery to the child, that the child was not married.
 - (4) Subsection (1) does not apply in respect of money payable or personal property that is to be delivered under a judgment or order of the Court.
 - (5) A person, other than the child, who receives money and personal property tendered to him by another person under subsection (1) has, for so long as he holds the money or the property, the responsibilities of a guardian for the care and management of the money or personal property.
- 75 (1) The Court may require or approve
- (a) the disposition or encumbrance of all or part of the interest of the child in land;
 - (b) the disposition or encumbrance of all or part of the interest of the child in personal property; or
 - (c) the payment of all or part of any money belonging to the child or of the income from any property belonging to the child, or both.

- (2) An order shall be made under subsection (1) only where the Court is of the opinion that the disposition, encumbrance, sale or payment is necessary or proper for the support or education of the child or will substantially benefit the child.
 - (3) An order under subsection (1) may be made subject to such conditions as the Court considers necessary and proper.
 - (4) The Court shall not require or approve a disposition or encumbrance of the interest of a child in land contrary to a term of the instrument by which the child acquired the interest.
 - (5) The Court, where it makes an order under subsection (1), may order that the child or another person named in the order execute any documents necessary to carry out the disposition, encumbrance, sale or payment referred to in the order.
 - (6) The Court may give such directions as it considers necessary and proper, including vesting orders, for the carrying out of an order made under subsection (1).
 - (7) Every document executed in accordance with an order under this section is as effectual as if the child by whom it was executed was of the age of majority or, if executed by another person in accordance with the order, as if the child had executed it and had been of the age of majority at that time.
- 76 (1) Upon application by or with the consent of a person who has an estate for life in property with power to devise or appoint the property to one or more of his children, the Court may order that such part of the proceeds of the property as the Court considers proper be used for the support, education or benefit of one or more of the children.

Part 2, Division (5) - OFFENCES AND COSTS OF PROCEEDINGS
RELATED TO CUSTODY, ACCESS AND GUARDIANSHIP

- 77 (1) No person shall give or receive a payment or benefit in return for giving up a child or rights in relation to a child so that another person may have custody of, access to, or guardianship for the child.
- (2) No person shall give or receive a payment or benefit in return for inducing a person to give up a child or rights in relation to a child so that another person may have custody of, access to, or guardianship for the child.
- (3) No person shall attempt to do anything that is prohibited by subsection (1) or (2).
- (4) A person who breaches subsection (1), (2) or (3) commits an offence and is liable on summary conviction, for a first offence, to a fine of up to \$5,000 or to imprisonment for as long as one year, or both; and, for a subsequent conviction, to a fine of up to \$10,000 or to imprisonment for as long as two years, or both.
- 78 (1) In a prosecution under section 77, the Court or justice shall take into account that the best interests of the child are deemed to be prejudiced by any of those offences.
- 79 (1) Subject to subsection (2), the Court shall not award costs of any proceeding under this Part.
- (2) The Court may award to one or more parties costs that it may impose against one or more other parties in respect of a proceeding under this Part where the Court is satisfied that the party or parties on whom the costs are imposed
- (a) propounded a claim or defence that was unreasonable or was without reasonable grounds;
 - (b) took a proceeding or step in a proceeding that was unnecessary or frivolous;
 - (c) acted in a way that tended to prejudice or delay the fair trial or hearing of the proceeding; or
 - (d) abused in any other way the process of the Court.

PART 3
ADOPTION

80 (1) In this Part

"applicant" means a person who applies for an order for adoption;

"Court" means the Supreme Court of Yukon;

"Director" means the Director of Family and Children's Services appointed under section 110.

Part 3, Division (1) - WHO MAY ADOPT

- 81 (1) Any person who has reached the age of majority may, in the manner herein provided, adopt as his child another person younger than himself.
- (2) Where the applicant has a spouse who is over the age of majority and that spouse is not a parent of the person who the applicant seeks to adopt, the Court shall not hear the application or order the adoption unless that spouse applies for the adoption jointly with the applicant.
- (3) Where the applicant has a spouse and that spouse is a parent of the person who the applicant seeks to adopt, that spouse may apply for the adoption jointly with the applicant, but regardless of whether that spouse joins in the application, the Court shall hear the application and may make an order for adoption.
- (4) Where one of the applicants or intended applicants dies after notice of the proposed adoption has been given to the Director, the surviving applicant may proceed with the application and an order for adoption by him alone may be made.
- (5) A person whose consent to an adoption is required by this Act is not prohibited from becoming a parent by adoption of the person in respect of whom he has given consent to adopt.

Part 3, Division (2) - CONSENT TO ADOPTION AND RELINQUISHMENT
OF PARENTAL RIGHTS

- 82 (1) A parent or, where there is no surviving parent, the person who is entitled to custody of the child may make a written agreement with the Director whereby the parent or that other person voluntarily gives up all his rights in respect of the child to the Director for the purpose of adoption of the child by some other person.
- (2) Without restricting the generality of subsection (1), an agreement under subsection (1)
- (a) operates in all respects as a consent to adoption of the child, except that the agreement and consent may be terminated under section 83 only, and the consent may not be revoked under section 86, and
 - (b) confers on the Director the rights of custody in respect of the child so as to enable the Director to have the care and custody of the child pending the adoption and to place the child in a home for the purpose of adoption.
- (3) An agreement under subsection (1) shall be
- (a) witnessed by a person over the age of majority who is not a public servant working under the supervision of the Director, and
 - (b) accompanied by a written statement by which the witness certifies that he witnessed the signature of the agreement by the parent or other person entitled to custody of the child, that the witness explained to the parent or that other person the nature and effect of the agreement, and that the parent or that other person appeared to understand the nature and effect of the agreement and to sign it voluntarily. -
- (4) A person under the age of majority may make an agreement under subsection (1).
- 83 (1) Where the child is not residing in a home for the purpose of adoption the parent or person entitled to custody who made the agreement under section 82 may terminate the agreement by giving to the Director written notice of the termination.

- (2) When an agreement is terminated under subsection (1), the Director, subject to any proceedings or order under this Act, shall return the child so soon as the return may reasonably be done, having regard to the interests of the child.
 - (3) Where the child is in a home for the purpose of adoption as a result of an agreement under section 82 then the agreement shall continue in force and shall not be terminated.
- 84
- (1) Where the person proposed to be adopted is twelve years of age or older and is capable of giving an informed consent no order for his adoption shall be made without his written consent.
 - (2) Where the person proposed to be adopted is married, no order for his adoption shall be made without the written consent of his spouse.
 - (3) Where the person proposed to be adopted is under the age of majority and is not in the permanent care and custody of the Director and is not the subject of an agreement under section 82, no order for the child's adoption shall be made, except as herein provided, without the written consent to adoption of the child's parents.
 - (4) No order for the adoption of a child in the permanent care and custody of the Director shall be made without the written consent of the Director.
 - (5) Where the person proposed to be adopted is a child who is the subject of an agreement under section 82, no order for the adoption of that child shall be made without the written consent of the Director.
 - (6) Subject to subsection (1) and pursuant to subsection (4), when a child proposed to be adopted is a child in the permanent care and custody of the Director, the written consent of the Director is the only consent required.
 - (7) Where the person proposed to be adopted is under the age of majority and does not reside in Yukon or was brought to Yukon for the purpose of adoption, the written consent referred to in subsection (6) may be given by the officer or person who

under the law of the province, state or country in which the child resides or from which the child was brought may consent to his adoption.

- (8) A parent under the age of majority may consent to the adoption of his child.
- 85 (1) A consent, other than the consent of the Director, shall be
- (a) in writing,
 - (b) witnessed by a person over the age of majority who is not a public servant working under the supervision of the Director, and
 - (c) accompanied by a written statement by which the witness certifies that he witnessed the signature of the agreement by the person whose consent is required, that the witness explained to that person the nature and effect of the agreement, and that the person whose consent is required appeared to understand the nature and effect of the consent and to sign it voluntarily.
- 86 (1) A person whose consent to an adoption is required under section 84
- (a) may revoke his consent within 30 days of having given the consent and to revoke it he does not have to give reasons or show any cause, or
 - (b) may revoke his consent at any time 30 days or more after having given the consent if he satisfies the Court that it is in the best interest of the child that the consent be revoked.
- (2) The person in whose lawful care or lawful care and custody the child is at the time of a revocation under paragraph (1)(b) may continue to have the care or the care and custody of the child pending the determination by the Court about whether the revocation of the consent shall be effective.
- 87 (1) Where a consent required by this Act has not been given and dispensing with the consent would be in the best interests of the child proposed to be adopted the Court may make an order dispensing with the consent after having regard to all relevant factors including:
- (a) whether continuing to require the consent would prejudice the best interests of the child,

- (b) whether the person whose consent has not been given is a concerned parent,
 - (c) whether the person whose consent has not been given is probably dead, is of unsound mind, or has not been found, despite reasonable efforts to locate him, or
 - (d) has deserted the child or neglected to provide adequate care and nurture or financial support for the child.
- (2) In subsection (1), "concerned" in relation to parent means:
- (a) a parent with the lawful care or lawful care and custody of the child,
 - (b) a parent regularly exercising rights of custody or of access in relation to the child, or attempting to exercise those rights,
 - (c) a parent regularly providing financial support for the child, or
 - (d) a parent whose application respecting care, custody or access in relation to the child is before a court and awaiting adjudication.
- 88 . (1) An application for an order dispensing with consent may be made by a notice of motion in the adoption proceeding.
- (2) The notice of motion shall include a statement of the grounds and material facts on which the applicant relies and which he intends to prove in support of his application for the order dispensing with the consent.
- (3) The notice of motion shall be served at least one month before the day on which the application is to be heard and it may be served in any manner, including substitutional service, that the Rules of Court provide for service of a writ of summons.

Part 3, Division (3) - Adoption Proceedings in Court

- 89 (1) The Court shall only exercise jurisdiction to hear an application or make an order for adoption of a child where
- (a) the applicant resides in Yukon at the time he makes his application to the Court, or

- (b) if the applicant no longer resides in Yukon and the person proposed to be adopted is under the age of majority, the applicant has resided in Yukon for a substantial part of the time during which the child has resided with him and the Court is satisfied that it is appropriate for jurisdiction to be exercised in Yukon.
- 90 (1) Except as herein provided, where the person to be adopted is under the age of majority, the Court shall not make an order for his adoption unless
- (a) notice of the proposed adoption has been given to the Director not less than six months before the application is made to the court;
 - (b) notice of the hearing of application and a copy of the application and all material to be used in support of it have been delivered to the Director not later than one month before the date of the hearing of the application; and
 - (c) the child sought to be adopted has for a period of not less than six months immediately prior to the application is made to the Court, resided with the applicant under conditions that, in the opinion of the Court, justify the making of the order.
- (2) The Court may, with the written consent of the Director, shorten the length of or dispense with any notice or the period of residence required by subsection (1).
- 91 (1) An application for an adoption order shall be made by a petition filed in the Court.
- (2) An application for adoption, and any proceedings incidental to it, may be held in chambers or in court, according to the direction of the judge, but in either case only the applicant, the person whose adoption is sought, a person whose consent to the adoption is required but who has not consented, the Director, and counsel or other agent on behalf of any of those people, have a right to be present during the hearing.
- (3) The Court may permit witnesses and other persons to be present during any part or all of the hearing.

- (4) Notwithstanding subsection (2), the Court may prohibit a person whose consent to the adoption is required but has not been given, or his counsel or other agent, from being present during any part of the hearing when that person's interests are not affected.
 - (5) The applicant may identify the person to be adopted by the birth registration number assigned by the proper authority of his place of birth and not by his name, in the title of the application and in the adoption order, and, in any such case, the applicant shall provide the judge of the court with a certificate of registration of the birth.
- 92
- (1) The Director has standing to appear before the Court and take part in any adoption proceeding.
 - (2) The clerk of the Court shall forthwith forward to the Director a copy of the application, the notice of the hearing, any affidavits and any other document filed with the Court in connection with an application for adoption.
 - (3) The Director
 - (a) shall investigate the circumstances of any applicant, application or person proposed to be adopted.
 - (b) shall submit a written report to the Court regarding the adoption before the application for adoption is heard, and
 - (c) may give evidence at the hearing of an application for adoption, or any proceedings incidental to it, regarding the proposed adoption or any matter incidental to it, have regard especially to the best interests of the person proposed to be adopted.
- 93
- (1) The Court may make an order granting an adoption where the Court is satisfied:
 - (a) of the ages and identities of the parties;
 - (b) that every person whose consent is necessary and has not been dispensed with, has given his consent voluntarily, understanding its nature and effect and, in the case of a parent, understanding that its effect is to deprive him permanently of all parental rights; and
 - (c) that it is proper and in the best interests of the person to be adopted that the adoption should take place;

- (2) Where the Court is satisfied that an application for adoption could more appropriately be dealt with by granting an order for custody or custody and guardianship under Part 2 of this Act, whether jointly with another person or otherwise, the court may treat the adoption application as an application for custody or custody and guardianship.
- (3) Where an application is made for an order dispensing with a consent to adoption, the Court shall consider whether it would be more appropriate to deny that application and proceed under subsection (2).
- 94 (1) Unless the Court otherwise orders, the surname of an adopted person shall be the surname of the person who adopts him.
- (2) Notwithstanding anything in the Change of Name Act, in an order for adoption, the Court may change any name of the adopted person, in accord with the wish of the adopting person.
- 95 (1) Any person aggrieved by the making or the refusal of an order for adoption, may appeal to the Court of Appeal in like manner as appeals may be taken from any other judgement or order of the court.
- (2) Any person aggrieved by an order for adoption made hereunder may within one year after the date of the order apply to the court to set aside the order, and if upon such application the Court is satisfied that the written consent for the adoption was obtained by fraud, duress or oppressive or unfair means of any kind, the order may be set aside and the child restored to the person who is entitled to the custody of the child, or to such other person as the judge orders.
- 96 (1) No action or proceeding of any nature to set aside an adoption order on any ground shall be commenced after the expiration of one year from the date of the order.
- 97 (1) Where an adoption order is set aside, the adopted person ceases from the date of the setting aside of the order to be the child of the adopting person and the adopting person ceases from the same date to be a parent of the adopted

person, and the relationship to one another of the child and all persons is re-established as it was immediately before the adoption order was made.

- 98 (1) Within ten days after an order for an adoption is made by the Court the clerk of the Court shall forward a copy of the order, certified to be a true copy, to the Registrar General of Vital Statistics of Yukon and to the Director; and where the original name of the person to be adopted does not appear in the adoption order, he shall attach to each copy so forwarded a copy of the birth registration certificate.
- (2) Where an adopted child was born outside Yukon two copies of the order for adoption shall be sent to the Registrar General of Yukon together with such information as the Registrar General of Vital Statistics requires to enable him to carry out the requirements of the Vital Statistics Act.
- (3) Upon the expiry of the time limit for any appeal that may be taken or at such time as an appeal is concluded, the sealed packet containing all written documentation relating to an adoption application in the possession of the Court shall be retained by the clerk of the court in a confidential and secure manner.
- (4) The sealed material relating to adoption in the possession of the Court shall not be open to inspection without leave of the Court.
- (5) Following the making of an adoption order, the Director shall seal and retain all papers and materials forwarded to him or in his possession relating to an adoption application, and that information shall not be disclosed except in accordance with subsection (6) or (7).
- (6) Upon the application of any adult person who has been adopted or upon the application of either of his adoptive parents, the Director shall disclose to the applicant the particulars of adoption which shall contain at least such of the following information as is in his possession:
- (a) the name after adoption of the person adopted, the date of birth and birth registration number;

- (b) the names of the adoptive parents;
 - (c) the name of the court granting the order for adoption and the date of the order; and
 - (d) all information that does not tend to disclose the identity of the parents by birth or other kindred.
- (7) Upon the application of any person and subject to any regulations that may be prescribed, the Director may disclose to the applicant any particulars of the adoption that he has in his possession, including information identifying the parents by birth or other kindred.
- (8) In respect of applications under subsections (4), (6), and (7), the Commissioner in Executive Council may make regulations in relation to:
- (a) the procedure for making applications and the information to be supplied in support of the application,
 - (b) the procedure for making the disclosure,
 - (c) the protection of the anonymity of persons who are not the natural or adoptive parents, children, siblings, or other kindred of the applicant,
 - (d) the protection of the anonymity of any person who requests that his anonymity be preserved, and
 - (e) reasons why an application under subsection (4) or (7) may be refused.
- (9) Any person who discloses any information except in the manner prescribed in this section commits an offence.
- 99 (1) Where the best interests of a child may be served by granting a child care subsidy to the adopting parent of the child, the Director may authorize payments, from time to time and upon such terms and conditions as may be prescribed, of such amounts as are necessary for such purposes.

Part 3, Division (4) - STATUS OF AN ADOPTED PERSON

- 100 (1) For all purposes, when the adoption order is made,
- (a) the adopted person becomes the child of the adopting parent and the adopting parent becomes the parent of the adopted person as if the adopted person had been born to the adopting parent; and

- (b) except as provided in subsection (2), the person adopted ceases to be the child of the person who was his parent before the adoption order was made and that person ceases to be the parent of the adopted person and any care and custody or right of custody of the adopted person shall cease.
- (2) Where the adopting parent has a spouse who is a parent of the person to be adopted and that parent chooses not to apply for the adoption jointly with the adopting parent, the relationship of that parent and of his or her kindred with the adopted person shall continue and shall not be altered in any way by the order for adoption.
- (3) The relationship to one another of all persons, whether the adopted person, the adopting parent, the kindred of the adopting parent, the parent before the making of the adoption order, the kindred of that parent or any other person, shall be determined in accordance with subsections (1) and (2).
- (4) The severance of relationship to the natural parents by subsection (1) and (2) does not apply for the purpose of the laws relating to incest and prohibited degrees of kindred for marriage to remove any person from a relationship in consanguinity which, but for this section, would have existed.
- (5) Where a person is adopted a second or subsequent time, all the legal consequences of any previous order for his adoption terminate.
- (6) This section applies and shall be deemed to have always applied with respect to any adoption made under any legislation previously in force in Yukon, but it shall not apply so as to affect any right or any interest in property that has vested before this Part comes into force.
- 101 (1) In any instrument or any Act, regulation or other legislative instrument, whether made before or after this Part comes into force, unless the contrary intention is expressed, a reference to a person or group or class of persons described in terms of relationship by blood or marriage to another person shall be deemed to refer to or to include, as the case may be, a person who comes within the description as a result of his own adoption or the adoption of another person.

- 102 (1) An adoption effected according to the law of any province or territory of Canada or of any other country, or part thereof, while the adopted person or the adopting person was habitually resident there, has the same effect in Yukon as an adoption ordered under this Part.

Part 3, Division (5) - OFFENCES RELATED TO ADOPTION

- 103 (1) Subject to subsection (3), any person who receives a child into his care for the purpose of adopting that child shall, within 30 days of receiving the child, notify the Director of Family and Children's Services that he has the child in his care.
- (2) Subject to subsection (3), any person who helps to place a child into the care of another person for the purpose of adoption by that other person shall, within 30 days of the placement of the child with that other person, notify the Director of Family and Children's Services that the placement has occurred.
- (3) Subsection (1) and (2) do not apply where the child is received from or placed by the Director of Family and Children's Services or by some person acting on his behalf.
- (4) Failure to comply with subsection (1) or (2) is an offence.
- 104 (1) No person shall give or receive a payment or benefit in return for giving up a child or rights in relation to a child so that another person may adopt the child.
- (2) No person shall give or receive a payment or benefit in return for inducing a person to give up a child or rights in relation to a child so that another person may adopt the child.
- (3) No person shall attempt to do anything that is prohibited by subsection (1) or (2).

- (4) A person who breaches subsection (1), (2) or (3) commits an offence and is liable on summary conviction, for a first offence, to a fine of up to \$5,000 or to imprisonment for as long as one year, or both; and, for a subsequent conviction, to a fine of up to \$10,000 or to imprisonment for as long as two years.
- 105 (1) In a prosecution of an offence under section 103 or 104, the court or justice shall take into account that the best interests of the child are deemed to be prejudiced by the commission of any of those offences.

PART 4

CHILD PROTECTION

- 106 (1) In this Part

"agent" means a public servant designated by the Director as having authority to act as an agent of the Director in relation to the matter concerned under this Part;

"child" means a person under eighteen years of age;

"child care service" includes the following in relation to children:

- (a) homemaker services for care, supervision and maintenance in a home;
- (b) day-care services for care supervision and maintenance out of a home;
- (c) services for assessment, counselling and treatment; and
- (d) services for protection, referral and placement;

"child caring facility" means

- (a) a foster home for one or more children,
- (b) a group home for one or more children,
- (c) a residential centre for one or more children, or
- (d) a receiving home for one or more children;

"concerned" in relation to parent means

- (a) a parent with the lawful care or lawful care and custody of the child,
- (b) a parent exercising rights of custody or of access in relation to the child, or attempting to exercise those rights,
- (c) a parent providing financial support for the child, or
- (d) a parent whose application respecting care, custody or access in relation to the child is before a court and awaiting adjudication;

"Director" means the Director of Family and Children's Services designated under section 110;

Added by 1987, c.22

"director of juvenile justice" means the director of juvenile justice appointed under the Young Persons Offences Act."

"Diversion Council" means a Diversion Council established under section 113,

"judge" means any judge of the Territorial Court of Yukon, or any justice of the peace, designated by the Commissioner in Executive Council as having authority to deal with the class of case involved;

"Official Guardian" means the Public Administrator and Official Guardian appointed under the Judicature Act;

"peace officer" means a police officer, a probation officer, a youth worker under the Young Offenders Act (Canada), or a person designated by the Executive Council Member as a peace officer for the purposes of this Part.

Part 4, Division (1) - GENERAL
FUNCTION OF DIRECTOR

- 107 (1) It is the policy of the Executive Council Member and the Director to supply services as far as is reasonably practicable to promote family units and to diminish the need to take children into care or to keep them in care.

- 108 (1) For the implementation of the policy described in section 107, the Director shall take reasonable steps to ensure the safeguarding of children, to promote family conditions that lead to good parenting, and to provide care and custody or supervision for children in need of protection.
- 109 (1) Where practicable a child shall be placed with a family of his own cultural background and lifestyle preferably in his home community, but if such placement is not possible within a reasonable time the child may be placed in the most suitable home available.
- 110 (1) The Commissioner in Executive Council may designate a public servant to be the Director of Family and Children's Services.
- (2) The Commissioner in Executive Council may designate one or more public servants to be Assistant Directors of Family and Children's Services.
- (3) An Assistant Director of Family and Children's Services has all the powers, duties and functions of a Director.
- (4) The Executive Council Member may designate such other public servants to assist the Director in the performance of any of his duties under this Act as he deems necessary.
- (5) The Director shall
- (a) ensure that the provisions of this Act are carried out,
 - (b) direct and supervise the visiting of any child and the inspection of any place where a child is placed pursuant to this Part,
 - (c) administer or supervise any child caring facility established pursuant to this Act,
 - (d) prepare and submit an annual report to the Executive Council Member,
 - (e) be and perform the functions of provincial director under the Young Offenders Act (Canada),
 - (f) supervise, inspect and evaluate such community groups or persons to whom his powers have been delegated under section 111(1).
- (6) The Director shall, in accordance with this Act, have general superintendence over all matters pertaining to the care and custody of children who come into his care under this Act.

Part 4, Division (2) - COMMUNITY GROUPS

- 111 (1) Subject to subsection (2) the Commissioner in Executive Council may delegate any power of the Director under this Part to any community group or persons.
- (2) The right of the Director to custody of and guardianship for children in his temporary or permanent care and custody shall not be delegated or assigned and shall remain with the Director notwithstanding any delegation that may be made under subsection (1).
- (3) A delegation of the powers of the Director under subsection (1) may be revoked by the Commissioner in Executive Council at any time.
- (4) A delegation of the powers of the Director under subsection (1) shall be subject to regulations made by the Commissioner in Executive Council specifying
- (a) the periods of time during which the delegation is to have effect,
 - (b) the area of Yukon within which the community group or person may act, and,
 - (c) the children over whom the community group or person may exercise the delegated powers.
- (5) The Director shall have a power of supervision, inspection and evaluation of such approved community groups and persons and the programs for which they are responsible, which shall include all those powers in sections 148 to 154 inclusive in relation to child caring facilities.
- (6) The powers and responsibilities that may be delegated to a community group or person may include some or all of the following:
- (a) providing services to families with children;
 - (b) finding foster homes and the placement in such homes of children in need of protection;
 - (c) care and supervision of children in the temporary or permanent care and custody of the Director;
 - (d) supervision of children in need of protection;
 - (e) investigation of cases where children are alleged to be in need of protection;

- (f) taking into care or to a place of safety children alleged to be in need of protection;
 - (g) operation of child caring facilities;
 - (h) recruitment and approval of adoptive homes and the provision of adoption placement services.
- (7) Where a child is entrusted to the temporary or permanent care of a community group or person to whom the Director's powers have been delegated, that community group or person shall have the same responsibility for ensuring the protection and safety of the child, and for the provision of food, clothing, education, medical services and a good upbringing for the child as the Director has for a child in his care and custody.
- (8) The Director has no liability for anything done or omitted by a community group or person to whom a delegation has been made under subsection (1).

Part 4, Division (3) - DIVERSION COUNCIL, DIVERSION

112 ~~(1) In this Division, "diversion" refers to guidance, counselling, treatment, education, training, work projects or other activities or programs of similar nature that may be used as an alternative to proceedings for judicial adjudication, and includes proceedings under section 115 to determine whether a child is a child in need of guidance or to determine appropriate activities or programs in respect of a child who is in need of guidance.~~

*substitution by
1987, c.22*

- 113 (1) The Commissioner in Executive Council shall establish a Diversion Council for Yukon.
- (2) The Diversion Council shall consist of the Director or his nominee, a chairman, and not less than four other members appointed by the Commissioner in Executive Council to hold office for not more than three years at a time.
- (3) The functions of the Diversion Council shall be
- (a) to conduct research into and to establish reasonable methods of diversion for children in any part or all of Yukon,

"112. In this division, "diversion", means alternative measures under the Young Offenders Act (Canada) or the Young Persons Offences Act and diversion schemes, programs or services shall have the same meaning."

- (b) for the implementation of diversion schemes, to establish Diversion Committees comprising such membership as the Diversion Council may require,
 - (c) to assess the ability and suitability of any persons or community group to function as a Diversion Committee,
 - (d) to designate the part of Yukon in which any diversion scheme may be provided and to appoint the Diversion Committee that may provide the diversion scheme in that area,
 - (e) to describe the groups of children for whom a Diversion Committee may provide diversion,
 - (f) to describe the types of infraction or behaviour by children in respect of which a Diversion Committee may provide diversion,
 - (g) to oversee and evaluate the performance of Diversion Committees and impact of diversion schemes.
- (4) The Executive Council Member may, from among the persons employed in the public service,
- (a) designate a person to be the secretary of the Diversion Council, and
 - (b) provide the Diversion Council with such other employees or assistants as he may deem necessary for the proper conduct of the work of the Diversion Council.
- (5) A member of the Diversion Council or of a Diversion Committee who is not a member of the public service of Yukon may be paid transportation, accommodation and living expenses incurred in connection with the performance of his duties away from his ordinary place of residence but, except as otherwise provided by the regulations, the payment of such expenses shall conform as nearly as possible in all respects to the payment of such expenses for members of the public service of Yukon.
- (6) A quorum is four members of the Diversion Council, but a vacancy in the membership of the Council does not impair the right of the remainder to act.
- 114 (1) The Commissioner in Executive Council may make regulations respecting
- (a) the fees and expenses that may be paid to members of the Diversion Council or a Diversion Committee,
 - (b) the functions of the Diversion Council or a Diversion Committee,

- (c) the coordination of the work of Diversion Committees in the implementation of any diversion scheme,
 - (d) the establishment of diversion programs or services, and
 - (e) designation of diversion programs or services to be alternative measures within the scope of the Young Offenders Act (Canada). *on the Young Person's Offences Act. ↗ added by 1987, c 22*
- 115 (1) In this section "a child in need of guidance" means a child who
- (a) has committed an act that, but for the fact that he is under 12 years of age, would have been an offence under the Criminal Code of Canada or any other Act of Parliament;
 - (b) is under the age of 12 years and has committed an offence under any Act of the Legislative Assembly or any by-law of a municipality;
 - (c) is over the age of 12 years but under the age of 18 years and who admits to having committed an offence under any Act of the Legislative Assembly or any by-law of a municipality and who is not charged with such offence.
- (2) Any peace officer or agent who has reasonable and probable grounds to believe and does believe that a child is a child in need of guidance shall report the relevant facts to the Director.
- (3) Where the Director, after consultation with and upon the recommendation of an agent of the Attorney General of Canada, concludes that a child is likely a child in need of guidance and may benefit from diversion, the Director, by notice in writing served on a concerned parent, or on any other person entitled to care and custody of the child, may request such parent or person to appear, or to bring the child named in the notice, before the Diversion Committee at the place and time named in the notice to determine whether a child is a child in need of guidance.
- (4) The notice referred to in subsection (2) shall be served at least five days before the day on which the parent or other person is to appear or bring the child before the Diversion Committee.

- (5) Where the Diversion Committee concludes that the child can benefit from a diversion program that is administered by the Committee and the child admits the substance of any allegations made against him, and the child and a concerned parent or other person entitled to care and custody of the child agree to the child's participation in the diversion program proposed for him, the Committee may
- (a) declare the child to be a child in need of guidance,
 - (b) order a program of diversion for the child,
 - (c) define the duration of the child's participation in the program, and
 - (d) describe the conditions that the child must comply with in order to continue his participation in the program.
- (6) No diversion shall be ordered under subsection (5) where
- (a) a concerned parent or other person entitled to care and custody of the child do not agree with the child being referred to a Diversion Committee or with the diversion program proposed by the Committee,
 - (b) no Diversion Committee has been established in the community,
 - (c) the child has been held by the Diversion Committee to be unsuitable for diversion,
 - (d) the Diversion Committee concludes the child requires resources or facilities beyond those available to the Committee.
- (7) Where a Diversion Committee orders a diversion program for the child and the child complies with the requirements of that diversion program, he shall not be prosecuted for any offence that was a ground upon which the Committee concluded he was a child in need of guidance.
- (8) The Director, any agent of the Director, any agent of the Attorney General of Canada, any advocate for a concerned parent or other person entitled to care and custody of the child, and any advocate for the child have the right to be heard in proceedings before the Diversion Committee.

- 116 (1) Where a child commits an offence against an Act of the Legislature or a municipal by-law and a diversion program cannot be or is not ordered for him, he may be prosecuted for the offence.

*Repealed
by 80A
1987, c-22 →*

- (2) Where a child commits an offence against an Act of the Legislature or a municipal by-law and a diversion program is ordered for him and he does not comply with the requirements of the ordered diversion program he may be prosecuted for any offence that was a ground upon which the diversion program was ordered.
- (3) No admission, confession or statement accepting responsibility for an act or omission made by a child in the course of diversion proceedings shall be admissible in evidence against him in any civil or criminal proceedings or in any proceedings for the prosecution of an offence against an Act of the Legislature or a municipal by-law.
- (4) A prosecution referred to in subsection (1) or (2) shall be conducted by judicial proceedings in youth court and all proceedings incidental to or consequential upon the prosecution shall be taken in the same manner as though the offence were an offence and the child were a young person within the scope of the Young Offenders Act (Canada).
- (5) Where a diversion program could not be or was not ordered for the child and he is alleged to have committed an offence against an Act of the Legislature or a municipal by-law, alternative measures as described in the Young Offenders Act (Canada) may be used to deal with him.
- (6) Alternative measures as described in the Young Offenders Act (Canada) shall not be used to deal with a child who is alleged to have committed an offence against an Act of the Legislature or a municipal by-law that was a ground upon which a diversion program was ordered for him.

Part 4, Division (4) - REPORTING OF CHILD ABUSE OR NEGLECT,
TAKING CHILDREN INTO CARE AND PROCEEDINGS BEFORE A JUDGE

- 117 (1) A person who has reasonable grounds to believe that a child may be a child in need of protection may report the information upon which he bases his 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 his so reporting, unless the reporting was done maliciously and falsely.
- (3) Any person who maliciously and falsely reports to a peace officer, the Director, an agent of the Director, or to any other person facts from which the inference that a child may be in need of protection may reasonably be drawn commits an offence and is liable on summary conviction to a fine of up to \$5,000 or imprisonment for as long as six months, or both.

- 118 (1) A child is in need of protection when
- (a) he is abandoned;
 - (b) he is in the care of a parent or other person who is unable to provide proper or competent care, supervision or control over him;
 - (c) he is in the care of a parent or other person who is unwilling to provide proper or competent care, supervision or control over him;
 - (d) he is in probable danger of physical or psychological harm;
 - (e) the parent or other person in whose care he is neglects or refuses to provide or obtain proper medical care or treatment necessary for his health or well-being or normal development;
 - (f) he is staying away from his home in circumstances that endanger his safety or well-being;
 - (g) the parent or other person in whose care he is fails to provide the child with reasonable protection from physical or psychological harm;
 - (h) the parent or person in whose care he is involves the child in sexual activity;
 - (i) subject to subsection (2), the parent or person in whose care he is beats, cuts, burns or physically abuses him in any other way;
 - (j) the parent or person in whose care he is deprives the child of reasonable necessities of life or health;
 - (k) the parent or person in whose custody he is harasses the child with threats to do or procures any other person to do any act referred to in paragraphs (a) to (j); or
 - (l) the parent or person in whose care he is fails to take reasonable precautions to prevent any other person from doing any act referred to in paragraphs (a) to (j).

- (2) The mere subjection of a child to physical discipline does not bring the child within the definition of child in need of protection but the child may be in need of protection where the force is unreasonable or excessive, having regard to:
- (a) the age of the child;
 - (b) the type of instrument, if any, employed in corporal punishment;
 - (c) the location of any injuries on the child's person;
 - (d) the seriousness of the injuries which resulted, or which might reasonably have been expected to result, to the child;
 - (e) the reasons for which it was felt necessary to discipline the child and any element of disproportion between the need for discipline and the amount of force employed.
- 119 (1) Where the Director, an agent, or a peace officer receives a report or believes that a child may be in need of protection, the Director, agent, or peace officer shall conduct such investigation as may be necessary with a view to determining what action, if any, should be taken under this Part and, for that purpose, may,
- (a) at any reasonable time, enter any place to which the public is customarily admitted,
 - (b) with the consent of an occupant apparently in charge of the premises, enter any other place,
 - (c) for his examination, request the production of documents or things that are or may be relevant to his investigation,
 - (d) upon giving a receipt therefor, remove from any place documents produced in response to a request under paragraph (c) for the purpose of making copies of them or extracts from them, and
 - (e) upon giving a receipt therefor, remove from any place any other thing produced in response to a request under paragraph (c) to retain possession of it pending conclusion of the investigation or proceedings under this Part.
- (2) Where any person denies the person conducting the investigation under subsection (1) entry to any place, instructs him to leave any place, or impedes or prevents an investigation by that investigator in any place, that investigator may apply to a judge for a warrant to enter under subsection (4).

- (3) If a person refuses to comply with a request of the investigator under subsection (1) for the production of documents or things, the investigator may apply to a judge for an order for the production of the documents or things under subsection (5).
- (4) Where a judge is satisfied by evidence on oath or affirmation that there are reasonable grounds to believe it is necessary that a place being used as a dwelling, or to which entry has been denied, be entered to investigate any matter under this Part, he may issue a warrant to enter in the prescribed form authorizing entry by the Director, or any agent or peace officer referred to in the warrant into the place referred to in the warrant.
- (5) Where a judge is satisfied by evidence on oath or affirmation that a request under subsection (1) for production of a document or other thing has been refused and that there are reasonable grounds to believe that production of the document or thing is necessary to investigate any matter under this Part, he may make an order for the production of documents in the prescribed form authorizing the Director, or any agent or peace officer referred to in the order, to seize the documents or things described in the order.
- (6) An order under subsection (5) for the production of documents or other things may be included in a warrant to enter issued under subsection (4) or may be made separately from such a warrant.
- (7) A warrant issued under subsection (4) and any order made under subsection (5) shall be executed at such time as may be specified in the warrant or order.
- (8) Every warrant issued under subsection (4) and every order made under subsection (5) shall name a date on which it expires, which shall be a date not later than 14 days after it is issued or made.
- (9) Notwithstanding subsection (1), the Director shall
 - (a) refuse to investigate or to continue investigating a report or complaint where he is satisfied that the report or complaint is frivolous, vexatious or malicious, and

- (b) cease investigating a report or complaint where he is satisfied that there is insufficient evidence to warrant further action under this Part.
- 120 (1) Where the Director or an agent has reasonable and probable grounds to believe and does believe that a child might be in need of protection he may, instead of taking the child into care or to a place of safety, by notice in writing served upon a concerned parent, or other person entitled to the care or custody of the child, require such parent or person to appear, or bring the child named in the notice, before a judge at a place named in the notice and at a time not earlier than five days after nor later than one month after the date of the service of the notice to determine
- (a) whether the child is in need of protection, or
- (b) whether the parents or other person entitled to the care or custody of the child should make the child available to the Director for such investigations or tests as are recommended by the Director in writing and approved by the court to assess whether there should at a later date be a hearing to determine whether the child is in need of protection.
- (2) A person who fails to comply with a notice issued pursuant to subsection (1) commits an offence.
- (3) Where in the opinion of the Director a child is of sufficient age and understanding to comprehend the purpose of a notice and the other proceedings under this section the Director shall make all reasonable efforts to inform the child and his family with whom he resides when the notice is given of the facts and the reasons for such action by the Director.
- (4) Upon a notice being issued pursuant to subsection (1) the Director may notify the school which the child attends and any community groups or other persons who the Director thinks should be ~~advised~~ of the action.
- 121 (1) Where the Director, an agent, or a peace officer has reasonable and probable grounds to believe and does believe that a child is in immediate danger to his life, safety or health, the Director, agent, or peace officer may, without a warrant,
- (a) take the child into care and begin proceedings before a judge under this Part,

- (b) take the child to a place of safety and then, without taking proceedings before a judge under this Part, return the child to a concerned parent, or other person entitled to the child's care and custody, upon the request of that concerned parent or other person, or
 - (c) in the case of a child already in the care of the Director and who absconded or was being detained without lawful authority and without the Director's consent, return the child to such place as the Director may designate.
- (2) For the purpose of taking a child into care or to a place of safety under subsection (1), the Director, an agent, or a peace officer may, without a warrant,
 - (a) enter at any time any place where on reasonable and probable grounds he believes the child to be, and
 - (b) use such reasonable force as may be necessary.
- (3) Where the Director, an agent, or a peace officer has reasonable and probable grounds to believe and does believe that a child is in need of protection or that a child in the care of the Director has absconded or is being detained without lawful authority and without the Director's consent, the Director, agent, or peace officer may apply to a judge for a warrant to take the child into care under subsection (4).
- (4) Where a judge is satisfied by evidence on oath or affirmation that the person applying for a warrant to take the child into care has reasonable and probable grounds to believe and does believe that the child in respect of whom the application is made is in need of protection the judge may issue his warrant in the prescribed form authorizing the Director, or the agent or peace officer referred to in the order, to take the child referred to in the order into the Director's care and, for that purpose, to enter any place referred to in the warrant.
- (5) A warrant issued under subsection (4) shall be executed at such time as may be specified in the warrant.
- (6) Every warrant issued under subsection (4) shall name a date on which it expires, which shall be a date not later than 14 days after it is issued.

- (7) Where a child is taken into care pursuant to a warrant issued under subsection (4), the person who takes the child into care shall
- (a) begin proceedings before a judge under this Part,
 - (b) take the child to a place of safety and then, without taking proceedings before a judge under this Part, return the child to a concerned parent, or other person entitled to the child's care and custody, upon the request of that concerned parent or other person, or
 - (c) in the case of a child already in the care of the Director and who absconded or was being detained without lawful authority and without the Director's consent, return the child to such place as the Director may designate.
- (8) For the purpose of executing a warrant to take a child into care issued under subsection (4) or a warrant to enter issued under subsection 119(4) or an order to produce documents or things made under subsection 119(5) the person executing the warrant may use such reasonable force as may be necessary.
- (9) An application for a warrant to take a child into care under subsection (4) or for a warrant to enter under subsection 119(4) or for an order for the production of documents or things under subsection 119(5) may be made without notice to any party.
- (10) Where, pursuant to subsection (1), a place has been entered without a warrant, the owner or any occupant of the place may, in addition to any rights he may have under common law or another Act, apply to a judge for an order to require the person who entered without a warrant to justify the entry.
- 122 (1) Where a child is taken into care or to a place of safety under section 121 the person who takes the child into care or to a place of safety, shall forthwith notify the Director.
- (2) When a child is taken into care under section 121 or a notice is issued pursuant to section 120 requiring a person to bring a child before a judge, the Director shall inform the Official Guardian as soon as reasonably practicable so that the Official Guardian may determine whether a child representative should be appointed for the child.

- 123 (1) Subject to paragraphs 121(1)(b) and (c) and 121(7)(b) and (c), where a child is taken into care under section 121 the Director shall
- (a) as soon as practicable, give reasonable notice in writing to the concerned parent, or other person entitled to the care or custody of the child, of the place and time of a hearing to be held under subsection (5) and of the grounds then known to the Director for the alleged need for protection of the child, which grounds may be stated in any of the words set out in subsection 118(1), and
 - (b) so that a hearing may be held under subsection (5), appear before a judge and make such application as the Director thinks there are grounds to make.
- (2) Where in the opinion of the Director the child is of sufficient age and understanding to comprehend that he has been taken into care he shall be told of this fact and the reasons for the intervention by the Director.
- (3) On taking a child into care, the Director may notify the school which the child attends and any community groups or other persons who the Director thinks should be advised of the action.
- (4) The hearing under subsection (5) shall be at a time not later than seven days after the child is taken into care.
- (5) The judge shall hold a hearing as soon as reasonably practicable after he is asked to do so for the purpose of,
- (a) determining the identity of the child and his concerned parents or other persons entitled to his care or custody, and
 - (b) determining whether reasonable and probable grounds exist for taking the child into care.
- (6) Where, at the conclusion of the hearing under subsection (5), the judge finds that reasonable and probable grounds do exist for taking the child into care, the judge shall
- (a) subject to subsection (9), set a date and place for a hearing before a judge to determine, within two months, whether the child is in need of protection and what order ought to be made in consequence of that determination,

- (b) order that the child remain in the temporary care and custody of the Director pending the outcome of the hearing referred to in paragraph (a), and
 - (c) if a concerned parent, or other person entitled to the care or custody of the child, is not present, give direction as to the manner of service of the notice of the hearing referred to in paragraph (a) on the absent concerned parent or other person entitled to the care or custody of the child.
- (7) Where, at the conclusion of the hearing under subsection (5), the judge finds that there are no reasonable and probable grounds for taking the child into care, the Director shall return the child to the concerned parent, or other person entitled to the child's care, in whose care and custody the child was when he was taken into care.
- (8) The Director shall return the child pursuant to subsection (7) so soon as the return may reasonably be done, having regard to the best interests of the child, but the return of the child shall not be delayed more than 48 hours unless a judge authorizes a longer delay.
- (9) The hearing before a judge to determine whether a child is in need of protection and what order should be made in consequence of that determination shall be held and the determination shall be made within two months of the day the hearing under subsection (5) is begun, unless the Director or a concerned party seeks a delay, and a judge is satisfied that the delay will not cause any prejudice to the best interests of the child and is necessary for the proper conduct of the hearing.
- (10) There shall be a rebuttable presumption that failure to comply with the time limits specified in this section is prejudicial to the interests of the child and it is therefore the duty of the Director, the concerned parents, and the judge to comply with those time limits.
- (11) Lack of compliance with the time limits specified in this section shall not deprive any judge of jurisdiction to act at the request of the Director or a concerned parent after expiration of the time.

- 124 (1) A proceeding under this Part that has been commenced before one judge may be continued before any other judge, but that other judge may refuse to let the hearing be continued before him if he is satisfied that the continuation before him would prejudice any party to the proceeding and that continuation before the judge who heard the earlier part of the proceeding would not be impractical or prejudicial to any party.
- 125 (1) Where the Director or an agent makes any application to a judge under this Part, the Director has exclusive conduct of the application and may, in his discretion, continue it or discontinue it.
- 126 (1) In proceedings under this Part,
- (a) the Director is a representative of the child and the interest of the Director is to seek the best interest of the child; and
 - (b) the judge has jurisdiction to hear and determine and shall, in accordance with this Act, hear and determine on its merits any application made by the Director, regardless of whether some person who has a right to be present is present and regardless of whether a person who is, under this Part, entitled to be served has been served with notice of the hearing or application.
- (2) Where a person who is, under this Part, entitled to be served with notice of a hearing or an application is not served with the notice and is not present at the hearing and the judge makes an order in that hearing or in respect of the application, that person may apply to a judge under and subject to subsection 145(3) for an order setting aside in relation to him the order so made.
- (3) Where an order is set aside in relation to a person who applied under subsection (2), the order continues to have the same effect in relation to all other persons as if no order had been made in relation to the person who applied under subsection (2).
- 127 (1) The purpose of the hearing set under subsection 123(6) and conducted under subsection 123(9) is for the judge to determine whether the child is in need of protection and what order ought to be made in consequence of that determination, and pending the conclusion of the hearing the judge may:

- (a) adjourn the hearing from time to time for a period up to but not exceeding three months from the date the child was taken into care; and
 - (b) make an order for the temporary care and custody of the child, pending the conclusion of the hearing.
- 128 (1) Where, at the conclusion of the hearing set under subsection 123(6) and conducted under subsection 123(9), the judge finds on the balance of probabilities that the child is a child in need of protection, the judge shall
- (a) allow the child to be returned into the care of the concerned parent, or other person entitled to his care or custody, in whose care and custody the child was when he was taken into care or when proceedings were instituted pursuant to section 120,
 - (b) commit the child into the temporary care and custody of the Director, or
 - (c) commit the child to the permanent care and custody of the Director.
- (2) Where, at the conclusion of the hearing set under subsection 123(6) and conducted under subsection 123(9), the judge finds on the balance of probabilities that the child is not a child in need of protection, the Director shall return the child to the concerned parent, or other person entitled to the child's care, in whose care and custody the child was when he was taken into care.
- (3) The Director shall return the child pursuant to subsection (2) so soon as the return may reasonably be done, having regard to the best interests of the child, but the return of the child shall not be delayed more than 48 hours unless a judge authorizes a longer delay.
- 129 (1) Where the judge makes an order under paragraph 128(1)(a),
- (a) the Director shall have a power of supervision in respect of the care of the child during the time that the order is in effect;
 - (b) the order shall be in effect for such time as the judge may specify, but that time shall not exceed 12 months for a child under two years of age at the date of taking into care or of issuance of the notice to bring, and shall not exceed 15 months for a child under four years of age at

- the date of taking into care or of issuance of the notice to bring, and shall not exceed 24 months in any other case; and
- (c) the order may contain such reasonable conditions binding upon and in respect of the conduct of the person to whose care the child is allowed to be returned as the judge thinks are necessary.
- 130 (1) No order for temporary care and custody of a child pursuant to section 128(1)(b) shall be, whether in consequence of adjournment, or of an initial order or any extension of an initial order, for a time exceeding,
- (a) a period of 12 months, for a child under two years of age at the date of taking into care or of issuance of the notice to bring before a judge; or
- (b) a period of 15 months, for a child under four years of age at the date of taking into care or of issuance of notice to bring before a judge; or
- (c) twenty-four months in any other case.
- (2) In calculating the continuity of periods referred to in paragraphs (a), (b) or (c) of subsection (1), the judge shall disregard any period or periods the aggregate of which does not exceed six weeks in which the child was temporarily returned to the care of his parents or other person entitled to his care and custody.
- (3) Any order for temporary care and custody of a child pursuant to section 128(1)(b) that purports to be for a time exceeding the time allowed by this section shall be deemed to subsist for only the time that is allowed under this section.
- (4) Notwithstanding the provisions of this section a judge may on the application of a child who has attained the age of 14 years and with the written consent of the Director, extend a period of temporary care and custody to the Director beyond two years for a further period not exceeding two years.
- 131 (1) Where the child has been taken into care by a peace officer, a judge shall not commit a child to the care and custody of the Director except upon an application by the Director.

- 132 (1) In deciding whether to make an order for temporary or permanent care and custody the judge shall have regard to the following considerations relating to the best interests of the child:
- (a) the bonding existing between the child, and its concerned parent, or other care giver, but not necessarily the bonding existing between the concerned parent or other care-giver and the child;
 - (b) evidence about who the child identifies and relates to as his parent or care given;
 - (c) the length of time, according to the child's sense of time, that a child has been in care and the effect upon the child of any delay in the final disposition in the proceedings;
 - (d) the effect upon the child of any disruption of the child's sense of continuity,
 - (e) the child's right to be a wanted and needed member within a stable and secure family structure;
 - (f) the child's mental, emotional and physical stages of development;
 - (g) the risks and merits of the child returning to or remaining in the care of his concerned parent or other person entitled to his care;
 - (h) the views and preferences of the child, where such views and preferences can reasonably be ascertained;
 - (i) any physical or psychological risk to the child of returning the child to, or allowing the child to remain in, the care of his or her parent;
 - (j) the mental, emotional and physical needs of the child and the appropriate care or treatment to meet those needs; and
 - (k) the cultural heritage of the child.
- 133 (1) Where it appears to the Director that medical, surgical or other remedial care is urgently required in order to preserve the life or health of a child and the parent, or other person with the care or care and custody of a child, will not consent to the treatment or care or cannot be found in time, the Director may apply to a judge, without notice to the parent or any other person if necessary, for an order authorizing the Director to consent to the medical, surgical, or other remedial care and any consequent orders relating to the care and custody of the child pending the giving of the care and pending any further proceedings under this Part.

- (2) Where the judge makes an order under subsection (1) authorizing the Director to consent to the medical, surgical, or other remedial care, the Director may exercise his powers under subsection 119(2) for the purpose of giving effect to the order.
- (3) Where a person has acted in accordance with a consent given by the Director in consequence of an order under subsection (1), no action shall be taken against that person on the ground that he ought to have obtained the consent of some other person.
- (4) The Director shall pay the cost of the medical, surgical or other remedial care that he consents to under this section and the parent, or other person with the care or care and custody of the child, shall not have any liability for that cost.
- 134 (1) Where the Director has reasonable and probable grounds to believe and does believe that a foetus is being subjected to a serious risk of suffering from foetal alcohol syndrome or other congenital injury attributable to the pregnant woman subjecting herself during pregnancy to addictive or intoxicating substances, the Director may apply to a judge for an order requiring the woman to participate in such reasonable supervision or counselling as the order specifies in respect of her use of addictive or intoxicating substances.
- 135 (1) Where a judge commits a child to the temporary care and custody of the Director, the judge may at the same time, or subsequently upon application by the Director, make an order for payment by the parent of the child of any costs or portion thereof incurred by the Director in maintaining and supervising the child in any child caring facility.
- 136 (1) At any time after an order for payment is made pursuant to section 135, the Director may apply to a judge for an order varying the order already made.
- (2) Any parent may make application to a judge for an order varying the amount payable by him under any order, or revoking the order, or suspending in whole or in part the operation of the order insofar as it applies to him.

- (3) A judge may make an order under subsection (1) or (2) only where there has been a material change in the circumstances of the parent bound by the order already made and the change affects his ability to pay.
- 137 (1) An order made against a parent under section 135 or 136 may be enforced in the same manner as an order for support made under the Matrimonial Property & Family Support Act.

Part 4, Division (5) - EFFECTS OF CHILDREN BEING IN
TEMPORARY OR PERMANENT CARE AND CUSTODY

- 138 (1) When the care and custody of a child is committed to the Director under this Part, the Director shall have the custody of and the guardianship for the child and as such shall have all the rights and powers of a parent and those that might be conferred upon a guardian under any Act until
- (a) the child reaches nineteen years of age, where the child is dependent because he is pursuing an education program or because of mental or physical incapacity,
 - (b) the child reaches eighteen years,
 - (c) the child is adopted pursuant to this Act,
 - (d) the child marries, or
 - (e) the date of expiry of the order for temporary care and custody.
- (2) Notwithstanding subsection (1) where the child has been committed to the temporary care and custody of the Director
- (a) the consent of the concerned parent shall be required in any application for adoption of the child; and
 - (b) a parent or other person who but for the proceedings under this Part would be entitled to access to the child or, to custody, or to care and custody of the child shall have reasonable access to the child with the consent of the Director, such consent not to be unreasonably withheld.
- (3) During the subsistence of an order for temporary care and custody the Director shall, so far as is practicable, keep the concerned parents informed of the progress and situation of the child and discuss with them the future plans for the child.

- (4) During the time between when a child is taken into care under this Part and when an order for permanent or temporary care and custody is made by a judge under this Part the Director shall have
- (a) subject to subsection (5), power to determine who can have access to the child and upon what conditions, but the parent or other person who, but for the proceedings under this Part, would be entitled to access to the child, or to custody, or to care and custody of the child shall have reasonable access to the child with the consent of the Director, such consent not to be unreasonably withheld,
 - (b) power to give consent to any necessary medical care or attention for the child, unless a parent, or other person entitled to the care and custody of the child, has notified the Director that he objects to the Director giving the consent,
 - (c) the duty to provide for the child's physical and emotional needs, and
 - (d) notwithstanding paragraph (b), power to arrange and give consent to any medical or psychiatric examination or assesment for the purpose of ascertaining the physical or mental condition of the child.
- (5) A person who, under paragraph (2)(b) or (4)(a) is entitled to have reasonable access to the child and who alleges that the Director has unreasonably withheld his consent to access may apply to the judge for an order and the judge may make an order settling the terms and conditions of reasonable access by that person to the child.
- 139 (1) Where a child has been in the care or care and custody of the Director for a period of one year. the Director shall conduct a review of the child's care.
- (2) The Director shall conduct a further review annually for so long as the child is in the care or care and custody of the Director.
- 140 (1) Where a child is in the temporary or permanent care and custody of an officer or authority in another province whose functions duties and powers are similar to the Director's, the Director may assume the care and supervision of the child and

the right to give consent to medical or surgical care and treatment but custody of and guardianship for the child remains vested in the officer or authority to whom the child was committed.

- (2) Where a child who has been committed to the temporary or permanent care and custody of the Director pursuant to this Act is, by agreement with the appropriate officer or authority, transferred to any province of Canada or to any other country or part thereof, the Director may place the child in the care and supervision of that officer or authority and grant to him the right to give consent for medical or surgical care and treatment but custody of and guardianship for the child remains vested in the Director.

- 141 (1) Any parent, or other person entitled to care and custody of a child may enter into an agreement with the Director to have the child placed under the temporary supervision or care of the Director or his agent for the purpose of providing the services required to meet the needs of the child where the parent or that other person is
- (a) through special circumstances of a temporary nature is unable to make adequate provision for his child, or
 - (b) unable to provide the service required for his child because of the needs of the child.

- (2) The effect of an agreement made under subsection (1) shall be during its subsistence, to confer on the Director the same rights, duties and powers as he would have under an order for temporary care and custody of the child.

- 142 (1) The duration of an agreement under section 141 shall not exceed one year.

- (2) With the approval of the Director any such agreement may be renewed for one further period not exceeding one year.

- (3) The parent or other person who makes an agreement under section 141 may cancel the agreement at any time.

- (4) When the agreement is cancelled pursuant to subsection (3) the Director shall, within 48 hours, return the child to the care of the parent or other person entitled to the child's care and custody who cancelled the agreement.

- (5) The provisions of this section supersede and subsume any existing agreement of similar nature.

- 143 (1) No person shall
- (a) induce or attempt to induce a child to abscond from a child care service or child caring facility or other similar place in which the child was placed by the Director,
 - (b) detain or knowingly harbour an absconding child admitted to the care or care and custody of the Director.
- (2) Breach of subsection (1) is an offence.

Part 4, Division (6) - VARIATION, TERMINATION AND APPEAL
OF JUDGE'S ORDER

- 144 (1) Where a child has been committed to the temporary care and custody of the Director, then the Director, any parent, or any other person who but for the proceedings under this Part would be entitled to the care and custody of the child may apply to a judge for
- (a) an order rescinding the order for temporary care and custody, or
 - (b) an order that, without terminating the temporary care and custody of the Director, allows the applicant to have the care of the child subject to supervision by the Director.
- (2) A child over the age of 14 years who is in the temporary care and custody of the Director may apply to a judge for
- (a) an order rescinding the order for temporary care and custody, or
 - (b) an order that, without terminating the care and custody of the Director, allows him to reside in the care of some other person subject to supervision by the Director.
- (3) A judge shall not make an order under subsection (1) or (2) unless
- (a) there has been a material change in the circumstances since the order for temporary care and custody was made and that change affects or is likely to affect the best interests of the child, and

- (b) implementing the order will not be prejudicial to the best interests of the child.
- (4) An application under subsection (1) or (2) shall be made on not less than 10 days notice to the Director and to any concerned parent, or other person entitled to care and custody, who is not already a party to the application.
- (5) Where the judge makes an order under paragraph (1)(b) or (2)(b), that order may
- (a) remain in effect for the unexpired time in the period of temporary committal of care and custody of the child to the Director, and
 - (b) contain such reasonable conditions binding upon and in respect of the conduct of the person to whose care the child is allowed to be placed as the judge considers necessary.
- 145 (1) A parent, or other person entitled to the care and custody, of a child who has been committed to the permanent care and custody of the Director may apply to a judge for an order to terminate the order for the permanent care and custody of the child.
- (2) A child who is over the age of 14 years and who has been committed to the permanent care and custody of the Director and who can return to the care and custody of the person in whose care and custody he was when the proceedings under this Part resulting in his committal were instituted may apply to a judge for an order to terminate the order for his permanent care and custody.
- (3) The judge shall hear the application and may set aside the order for the permanent care and custody of the child where
- (a) the child is not residing in a home for the purpose of adoption,
 - (b) there has, since the order for the permanent care and custody of the child was given, been a material change in the circumstances and that change affects or is likely to affect the best interests of the child, and
 - (c) setting aside the order will not be prejudicial to the best interests of the child.

- (4) An application under subsection (1) or (2)
- (a) shall be made on not less than 10 days notice to the Director and to any concerned parent, or other person entitled to care and custody, who is not already a party to the application;
 - (b) shall not be made until the expiration of 30 days after the day on which the order for permanent care and custody was given; and
 - (c) shall not be made more frequently than once in any six month period, unless the Director consents in writing to a shorter period.
- (5) At any hearing to terminate an order for permanent care and custody the judge may
- (a) adjourn the hearing for a period not to exceed six months and order a medical, psychiatric, or other examination of the child, or a medical, psychiatric or other examination of a parent, or other person entitled to care and custody of the child, with the written consent of the parent or other person, or
 - (b) adjourn the hearing for a period not to exceed six months from the date of the application for a trial placement with the applicant under the supervision of the Director, or
 - (c) terminate the care and custody by the Director.
 - (d) dismiss the application.
- (6) Where the Director's care and custody is terminated under subsection (5), the Director shall return the child to the parent, or other person entitled to the care and custody of the child, who obtained the order terminating the Director's care and custody.
- (7) The Director shall return the child pursuant to subsection (6) so soon as the return may reasonably be done, having regard to the best interests of the child, but the return of the child shall not be delayed more than 48 hours unless a judge authorizes a longer delay.
- 146 (1) The Director or any person aggrieved may appeal to the Supreme Court of Yukon against any order made by a judge under this Part or any refusal of a judge to make an order under this Part.

- (2) An appeal under subsection (1) shall be taken by notice of appeal given within 30 days from the date on which the decision or order or refusal against which the appeal is taken was given.
- (3) The Court may grant an extension of time to appeal but no extension of the appeal may be granted and no appeal shall be taken after the expiration of 30 days from the date on which the decision or order or refusal against which the appeal is taken was given where
- (a) the child is residing in a home for the purpose of adoption, or
- (b) the extension of time to appeal would be prejudicial to the best interests of the child.
- (4) The procedure for the conduct of an appeal taken under subsection (1) shall be, with such reasonable modifications directed by the Court as may be necessary, the same as for an appeal in the Court of Appeal.
- (5) Upon hearing an appeal, the Court may affirm, reverse, or modify the order appealed against, and make such other order as seems proper to the Court.
- 147 (1) No proceedings of any kind, other than an application under section 144 or 145, or an appeal under section 146 or under the Court of Appeal Act or the Supreme Court of Canada Act (Canada), shall be taken on any grounds to set aside or vary an order committing a child to the temporary care and custody or to the permanent care and custody of the Director.

Part 4, Division (7) - GOVERNMENT AND PRIVATE
CHILD CARE FACILITIES

- 148 (1) The Executive Council Member may from time to time as he deems advisable establish, operate and provide child caring facilities or child care services for children who are in the care or the care and custody of the Director.

- (2) The Executive Council Member may make agreements with persons to operate child caring facilities or child care services on behalf of the Executive Council Member.
 - (3) The Director shall have the supervision of any child caring facility or child care service established, operated or maintained by or on behalf of the Executive Council Member under subsections (1) and (2).
 - (4) The Executive Council Member shall comply with the regulations under paragraph 149(1)(b) prescribing standards of care and accommodation for the establishment and operation of child caring facilities.
- 149 (1) The Commissioner in Executive Council may make regulations
- (a) classifying child caring facilities,
 - (b) prescribing standards of accommodation and care in relation to the establishment and operation of any or all classes of child caring facilities,
 - (c) prescribing conditions about standards of care and accommodation that may be made part of a licence issued in respect of any child caring facility,
 - (d) prescribing the period of time during which a licence may subsist, and
 - (e) prescribing the information that any person applying for a license must, or may be required to, disclose in support of his application.
- (2) Without restricting the generality of subsection (1), standards of care and accommodation for the establishment and operation of child caring facilities may include requirements about the location of the facility, space allocation within the facility, sanitary conveniences, practices to help preserve health, fire and electrical safety, eating and sleeping accommodation, activity programs and areas, number and qualifications of staff, and records that must be kept.
- 150 (1) Where the applicant demonstrates that he can and will comply with section 153 and with the regulations made under section 149, the Director shall issue a licence authorizing the operation of a child caring facility, and the authorization may be subject to such conditions as the Director may, pursuant to the regulations, describe in the licence.

- (2) A licence may subsist for such time as may, pursuant to the regulations, be stated by the Director on the licence, and where no time is so stated the licence may subsist for one year.
 - (3) Continued compliance by the operator and his staff with the regulations made under section 149 shall be deemed to be a condition of every licence issued under this section.
- 151 (1) The following child caring facilities may be operated without a licence issued under section 150:
- (a) a facility that has been approved by the Director and is a facility where the only children being cared for, other than children who are related by consanguinity, marriage or adoption to the operator of the facility, are children who are in the care and custody of the Director and who have been placed in the facility by the Director,
 - (b) a facility that is approved by the Superintendent of Education appointed under the School Act and that is operated solely as a residence for students attending a course of studies given under the supervision of or approved by the Superintendent of Education, and
 - (c) a facility that is licensed as a day care service or a family day-home under the Day Care Act and is operated in compliance with that licence and that Act.
- (2) The Director shall exempt the operator of a child caring facility from the requirement of obtaining a licence
- (a) where the only children being cared for in the facility are children who are related by consanguinity or by marriage to the operator of the facility, or
 - (b) where the only children being cared for in the facility are children who are cared for during a period not exceeding six weeks.
- (3) A child caring facility established by or operated under a contract with the Executive Council Member or the Director may be operated without a licence.
- 152 (1) No person shall operate a child caring facility unless he is authorized to do so by a subsisting licence validly issued under section 150 or he is, under section 151, exempt from licensing.

- (2) A person who breaches subsection (1), or any regulation made under section 149, or who violates any condition in a licence issued to him under section 150 commits an offence and is liable on summary conviction to a fine of up to \$250, or to imprisonment for as long as two months, or both.
- (3) Each day that a breach of subsection (1), or of any regulation made under section 149, or a violation of a condition in a licence continues after written notification by the Director about the alleged offence constitutes a separate offence.
- 153 (1) The Director may inspect a child caring facility to determine whether the facility is being operated in compliance with sections 149 to 152, inclusive, the regulations, or the conditions stated on a licence issued under section 150.
- (2) For the purposes of an inspection under subsection (1),
- (a) the Director or his agent may enter the child caring facility at reasonable times without notice, or at any time after giving reasonable notice, and
- (b) the operator of the facility shall allow the Director or his agent to enter and inspect the premises in which the facility is being operated, and the operator shall also disclose to the Director or his agent such relevant information or records about the operation of the facility or any child cared for in it as the Director or his agent may request and the operator possesses.
- (3) Where the operator of a child caring facility does not comply with subsection 153(2), the Director may forthwith suspend or cancel any licence that has been issued under section 150.
- 154 (1) The Director may apply to the Supreme Court of Yukon for, and the Court may grant, an injunction ordering any person to stop operating a child caring facility where the person operating the facility
- (a) is breaching subsection 152(1),
- (b) is violating a condition of a licence issued to him under section 150,
- (c) is not complying with the standards of accommodation and care prescribed for the establishment and operation of the child caring facility, or
- (d) does not comply with paragraph 153(2)(b).

Part 4, Division (8) - MISCELLANEOUS RELATING
TO CHILD WELFARE

- 155 (1) Notwithstanding any other provision in this Part no child shall be deemed to be in need of protection merely because services could with advantage be extended to him.
- (2) At any hearing under this Act including a hearing or an application for termination of the care and custody of the Director, the judge may admit as evidence
- (a) the record of any other proceedings under this Part or under the Child Welfare Act that is repealed by this Act, and
 - (b) evidence taken by a commissioner appointed by a judge pursuant under this or any other Act to take the evidence of a witness.
- 156 (1) In proceedings under this Part a judge shall determine on the evidence admitted in the proceeding whether a child is in need of protection and, where the child is in need of protection, what order ought to be made in consequence thereof and the judge shall not limit the hearing to grounds for taking the child into care that are stated in any notice or other document.
- (2) A judge making an order or rendering a decision under this Act shall on request give written reasons which shall be available to any party to the proceeding.
- 157 (1) In this Part, where personal service of any document is impractical, substituted service without any prior permission from a judge may be effected by any means, including certified mail to the last known address of the person to be served or if such person has no known address, by delivering the document to a person, or by mailing it by certified mail to a person who can reasonably be expected to know where the person to be served is or to be contacted by the person to serve.
- (2) Where service of a document has been effected by substituted service under subsection (1), the judge may
- (a) confirm the sufficiency of the service,
 - (b) require more efforts to achieve service by personal delivery, or.

- (c) pursuant to section 175, order substituted service to be effected again or in some other manner.
 - (3) The powers of the judge in relation to service of documents exist only in relation to the manner of service.
- 158 (1) No order for costs of the proceedings can be made in respect of proceedings under this Part.
- 159 (1) Where a child has been placed in the care and custody of the Director, the Director
- (a) shall, if the parent or other person who but for the proceedings under this Part would be entitled to the care and custody of the child requests, provide the parent or that other person such information about the circumstances of the child as is not prejudicial to the best interests of the child or of the person with whom the Director has placed the child, and
 - (b) where the child is in the permanent care and custody of the Director, he may advise the parent whether the child has been placed in a home for the purpose of adoption, but he shall not disclose the location of the home or the identity of the adopting parents.
- 160 (1) In proceedings under this Part a judge has the same powers in relation to compelling the attendance of a witness as a judge of the Territorial Court of Yukon has in summary conviction proceedings.
- 161 (1) An order made by a judge under this Part may be filed in the Court and from the time it is filed the order shall have, for the purpose of its enforcement, the same effect as an order of the Court and proceedings for its enforcement may be taken in the Court.
- 162 (1) An agent may serve and execute any process issued under this Act and for the purpose of enforcing this Act shall have all the powers and authority of a peace officer.
- 163 (1) The Director, his agent or any lawyer representing the Director or his agent or any organization to whom powers of the Director have been delegated pursuant to section 111 may appear and be heard in any court in respect to any matter concerning them arising under this Part.

- 164 (1) Where a court has committed a child to the charge or care of the Director by an order made under the provisions of section 20(1)(h) of the Juvenile Delinquents Act (Canada), or an order under the Child Welfare Act, the child shall be deemed to have been committed to the care and custody of the director in accordance with this Part.
- 165 (1) Any family allowance paid to the Director on behalf of any child in the care and custody of the Director shall not be public money within the meaning of the Financial Administration Act.
- 166 (1) No child who is held or brought before a judge in proceedings under this Act shall be placed or allowed to remain with any adult prisoner in any lock-up or police cell used for ordinary criminals or persons charged with crimes.
- 167 (1) Where a person who is conducting an investigation under subsection 119(1) wants to apply under subsection 119(4) for a warrant to enter or under subsection 119(5) for an order to produce documents or things, or where the Director, agent, or peace officer wants to apply for a warrant to take a child into care under subsection 121(4), and it is impractical for a judge to be available so that the person may appear personally to make the application, that person may apply by telephone or any other means of telecommunication to a judge for the warrant or order.
- (2) The person who makes the application under subsection (1) shall submit the following evidence in support of his application:
- (a) a statement of his information and belief about the circumstances that make it impractical for a judge to be available so that he may appear personally to make the application,
 - (b) a statement of his information and belief about the circumstances on which he relies that would justify the issuing of the warrant under subsection 119(4) or 121(4) the making of the order under subsection 119(5),
 - (c) a statement of his information and belief about any other warrant under subsection 119(4) or 121(4), order under subsection 119(5), or application for such a warrant or order in respect of the same persons or matter that he knows about.

- (3) The evidence referred to in subsection (2) shall be given on oath or affirmation which may be administered by telephone or any other means of telecommunication.
- (4) The judge who receives an application under subsection (1) shall record the evidence and representations of the applicant verbatim, if practicable, or in as complete and accurate a fashion as practical, and shall as soon as reasonable file his record or a transcript of it, certified by him as to time, date, and contents, with a clerk of the Territorial Court.
- (5) Where the judge issues a warrant or makes an order in response to an application under subsection (1),
 - (a) the judge shall complete and sign the warrant or order in the prescribed form, noting on its face the time, date, and place of issuance, or making, and
 - (b) the person who made the application under subsection (1) shall complete, in duplicate, a facsimile of the warrant or order in the prescribed form, noting on its face the name of the judge who issues the warrant or makes the order and the time, date, and place of issuance or making.
- (6) A warrant or order issued or made in response to an application under subsection (1) is not subject to challenge and shall not be set aside by reason only that the circumstances were not such as to make it reasonable to deal with the application under this section rather than by means of the personal attendance of the applicant before a judge.

PART 5

PROCEDURAL AND GENERAL MATTERS,
REPEALS AND CONSEQUENTIAL AMENDMENTS

Part 5, Division (1) - SEPARATE REPRESENTATION OF CHILDREN

- 168 (1) In this section a reference to a child is a reference to a child while still a minor.

- (2) In proceedings under this Act, the Official Guardian shall have the exclusive right to determine whether any child requires separate representation by a lawyer or any other person that will be paid for at public expense chargeable to the Yukon Consolidated Revenue Fund.
- (3) In proceedings under this Act a child requiring separate representation may include
 - (a) a child for whom there is no guardian other than the Official Guardian;
 - (b) a child in the care of the Director of Family and Children's Services; or
 - (c) a child alleged to be in need of protection.
- (4) The Official Guardian may act as guardian for the proceeding or appoint a guardian for the proceeding for a child needing separate representation.
- (5) When determining whether separate representation or the appointment of a guardian for the proceeding for the child at public expense is required the Official Guardian
 - (a) shall consider advice or recommendations from the Legal Aid Committee, the judge before whom or Court in which the proceedings are taking place, and any party to the proceeding, and
 - (b) shall consider
 - (i) the ability of the child to comprehend the proceeding,
 - (ii) whether there exists and if so the nature of any conflict between the interests of the child and the interest of any party to the proceeding, and
 - (iii) whether the parties to the proceeding will put or are putting before the judge or Court the relevant evidence in respect of the interests of the child that can reasonably be adduced.
- (6) Where the Official Guardian is of the opinion that separate representation of a child is required and is best achieved by the appointment of a person other than a lawyer he may appoint such other person.

- (7) Where the Official Guardian acts as or appoints a guardian for the proceeding pursuant to this section he shall as soon as practicable inform the concerned parents or other person entitled to care and custody and cause the child to be informed where the child is of sufficient age and understanding to comprehend the appointment.

Part 5, Division (2) - EVIDENCE AND PROCEDURE

- 169 (1) In proceedings under this Act, other than for the prosecution of an offence punishable on summary conviction, the standard of proof shall be proof on the balance of probabilities and that standard is discharged if the trier of fact is satisfied of the existence of the fact to be proven on evidence sufficient to establish that the existence of the fact is more probable than its non-existence.
- (2) In proceedings under this Act, other than for the prosecution of an offence punishable on summary conviction, the following evidence is admissible if relevant:
- (a) the views of the child, whether given directly to the judge or Court in the proceeding or to some person who is a witness in the proceeding;
 - (b) opinion evidence, even where this is relevant to the very question before the judge or Court, but the weight to be given to the opinion evidence shall be judged according to
 - (i) whether the opinion is in respect of a matter within an expertise possessed by the witness,
 - (ii) the extent to which the opinion is based on facts perceived by the witness, and
 - (iii) the nature of the testimony of the witness or of other evidence with respect to the facts upon which the opinion is based; and
 - (c) hearsay evidence, but the weight to be given to hearsay evidence shall be judged according to its apparent reliability and the availability of other evidence that would be admissible without relying on this paragraph.

- (3) Either parent of a child shall be a competent and compellable witness in all proceedings under this Act, even where the evidence may tend to disclose that either of the parents has been guilty of a criminal offence.
 - (4) Where previous proceedings, whether criminal or civil, have taken place in respect to the same child or his siblings the Court or a judge may accept at his discretion any evidence taken at a previous hearing in Yukon or before a court of competent jurisdiction in any other part of Canada.
 - (5) The weight to be attached to evidence referred to in subsection (4) shall be a matter for the Court or the judge to determine.
- 170 (1) Unless the contrary is proved, a document purporting to be signed by a judge or court officer shall be deemed to have been so signed without proof of the judicial or official character of the person appearing to have signed it and, unless the contrary is proved, the court officer by whom a document is signed shall be deemed to be the proper officer of the court to sign the document.
- 171 (1) In any proceedings under this Act, 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.
- (2) In the absence of any certificate or copy mentioned in subsection (1), 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.
 - (3) In any proceedings under this Act, the Court or the judge may draw inferences as to the age of a person from the person's demeanour or from statements made by the person in direct examination or cross-examination.
- 172 (1) Without limiting the generality of section 2, the paramount consideration in granting adjournments shall be the best interest of the child and the child's right to an early disposition of the case, compatible with his sense of time.

- 173 (1) Subject to section 91 admittance to the place in which the hearing or proceeding under this Act takes place shall be restricted at the discretion of the Court or judge and no person shall be permitted to be present other than the officials of the court, the parties, their counsel and such other persons as the Court or judge may require or permit to be present and whose presence will not be prejudicial to the best interests of the child or the proper conduct of the proceeding.
- (2) No report of a proceeding under this Act in which the name of the child or his parent or in which the identity of the child is otherwise indicated shall be published, broadcast or in any other way made public by any person without the leave of a judge of the Court or a judge.
- 174 (1) Nothing in this Act shall prevent the Court or a judge from requiring the presence of the child in court in any case where the attendance of the child would not be prejudicial to his best interest and the interests of justice require his attendance.
- 175 (1) Unless otherwise specified in this Act, where for any reason it is impractical to serve a notice or other document by personal delivery to the person to be served, the Court or the judge may order substituted service, whether or not there is evidence that the document will probably reach the person to be served or will probably come to his attention or that the person is evading service.
- (2) Substituted service of any notice or other document under this Act may be effected by taking such steps as the Court or judge has ordered to bring the notice or document to the attention of the person to be served.
- (3) In proceedings under this Act, service of any notice or other document may be effected outside Yukon without prior leave of the Court or of a judge.
- 176 (1) Subject to section 98 and any regulation that may be made under this Act, no information or document that is kept by the Director of Family and Children's Services and that deals with the personal history of a child or an adult and has come into

existence through any proceedings under Part 3 or 4 shall be disclosed to any person other than an agent of or lawyer acting for the Director, unless it is disclosed with the consent of the Director or pursuant to subsection (2).

- (2) No person shall be compelled to disclose any information or document obtained by him in the course of the performance of his duties under Part 3 or 4 except
 - (a) in the course of proceedings before the Court or a judge under Part 3 or 4, or
 - (b) in any other case, with the consent of the Director or upon the order of the Court.
- 177 (1) Notwithstanding section 176, but subject to section 98, the Director of Family and Children's Services shall, upon the request of and after the presentation of reasonable identification by any person, disclose to that person the nature and substance of all information in the Director's possession about that person, other than information
 - (a) that would disclose the identity of another person, or
 - (b) the disclosure of which would breach a duty of confidentiality owed to another person.
- (2) Where the person who obtains a disclosure of information under subsection (1) disputes the completeness or accuracy of any of the information disclosed to him he may give the Director a written statement of the nature and substance of his dispute, and the Director shall, within 30 days, investigate and notify the person in writing:
 - (a) that the Director has corrected the record of the information in his possession so that it is consistent with what the person has said in his written statement of dispute that it should be, or
 - (b) that the Director will not change the record of the information in his possession.
 - (3) Where the Director decides not to change the record of the information in his possession, he shall
 - (a) include in his record the person's written statement of the nature and substance of the dispute that was delivered to him under subsection (2), and
 - (b) include a copy or disclosure of that written statement of dispute with any subsequent disclosure or use of the disputed information.

- (4) This section is not intended as a rule of evidence and does not affect disclosure in any proceeding in any court.
- 178 (1) For the purpose of carrying out the provisions of this Act according to their intent, the Commissioner in Executive Council may make regulations
- (a) respecting any time limits referred to in this Act, where because of the remoteness or climatic conditions in any part of Yukon the regulation is necessary for the proper conduct of proceedings under this Act,
 - (b) respecting procedure and forms to be followed in the conduct of proceedings under Parts 3 and 4,
 - (c) respecting safe-keeping and copying of and access to records of the Director of Family and Children's Services and of the Court and any judge in respect of proceedings under this Act and the administration of this Act,
 - (d) that are consistent with this Act and that he deems necessary and ancillary to this Act.
- (2) No expenditure from the Yukon Consolidated Revenue Fund can be compelled under this Act except to the extent that there is an unexpended balance of an appropriation for the purpose of such an expenditure.

Part 5, Division (3) - MISCELLANEOUS RULES OF LAW

- 179 (1) No civil action for damages shall be brought by a parent for the enticement, harbouring, seduction or loss of service of his or her child or for any damages resulting therefrom.
- 180 (1) Subject to subsection (2), no person shall be disentitled from bringing an action or other proceeding against another for the reason only that they stand in the relationship of parent and child.
- (2) An action that is based on negligence and that could not be taken in the absence of subsection (1) may be taken only in relation to circumstances in respect of which the person against whom the action is taken is insured and the amount of any judgment of a court that is based on those circumstances shall not exceed the amount for which that person is insured.

- (3) Any provision in a contract of insurance that purports to deny coverage for the reason that the insured and another person stand in the relationship of parent and child shall be void and unenforceable.
- 181 (1) Subject to subsection 180(2), no person shall be disentitled from recovering damages in respect of injuries for the reason that the injuries were incurred before his birth.
- 182 (1) Section 181 shall not be construed to affect the operation of any provision of the Criminal Code (Canada).
- 183 (1) The inherent jurisdiction of superior courts in relation to children does not vest in the Territorial Court of Yukon or any judge thereof or in any justice of the peace.
- 184 (1) The Executive Council Member may, on behalf of the Government of the Yukon Territory, enter into agreements with the Government of Canada respecting the payment by Canada to the Territory of such part of the expenditures required for the purposes of this Act as are agreed upon.

Part 5, Division (4) - REPEALS AND CONSEQUENTIAL AMENDMENTS,
COMING INTO FORCE

- 185 (1) The Child Welfare Act is repealed.
- (2) An order made under the Child Welfare Act committing a child to the Director of Child Welfare shall have the same effect as if that child were committed to the care and custody of the Director of Family and Children's Services under this Act.
- (3) An order made under the Protection of Children Act that was repealed by the Child Welfare Act committing a child to the care of the Superintendent of Child Welfare shall have the same effect as if that child were committed to the permanent care and custody of the Director of Family and Children's Services under this Act.
- 186 (1) In subsection 2(1) of the Corrections Act
- (a) the definition of "child" is repealed;
 - (b) the definition of "industrial school" is repealed;

- (c) "or industrial school" is deleted from the definition of "inmate";
 - (d) the definition of "juvenile court" is repealed; and
 - (e) the definition of "juvenile delinquent" is repealed.
- (2) In subsection 2(1) of the Corrections Act the following definitions are added:
- "(a) "Director of Family and Children's Services" means the Director of Family and Children's Services designated under Part 4 of the Children's Act;
 - (b) "young person" has the same meaning as under the Young Offender's Act (Canada);
 - (c) "youth court" has the same meaning as under the Young Offenders Act (Canada);
 - (d) "youth worker" has the same meaning as under the Young Offenders Act (Canada)."
- (3) In paragraph 4(1)(d) of the Corrections Act, "and industrial schools" is deleted.
- (4) In paragraph 4(1)(e) of the Corrections Act, "an" is substituted for "a child or".
- (5) In subsection 4(2) of the Corrections Act, "industrial school or" is deleted.
- (6) The following is substituted for section 16 of the Corrections Act:
- "16(1) The Commissioner in Executive Council may:
 - (a) appoint a Chief Probation Officer and such other probation officers as may be required to carry out the provisions of this Act; and
 - (b) designate probation officers who may function as youth workers under the Young Offenders Act (Canada).
 - (2) A probation officer who has been designated a youth worker shall, in connection with his employment as a youth worker, be under the supervision of the Director of Family and Children's Services.

- (3) A probation officer appointed under this section shall, under the supervision of the Director of Corrections, serve any court, other than a youth court, in Yukon, and shall perform such functions as can by law devolve upon a probation officer in the proceeding in that court.
- (4) A probation officer who has been designated a youth worker shall, under the supervision of the Director of Family and Children's Services, serve any youth court in Yukon, and shall perform such functions as can by law devolve upon a youth worker in the proceeding in youth court."
- (7) The following is substituted for section 17 of the Corrections Act:
- "17(1) A probation officer is, for the purpose of discharging his duties, an officer of every court in Yukon and a peace officer."
- (8) In the Corrections Act, "Young Offenders" is substituted for "Juvenile Offenders" between section 18 and section 19.
- (9) The following are substituted for sections 19 and 20 of the Corrections Act:
- "19(1) For the purposes of this Part, the Director of Family and Children's Services shall be and perform the functions of provincial director under the Young Offenders Act (Canada).
- 20(1) The Commissioner in Executive Council may
- (a) establish or designate facilities to be used as places of temporary detention or as places for open custody or secure custody within the scope and for the purposes of the Young Offenders Act (Canada),
- (b) establish or designate facilities, programs or services for the implementation of dispositions made under the Young Offenders Act (Canada),

- (c) make regulations respecting the operation of any facility, program or services established or designated under paragraphs (a) or (b),
- (d) for the purposes of subsection 7(5) of the Young Offenders Act (Canada), designate the Director of Family and Children's Services or any other person to be a person whose authorization is required before a young person who has been arrested may be detained prior to the young person's appearance before a youth court or justice, and
- (e) for the purposes of subsection 7(5) of the Young Offenders Act (Canada), prescribe offences in respect of which a young person may, or may not, be detained prior to his appearance before a youth court or justice."

(10) Section 21 of the Corrections Act is repealed.

(11) The following is substituted for section 22 of the Corrections Act:

- "22(1) A probation officer who has been designated a youth worker may, for the purposes of Part 4 of the Children's Act,
- (a) perform all the functions of a Diversion Committee in any part of Yukon in which a diversion scheme may be provided but for which no Diversion Committee has been appointed,
 - (b) in any part of Yukon for which a Diversion Committee has been appointed, assist the Diversion Committee in the performance of its functions."

(12) Sections 23, 24, 25, 26, 27, 28 and 29 of the Corrections Act are repealed.

(13) The following is substituted for subsection 30(2) of the Corrections Act:

- "(2) If an inmate so wishes, a clergyman may visit the inmate at any correctional institution for the purpose of instructing the inmate in religion on such days and at such times as the superintendent may authorize."

- (14) In subsections 31(1), 31(2), and 32(1), and in section 34 "or industrial school" is deleted.
- 187 (1) The International Child Abduction (Hague Convention) Act is repealed.
- 188 (1) Sections 14 and 15 of the Intestate Succession Act are repealed.
- 189 (1) Paragraph 10(1)(k) of the Judicature Act is repealed.
- 190 (1) The Legitimation Act is repealed.
- 191 (1) In the definition of "child" in subsection 2(1) of the Matrimonial Property and Family Support Act, "or by virtue of an adoption made or recognized under the Children's Act" is substituted for "or by virtue of section 84 or 86 of the Child Welfare Ordinance".
- (2) In the definition of "parent" in subsection 2(1) of the Matrimonial Property and Family Support Act, "or by virtue of an adoption order made or recognized under the Children's Act" is substituted for "or by virtue of section 84 or 86 of the Child Welfare Ordinance".
- 191.1(1) The following subsection is added to section 20 of the Interpretation Act:
- "(3) In an enactment a reference to the Supreme Court of Yukon is a reference to the Supreme Court of the Yukon Territory."
- 192 (1) In subsection 3(3) of the Vital Statistics Act, "a child born outside marriage" is substituted for "an illegitimate child".
- (2) In subsection 5(1) of the Vital Statistics Act, "Where after the birth of the child his parents marry each other" is substituted for "Where a child is legitimated by the inter-marriage of his parents subsequent to his birth".
- (3) Subsection 30(2), of the Vital Statistics Act is repealed.
- 193 (1) This Act, other than Part 4 and section 186, comes into force on the date of assent to this Act.

- (2) Part 4 comes into force on a day to be fixed by the Commissioner in Executive Council that is no later than 180 days after assent to this Act.
 - (3) If Part 4 is not sooner brought into force, it shall come into force on the day that is 181 days after the date of assent to this Act.
 - (4) Section 186 comes into force on a day to be fixed by the Commissioner in Executive Council.
-



STATUTES OF THE YUKON TERRITORY

PASSED BY THE LEGISLATURE OF
THE YUKON TERRITORY
IN THE YEAR
1984

IN THE FOURTH SESSION OF THE TWENTY FIFTH
LEGISLATIVE ASSEMBLY

CHAPTERS 33-48

TABLE OF CONTENTS
STATUTES OF THE YUKON TERRITORY
1984

<u>BILL NO.</u>	<u>CHAPTER NO.</u>	<u>TITLE</u>	<u>PAGE</u>
38	33	Canada and the United Kingdom Reciprocal Recognition and Enforce- ment of Judgments Act	1
40	34	An Act to Amend the Children's Act	16
48	35	An Act to Amend the Court of Appeal Act	19
37	36	Denture Technicians Act	20
50	37	An Act to Amend the Electoral District Boundaries Act	25
44	38	An Act to Amend the Electrical Protection Act	30
39	39	First Appropriation Act, 1985-1986	32
43	40	Fourth Appropriation Act, 1984-85	34
46	41	An Act to Amend the Health Care Insurance Plan Act	37
49	42	An Act to Amend the Hospital Insurance Services Act	43
35	43	An Act to Amend the Legislative Assembly Act	44
36	44	An Act to Amend the Loan Agreement Act (1982) No. 1	45
47	45	Miscellaneous Statute Law Amendment Act, 1984 (No. 2)	46
42	46	Occupational Health and Safety Act	52
45	47	An Act to Amend the Pioneer Utility Grant Act	86
41	48	Yukon Tartan Act	87

STATUTES OF THE YUKON TERRITORY
1984, Chapter 33

CANADA AND THE UNITED KINGDOM
RECIPROCAL RECOGNITION AND ENFORCEMENT OF JUDGMENTS ACT

(Assented to November 29, 1984)

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

- 1 (1) This Act may be cited as the Canada and the United Kingdom Reciprocal Recognition and Enforcement of Judgments Act.
- 2 (1) In this Act, "convention" means the Convention for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters set out in Schedule A.

PART 1

IMPLEMENTING OF CONVENTION

- 3 (1) The Executive Council Member shall
 - (a) request the Government of Canada to designate Yukon as a Territory to which the convention extends; and
 - (b) request the Government of Canada to designate the Supreme Court of the Yukon Territory as the court to which application for registration of a judgment given by a court of the United Kingdom may be made and for the other purposes of the convention.
- 4 (1) On, from and after the date the convention enters into force in respect of the Territory as determined by the convention, the convention is in force in the Territory and the provisions thereof are law in the Territory.
- 5 (1) The Executive Council Member shall cause to be published in the Yukon Gazette the date the convention comes into force in the Territory and the courts to which application for registration of a judgment given by a court of the United Kingdom may be made.

- 6 (1) The Commissioner in Executive Council may make such regulations as are necessary to carry out the intent and purpose of this Act.
- 7 (1) Where there is a conflict between this Act and any other enactment, this Act prevails.

PART 2

SOME RIGHTS AND PROCEDURES IN CONSEQUENCE OF CONVENTION

- 8 (1) An order for registration of a judgment under the convention may be made ex parte in any case in which the judgment debtor
- (a) was personally served with process in the original action; or
 - (b) although not personally served, he appeared or defended or attorned or otherwise submitted to the jurisdiction of the original court, and in which, under the law in force in the state where the judgment was made, the time within which an appeal may be made against the judgment has expired and no appeal is pending or an appeal has been made and has been disposed of.
- (2) In a case to which subsection (1) applies, the application shall be accompanied by a certificate issued from the original court and under its seal and signed by a judge or a clerk of that court.
- (3) The certificate shall be in the form set out in Schedule B and shall set forth the particulars about the matters mentioned in that Schedule.
- (4) In a case to which subsection (1) does not apply, an application for an order for registration of a judgment under the convention shall be made by originating application under the Rules of Court.
- 9 (1) Where a judgment is registered pursuant to an ex parte order
- (a) within one month after the registration or within such further time as the registering court may at any time order, notice of the registration shall be served upon the judgment debtor in the same manner as a writ of summons is required to be served; and

- (b) the judgment debtor, within one month after he has notice of the registration, may apply to the Supreme Court to have the registration set aside.
- (2) On an application under paragraph (1)(b) the Court may set aside the registration of the judgment upon any of the grounds established by the convention or by subsection (3) and upon such terms as the court thinks fit.
- (3) In addition to the grounds established by the convention, the registration of a judgment may be set aside on any of the following grounds:
- (a) the judgment debtor, being the defendant in the original proceedings, either was not served with the process of the original court or did not receive notice of those proceedings in sufficient time to enable him to defend the proceedings and, in either case, did not appear;
 - (b) another judgment has been given by a court having jurisdiction in the matter in dispute prior to the date of judgment in the original court; or
 - (c) the judgment is not final or appeal is pending or the judgment debtor is entitled to appeal or to apply for leave to appeal against the judgment in the territory of origin.
- 10 (1) Where a judgment sought to be registered under this Act makes payable a sum of money expressed in a currency other than the currency of Canada,
- (a) the clerk of the Court shall determine the equivalent of that sum in the currency of Canada on the basis of the rate of exchange prevailing at the date of the judgment in the original court, as ascertained from any branch of any chartered bank;
 - (b) the clerk shall certify on the order for registration the sum so determined expressed in the currency of Canada, and
 - (c) upon its registration, the judgment shall be deemed to be a judgment for the amount so certified.
- 11 (1) If there is a conflict between Part 1 or the convention and this Part, then Part 1 and the convention prevail.

SCHEDULE A

CONVENTION BETWEEN CANADA AND THE UNITED
KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
PROVIDING FOR THE RECIPROCAL RECOGNITION AND
ENFORCEMENT OF JUDGMENTS IN CIVIL AND
COMMERCIAL MATTERS

Canada,

and

The United Kingdom of Great Britain and Northern Ireland,

DESIRING to provide on the basis of reciprocity for the recognition
and enforcement of judgments in civil and commercial matters:

HAVE AGREED AS FOLLOWS:

PART I

DEFINITIONS

ARTICLE I

In this convention

- (a) "appeal" includes any proceeding by way of discharging or setting aside a judgment or an application for a new trial or a stay of execution;
- (b) "the 1968 Convention" means the Convention of 27th September, 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters as amended;
- (c) "court of a Contracting State" means
 - (i) in relation to the United Kingdom, any court of the United Kingdom or of any territory to which this Convention extends pursuant to Article XIII;

- (ii) in relation to Canada, the Federal Court of Canada or any court of a province or territory to which this Convention extends pursuant to Article XII, and the expressions "court of the United Kingdom" and "court of Canada" shall be construed accordingly;
- (d) "judgment" means any decision, however described (judgment, order and the like), given by a court in a civil or commercial matter, and includes an award in proceedings on an arbitration if the award has become enforceable in the territory of origin in the same manner as a judgment given by a court in that territory;
- (e) "judgment creditor" means the person in whose favour the judgment was given, and includes his executors, administrators, successors and assigns,
- (f) "judgment debtor" means the person against whom the judgment was given and includes any person against whom the judgment is enforceable under the law of the territory or origin;
- (g) "original court" in relation to any judgment means the court by which the judgment was given;
- (h) "registering court" means a court to which an application for the registration of a judgment is made;
- (i) "territory of origin" means the territory for which the original court was exercising jurisdiction.

PART II

SCOPE OF THE CONVENTION

ARTICLE II

1. Subject to the provisions of this Article, this Convention shall apply to any judgment given by a court of a Contracting State after the Convention enters into force and, for the purposes of Article IX, to any judgment given by a court of a third State which is party to the 1968 Convention.
2. This Convention shall not apply to
 - (a) orders for the periodic payment of maintenance;
 - (b) the recovery of taxes, duties or charges of a like nature or the recovery of a fine or penalty;

- (c) judgments given on appeal from decisions of tribunals other than courts;
- (d) judgments which determine
 - (i) the status or legal capacity of natural persons;
 - (ii) custody or guardianship of infants;
 - (iii) matrimonial matters;
 - (iv) succession to or the administration of the estates of deceased persons;
 - (v) bankruptcy, insolvency or the winding up of companies or other legal persons;
 - (vi) the management of the affairs of a person not capable of managing his own affairs.

3. Part III of this Convention shall apply only to a judgment whereby a sum of money is made payable.

4. This Convention is without prejudice to any other remedy available to a judgment creditor for the recognition and enforcement in one Contracting State of a judgment given by a court of the other Contracting State.

PART III

ENFORCEMENT OF JUDGMENTS

ARTICLE III

1. Where a judgment has been given by a court of one Contracting State, the judgment creditor may apply in accordance with Article VI to a court of the other Contracting State at any time within a period of six years after the date of the judgment (or, where there have been proceedings by way of appeal against the judgment, after the date of the last judgment given in those proceedings) to have the judgment registered, and on any such application the registering court shall, subject to such simple and rapid procedures as each Contracting State may prescribe and to the other provisions of this Convention, order the judgment to be registered.

2. In addition to the sum of money payable under the judgment of the original court including interest accrued to the date of registration, the judgment shall be registered for the reasonable costs of and incidental to registration, if any, including the costs of obtaining a certified copy of the judgment from the original court.

3. If, on an application for the registration of a judgment, it appears to the registering court that the judgment is in respect of different matters and that some, but not all, of the provisions of the judgment are such that if those provisions had been contained in separate judgments those judgments could properly have been registered, the judgment may be registered in respect of the provisions aforesaid but not in respect of any other provisions contained therein.

4. Subject to the other provisions of this Convention

- (a) a registered judgment shall, for the purposes of enforcement, be of the same force and effect;
- (b) proceedings may be taken on it; and
- (c) the registering court shall have the same control over its enforcement,

as if it had been a judgment originally given in the registering court with effect from the date of registration.

ARTICLE IV

1. Registration of a judgment shall be refused or set aside if

- (a) the judgment has been satisfied;
- (b) the judgment is not enforceable in the territory of origin;
- (c) the original court is not regarded by the registering court as having jurisdiction;
- (d) the judgment was obtained by fraud;
- (e) enforcement of the judgment would be contrary to public policy in the territory of the registering court;
- (f) the judgment is a judgment of a country or territory other than the territory of origin which has been registered in the original court or has become enforceable in the territory of origin in the same manner as a judgment of that court; or
- (g) in the view of the registering court the judgment debtor either is entitled to immunity from the jurisdiction of that court or was entitled to immunity in the original court and did not submit to its jurisdiction.

2. The law of the registering court may provide that registration of a judgment may or shall be set aside if

- (a) the judgment debtor, being the defendant in the original proceedings, either was not served with the process of the original court or did not receive notice of those proceedings in sufficient time to enable him to defend the proceedings and, in either case, did not appear;
- (b) another judgment has been given by a court having jurisdiction in the matter in dispute prior to the date of judgment in the original court; or
- (c) the judgment is not final or an appeal is pending or the judgment debtor is entitled to appeal or to apply for leave to appeal against the judgment in the territory of origin.

3. If at the date of the application for registration the judgment of the original court has been partly satisfied, the judgment shall be registered only in respect of the balance remaining payable at that date.

4. A Judgment shall not be enforced so long as, in accordance with the provisions of this Convention and the law of the registering court, it is competent for any party to make an application to have the registration of the judgment set aside or, where such an application is made, until the application has been finally determined.

ARTICLE V

1. For the purposes of Article IV(1)(c) the original court shall be regarded as having jurisdiction if

- (a) the judgment debtor, being a defendant in the original court, submitted to the jurisdiction of that court by voluntarily appearing in this proceedings;
- (b) the judgment debtor was plaintiff in, or counterclaimed in, the proceedings in the original court;
- (c) the judgment debtor, being a defendant in the original court, had before the commencement of the proceedings agreed, in respect of the subject matter of the proceedings, to submit to the jurisdiction of that court or of the courts of the territory of origin;

- (d) the judgment debtor, being a defendant in the original court, was at the time when the proceedings were instituted habitually resident in, or being a body corporate had its principal place of business in, the territory of origin;
- (e) the judgment debtor, being a defendant in the original court, had an office or place of business in the territory of origin and the proceedings were in respect of a transaction effected through or at that office or place; or
- (f) the jurisdiction of the original court is otherwise recognized by the registering court.

2. Notwithstanding anything in sub-paragraph (d), (e) and (f) of paragraph (1), the original court shall not be regarded as having jurisdiction if

- (a) the subject matter of the proceedings was immovable property outside the territory of origin; or
- (b) the bringing of the proceedings in the original court was contrary to an agreement under which the dispute in question was to be settled otherwise than by proceedings in the courts of the territory of origin.

PART IV

PROCEDURES

ARTICLE VI

1. Any application for the registration in the United Kingdom of a judgment of a court of Canada shall be made

- (a) in England and Wales, to the High Court of Justice;
- (b) in Scotland, to the Court in Session;
- (c) in Northern Ireland, to the High Court of Justice.

2. Any application for the registration in Canada of a judgment of a court of the United Kingdom shall be made

- (a) in the case of a judgment relating to a matter within the competence of the Federal Court of Canada, to the Federal Court of Canada;
- (b) in the case of any other judgment, to a court of a province or territory designated by Canada pursuant to Article XII.

3. The practice and procedure governing registration (including notice to the judgment debtor and applications to set registration aside) shall, except as otherwise provided in this Convention, be governed by the law of the registering court.

4. The registering court may require that an application for registration be accompanied by

- (a) the judgment of the original court or a certified copy thereof;
- (b) a certified translation of the judgment, if given in a language other than the language of the territory of the registering court;
- (c) proof of the notice given to the defendant in the original proceedings, unless this appears from the judgment; and
- (d) particulars of such other matters as may be required by the rules of the registering court.

ARTICLE VII

All matters concerning

- (a) the conversion of the sum payable under a registered judgment into the currency of the territory or the registering court; and
- (b) the interest payable on the judgment with respect to the period following its registration

shall be determined by the law of the registering court.

PART V

RECOGNITION OF JUDGMENTS

ARTICLE VIII

Any judgment given by a court of one Contracting State for the payment of a sum of money which could be registered under this Convention, whether or not the judgment has been registered, and any other judgment given by such a court, which if it were a judgment for the payment of a sum of money could be registered under this Convention, shall, unless registration has been or would be refused or set aside on

any ground other than that the judgment has been satisfied or could not be enforced in the territory of origin, be recognized in a court of the other Contracting State as conclusive between the parties thereto in all proceedings founded on the same cause of action.

PART VI

RECOGNITION AND ENFORCEMENT
OF THIRD STATE JUDGMENTS

ARTICLE IX

1. The United Kingdom undertakes, in the circumstances permitted by Article 59 of the 1968 Convention, not to recognize or enforce under that Convention any judgment given in a third State which is a Party to that Convention against a person domiciled or habitually resident in Canada.

2. For the purposes of paragraph (1)

- (a) an individual shall be treated as domiciled in Canada if and only if he is resident in Canada and the nature and circumstances of his residence indicate that he has a substantial connection with Canada; and
- (b) a corporation or association shall be treated as domiciled in Canada if and only if it is incorporated or formed under a law in force in Canada and has a registered office there, or its central management and control is exercised in Canada.

PART VII

FINAL PROVISIONS

ARTICLE X

This Convention shall not affect any conventions, international instruments or reciprocal arrangements to which both Contracting States are or will be parties and which, in relation to particular matters, govern the recognition or enforcement of judgments.

ARTICLE XI

Either Contracting State may, on the exchange of instruments of ratification or at any time thereafter, declare that it will not apply the Convention to a judgment that imposes a liability which that State is under a treaty obligation toward any other State not to recognize or enforce. Any such declaration shall specify the treaty containing the obligation.

ARTICLE XII

1. On the exchange of instruments of ratification, Canada shall designate the provinces or territories to which this Convention shall extend and the courts of the provinces and territories concerned to which application for the registration of a judgment given by a court of the United Kingdom may be made.

2. The designation by Canada may be modified by a further designation given at any time thereafter.

3. Any designation shall take effect three months after the date on which it is given.

ARTICLE XIII

1. The United Kingdom may at any time while this Convention is in force declare that this Convention shall extend to the Isle of Man, any of the Channel Islands, Gibraltar or the Sovereign Base Areas of Akrotiri and Dhekelia (being territories to which the 1968 Convention may be applied pursuant to Article 60 of that Convention).

2. Any declaration pursuant to paragraph (1) shall specify the courts of the territories to which application for the registration of a judgment given by a court of Canada shall be made.

3. Any declaration made by the United Kingdom pursuant to this Article may be modified by a further declaration given at any time thereafter.

4. Any declaration pursuant to this Article shall take effect three months after the date on which it is given.

ARTICLE XIV

1. This Convention shall be ratified; instruments of ratification shall be exchanged at London.
2. This Convention shall enter into force three months after the date on which instruments of ratification are exchanged.
3. This Convention may be terminated by notice in writing by either Contracting State and it shall terminate three months after the date of such notice.

SCHEDULE B

UNDER THE CANADA AND THE UNITED KINGDOM RECIPROCAL
RECOGNITION AND ENFORCEMENT OF JUDGMENTS ACT

CERTIFICATE

To all to whom these Presents shall comeGREETING:

It is hereby certified that among the records enrolled in the

(name of court and location of registry)

there is a record of an action entitled

(here set out sufficient description of parties and action number or
other identifying information)

1. The action was commenced on the _____ day of _____
19 __, and proof was furnished to this Court that notice or documents of
commencement were served on the defendant by delivery of a copy thereof
to him and leaving it with him.

2. No defence was entered, and the judgment was allowed by (proof,
default, or order) _____

or

2. A defence was entered and judgment was allowed at the trial (or as
the case may be) _____

3. Judgment was given on the _____ day of _____ 19 __ .

4. Time for appeal has expired and no appeal is pending (or an appeal
against the judgment was made and was dismissed by the Court of Appeal
and the time for any further appeal has expired and no further appeal is
pending, or as the case may be).

5. (Further relevant details, if any, about the conduct or disposition of the action).

6. Particulars:

Claim as allowed	\$.....
Costs to judgment	\$.....
Subsequent costs	\$.....
Interest	\$.....
	\$.....
Paid on	\$.....
And the balance remaining due on said judgment for debt, interest and costs is the sum of	\$.....

All and singular which premises by the
tenor of these presents we have commanded
to be certified.

IN TESTIMONY WHEREOF we have caused the Seal of our said Court at
_____ to be hereunto affixed.

WITNESS, The Honourable _____ a Justice
(name of justice or judge)
(Judge) of our said Court at _____ this _____ day of
_____ 19 ____.

SEAL

A Justice (Judge) of the Court

or

Clerk of the Court _____

[Note: Pursuant to paragraph 17(1)(f) of the Interpretation Act,
where a form such as this Certificate is prescribed, devia-
tions therefrom not affecting the substance nor calculated to
mislead, shall not invalidate the form used.]

STATUTES OF THE YUKON TERRITORY
1984, Chapter 34

AN ACT TO AMEND
THE CHILDREN'S ACT

(Assented to November 29, 1984)

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

- 1 (1) This Act amends the Children's Act.
- 2 (1) In subsection 98(2), the words "to the Registrar General of Vital Statistics together with such information as he requires" are substituted for the words "to the Registrar General of Yukon together with such information as the Registrar of Vital Statistics requires".
- 3 (1) In paragraph 115(1)(c), the words "is 12 years of age or older" are substituted for the words "is over the age of 12 years".

(2) In subsection 115(4), the words "subsection (3)" are substituted for the words "subsection (2)".
- 4 (1) In subsection 120(1):
 - (a) the words "notice of application in writing" are substituted for the words "notice in writing";
 - (b) the words "for a judge to determine" are substituted for the words "to determine".
(2) The following is substituted for subsection 120(2):
"(2) Before the conclusion of the hearing of an application under subsection (1) the judge may:
 - (a) adjourn the hearing from time to time;
 - (b) make an order for the temporary care and custody of the child, pending the conclusion of the hearing."
- 5 (1) In subsection 123(1), the words "after the expiration of the time, and a judge may act under this Part at the request of either" are substituted for the words "after the expiration of the time".

- 6 (1) In subsections 128(1), the words "Where, at the conclusion of the hearing of an application under this Part" are substituted for the words "Where, at the conclusion of the hearing set under subsection 123(6) and conducted under subsection 123(9)".
- (2) In subsection 128(2), the words "Where the child is in the care of the Director and at the conclusion of the hearing of an application under this Part," are substituted for the words "Where, at the conclusion of the hearing set under subsection 123(6) and conducted under subsection 123(9)".
- 7 (1) The following section is added immediately after section 129:
- "129.1 (1) Where a judge has made an order under subsection 128(1), that judge or any other judge may later, after a hearing, from time to time, and upon the application of the Director make an order
- (a) extending the duration of an order of the kind described in paragraph 128(1)(a) or (b);
- (b) converting an order of the kind described in paragraph 128(1)(a) into one of the kind described in paragraph 128(1)(b) or 128(1)(c);
- (c) converting an order of the kind described in paragraph 128(1)(b) into one of the kind described in paragraph 128(1)(a) or 128(1)(c).
- (2) The Director may make an application under subsection (1) on not less than 10 days notice in writing served upon the concerned parent or other person who but for the proceedings under this Part would be entitled to the care and custody of the child.
- (3) Before the conclusion of the hearing of an application under subsection (1) the judge may:
- (a) adjourn the hearing from time to time; and
- (b) make an order for the temporary care and custody of the child, pending the conclusion of the hearing."
- 8 (1) In subsections 130(1) and (3), the words "pursuant to section 128(1)(b)" are repealed.

- 9 (1) In subsection 133(1):
- (a) the words "Where he is satisfied" are substituted for the words "Where it appears to the Director";
 - (b) the words "a judge may, on the application of the Director, which may if necessary be made without notice to the parent or any other person, make an order authorizing" are substituted for the words "the Director may apply to a judge, without notice to the parent or any other person if necessary for an order authorizing".
- (2) In subsection 133(2), the words "subsection 121(2)" are substituted for the words "subsection 119(2)."
- (3) The following subsection is added to section 133:
- "(5) A judge may from time to time adjourn the hearing of an application under subsection (1)."
- 10 (1) In paragraphs 144(1)(a) and 144(2)(a), the word "terminating" is substituted for the word "rescinding".
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 35

AN ACT TO AMEND THE
COURT OF APPEAL ACT

(Assented to November 29, 1984)

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

- 1 (1) This Act amends the Court of Appeal Act.
 - 2 (1) The following is substituted for section 5:
"5 (1) The Court of Appeal shall consist of a Chief Justice and such other justices of appeal as the Governor-in-Council may appoint from among the judges and supernumerary judges of the Court of Appeal of British Columbia and the judges and ex officio judges of the Supreme Court of Yukon."
 - 3 (1) In subsection 7(1), the words "the senior of the other justices of appeal" are substituted for the words "the senior puisne judge among the judges appointed".
 - 4 (1) In subsection 8(1), the words "the senior of the other justices of appeal present" are substituted for the words "the senior puisne judge who is present".
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 36

DENTURE TECHNICIANS ACT

(Assented to November 29, 1984)

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

1 (1) This Act may be cited as the Denture Technicians Act.

2 (1) In this Act

"denture technician" means a person who is registered under this Act as a denture technician;

"denture mechanics" means

- (a) taking impressions or bite registrations for the purpose of supplying, making, altering, or repairing any complete upper or complete lower prosthetic denture to be fitted to an edentulous arch,
- (b) fitting any complete upper or complete lower prosthetic denture to an edentulous arch,
- (c) supplying, making, altering, or repairing any complete upper or complete lower prosthetic denture in respect of which the person who supplies, makes, alters, or repairs the denture performs a function described in paragraph (a) or (b), and
- (d) advising any person in respect of any function described in paragraph (a), (b), or (c),

but does not include the insertion or fitting of an immediate denture in the mouth of the intended wearer or the adjustment of an immediate denture and does not include any procedure that alters any oral tissue;

"Registrar" means the registrar designated pursuant to section 4.

- 3 (1) No person shall practice denture mechanics or hold himself out as qualified or entitled to practice denture mechanics unless he is a denture technician.
 - (2) Subsection (1) does not apply to a dentist licensed or a dental hygienist or dental technician registered under the Dental Profession Act or to a legally qualified medical practitioner.
 - (3) A denture technician may practice denture mechanics but shall not engage in any other aspect of dentistry.
 - (4) In a prosecution or any other proceeding under this Act, if it is proven that a person has practiced denture mechanics, the burden of establishing a subsisting registration or licence under this or any other Act rests on the person who alleges that the practice was authorized by such a registration or licence.
 - (5) In a prosecution or any other proceeding under this Act, proof of the performance of one act of denture mechanics work is sufficient to prove the practice of denture mechanics.
- 4 (1) The Executive Council Member shall designate a member of the public service to function as Registrar of Denture Technicians.
 - (2) The Registrar shall keep a register of denture technicians in which he shall enter the name of any person who applies for registration and is qualified under subsection (3) to practice denture mechanics.
 - (3) Any person who has, with the prescribed standard of performance, completed a course of studies and training approved by the Commissioner in Executive Council is qualified to practice denture mechanics and is entitled, upon payment of the prescribed fee, to have his name entered on the registry as a denture technician.
- 5 (1) A denture technician shall pay to the Registrar such annual or other periodic fee as may be prescribed.

- (2) A denture technician may not enforce against any person a contract in respect of the performance of any denture mechanics work if the contract is made or the work is performed during a period in respect of which the denture technician has failed to pay the fee required by subsection (1), but such a contract is enforceable against the denture technician.
- 6 (1) A denture technician who has, with the prescribed standard of performance, completed a course of studies and training prescribed by the Commissioner in Executive Council may be registered as a denture technician qualified to practice denture mechanics with partial dentures and may practice denture mechanics with partial dentures in accordance with a written referral from a dentist and with such conditions and limitations as may be prescribed by the Commissioner in Executive Council.
- 7 (1) The Registrar may apply to a judge of the Supreme Court of Yukon for and the judge may grant an injunction enjoining any person from continuing conduct that is in contravention of this Act or the regulations.
- (2) Breach of an order made under subsection (1) may be dealt with as a contempt of court.
- (3) Where a denture technician has acted with professional incompetence or has contravened any provision of this Act or the regulations, a judge of the Supreme Court of Yukon may, upon the application of the Registrar,
- (a) cancel the registration of the denture technician for such specified period of time as the judge thinks fit, or
- (b) impose, for such specified period of time as the judge thinks fit, reasonable restrictions on the right of the denture technician to practice denture mechanics, including the restriction that he not practice denture mechanics as a sole practitioner or that he not perform specified acts of denture mechanics.
- (4) Where an order is made under subsection (3) by reason of the professional incompetence of the denture technician,
- (a) the purpose of the order shall be the protection of existing and prospective clients rather than the punishment of the denture technician;

- (b) the judge may include in the order reasonable stipulations about conditions or qualifications which, if met or achieved, will entitle the denture technician to an abridgement of the period of time for the cancellation or restriction; and
 - (c) where no stipulations as described in paragraph (b) are included in the order, the judge may, at any time subsequent to making the order and upon the application of the denture technician, abridge the period of time for the cancellation or restriction if the judge is satisfied that there has been a material change in the competence of the denture technician to practice denture mechanics.
- (5) In this section professional incompetence means unfitness to continue in the practice of denture mechanics by reason of having displayed a lack of the knowledge, skill, or judgment in the care of one or more patients that is reasonable to expect of a denture technician or by reason of failure to take reasonable care for the welfare of one or more patients.
- 8 (1) Any person who contravenes a provision of this Act commits an offence and is liable on summary conviction to a fine of up to \$2,000, or imprisonment for as long as six months, or both.
- 9 (1) The Commissioner in Executive Council may make regulations
 - (a) prescribing courses of studies and training which, if successfully completed with the required standard of performance, qualify a person for registration as a denture technician or as a denture technician qualified in partial dentures;
 - (b) prescribing the required standard of performance for successful completion of the courses of studies and training referred to in paragraph (a);
 - (c) prescribing conditions and limitations in respect of the practice of denture mechanics with partial dentures;
 - (d) prescribing registration fees and annual or other periodic fees.
- 10 (1) Subject to subsection (2), a person who, on the date this Act comes into force, is practicing denture mechanics in Yukon may continue the practice for up to one year from that date without meeting the qualifications established under this Act, but may continue the practice after that period only if he meets the qualifications established under this Act.

(2) Subsection (1) does not authorize the practice or the continuation of the practice of denture mechanics in respect of partial dentures.

11 (1) The following subsection is added to section 3 of the Dental Profession Act:

"(2) Subsection (1) does not apply to a denture technician in respect of his practice of denture mechanics pursuant to the Denture Technicians Act or to a legally qualified medical practitioner."

(2) The following paragraph is added to subsection 38(3) of the Medical Profession Act:

"(1) the practice of denture mechanics by a denture technician pursuant to the Denture Technicians Act."

STATUTES OF THE YUKON TERRITORY
1984, Chapter 37

AN ACT TO AMEND THE
ELECTORAL DISTRICT BOUNDARIES ACT

(Assented to November 29, 1984)

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

- 1 (1) This Act amends the Electoral District Boundaries Act.
- 2 (1) In subsection 1(1), the following is substituted for the description of the Electoral District of Klondike:

"The Electoral District of Klondike consists of that part of the Yukon Territory bounded by a line commencing at a point of intersection of latitude 63 degrees north and the west boundary of the Yukon Territory, thence northwardly along the said boundary to latitude 67 degrees north, thence due east to longitude 138 degrees west, thence due north to latitude 68 degrees 30 minutes north, thence due west to the west boundary of the said territory, thence northwardly, eastwardly and southwardly along the west, north and east boundaries of said territory to latitude 66 degrees north, thence due west to longitude 137 degrees west, thence due south to latitude 63 degrees north, thence due west to the point of commencement."

- (2) In subsection 1(1), the following is substituted for the description of the Electoral District of Old Crow:

"The Electoral District of Old Crow consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of latitude 67 degrees north and the west boundary of the Yukon Territory, thence northwardly along the west boundary of the said territory to latitude 68 degrees 30 minutes north, thence due east to longitude 138 degrees west, thence due south to latitude 67 degrees north, thence due west to the point of commencement."

- (3). In subsection 1(1), the following is substituted for the description of the Electoral District of Whitehorse Porter Creek East:

"The Electoral District of Whitehorse Porter Creek East consists of that part of the City of Whitehorse bounded by a line commencing at the point of intersection of the centre line of Wann Road and Centennial Street, thence northwestwardly along the centre line of Centennial Street to the centre line of the Alaska Highway, thence northwestwardly along said centre line to the centre line of the Klondike Highway, thence northwardly along said centre line to the northern limit of the City of Whitehorse, thence eastwardly along the said limit to the centre line of the Yukon River, thence southwardly along the centre line of the Yukon River to a point being due east of Coordinate Control Monument 70G - 139 - 1970 in the Whitehorse Coordinated Survey Area, thence due west to the point of intersection of the easterly boundary of lot 262-3, Group 804, thence northwardly along the easterly boundaries of lots 262-3 and 262-4, Group 804, to the northeasterly corner of said lot 262-4, thence westwardly along the northerly boundary of said lot 262-4, Group 804, thence southwardly along the westerly boundaries of lots 262-4 and 262-3, Group 804, to a point due east of said Coordinate Control Monument 70G - 139 - 1970, thence due west to the point of intersection of the centre line of Mountainview Drive, thence northwestwardly along the said centre line to the centre line of Hickory Street, thence northwestwardly along the said centre line to the centre line of Twelfth Avenue, thence southwestwardly along the centre line of Twelfth Avenue to the centre line of Grove Street, thence northwestwardly along the centre line of Grove Street to the centre line of Thirteenth Avenue, thence southwestwardly along the centre line of Thirteenth Avenue to the centre line of Grove Street, thence northwestwardly along the centre line of Grove Street to the centre line of Fourteenth Avenue, thence northeastwardly along the centre line of Fourteenth Avenue to the centre line of Holly Street, thence northwestwardly along the centre line of Holly Street to the centre line of Wann Road, thence westwardly along the centre line of Wann Road to the point of commencement."

- (4) In subsection 1(1), the following is substituted for the description of the Electoral District of Whitehorse Porter Creek West:

"The Electoral District of Whitehorse Porter Creek West consists of that part of the City of Whitehorse bounded by a line commencing at the point of intersection of the centre line of Wann Road and Centennial Street, thence eastwardly along the centre line of Wann Road to the centre line of Holly Street, thence southeastwardly along the centre line of Holly Street to the centre line of Fourteenth Avenue, thence southwestwardly along the centre line of Fourteenth Avenue to the centre line of Grove Street, thence southeastwardly along the centre line of Grove Street to the centre line of Thirteenth Avenue, thence northeastwardly along the centre line of Thirteenth Avenue to the centre line of Grove Street, thence southeastwardly along the centre line of Grove Street to the centre line of Twelfth Avenue, thence northeastwardly along the centre line of Twelfth Avenue to the centre line of Hickory Street, thence southeastwardly along the centre line of Hickory Street to the centre line of Mountainview Drive, thence southeastwardly along the centre line of Mountainview Drive to a point being due east of Coordinate Control Monument 70G - 139 - 1970 in the Whitehorse Coordinated Survey Area, thence due west to the point of intersection of the easterly boundary of lot 1388, thence southwestwardly along the outer boundaries of subdivision lots 1388, 1389, 1390, 1391, 1392, 1393, 1394, and 1395, to the southwesterly corner of lot 1395, thence due west to the intersection of the pipeline right-of-way, thence northwestwardly along said centre line to a point being due east of said Coordinate Control Monument 70G - 139 - 1970, thence due west to the western limit of the City of Whitehorse, thence northwardly and eastwardly along the western and northern limit of the City of Whitehorse to the centre line of the Klondike Highway, thence southwestwardly along said centre line to the centre line of the Alaska Highway, thence southeastwardly along said centre line to the centre line of Centennial Street, thence southeastwardly along said centre line to the point of commencement."

- (5) In Subsection 1(1), the following is substituted for the description of the Electoral District of Whitehorse Riverdale North:

"The Electoral District of Whitehorse Riverdale North consists of that part of the City of Whitehorse bounded by a

line commencing at the point of intersection of the centre line of the Yukon River and the northern limit of the City of Whitehorse, thence eastwardly and southwardly along the northern and eastern limits of the the City of Whitehorse to the point of intersection of the northeastern prolongation of the centre line of Klondike Road and the said limit, thence southwestwardly along said prolongation to the centre line of Alsek Road, thence southwardly along the centre line of Alsek Road to the centre line of Peel Road, thence northwestwardly along the centre line of Peel Road to the centre line of Klondike Road, thence southwestwardly along the centre line of Klondike Road to the centre line of Lewes Boulevard, thence northwestwardly along the said centre line to the centre line of Selkirk Street, thence southwestwardly along said centre line and the western prolongation of the centre line to the centre line of the Yukon River, thence northwardly along the centre line of the Yukon River to the point of commencement."

- (6) In Subsection 1(1), the following is substituted for the description of the Electoral District of Whitehorse Riverdale South:

"The Electoral District of Whitehorse Riverdale South consists of that part of the City of Whitehorse bounded by a line commencing at the point of intersection of the centre line of the Yukon River and the southern limit of the City of Whitehorse, thence along the centre line of the Yukon River to the point of intersection of the western prolongation of Selkirk Street, thence northeastwardly along said prolongation and the centre line of Selkirk Street to the centre line of Lewes Boulevard, thence southeastwardly along the centre line of Lewes Boulevard to the centre line of Klondike Road, thence northeastwardly along the centre line of Klondike Road to the centre line of Peel Road, thence southeastwardly along the centre line of Peel Road to the centre line of Alsek Road, thence northwardly along the centre line of Alsek Road to the centre line of Klondike Road, thence northeastwardly along said centre line and the eastern prolongation of the centre line to the eastern limit of the City of Whitehorse thence southeastwardly and southwestwardly along said limit to the point of commencement."

- 3 (1) This Act comes into force on the day after the day upon which the present Legislative Assembly is dissolved or ended by the passage of time.
- (2) In the event that a by-election is made necessary in the Electoral District of Old Crow prior to the day upon which the present Legislative Assembly is dissolved or ended by the passage of time, subsection 2(2) shall come into force upon the day of the issue of the writ for such by-election.
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 38

AN ACT TO AMEND THE
ELECTRICAL PROTECTION ACT

(Assented to November 29, 1984)

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

- 1 (1) This Act amends the Electrical Protection Act.
- 2 (1) In subsection 2(1):
 - (a) in the definition of "electrical contractor", the words ", any electrical installation" are substituted for the words "and with respect to an electrical installation";
 - (b) in the definition of "registered owner", the words "Land Titles Office for the land registration district of Yukon" are substituted for the words "Land Registry Office";
 - (c) the following is substituted for the definition of "qualified journeyman":

"'qualified journeyman' means a person who is qualified or whose qualifications are recognized pursuant to the Apprenticeship Training Act as a tradesman in the construction electricians trade;"
 - (d) in the definition of "temporary certificate", the words "section 17" are substituted for the words "sections 17 and 29".
- 3 (1) In paragraph 7(1)(a), a comma is added between the word "public" and the word "industrial".
- 4 (1) In subsections 14(2) and (3), the words "Chief Inspector" are substituted for the words "Territorial Treasurer".
 - (2) In subsection 14(5), the words "Any person" are substituted for the words "A person, whether an apprentice or other employee, or who is a partner of a firm holding a contractor's licence,".

- 5 (1) In paragraph 15(1)(a), the words "any provision" are substituted for the word "provision".
- 6 (1) In subsection 16(3), the words "Chief Inspector" are substituted for the word "Treasurer".
- 7 (1) In subsection 19(2), a comma is added between the word "connect" and the word "alter".
- 8 (1) The following paragraphs are added to subsection 20(1):
 "(d) the replacement or repair of electrical components in a fuel burning appliance by an oil burner mechanic who holds in respect of that appliance certification of competency under the Apprentice Training Act;
 (e) the replacement or repair of electrical components in equipment by an engineer who holds in respect of that equipment certification of competency under the Boiler and Pressure Vessels Act."
- (2) The following subsection is added to section 20:
 "(2) In subsection (1), 'fuel burning appliance' means a device to convert hydrocarbon fuel by combustion into energy, and includes all components, controls, piping, and wiring, whether mechanical or electrical, needed for proper functioning of the device."
- 9 (1) Section 25 is repealed.
- 10 (1) The following is substituted for subsection 26(1):
 "(1) A person who contravenes a provision of this Act or the regulations, or who refuses or neglects to comply with an order made by the Chief Inspector under this Act or the regulations commits an offence and is liable on summary conviction to a fine of up to \$500 and, in the case of a continuing offence, to a further fine of \$100 for each day during which the offence continues after the first day or part of a day, and in default of payment, to imprisonment for up to one month."
- 11 (1) Section 29 is repealed.

STATUTES OF THE YUKON TERRITORY
1984, Chapter 39

FIRST APPROPRIATION ACT, 1985-86

(Assented to November 29, 1984)

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 Yukon and for related purposes for the period of 12 months ending on March 31, 1986.

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

- 1 (1) This Act may be cited as the First Appropriation Act, 1985-86.
- 2 (1) From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$48,207,000 for defraying the several charges and expenses of the public service of Yukon payable in the period of twelve months ending on March 31, 1986, 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.
- 3 (1) The due application of all monies paid or applied pursuant to section 2 shall be accounted for.

STATUTES OF THE YUKON TERRITORY
1984, Chapter 40

FOURTH APPROPRIATION ACT, 1984-85

(Assented to November 29, 1984)

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 Yukon and for related purposes for the period of 12 months ending on March 31, 1985.

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

- 1 (1) This Act may be cited as the Fourth Appropriation Act, 1984-85.

- 2 (1) In addition to the sum of \$25,959,000 provided for in the First Appropriation Act, 1984-85, the sum of \$153,284,000 provided for in the Second Appropriation Act, 1984-85, the sum of \$19,854,000 provided for in the Third Appropriation Act, 1984-85, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$6,505,000 for defraying the several charges and expenses of the public service of Yukon payable in the period of 12 months ending on March 31, 1985, 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 the said 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.

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

 - 4 (1) In section 2 and Schedule A of the Third Appropriation Act, 1984-85, the number "\$19,854,000" is substituted for the number "\$19,883,000".

 - (2) Subsection (1) shall be deemed to have come into force on May 17, 1984.
-

FOURTH APPROPRIATION ACT, 1984-85

SCHEDULE A

\$(Dollars in 000's)

<u>Operation and Maintenance Votes</u>	<u>Voted to Date</u>	<u>This Approp-riation</u>	<u>Total Voted (Current Spend-ing Authority)</u>
01 Yukon Legislative Assembly	1,241	48	1,289
02 Executive Council Office	2,911	95	3,006
09 Community and Transportation Services	40,609	567	41,176
07 Economic Development and Tourism	5,058	105	5,163
03 Education, Advanced Education and Manpower	32,946	757	33,703
12 Finance	3,352	84	3,436
16 Government Services	9,303	232	9,535
05 Health and Human Resources	33,278	256	33,534
08 Justice	12,808	248	13,056
10 Public Service Commission	1,827	45	1,872
14 Renewable Resources	4,881	154	5,035
Loan Capital	3,253	(2,153)	1,100
Loan Amortization	1,817	-	1,817
Subtotal Operation and Maintenance	<u>\$153,284</u>	<u>438</u>	<u>\$153,722</u>
 <u>Capital Votes</u>			
01 Yukon Legislative Assembly	8	-	8
09 Community and Transportation Services	30,551	1,000	31,551
07 Economic Development and Tourism	4,823	1,487	6,310
03 Education, Advanced Education and Manpower	4,472	1,530	6,002
16 Government Services	3,803	1,040	4,843
05 Health and Human Resources	751	-	751
08 Justice	299	1,010	1,309
14 Renewable Resources	1,106	-	1,106
Subtotal Capital	<u>\$45,813</u>	<u>\$6,067</u>	<u>\$51,880</u>
Total	<u>\$199,097</u>	<u>\$6,505</u>	<u>\$205,602</u>

STATUTES OF THE YUKON TERRITORY
1984, Chapter 41

AN ACT TO AMEND THE
HEALTH CARE INSURANCE PLAN ACT

(Assented to November 29, 1984)

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

- 1 (1) This Act amends the Health Care Insurance Plan Act.
- 2 (1) In subsection 2(1):
 - (a) in the definition of "Administrator" the word "Director" is substituted for the word "Administrator";
 - (b) the following definition of "dentist" is added:
"dentist" means a person lawfully entitled to practice dentistry in the place in which the practice is carried on by that person;;
 - (c) the definition of "Federal Act" is amended by substituting the words "Canada Health Act (Canada)" for the words "Medical Care Act of Canada";
 - (d) the following definition of "health care practitioner" is added:
"health care practitioner" means a person lawfully entitled to provide health services in Yukon;;
 - (e) the following definition of "health services" is added:
"health services" means any service that is required for the preservation or restoration of health;;
 - (f) the following is substituted for the definition of "insured health care services":
"insured health services" means such physician services, surgical-dental services, and other health services (including the supply of drugs, medical and dental supplies, prostheses, orthotics, appliances, and similar devices) as may be prescribed, that are provided to insured persons, but does not include any service that a person is entitled to or eligible for under any other Act

- of the Legislature, under any law of a province that relates to workers' compensation, or under any Act of the Parliament of Canada other than the Canada Health Act (Canada);";
- (g) the definition of "insured services" is repealed;
- (h) the following definition of "physician services" is added:
"physician services" means any medically required services rendered by a medical practitioner;";
- (i) the following is substituted for the definition of "resident":
"resident" means a person lawfully entitled to be or to remain in Canada who makes his home and is ordinarily present in Yukon, but does not include a tourist, a transient, or a visitor to Yukon;";
- (j) the following definition of "surgical-dental services" is added:
"surgical-dental services" means any medically or dentally required surgical-dental service that is performed by a dentist in a hospital, where a hospital is required for the proper performance of the procedure;";
- (2) The word "Director" is substituted for the word "Administrator" wherever the latter occurs.
- (3) The words "insured health services" are substituted for the words "insured health care services" wherever the latter occurs.
- (4) The words "insured health services" are substituted for the words "insured services" wherever the latter occurs.
- 3 (1) The following are substituted for sections 4, 5, and 6:
"4 (1) Subject to the provisions of this Act and the regulations, amounts may be advanced out of the Yukon Consolidated Revenue Fund and paid in respect of insured health services, and for that purpose the Executive Council Member may
- (a) arrange for payment to insured persons in respect of insured health services received by them;
- (b) arrange for payment of remuneration to medical practitioners, dentists, health care practitioners, and other persons, and to government agencies and unincorporated organizations in respect of insured health services rendered or delivered to insured persons;

- (c) make agreements with medical practitioners, dentists, health care practitioners, and other persons, and with government agencies and unincorporated organizations for the performance or supply of insured health services to insured persons;
 - (d) make agreements with the Government of Canada under which Canada will contribute to payment of amounts paid pursuant to this Act;
 - (e) make agreements with the Government of Canada or the government of a province in respect of the administration of the Yukon Health Care Insurance Plan.
- (2) The Executive Council Member is empowered to do every Act and exercise every power for the purpose of implementing every obligation assumed by the Government of Yukon under any agreement made pursuant to subsection (1).
- 5 (1) The Executive Council Member shall designate a member of the public service to be the Director of the Yukon Health Care Insurance Plan.
- (2) The officers and employees necessary for the administration of the Plan shall be appointed under the Public Service Commission Act.
- 6 (1) Subject to this Act and the regulations, the Director may:
- (a) administer the Plan as the chief executive officer of the Plan;
 - (b) determine eligibility for entitlement to insured health services;
 - (c) register persons in the Plan;
 - (d) collect premiums;
 - (e) make payments under the Plan, including the determination of eligibility and amounts;
 - (f) determine the amounts payable for insured health services outside Yukon;
 - (g) establish advisory committees and to appoint individuals to advise or assist in the operation of the Plan;

- (h) conduct actions and negotiate settlements in the exercise of the Government of Yukon's right of subrogation under this Act to the rights of insured persons;
 - (i) conduct surveys and research programs and obtain statistics for such purposes;
 - (j) establish what information is required to be provided to him under this Act and the form such information must take;
 - (k) appoint inspectors and auditors to examine and obtain information from medical records, reports and accounts; and
 - (l) perform such other functions and discharge such other duties as are assigned to him by the Executive Council Member under this Act."
- 4 (1) In subsection 7(1), the words "Executive Council Member" are substituted for the word "Commissioner".
- 5 (1) The following is substituted for subsection 8(1):
- "8 (1) Neither the Government of Yukon nor the Director nor any officer or employee of the Government of Yukon has any liability for the acts or omissions of any medical practitioner, dentist, other health care practitioner, or any other person in connection with the performance or supply of insured health services."
- 6 (1) In subsection 9(1),
- (a) the words "Commissioner in Executive Council" are substituted for the word "Commissioner";
 - (b) the following is substituted for paragraph (a):
 - "(a) establishing and operating a Yukon Health Care Insurance Plan for furnishing insured health services;"
 - (c) the following paragraph is added:
 - "(a.1) respecting any matter that is within the function and power of the Director to do; "; and
 - (d) the following is substituted for paragraph (f):
 - "(f) prescribing the prerequisites and conditions under which a person is eligible for or entitled to insured health services or payment in respect of insured health services, including requirements in respect of registration;"

- 7 (1) In subsection 15(3), the words "No medical practitioner, dentist, health care practitioner, or other person to whom amounts in respect of insured health services may be paid, shall accept" are substituted for the words "a medical practitioner shall not accept".
- 8 (1) In paragraphs 19(1)(a) and (b), the words "this Act or any other Act" are substituted for the words "this Act and the Regulations".
- (2) In subsection 19(4):
- (a) the words "In compliance with an order of a court or with the consent of the Director" are substituted for the words "with the consent of the Administrator";
- (b) the words "a complaint against a medical practitioner, dentist, health care practitioner, or other person to whom amounts in respect of insured health services may be paid, or for use in disciplinary or court proceedings against that person" are substituted for the words "a complaint against a medical practitioner or for use in disciplinary procedures involving that medical practitioner."
- (3) Subsections 19(5), (6), and (8) are repealed.
- 9 (1) Section 23 is repealed.
- 10 (1) In subsection 27(1), the words "the Commissioner in Executive Council" are substituted for the word "Commissioner".
- 11 (1) In subsection 29(1), the words "Commissioner in Executive Council" are substituted for the word "Commissioner".
- 12 (1) In subsection 30(1):
- (a) the following paragraph is added:
- "(a.1) inspect, examine, and audit books, accounts, reports, and medical records of medical practitioners, dentists, health care practitioners, and other persons to whom amounts in respect of health services may be paid, respecting the performance or supply of insured health services;"
- (b) in paragraph (b) the words "paragraphs (a) and (a.1)" are substituted for the words "paragraph (a)".

- (2) In subsection 30(2):
- (a) the words "Executive Council Member" are substituted for the word "Commissioner";
 - (b) the words "used in connection with a business establishment" are repealed.
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 42

AN ACT TO AMEND THE
HOSPITAL INSURANCE SERVICES ACT

(Assented to November 29, 1984)

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

- 1 (1) This Act amends the Hospital Insurance Services Act.

 - 2 (1) In the definition of "Federal Act" in subsection 2(1), the words "Canada Health Act (Canada)" are substituted for the words "Hospital Insurance and Diagnostic Services Act of Canada."
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 43

AN ACT TO AMEND THE
LEGISLATIVE ASSEMBLY ACT

(Assented to November 29, 1984)

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

- 1 (1) This Act amends the Legislative Assembly Act.
- 2 (1) In subsections 40.1(1) and (2), the numbers "\$22,854" are substituted for the numbers "\$21,766", and the numbers "\$11,427" are substituted for "\$10,883".

(2) In subsection 40.1(3), the numbers "\$22,854" are substituted for the numbers "\$21,766", and the numbers "\$8,979" are substituted for the numbers "\$8,551".
- 3 (1) In paragraph 40.2(1)(a), the numbers "\$6,678" are substituted for the numbers "6,360".

(2) In paragraph 40.2(1)(b), the numbers "\$3,339" are substituted for the numbers "\$3,180".

(3) In paragraph 40.2(1)(c), the numbers "\$2,226" are substituted for the numbers "\$2,120".
- 4 (1) In subsection 40.3(1), the numbers "\$22,260" are substituted for the numbers "\$21,200".
- 5 (1) In subsection 40.4(1), the numbers "\$5,565" are substituted for the numbers "\$5,300".
- 6 (1) In subsection 40.5(1), the numbers "2,783" are substituted for the numbers "\$2,650".

(2) In subsection 40.5(2), the numbers "\$1,113" are substituted for the numbers "\$1,060".
- 7 (1) This Act shall be deemed to have come into force on April 1, 1984.

STATUTES OF THE YUKON TERRITORY
1984, Chapter 44

AN ACT TO AMEND THE
LOAN AGREEMENT ACT (1982) No. 1

(Assented to November 29, 1984)

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

- 1 (1) This Act amends the Loan Agreement Act (1982) No. 1.
- 2 (1) In subsection 2(1) of the said Act, the words "loans for territorial, municipal or local purposes" are substituted for the words "loans to municipalities and for the development of land for sale".

STATUTES OF THE YUKON TERRITORY
1984, Chapter 45

MISCELLANEOUS STATUTE LAW AMENDMENT ACT, 1984 (No.2)

(Assented to November 29, 1984)

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

- 1 (1) This Act may be cited as the Miscellaneous Statute Law Amendment Act, 1984 (No.2).
- 2 (1) In the Animal Protection Act, the word "officer" is substituted for the word "constable" wherever the latter appears.
- 3 (1) Section 10 of the Apprentice Training Act is repealed.
- 4 (1) In subsection 34(1) of the Arbitration Act, the words "the fees prescribed by the Commissioner in Executive Council" are substituted for the words "the fees referred to in Schedules I and II".
 - (2) In subsection 35(1) of the Arbitration Act, the words "prescribed by the Commissioner in Executive Council" are substituted for the words "mentioned in Schedule I".
 - (3) In subsection 36(1), the words "prescribed by the Commissioner in Executive Council" are substituted for the words "mentioned in Schedule II".
 - (4) Schedules I and II of the Arbitration Act are repealed.
 - (5) The following section is added to the Arbitration Act:
"43 (1) Subject to section 34, the Commissioner in Executive Council may prescribe limits on the fees that may be charged by arbitrators or umpires."

- 5 (1) In subsection 6(3) of the Business Development Agreement Act, the words "Except as provided by subsection 25(3)" are repealed.
- (2) In subsections 7(2) and (3) of the Business Development Act, the words "Executive Council Member" are substituted for the word "Commissioner".
- 6 (1) The Bulk Sales Act, being chapter 2 of the Statutes of Yukon 1981 (2nd session), assented to November 30, 1981 is amended by adding the following section:
"21.1(1) The Bulk Sales Act is repealed."
- 7 (1) Paragraph 4(1)(a) of the Chiropractic Act is repealed.
- (2) In subsection 17(1) of the Chiropractic Act, the words "to a judge of the Supreme Court of Yukon" are substituted for the words "to a judge".
- (3) In paragraph 18(1)(a) of the Chiropractic Act, the words "Territorial Court" are substituted for the words "appropriate court".
- (4) In subsection 19(2), the words "judge of the Supreme Court of Yukon" are substituted for the word "judge".
- 8 (1) The Citizenship Instruction Agreement Act is repealed.
- 9 (1) In the definition of "municipality" in subsection 2(1) of the Civil Emergency Measures Act, the words "a municipality" are substituted for the words "a town or village".
- 10 (1) In subsection 5(1) of the Cemeteries and Burial Sites Act, the words "100 metres" are substituted for the words "three hundred feet".
- 11 (1) In subsection 21(3) of the Coroners Act, the words "to a constable or" are repealed.
- 12 (1) In subsection 9(3) of the Controverted Elections Act, the words "seven kilometres" are substituted for the words "three miles".

- 13 (1) The Curfew Act is repealed.
- 14 (1) The Dawson Historic Sites Aid Grants Act is repealed.
- 15 (1) In paragraph 10(1)(b) of the Defamation Act, the words "or the Yukon Legislative Assembly or any of its committees or the legislating body of a province" are substituted for the words "or the legislating body of a province".
- 16 (1) In section 5 of the Distress Act, the words "a judge of the Supreme Court of Yukon" are substituted for the words "a judge".
- 17 (1) In subsection 7(1) of the Exemptions Act:
(a) the word "spouse" is substituted for the word "widow";
(b) the words "herself or himself" are substituted for the word "herself".
- 18 (1) Subsections 14(6), 15(3) and 19(2), of the Expropriation Act are repealed.
- (2) In subsection 15(2) of the Expropriation Act, the words ", and the period of any vacation of the Magistrate's Court shall not be reckoned in computing such six weeks" are repealed.
- 19 (1) The Fitness and Amateur Sport Agreement Act is repealed.
- 20 (1) In subsections 2(1) and 4(1) of the Gasoline Handling Act, the words "22.77⁰ Centigrade" are substituted for the words "73⁰ Fahrenheit".
- (2) In subsection 9(2) of the Gasoline Handling Act, the words "pertaining to" are substituted for the word "to".
- 21 (1) The Hairdressers Act is repealed.
- 22 (1) In subsection 19(1) of the Housing Development Act, the words ", other than subsections 74(1) and 74(4), sections 75 and 76 and subsections 80(1) and 80(3)," are repealed.
- 23 (1) In paragraph 7(1)(h) of the Jury Act, the word ", constables" is repealed.

- 24 (1) The following section is added to Part IV of the Limitations Act:
"35.1(1) This Part is subject to the Personal Property Security Act."
- (2) The following section is added to Part VI of the Limitations Act:
"41.1(1) This Part is subject to the Personal Property Security Act."
- 25 (1) In the Marriage Act, the following is substituted for subsections 42(1), (2) and (3):
"42 (1) A previously married person who has a subsisting order of declaration of presumption of death of his or her previous spouse under the Presumption of Death Act, and who wishes to marry again shall deliver a certified copy of the subsisting order to the clergyman proclaiming the banns or to an issuer of marriage licences, as the case may be, together with a statutory declaration made by that person in Form G in Schedule I, and a statutory declaration in Form H in Schedule I made by the other contracting party of the intended marriage."
- 26 (1) In subsection 6(2) of the Mechanics Lien Act:
(a) a comma is added between the word "attach" and the word "when";
(b) the word "spouse" is substituted for the word "wife";
(c) the words "his or her own" are substituted for the words "her husband".
- 27 (1) In subsection 3(2) of the Notaries Act, the words "citizen of Canada or a person who has the status of a permanent resident of Canada and is a resident of Yukon" are substituted for the words "Canadian citizen or other British subject and is a resident of the Territory".
- 28 (1) The following is substituted for section 8 of the Regulations Act:
"8 (1) Regulations filed with the registrar shall be numbered in accordance with the regulations under this Act.

(2) Regulations may be cited by their title or by the number assigned to them under subsection (1)."

- 29 (1) In subsection 107(1.2) of the Wildlife Act, the words "paragraph (1)(b)" are substituted for the words "paragraph (1)(a)".
- 30 (1) The following is substituted for subsection 76(3) of the Workers Compensation Act:
"(3) Any person who violates any of the provisions of this Act or any regulation or order made under this Act commits an offence and, where no other penalty is provided, is liable on summary conviction to a fine not exceeding \$500 and, in default of payment, to imprisonment for a term not exceeding three months."
- 31 (1) The Woodmen's Lien Act is repealed.
- 32 (1) An Act concerning the Water Supply of Dawson (Act No. 16 of 1899) is repealed.
(2) An Act to Interpret Act No. 16 of 1899 is repealed.
- 33 (1) An Act to Prevent the Profanation of the Lord's Day is repealed.
- 34 (1) An Act to Provide For the Management of Free Public Libraries within the City of Dawson (Chapter 20 of 1903) is repealed.
(2) An Act to Amend Chapter 20 of 1903 Relating to Free Public Libraries in Dawson is repealed.
- 35 (1) An Act Respecting the Town of Bonanza is repealed.
- 36 (1) An Act to close certain portions of Fifth Avenue and Lambert and Elliot Streets, in the Townsite of Whitehorse, from use as streets by the Public is repealed.
- 37 (1) An Act respecting Transient Traders (Chapter 8 of 1913) is repealed.
(2) An Act to Amend Chapter 8 of the Acts of 1913, Being an Act Respecting Transient Traders is repealed.
- 38 (1) An Act to Amend "The Companies Act" is repealed.

- 39 (1) An Act Empowering the Commissioner of the Yukon Territory to Grant a Franchise to Mayo Utilities Limited for the Operation of a Telephone System in the Mayo Area is repealed.
- 40 (1) An Act Granting Permission to the Yukon Brewery (Holding) Company Limited to Manufacture, Compound and Make Intoxicating Liquors is repealed.
- (2) An Act to Amend "An Act Granting Permission to the Yukon Brewery (Holding) Company Limited to Manufacture, Compound and Make Intoxicating Liquors" is repealed.
- 41 (1) An Act Respecting the Incorporation of Yukon Social Service Society and the Repeal of Chapter 14, Acts of the Yukon Territory 1953 (First Session) is repealed.
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 46

OCCUPATIONAL HEALTH AND SAFETY ACT

(Assented to November 29, 1984)

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

1 (1) This Act may be cited as the Occupational Health and Safety Act.

2 (1) In this Act:

"Board" means the Occupational Health and Safety Board established under subsection 27(1);

"Chief Industrial Safety Officer" means the safety officer who is, from time to time, designated by the Executive Council Member as the Chief Industrial Safety Officer;

"Chief Mines Safety Officer" means the safety officer who is, from time to time, designated by the Executive Council Member as the Chief Mines Safety Officer;

"collective agreement" means an agreement in writing between an employer or an employer's organization acting on behalf of an employer, on the one hand, and a trade union acting on behalf of the employees of the employer in collective bargaining or as a party to an agreement with the employer or employer's organization, on the other hand, containing terms or conditions of employment of the employees including provisions with reference to rates of pay and hours of work;

"committee" means a joint health and safety committee established under subsection 13(3) or (4);

"competent person" means a person who,

- (i) is qualified because of his knowledge, training and experience to organize the work and its performance;
- (ii) is familiar with the provisions of this Act and the Regulations that apply to the work; and
- (iii) has knowledge of any potential or actual danger to health or safety in the work place;

"construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, land clearing, earth moving, grading, excavating, trenching, digging, boring, drilling, blasting, or concreting, and the installation of any machinery;

"constructor" means a person who undertakes a project for an owner and includes an owner who undertakes all or part of a project by himself or by more than one employer;

"CSA Standard" means a standard published by the Canadian Standards Association;

"designated substance" means a biological, chemical or physical agent, or combination thereof, prescribed as a designated substance to which exposure of workers is prohibited, regulated, restricted, limited, or controlled under this Act;

"Director" means the safety officer who is, from time to time, designated by the Executive Council Member as the Director of Occupational Health and Safety;

"employer" means a person who employs one or more workers or who contracts for the services of one or more workers, and includes a contractor or sub-contractor who undertakes with an owner, constructor, contractor, or sub-contractor to perform work or supply services;

"health and safety representative" means a person appointed pursuant to subsection 13(8) or 14(1);

"occupational illness" means a condition that results from exposure in a work place to a physical, chemical, or biological agent to the extent that the normal physiological mechanisms are affected and the health of the worker is impaired thereby, and includes an industrial disease as defined by the Workers' Compensation Act;

"occupational health and safety program" means a program designed to prevent injuries and occupational illness in the workplace;

"owner" includes a trustee, receiver, mortgagee in possession, tenant, lessee, or occupier of any lands or premises used or to be used as a workplace, and a person who acts for or on behalf of an owner as his agent or delegate;

"professional engineer" means a person who holds a certificate of registration to engage in the practise of engineering under the Engineering Profession Act and is a member or licensee in good standing of the Association of Professional Engineers of the Yukon Territory;

"project" means a construction project whether public or private, including:

- (a) the construction of a building, bridge, structure, industrial establishment, mining plant, shaft, tunnel, caisson, trench, excavation, highway, railway, street, runway, parking lot, cofferdam, conduit, sewer, watermain, service connection, telegraph, telephone or electrical line, tower, pipe line, duct or well, any other similar thing, and any combination thereof;
- (b) a mining development; and
- (c) any work or undertaking on any lands or appurtenances used in connection with construction;

"qualified medical practitioner" means a person entitled to engage in the practice of medicine under the laws of a province or territory;

"safety officer" means an industrial health and safety officer or a mines health and safety officer designated under this Act and includes the Chief Industrial Safety Officer and the Chief Mines Safety Officer and the Director of Occupational Health and Safety;

"self-employed person" means a person who is engaged in an occupation but is not in the service of an employer;

"supervisor" means a competent person who has charge of a work place or authority over a worker;

"supplier" includes any person, other than a vendor who does not have title, who provides, erects, or installs any tools, appliances, or equipment, whether owned by him or not, to be used by a worker in respect of any occupation, project, or work site;

"trade union" includes an organization of employees formed for purposes that include regulating relations between employers and employees;

"worker" means a person who performs services for an employer under an express or implied contract of employment or apprenticeship and includes:

- (i) any person engaged in training for mine rescue work and any person who is doing rescue work at a mine after an accident;
- (ii) the employees of a contractor who is engaged in operations under a contract he has with another person.

- 3 (1) This Act applies to and in respect of employment upon or in connection with the operation of any work, undertaking, or business other than a work, undertaking, or business that is under the exclusive jurisdiction of the Government of Canada.
- (2) This Act does not apply to work performed by the owner or occupant in or about a private residence or the lands and appurtenances used in connection therewith.
- (3) The Government of Yukon shall comply with the safety standards and specifications established by or under this Act.

PART 1

DUTIES IN RESPECT OF SAFETY

- 4 (1) Every employer shall ensure, so far as is reasonably practicable, that
 - (a) the workplace, machinery, equipment, and processes under his control are safe and without risks to health;

- (b) work techniques and procedures are adopted and used that will prevent or reduce the risk of occupational illness and injury; and
 - (c) workers are given necessary instruction and training, and are adequately supervised, taking into account the nature of the work and the abilities of the workers.
- (2) Without limiting the generality of subsection (1), every employer shall, so far as is reasonably practicable:
 - (a) ensure that workers are made aware of any hazard in the work and in the handling, storage, use, disposal, and transport of any article, device, or equipment or of a biological, chemical, or physical agent;
 - (b) co-operate with and assist safety and health representatives and committee members in the performance of their duties;
 - (c) ensure that workers are informed of their rights, responsibilities and duties under this Act;
 - (d) make reasonable efforts to check the well-being of the worker where the worker is employed under conditions that present a significant hazard of disabling injury, or when the worker might not be able to secure assistance in the event of injury or other misfortune.
- 5 (1) Every constructor shall ensure, so far as is reasonably practicable, that during the course of each project he undertakes
 - (a) the measures and procedures prescribed by this Act and the regulations are carried out on the project;
 - (b) every employer and every person working on the project complies with this Act and the regulations; and
 - (c) the health and safety of workers on the project is protected.
- 6 (1) Where there is an overlapping of the work areas of two or more employers, the principal contractor or, if there is no principal contractor, the owner of the project shall establish and ensure the continuing function of a management group to co-ordinate the accident prevention activities of the several employers, and each employer shall be represented in and shall co-operate with the management group.

- 7 (1) The owner of a workplace that is not a project shall ensure, so far as is reasonably practicable, that:
- (a) such facilities as may be prescribed are provided and maintained;
 - (b) the workplace complies with the regulations;
 - (c) no workplace is constructed, developed, reconstructed, altered, or added to, except in compliance with this Act and the regulations.
- (2) An employer, owner, or constructor engaged in any construction, development, alteration, addition, or installation to or in a workplace shall, where drawings are required for the construction, keep a copy of the drawings in a convenient location at or near the workplace and such drawings shall be produced forthwith by the employer, owner, or contractor upon the request of a safety officer for examination and inspection.
- 8 (1) A supervisor shall be responsible for:
- (a) the proper instruction of workers under his direction and control and for ensuring that their work is performed without undue risk;
 - (b) ensuring that a worker uses or wears the equipment, protective devices, or clothing required under this Act or by the nature of the work;
 - (c) advising a worker of the existence of any potential or actual danger to the health or safety of the worker of which the supervisor is aware;
 - (d) where so prescribed, providing a worker with written instructions as to the measures and procedures to be taken for the protection of the worker.
- 9 (1) A supplier who supplies any machine, device, tool, or equipment for use in or about a workplace shall ensure that the machine, device, tool, or equipment complies with this Act and the regulations, that it is in good condition and, if it is his contractual responsibility to do so, that the machine, device, tool, or equipment is maintained in good condition.
- 10 (1) Every worker shall, so far as is reasonably practicable, in the course of his employment:
- (a) take all necessary precautions to ensure his own health and safety and that of any other person in the workplace;

- (b) at all appropriate times use the safety devices and wear the safety clothing or equipment provided by the employer or required under this Act to be used or worn;
 - (c) comply with health and safety procedures and with instructions given for his own or any other person's health or safety by a person having authority over him;
 - (d) report forthwith to his immediate supervisor any situation which he has reason to believe would present a hazard and which he cannot correct;
 - (e) report any accident or injury that arises in the course of or in connection with his work.
- 11 (1) Every self-employed person shall, so far as is reasonably practicable:
- (a) take all necessary precautions to ensure his own health and safety and that of any other person in the workplace;
 - (b) at all appropriate times use the safety devices and wear the safety clothing or equipment required under this Act to be used or worn;
 - (c) comply with health and safety procedures and with instructions given for his own or any other person's health or safety by a person having authority over him;
 - (d) report forthwith to the person or an agent of the person who engaged him for the work he is doing
 - (i) any situation which he has reason to believe would present a hazard and which he cannot correct, and
 - (ii) any accident or injury that arises in the course of or in connection with his work.
- 12 (1) No person shall engage in any improper activity or behaviour that might create or constitute a hazard to himself or any other worker.
- (2) For the purposes of subsection (1), improper activity or behaviour includes horseplay, scuffling, fighting, practical jokes, unnecessary running or jumping, or similar conduct.

PART 2SAFETY COMMITTEES, REPRESENTATIVES & OFFICERS

- 13 (1) Where twenty or more workers are regularly employed at a work place that is classified under the regulations as an "A" or "B" hazard, the employer shall initiate and maintain an occupational health and safety program.
- (2) Notwithstanding subsection (1), the Chief Industrial Safety Officer or the Chief Mines Safety Officer may, in writing, require a constructor or an employer to initiate and maintain an occupational health and safety program.
- (3) Where twenty or more workers are regularly employed at a workplace for a period exceeding one month, the employer shall cause a joint health and safety committee to be established, unless the Chief Industrial Safety Officer or the Chief Mines Safety Officer is satisfied that a safety program in which the workers participate is maintained at the workplace and that the program protects the health and safety of the workers as well or better than a committee established under this section.
- (4) Notwithstanding subsection (3) the Chief Industrial Safety Officer or the Chief Mines Officer may, by order in writing, require a constructor or an employer to establish and maintain one or more joint health and safety committees for a workplace, and may, in the order, provide for composition, practices and procedures of any committees so established.
- (5) In exercising any power conferred by subsection (2), (3), or (4), the Chief Officer shall consider:
- (a) the nature of the work being done;
 - (b) the request of a group of workers or trade union or trade unions representing the workers in the workplace;
 - (c) the frequency of occupational injury or illness in the workplace or in the industry of which the constructor or employer is a part;
 - (d) the effectiveness of any health and safety programs that exist in the workplace; and
 - (e) such other relevant matters as he considers advisable.

- (6) A committee shall consist of a minimum of four and a maximum of twelve persons of whom at least half shall be workers who do not exercise managerial functions and shall be selected by the workers they represent or by the trade union, if any, that represents the workers.
- (7) Committees shall have two co-chairmen, one chosen by the employer members, the other chosen by the worker members, and the co-chairmen shall alternate the function of chairing the meetings of the committee and shall participate fully in the deliberations and decisions of the committee.
- (8) Where a committee has been established under this section, the employer shall cause the workers to select at least one health and safety representative who is from among the workers selected for the committee and who does not exercise managerial or supervisory functions.
- (9) Each committee shall:
 - (a) identify situations that may be a source of danger or hazard to workers;
 - (b) investigate and deal with complaints relating to health and safety of workers represented by the committee;
 - (c) develop and promote programs, measures, and procedures for the protection of health and safety and for the education and training of workers represented by the committee;
 - (d) make recommendations to the constructor or employer and to the workers for the improvement of the health and safety of workers;
 - (e) review all accident investigation reports and participate in investigations into accidents that result in or have high potential for serious or fatal injuries;
 - (f) inquire into matters pertaining to health and safety including consultation with persons who are technically qualified to advise the committee on such matters;
 - (g) obtain from the constructor or employer such information respecting existing or potential hazards with respect to materials, processes, or equipment as is possessed by or might be reasonably obtained by the constructor or employer.

- (10) Every committee shall keep minutes of its meetings and records of the disposition of all matters that come before it.
 - (11) Every committee shall meet during regular working hours at least once every month, and where meetings are urgently required as a result of an emergency or other special circumstances, the committee shall meet as required whether or not during regular working hours.
 - (12) A member of the committee is entitled to such time from work as is necessary to attend meetings or to carry out any other functions as a member of the committee, 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.
 - (13) Any committee of a like nature to a committee established under this section in existence at the workplace under the provision of a collective agreement or other agreement between a constructor or an employer and the workers has, in addition to its functions and powers under the provisions of the agreement, the functions and powers conferred upon a committee by this section.
- 14
- (1) Where no committee has been established under section 13 or where the number of workers at a project does not regularly exceed twenty, the Chief Industrial Safety Officer or the Chief Mines Safety Officer may, by order in writing, require an employer to cause the selection of one or more health and safety representatives for a workplace or part thereof from among the workers employed at the workplace who do not exercise managerial functions and may specify the qualifications of such representatives.
 - (2) The Chief Industrial Safety Officer or the Chief Mines Safety Officer may from time to time give such directions as he considers necessary concerning the carrying out of the functions of a health and safety representative.
 - (3) The selection of a health and safety representative shall be made by those workers who do not exercise managerial or supervisory functions and who will be represented by the health and safety representative in the workplace.

- (4) A health and safety representative may
 - (a) inspect the physical condition of the workplace or part thereof for which he has been selected once each month or at such intervals as the Chief Industrial Safety Officer or Chief Mines Safety Officer may direct; and
 - (b) observe and where qualified to do so, assist in or conduct tests for noise, lighting, and designated substances or agents in the workplace or part thereof for which he has been selected.
- (5) The employer and the workers shall provide to the health and safety representative such information and assistance as he may need for the purpose of carrying out the inspection or tests referred to in subsection (4).
- (6) A health and safety representative shall identify situations that may be hazardous to workers and shall report such situations to the employer and to the workers or the trade union or unions, if any, representing the workers.
- (7) Where a person is fatally or critically injured at a workplace from any cause, the health and safety representative may accompany a safety officer during an investigation of the place where the accident occurred.
- (8) A health and safety representative is entitled to take such time from work as is necessary to carry out the duties specified in subsections (4), (5), (6), and (7) and any time spent shall, for the purpose of calculating wages owing, be deemed to have been spent at work.
- (9) A health and safety representative shall keep records of all matters dealt with and shall make such records available to the employer or constructor and a safety officer on request.
- (10) A health and safety representative may appeal to the Chief Industrial Safety Officer or the Chief Mines Safety Officer to resolve any differences of opinion with the employer concerning health and safety matters and the decision of the Chief Officer shall be final.

PART 3WORKER'S RIGHT TO REFUSE HAZARDOUS WORK

- 15 (1) A worker may refuse to work or do particular work where the worker has reason to believe that:
- (a) the use or operation of a machine, device, or thing constitutes an undue hazard to that worker or any other person; or
 - (b) a condition exists in the workplace that constitutes an undue hazard.
- (2) A worker who refuses to work or do particular work shall forthwith report the circumstances of the matter to his employer or supervisor who shall forthwith investigate the situation reported in the presence of the worker and in the presence of:
- (a) the committee, if any; or
 - (b) a health and safety representative, if any, who represents that worker; or
 - (c) a worker selected by the employee, who shall be made available and shall attend without delay.
- (3) After the investigation referred to in subsection (2) and any action taken to remove the hazard, the worker may again refuse to work or do particular work because of that hazard where he has reasonable cause to believe that:
- (a) the use or operation of the machine, device, or thing continues to constitute an undue hazard to him or to any other person; or
 - (b) the condition of the workplace continues to constitute an undue hazard.
- (4) A worker who refuses under subsection (3) to work or do particular work shall forthwith report the circumstances of the matter to his employer or supervisor and the employer or supervisor shall then forthwith report the circumstances of the matter to a safety officer.
- (5) No worker may exercise his right under subsection (1) or (3) if his refusal to perform the work puts the life, health, safety, or physical well-being of another person in immediate danger or if the conditions under which the work is to be performed are ordinary conditions in that kind of work.

- 16 (1) Upon receiving a report under subsection 15(4) about a worker's refusal to work, a safety officer shall forthwith investigate or cause another safety officer to investigate the matter.
- (2) On completion of an investigation made pursuant to subsection (1) the safety officer shall decide whether or not the machine, device, or thing, or workplace or part thereof constitutes an undue hazard to the worker or another person.
- (3) The safety officer shall give his decision in writing as soon as is practicable to the employer, the worker, and the worker's representative.
- (4) Pending the investigation and decision by the safety officer, the worker shall remain at a safe place near his work station during his normal working hours unless the employer, subject to the provisions of a collective agreement, if any, assigns the worker reasonable alternative work during such hours.
- (5) Pending the investigation and decision of the safety officer, no worker shall be assigned to use or operate the machine, device, or thing or to work in the workplace or the part thereof that is being investigated, unless the worker to be so assigned has been advised of the other worker's refusal and the reason for it.
- (6) The time spent by a person pursuant to subsection (4) shall be deemed to be work time for which the person shall be paid by the employer at that person's regular or premium rate as may be the case.
- (7) The employer may, within 10 days following the final decision, dismiss, suspend, or transfer a worker or impose a disciplinary measure, if the final decision indicates that the worker abused his right.
- 17 (1) Notwithstanding subsection 30(2), an appeal against a decision or an order of a safety officer under section 16 must be delivered to the Director within seven days after the date of the decision or order.

PART 4PROHIBITED REPRISALS

- 18 (1) No employer or trade union or person acting on behalf of an employer or trade union shall:
- (a) dismiss or threaten to dismiss a worker;
 - (b) discipline or suspend or threaten to discipline or suspend a worker;
 - (c) impose any penalty upon a worker;
 - (d) intimidate or coerce or attempt to intimidate or coerce a worker or a member of the worker's family; or
 - (e) take any discriminatory action against an employee

because the worker has acted in compliance with this Act or the regulations or an order made thereunder or has in good faith sought enforcement of this Act or the regulations.

- (2) Where an employer or trade union or person acting on behalf of an employer or trade union is convicted of a contravention of subsection (1), the convicting court may order:
- (a) the employer or trade union or a person acting on behalf of an employer or trade union to cease the conduct that is in contravention, if that conduct is continuing, and to reinstate the worker to his former employment under the same terms and conditions under which he was formerly employed;
 - (b) the employer to pay to the worker any wages the worker was deprived of by the contravention;
 - (c) the employer or the trade union, as the case may be, to remove any reprimand or other reference to the matter in the employer's or trade union's records on the worker's conduct.

PART 5ADMINISTRATION AND GENERAL

- 19 (1) The Executive Council Member shall designate a member of the public service as Director of Occupational Health and Safety to administer this Act.

- (2) The Director shall have all of the powers of a Chief Industrial Safety Officer and a Chief Mines Safety Officer and, subject to the authority of the Deputy Head, the Director shall have supervision of the administration and enforcement of this Act.
- 20 (1) The Deputy Head of the department responsible for the administration of this Act shall designate persons in the public service as Chief Industrial Safety Officer, Chief Mines Safety Officer, and safety officers to administer and enforce this Act under the supervision of the Deputy Head and the Director.
- 21 (1) A safety officer shall be supplied by the Executive Council Member with a certificate of his authority, and on entering any workplace shall, if so requested, produce the certificate to the person in charge of that workplace.
- 22 (1) The Executive Council Member may enter into agreements with any federal or provincial government department or agency specifying the terms and conditions under which a person employed by that federal department or agency or province or provincial body may act as a safety officer for the purposes of this Act.
- (2) The Executive Council Member may enter into agreements with any federal or provincial government department or agency specifying the terms and conditions under which testing laboratories may be approved as testing laboratories under this Act.
- 23 (1) The Executive Council Member may conduct research into the cause and prevention of occupational injury and illness and may undertake such research in co-operation with any federal government department or agency or with any province or with any organization undertaking similar research.
- (2) The Executive Council Member may publish the results of such research undertaken pursuant to this section and may compile, prepare, and disseminate data or information bearing upon health and safety whether obtained from such research or otherwise.

- 24 (1) The Executive Council Member may undertake programs to reduce or prevent occupational injury and illness and may undertake such programs in co-operation with any federal department or agency or with any or all provinces or with any organizations undertaking similar programs.
- 25 (1) The Executive Council Member may approve and issue such codes of practice as are suitable in his opinion to provide practical guidance with respect to the requirements of any provisions of the regulations.
- (2) Where a code of practice is approved by the Executive Council Member he shall cause the code to be filed and published under the Regulations Act in the same way as if the code were a regulation.
- (3) The provisions of an approved code of practice do not have the force of law and the failure by any person to observe any provision of an approved code of practice is not of itself an offence.
- (4) Where a person is charged with a breach of any provision of the regulations in respect of which the Executive Council Member has issued a code of practice, that code is admissible as evidence in a prosecution for the violation of the provision of the regulations.
- (5) Upon application in writing to him, the Executive Council Member may, after consultation with other interested parties, vary or revoke any provision or standard of the code of practice in respect of and to meet the special circumstances of a particular case, if the health and safety of any worker is not jeopardized.

PART 6

OCCUPATIONAL HEALTH AND SAFETY BOARD

- 26 (1) There shall be a Board to be called the Occupational Health and Safety Board.

- (2) The Board shall be composed of the following five members who are to be appointed by the Executive Council Member:
 - (a) a chairman;
 - (b) two members who are representative of employers; and
 - (c) two members who are representative of employees.
 - (3) The term of the members of the Board shall not exceed three years or such lesser term as the Executive Council Member may specify at the time of appointment, and members are eligible for re-appointment.
 - (4) A member of the Board may be paid such remuneration as may be prescribed and transportation, accommodation, and living expenses incurred in connection with the performance of his duties as a member of the Board away from his ordinary place of residence but, except as otherwise provided by the regulations, the payment of such expenses shall conform as nearly as possible in all respects to the payment of such expenses for members of the public service of Yukon.
 - (5) The Executive Council Member may appoint one or more vice chairman from among the members of the Board, who may act in the place of the chairman during his absence.
- 27
- (1) The chairman of the Board may from time to time establish a panel consisting of one or more members of the Board.
 - (2) Where the chairman of the Board refers a matter to a panel, the panel has all the power and authority of the Board in respect of that matter.
- 28
- (1) A quorum of the Board or of a panel is a majority of its members.
 - (2) Subject to subsection (1), a decision of a majority of the members present at a meeting of the Board or panel is a decision of the Board or panel, but in the event of an evenly divided opinion between members of the Board or panel, including the vote of the chairman, the matter shall be decided in accordance with the vote of the chairman.

- 29 (1) Where a member of the Board resigns or his appointment terminates, he may, in relation to a proceeding in which he participated as a member of the Board and until the proceeding is completed, carry out and complete the duties or responsibilities and continue to exercise the powers that he would have had if he had not ceased to be a member.
- 30 (1) Any person aggrieved or any trade union representing a worker aggrieved by a decision or an order given by the Director, a Chief Officer or a safety officer or the refusal of the Director, a Chief Officer or a safety officer to give an order under the Act or the regulations, may appeal to the Board.
- (2) An appeal must be in writing and delivered to the Director within 14 days after the date of the direction or decision of the Director, a Chief Officer or a Safety Officer.
- (3) Where the Director receives an appeal pursuant to subsection (2) he shall forward the appeal forthwith to the Board.
- (4) The Board may deny or allow the appeal in whole or in part and may make any order that it considers the Director, Chief Officer, or safety officer ought to have made.
- (5) Where an appeal is commenced under subsection (1) the commencement of that appeal does not by itself operate as a stay of the order or direction being appealed, but the Board may grant such a stay, in whole or in part and on such conditions as are just, pending the disposition of the appeal.
- (6) For the purposes of this Act, the Board and each of its members has the protection, privileges and powers of a Board appointed under the Public Inquiries Act.
- 31 (1) When a matter comes before the Board pursuant to this Act, the Board shall begin its inquiry into the matter within 14 days.
- (2) The Board shall give full opportunity to the parties to a proceeding to present evidence and to make submissions to it and, where the Board considers it necessary, it may hold a hearing.

- (3) In a proceeding before the Board, the parties shall be:
- (a) the person alleged to have contravened the Act or against whom an order is sought;
 - (b) the complainant, if any;
 - (c) the Director or his authorized representative; and
 - (d) any other person specified by the Board.
- 32 (1) A decision or 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 a panel and may vary or revoke the decision or order at any time within 14 days after the day on which the decision or order was made.
- 33 (1) In addition to the functions and duties conferred on it by this Act the Board shall advise the Executive Council Member with respect to any matter within the purview of this Act that he wishes to refer to it.

PART 7

REPORTING OF INJURY OR ACCIDENT

- 34 (1) In this Part:
- "serious injury" means
- (a) an injury that results in death;
 - (b) fracture of a major bone, including
 - (i) skull,
 - (ii) spine,
 - (iii) pelvis,
 - (iv) thighbone;
 - (c) amputation other than of a finger or toe;
 - (d) loss of sight of an eye;
 - (e) internal bleeding;
 - (f) third degree burns;
 - (g) dysfunction that results from
 - (i) concussion,
 - (ii) electrical contact,
 - (iii) lack of oxygen,
 - (iv) poisoning;
 - (h) an injury that results in paralysis (permanent loss of function);

"serious accident" means:

- (a) an uncontrolled explosion;
 - (b) failure of a safety device on a hoist, hoist mechanism or hoist rope;
 - (c) collapse or upset of a crane;
 - (d) collapse or failure of a load-bearing component of a building or structure regardless of whether the building or structure is complete or under construction;
 - (e) collapse or failure of a temporary support structure;
 - (f) an inrush of water in an underground working;
 - (g) fire or explosion in an underground working;
 - (h) collapse or cave-in, of a trench, excavation wall, underground working, or stockpile;
 - (i) accidental release of a designated substance;
 - (j) brake failure on mobile equipment that causes a runaway.
- (2) Where a serious injury or a serious accident takes place at or upon any work, undertaking, or business, the employer or person responsible for that place of work, undertaking, or business shall immediately, or as soon as reasonably practicable, give notice to a safety officer, or the office of a safety officer, of the injury or accident.
- (3) No person may, except as insofar as is necessary for the purpose of saving life or relieving suffering and protecting property that is endangered as a result of the accident, interfere with anything connected with a serious injury or a serious accident until a safety officer or a member of the Royal Canadian Mounted Police has completed an investigation into the accident or authorizes the interference.
- (4) Where a serious injury or a serious accident has not resulted in death, a safety officer may authorize a health and safety representative from the workplace to conduct the investigation on his behalf.
- (5) Where no safety officer is available to receive notice from the employer or where, as a result of an inadequacy in the system provided by the Government of Yukon for communication with a safety officer, the employer is unable to give notice to a safety officer or where a safety officer has advised that an immediate investigation cannot be made, the employer

may move or permit to be moved anything at the scene connected with a serious injury or a serious accident, if details of the scene are first recorded by photographs, drawings, or other means.

PART 8

ENFORCEMENT

- 35 (1) The Director may require an employer to post and keep posted a notice relating to the administration or enforcement of this Act or the regulations in a conspicuous place where it is most likely to come to the attention of employees, and the employer shall post and keep posted any such notice.
- 36 (1) A safety officer shall:
- (a) make such inspections and inquiries and carry out such tests as are necessary to ensure that this Act and the regulations are being complied with; and
 - (b) carry out such other duties as may be assigned to safety officers pursuant to this Act.
- (2) For the purposes of administering and enforcing this Act, the regulations, or any order made under this Act or the regulations, a safety officer shall conduct such investigations as may be necessary and may:
- (a) at any reasonable time, enter any place to which the public is customarily admitted;
 - (b) with the consent of an occupant apparently in charge of the premises, enter any other place;
 - (c) for his examination, request the production of documents or things that are or may be relevant to his investigation;
 - (d) upon giving a receipt therefor, remove from any place documents produced in response to a request under paragraph (c) for the purpose of making copies of them or extracts from them;
 - (e) upon giving a receipt therefor, remove from any place any other thing produced in response to a request under paragraph (c) to retain possession of it pending conclusion of the investigation or proceedings under this Part;

- (f) take or remove for purposes of analysis samples of materials and substances used or handled by workers, subject to the employer or his representative being notified of any samples or substances taken or removed for such purpose;
- (g) require that a workplace or part thereof not be disturbed for a reasonable period of time for the purpose of carrying out an examination, investigation, or test;
- (h) require that any equipment, machine, device, thing, or process be operated or set in motion or that a system or procedure be carried out that may be relevant to an examination, investigation, or test;
- (i) require an owner, constructor, or employer to provide, at the expense of the owner, constructor, or employer, a report bearing the seal and signature of a professional engineer stating:
 - (i) the load limits of a floor, roof, or temporary work platform part of a building, structure or temporary work, or
 - (ii) that a floor, roof, or temporary work platform is capable of supporting or withstanding the loads being applied to it or likely to be applied to it;
- (j) require an owner of a mine or part thereof to provide, at his expense, a report in writing bearing the seal and signature of a professional engineer stating that the ground stability of the mining methods and the support or rock reinforcement used in the mine or part thereof is such that a worker is not likely to be endangered;
- (k) require an employer to produce any record of information, or to provide, at the expense of the employer, a report of assessment made by a person possessing such special or expert qualifications as are specified by the safety officer of any process or biological, chemical, or physical agents or combination of such agents used or intended to be used in a workplace and the manner of use including:
 - (i) the ingredients thereof and their common or generic name or names,
 - (ii) the composition of the properties thereof,
 - (iii) the toxicological effect thereof,
 - (iv) the effect of exposure thereto whether by contact, inhalation, or ingestion,
 - (v) the protective measures used or to be used in respect thereof,

- (vi) the emergency measures used or to be used to deal with exposure thereto, and
 - (vii) the effect of the use, transport and disposal thereof.
- (3) Where a safety officer removes documents under paragraph (2)(d), he shall return them within 72 hours.
- 37 (1) For the purposes of this Act, a safety officer may at any reasonable time enter upon any property, place, or thing used in connection with the operation of a work, undertaking, or business and may inspect the same and may for such purposes, question any worker apart from his employer.
- (2) For the purpose of carrying out the provisions of this Act or the regulations, a safety officer may be accompanied by a person designated by the safety officer to carry out such examinations and inspections and take such samples as directed by the safety officer.
- (3) The person in charge of any workplace and every person employed therein shall give a safety officer all reasonable assistance to enable the safety officer to carry out his duties under this Act.
- (4) A safety officer acting under subsection (1) shall not, without the consent of the occupier, enter a place that is being used as a dwelling, except under the authority of a warrant to enter issued under subsection (7).
- (5) Where any person who has or may have documents or other things that are or may be relevant to an investigation, denies the investigating safety officer entry to any place, instructs the safety officer to leave any place, or impedes or prevents an investigation by a safety officer in a place, the safety officer may apply to a justice of the peace for a warrant to enter under subsection (7).
- (6) If a person refuses to comply with a request or demand of a safety officer under section 36 or subsection (3) for production of documents or things, the safety officer may apply to a justice of the peace for an order for the production of the documents or things.

- (7) Where a justice of the peace is satisfied by evidence upon oath or affirmation that there are reasonable grounds to believe it is necessary that a place that is being used as a dwelling or to which entry has been denied be entered to investigate any matter under this Act, he may issue in the prescribed form a warrant to enter authorizing entry by any safety officer named in the warrant.
 - (8) Where a justice of the peace is satisfied by evidence on oath or affirmation that a request or demand under section 36 or subsection (3) for production of a document or thing has been refused and that there are reasonable grounds to believe that production of the document or thing is necessary to investigate any matter under this Act, he may make an order for the production of documents or things in the prescribed form authorizing any safety officer named in the order to seize the documents or things described in the order.
 - (9) An order under subsection (8) for the production of documents or other things may be included in a warrant to enter issued under subsection (7) or may be made separately from such a warrant.
 - (10) A warrant issued under subsection (7) and every separate order made under subsection (8) shall name a date on which it expires, which shall be a date not later than 14 days after it is issued or made.
 - (11) An application for a warrant to enter or for an order for the production of documents or things may be made without notice to any party.
- 38 (1) Where a safety officer inspects a workplace the employer shall allow a safety committee member representing workers or a health and safety representative, if any, or a worker selected by a trade union or trade unions, if any, representing workers in that workplace, or where there are none of the above, a worker selected by the workers to represent them, the opportunity to accompany the safety officer during his inspection of a workplace, or any part thereof.

- (2) Where there is no safety committee member representing workers, no health and safety representative, or no worker selected under subsection (1) available at the time of the inspection, the safety officer shall endeavour to consult during his inspection with a reasonable number of workers concerning health and safety at their workplace.
- (3) Notwithstanding the provisions of subsection (1):
- (a) a safety officer shall not be required to postpone or delay an inspection because a safety committee member, a health and safety representative or a worker representative is not available;
- (b) a safety officer may refuse permission for a safety committee member, health and safety representative, a worker representative, or an employer's representative to accompany him or to participate in an inquiry, survey, test, if in the opinion of the safety officer the presence of such representatives would adversely affect the conduct or integrity of the inquiry, survey, test.
- (4) The time spent by a safety committee member, a health and safety representative, or a worker's representative in accompanying a safety officer on an inspection shall, for the purpose of calculating wages, be deemed to have been spent at work.
- 39 (1) No person shall obstruct or hinder a safety officer engaged in carrying out his duties under this Act.
- (2) No person shall make a false or misleading statement either orally or in writing to a safety officer engaged in carrying out his duties under this Act.
- (3) A person may be required to furnish information pursuant to this Act by a notice to that effect served personally or sent by certified mail addressed to the last known address of the person for whom the notice is intended and such person shall furnish the information within such reasonable time as is specified in the notice.
- 40 (1) No safety officer or any person designated pursuant to subsection 37(2), shall be required to give testimony in any civil suit with regard to information obtained by him in the discharge of his duties pursuant to this Act except with the written permission of the Executive Council Member.

- (2) No safety officer, or any person designated pursuant to subsection 37(2) who is admitted into any place in pursuance of the powers conferred by this Act shall disclose to any person any information obtained by him therein with regard to any process or trade secret except for the purpose of this Act or as required by law.
- (3) Except for the purposes of this Act or as required by law, no person shall publish or disclose the results of any particular analysis, examination, testing, inquiry or sampling made or taken by or at the request of a safety officer.
- (4) No person to whom any information obtained pursuant to this Act is communicated in confidence:
- (a) shall divulge the name of the informant to any person except for the purposes of this Act or as required by law, or
 - (b) is competent or compellable to divulge the name of the informant before any court or other tribunal.
- 41 (1) No action or other proceeding for damages lies or shall be instituted against the Board, members or the Board, a safety officer, a safety representative or a safety committee member for an act or an omission done or omitted in good faith in the execution or intended execution of any power or duty under this Act or the regulations.
- 42 (1) In the course of carrying out an inspection, a safety officer may give orders orally or in writing for the carrying out of anything that may be required under this Act or the regulations and may require that the orders be carried out within such reasonable time as he may specify in the order.
- (2) An order made under subsection (1) shall indicate the nature of any contravention of this Act or the regulations and where appropriate the location of the contravention.
- (3) Any oral order given under subsection (1) shall be confirmed in writing by the safety officer, insofar as it is reasonably practicable to do so, before leaving the workplace.
- 43 (1) Where a safety officer determines that any place, matter, or thing, or any part thereof, in a workplace constitutes a source of imminent danger to the health or safety of persons

employed there or in connection with it, the safety officer may give an order in writing to the employer or person in charge to take measures immediately or within a specified time to protect the persons from danger.

- 44 (1) Where a safety officer determines that the imminent danger cannot otherwise be protected against immediately, he may order that the place, matter, or thing shall not be used until the orders given under subsection 43(1) are complied with, but nothing in this subsection prevents the doing of any work necessary for the proper compliance with the orders given under subsection 43(1).
- (2) A safety officer who gives an order under subsection (1) shall affix to or near the place, matter, or thing, or any part thereof, a notice in the prescribed form and no person except a safety officer shall remove such notice unless authorized by a safety officer.
- (3) Where a safety officer gives an order under subsection (1) in respect of any place, matter, or thing, the employer or person in charge thereof shall discontinue the use of the place, matter, or thing and no person shall occupy or use the place, matter, or thing until the measures directed by the safety officer have been taken.
- 45 (1) Where a safety officer gives an order in writing or issues a report of an inspection to an employer or person in charge of a workplace, the employer or person in charge shall forthwith cause a copy or copies thereof to be posted in a conspicuous place or places in the workplace where it is likely to come to the attention of the workers and shall furnish a copy of such order or report to the health and safety representative and the committee, if any, and the safety officer shall cause a copy thereof to be furnished to the person who complained of the contravention of this Act or the regulations.
- 46 (1) Whenever, as specified by the regulations, a Chief Industrial Safety Officer or a Chief Mines Safety Officer believes or has reason to believe that, as a result of conditions in the workplace, an employee is or may be affected with an occupational illness, he may, by order in writing, require

such employee to undergo medical examination for the purpose of determining whether or not such an employee is affected with an occupational illness.

- (2) A medical examination carried out under subsection (1) shall, where practicable, be carried out during the normal working hours of the employee, and the costs shall in all cases be paid by the employer.
 - (3) Where an employee is examined during his normal working hours, his employer shall not make any deductions of wages or other benefits for the time lost by the employee in going to, attending, or returning from a medical examination.
- 47
- (1) Where a qualified medical practitioner has performed a medical examination under subsection 46(1) or attended an employee who became ill or was injured while engaged in his employment, he shall, at the request of a Chief Industrial Safety Officer or a Chief Mines Safety Officer, provide the Chief Industrial Safety Officer or the Chief Mines Safety Officer with such medical reports as he requires in relation to the employee attended or examined.
 - (2) Except for the purposes of this Act or as required by law, no person shall disclose any information obtained in any medical report about an employee made or taken under this Act or the regulations, unless the information is disclosed in a form calculated to prevent the information from being identified with a particular person or case.

PART 9

OFFENCES AND PENALTIES

- 48
- (1) A person who contravenes this Act or the regulations commits an offence and is liable on summary conviction:
 - (a) for a first offence, to a fine up to \$15,000 and, in the case of a continuing offence, to a further fine of up to \$1,500 for each day during which the offence continues after the first day or part of a day, or to imprisonment for as long as six months, or to both the fine and imprisonment;
 - (b) for a second or subsequent offence, to a fine of up to \$30,000 and, in the case of a continuing offence, to a

further fine of up to \$2,500 for each day or part of a day during which the offence continues after the first day, or to imprisonment for as long as 12 months, or to both the fine and imprisonment.

- (2) A person who fails to comply with an order made under this Act or the regulations commits an offence and is liable on summary conviction:
- (a) for a first offence, to a fine of up to \$20,000 and, in case of a continuing offence, to a further fine of up to \$1,750 for each day during which the offence continues after the first day or part of a day, or to imprisonment for as long as nine months, or to both the fine and imprisonment; and
 - (b) for a second or subsequent offence, to a fine of up to \$35,000 and, in the case of a continuing offence, to a further fine of up to \$2,750 for each day during which the offence continues after the first day or part thereof, or to imprisonment for as long as 15 months, or to both the fine and imprisonment.
- (3) Notwithstanding subsection (2), a person who fails to comply with an order made under section 44 commits an offence and is liable on summary conviction:
- (a) for a first offence, to a fine of up to \$25,000 and, in the case of a continuing offence, to a further fine of up to \$2,000 for each day during which the offence continues after the first day or part of a day, or to imprisonment for as long as 12 months, or to both the fine and imprisonment;
 - (b) for a second or subsequent offence, to a fine of up to \$40,000 and, in the case of a continuing offence, a further fine of up to \$3,000 for each day during which the offence continues after the first day or part thereof, or imprisonment for as long as 18 months, or both the fine and imprisonment.
- (4) Notwithstanding subsection (1), a person who knowingly makes any false statement or knowingly gives false information to a safety officer, a peace officer, a safety committee, or a health and safety representative commits an offence and is liable on summary conviction to a fine of up to \$500 or to imprisonment for as long as six months, or to both.

- 49 (1) A prosecution under this Act shall not be commenced after the expiration of one year after the commission of the alleged offence.
- (2) No proceeding in respect of any offence under this act or the regulations shall be instituted except by the Director.
- (3) In any prosecution for an offence under this Act, a copy of an order purporting to have been made under this Act or the regulations and purporting to have been signed by the person authorized by this Act or the regulations to make the order is evidence of the order without proof of the signature or authority of the person by whom it purports to be signed.
- 50 (1) The Director may apply to a judge of the Supreme Court of Yukon for and the judge may grant an injunction enjoining any person from continuing conduct that is in contravention of this Act or the regulations.

PART 10

DESIGNATED SUBSTANCES

- 51 (1) Where a biological, chemical, or physical agent, or combination of such agents, is used or intended to be used in the workplace and its use is likely to endanger the health of a worker or some other person, the Director may give notice in writing to the employer ordering that the use, intended use, presence or manner of use be:
- (a) stopped;
 - (b) limited or restricted in such manner as the Director specifies; or
 - (c) subject to such conditions regarding administrative control, work practices, engineering control, and worker exposure time limits as the Director specifies.
- (2) Where the Director makes an order to an employer under subsection (1), the order shall:
- (a) identify the biological, chemical, or physical agent, or combination of such agents, and the manner of use that is the subject matter of the order; and
 - (b) state the opinion of the Director as to the likelihood of the danger to the health of a worker or other person and the causes that give rise to his opinion.

- (3) The employer shall provide a copy of an order made under subsection (1) to the health and safety committee, the health and safety representative, and the trade union or trade unions representing workers in that workplace, if any, and shall cause a copy of the order to be posted in a conspicuous place in the workplace.
 - (4) In making a decision or order under subsection (1), the Director shall consider:
 - (a) the reaction of the agent, combination of agents, or by-product to a biological or chemical agent that is known to be a danger to health;
 - (b) the quantities of the agent, combination of agents, or by-product present, used, or intended to be used;
 - (c) the length of time of the exposure or exposures;
 - (d) the availability of other processes, agents, or equipment that can be substituted for the particular use or intended use;
 - (e) data regarding the effect of the process or agent on health;
 - (f) any criteria or guide to the exposure of a worker to the biological, chemical, or physical agent, or combination of such agents, that are adopted by a regulation under this Act or that are recommended by a competent authority.
- 52
- (1) Except for purposes of research and development, no person shall manufacture, distribute, or supply for commercial or industrial use in a workplace any new biological or chemical agent or combination of such agents unless he first submits to the Director notice in writing of his intention to manufacture, distribute, or supply such new agent or combination of such agents.
 - (2) A biological or chemical agent or combination of such agents is not new solely by reason of the fact that it has not previously been manufactured, distributed, or supplied in Yukon.
 - (3) The notice submitted under subsection (1) shall include the ingredients of the new agent or combination of agents and their common or generic name or names and the composition and properties thereof.

- 53 (1) Where the introduction of the new biological or chemical agent or combination of such agents referred to in subsection 52(1) may endanger the health and safety of the workers, the Director shall require the manufacturer, distributor, or supplier, as the case may be, to provide at the expense of the manufacturer, distributor, or supplier, a report or assessment made or to be made by a person possessing such special, expert qualifications as are specified by the Director, about the agent or combination of agents intended to be manufactured, distributed, or supplied indicating the manner of use, including the health effects of exposure, the protective equipment used or to be used, engineering controls to prevent exposure, provisions to be made for emergency exposures, and the effect of use, transport, and disposal.

PART 11

REGULATIONS

- 54 (1) The Commissioner in Executive Council may make such regulations in relation to matters within the purview of this Act as he considers necessary to carry the provisions and purposes of this Act into effect.
- (2) Without limiting the generality of subsection (1), the Commissioner in Executive Council may make regulations:
- (a) designating or defining any industry, work place, employer or class of work places or employers for the purposes of this Act, a part of this Act, or the regulations or any provision thereof;
 - (b) exempting any work place, industry, activity, business, work, trade, occupation, profession, constructor, employer or any class thereof from the application of a regulation or any provision thereof;
 - (c) respecting any matter or thing that is required or permitted to be regulated or prescribed under this Act;
 - (d) respecting any matter or thing, where a provision of this Act requires that the matter or thing be done, used, carried out, or provided as prescribed;
 - (e) regulating or prohibiting the installation or use of any machine, device, or thing or any class thereof;

- (f) requiring that any equipment, machine, device, article or thing used in a workplace bear the seal of approval of an organization designated by the regulations to test and approve the equipment, machine, device, article, or thing and designating organizations for such purposes;
- (g) respecting the reporting by physicians and others of workers affected by any biological, chemical, or physical agents or combination thereof;
- (h) regulating or prohibiting atmospheric conditions to which any worker may be exposed in a work place;
- (i) prescribing methods, standards, or procedures for determining the amount, concentration, or level of any atmospheric condition or any biological, chemical, or physical agent, or combination thereof, in a work place;
- (j) prescribing any biological, chemical, or physical agent or combination thereof as a designated substance;
- (k) prohibiting, regulating, restricting, limiting or controlling the handling of, exposure to, or the use and disposal of any designated substance;
- (l) enabling the Director to designate that any part of a project shall be an individual project for the purposes of this Act;
- (m) designating laboratories for the purpose of carrying out and performing sampling, analysis, tests, and examinations, and requiring that sampling, analysis, examinations, and tests be carried out and performed by a designated laboratory;
- (n) imposing requirements with respect to the testing, labelling, or examination of any substance used in a workplace;
- (o) imposing requirements with respect to any matter affecting the conditions in which persons work, including such matters as the structural condition and stability of places of employment, safe means of access to and egress from places of employment, cleanliness, temperature, lighting, ventilation, overcrowding, noise, vibrations, ionizing and other radiations, dust and fumes at places of employment;
- (p) requiring and regulating the establishment, equipping operation, and maintenance of mine rescue stations, and authorizing the Executive Council Member to establish, equip, operate, and maintain such stations and to recover some or all of the cost thereof from mine owners by such assessment on mines as may be prescribed;

- (q) imposing requirements with respect to the provision and use in specific circumstances of protective clothing or equipment, including clothing affording protection against the hazards of work and against unusual exposure to the weather;
 - (r) imposing requirements with respect to the instruction, training, and supervision of workers;
 - (s) specifying conditions under which work of a hazardous nature may be performed;
 - (t) regulating the use of explosives;
 - (u) prescribing or prohibiting procedures, techniques, measures, steps, and precautions for carrying out any process or operation;
 - (v) restricting the performance of specified functions to persons possessing specified qualifications or experience;
 - (w) requiring a person to obtain a permit for carrying on of any specified activity affecting the health or safety of workers, setting out the terms and conditions of the permit and the fee payable;
 - (x) respecting the suspension, revocation, or cancellation of any licence or permit issued under this Act or the regulations;
 - (y) requiring the preparation, maintaining, and submission of records, information, and reports respecting statistical data pertaining to accidents, accident prevention, safety standards, occupational illness, occupational illness prevention, and workplace health standards;
 - (z) respecting standards of transportation and first-aid services for sick or injured workers.
- 55 (1) The Mining Safety Act is repealed.
- (2) The Blasting Act is repealed.
- 56 (1) This Act shall come into force on a date to be fixed by the Commissioner in Executive Council.
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 47

AN ACT TO AMEND THE
PIONEER UTILITY GRANT ACT

(Assented to November 29, 1984)

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

- 1 (1) This Act amends the Pioneer Utility Grant Act.
 - 2 (1) In subsection 3(1), the words "in the amount prescribed by the Commissioner in Executive Council" are substituted for the words "in the amount of \$480".
 - 3 (1) In subsection 9(1), the following paragraph is added immediately before paragraph (a):
"(a.1) prescribing the amount of the pioneer grant;"
-

STATUTES OF THE YUKON TERRITORY
1984, Chapter 48

YUKON TARTAN ACT

(Assented to November 29, 1984)

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

- 1 (1) This Act may be cited as the Yukon Tartan Act.
- 2 (1) The tartan described in section 3 is adopted as and is the tartan of Yukon, and is for all purposes designated the "Yukon Tartan".
- 3 (1) The Yukon Tartan is as registered on October 24, 1984 in the books of the Lord Lyon King of Arms in Scotland and consists of the colours and proportions as follows:
 - 40 Blue threads (Pivot);
 - 2 Yellow threads;
 - 4 Blue threads;
 - 2 Yellow threads;
 - 8 Blue threads;
 - 8 Yellow threads;
 - 8 Green threads;
 - 8 White threads;
 - 8 Red threads;
 - 8 Purple threads;
 - 40 Blue threads (Pivot).
- (2) A sample of the Yukon Tartan, in coloured textile material, is on deposit in the court of the Lord Lyon King of Arms in Scotland and in offices of the Executive Council Member; in any manufacture or representation of the Yukon Tartan the colours used shall so far as is practicable match the colours shown in the said samples.

- 4 (1) No person shall sell, display, publish, advertise, or hold out any thing or design as a tartan of Yukon or as a tartan that has been confirmed, adopted, declared, officially recognized, or approved as a tartan of Yukon, unless it is the Yukon Tartan adopted by this Act.

 - 5 (1) The Executive Council Member may apply to a judge of the Supreme Court of Yukon for and the judge may grant an injunction enjoining any person from continuing conduct that is in contravention of section 4.
-

TABLE OF STATUTES

This is a table of those Statutes included in the Revised Ordinances, 1971, those subsequently added to the consolidation and those enacted since the coming into force of the Revised Ordinances, 1971, regardless of whether added to the consolidation.

Legend:

In. = Included in Am. = Amended

En. = Enacted Sp. = Spent

Rp. = Repealed History = from the earlier of:

(i) enactment or

Re. = Re-enacted (ii) inclusion in R.O.Y.T., 1971

N.C.N.R. = Not Consolidated, Not Repealed.

R.S.Y.T. = Revised Statutes of the Yukon Territory, originally published under the title Revised Ordinances of the Yukon Territory.

S.Y.T. = Statutes of the Yukon Territory, published before November 12, 1981, under the title Ordinances of the Yukon Territory or Ordinances of the Government of Yukon.

* = On ~~December 1, 1984~~ ^{July 31, 1985} a date for the coming into force of this Act had yet to be proclaimed. In this index there is no distinction made between an Act that has been proclaimed in force in its entirety and an Act that has been proclaimed in force only in part, there being other parts still to be proclaimed in force. Therefore, where the Act by its terms confers authority for it to be proclaimed in force in whole or in part, the user should check the proclamation to determine what parts of the Act are in force. The absence of an asterisk can in those cases be taken only as indication that some part of the Act has been proclaimed in force.

Consolidation Chapter No. = Chapter designation of the Act for the purposes of the Consolidated version of the Statutes of the Yukon Territory.

<u>STATUTE</u>	<u>CONSOLIDATION CHAPTER NO.</u>	<u>HISTORY</u>
Access to Information	A-0.05	En. S.Y.T. 1983, c. 12
Accountants (Chartered)		See Institute of Chartered Accountants
Adult Occupational Training Agreements Repeal	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 10
Age of Majority	A-0.1	En. S.Y.T. 1972 (1st), c. 1
Agriculture Development	A-0.15	En. S.Y.T. 1982, c.17
Alaska Highway Maintenance (1972)	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 2
Animal Protection	A-0.2	En. S.Y.T. 1977 (2nd), c. 1 Am. S.Y.T. 1984, c. 45, s. 2

Apprentice Training	A-1	In. R.S.Y.T. 1971, c. A-1 Am. S.Y.T. 1984, c. 45, s. 3
Appropriation		See First, Second, etc. to Sixth
Arbitration	A-2	In. R.S.Y.T. 1971, c. A-2 Am. S.Y.T. 1984, c. 45, s. 4
Archives	A-3	In. R.S.Y.T. 1971, c. A-3
Area Development	A-4	In. R.S.Y.T. 1971, c. A-4 Am. S.Y.T. 1975 (3rd), c.3
Assessment and Taxation	A-4.1	En. S.Y.T. 1972 (1st), c. 13 Am. S.Y.T. 1975 (1st), c. 18 Am. S.Y.T. 1979 (2nd), c. 16 Am. S.Y.T. 1980 (1st), c. 20, s. 2 Am. S.Y.T. 1980 (2nd), c. 17, s. 440
Assessment in the City of Whitehorse	N.C.N.R.	En. S.Y.T. 1977 (2nd), c. 11
Assignment of Book Debts	A-5	In. R.S.Y.T. 1971, c. A-5 Rp. S.Y.T. 1980 (2nd), c. 20, s. 74
Bills of Sale	B-1	In. R.S.Y.T. 1971, c. B-1 Rp. S.Y.T. 1980 (2nd), c. 20, s. 74
Blasting	B-2	In. R.S.Y.T. 1971, c. B-2 Rp. S.Y.T. 1984, c. 46*
Boiler and Pressure Vessels	B-2.1	En. S.Y.T. 1979 (2nd), c. 1 Am. S.Y.T. 1980 (2nd), c. 16, s. 1
Brands	B-3	In. R.S.Y.T. 1971, c. B-3 Am. S.Y.T. 1980 (1st), c. 20, s. 3
Building Standards	B-3.1	En. S.Y.T. 1973 (1st), c. 1 Am. S.Y.T. 1980 (2nd), c. 17, s. 440 Am. S.Y.T. 1981 (2nd), c. 1
Bulk Sales	B-4	In. R.S.Y.T. 1971, c. B-4
Bulk Sales	B-4.05	En. S.Y.T. 1981 (2nd), c. 2* Am. S.Y.T. 1984, c. 45, s. 6
Business Corporations Act	B-.06	En. S.Y.T. 1983, c. 13
Business Development Assistance	B-4.1	En. S.Y.T. 1980 (1st), c. 1 Am. S.Y.T. 1984, c. 1 Am. S.Y.T. 1984, c. 45, s. 5
Business Licence	B-5	In. R.S.Y.T. 1971, c. B-5 Am. S.Y.T. 1980 (1st), c. 20, s. 4
Canada and U.K. Reciprocal Re- cognition and Enforcement of Judgments	B-5.5	En. S.Y.T. 1984 c. 33
Cancer Diagnosis	C-1	In. R.S.Y.T. 1971, c. C-1 Am. S.Y.T. 1984, c. 22, s. 1
Cemeteries and Burial Sites	C-2	In. R.S.Y.T. 1971, c. C-2 Am. S.Y.T. 1984, c. 45, s. 10
Certified General Accountants	C-2.1	En. S.Y.T. 1983, c. 14
Change of Name	C-3	In. R.S.Y.T. 1971, c. C-3

Child Welfare	C-4	In. R.S.Y.T. 1971, c. C-4 Am. S.Y.T. 1972 (1st), c. 15 Rp. S.Y.T. 1984, c. 2, s. 185
Children's	C-4.5	En. S.Y.T. 1984, c. 2 Am. S.Y.T. 1984, c. 34
Chiropractic	C-5	In. R.S.Y.T. 1971, c. C-5 Am. S.Y.T. 1972 (1st), c. 16 Am. S.Y.T. 1984, c. 45, s. 7
Choses in Action	C-6	In. R.S.Y.T. 1971, c. C-6 Am. S.Y.T. 1980 (2nd), c. 20, s. 75
Citizenship Instruction Agreement	C-7	In. R.S.Y.T. 1971, c. C-7 Rp. S.Y.T. 1984, c. 45, s. 8
Civil Defence Workers' Compensation Agreement	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 26
Civil Emergency Measures	C-8	In. R.S.Y.T. 1971, c. C-8 Am. S.Y.T. 1984, c. 45, s. 9
Collection	C-9	In. R.S.Y.T. 1971, c. C-9
Community Assistance	C-9.1	En. S.Y.T. 1975 (1st), c. 1 Am. S.Y.T. 1975 (3rd), c. 4 Am. S.Y.T. 1976 (1st), c. 4 Am. S.Y.T. 1977 (1st), c. 8 Am. S.Y.T. 1978 (1st), c. 3 Am. S.Y.T. 1980 (1st), c. 2 Am. S.Y.T. 1980 (2nd), c. 1 Am. S.Y.T. 1980 (2nd), c. 16, s. 2 Am. S.Y.T. 1981 (1st), c. 11, s. 21
Companies	C-10	In. R.S.Y.T. 1971, c. C-10 Am. S.Y.T. 1975 (3rd), c. 5 Am. S.Y.T. 1980 (1st), c. 3 Am. S.Y.T. 1980 (2nd), c. 2 Am. S.Y.T. 1980 (2nd), c. 20, s. 76 Am. S.Y.T. 1982, c. 18 Am. S.Y.T. 1983, c. 13
Compensation for Victims of Crime	C-10.1	En. S.Y.T. 1975 (1st), c. 2 Am. S.Y.T. 1976 (1st), c. 5 Am. S.Y.T. 1980 (2nd), c. 3 Am. S.Y.T. 1981 (1st), c. 10, s. 1 Am. S.Y.T. 1983, c. 15
Conditional Sales	C-11	In. R.S.Y.T. 1971, c. C-11 Rp. S.Y.T. 1980 (2nd), c. 20, s. 74
Condominium	C-12	In. R.S.Y.T. 1971, c. C-12 Am. S.Y.T. 1977 (2nd), c. 5 Am. S.Y.T. 1980 (1st), c. 4
Conflict of Laws (Traffic Accidents)	C-12.1	En. S.Y.T. 1972 (1st), c. 3
Constitutional Questions	C-12.2	En. S.Y.T. 1983, c. 16
Consumers' Protection	C-13	In. R.S.Y.T. 1971, c. C-13
Contributory Negligence	C-14	In. R.S.Y.T. 1971, c. C-14 Am. S.Y.T. 1980 (1st), c. 20, s. 5 Am. S.Y.T. 1984, c. 45, s. 12

← Goes under Contractual Obligation

Controverted Elections	C-15	In. R.S.Y.T. 1971, c. C-15 Am. S.Y.T. 1977 (2nd), c. 3, s. 103
Co-operative Associations	C-16	In. R.S.Y.T. 1971, c. C-16 Am. S.Y.T. 1973 (1st), c. 8 Am. S.Y.T. 1975 (2nd), c. 7 Am. S.Y.T. 1980 (2nd), c. 4 Am. S.Y.T. 1981 (1st), c. 10, s. 2 Am. S.Y.T. 1983, c. 13
Cornea Transplant	C-17	In. R.S.Y.T. 1971, c. C-17 Rp. S.Y.T. 1980 (1st), c. 14, s. 16
Coroners	C-18	In. R.S.Y.T. 1971, c. C-18 Am. S.Y.T. 1972 (2nd), c. 17 Am. S.Y.T. 1984, c. 45, s. 11
Corporation Securities Registration	C-19	In. R.S.Y.T. 1971, c. C-19 Am. S.Y.T. 1980 (1st), c. 20, s. 6 Rp. S.Y.T. 1980 (2nd), c. 20, s. 74
Corrections	C-19.1	En. S.Y.T. 1973 (1st), c. 2 Am. S.Y.T. 1980 (1st), c. 20, s. 7 Am. S.Y.T. 1984, c. 2, s. 186
Court of Appeal	C-20	In. R.S.Y.T. 1971, c. C-20 Am. S.Y.T. 1974 (2nd), c. 4 Am. S.Y.T. 1981 (2nd), c. 3 Am. S.Y.T. 1984, c. 35
Court Worker Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 3
Credit Union	C-20.1	En. S.Y.T. 1977 (1st), c. 2 Rp. S.Y.T. 1980 (1st), c. 5
Credit Unions	C-21	In. R.S.Y.T. 1971, c. C-21 Am. S.Y.T. 1975 (2nd), c. 8 Am. S.Y.T. 1976 (1st), c. 6 Rp. S.Y.T. 1977 (1st), c. 2, s. 158
Creditors' Relief	C-22	In. R.S.Y.T. 1971, c. C-22
Curfew	C-23	In. R.S.Y.T. 1971, c. C-23 Rp. S.Y.T. 1984, c. 45, s. 13
Custody of Federal Parole Violators Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 4
Dawson, City of, General Purposes Loan	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 25
Dawson City Utilities Replacement	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 14 Am. S.Y.T. 1980 (2nd), c. 16, s. 3 Am. S.Y.T. 1981 (2nd), c. 11, s. 1
Dawson General Purposes Loan	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 31
Dawson Historic Sites Aid Grants	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 21 Rp. S.Y.T. 1984, c. 45, s. 14
Day Care	D-01	En. S.Y.T. 1979 (2nd), c. 3 Am. S.Y.T. 1980 (2nd), c. 16, s. 4 Am. S.Y.T. 1983, c. 19
Defamation	D-1	In. R.S.Y.T. 1971, c. D-1 Am. S.Y.T. 1980 (2nd), c. 5 Am. S.Y.T. 1984, c. 45, s. 15

Dental Profession	D-2	In. R.S.Y.T. 1971, c. D-1 Am. S.Y.T. 1973 (1st), c. 9 Am. S.Y.T. 1979 (1st), c. 1 Am. S.Y.T. 1984, c. 3 Am. S.Y.T. 1984, c. 36
Dependants' Relief	D-3	In. R.S.Y.T. 1971, c. D-3 Rp. S.Y.T. 1980 (2nd), c. 6
Dependants' Relief	D-3.1	En. S.Y.T. 1980 (2nd), c. 6 Am. S.Y.T. 1981 (1st), c. 10, s. 3
Denture Technicians	D-3.5	En. S.Y.T. 1984, c. 36
Devolution of Real Property	D-4	In. R.S.Y.T. 1971, c. D-4
Disabled Persons' Allowance	D-5	In. R.S.Y.T. 1971, c. D-5 Rp. S.Y.T. 1975 (1st), c. 11
Distress	D-6	In. R.S.Y.T. 1971, c. D-6 Am. S.Y.T. 1980 (2nd), c. 20, s. 77 Am. S.Y.T. 1984, c. 45, s. 16
Dog	D-7	In. R.S.Y.T. 1971, c. D-7 Am. S.Y.T. 1980 (2nd), c. 16, s. 5
Economic and Regional Development Agreement	E-.05	En. S.Y.T. 1983, c. 17
Elections	E-1	In. R.S.Y.T. 1971, c. E-1 Am. S.Y.T. 1974 (2nd), c. 5 Am. S.Y.T. 1975 (3rd), c. 6 Am. S.Y.T. 1977 (1st), c. 9 Am. S.Y.T. 1977 (2nd), c. 2 Am. S.Y.T. 1977 (2nd), c. 3, s. 104 Am. S.Y.T. 1978 (1st), c. 4 Rp. S.Y.T. 1979 (2nd), c. 18, s. 5
Elections	E-1.1	En. S.Y.T. 1977 (2nd), c. 3 Am. S.Y.T. 1980 (1st), c. 20, s. 8 Am. S.Y.T. 1980 (2nd), c. 7 Am. S.Y.T. 1981 (2nd), c. 4 Am. S.Y.T. 1983, c. 18
Elections, 1977	E-1.2	See Elections, c. E-1.1
Electoral District Boundaries	E-1.3	En. S.Y.T. 1977 (2nd), c. 2 Am. S.Y.T. 1981 (2nd), c. 11, s. 2 Am. S.Y.T. 1982 (1st), c. 1 Am. S.Y.T. 1984, c. 37
Electoral District Boundaries Commission	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 1 Sp. June 17, 1974
Electoral District Boundaries Commission	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 3 Sp. November 7, 1977
Electoral District Boundaries Commission	N.C.N.R.	En. S.Y.T. 1984, c. 4 Sp. November 1, 1984
Electrical Protection	E-2	In. R.S.Y.T. 1971, c. E-2 Rp. S.Y.T. 1976 (3rd), c. 3
Electrical Protection	E-2.01	En. S.Y.T. 1976 (3rd), c. 3 Am. S.Y.T. 1984, c. 38
Electrical Public Utilities	E-2.1	En. S.Y.T. 1972 (1st), c. 4 Am. S.Y.T. 1974 (2nd), c. 6 Rp. S.Y.T. 1984, c. 26, s. 79

Elevator and Fixed Conveyances	E-3	In. R.S.Y.T. 1971, c. E-3
Emergency Medical Aid	E-3.1	En. S.Y.T. 1976 (3rd), c. 1
Employment Agencies	E-4	In. R.S.Y.T. 1971, c. E-4 Rp. S.Y.T. 1972 (1st), c. 5
Employment Agencies	E-4.1	En. S.Y.T. 1972 (1st), c. 5
Employment Expansion and Development	N.C.N.R.	En. S.Y.T. 1983, c. 1
Employment Standards	E-4.5	En. S.Y.T. 1984, c. 5 X
Energy Conservation Agreement	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 6
Energy Conservation Assistance	E-4.7	En. S.Y.T. 1984, c. 6
Engineering Profession	E-5	In. R.S.Y.T. 1971, c. E-5
Evidence	E-6	In. R.S.Y.T. 1971, c. E-6 Am. S.Y.T. 1980 (1st), c. 7 Am. S.Y.T. 1980 (1st), c. 20, s. 9 Am. S.Y.T. 1981 (1st), c. 10, s. 4
Executions	E-6.1	En. S.Y.T. 1980 (1st), c. 8
Executive Council	E-6.2	En. S.Y.T. 1982, c. 16
Exemptions	E-7	In. R.S.Y.T. 1971, c. E-7 Am. S.Y.T. 1984, c. 22, s. 2 Am. S.Y.T. 1984, c. 45, s. 17
Expropriation	E-8	In. R.S.Y.T. 1971, c. E-8 Am. S.Y.T. 1984, c. 45, s. 18
Factors	F-1	In. R.S.Y.T. 1971, c. F-1 Am. S.Y.T. 1980 (2nd), c. 16, s. 6 Am. S.Y.T. 1980 (2nd), c. 20, s. 78
Fair Practices	F-2	In. R.S.Y.T. 1971, c. F-2 Am. S.Y.T. 1974 (2nd), c. 7
Faro General Purposes Loan	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 30
Faro General Purposes Loan	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 27
Fatal Accidents	F-3	In. R.S.Y.T. 1971, c. F-3 Rp. S.Y.T. 1980 (1st), c. 9
Fatal Accidents	F-3.1	En. S.Y.T. 1980 (1st), c. 9
Fifth Appropriation, 1971-72	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 28
Fifth Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 16
Fifth Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 21
Fifth Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 5
Fifth Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1982, c. 19
Fifth Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1984, c. 7
Fifth Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1984, c. 8
<i>Fifth Appropriation, 1984-85</i>	<i>N.C.N.R.</i>	<i>En. S.Y.T. 1985, c. 1</i>
Financial Administration	F-4	In. R.S.Y.T. 1971, c. F-4 Rp. S.Y.T. 1976 (3rd), c. 4

Financial Administration	F-4.1	En. S.Y.T. 1976 (3rd), c. 4 Rp. S.Y.T. 1983, c. 19
Financial Administration	F-4.2	En. S.Y.T., 1983, c. 19 Am. S.Y.T., 1984, c. 9
Financial Agreement, 1973	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 28
Financial Agreement, 1974	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 22
Financial Agreement, 1975	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 21
Financial Agreement, 1976	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 10
Financial Agreement, 1977	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 14
Financial Agreement, 1978	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 19
Financial Agreement, 1979	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 8
Financial Agreement, 1980	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 10
Financial Agreement, 1981	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 1
Financial Agreement, 1982	N.C.N.R.	En. S.Y.T. 1982, c. 10
Financial Agreement, 1983	N.C.N.R.	En. S.Y.T. 1983, c. 2 Am. S.Y.T. 1984, c. 10, s. 7
Financial Agreement, 1984	N.C.N.R.	En. S.Y.T. 1984, c. 10
Fire Prevention	F-5	In. R.S.Y.T. 1971, C. F-5 Am. S.Y.T. 1972 (1st), c. 18 Am. S.Y.T. 1973 (1st), c. 10 Am. S.Y.T. 1980 (2nd), c. 12 Am. S.Y.T. 1980 (2nd), c. 16, s. 7
Firearms Administration Agreement	N.C.N.R.	En. S.Y.T. 1979 (1st), C. 3
First Appropriation, 1972-73	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 27
First Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 21
First Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 17
First Appropriation, 1975-76	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 20
First Appropriation, 1976-77	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 11
First Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 15
First Appropriation, 1978-79	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 18
First Appropriation, 1979-80	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 7
First Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1979 (2nd), c. 4
First Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1980 (2nd), c. 8
First Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1980 (2nd), c. 5
First Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1982, c. 20
First Appropriation, 1984-85	N.C.N.R.	En. S.Y.T. 1983, c. 20
First Appropriation, 1985-86	N.C.N.R.	En. S.Y.T. 1984, c. 39

Fitness and Amateur Sport Agreement	F-6	In. R.S.Y.T. 1971, C. F-6 Rp. S.Y.T. 1984, c. 45, s. 19
Flag	F-7	In. R.S.Y.T. 1971, C. F-7
Floral Emblem	F-8	In. R.S.Y.T. 1971, c. F-8
Forest Protection	F-9	In. R.S.Y.T. 1971, c. F-9 Am. S.Y.T. 1980 (1st), c. 20, s. 10 Am. S.Y.T. 1984, c. 22, s. 3
Fourth Appropriation, 1972-73	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 20
Fourth Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1973 (4th), c. 24
Fourth Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 20
Fourth Appropriation, 1975-76	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 12
Fourth Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 17
Fourth Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1980 (2nd), c. 6
Fourth Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1982 (1st), c. 2
Fourth Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1983, c. 3
Fourth Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1983, c. 21
Fourth Appropriation, 1984-85	N.C.N.R.	En. S.Y.T. 1984, c. 40
Fraudulent Preferences and Conveyances	F-9.1	En. S.Y.T. 1973 (1st), c. 3
Frustrated Contracts	F-10	In. R.S.Y.T. 1971, c. F-10 Rp. S.Y.T. 1980 (1st), c. 11
Frustrated Contracts	F-10.1	En. S.Y.T. 1980 (1st), c. 11
Fuel Oil Tax	F-11	In. R.S.Y.T. 1971, c. F-11 Rp. S.Y.T. 1973 (1st), c. 4
Fuel Oil Tax	F-11.1	En. S.Y.T. 1973 (1st), c. 4 Am. S.Y.T. 1975 (2nd), c. 9 Am. S.Y.T. 1979 (1st), c. 2 Am. S.Y.T. 1981 (1st), c. 2
Fur Export	F-12	In. R.S.Y.T. 1971, c. F-12 Am. S.Y.T. 1979 (2nd), c. 5 Rp. S.Y.T. 1981 (2nd), c. 16, s. 193
Game	G-1	In. R.S.Y.T. 1971, C. G-1 Am. S.Y.T. 1972 (1st), c. 19 Am. S.Y.T. 1973 (1st), c. 11 Am. S.Y.T. 1975 (2nd), c. 10 Am. S.Y.T. 1975 (3rd), c. 7 Am. S.Y.T. 1979 (2nd), c. 6 Am. S.Y.T. 1980 (2nd), c. 9 Am. S.Y.T. 1980 (2nd), c. 16, s. 8 Rp. S.Y.T. 1981 (2nd), c. 16, s. 193
Gaols	G-2	In. R.S.Y.T. 1971, c. G-2
Garage Keepers' Lien	G-3	In. R.S.Y.T. 1971, c. G-3 Am. S.Y.T. 1980 (2nd), c. 20, s. 79
Garnishee	G-4	In. R.S.Y.T. 1971, c. G-4 Rp. S.Y.T. 1980 (1st), c. 12

Garnishee	G-4.1	En. S.Y.T. 1980 (1st), c. 12
Gasoline Handling	G-5	En. S.Y.T. 1972 (1st), c. 6 Am. S.Y.T. 1984, c. 45, s. 20
General Development Agreement	G-5.1	En. S.Y.T. 1977 (1st), c. 4
Government Employee Housing Plan	G-6	En. S.Y.T. 1975 (1st), c. 5 Am. S.Y.T. 1980 (1st), c. 13 Am. S.Y.T. 1980 (1st), c. 20, s. 11 Am. S.Y.T. 1983, c. 19 Am. S.Y.T. 1984, c. 11
Government Employees Unemployment Insurance Agreement Act	G-7	En. S.Y.T. 1984, c. 12
Hairdressers Act	N.C.N.R.	En. S.Y.T. 1967 (1st), c. 4 Rp. S.Y.T. 1984, c. 45, s. 21
Health Care Insurance Plan	H-1	In. R.S.Y.T. 1971, c. H-1 Am. S.Y.T. 1981 (1st), c. 3 Am. S.Y.T. 1983, c. 19 Am. S.Y.T. 1984, c. 41
Highways	H-1.1	En. S.Y.T. 1975 (3rd), c. 1 Am. S.Y.T. 1976 (3rd), c. 5 Am. S.Y.T. 1978 (1st), c. 5
Historic Sites and Monuments	H-2	In. R.S.Y.T. 1971, c. H-2 Am. S.Y.T. 1975 (2nd), c. 11
Home Owners' Grant	H-2.1	En. S.Y.T. 1976 (1st), c. 1 Am. S.Y.T. 1976 (3rd), c. 6 Am. S.Y.T. 1978 (1st), c. 6 Am. S.Y.T. 1980 (2nd), c. 10 Am. S.Y.T. 1981 (1st), c. 4
Hospital Insurance Services	H-3	In. R.S.Y.T. 1971, c. H-3 Am. S.Y.T. 1975 (3rd), c. 8 Am. S.Y.T. 1984, c. 42
Hotels and Tourist Establishments	H-4	In. R.S.Y.T. 1971, c. H-4
Housing	H-5	In. R.S.Y.T. 1971, c. H-5
Housing Corporation	H-5.1	En. S.Y.T. 1972 (1st), c. 7 Am. S.Y.T. 1983, c. 19
Housing Development	H-6	In. R.S.Y.T. 1971, c. H-6 Am. S.Y.T. 1975 (2nd), c. 12 Am. S.Y.T. 1984, c. 45, s. 22
Human Tissue Gift	H-7	En. S.Y.T. 1980 (1st), c. 14
Immunity of Members	I-1	In. R.S.Y.T. 1971, c. I-1 Rp. S.Y.T. 1978 (1st), c. 2, s. 42
Income Tax	I-1.01	En. S.Y.T. 1979 (2nd), c. 7 Am. S.Y.T. 1980 (2nd), c. 11 Am. S.Y.T. 1981 (2nd), c. 7 Am. S.Y.T. 1983, c. 4 Am. S.Y.T. 1984, c. 13
Institute of Chartered Accountants	I-1.1	En. S.Y.T. 1976 (3rd), c. 2

Insurance	I-2	In. R.S.Y.T. 1971, c. I-2 Rp. S.Y.T. 1977 (1st), c. 1, s. 236
Insurance	I-2.01	En. S.Y.T. 1977 (1st), c. 1 Am. S.Y.T. 1977 (2nd), c. 4, s. 257 Am. S.Y.T. 1980 (1st), c. 15 Am. S.Y.T. 1980 (1st), c. 20, s. 12 Am. S.Y.T. 1980 (2nd), c. 16, s. 9 Am. S.Y.T. 1982, c. 21
Insurance Premium Tax	I-2.1	En. S.Y.T. 1976 (1st), c. 2 Am. S.Y.T. 1976 (3rd), c. 7 Am. S.Y.T. 1980 (2nd), c. 12
Interim Supply Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 23
Interim Supply Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 16
Interim Supply Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 5
Interim Supply Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1982 (1st), c. 4
Interim Supply Appropriation, 1982-83 (no. 2)	N.C.N.R.	En. S.Y.T. 1982, c. 11
Interim Supply Appropriation, 1982-83 (no. 3)	N.C.N.R.	En. S.Y.T. 1982, c. 12
Interim Supply Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1983, c. 5
Interim Supply Appropriation, 1983-84 (No. 2)	N.C.N.R.	En. S.Y.T. 1983, c. 6
Interim Supply Appropriation, 1984-85	N.C.N.R.	En. S.Y.T. 1984, c. 14
Interim Supply Appropriation, 1984-85 (No. 2)	N.C.N.R.	En. S.Y.T. 1984, c. 15
<i>Interim Supply Appropriation, 1985-86</i>	<i>N.C.N.R.</i>	<i>En. S.Y.T. 1985, c. 2</i>
International Child Abduction (Hague Convention)	I-2.2	En. S.Y.T. 1981 (1st), c. 6 Rp. S.Y.T. 1984, c. 2, s. 187
Interpretation	I-3	In. R.S.Y.T. 1971, c. I-3 Am. S.Y.T. 1973 (1st), c. 12 Am. S.Y.T. 1974 (2nd), c. 8 Am. S.Y.T. 1979 (2nd), c. 2, s. 4 Am. S.Y.T. 1980 (1st), c. 20, s. 13 Am. S.Y.T. 1980 (1st), c. 30, s. 35 Am. S.Y.T. 1980 (2nd), c. 20, s. 80 Am. S.Y.T. 1982 (1st), c. 4 Am. S.Y.T. 1983, c. 19 Am. S.Y.T. 1984, c. 2, s. 191.1
Interprovincial Subpoena	I-3.1	En. S.Y.T. 1981 (1st), c. 7
Intestate Succession	I-4	In. R.S.Y.T. 1971, c. I-4 Am. S.Y.T. 1984, c. 2, s. 188

Judicature	J-1	In. R.S.Y.T. 1971, c. J-1 Am. S.Y.T. 1975 (2nd), c. 13 Am. S.Y.T. 1980 (1st), c. 28, s. 1 Am. S.Y.T. 1980 (1st), c. 30, s. 35 Am. S.Y.T. 1980 (2nd), c. 13* Am. S.Y.T. 1980 (2nd), c. 15 Am. S.Y.T. 1980 (2nd), c. 20, s. 81 Am. S.Y.T. 1981 (2nd), c. 8 Am. S.Y.T. 1983, c. 19 Am. S.Y.T. 1984, c. 2, s. 189
Jury	J-2	In. R.S.Y.T., c. J-2 Am. S.Y.T. 1984, c. 45, s. 23
Justice of the Peace	J-3	In. R.S.Y.T. 1971, c. J-3 Am. S.Y.T. 1976 (3rd), c. 8 Rp. S.Y.T. 1979 (2nd), c. 8, s. 23
Justice of the Peace Court	J-3.1	En. S.Y.T. 1979 (2nd), c. 8 Am. S.Y.T. 1981 (2nd), c. 9 Rp. S.Y.T. 1983, c. 10, s. 13
Labour Standards	L-1	In. R.S.Y.T. 1971, c. L-1 Am. S.Y.T. 1973 (1st), c. 13 Am. S.Y.T. 1974 (2nd), c. 9 Am. S.Y.T. 1975 (1st), c. 14 Am. S.Y.T. 1975 (3rd), c. 9 Rp. S.Y.T. 1984, c. 5, s. 108 X
Land Acquisition Fund	L-1.1	En. S.Y.T. 1976 (2nd), c. 1 Rp. S.Y.T. 1983, c. 19
Land Planning	L-1.2	En. S.Y.T. 1982, c. 22*
Landlord and Tenant	L-2	In. R.S.Y.T. 1971, c. L-2 Am. S.Y.T. 1972 (1st), c. 20 Am. S.Y.T. 1980 (1st), c. 20, s. 14 Am. S.Y.T. 1981 (2nd), c. 10 Am. S.Y.T. 1982, c. 23 Am. S.Y.T. 1984, c. 16
Lands	L-3	In. R.S.Y.T. 1971, c. L-3 Rp. S.Y.T. 1972 (1st), c. 8, 14
Lands	L-3.01	En. S.Y.T. 1972 (1st), c. 8, 14 Am. S.Y.T. 1981 (1st), c. 8
Legal Aid	L-3.1	En. S.Y.T. 1975 (3rd), c. 2 Rp. S.Y.T. 1984, c. 18*
Legal Profession	L-4	In. R.S.Y.T. 1971, c. L-4 Am. S.Y.T. 1975 (3rd), c. 10 Am. S.Y.T. 1979 (2nd), c. 9 Am. S.Y.T. 1980 (1st), c. 20, s. 15 Rp. S.Y.T. 1984, c. 17 X
Legal Profession	L-4.1	En. S.Y.T. 1984, c. 17 X
Legal Profession Accounts	L-5	In. R.S.Y.T. 1971, c. L-5 Am. S.Y.T. 1980 (1st), c. 20, s. 16 Rp. S.Y.T. 1984, c. 17, s. 115 X
Legal Services Society	L-5.05	En. S.Y.T. 1984, c. 18*

Legislative Assembly	L-5.1	En. S.Y.T. 1978 (1st), c. 2 Am. S.Y.T. 1979 (2nd), c. 18 Am. S.Y.T. 1980 (2nd), c. 25 Am. S.Y.T. 1981 (1st), c. 20 Am. S.Y.T. 1982 (1st), c. 9 Am. S.Y.T. 1982, c. 24 Am. S.Y.T. 1983, c. 22 Am. S.Y.T. 1983, c. 23 Am. S.Y.T. 1984, c. 43
Legislative Assembly Retirement Allowances	L-5.2	En. S.Y.T. 1984, c. 19
Legitimation	L-6	In. R.S.Y.T. 1971, c. L-6 Rp. S.Y.T. 1984, c. 2, s. 190
Limitation of Actions	L-7	In. R.S.Y.T. 1971, c. L-7 Am. S.Y.T. 1984, c. 45, s. 24
Liquor	L-8	In. R.S.Y.T. 1971, c. L-8 Am. S.Y.T. 1976 (1st), c. 3, s. 5 Am. S.Y.T. 1976 (3rd), c. 9 Am. S.Y.T. 1977 (1st), c. 13 Am. S.Y.T. 1979 (2nd), c. 10* Am. S.Y.T. 1980 (1st), c. 17 Am. S.Y.T. 1980 (1st), c. 20, s. 17 Am. S.Y.T. 1982, (2nd), c. 25 Am. S.Y.T. 1983, c. 19 Am. S.Y.T. 1984, c. 20 <i>Am. S.Y.T. 1985, c. 3</i>
Liquor Tax	L-8.1	En. S.Y.T. 1976 (1st), c. 3 Am. S.Y.T. 1977 (1st), c. 10 Am. S.Y.T. 1980 (1st), c. 18
Loan Agreement (1972), No. 1	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 26
Loan Agreement (1973), No. 1	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 29
Loan Agreement (1973), No. 2	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 30
Loan Agreement (1974), No. 1	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 24
Loan Agreement (1975), No. 1	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 22
Loan Agreement (1975), No. 2	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 14
Loan Agreement (1976), No. 1	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 13
Loan Agreement (1977), No. 1	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 19
Loan Agreement (1978), No. 1	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 20
Loan Agreement (1979), No. 1	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 9
Loan Agreement (1980), No. 1	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 19 Rp/Re. S.Y.T. 1980 (2nd), c. 14
Loan Agreement (1981), No. 1	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 9
Loan Agreement (1982), No. 1	N.C.N.R.	En. S.Y.T. 1982 (1st), c. 5 Am. S.T.T. 1984, c. 44
Local Improvement District	L-9	In. R.S.Y.T. 1971, c. L-9 Am. S.Y.T. 1972 (1st), c. 21 Am. S.Y.T. 1972 (2nd), c. 22 Am. S.Y.T. 1977 (1st), c. 11 Am. S.Y.T. 1977 (1st), c. 22 Am. S.Y.T. 1977 (2nd), c. 6 Rp. S.Y.T. 1980 (2nd), c. 17, s. 441

Lord's Day	L-10	In. R.S.Y.T. 1971, c. L-10
Lotteries	L-10.1	En. S.Y.T. 1974 (2nd), c. 2 Rp. S.Y.T. 1983, c. 26
Low Cost Housing	L-11	In. R.S.Y.T. 1971, c. L-11
Magistrate's Court	M-1	See Territorial Court
Maintenance	M-2	In. R.S.Y.T. 1971, c. M-2 Am. S.Y.T. 1980 (1st), c. 30, s. 34 Rp. S.Y.T. 1980 (2nd), c. 15 See Matrimonial Property & Family Support.
Marriage	M-3	In. R.S.Y.T. 1971, c. M-3 Am. S.Y.T. 1981 (1st), c. 10, s. 5 Am. S.Y.T. 1984, c. 45, s. 25
Married Women's Property	M-4	In. R.S.Y.T. 1971, c. M-4
Matrimonial Property	M-4.1	See Matrimonial Property & Family Support
Matrimonial Property & Family Support	M-4.1	En. S.Y.T. 1979 (2nd), c. 11 Am. S.Y.T. 1980 (2nd), c. 15 Am. S.Y.T. 1980 (2nd), c. 16, s. 10 Am. S.Y.T. 1981 (2nd), c. 11, s. 3 Am. S.Y.T. 1984, c. 2, s. 191
Mechanics' Lien	M-5	In. R.S.Y.T. 1971, c. M-5 Am. S.Y.T. 1980 (2nd), c. 20, s. 82 Am. S.Y.T. 1984, c. 45, s. 26
Mediation Board	M-5.1	En. S.Y.T. 1972 (1st), c. 9 Am. S.Y.T. 1984, c. 22, s. 4
Medical Profession	M-6	In. R.S.Y.T. 1971, c. M-6 Am. S.Y.T. 1975 (3rd), c. 11 Am. S.Y.T. 1978 (1st), c. 7 Rp. S.Y.T. 1979 (2nd), c. 12, s. 63
Medical Profession	M-6.1	En. S.Y.T. 1979 (2nd), c. 12 Am. S.Y.T. 1980 (2nd), c. 16, s. 11 Am. S.Y.T. 1983, c. 13 Am. S.Y.T. 1984, c. 36
Mental Health	M-7	In. R.S.Y.T. 1971, c. M-7 Am. S.Y.T. 1973 (1st), c. 14 Am. S.Y.T. 1980 (1st), c. 20, s. 18 Am. S.Y.T. 1984, c. 21
Metric Information Agreement	N.C.N.R.	En. S.Y.T. 1977 (2nd), c. 12
Miners' Lien	M-8	In. R.S.Y.T. 1971, c. M-8
Mining Safety	M-9	In. R.S.Y.T. 1971, c. M-9 Am. S.Y.T. 1974 (2nd), c. 10 Am. S.Y.T. 1975 (1st), c. 15 Am. S.Y.T. 1978 (1st), c. 8 Rp. S.Y.T. 1984, c. 46*
Motion Pictures	M-10	In. R.S.Y.T. 1971, c. M-10 Rp. S.Y.T. 1981 (2nd), c. 12, s. 2

Motor Transport		See Transport Public Utilities
Motor Vehicles	M-11	In. R.S.Y.T. 1971, c. M-11 Am S.Y.T. 1972 (1st), c. 23 Am. S.Y.T. 1973 (1st), c. 15 Am. S.Y.T. 1974 (2nd), c. 11 Am. S.Y.T. 1975 (3rd), c. 12 Am. S.Y.T. 1976 (2nd), c. 4 Am. S.Y.T. 1977 (1st), c. 1, s. 235 Rp. S.Y.T. 1977 (2nd), c. 4, s. 253 Am. S.Y.T. 1983, c. 24
Motor Vehicles	M-11.1	En. S.Y.T. 1977 (2nd), c. 4 Am. S.Y.T. 1980 (1st), c. 20, s. 19 Am. S.Y.T. 1980 (1st), c. 21 Am. S.Y.T. 1980 (1st), c. 30, s. 35 Am. S.Y.T. 1980 (1st), c. 32, s. 26 Am. S.Y.T. 1980 (2nd), c. 17, s. 440 Am. S.Y.T. 1981 (2nd), c. 11, s. 4 Am. S.Y.T. 1982, c. 26 Am. S.Y.T. 1983, c. 24 Am. S.Y.T. 1984, c. 23
Municipal	M-12	En. S.Y.T. 1972 (1st), c. 10 Am. S.Y.T. 1975 (1st), c. 16 Am. S.Y.T. 1975 (2nd), c. 14 Am. S.Y.T. 1976 (3rd), c. 10 Am. S.Y.T. 1977 (2nd), c. 7 Am. S.Y.T. 1980 (1st), c. 20, s. 20 Am. S.Y.T. 1980 (1st), c. 30, s. 35 Rp. S.Y.T. 1980 (2nd), c. 17, s. 441
Municipal	M-12.1	En. S.Y.T. 1980 (2nd), c. 17 Am. S.Y.T. 1981 (1st), c. 10, s. 7 Am. S.Y.T. 1981 (2nd), c. 11, s. 5 Am. S.Y.T. 1981 (2nd), c. 13 Am. S.Y.T. 1982, c. 13 Am. S.Y.T. 1983, c. 13 Am. S.Y.T. 1983, c. 25 <i>Am. S.Y.T. 1985, c. 4</i>
Municipal Aid	M-13	En. S.Y.T. 1972 (1st), c. 11 Rp. S.Y.T. 1981 (1st), c. 11, s. 21
Municipal Elections	M-14	En. S.Y.T. 1972 (1st), c. 12 Rp. S.Y.T. 1980 (2nd), c. 17, s. 441
Municipal Employees Benefits	M-15	En. S.Y.T. 1975 (2nd), c. 1 Rp. S.Y.T. 1980 (2nd), c. 17, s. 441
Municipal Finance	M-15.1	En. S.Y.T. 1981 (1st), c. 11 Am. S.Y.T. 1981 (2nd), c. 11, s. 6 Am. S.Y.T. 1981 (2nd), c. 14 Am. S.Y.T. 1982, c. 27 Am. S.Y.T. 1984, c. 24
Municipal General Purposes Loan (1974)	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 25
Municipal General Purposes Loan (1975)	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 23
Municipal General Purposes Loan (1976)	N.C.N.R.	En. S.Y.T. 1976 (1st), c. 15
Municipal General Purposes Loan (1977)	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 20
Municipal General Purposes Loan (1978)	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 21

Municipal General Purposes Loan (1979)	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 10
Municipal General Purposes Loan (1980)	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 22 Am. S.Y.T. 1980 (2nd), c. 18
Municipal General Purposes Loan (1981)	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 12
Newspaper	N-1	In. R.S.Y.T. 1971, c. N-1 Rp. S.Y.T. 1981 (2nd), c. 12, s. 3
Noise Prevention	N-2	In. R.S.Y.T. 1971, c. N-2
Notaries	N-3	In. R.S.Y.T. 1971, c. N-3 Am. S.Y.T. 1974 (2nd), c. 12 Am. S.Y.T. 1984, c. 45, s. 27
Northern Natural Gas Pipeline Agreement	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 4
Occupational Health and Safety	0-.05	En. S.Y.T. 1984, c. 46*
Occupational Training	0-0.1	En. S.Y.T. 1975 (1st), c. 6
Old Age Assistance and Blind Persons' Allowance	0-1	In. R.S.Y.T. 1971, c. 0-1 Rp. S.Y.T. 1975 (1st), c. 12
Optometry	0-2	In. R.S.Y.T. 1971, c. 0-2 Am. S.Y.T. 1982, c. 28
Parks	P-01	En. S.Y.T. 1979 (2nd), c. 13 Am. S.Y.T. 1980 (2nd), c. 16, s. 12 Am. S.Y.T. 1983, c. 19
Partnership	P-1	In. R.S.Y.T. 1971, c. P-1 Am. S.Y.T. 1977 (2nd), c. 8 Am. S.Y.T. 1980 (1st), c. 20, s. 21 Am. S.Y.T. 1980 (2nd), c. 19 Am. S.Y.T. 1980 (2nd), c. 20, s. 83 Am. S.Y.T. 1982, c. 29
Pawnbrokers and Second-Hand Dealers	P-2	In. R.S.Y.T. 1971, c. P-2
Perpetuities	P-3	In. R.S.Y.T. 1971, c. P-3 Rp. S.Y.T. 1980 (1st), c. 23
Perpetuities	P-3.1	En. S.Y.T. 1980 (1st), c. 23
Personal Property Security	P-3.2	En. S.Y.T. 1980 (2nd), c. 20 Am. S.Y.T. 1982, c. 30
Pharmaceutical Chemists	P-4	In. R.S.Y.T. 1971, c. P-4 Am. S.Y.T. 1973 (1st), c. 16 Am. S.Y.T. 1975 (3rd), c. 13
Pioneer Utility Grant	P-4.1	En. S.Y.T. 1978 (1st), c. 1 Am. S.Y.T. 1980 (1st), c. 20, s. 22 Am. S.Y.T. 1981 (1st), c. 13 Am. S.Y.T. 1981 (2nd), c. 11, s. 7 Am. S.Y.T. 1982 (1st), c. 6 Am. S.Y.T. 1984, c. 47
Plebiscite	P-5	In. R.S.Y.T. 1971, c. P-5
Pounds	P-6	In. R.S.Y.T. 1971, c. P-6 Am. S.Y.T. 1973 (1st), c. 17 Am. S.Y.T. 1980 (1st), c. 20, s. 23

Presumption of Death	P-7	In. R.S.Y.T. 1971, c. P-7 Rp. S.Y.T. 1980 (1st), c. 24
Presumption of Death	P-7.1	En. S.Y.T. 1980 (1st), c. 24
Public Health	P-8	In. R.S.Y.T. 1971, c. P-8 Am. S.Y.T. 1972 (1st), c. 24 Am. S.Y.T. 1975 (3rd), c. 14
Public Inquiries	P-8.1	En. S.Y.T. 1973 (1st), c. 5
Public Lotteries	P-8.2	En. S.Y.T. 1983, c. 26
Public Printing	P-9	In. R.S.Y.T. 1971, c. P-9
Public Sector Compensation Restraint (Yukon)	P-9.1	En. S.Y.T. 1982, c. 31 Am. S.Y.T. 1983, c. 7 Am. S.Y.T. 1984, c. 25
Public Service	P-10	In. R.S.Y.T. 1971, c. P-10 Rp. S.Y.T. 1976 (2nd), c. 2, s. 217
Public Service Commission	P-10.1	En. S.Y.T. 1976 (2nd), c. 2
Public Service Staff Relations	P-11	In. R.S.Y.T. 1971, c. P-11 Am. S.Y.T. 1974 (2nd), c. 13 Am. S.Y.T. 1976 (3rd), c. 11
Public Utilities	P-12	En. S.Y.T. 1984, c. 26
Purchase and Supply Services Agreement	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 31
Real Estate Agents' Licensing	R-0.1	En. S.Y.T. 1977 (1st), c. 5 Am. S.Y.T. 1980 (1st), c. 20, s. 24. Am. S.Y.T. 1984, c. 27
Reciprocal Enforcement of Judgments	R-1	In. R.S.Y.T. 1971, c. R-1 Am. S.Y.T. 1980 (2nd), c. 21 Am. S.Y.T. 1981 (1st), c. 10, s. 8
Reciprocal Enforcement of Maintenance Orders	R-2	In. R.S.Y.T. 1971, c. R-2 Rp. S.Y.T. 1980 (1st), c. 25
Reciprocal Enforcement of Maintenance Orders	R-2.1	En. S.Y.T. 1980 (1st), c. 25
Recording of Evidence by Sound Apparatus	R-3	In. R.S.Y.T. 1971, c. R-3
Recreation	R-3.05	En. S.Y.T. 1983, c. 27
Recreation Development	R-3.1	En. S.Y.T. 1977 (1st), c. 6 Am. S.Y.T. 1980 (2nd), c. 17, s. 440 Rp. S.Y.T. 1983, c. 27
Regulations	R-4	In. R.S.Y.T. 1971, c. R-4 Am. S.Y.T. 1980 (1st), c. 20, s. 25 Am. S.Y.T. 1984, c. 45, s. 28
Rehabilitation Services	R-5	In. R.S.Y.T. 1971, c. R-5 Am. S.Y.T. 1975 (1st), c. 17
Rental-Purchase Housing	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 25
Retirement Plan Beneficiaries	R-5.1	En. S.Y.T. 1979 (2nd), c. 14

Robert Campbell Bridge Agreement	N.C.N.R.	En. S.Y.T. 1973 (4th), c. 32
Sale of Goods	S-1	In. R.S.Y.T. 1971, c. S-1
Saw Logs Driving	S-2	In. R.S.Y.T. 1971, c. S-2 Rp. S.Y.T. 1981 (2nd), c. 12, s. 4
School	S-3	In. R.S.Y.T. 1971, c. S-3 Rp. S.Y.T. 1974 (2nd), c. 14
School	S-3.1	En. S.Y.T. 1974 (2nd), c. 14 Am. S.Y.T. 1980 (2nd), c. 22 Am. S.Y.T. 1983, c. 8 Am. S.Y.T. 1984, c. 22, s. 5
School Trespass	S-3.2	En. S.Y.T. 1981 (1st), c. 14
Scientists and Explorers	S-4	In. R.S.Y.T. 1971, c. S-4
Second Appropriation, 1972-73	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 29
Second Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 22
Second Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 18
Second Appropriation, 1975-76	N.C.N.R.	En. S.Y.T. 1975 (2nd), c. 17
Second Appropriation, 1976-77	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 18
Second Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 16
Second Appropriation, 1978-79	N.C.N.R.	En. S.Y.T. 1979 (1st), c. 6
Second Appropriation, 1979-80	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 26
Second Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 27
Second Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 15
Second Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1982, c. 32
Second Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1983, c. 9
Second Appropriation, 1984-85	N.C.N.R.	En. S.Y.T. 1984, c. 28
Securities	S-5	In. R.S.Y.T. 1971, c. S-5 Am. S.Y.T. 1976 (3rd), c. 12 Am. S.Y.T. 1980 (1st), c. 20, s. 26 Am. S.Y.T. 1980 (2nd), c. 20, s. 84 Am. S.Y.T. 1983, c. 13 Am. S.Y.T. 1984, c. 29
Seniors' Income Supplement	S-5.1	En. S.Y.T. 1982 (1st), c. 7
Sixth Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 19
Small Claims		See Judicature
Social Assistance	S-6	In. R.S.Y.T. 1971, c. S-6 Am. S.Y.T. 1980 (2nd), c. 16, s. 13
Societies	S-7	In. R.S.Y.T. 1971, c. S-7 Am. S.Y.T. 1974 (2nd), c. 15 Am. S.Y.T. 1980 (1st), c. 20, s. 27 Am. S.Y.T. 1980 (2nd), c. 23 Am. S.Y.T. 1983, c. 13

Society of Industrial Accountants	S-7.1	See Society of Management Accountants
Society of Management Accountants	S-7.2	En. S.Y.T. 1975 (2nd), c. 2 Am. S.Y.T. 1977 (2nd), c. 9 Am. S.Y.T. 1983, c. 28
Special Rural Development Agreement (Special ARDA)	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 15
Stabilization Fund Loan	S-7.3	En. S.Y.T. 1977 (1st), c. 7 Am. S.Y.T. 1978 (1st), c. 9 Rp. S.Y.T. 1980 (1st), c. 29
Steam Boilers	S-8	In. R.S.Y.T. 1971, c. S-8 Rp. S.Y.T. 1979 (2nd), c. 1, s. 4
Students' Financial Assistance	S-8.1	En. S.Y.T. 1975 (2nd), c. 3 Am. S.Y.T. 1978 (1st), c. 10 Am. S.Y.T. 1982, c. 14 Am. S.Y.T. 1983, c. 19
Students' Grants	S-9	In. R.S.Y.T. 1971, c. S-9 Rp. S.Y.T. 1975 (2nd), c. 6
Summary Convictions	S-9.1	En. S.Y.T. 1980 (1st), c. 30
Superannuation, Territorial Employees	S-10	In. R.S.Y.T. 1971, c. S-10 Am. S.Y.T. 1975 (2nd), c. 16
Supervision of Federal Parolees Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 7
Supreme Court	S-10.1	In. R.S.Y.T. 1971, c. T-2 Am. S.Y.T. 1971 (3rd), c. 3 Am. S.Y.T. 1979 (2nd), c. 15 Am. S.Y.T. 1980 (1st), c. 28, s. 3 Am. S.Y.T. 1983, c. 16
Survival of Actions	S-10.2	En. S.Y.T. 1981 (1st), c. 16
Survivorship	S-11	In. R.S.Y.T. 1971, c. S-11 Rp. S.Y.T. 1980 (1st), c. 31
Survivorship	S-11.1	En. S.Y.T. 1980 (1st), c. 31
Taxation	T-0.1	See Assessment and Taxation
Tenants in Common	T-1	In. R.S.Y.T. 1971, c. T-1
Territorial Court	T-2	See Supreme Court
Territorial Court	T-2.05	In. R.S.Y.T. 1971, c. M-1 Am. S.Y.T. 1979 (2nd), c. 2 Am. S.Y.T. 1980 (1st), c. 28, s. 2 Am. S.Y.T. 1983, c. 10
Territorial Municipal Employment Loans	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 33
Third Appropriation, 1972-73	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 19
Third Appropriation, 1973-74	N.C.N.R.	En. S.Y.T. 1973 (3rd), c. 23
Third Appropriation, 1974-75	N.C.N.R.	En. S.Y.T. 1974 (2nd), c. 19
Third Appropriation, 1975-76	N.C.N.R.	En. S.Y.T. 1975 (3rd), c. 15

Third Appropriation, 1976-77	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 16
Third Appropriation, 1977-78	N.C.N.R.	En. S.Y.T. 1977 (1st), c. 17
Third Appropriation, 1978-79	N.C.N.R.	En. S.Y.T. 1979 (2nd), c. 17
Third Appropriation, 1979-80	N.C.N.R.	En. S.Y.T. 1980 (2nd), c. 24
Third Appropriation, 1980-81	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 17
Third Appropriation, 1981-82	N.C.N.R.	En. S.Y.T. 1981 (1st), c. 18
Third Appropriation, 1982-83	N.C.N.R.	En. S.Y.T. 1982, c. 33
Third Appropriation, 1983-84	N.C.N.R.	En. S.Y.T. 1983, c. 11
Third Appropriation, 1984-85	N.C.N.R.	En. S.Y.T. 1984, c. 30 Am. S.Y.T. 1985, c. 40
Tobacco Tax	T-2.1	En. S.Y.T. 1974 (2nd), c. 3 Am. S.Y.T. 1976 (1st), c. 9 Am. S.Y.T. 1978 (1st), c. 12 Am. S.Y.T. 1981 (1st), c. 19
Trade Schools Regulation	T-3	In. R.S.Y.T. 1971, c. T-3
Transfer of Prisoners Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 8
Transport Public Utilities	T-4	In. R.S.Y.T. 1971, c. T-4 Am. S.Y.T. 1980 (1st), c. 32 Am. S.Y.T. 1980 (2nd), c. 16, s. 14 Am. S.Y.T. 1982 (1st), c. 8 Am. S.Y.T. 1984, c. 31
Travel for Medical Treatment	T-4.1	En. S.Y.T. 1975 (2nd), c. 4
Travel Industry Development Agreement	N.C.N.R.	En. S.Y.T. 1975 (2nd), c. 5
Trustee	T-5	In. R.S.Y.T. 1971, c. T-5 Am. S.Y.T. 1980 (1st), c. 33 Am. S.Y.T. 1981 (1st), c. 16, s. 12
Unemployment Assistance Agreement Repeal	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 13
Variation of Trusts	V-1	In. R.S.Y.T. 1971, c. V-1
Vital Statistics	V-2	In. R.S.Y.T. 1971, c. V-2 Am. S.Y.T. 1973 (1st), c. 18 Am. S.Y.T. 1984, c. 2, s. 192
Wages Recovery	W-1	In. R.S.Y.T. 1971, c. W-1 Rp. S.Y.T. 1984, c. 5, s. 108X
Warehouse Receipts	W-1.5	En. S.Y.T. 1981 (2nd), c. 15
Warehousemen's Lien	W-2	In. R.S.Y.T. 1971, c. W-2 Am. S.Y.T. 1980 (2nd), c. 20, s. 85
Whitehorse, An Ordinance to open a certain portion of Land in the City of	N.C.N.R.	En. S.Y.T. 1978 (1st), c. 13
Whitehorse General Purposes Loan (1972)	N.C.N.R.	En. S.Y.T. 1972 (1st), c. 32

Whitehorse General Purposes Loan (1973)	N.C.N.R.	En. S.Y.T. 1973 (1st), c. 34
Whitehorse (Takhini and Valleyview) Lands	N.C.N.R.	En. S.Y.T. 1975 (2nd), c. 18
Wildlife	W-2.5	En. S.Y.T. 1981 (2nd), c. 16 Am. S.Y.T. 1982, c. 15 Am. S.Y.T. 1982, c. 34 Am. S.Y.T. 1984, c. 45, s. 29
Will's	W-3	In. R.S.Y.T. 1971, c. W-3
Woodmen's Lien	W-4	In. R.S.Y.T. 1971, c. W-4 Am. S.Y.T. 1980 (2nd), c. 20, s. 86 Rp. S.Y.T. 1984, c. 45, s. 31
Workers' Compensation	W-4.1	In. R.S.Y.T. 1971, c. W-5 Rp/Re. S.Y.T. 1973 (3rd), c. 6 Am. S.Y.T. 1975 (3rd), c. 6, s. 4 Am. S.Y.T. 1977 (2nd), c. 10 Am. S.Y.T. 1980 (1st), c. 20, s. 28 Am. S.Y.T. 1981 (1st), c. 10, s. 6 Am. S.Y.T. 1982, c. 35 Am. S.Y.T. 1983, c. 19 Am. S.Y.T. 1983, c. 29 Am. S.Y.T. 1984, c. 45, s. 30
Workmen's Compensation	W-5	See Workers' Compensation
Workmen's Compensation Supplementary Benefits	N.C.N.R.	En. S.Y.T. 1973 (3rd), c. 7
Young Offenders Agreement	N.C.N.R.	En. S.Y.T. 1984, c. 32
Young Offenders Welfare Agreement	N.C.N.R.	En. S.Y.T. 1976 (2nd), c. 3
Young Voyageur Agreement	N.C.N.R.	En. S.Y.T. 1975 (1st), c. 9
Yukon Council	Y-1	See Legislative Assembly
Yukon River Basin Study Agreement	N.C.N.R.	En. S.Y.T. 1980 (1st), c. 34 Am. S.Y.T. 1983, c. 30
Yukon Tartan	Y-2	En. S.Y.T. 1984, c. 48

