

**YUKON
TERRITORY**

REVISED STATUTES 1986 SUPPLEMENT/APPENDIX 1987

Revised Statutes of the Yukon, 1986
Supplement
And
Appendix

This Supplement is a republication of Acts enacted by the Legislature of the Yukon Territory between May 28, 1986, the cut-off date for inclusion in the RSY, and October 12, 1987, the date on which the RSY 1986 came into force.

The Appendix is a republication of the Statutes of the Yukon, 1987, chapters 24 to 33. These chapters were originally published in Volume 3 of the SY 1987. They are reproduced here in their original form.

Sam Cawley
Queen's Printer for the Yukon Territory
Whitehorse, Yukon

Revised Statutes of the Yukon, 1986

Supplement

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Revised Statutes of the Yukon, 1986

Supplement

Explanatory Note

This Supplement contains the Acts that were passed between May 28, 1986, the cut-off date for inclusion in the RSY 1986, and October 12, 1987, the day on which the RSY's 1986 came into force.

The Acts in this Supplement have been adapted to the style, terminology, and numbering of Volumes 1 and 2 of RSY 1986. They are arranged in alphabetical order and their chapter numbers have been assigned in series according to that order. They are a republication of Acts originally published as SY 1986, c. 20 to 26 and SY 1987, c. 1 to 23. The first page of each Act in the Supplement shows the day of assent and the Statutes of Yukon chapter number of the corresponding original Act.

CHAPTER 1

(RSY 1986, Supplement)

AN ACT TO AMEND THE ASSESSMENT AND TAXATION ACT

(enacted as SY 1986, c. 20, assented to on Dec. 18, 1986)

1. This Act amends the Assessment and Taxation Act.

2. In the definition of “collector” or “collector of taxes” the expression “Deputy Head of Community and Transportation Services” is substituted for the expression “Executive Council Member”.

3. Section 1 is amended by striking out the definition of “depreciation”.

4. The following section is added immediately after section 25:

Late filing of complaint of assessment

“25.1(1) Notwithstanding subsection 25(3), where a person does not file a complaint within 30 days of the mailing of the assessment notice, the person may, with special leave of the assessment appeal board, make application to the assessment appeal board for an order directing the assessment review board to hear the complaint.

(2) An application to the assessment appeal board under subsection (1) shall be made in the same manner as a notice of appeal under subsection 39(3) and shall be delivered to an assessor within 90 days of the mailing of an assessment notice.”

5. In subsection 36(1), the expression “Executive Council Member” is substituted for the word “Commissioner in Executive Council”.

6. In paragraph 49(1)(d) the expression “but the exemption under this paragraph does not extend to the improvements or any part of the lands owned by a religious body that are used for residential, farming or agricultural purposes, or building or improvements used in connection with those purposes.” is added after the expression “community service”.

7. Section 2 of this Act shall come into force on January 1, 1987.

CHAPTER 2

(RSY 1986, Supplement)

AN ACT TO AMEND THE BRANDS ACT, HIGHWAYS ACT AND POUNDS ACT

(enacted as SY 1987, c. 7, assented to on April 16, 1987)

Brands Act

1.(1) This section amends the Brands Act.

(2) In section 1 the following is substituted for the definition of “brand”;

“ ‘brand’ means any character or combination of characters impressed upon the skin of stock, or any other prescribed means of animal identification, for the purpose of denoting ownership of the stock, but does not include the marking of an animal by a pound keeper under the Pounds Act;”.

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

“ ‘impressed’ includes the placing or marking of any brand upon stock;”.

(4) The following subsection is substituted for subsection 9(2):

“(2) An impression of a brand upon stock shall be made

(a) by an iron

(i) that has a face that is in no place less than six millimetres in width, and

(ii) that is capable of making an impression of the brand not less than 75 millimetres in either height or width, as the case may be, or

(b) in any other prescribed manner.”

Highways Act

2. The following sections are added to the Highways Act immediately after section 29:

Animals straying on highway

“29.1(1) For the purposes of this section and section 29.2 animal has the same meaning as in the Pounds Act.

(2) No person shall allow any animal owned by the person or in the person’s care to be within 30 metres of the centre of a prescribed highway unless the animal is in a person’s control.

(3) A person who contravenes subsection (2) is guilty of an offence and is liable

(a) for a first offence, to a fine of \$100,

(b) for a second offence within three years, to a fine of \$300, and

- (c) for each subsequent offence within three years, to a fine of \$500.
- (4) Where the owner of an animal is guilty of a third or subsequent offence under paragraph (3)(c), the animal with respect to that offence shall be forfeited to the Government of the Yukon.

Impounding animals on highways

- 29.2 If an animal is within 30 metres of the centre of a prescribed highway and the animal is not under anyone's control, a person designated by the Executive Council Member may capture the animal and deliver it to the pound keeper in the nearest pound district."

Pounds Act

- 3.(1) This section amends the Pounds Act.
- (2) The following section is added immediately after section 7:

Animals seized on highways

"7.1 If an animal has been seized and delivered to a pound keeper under section 29.2 of the Highways Act, the pound keeper shall impound the animal and the animal shall be dealt with as if seized and impounded under this Act."

- (3) The following section is added immediately after section 8:

Marking impounded animals

"8.1(1) Where an animal has been seized and impounded, the pound keeper shall mark the animal in the prescribed manner.

- (2) No person shall remove or deface a marking affixed to an animal by a pound keeper under subsection (1)."

- (4) The following section is added immediately after section 11:

Notice and sale where owner is guilty of third offence

"11.1(1) Where the owner of an animal is found guilty of a third or subsequent offence in respect of the animal under section 22.1

- (a) the animal with respect to that offence shall be forfeited to the Government of the Yukon, and
- (b) the pound keeper in possession of the animal shall sell the animal at public auction after posting notices for at least ten days of the time and place of the auction in three of the most public places in the pound district.

- (2) Subsections 9(2) and (3) do not apply to an animal being sold under this section."

- 4. Subsection 22 is amended by adding the expression "subject to section 22.1" at the beginning.

5. The following section is added immediately after section 22:

“22.1(1) No person shall allow any animal owned by the person or in the person’s care to run at large in a pound district

(2) A person who contravenes subsection (1) is guilty of an offence and is liable

(a) for a first offence, to a fine of \$100,

(b) for a second offence within three years, to a fine of \$300, and

(c) for each subsequent offence within three years, to a fine of \$500.”

6. Section 2 of this Act shall come into force by a day to be fixed by the Commissioner in Executive Council.

CHAPTER 3

(RSY 1986, Supplement)

AN ACT TO AMEND THE BUSINESS DEVELOPMENT ASSISTANCE ACT

(enacted as SY 1987, c. 8, assented to on April 16, 1987)

1. This Act amends the Business Development Assistance Act.
2. Subsection 5(3) is repealed.
3. The following heading and section is inserted immediately after section 21:

Guarantees of Debt

“22.1 Subject to regulations, the Executive Council Member may grant a guarantee of a debt instead of or in addition to approving financial assistance.”

CHAPTER 4

(RSY 1986, Supplement)

FIFTH APPROPRIATION ACT, 1985-86

(enacted as SY 1986, c. 21, assented to on Dec. 18, 1986)

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 appearing 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 in March 31, 1986.

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

1. This Act may be cited as the Fifth Appropriation Act, 1985-86.

2.(1) In addition to the sum of \$48,207,000 provided for in the First Appropriation Act, 1985-86 and the sum of \$165,880,000 provided for in the Second Appropriation Act, 1985-86 and the sum of \$25,056,000 provided for in the Third Appropriation Act, 1985-86 and the sum of \$5,044,000 provided for in the Fourth Appropriation Act, 1985-86, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$32,000 for defraying the several charges and expenses of the public service of Yukon payable in the period of 12 months ending on March 31, 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", the Financial Administration Act and, subject to that Act, the estimates accompanying the message from the Commissioner.

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

(3) The 1985-86 grant to the Yukon Housing Corporation pursuant to subsection 17(2) of the Housing Corporation Act shall be \$1,316,000 for operational costs and \$222,000 for capital costs excluding depreciation.

FIFTH APPROPRIATION ACT, 1985-86

SCHEDULE A

		\$ (Dollars in 000's)		
Operation and Maintenance Votes		Voted to Date	This Appro- priation	Total Voted (Current Spend- ing Authority)
01	Yukon Legislative Assembly	1,770	-	1,770
02	Executive Council Office	4,012	-	4,012
09	Community and Transportation Services	39,783	-	39,783
07	Economic Development: Mines and Small Business	3,185	-	3,185
03	Education	36,615	-	36,615
12	Finance	2,898	32	2,930
16	Government Services	10,630	-	10,630
15	Health and Human Resources	35,017	-	35,017
08	Justice	14,836	-	14,836
10	Public Service Commission	12,419	-	12,419
14	Renewable Resources	5,804	-	5,804
13	Tourism	3,386	-	3,386
	Loan Capital	4,700	-	4,700
	Loan Amortization	1,859	-	1,859
	Subtotal Operation and Maintenance	176,914	32	176,946
 Capital Votes				
02	Executive Council Office	5	-	5
09	Community and Transportation Services	31,218	-	31,218
07	Economic Development: Mines and Small Business	5,675	-	5,675
03	Education	7,138	-	7,138
16	Government Services	5,913	-	5,913
15	Health and Human Resources	2,361	-	2,361
08	Justice	10,172	-	10,172
14	Renewable Resources	1,243	-	1,243
13	Tourism	3,548	-	3,548
	Subtotal Capital	67,273	-	67,273
	Total	244,187	32	244,219

CHAPTER 5

(RSY 1986, Supplement)

FIFTH APPROPRIATION ACT, 1986-87

(enacted as SY 1987, c. 9, assented to on April 16, 1987)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that, in addition to the sums previously appropriated, the sums not appearing in parenthesis in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of the Yukon and for related purposes for the period of 12 months ending in March 31, 1987;

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

1. This Act may be cited as the Fifth Appropriation Act, 1986-87.

2.(1) In addition to the sum of \$80,935,000 provided for in the First Appropriation Act, 1986-87, the sum of \$173,940,000 provided for in the Second Appropriation Act, 1986-87 and the sum of \$21,359,000 provided for in the Third Appropriation Act, 1986-87 and the sum of \$7,247,000 provided for in the Fourth Appropriation Act, 1986-87, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$234,000 for defraying the several charges and expenses of the public service of the Yukon payable in the period of 12 months ending on March 31, 1987, as set forth in Schedule "A" of this Act and that sum shall not be paid or applied except in accordance with Schedule "A", the Financial Administration Act and, subject to that Act, the estimates accompanying the message from the Commissioner.

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

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

FIFTH APPROPRIATION ACT, 1986-87

SCHEDULE A

		(Dollars in 000's)		
Operation and Maintenance Votes		Voted to Date	This Appro- priation	Total Voted (Current Spend- ing Authority)
01	Yukon Legislative Assembly	1,526	20	1,546
02	Executive Council Office	4,080	(210)	3,870
09	Community and Transportation Services	41,661	110	41,771
07	Economic Development: Mines and Small Business	4,095	406	4,501
03	Education	39,870	501	40,371
12	Finance	3,086	353	3,439
16	Government Services	11,781	968	12,749
15	Health and Human Resources	36,900	(504)	36,396
08	Justice 15,731 677 16,408			
10	Public Service Commission	3,115	275	3,390
14	Renewable Resources	6,371	(50)	6,321
13	Tourism	4,359	(412)	3,947
11	Women's Directorate	208	5	213
	Loan Capital	1,000	-	1,000
	Loan Amortization	1,875		1,875
	Subtotal Operation and Maintenance	175,658	2,139	177,797
Capital Votes				
02	Executive Council Office	21	-	21
09	Community and Transportation Services	52,942	(1,585)	51,357
07	Economic Development: Mines and Small Business	11,617	603	12,220
03	Education	20,838	(927)	19,911
16	Government Services	6,675	126	6,801
15	Health and Human Resources	2,022	(60)	1,962
08	Justice	5,899	168	6,067
14	Renewable Resources	2,144	(52)	2,092
13	Tourism	5,665	(178)	5,487
	Subtotal Capital	107,823	(1,905)	105,918
	Total	283,481	234	283,715

CHAPTER 6

(RSY 1986, Supplement)

AN ACT TO AMEND THE FINANCIAL ADMINISTRATION ACT

(enacted as SY 1987, c. 10, assented to on April 16, 1987)

1. This Act amends the Financial Administration Act.

2.(1) In the definition of “contract” in subsection 1(1), the words “the expenditure of public money or the giving of any other consideration” are substituted for the words “the expenditure of public money”, and the words “the payment of public money or the giving of consideration” are substituted for the words “the payment of money or the giving of consideration” are substituted for the words “the payment of money”.

(2) In the definition of “department”, in subsection 1(1), the words “and includes the Women’s Directorate and any” are substituted for the words “and includes any”.

(3) In subsection 1(1), the definition of “Treasurer” is repealed.

(4) The words “Deputy Head of the Department of Finance” are substituted for the word “Treasurer” wherever the latter appears in the Act.

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

“(3) The Commissioner in Executive Council may appoint a secretary of the Management Board.”

4. The following is substituted for section 42:

“42. Subject to any other Act, the Management Board may issue directives

- (a) establishing fees for the provision of a service by the government to any person or for the use of public property by any person,
- (b) establishing conditions subject to which a service may be provided by the government to any person or to which public property may be used by any person,
- (c) authorizing public officers to provide to any person a service or the use of public property and to make agreements for the provision of the service or use.”

5.(1) Paragraph 44(1)(a) and subsections 44(2) and (3) are repealed.

(2) In paragraph 44(1)(c), the figure “\$1,750,000” is substituted for the figure “\$800,000”.

6. The following heading and section is inserted immediately after section 44:

Road Equipment Reserve Fund

“44.1(1) There shall be a Road Equipment Reserve Fund which shall be used for the replacement of road equipment.

- (2) Expenditures from the Road Equipment Reserve Fund shall not exceed the accumulated revenues in the Fund at the time of the expenditure and shall not exceed \$5,000,000 in a fiscal year.
- (3) Revenues from the sale, lease, or other use of road equipment shall be credited to the Road Equipment Reserve Fund, unless Management Board directs otherwise.
- (4) The Management Board may issue directives respecting
 - (a) the accounts to be kept,
 - (b) the method of charging and crediting the fund,
 - (c) the method of valuing the inventory of the fund, and
 - (d) any other matter it considers necessary governing the operation of the fund.
- (5) For the Road Equipment Reserve Fund, there shall be included in the Public Accounts
 - (a) the assets and liabilities of the Fund, and
 - (b) a summary of the transaction of the Fund.”

7. The following clause is substituted for clause 72(1)(g)(iv):

“(iv) the Yukon Development Corporation.”

8. The following subsection is added to section 75:

- “(3) A directive under this Act shall be filed with the Regulations Clerk and be available for inspection by any person and shall be published in the Yukon Gazette.”

CHAPTER 7

(RSY 1986, Supplement)

FIRST APPROPRIATION ACT, 1987-88

(enacted as SY 1987, c. 1 assented to on Feb. 12, 1987)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that the sums mentioned in Schedules "A" and "B" 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, 1988;

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

1. This Act may be cited as the First Appropriation Act, 1987-88.

2. From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$114,302,000 for defraying the several charges and expenses of the public service of Yukon payable in the period of 12 months ending on March 31, 1988, as set forth in Schedules "A" and "B" of this Act and that sum shall not be paid or applied except in accordance with Schedules "A", "B", "C" and the Financial Administration Act.

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

FIRST APPROPRIATION ACT, 1987-88

SCHEDULE A

Capital Votes		\$ (Dollars in 000's)
02	Executive Council Office	44
09	Community and Transportation Services	56,291
07	Economic Development: Mines and Small Business	12,652
03	Education	22,618
16	Government Services	9,068
15	Health and Human Resources	5,996
08	Justice	178
14	Renewable Resources	1,747
13	Tourism	2,842
18	Yukon Housing Corporation	2,740
19	Yukon Liquor Corporation	126
Total		<hr/> 114,302 <hr/>

FIRST APPROPRIATION ACT, 1987-88

SCHEDULE B

GRANTS

Capital Votes	Purpose/Legislation	\$ (Dollars in 000's) Grant Amount
02	Executive Council Office	-
09	Community and Transportation Services	-
07	Economic Development: Mines and Small Business	-
03	Education	-
16	Government Services	-
15	Health and Human Resources	-
	- Day Care Development	300
	- Community Health & Social Service Agency Development	80
08	Justice	-
14	Renewable Resources	-
13	Tourism	-
18	Yukon Liquor Corporation	-
19	Yukon Housing Corporation	-
	Total	380

FIRST APPROPRIATION ACT, 1987-88

SCHEDULE C

OBJECTIVES

DEPARTMENTAL OBJECTIVES

EXECUTIVE COUNCIL OFFICE

- To provide the Executive Council and Yukon Government departments with a range of services intended to promote and coordinate activities relevant to the provision of analysis, support and advice on all matters relating to the activities of the Government as a whole.

DEPARTMENT OF COMMUNITY AND TRANSPORTATION SERVICES

- To promote local self-government and to provide support to municipalities to offer the services and facilities which reflect their needs and to provide municipal services in un-organized communities.
- To provide for the planning, development and management of Yukon land and its use and to make land available to meet the needs of the Yukon.
- To plan, develop, maintain and regulate a transportation infra-structure and related services to support the social and economic development of the Yukon.
- To support the development of arts, sports and community recreation throughout the Yukon.
- To foster the development and provision of communication services to enhance the cultural, economic and leisure opportunities of Yukoners.

DEPARTMENT OF ECONOMIC DEVELOPMENT: MINES AND SMALL BUSINESS

- To promote development of a self-sustaining Yukon economy, with a balance and diversification of primary, secondary, and service industries, providing an acceptable level of income for Yukon residents in either wages or in kind.
- To increase the participation of Yukoners in employment, management, and ownership of Yukon business: to decrease leakage of wages and profits from the Territory, and increase economic returns, capital accumulation, and local influence on economic decision-making for the Yukon.
- To promote a more equitable distribution of economic benefits throughout all regions and segments of the population.

DEPARTMENT OF EDUCATION

- To ensure that all Yukoners are provided with the learning opportunities to achieve their maximum possible potential by the department planning, developing, managing and evaluating:
 - Primary, elementary and secondary education for all school age children;
 - French language programs;
 - Adult training and continuing education programs;
 - Manpower planning services, employment development and job retention programs;
 - Library and archival services.
 - To provide funds for the development, promotion and evaluation of the Native language program and for the training of local instructors for the program, and to provide the required central support.

DEPARTMENT OF GOVERNMENT SERVICES

- To provide goods and services to all the Yukon Government's departments and agencies so that the physical resources of the government are acquired, allocated and utilized in an efficient and optimum manner.
- To co-ordinate and facilitate the Yukon Government's relationship with the private sector.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

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

DEPARTMENT OF JUSTICE

- To respond to Yukon community needs to provide services designated to reduce crime and to serve and protect victims and potential victims.
- To provide police services designed to preserve law and order.
- To provide court services.
- To provide secure housing and correctional services designed to protect communities from past offenders and to provide rehabilitative services to past offenders.
- To maintain safe employment, orderly and responsible commercial and professional services in the Yukon and to promote the public interest in labour-management harmony and the consumer interest in commercial and professional activities.
- To provide legal services to the Yukon Government.

DEPARTMENT OF RENEWABLE RESOURCES

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

DEPARTMENT OF TOURISM

- To promote and develop the Yukon as a tourism destination for the economic and social benefit of Yukoners and to assist the private sector in similar efforts.
- To develop, enhance and transmit, for the benefit of all Yukoners and visitors, an appreciation and understanding of the Yukon's heritage as well as to preserve these resources for present and future generations.

YUKON LIQUOR CORPORATION

- To provide for and to regulate the purchase, transportation and sale of alcoholic beverages in the Yukon.

YUKON HOUSING CORPORATION

- To ensure the provision and availability of suitable and affordable accommodation to Yukon households in need, senior citizens, the disabled and special needs groups.
- To ensure the provision and availability of suitable accommodation to Government of Yukon staff living outside of Whitehorse, and to administer the Government's Employee Housing Buy-Back Program.
- To foster and promote programs that will assist the housing industry to supply adequate housing within Yukon.
- To create and promote an environment of community participation in the design development and delivery of housing programs.

CHAPTER 8

(RSY 1986, Supplement)

FOURTH APPROPRIATION ACT, 1986-87

(enacted as SY 1987, c. 2 assented to on April 16, 1987)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that, in addition to the sums previously appropriated, the sums not appearing in parenthesis in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of the Yukon and for related purposes for the period of 12 months ending in March 31, 1987;

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

1. This Act may be cited as the Fourth Appropriation Act, 1986-87.

2.(1) In addition to the sum of \$80,935,000 provided for in the First Appropriation Act, 1986-87 and the sum of \$173,940,000 provided for in the Second Appropriation Act, 1986-87 and the sum of \$21,359,000 provided for in the Third Appropriation Act, 1986-87, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$7,247,000 for defraying the several charges and expenses of the public service of the Yukon payable in the period of 12 months ending on March 31, 1987, as set forth in Schedule "A" of this Act and that sum shall not be paid or applied except in accordance with Schedule "A", the Financial Administration Act and, subject to that Act, the estimates accompanying the message from the Commissioner.

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

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

FOURTH APPROPRIATION ACT, 1986-87

SCHEDULE A

		\$ (Dollars in 000's)		
Operation and Maintenance Votes		Voted to Date	This Appro- priation	Total Voted (Current Spend- ing Authority)
01	Yukon Legislative Assembly	1,526	-	1,526
02	Executive Council Office	4,080	-	4,080
09	Community and Transportation Services	41,661	-	41,661
07	Economic Development: Mines and Small Business	4,095	-	4,095
03	Education	38,704	1,166	39,870
12	Finance	3,086	-	3,086
16	Government Services	11,781	-	11,781
15	Health and Human Resources	36,900	-	36,900
08	Justice	15,731	-	15,731
10	Public Service Commission	3,115	-	3,115
14	Renewable Resources	5,819	552	6,371
13	Tourism	4,359	-	4,359
11	Women's Directorate	208	-	208
	Loan Capital	1,000	-	1,000
	Loan Amortization	1,875	-	1,875
Subtotal Operation and Maintenance		173,940	32	175,658
Capital Votes				
02	Executive Council Office	21	-	21
09	Community and Transportation Services	49,942	3,000	52,942
07	Economic Development: Mines and Small Business	11,617	-	11,617
03	Education	20,328	510	20,838
16	Government Services	6,394	281	6,675
15	Health and Human Resources	1,970	52	2,022
08	Justice	5,351	548	5,899
14	Renewable Resources	1,705	439	2,144
13	Tourism	4,966	699	5,665
Subtotal Capital		102,294	5,529	107,823
Total		276,234	7,247	283,481

CHAPTER 9

(RSY 1986, Supplement)

GAS BURNING DEVICES ACT

(enacted as SY 1987, c. 11 assented to on April 16, 1987)

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

Interpretation

1. In this Act,

“alter” includes repair;

“appliance” means a device that utilizes gas to produce light, heat or power;

“contractor” means a person who carries on a business, the purpose of which is the installation or alteration of appliances, house piping, vents and gas installations;

“dealer” means a person who maintains a place of business for the sale of appliances;

“gas” means natural or manufactured gas, liquified petroleum gas or any mixture of those gases;

“gas fitter” means a person holding a gas fitter’s licence issued under this Act;

“gas installation” means a facility or system, including fittings, that is owned or operated by a gas company or a public utility and that it is used for storing, conveying, measuring or regulating gas;

“house piping” means the gas piping, including fittings, in any premises beyond the outlet of the meter or the gas supply tank and includes propane tanks and cylinders;

“public utility” means a public utility as defined in the Public Utilities Act;

“vent” means a conduit or passageway for conveying the products of combustion from a gas appliance to the outer air.

Application

2.(1) Subject to subsection (2), this Act applies to the manufacture, sale, installation and alteration of appliances, house piping, vents and gas installations.

(2) This Act does not apply to

- (a) a piping system used to refine or process gas in any way,
- (b) an internal combustion engine, turbine, or any other prime mover, other than a stationary engine that is supplied with gas by house piping, or
- (c) appliances, house piping, vents or gas installations that are exempted by the Commissioner in Executive Council from the operation of this Act.

(3) Where there is a conflict between this Act and the Public Utilities Act, this Act shall prevail.

Appointment of inspectors

3.(1) The Commissioner in Executive Council may appoint one or more inspectors to carry out the provisions of this Act.

(2) Every inspector has the authority to enforce the provisions of this Act and to issue any licence or permit under this Act.

Approval seal

4.(1) Except as otherwise provided by the regulations, no dealer shall sell or offer for sale any appliance that does not bear the approval seal of a prescribed testing agency or association.

(2) No person shall apply an approval seal unless the provisions of this Act have been complied with.

Permits for installation or alteration

5.(1) Subject to the regulations, no person shall install or alter an appliance, house piping, a vent or a gas installation unless a permit has been issued authorizing the installation or alteration.

(2) Regulations under subsection (1) may prescribe

- (a) classes of installations and alterations,
- (b) qualifications to be possessed by applicants for the performance of all or part of the work with respect to any class of installation or alteration, and
- (c) terms and conditions governing the performance of work with respect to any class of installation or alteration.

(3) Regulations under subsection (1) may provide for exemptions from the need to obtain a permit for all or part of the work with respect to any class of installation or alteration.

(4) An inspector may, upon the issuance of a permit, impose such terms and conditions respecting the installation or alteration of an appliance, house piping, a vent or a gas installation as may be necessary to ensure the safety of the installation or alteration.

(5) Where by reason of the distance of the premises from a place where there is a licensed gas fitter, the expense of doing work may be unreasonable, an inspector may subject to any conditions necessary issue a permit to do gas fitting and emergency repairs or service on equipment.

Application for permit

6. An application for a permit under section 5

- (a) shall be in the prescribed form,
- (b) shall be accompanied by the prescribed fee, and
- (c) shall be accompanied by such plans and specifications and contain such information as may be prescribed.

Authorization before use

7. Where an appliance, house piping, a vent or a gas installation has been installed or altered, no person shall use or permit the use of the house piping, appliance, vent or gas installation unless

- (a) a permit has been issued and the inspector has approved the installation or alteration of the appliance, house piping, vent or gas installation, or
- (b) the use of the appliance, house piping, vent or gas installation is permitted by the regulations without authorization of an inspector.

Inspector may examine dealer's stock

8.(1) Every inspector may, examine appliances in the course of manufacture or repair and appliances in the stock of dealers and manufacturers of appliances during their hours of operation.

(2) Where an inspector finds that any appliance examined under subsection (1) is defective or does not comply with this Act, the inspector may, by order, prohibit the sale, offering for sale or the repair of the appliance until such time as the provisions of the Act have been complied with.

Powers of inspectors

9.(1) An inspector may, subject to this section, enter any premises in respect of which a permit has been issued for the installation or alteration of house piping, an appliance, a vent or a gas installation in order to inspect the house piping, appliance, vent or gas installation for the purposes of this Act.

(2) Subject to this section, where an inspector has reasonable and probable grounds to believe and does believe that there is in any place an appliance, house piping, vent or gas installation that is a hazard to the occupants, or to the public generally, or that an offense contrary to this Act has been committed, the inspector may request a Justice of the Peace to issue a search warrant authorizing the inspector to enter and examine the place at such time or times as may be stated in the warrant.

(3) The inspector shall not search any place unless, immediately before the search, the inspector obtains the permission of the lawful occupant to do so, or unless the inspector has a search warrant authorizing the search.

(4) A search warrant may be issued by a justice of the peace where the justice of the peace is satisfied by information upon oath of an inspector that there are reasonable grounds for believing there to be in the place to be searched

- (a) any appliance, house piping, vent or gas installation that may be installed or altered in contravention of this Act, or
- (b) any appliance, house piping, vent or gas installation that is defective or dangerous to life or property.

(5) In the carrying out of a search under this section, an inspector may use all force that is necessary in the circumstances, including the breaking of any lock or fastening, but the inspector shall

- (a) ensure that the premises are left as secure after the search as they were at the commencement of the search, and
- (b) make a reasonable effort forthwith after the search to give notice of any action under this subsection to the owner or other person entitled to possession of the place searched.

(6) Where the owner or other person authorized to occupy a dwelling house that is not vacant is absent from the premises, an inspector shall not exercise any power under subsection (5) unless

- (a) the inspector is accompanied by a member of the Royal Canadian Mounted Police, and
- (b) the inspector has made a reasonable effort to give advance notice of the search to the owner or other person.

Order to disconnect appliances, etc.

10.(1) Where an inspector finds any appliance, house piping, vent or gas installation that has been installed in breach of this Act, or that is defective or dangerous to life or property, the inspector may

- (a) shut off the house piping to the appliance, or
- (b) order the occupier of the premises, if any, and the owner of the appliance, house piping, vent or gas installation to comply with this Act, or to shut off the appliance, house piping, vent or gas installation.

(2) Where an appliance, house piping or gas installation is disconnected or shut off under subsection (1), no person shall reconnect it or turn it on unless authorized by an inspector.

Order of inspectors

11.(1) An order or decision of an inspector under this Act may be made orally, but shall be confirmed in writing within 24 hours.

(2) An order of an inspector under this Act is not a regulation within the meaning of the Regulations Act.

Prohibition

12. No person, other than a gas fitter, shall perform the prescribed work in respect of any installation or alteration of an appliance, house piping, a vent or a gas installation.

Gas fitters

13. An inspector may issue a gas fitter's licence to a person who has the prescribed qualifications.

Contractors

14.(1) Subject to subsection (2), an inspector may issue a contractor's licence to a person to engage in business as a contractor.

(2) A licence shall not be issued under subsection (1) unless that person is a gas fitter, or has the prescribed qualifications.

Licences

15. A licence issued under this Act shall be subject to such terms and conditions as may be prescribed.

Revocation or suspension of licence

16. Every licence issued under this Act may be revoked or suspended by an inspector for violation of this Act, or for the making of any false statement in the application for the licence by the holder of the licence, by his or her agent or employee, or by a person working directly under his or her supervision.

Appeal board

17.(1) A person who is served with written notice of a decision, order or ruling of an inspector may, within 30 days after the date he or she is served with the written notice, appeal the decision, order or ruling by delivering a written notice of appeal to the Executive Council Member.

(2) For the purpose of subsection (1), the refusal to grant a licence or the revocation or suspension of a licence shall be considered a decision of an inspector.

(3) Where the Executive Council Member receives a Notice of Appeal in accordance with subsection (2), the Executive Council Member shall forthwith appoint an appeal board, consisting of three persons, at least two of whom shall be representative of the gas fitting industry, for the purposes of hearing the appeal.

(4) The Commissioner in Executive Council shall prescribe the procedural rules to be followed in respect of appeals under this section.

Power of appeal board

18. Upon hearing an appeal, an appeal board shall confirm, vary or reverse the decision, order or ruling of an inspector and may order the appellant or any other person to comply with its decision.

Regulations

19.(1) The Commissioner in Executive Council may make regulations

- (a) respecting the manufacture, installation or alteration of any appliance, house piping, vent or gas installation;
- (b) requiring any person doing work under a permit under this Act to submit the work for inspection or testing at any stage of the work;
- (c) providing that, with respect to any part of a vent, an inspector may rely on an inspection of it made under any enactment of Canada or the Yukon, or any bylaw of a municipality;
- (d) respecting the licensing of contractors and gas fitters;
- (e) providing for the granting, renewal, cancellation or suspension of any licence, or permit;
- (f) prescribing fees;

- (g) prescribing the records to be kept by inspectors, contractors, manufacturers, dealers or gas fitters;
- (h) prescribing anything required by this Act to be prescribed or provided for in the regulations;
- (i) generally, respecting any other matter the Commissioner in Executive Council considers necessary for carrying the purposes and provisions of this Act into effect.

(2) The Commissioner in Executive Council may make regulations adopting the standards of the Canadian Gas Association or any other code of rules for the construction, installation, testing or inspection of appliances, house piping, vents or gas installations promulgated by any association or body of persons.

(3) Notwithstanding the Regulations Act, in case the standards of the Canadian Gas Association or any other code of rules for the construction, installation, testing or inspection of appliances, house piping, vents or gas installations, promulgated by any association or body of persons in an available printed form is adopted in whole or in part or with variations under subsection (2), publication in the Yukon Gazette of a notice of the adoption setting out the variation subject to which it is adopted, shall be deemed sufficient publication of the regulations for this section without publication in the Yukon Gazette of the text of the code or rules or parts adopted.

Offence

20.(1) Every person who contravenes this Act, a term or condition of a licence or permit, an order of an inspector or an order of an appeal board commits an offence.

(2) Every person who commits an offence under this Act is liable on conviction to a fine of up to \$2,000 or to imprisonment for a term of six months or both.

Consequential amendments

21. The following paragraph is added to subsection 19(1) of the Electrical Protection Act:

- “(f) the replacement or repair of electrical components in a gas burning appliance by a gas fitter licensed under the Gas Burning Devices Act.”.

Commencement

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

CHAPTER 10

(RSY 1986, Supplement)

AN ACT TO AMEND THE HOME OWNER'S GRANT ACT

(enacted as SY 1986, c. 22, assented to on Dec. 18, 1986)

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

1. This Act amends the Homeowner's Grant Act.

2. In section 3

(a) the expression "Deputy Head of the Department of Community and Transportation Services" is substituted for the expression "Executive Council Member", and

(b) the word "February" is substituted for the word "January".

3. Paragraph 2(a) of this Act shall come into force on April 1, 1987.

CHAPTER 11

(RSY 1986, Supplement)

HUMAN RIGHTS ACT

(enacted as SY 1987, c. 3, assented to on Feb. 12, 1987)

Recognizing that respect for human rights is a fundamental part of Canada's heritage,

That Canada is a party to the United Nations' Universal Declaration of Human Rights and other international undertakings having as their object the improvement of human rights in Canada and other nations of the world,

That the Yukon Government has a responsibility to encourage an understanding and recognition of human rights that is consistent with Canada's international undertakings and with the initiatives taken by Canada and the provinces, and

That it is just and consistent with Canada's international undertakings to recognize and make special provision for the unique needs and cultural heritage of the aboriginal peoples of the Yukon,

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

Objects

1.(1) The objects of this Act are

- (a) to further in the Yukon the public policy that every individual is free and equal in dignity and rights,
- (b) to discourage and eliminate discrimination,
- (c) to promote recognition of the inherent dignity and worth and of the equal and inalienable rights of all members of the human family, these being principles underlying the Canadian Charter of Rights and Freedoms and the Universal Declaration of Human Rights and other solemn undertakings, international and national, which Canada honours.

(2) This Act does not affect rights pertaining to aboriginal peoples established by the Constitution of Canada or by a land claims agreement.

Multi-cultural heritage

2. This Act shall be interpreted in a manner consistent with the preservation and enhancement of the multi-cultural heritage of the residents of the Yukon.

PART 1

BILL OF RIGHTS

Right to freedom of religion and of conscience

3. Every individual and every group shall, in accordance with the law, enjoy the right to freedom of religion, conscience, opinion, and belief.

Right to freedom of expression

4. Every individual and every group shall, in accordance with the law, enjoy the right to freedom of expression, including freedom of the press and other media of communication.

Right to freedom of assembly and of association

5. Every individual and every group shall, in accordance with the law, enjoy the right to peaceable assembly with others and the right to form with others associations of any character.

Right to enjoyment and disposition of property

5.1 Every individual has a right to the peaceful enjoyment and free disposition of his or her property, except to the extent provided by law, and no one shall be deprived of that right except with just compensation.

PART 2

DISCRIMINATORY PRACTICES

Prohibited grounds

6. It is discrimination to treat any individual or group unfavourably on any of the following grounds:

- (a) ancestry, including colour and race,
- (b) national origin,
- (c) ethnic or linguistic background or origin,
- (d) religion or creed, or religious belief, religious association, or religious activity,
- (e) age,
- (f) sex, including pregnancy, and pregnancy related conditions,
- (g) sexual orientation,
- (h) physical or mental disability,
- (i) criminal charges or criminal record,
- (j) political belief, political association or political activity,
- (k) marital or family status,

- (l) actual or presumed association with other individuals or groups whose identity or membership is determined by any of the grounds listed in paragraphs (a) to (k).

Duty to provide for special needs

7.(1) Every person has a responsibility to make reasonable provisions in connection with employment, accommodations, and services for the special needs of others where those special needs arise from physical disability, but this duty does not exist where making the provisions would result in undue hardship.

(2) For the purposes of subsection (1) “undue hardship” shall be determined by balancing the advantages and disadvantages of the provisions by reference to factors such as

- (i) safety,
- (ii) disruption to the public,
- (iii) effect on contractual obligations,
- (iv) financial cost,
- (v) business efficiency.

(3) This Act does not apply to structures which at the commencement of this Act were existing and complied with the applicable requirements of the Building Standards Act and regulations under that Act.

Prohibited discrimination

8. No person shall discriminate

- (a) when offering or providing services, goods, or facilities to the public,
- (b) in connection with any aspect of employment or application for employment,
- (c) in connection with any aspect of membership in or representation by any trade union, trade association, occupational association, or professional association,
- (d) in connection with any aspect of the occupancy, possession, lease, or sale of property offered to the public,
- (e) in the negotiation or performance of any contract that is offered to or for which offers are invited from the public.

Reasonable cause

9. It is not discrimination if treatment is based on

- (a) reasonable requirements or qualifications for the employment,
- (b) on a criminal record or criminal charges relevant to the employment,
- (c) sex, so as to respect the privacy of the people to whom accommodations or a service or facility is offered, or
- (d) other factors establishing reasonable cause for the discrimination.

Exemptions

10.(1) It is not discrimination for a religious, charitable, educational, social, cultural, or athletic organization to give preference to its members or to people the organization exists to serve.

(2) It is not discrimination for individuals to give preference to members of their family.

(3) Section 8 does not apply to

- (a) the employment of a person to provide services in a private home or in any exclusively religious, charitable, educational, social, cultural or athletic organization,
- (b) the choice by an occupant of a private home of a boarder or tenant to occupy part of the home.

Systemic discrimination

11. Any conduct that results in discrimination is discrimination.

Special programs and affirmative action

12.(1) Special programs and affirmative action programs are not discrimination.

(2) Special programs are programs designed to prevent disadvantages that are likely to be suffered by any group identified by reference to a prohibited ground of discrimination.

(3) Affirmative action programs are programs designed to reduce disadvantages resulting from discrimination suffered by a group identified by reference to a prohibited ground of discrimination.

Harassment

13.(1) No person shall

- (a) harass any individual or group by reference to a prohibited ground of discrimination,
- (b) retaliate or threaten to retaliate against an individual who objects to the harassment.

(2) In subsection (1), “harass” means to engage in a course of vexatious conduct or to make a demand or a sexual solicitation or advance that one knows or ought reasonably to know is unwelcome.

Equal pay for work of equal value

14.(1) This section applies only to the Government of the Yukon and municipalities and their corporations, boards, and commissions.

(2) It is discrimination for an employer to establish or maintain a difference in wages between employees who are performing work of equal value, if the difference is based on any of the prohibited grounds of discrimination.

(3) In assessing the value of the work performed the criterion to be applied is the composite of the skill, effort, and responsibility required and the working conditions.

(4) For the purposes of this section, “wages” means any form of payment for work performed by an individual, and includes salaries, commissions, vacation pay, dismissal wages, bonuses, value for board, rent, housing, lodging, payments in kind, employer contributions to pension funds or plans, employer contributions to long-term disability plans, employer contributions to any forms of health insurance plans, and any other advantage received directly or indirectly from the individual’s employer.

(5) An employer shall not reduce wages in order to comply with this section.

PART 3

YUKON HUMAN RIGHTS COMMISSION

Human Rights Commission

15.(1) There shall be a Yukon Human Rights Commission accountable to the Legislature and the commission shall

- (a) promote the principle that every individual is free and equal in dignity and rights,
- (b) promote the principle that cultural diversity is a fundamental human value and a basic human right,
- (c) promote education and research designed to eliminate discrimination,
- (d) promote a settlement of complaints in accordance with the objects of this Act by agreement of all parties,
- (e) cause complaints which are not settled by agreement to be adjudicated, and at the adjudication adopt the position which in the opinion of the commission best promotes the objects of this Act.

(2) The commission shall conduct education and research on the principle of equal pay for work of equal value in the private sector.

Appointment of commission

16.(1) The commission shall consist of a minimum of three and a maximum of five members who shall be appointed for a term of three years by the Legislature.

(2) A member of the commission may only be removed from office by resolution of the Legislature.

Annual report of commission

17. In each fiscal year the commission shall deliver to the Speaker of the Legislature a report about the administration of this Act. The report shall not publish any names of individuals or businesses in which a complaint was dismissed or has not yet been dealt with.

Director of Human Rights

18. There shall be a Director of Human Rights responsible to the commission for

- (a) ensuring that complaints are dealt with in accordance with this Act,

- (b) carrying out, in accordance with the commission's policies and directives, the administration of this Act.

PART 4

COMPLAINTS

Complaints

19.(1) Any person believing that there has been a contravention of this Act against him or her may complain to the commission who shall investigate the complaint unless

- (a) the complaint is beyond the jurisdiction of the commission,
- (b) the complaint is frivolous or vexatious, or
- (c) the victim of the contravention asks that the investigation be stopped.

(2) A complaint must be made within six months of the alleged contravention.

Disposition of complaints by commission

20. After investigation, the commission shall

- (a) dismiss the complaint, or
- (b) try to settle the complaint on terms agreed to by the parties, or
- (c) ask a board of adjudication to decide the complaint.

Panel of adjudicators

21.(1) There shall be a panel of adjudicators to be called upon as required to adjudicate complaints.

(2) The panel of adjudicators shall consist of not less than three members, one of whom shall be designated Chief Adjudicator, who shall be appointed for a term of three years by the Legislature.

(3) A member of the panel may only be removed from the panel by resolution of the Legislature.

(4) When the commission asks that a complaint be adjudicated, the Chief Adjudicator shall establish a board of adjudication and determine its membership.

Fundamental justice

22. The board of adjudication shall conduct its hearings in accordance with the principles of fundamental justice and may exercise all the powers of a board appointed under the Public Inquiries Act.

Where complaint established

23.(1) If the complaint is proven on the balance of probabilities the board may order the party who discriminated to

- (a) stop the discrimination,
- (b) rectify any condition that causes the discrimination,
- (c) pay damages for any financial loss suffered as a result of the discrimination,

- (d) pay damages for injury to dignity, feelings, or self-respect,
- (e) pay exemplary damages if the contravention was done maliciously,
- (f) pay costs.

(2) No order made under this section shall contain a term

- (a) requiring an individual to be removed from employment if the individual accepted the position in good faith, or
- (b) requiring an occupant of a dwelling to leave if the occupant obtained possession of the dwelling in good faith.

Costs of adjudication

24. If the board of adjudication concludes that the complaint was frivolous or vexatious or that the proceedings have been frivolously or vexatiously prolonged the board may order the commission to pay to the respondent

- (a) part or all of the respondent's costs of defending against the complaint, and
- (b) damages for injury to the respondent's reputation.

24.1 If the board of adjudication concludes that the complaint was based on information that the complainant knew to be false the board may order the complainant to pay to the respondent

- (a) part or all of the respondent's costs of defending against the complaint, and
- (b) damages for injury to the respondent's reputation.

Enforcement of adjudication orders by court

25. An order of the board of adjudication may be filed in the Supreme Court and it shall then be enforceable as an order of the Supreme Court.

Appeals

26.(1) Any party to a proceeding before a board of adjudication may appeal final decisions of the board to the Supreme Court by filing a notice of appeal with the court within thirty days after the order of the board of adjudication is pronounced.

(2) The procedure for the appeal shall be the same as for an appeal in the Court of Appeal.

(3) An appeal under this section may be made on questions of law and the court may affirm or set aside the order of the board and direct the board to conduct a new hearing.

(4) The only proceeding that may be taken to set aside or vary decisions of the board is the right of appeal given by this Act.

PART 5

OFFENCES

Obstruction

27. Every person who willfully obstructs or interferes with any person acting under the authority of this Act commits an offence.

Retaliation

28. It is an offence for a person to retaliate or threaten to retaliate against any other person on the ground that the other person has done or proposes to do anything this Act permits or obliges them to do.

False reports

28.1 Any person who reports to the commission information that the person knows to be false commits an offence.

Penalties

29. A person who commits an offence under section 27, 28, or 28.1 is liable on summary conviction to a fine of up to \$2,000.

PART 6

MISCELLANEOUS

Interim injunction

30. If a complaint has been made to the commission or a prosecution has been commenced, a judge of the Supreme Court may grant a temporary injunction restraining any conduct alleged to be in contravention of this Act, or requiring the respondent or accused to comply with this Act until the complaint proceedings or prosecution have been completed.

Disclosure

31.(1) If a judge of the Supreme Court is satisfied that a request for disclosure of a document has been refused and that there are reasonable grounds to believe that the document is relevant to the investigation of a complaint, the judge may order the person who has the document to produce it for inspection and copying by the commission's investigator.

(2) Personal information under the control of the commission shall not, without the consent of the individual to whom it relates, be disclosed or be used except

- (a) in proceedings under this Act or for any other purpose for which the commission obtained the information or a purpose consistent with that purpose, or
- (b) in accordance with an order or rules of procedure of a court or other adjudicative tribunal.

Acts of employees

32. Employers are responsible for the discriminatory conduct of their employees unless it is established that the employer did not consent to the conduct and took care to prevent the conduct or, after learning of the conduct, tried to rectify the situation.

Regulations

33. After consultation with the commission, the Commissioner in Executive Council may make regulations

- (a) establishing the procedures of the commission and boards of adjudication,
- (b) regarding the hiring of people by the commission and the terms and conditions of their employment or service,
- (c) prescribing remuneration and expenses that may be paid.

Interpretation**34. In this Act**

“physical disability” means any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and includes epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, and physical reliance on a seeing eye dog or on a wheelchair or other remedial appliance or device;

“mental disability” means any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, or learning disability;

“person” includes a partnership, an unincorporated organization or association, and a trade union.

“sexual orientation” means heterosexual, homosexual or bi-sexual and refers only to consenting adults acting within the law.

Act binds Government of the Yukon Territory

35. This Act is binding upon the Government of the Yukon Territory and its corporations, boards, and commissions.

Paramountcy

36. This Act supersedes every other Act, whether enacted before or after this Act, unless it is expressly declared by the other Act that it shall supersede this Act.

Fair Practices Act

37. The Fair Practices Act is repealed.

CHAPTER 12

(RSY 1986, Supplement)

AN ACT TO AMEND THE INSURANCE ACT

(enacted as SY 1987, c. 12 assented to on April 16, 1987)

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

1. This Act amends the Insurance Act.
2. The following definition is added to section 1:
“‘compensation association’ means a body corporate or an unincorporated association designated under subsection 22.1(1) as a compensation corporation;”.
3. The following section is added immediately after section 1:

Agreements with compensation associations

“1.1 The Executive Council Member may enter into agreements with compensation associations relating to a plan for the compensation, by the compensation association, of policy holders of and eligible claimants on insolvent insurers.”

4. Subsection 21(1) is amended by adding the following clause:
“(f.1) underwriters or syndicates of underwriters operating on a plan known as The Canadian Insurance Exchange.”
5. The following section is added immediately after section 22:

Compensation associations and membership

“22.1(1) The Commissioner in Executive Council may designate a compensation association for any of the following classes of insurance:

- (a) automobile insurance;
- (b) boiler and machinery insurance;
- (c) fire insurance;
- (d) inland transportation insurance;
- (e) livestock insurance;
- (f) public liability insurance;
- (g) plate glass insurance;
- (h) property damage insurance;
- (i) sprinkler leakage insurance;

- (j) theft insurance;
- (k) weather insurance;
- (l) any other class of insurance as may be designated in the regulations.

(2) Subject to subsection (3), where a compensation association has been designated for a class of insurance under subsection (1), every insurer who is licensed to carry on that class of insurance shall be deemed to be a member of that compensation association during the period the insurer is licensed to carry on that class of insurance and for 183 days after ceasing to be so licensed.

(3) Subsection (2) does not apply to an insurer that is designated under paragraph 44(b.2), or whose business is limited to the business of reinsurance.

(4) Every member of a compensation association is bound by the by-laws and memorandum of operation of the compensation association.

(5) A member of a compensation association shall pay to the compensation association all assessments and levies made against the member by the compensation association.

(6) Where a member of a compensation association fails to pay an assessment or levy within 30 days of the mailing of the notice of the assessment or levy to the member,

- (a) the compensation association may claim the amount of the assessment or levy, with interest, as a debt due from the member, and
- (b) the superintendent may cancel the member's licence.

(7) A debt due under paragraph (6)(a), does not cease to be due upon termination of the member's membership in the compensation association."

6. The following section is added immediately after section 26:

Licensing in other jurisdictions required

"26.1(1) For the purpose of this section "province" does not include the Yukon or the Northwest Territories.

- (2) An insurer that is not licensed by a province for the business of insurance or is not registered under the Canadian and British Insurance Companies Act (Canada) or the Foreign Insurance Companies Act (Canada), is not eligible to be licensed under this Act.
- (3) Subsection (2) does not apply to an underwriter or syndicate of underwriters that is a member of the society known as Lloyds, or operating on a plan known as the Canadian Insurance Exchange."

7. Section 44 is amended by adding the following paragraphs immediately after paragraph (b):

- "(b.1) designating as compensation associations, bodies corporate or unincorporated associations, whose purposes are to provide compensation to policy holders of and eligible claimants on insolvent insurers;

- (b.2) designating insurers as being adequately covered by a plan of compensation other than that provided by reason of membership in a compensation association;”.**

CHAPTER 13

(RSY 1986, Supplement)

INTERIM SUPPLY APPROPRIATION ACT, 1987-88

(enacted as SY 1987, c. 13, assented to on March 31, 1987)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that the sums mentioned in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of the Yukon and for related purposes for the period from April 1, 1987 to May 31, 1987.

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

1. This Act may be cited as the Interim Supply Appropriation Act, 1987-88.

2. In addition to the sum of \$114,302,000 provided for in the First Appropriation Act, 1987-88, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$33,166,000 for defraying the several charges and expenses of the public service of the Yukon for the period from April 1, 1987 to May 31, 1987, 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.

3. This Act shall be deemed to have come into force April 1, 1987.

INTERIM SUPPLY APPROPRIATION ACT, 1986-87

SCHEDULE A

\$ (Dollars in 000's)

Operation and Maintenance Votes	Total
Yukon Legislative Assembly	319
Executive Council Office	775
Community and Transportation Services	9,000
Economic Development; Mines and Small Business	410
Education	7,000
Finance	487
Government Services	2,110
Health and Human Resources	7,295
Justice	3,128
Public Service Commission	628
Renewable Resources	1,206
Tourism	550
Women's Directorate	40
Yukon Housing Corporation	218
Total	33,166

CHAPTER 14

(RSY 1986, Supplement)

INTERNATIONAL COMMERCIAL ARBITRATION ACT

(enacted as SY 1987, c. 14, assented to on April 16, 1987)

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

Interpretation

1.(1) In this Act,

“International Law” means the Model Law On International Commercial Arbitration, adopted by the United Nations Commission on International Trade Law on June 21, 1985, as set out in Schedule A.

(2) Words and expressions used in this Act have the same meanings as the corresponding words and expressions in the International Law.

Application of International Law

2.(1) Subject to this Act, the International Law applies in the Yukon.

(2) The International Law applies to international commercial arbitration agreements and awards, whether made before or after the coming into force of this Part.

Conciliation and other proceedings

3. For the purpose of encouraging settlement of a dispute, an arbitral tribunal may, with the agreement of the parties, employ mediation, conciliation or other procedures at any time during the arbitration proceedings and, with the agreement of the parties, the members of the arbitral tribunal are not disqualified from resuming their roles as arbitrators by reason of the mediation, conciliation or other procedure.

Removal of arbitrator

4.(1) Unless the parties otherwise agree, if an arbitrator is replaced or removed in accordance with the International Law, any hearing held prior to the replacement or removal shall be repeated.

(2) With respect to article 15 of the International Law, the parties may remove an arbitrator at any time prior to the final award, regardless of how the arbitrator was appointed.

Rules applicable to substance of dispute

5. Notwithstanding article 28(2) of the International Law, if the parties fail to make a designation pursuant to article 28(1) of the International Law, the arbitral tribunal shall apply the rules of law it considers to be appropriate given all the circumstances respecting the dispute.

Consolidation of proceedings

6.(1) The Supreme Court, upon application of the parties to two or more arbitration proceedings, may order

- (a) the arbitration proceedings to be consolidated, on terms it considers just;
- (b) the arbitration proceedings to be heard at the same time, or one immediately after another;
- (c) any of the arbitration proceedings to be stayed until after the determination of any other of them.

(2) Where the Court orders arbitration proceedings to be consolidated pursuant to paragraph (1)(a) and all the parties to the consolidated arbitration proceedings are in agreement as to the choice of the arbitral tribunal for that arbitration proceeding, the arbitral tribunal shall be appointed by the Court, but if all the parties cannot agree, the Court may appoint the arbitral tribunal for that arbitration proceeding.

(3) Nothing in this section shall be construed as preventing the parties to two or more arbitration proceedings from agreeing to consolidate those arbitration proceedings and taking such steps as are necessary to effect that consolidation.

Court

7.(1) The functions referred to in article 6 of the International Law shall be performed by the Supreme Court.

(2) For the purposes of the International Law, a reference to “court” or “competent court”, where in the context it means a court in the Yukon, means the Supreme Court.

Stay of proceedings

8. Where, pursuant to article 8 of the International Law, a court refers the parties to arbitration, the proceedings of the court are stayed with respect to the matters to which the arbitration relates.

Crown bound

9.(1) This Act binds the Crown.

(2) An award recognized pursuant to this Act is enforceable against the Crown in the same manner and to the same extent as a judgment is enforceable against the Crown.

Aids in interpretation

10.(1) This Act shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the Act in their context and in the light of its objects and purposes.

(2) In applying subsection (1) to the International Law, recourse may be had to

- (a) the Report of the United Nations Commission on International Trade Law on the work of its 18th session (June 3-21, 1985), and
- (b) the International Commercial Arbitration Commentary on Draft Text of a Model Law on International Commercial Arbitration.

Regulations

13. The Commissioner in Executive Council may

- (a) cause to be published in the Yukon Gazette the names of Contracting States to the Convention;
- (b) prescribe rules of court for implementation of this Act.

SCHEDULE A**UNCITRAL MODEL LAW ON INTERNATIONAL COMMERCIAL
ARBITRATION**

(As adopted by the United Nations Commission on
International Trade Law on 21 June 1985)

CHAPTER I. GENERAL PROVISIONS**Article 1. Scope of application**

(1) This Law applies to international commercial arbitration, subject to any agreement in force between this State and any other State or States.

(2) The provisions of this Law, except articles 8, 9, 35 and 36, apply only if the place of arbitration is in the territory of this State.

(3) An arbitration is international if:

- (a) the parties to an arbitration agreement have, at the time of the conclusion of that agreement, their places of business in different States; or
- (b) one of the following places is situated outside the State in which the parties have their places of business:
 - (i) the place of arbitration if determined in, or pursuant to, the arbitration agreement;
 - (ii) any place where a substantial part of the obligations of the commercial relationship is to be performed or the place with which the subject-matter of the dispute is most closely connected; or
- (c) the parties have expressly agreed that the subject-matter of the arbitration agreement relates to more than one country.

(4) For the purposes of paragraph (3) of this article:

- (a) if a party has more than one place of business, the place of business is that which has the closest relationship to the arbitration agreement;
- (b) if a party does not have a place of business, reference is to be made to his habitual residence.

(5) This law shall not affect any other law of this State by virtue of which certain disputes may not be submitted to arbitration or may be submitted to arbitration only according to provisions other than those of this Law.

Article 2. Definitions and rules of interpretation

For the purposes of this Law:

- (a) “arbitration” means any arbitration whether or not administered by a permanent arbitral institution;
- (b) “arbitral tribunal” means a sole arbitrator or a panel of arbitrators;
- (c) “court” means a body or organ of the judicial system of a State;
- (d) where a provision of this Law, except article 28, leaves the parties free to determine a certain issue, such freedom includes the right of the parties to authorize a third party, including an institution, to make that determination;
- (e) where a provision of this Law refers to the fact that the parties have agreed or that they may agree or in any other way refers to an agreement of the parties such agreement includes any arbitration rules referred to in that agreement;
- (f) where a provision of this Law, other than in articles 25(a) and 32(2)(a), refers to a claim, it also applies to a counter-claim, and where it refers to a defence, it also applies to a defence to such counter-claim.

Article 3. Receipt of written communications

(1) Unless otherwise agreed by the parties:

- (a) any written communication is deemed to have been received if it is delivered to the addressee personally or if it is delivered at his place of business, habitual residence or mailing address; if none of these can be found after making a reasonable inquiry, a written communication is deemed to have been received if it is sent to the addressee’s last-known place of business, habitual residence or mailing address by registered letter or any other means which provides a record of the attempt to deliver it;
- (b) the communication is deemed to have been received on the day it is so delivered.

(2) The provisions of this article do not apply to communications in court proceedings.

Article 4. Waiver of right to object

A party who knows that any provision of this Law from which the parties may derogate or any requirement under the arbitration agreement has not been complied with and yet

proceeds with the arbitration without stating his objection to such non-compliance without undue delay or, if a time-limit is provided therefor, within such period of time, shall be deemed to have waived his right to object.

Article 5. Extent of court intervention

In matters governed by this Law, no court shall intervene except where so provided in this Law.

Article 6. Court or other authority for certain functions of arbitration assistance and supervision

The functions referred to in articles 11(3), 11(4), 13(3), 14, 16(3) and 34(2) shall be performed by...[Each State enacting this model law specifies the court, courts or, where referred to therein, other authority competent to perform these functions.]

CHAPTER II. ARBITRATION AGREEMENTS

Article 7. Definition and form of arbitration agreement

(1) "Arbitration agreement" is an agreement by the parties to submit to arbitration all or certain disputes which have arisen or which may arise between them in respect of a defined legal relationship, whether contractual or not. An arbitration agreement may be in the form of an arbitration clause in a contract or in the form of a separate agreement.

(2) The arbitration agreement shall be in writing. An agreement is in writing if it is contained in a document signed by the parties or in an exchange of letters, telex, telegrams or other means of tele-communication which provide a record of the agreement, or in an exchange of statements of claim and defence in which the existence of an agreement is alleged by one party and not denied by another. The reference in a contract to a document containing an arbitration clause constitutes an arbitration agreement provided that the contract is in writing and the reference is such as to make that clause part of the contract.

Article 8. Arbitration agreement and substantive claim before court

(1) A court before which an action is brought in a matter which is the subject of an arbitration agreement shall, if a party so requests not later than when submitting his first statement on the substance of the dispute, refer the parties to arbitration unless it finds that the agreement is null and void, inoperative or incapable of being performed.

(2) Where an action referred to in paragraph (1) of this article has been brought, arbitral proceedings may nevertheless be commenced or continued, and an award may be made, while the issue is pending before the court.

Article 9. Arbitration agreement and interim measures by court

It is not incompatible with an arbitration agreement for a party to request, before or during arbitral proceedings, from a court an interim measure of protection and for a court to grant such measure.

CHAPTER III. COMPOSITION OF ARBITRAL TRIBUNAL

Article 10. Number of arbitrators

- (1) The parties are free to determine the number of arbitrators.
- (2) Failing such determination, the number of arbitrators shall be three.

Article 11. Appointment of arbitrators

(1) No person shall be precluded by reason of his nationality from acting as an arbitrator, unless otherwise agreed by the parties.

(2) The parties are free to agree on a procedure of appointing the arbitrator or arbitrators, subject to the provisions of paragraphs (4) and (5) of this article.

(3) Failing such agreement,

(a) in an arbitration with three arbitrators, each party shall appoint one arbitrator, and the two arbitrators thus appointed shall appoint the third arbitrator; if a party fails to appoint the arbitrator within thirty days of receipt of a request to do so from the other party, or if the two arbitrators fail to agree on the third arbitrator within thirty days of their appointment, the appointment shall be made, upon request of a party, by the court or other authority specified in article 6;

(b) in an arbitration with a sole arbitrator, if the parties are unable to agree on the arbitrator, he shall be appointed, upon request of a party, by the court or other authority specified in article 6.

(4) Where, under an appointment procedure agreed upon by the parties,

(a) a party fails to act as required under such procedure, or

(b) the parties, or two arbitrators, are unable to reach an agreement expected of them under such procedure, or

(c) a third party, including an institution, fails to perform any function entrusted to it under such procedure,

any party may request the court or other authority specified in article 6 to take the necessary measure, unless the agreement on the appointment procedure provided other means for securing the appointment.

(5) A decision on a matter entrusted by paragraph (3) or (4) of this article to the court or other authority specified in article 6 shall be subject to no appeal. The court or other authority, in appointing an arbitrator, shall have due regard to any qualifications required of the arbitrator by the agreement of the parties and to such considerations as are likely to secure the appointment of an independent and impartial arbitrator and, in the case of a sole or third arbitrator, shall take into account as well the advisability of appointing an arbitrator of a nationality other than those of the parties.

Article 12. Grounds for Challenge

(1) When a person is approached in connection with his possible appointment as an arbitrator, he shall disclose any circumstances likely to give rise to justifiable doubts as to his im-

partiality or independence. An arbitrator, from the time of his appointment and throughout the arbitral proceedings, shall without delay disclose any such circumstances to the parties unless they have already been informed of them by him.

(2) An arbitrator may be challenged only if circumstances exist that give rise to justifiable doubts as to his impartiality or independence, or if he does not possess qualifications agreed to by the parties. A party may challenge an arbitrator appointed by him, or in whose appointment he has participated, only for reasons of which he becomes aware after the appointment has been made.

Article 13. Challenge procedure

(1) The parties are free to agree on a procedure for challenging an arbitrator, subject to the provisions of paragraph (3) of this article.

(2) Failing such agreement, a party who intends to challenge an arbitrator shall, within fifteen days after becoming aware of the constitution of the arbitral tribunal or after becoming aware of any circumstance referred to in article 12(2), send a written statement of the reasons for the challenge to the arbitral tribunal. Unless the challenged arbitrator withdraws from his office or the other party agrees to the challenge, the arbitral tribunal shall decide on the challenge.

(3) If a challenge under any procedure agreed upon by the parties or under the procedure of paragraph (2) of this article is not successful, the challenging party may request, within thirty days after having received notice of the decision rejecting the challenge, the court or other authority specified in article 6 to decide on the challenge, which decision shall be subject to no appeal; while such a request is pending, the arbitral tribunal, including the challenged arbitrator, may continue the arbitral proceedings and make an award.

Article 14. Failure or impossibility to act

(1) If an arbitrator becomes *de jure* or *de facto* unable to perform his functions or for other reasons fails to act without undue delay, his mandate terminates if he withdraws from his office or if the parties agree on the termination. Otherwise, if a controversy remains concerning any of these grounds, any party may request the court or other authority specified in article 6 to decide on the termination of the mandate, which decision shall be subject to no appeal.

(2) If, under this article or article 13(2), an arbitrator withdraws from his office or a party agrees to the termination of the mandate of an arbitrator, this does not imply acceptance of the validity of any ground referred to in this article or article 12(2).

Article 15. Appointment of substitute arbitrator

Where the mandate of an arbitrator terminates under article 13 or 14 or because of his withdrawal from office for any other reason or because of the revocation of his mandate by agreement of the parties or in any other case of termination of his mandate, a substitute arbitrator shall be appointed according to the rules that were applicable to the appointment of the arbitrator being replaced.

CHAPTER IV. JURISDICTION OF ARBITRAL TRIBUNAL**Article 16. Competence of arbitral tribunal to rule on its jurisdiction**

(1) The arbitral tribunal may rule on its own jurisdiction, including any objections with respect to the existence or validity of the arbitration agreement. For that purpose, an arbitration clause which forms part of a contract shall be treated as an agreement independent of the other terms of the contract. A decision by the arbitral tribunal that the contract is null and void shall not entail ipso jure the invalidity of the arbitration clause.

(2) A plea that the arbitral tribunal does not have jurisdiction shall be raised not later than the submission of the statement of defence. A party is not precluded from raising such a plea by the fact that he has appointed, or participated in the appointment of, an arbitrator. A plea that the arbitral tribunal is exceeding the scope of its authority shall be raised as soon as the matter alleged to be beyond the scope of its authority is raised during the arbitral proceedings. The arbitral tribunal may, in either case, admit a later plea if it considers the delay justified.

(3) The arbitral tribunal may rule on a plea referred to in paragraph (2) of this article either as a preliminary question or in an award on the merits. If the arbitral tribunal rules as a preliminary question that it has jurisdiction, any party may request, within thirty days after having received notice of that ruling, the court specified in article 6 to decide the matter, which decision shall be subject to no appeal; while such a request is pending, the arbitral tribunal may continue the arbitral proceedings and make an award.

Article 17. Power of arbitral tribunal to order interim measures

Unless otherwise agreed by the parties, the arbitral tribunal may, at the request of a party, order any party to take such interim measure of protection as the arbitral tribunal may consider necessary in respect of the subject-matter of the dispute. The arbitral tribunal may require any party to provide appropriate security in connection with such measure.

CHAPTER V. CONDUCT OF ARBITRAL PROCEEDINGS**Article 18. Equal treatment of parties**

The parties shall be treated with equality and each party shall be given a full opportunity of presenting his case.

Article 19. Determination of rules of procedure

(1) Subject to the provisions of this Law, the parties are free to agree on the procedure to be followed by the arbitral tribunal in conducting the proceedings.

(2) Failing such agreement, the arbitral tribunal may, subject to the provisions of this Law, conduct the arbitration in such manner as it considers appropriate. The power conferred upon the arbitral tribunal includes the power to determine the admissibility, relevance, materiality and weight of any evidence.

Article 20. Place of arbitration

(1) The parties are free to agree on the place of arbitration. Failing such agreement, the place of arbitration shall be determined by the arbitral tribunal having regard to the circumstances of the case, including the convenience of the parties.

(2) Notwithstanding the provisions of paragraph (1) of this article, the arbitral tribunal may, unless otherwise agreed by the parties, meet at any place it considers appropriate for consultation among its members, for hearing witnesses, experts or the parties, or for inspection of goods, other property or documents.

Article 21. Commencement of arbitral proceedings

Unless otherwise agreed by the parties, the arbitral proceedings in respect of a particular dispute commence on the date on which a request for that dispute to be referred to arbitration is received by the respondent.

Article 22. Language

(1) The parties are free to agree on the language or languages to be used in the arbitral proceedings. Failing such agreement, the arbitral tribunal shall determine the language or languages to be used in the proceedings. This agreement or determination, unless otherwise specified therein, shall apply to any written statement by a party, any hearing and any award, decision or other communication by the arbitral tribunal.

(2) The arbitral tribunal may order that any documentary evidence shall be accompanied by a translation into the language or languages agreed upon by the parties or determined by the arbitral tribunal.

Article 23. Statements of claim and defence

(1) Within the period of time agreed by the parties or determined by the arbitral tribunal, the claimant shall state the facts supporting his claim, the points at issue and the relief or remedy sought, and the respondent shall state his defence in respect of these particulars, unless the parties have otherwise agreed as to the required elements of such statements. The parties may submit with their statements all documents they consider to be relevant or may add a reference to the documents or other evidence they will submit.

(2) Unless otherwise agreed by the parties, either party may amend or supplement his claim or defence during the course of the arbitral proceedings, unless the arbitral tribunal considers it inappropriate to allow such amendment having regard to the delay in making it.

Article 24. Hearings and written proceedings

(1) Subject to any contrary agreement by the parties, the arbitral tribunal shall decide whether to hold oral hearings for the presentation of evidence or for oral argument, or whether the proceedings shall be conducted on the basis of documents and other materials. However, unless the parties have agreed that no hearings shall be held, the arbitral tribunal shall hold such hearings at an appropriate stage of the proceedings, if so requested by a party.

(2) The parties shall be given sufficient advance notice of any hearing and of any meeting of the arbitral tribunal for the purposes of inspection of goods, other property or documents.

(3) All statements, documents or other information supplied to the arbitral tribunal by one party shall be communicated to the other party. Also any expert report or evidentiary document on which the arbitral tribunal may rely in making its decision shall be communicated to the parties.

Article 25. Default of a party

Unless otherwise agreed by the parties, if, without showing sufficient cause,

- (a) the claimant fails to communicate his statement of claim in accordance with article 23(1), the arbitral tribunal shall terminate the proceedings;
- (b) the respondent fails to communicate his statement of defence in accordance with article 23(1), the arbitral tribunal shall continue the proceedings without treating such failure in itself as an admission of the claimant's allegations;
- (c) any party fails to appear at a hearing or to produce documentary evidence, the arbitral tribunal may continue the proceedings and make the award on the evidence before it.

Article 26. Expert appointed by arbitral tribunal

(1) Unless otherwise agreed by the parties, the arbitral tribunal

- (a) may appoint one or more experts to report to it on specific issues to be determined by the arbitral tribunal;
- (b) may require a party to give the expert any relevant information or to produce, or to provide access to, any relevant documents, goods or other property for his inspection.

(2) Unless otherwise agreed by the parties, if a party so requests or if the arbitral tribunal considers it necessary, the expert shall, after delivery of his written or oral report, participate in a hearing where the parties have the opportunity to put questions to him and to present expert witnesses in order to testify on the points at issue.

Article 27. Court assistance in taking evidence

The arbitral tribunal or a party with the approval of the arbitral tribunal may request from a competent court of this State assistance in taking evidence. The court may execute the request within its competence and according to its rules on taking evidence.

CHAPTER VI. MAKING OF AWARD AND

TERMINATION OF PROCEEDINGS

Article 28. Rules applicable to substance of dispute

(1) The arbitral tribunal shall decide the dispute in accordance with such rules of law as are chosen by the parties as applicable to the substance of the dispute. Any designation of the law or legal system of a given State shall be construed, unless otherwise expressed, as directly referring to the substantive law of that State and not to its conflict of laws rules.

(2) Failing any designation by the parties, the arbitral tribunal shall apply the law determined by the conflict of laws rules which it considers applicable.

(3) The arbitral tribunal shall decide *ex aequo et bono* as or *amiable compositeur* only if the parties have expressly authorized it to do so.

(4) In all cases, the arbitral tribunal shall decide in accordance with the terms of the contract and shall take into account the usages of the trade applicable to the transaction.

Article 29. Decision making by panel of arbitrators

In arbitral proceedings with more than one arbitrator, any decision of the arbitral tribunal shall be made, unless otherwise agreed by the parties, by a majority of all its members. However, questions of procedure may be decided by a presiding arbitrator, if so authorized by the parties or all members of the arbitral tribunal.

Article 30. Settlement

(1) If, during arbitral proceedings, the parties settle the dispute, the arbitral tribunal shall terminate the proceedings and, if requested by the parties and not objected to by the arbitral tribunal, record the settlement in the form of an arbitral award on agreed terms.

(2) An award on agreed terms shall be made in accordance with the provisions of article 31 and shall state that it is an award. Such an award has the same status and effect as any other award on the merits of the case.

Article 31. Form and contents of award

(1) The award shall be made in writing and shall be signed by the arbitrator or arbitrators. In arbitral proceedings with more than one arbitrator, the signatures of the majority of all members of the arbitral tribunal shall suffice, provided that the reason for any omitted signature is stated.

(2) The award shall state the reasons upon which it is based, unless the parties have agreed that no reasons are to be given or the award is an award on agreed terms under article 30.

(3) The award shall state its date and the place of arbitration as determined in accordance with article 20(1). The award shall be deemed to have been made at that place.

(4) After the award is made, a copy signed by the arbitrators in accordance with paragraph (1) of this article shall be delivered to each party.

Article 32. Termination of proceedings

(1) The arbitral proceedings are terminated by the final award or by an order of the arbitral tribunal in accordance with paragraph (2) of this article.

(2) The arbitral tribunal shall issue an order for the termination of the arbitral proceedings when

- (a) the claimant withdraws his claim, unless the respondent objects thereto and the arbitral tribunal recognizes a legitimate interest on his part in obtaining a final settlement of the dispute;
- (b) the parties agree on the termination of the proceedings;

- (c) the arbitral tribunal finds that the continuation of the proceedings has for any other reason become unnecessary or impossible.

(3) The mandate of the arbitral tribunal terminates with the termination of the arbitral proceedings, subject to the provisions of articles 33 and 34(4).

Article 33. Correction and interpretation of award; additional award

(1) Within thirty days of receipt of the award, unless another period of time has been agreed upon by the parties:

- (a) a party, with notice to the other party, may request the arbitral tribunal to correct in the award any errors in computation, any clerical or typographical errors or any errors of similar nature;
- (b) if so agreed by the parties, a party, with notice to the other party, may request the arbitral tribunal to give an interpretation of a specific point or part of the award.

If the arbitral tribunal considers the request to be justified, it shall make the correction or give the interpretation within thirty days of receipt of the request. The interpretation shall form part of the award.

(2) The arbitral tribunal may correct any error of the type referred to in paragraph (1)(a) of this article on its own initiative within thirty days of the date of the award.

(3) Unless otherwise agreed by the parties, a party, with notice to the other party, may request, within thirty days of receipt of the award, the arbitral tribunal to make an additional award as to claims presented in the arbitral proceedings but omitted from the award. If the arbitral tribunal considers the request to be justified, it shall make the additional award within sixty days.

(4) The arbitral tribunal may extend, if necessary, the period of time within which it shall make a correction, interpretation or an additional award under paragraph (1) or (3) of this article.

(5) The provisions of article 31 shall apply to a correction or interpretation of the award or to an additional award.

CHAPTER VII. RECOURSE AGAINST AWARD

Article 34. Application for setting aside as exclusive recourse against arbitral award

(1) Recourse to a court against an arbitral award may be made only by an application for setting aside in accordance with paragraphs (2) and (3) of this article.

(2) An arbitral award may be set aside by the court specified in article 6 only if:

- (a) the party making the application furnishes proof that:
 - (i) a party to the arbitration agreement referred to in article 7 was under some incapacity; or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of this State; or

- (ii) the party making the application was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case; or
 - (iii) the award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, only that part of the award which contains decisions on matters not submitted to arbitration may be set aside; or
 - (iv) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties, unless such agreement was in conflict with a provision of this Law from which the parties cannot derogate, or, failing such agreement, was not in accordance with this Law; or
- (b) the court finds that:
- (i) the subject-matter of the dispute is not capable of settlement by arbitration under the law of this State; or
 - (ii) the award is in conflict with the public policy of this State.

(3) An application for setting aside may not be made after three months have elapsed from the date on which the party making that application had received the award or, if a request had been made under article 33, from the date on which that request had been disposed of by the arbitral tribunal.

(4) The court, when asked to set aside an award, may, where appropriate and so requested by a party, suspend the setting aside proceedings for a period of time determined by it in order to give the arbitral tribunal an opportunity to resume the arbitral proceedings or to take such other action as in the arbitral tribunal's opinion will eliminate the grounds for setting aside.

CHAPTER VIII. RECOGNITION AND ENFORCEMENT OF AWARDS

Article 35. Recognition and enforcement

(1) An arbitral award, irrespective of the country in which it was made, shall be recognized as binding and, upon application in writing to the competent court, shall be enforced subject to the provisions of this article and of article 36.

(2) The party relying on an award or applying for its enforcement shall supply the duly authenticated original award or a duly certified copy thereof, and the original arbitration agreement referred to in article 7 or a duly certified copy thereof. If the award or agreement is not made in an official language of this State, the party shall supply a duly certified translation thereof into such language.

Article 36. Grounds for refusing recognition or enforcement

(1) Recognition or enforcement of an arbitral award, irrespective of the country in which it was made, may be refused only:

- (a) at the request of the party against whom it is invoked, if that party furnishes to the competent court where recognition or enforcement is sought proof that:
 - (i) a party to the arbitration agreement referred to in article 7 was under some incapacity; or the said agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law of the country where the award was made; or
 - (ii) the party against whom the award is invoked was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case; or
 - (iii) the award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, that part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced; or
 - (iv) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties or, failing such agreement, was not in accordance with the law of the country where the arbitration took place; or
 - (v) the award has not yet become binding on the parties or has been set aside or suspended by a court of the country in which, or under the law of which, that award was made; or
- (b) if the court finds that:
 - (i) the subject-matter of the dispute is not capable of settlement by arbitration under the law of this State; or
 - (ii) the recognition or enforcement of the award would be contrary to the public policy of this State.

(2) If an application for setting aside or suspension of an award has been made to a court referred to in paragraph (1)(a)(v) of this article, the court where recognition or enforcement is sought may, if it considers it proper, adjourn its decision and may also, on the application of the party claiming recognition or enforcement of the award, order the other party to provide appropriate security.

CHAPTER 15

(RSY 1986, Supplement)

AN ACT TO AMEND THE LEGAL SERVICES SOCIETY ACT

(enacted as SY 1986, c. 23, assented to on Dec. 18, 1986)

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

- 1. This Act amends the Legal Services Society Act.**
- 2. In subsection 16(1), the expression “subject to the approval of the Commissioner in Executive Council” is substituted for the expression “subject to this Act”.**

CHAPTER 16

(RSY 1986, Supplement)

AN ACT TO AMEND THE LEGISLATIVE ASSEMBLY ACT AND THE LEGISLATIVE ASSEMBLY RETIREMENT ALLOWANCES ACT

(enacted as SY 1987, c. 15, assented to on April 16, 1987)

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

PART 1

LEGISLATIVE ASSEMBLY ACT

1. This Part amends the Legislative Assembly Act.

2.(1) In subsections 39(1), (2) and (3), the figure "\$24,512" is substituted for the figure "\$22,854".

(2) In subsection 39(1) and (2), the figure "\$12,256" is substituted for the figure "\$11,427".

(3) In subsection 39(3), the figure "\$10,701" is substituted for the figure "\$8,979".

(4) The following subsection is added immediately after subsection 39(3):

"(3.1) The indemnities and expense allowances of members of the Legislative Assembly shall be adjusted on April 1 of each year after this subsection comes into force in accordance with the percentage change in the average annual Consumer Price Index for Canada over the previous two calendar years."

3.(1) In paragraph 40(1)(a), the figure "\$7,420" is substituted for the figure "\$6,678".

(2) In paragraph 40(1)(b), the figure "\$5,565" is substituted for the figure "\$3,339".

(3) Paragraph 40(1)(c) is deleted.

4. In subsection 42(1), the figure "\$8,236" is substituted for the figure "\$5,565".

5.(1) In subsection 43(1), the figure "\$22,260" is substituted for the figure "\$2,783".

(2) In subsection 43(2), the figure "\$4,452" is substituted for the figure "\$1,113".

6.(1) In subsection 45(3), the figure "\$8,800" is substituted for the figure "\$4,400".

(2) In subsection 45(5), the figure "48" is substituted for the figure "24".

7.(1) In subsection 46(1),

- (a) the expression "Notwithstanding subsections 45(1), 45(2) and 45(6)," is deleted, and
- (b) the expression "section 45 or 47" is substituted for the expression "section 45".

(2) The following subsection is substituted for subsection 46(2):

"(2) Where a member is reimbursed under this section the member is entitled to receive the amount certified to have been paid by him or her to the maximum prescribed by the Commissioner in Executive Council upon the recommendation of the Members Services Board of the Legislative Assembly."

(3) In subsection 46(3), the figure "\$4,400" is substituted for the figure "\$2,200".

8.(1) In subsection 47(2), the figure "\$4,400" is substituted for the figure "\$2,200".

(2) In subsection 47(4), the figure "24" is substituted for the word "twelve".

9. The following section is inserted immediately after section 47:

"47.1 A member may be paid an allowance in respect of travelling expenses for more than the number of return trips allowed by subsections 45(5) and 47(4), but the allowance for the excess trips must be deducted from the amount the member would otherwise be entitled to under subsections 45(2) and 47(1)."

10. The following section is added immediately after section 49:

"49.1(1) In respect of travel within the Yukon in the performance of their parliamentary duties as recognized leaders, the Government Leader, the Leader of the Official Opposition and the leader of a party receiving a salary pursuant to subsection 43(2) shall be paid an allowance for meals and incidental expenses at the rate in force at the time for the public service, and shall be reimbursed for actual expenditures for accommodation.

(2) The maximum amount payable to a recognized leader under subsection (1) in each fiscal year is \$2,200.

(3) A recognized leader who is absent from his or her normal place of residence under subsection (1) shall be paid an allowance in respect of travelling expenses incurred at the rate in force at the time for the public service.

(4) An allowance may be paid to a recognized leader pursuant to subsection (3) in respect of not more than 12 return trips in each fiscal year."

11.(1) Part 1 of this Act, except for section 2, shall be deemed to have come into force on April 1, 1987.

(2) Section 2 of this Act shall be deemed to have come into force on April 1, 1986.

PART 2

LEGISLATIVE ASSEMBLY RETIREMENT ALLOWANCES ACT

12. This part amends the Legislative Assembly Retirement Allowances Act.

13. The following section is substituted for section 3:

“3.(1) In this section, “pensionable salary” means the average of the annual aggregates of the member’s salary, indemnity, and expense allowance in the three consecutive years of the member’s service that produce the highest average.

(2) A person who has been a member for at least six years and who ceases to be a member is entitled for the rest of his or her life to an annual retirement allowance in an amount equal to two and one-half per cent of his or her pensionable salary multiplied by the number of years of service as a member, payment of the allowance to commence when the person reaches 55 years of age.

(3) A person who is entitled to a retirement allowance under subsection (2) and who has reached 50 years of age may elect to receive the allowance in a reduced annual amount that, having regard to the person’s life expectancy, is actuarially equivalent to the allowance the person would receive if no allowance were to be paid until the person reaches 55 years of age.”

14.(1) In subsection 4(1), the expression “one year” is substituted for the expression “six years”.

(2) In subsection 4(2), the expression “one year” is substituted for the expression “six years”.

15. The following section is added immediately after section 5:

“5.1(1) A severance allowance is payable to a member when that person ceases to be a member of the Legislative Assembly.

(2) The amount payable under this section shall be 25 percent of the aggregate of the salary, indemnity, and expense allowance received by the member during the preceding year under the Legislative Assembly Act.”

16. The following section is substituted for section 7:

“7.(1) Upon the recommendation of the Members Services Board of the Legislative Assembly, the Commissioner in Executive Council may make regulations

- (a) adjusting the amounts payable as annual retirement allowances so that the change is in approximate parity with changes in the cost of living,
- (b) providing for the payment of the annual retirement allowance through installments payable at intervals of less than one year, and
- (c) for any other purpose necessary to give effect to this Act.”

CHAPTER 17

(RSY 1986, Supplement)

LOTTERY LICENSING ACT

(enacted as SY 1987, c. 16, assented to on April 16, 1987)

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

Interpretation

1. In this Act,

“board” means the Yukon Lottery Licensing Board established under section 2;

“charitable organization” means an organization that does not carry on any business or activity for direct or indirect pecuniary gain to its members and whose sole or predominant objects or purposes and activities are (a) relief of poverty or disease,

(b) the advancement of education,

(c) the advancement of religion, or

(d) the advancement of any cultural, recreational, athletic, or other activity or program which is beneficial to a Yukon community;

“lottery scheme” means a lottery scheme as defined in subsection 190(4) of the Criminal Code (Canada).

Yukon Lottery Licensing Board

2.(1) There shall be a Yukon Lottery Licensing Board consisting of three or more members appointed by the Commissioner in Executive Council.

(2) The term of membership in the board is three years or such lesser term as the Commissioner in Executive Council may specify at the time of the appointment, and a member is eligible for reappointment.

(3) Where any member of the board is prevented, at any time for any reason from performing his or her duties, the Commissioner in Executive Council may appoint a substitute member for a term, such term not to exceed the unexpired portion of the term of the member being replaced, as the Commissioner in Executive Council considers appropriate.

Chairperson

3.(1) The Commissioner in Executive Council shall appoint one of the members of the board to be the chairperson.

(2) The chairperson shall supervise and direct the work of the board and shall preside at all sittings of the board.

(3) Where the chairperson is unable, at any time for any reason to exercise the powers and perform the duties of that office, one of the other members shall act in the chairperson's place.

(4) The board shall meet at the call of the chairperson, who shall convene such meetings as the chairperson considers necessary for the conduct of the business of the board.

Quorum

4.(1) A majority of the members of the board is a quorum.

(2) A decision of the majority of the members present at a meeting of the board is a decision of the board.

(3) A vacancy in the membership of the board does not impair the right of other members to act.

Rules of procedure

5. The board may make rules of procedure consistent with this Act and the regulations respecting

- (a) the conduct of its meetings and business,
- (b) the records to be kept in respect of the business of the board under this Act,
- (c) the custody and provision of access to the records referred to in paragraph (b), and
- (d) any other matter that is reasonably necessary and advisable for the effective and orderly conduct of the duties of the board.

Licences

6.(1) Any charitable organization is eligible to receive a licence under subsection (2).

(2) The board may, upon application, issue a licence to a charitable organization to conduct a lottery scheme subject to the prescribed terms and conditions.

Suspension or revocation of licence

7.(1) The chairperson of the board may suspend or revoke a licence if the chairperson believes that this Act or any term or condition of a licence has not been complied with.

(2) Where the chairperson suspends or revokes a licence, the chairperson may require an officer of the charitable organization to deliver the licence to the board or a peace officer.

(3) Where the chairperson suspends or revokes a licence, the persons having charge of the related cash, negotiable instruments, tickets, documents and equipment shall, on demand of the chairperson, transfer all of those items to the board.

Reasons for decisions of board

8.(1) Where an application by a charitable organization for a licence to conduct a lottery scheme has been reviewed by the board and the board has refused to issue a licence, the board shall, within 7 days, provide written reasons of the decision to the charitable organization.

Reporting

9. At the request of the Executive Council Member and at such other times as the board considers appropriate, the board shall make reports to the Executive Council Member respecting the business of the board.

Support services and expenses

10.(1) Subject to the Public Service Commission Act the Executive Council Member may make provision for a secretary and other administrative support services for the board.

(2) A member of the board may be paid transportation, accommodation and living expenses incurred in connection with the performance of his or her duties as a member of the board away from his or her 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 payment of such expenses for members of the public service of the Yukon.

Regulations

11. Subject to the provisions of the Criminal Code (Canada), the Commissioner in Executive Council may make regulations respecting:

- (a) the conduct and management of lottery schemes;
- (b) the terms and conditions subject to which licences may be issued for lottery schemes;
- (c) the purposes for which the profits of lottery schemes may be paid and the allocation of profits for those purposes and in payment of expenses;
- (d) any other matter necessary to carry the purposes and provisions of this Act and the purposes and provisions of section 190 of the Criminal Code (Canada) into effect.

Commencement

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

CHAPTER 18

(RSY 1986, Supplement)

AN ACT TO AMEND MEDICAL PROFESSION ACT

(enacted as SY 1987, c. 4, assented to on Feb. 12, 1987)

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

1. This Act amends the Medical Profession Act.
2. The following sections are added after section 23:

Appointment of committee by council

“23.1(1) Notwithstanding any other provisions of this Act, where the council determines that it has a conflict of interest, or, for any other reason, it is of the opinion that it should not act in any investigation, inquiry or proceeding under this Act, the council may appoint a committee consisting of not less than three members of the medical profession, who have been recommended for appointment by a College of Physicians and Surgeons from another province, to act in its place and stead and shall refer the investigation, inquiry or proceeding to the committee.

- (2) A committee appointed under subsection (1) shall appoint one of its members as the chairperson.
- (3) A majority of the members of a committee appointed under subsection (1) constitutes a quorum.

Powers and duties of committee

23.2(1) Subject to subsection (2), a committee appointed under subsection 23.1(1) shall have the full power, authority and duties of the council under this Act.

- (2) The powers, authority and duties of the committee appointed under subsection 23.1(1) shall be restricted to the matter of the investigation, inquiry or proceeding referred to it by the council.
- (3) The persons appointed to the committee shall hold office until such time as the investigation, inquiry or proceeding referred to it has been dealt with in its entirety.
- (4) Any order or decision of a committee appointed under subsection 23.1(1) shall be deemed to be an order or decision of the council for the purposes of this Act.
- (5) Subsection 5(2) does not apply to a committee appointed under this section.”

CHAPTER 19

(RSY 1986, Supplement)

AN ACT TO AMEND MOTOR VEHICLES ACT

(enacted as SY 1987, c. 17, assented to on April 16, 1987)

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

1. The following sections are added immediately after section 186 of the Motor Vehicles Act:

Child restraint systems

“186.1(1)In this section

“child” means a child under the age of six years;

“motor vehicle” does not include a bicycle, motorcycle, moped, snowmobile, or all terrain vehicle.

- (2) No person shall operate, on a highway, a motor vehicle in which a child is a passenger unless
 - (a) the motor vehicle is equipped with a prescribed child restraint system,
 - (b) the child restraint system is properly installed in the motor vehicle in accordance with the regulations, and
 - (c) the child is occupying and is properly secured in the child restraint system in accordance with the regulations.
- (3) Subsection (2) does not apply if, in respect of the child, there is a certificate signed by a qualified medical practitioner certifying that the child
 - (a) is, for the period stated in the certificate, unable for medical reasons to be secured in a child restraint system, or
 - (b) is, because of physical characteristics, unable to be secured in a child restraint system.

Child seating assemblies offences

186.2(1) A person who contravenes subsection 186.1(2) is guilty of an offence and is liable to a fine not more than \$100.

- (2) Where a person is convicted of an offence under subsection 186.1(2) because a motor vehicle was not equipped with the prescribed child restraint system, the judge may waive the payment of the penalty if the person, at the time of sentencing, satisfies the judge that the motor vehicle has been equipped with a prescribed child restraint system.

- (3) Where a person has been charged or is to be charged with having committed an offence under subsection 186.1(2) because a motor vehicle was not equipped with the prescribed child restraint system, no further proceedings with respect to the offence shall be taken if, within 15 days after the offence was committed, the peace officer who investigated the matter is satisfied that the motor vehicle has been equipped with a prescribed child restraint system.

Regulations for child restraint systems

186.3 The Commissioner in Executive Council may make regulations

- (a) prescribing the types of child restraint systems required for the purposes of this Act;
- (b) prescribing the weights or size of children for the different types of child restraint systems;
- (c) exempting persons or motor vehicles from the operation of sections 186.1 and 186.2.”

2. This Act comes into force on September 1, 1987.

CHAPTER 20

(RSY 1986, Supplement)

AN ACT TO AMEND MOTOR VEHICLES ACT, (No. 2)

(enacted as SY 1987, c. 18, assented to on April 16, 1987)

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

1. This Act amends the Motor Vehicles Act.
2. The following paragraph is added to section 113.

“(n) prescribing highways for the purposes of subsection 171(3)”.
3. The following subsections are added to section 171:
 - “(3) No person shall operate a motor vehicle upon a prescribed highway at anytime unless both headlamps are alight.
 - (4) For the purposes of subsection (3) “headlamps” include daytime driving lights installed in accordance with the regulations.”
4. This Act comes into force on July 1, 1987.

CHAPTER 21

(RSY 1986, Supplement)

MUNICIPAL AND COMMUNITY INFRASTRUCTURE GRANTS ACT

(enacted as SY 1986, c. 24, assented to on Dec. 18, 1986)

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

Interpretation

1.(1) In this Act,

“community” means a hamlet or any other settlement designated as a community in the regulations;

“community authority” means a community organization appointed pursuant to section 10;

“fiscal year” means the fiscal year of the Government of the Yukon under the Financial Administration Act;

“local improvement” has the same meaning as in the Assessment and Taxation Act;

“infrastructure project” means a project for the provision or improvement of

- (a) water delivery or supply facilities,
- (b) drainage and sewage facilities,
- (c) fire protection facilities,
- (d) official community plans,
- (e) roads, streets, bridges and sidewalks,
- (f) recreation facilities,
- (g) trail systems,
- (h) garbage facilities,
- (i) municipal buildings,
- (j) landscaping,
- (k) parking facilities,
- (l) street lighting,
- (m) parks,
- (n) cemeteries, or
- (o) such other infrastructure facilities or services as may be prescribed;

“municipal infrastructure grant” includes an extraordinary infrastructure grant under section 8.

(2) Terms used in this Act have the same meaning as in the Municipal Act, except where the context in which they are used requires otherwise.

Municipalities

Municipal infrastructure grant

2.(1) At the prescribed time each fiscal year, a municipal infrastructure grant shall be paid to each municipality.

(2) The Commissioner in Executive Council may make regulations establishing a formula for determining the amount of the municipal infrastructure grant to be paid to each municipality.

(3) The formula under subsection (1) may

- (a) establish or recognize classes of municipalities or recognize individual municipalities, and
- (b) provide for the payment of municipal infrastructure grants of different amounts to different municipalities or classes of municipalities.

(4) Except as provided by section 8, only one municipal infrastructure grant may be paid to each municipality in each year.

Infrastructure reserve account

3.(1) Every municipality shall establish and maintain in a chartered bank in the Yukon an infrastructure reserve account for the purposes of this Act.

(2) All money received by a municipality as an infrastructure grant under this Act shall be deposited to its infrastructure reserve account, and disbursements may be made from the account only for

- (a) expenditures authorized under section 4, and
- (b) the investment of surplus funds under section 5.

Expenditures

4.(1) Except as provided by subsections 6(2) and 7(2), money may be disbursed from the infrastructure reserve account of a municipality only for the payment of authorized capital expenses in relation to infrastructure projects in accordance with the capital expenditure program of the municipality under section 217 of the Municipal Act.

(2) For the purposes of subsection (1), the following shall be deemed to be authorized capital expenditures in addition to the actual costs of carrying out any infrastructure project:

- (a) the cost of feasibility and preliminary design studies;
- (b) engineering and architectural costs incurred in the development of plans and specifications;
- (c) the payment of principal and interest on debentures issued before or after this Act comes into force by the municipality in respect of municipal in-

frastructure projects, including such projects undertaken before this Act comes into force;

- (d) the cost of purchasing and installing fixtures;
- (e) such other costs as may be prescribed.

Investments

5.(1) Surplus funds held by a municipality in its infrastructure reserve account may be invested in accordance with section 215 of the Municipal Act.

(2) Upon the maturation or realization of investments under subsection (1), the principal shall be re-deposited in the infrastructure reserve account of the municipality.

Interest

6.(1) Interest earned by a municipality on funds in its infrastructure reserve account or on investments under section 5 shall be paid into the infrastructure reserve account.

(2) Interest under subsection (1) may, upon resolution of the council of the municipality, be disbursed from the infrastructure reserve account for the payment of any expenses of the municipality.

Exceptions

7.(1) Subject to subsection (2) and the regulations, money received by a municipality as an infrastructure grant shall not be used for

- (a) the payment of operation and maintenance expenses of the municipality, or
- (b) the purchase of mobile machinery or equipment, or office equipment.

(2) In any fiscal year a municipality may make an application to the Executive Council Member for permission to apply not more than ten percent of its infrastructure grant for that year to the payment of operation and maintenance expenses.

(3) The Executive Council Member shall not approve an application under subsection (2) unless he or she is satisfied that the approval does not jeopardize the carrying out of the capital expenditure program of the municipality under section 217 of the Municipal Act.

Extraordinary circumstances

8. The Executive Council Member may, on application from a municipality, pay an extraordinary infrastructure grant to the municipality out of a sum specifically appropriated for the purpose, to assist it to pay the cost of an infrastructure project the total cost of which exceeds two and one-half times the infrastructure grant payable under section 2 for the fiscal year in respect of which the application is made.

Reports

9.(1) On or before May 15 in each year, each municipality shall provide to the Executive Council Member a report on the operation of its infrastructure reserve account in the immediately preceding fiscal year.

- (2) The report under subsection (1) shall include

- (a) a brief description of the projects in respect of which money from the account has been disbursed,
- (b) for each project referred to in paragraph (a), a statement as to the total cost of the project, the amount expended out of the account in the fiscal year, and the sources of funding for the project, and
- (c) such other information as may be prescribed.

Communities

Community infrastructure grant

10.(1) The Executive Council Member may, from time to time, pay a community infrastructure grant to a community authority, or the Executive Council Member may, from time to time, expend all or part of the grant for the benefit of the community.

(2) A community infrastructure grant shall be of such amount as the Executive Council Member considers appropriate.

(3) In determining whether to pay or expend a community infrastructure grant, the Executive Council Member shall take into consideration the provisions that are in effect or that may be put into effect by the community for the payment of the anticipated operation and maintenance costs of the facility or service in respect of which the grant may be provided.

Community authorities

11. The Executive Council Member may, in accordance with the regulations and upon the request of any community organization, appoint the organization to be a community authority for the community in relation to one or more infrastructure projects for the purposes of this Act.

Community contribution

12.(1) The Commissioner in Executive Council may make regulations prescribing the contribution required of a community for carrying out any infrastructure project.

(2) Subject to the regulations, where a community contribution is required under subsection (1),

- (a) all or part of the community contribution may be satisfied through the provision of volunteer labour or donated money, services or materials, and
- (b) no part of the community contribution shall be satisfied with labour, money, services or materials provided in whole or in part by the Government of the Yukon or the Government of Canada.

(3) The cost of carrying out a community infrastructure project that is a local improvement may be satisfied in whole or in part out of funds raised in accordance with the Assessment and Taxation Act through the imposition of a local improvement tax.

Expenditures

13.(1) Money in the form of a community infrastructure grant may be paid to a community authority or for the benefit of a community under section 9 only for the payment of authorized capital expenses in relation to infrastructure projects in the community.

(2) For the purposes of subsection (1), the following shall be deemed to be authorized capital expenses in relation to a community infrastructure project in addition to the actual costs of carrying out the project:

- (a) the cost of feasibility and preliminary design studies;
- (b) engineering and architectural costs incurred in the development of plans and specifications;
- (c) the cost of purchasing and installing fixtures;
- (d) such other costs as may be prescribed.

Exceptions

14. Subject to the regulations, money received by a community authority or applied for the benefit of a community as an infrastructure grant shall not be used for

- (a) the payment of operation and maintenance expenses of the community or any facilities or services in the community, or
- (b) the purchase of mobile machinery or equipment, or office equipment.

General

Appropriation requirement

15. Money required for the purposes of this Act shall be paid out of sums appropriated for that purpose.

Regulations

16. The Commissioner in Executive Council may make regulations

- (a) prescribing expenses that are or are not authorized capital expenses for the purposes of section 4 or 12;
- (b) prescribing terms and conditions upon which infrastructure grants may be paid to community authorities;
- (c) prescribing anything required in this Act to be prescribed, or providing for anything required in this Act to be provided for in the regulations;
- (d) generally, providing for carrying the purposes and provisions of this Act into effect.

Repeal

17. The Community Assistance Act is repealed.

Commencement

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

CHAPTER 22

(RSY 1986, Supplement)

AN ACT TO AMEND THE MUNICIPAL FINANCE ACT

(enacted as SY 1986, c. 25, assented to on Dec. 18. 1986)

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

1. The following section is added to the Municipal Finance Act immediately after Section 10:

“10.1(1) Subject to subsection (2), a municipal operating grant paid to a municipality shall not be less than 90 percent of the amount of the municipal operating grant paid to the municipality in the immediately preceding year.

(2) Where the amount of money appropriated for the municipal operating grant in a year is less than the amount of money appropriated for that purpose in the immediately preceding year, subsection (1) does not apply.”

CHAPTER 23

(RSY 1986, Supplement)

NURSING ASSISTANTS REGISTRATION ACT

(enacted as SY 1987, c. 19, assented to on April 16, 1987)

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

Interpretation

1. In this Act,

“advisory committee” means the Nursing Assistants Advisory Committee established under section 2;

“registered nursing assistant” means a person registered under this Act;

“registrar” means the Registrar of Nursing Assistants appointed under section 4.

Nursing Assistants Advisory Committee

2.(1) There is hereby established a committee of not more than five members called the Nursing Assistants Advisory Committee.

(2) The members of the advisory committee shall be appointed by the Commissioner in Executive Council and at least three of them shall be registered nursing assistants.

(3) The Commissioner in Executive Council shall appoint one of the members as chairperson.

(4) Appointments shall be for a maximum of three years and shall, on initial formation of the committee, be so staggered as to establish a rotation.

(5) A majority of the members constitutes a quorum but a vacancy in the membership does not impair the capacity of the remaining members.

(6) The advisory committee shall meet at the call of the chairperson.

(7) For the purposes of constituting the first advisory committee a “registered nursing assistant” includes a person who is eligible to be registered under this Act.

Functions of the Committee

3. The functions of the advisory committee are

- (a) to advise the Government of Yukon about
 - (i) educational standards to be set for registered nursing assistants,
 - (ii) training programs for nursing assistants,
 - (iii) qualifications for registration, and

- (iv) registration fees, annual fees and reinstatement fees payable under this Act,
- (b) to review applications for registration,
- (c) to develop and publicize the functions and areas of competence of and standards of practice for registered nursing assistants,
- (d) to monitor registered nursing assistants manpower needs, and
- (e) to perform such other tasks in keeping with the purposes of this Act as may be requested by the Executive Council Member.

Registrar of nursing assistants

4. The Executive Council Member shall designate a member of the public service as registrar of nursing assistants.

Registration

5.(1) A person who is eligible for registration as a nursing assistant is one who

- (a) has applied in the prescribed manner,
- (b) has paid the prescribed registration fee,
- (c) has completed a prescribed program of education for nursing assistants, and
- (d) meets the other prescribed qualifications.

(2) Notwithstanding subsection (1) anyone who has applied in the prescribed manner and paid the prescribed registration fee is eligible for registration if they (a) have the prescribed combination of training and work experience, and

(b) apply to be registered within one year of the coming into force of this Act.

Duties of the registrar

6. The registrar shall

- (a) register as a nursing assistant any person who is eligible for such registration,
- (b) issue certificates of registration,
- (c) keep and maintain a register of nursing assistants registered under this Act,
- (d) collect the prescribed fees,
- (e) suspend or cancel registrations according to the decision of inquiry committees, and
- (f) perform such other duties as are set out in this Act.

Discipline Panel

7.(1) The Commissioner in Executive Council shall appoint a discipline panel of no less than 10 persons, at least five of whom shall be registered nursing assistants.

(2) For the purposes of this section and subsection 9(2) registered nursing assistant includes a nursing assistant registered in another province.

Complaints

8.(1) A person who has a complaint respecting the skill or judgement of a registered nursing assistant in a professional respect may make their complaint to the registrar.

(2) Upon receiving a complaint the registrar shall refer the matter to the advisory committee.

(3) The advisory committee shall review every complaint referred to it by the registrar and shall

- (a) reject the complaint if the complaint is frivolous, or
- (b) refer the complaint to a committee of inquiry if there are reasonable grounds for the complaint.

(4) A copy of the complaint and the decision of the advisory committee under subsection (3) must be served on the registered nursing assistant concerned within 15 days after the decision was made and it may be served by registered or certified mail .

Committee of Inquiry

9.(1) If the advisory committee refers a complaint to a committee of inquiry for a hearing the chairperson of the advisory committee shall appoint at least three members of the discipline panel to be the committee of inquiry for the purposes of hearing that complaint.

(2) At least one half of the members appointed to a committee of inquiry shall be chosen from those panel members who are registered nursing assistants.

(3) The committee of inquiry shall investigate, hear, and determine the complaint.

(4) Notice of the date of any hearing shall be served by registered or certified mail on the registered nursing assistant concerned and the complainant at least 30 days before the date set for the hearing.

(5) A committee of inquiry has the same powers as a board of inquiry under the Public Inquiries Act.

(6) If a committee of inquiry determines that a complaint is justified, the committee of inquiry may reprimand the person complained against or suspend or cancel the registration of that person.

(7) A complaint is justified when it is shown that the registered nursing assistant

- (a) displayed a lack of the knowledge, skill, or judgement in the care of a patient that it is reasonable to expect of a registered nursing assistant, or
- (b) failed to take reasonable care in the performance of duties as a registered nursing assistant.

(8) Notice of the decision of a committee of inquiry shall be sent by registered or certified mail to the registered nursing assistant concerned and the complainant forthwith after the decision is rendered.

Appeal

10.(1) A decision of a committee of inquiry may be appealed to the Supreme Court.

(2) An appeal under subsection (1) shall be made by way of originating notice filed in the Supreme Court within 30 days of the date of service of the decision on the registered nursing assistant.

(3) The originating notice shall be served on the registrar within 30 days of the date of service of the decision on the registered nursing assistant.

(4) An appeal under this section shall be a rehearing of the matter on the merits.

Prohibition

11. No person shall act as or claim to be a registered nursing assistant unless that person is registered under this Act.

Offence

12. A person who contravenes this Act is guilty of an offence and liable on conviction to a fine not exceeding \$1000 and to imprisonment for a term not exceeding six months or both.

Regulations

13. The Commissioner in Executive Council may make regulations

- (a) approving schools and educational programs for registered nursing assistants;
- (b) respecting the content and standards of schools and educational programs for registered nursing assistants;
- (c) providing for the examination of persons who wish to be registered nursing assistants;
- (d) prescribing qualifications for registration, including temporary registration and re-registration, of persons as registered nursing assistants;
- (e) prescribing fees;
- (f) providing for the holding and procedure of meetings;
- (g) respecting the disciplining of registered nursing assistants; and
- (h) establishing procedures for the conduct of hearings under this Act.

Exemption

14. This Act shall not be construed to affect or apply to nursing care that is provided

- (a) by a member of the family of a patient,
- (b) by a registered nurse, or
- (c) by a person enrolled in a school or course of training for the purpose of becoming a registered nurse or registered nursing assistant.

Commencement

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

CHAPTER 24

(RSY 1986, Supplement)

AN ACT TO AMEND THE PUBLIC SERVICE COMMISSION ACT

(enacted as SY 1987, c. 5, assented to on Feb 2, 1987)

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

1. This Act amends the Public Service Commission Act.

2. The title of the Act is amended by striking out the word "Commission".

3.(1) Subsection 1(1) is amended by striking out the definitions of "casual employee", "class", "class of positions", "established position", "establishment" and "single position class".

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

“ ‘auxiliary employee’ means an employee

- (a) who has one work assignment, whether full or part-time, that normally reoccurs, depending upon the call of the employer, on a seasonal basis each year for a continuous period of time of more than three but less than ten consecutive months, or
- (b) who normally has one or more work assignments each year, whether full or part-time, determined from time to time on an hourly, daily or other periodic basis by the call of the employer;

‘casual’ means a person engaged on a casual or temporary basis

- (a) whose employment, whether full or part-time, does not reoccur on a seasonal basis from year to year and is not intended to exceed six consecutive and continuous months, or
- (b) whose employment may reoccur on a seasonal basis from year to year and, if full time, is not intended to exceed three consecutive or continuous months or, if part time, is not intended to exceed 500 hours in any 12 month period;”.

‘class’ means a class as set out in a classification plan pursuant to section 19;

‘group’ means a group as set out in a classification plan pursuant to section 19;

‘level’ means a level as set out in a classification plan pursuant to section 19;

‘merit’ means the knowledge, abilities and suitability of a person in relation to the requirements for a position or for employment as a casual, as the case may be;

‘working days’ means days on which the offices of the Government of the Yukon normally are open;”.

(3) The following is substituted for the definition of “department or branch” in subsection 1(1):

“ ‘department’ means a department in the public service and includes an agency, branch, commission, board or corporation of the Government of Yukon;”.

(4) The definition of “deputy head” in subsection 1(1) is amended by striking out the expression “or branch” and by substituting the word “regulations” for the word “Schedule”.

(5) The following is substituted for the definition of “employee” in subsection 1(1):

“ ‘employee’ means a person appointed to a position in the public service, and includes an auxiliary employee but does not include a casual;”.

(6) The definition of “lay-off” in subsection 1(1) is amended by adding to the end of it the expression “but does not include an auxiliary employee during the period when the employee has no work assignment or an auxiliary employee who has received notice of the termination of the employee’s work assignment”.

(7) The following is substituted for the definition of “position” in subsection 1(1):

“ ‘position’ means a position established by the commission as a Position in the public service;”.

(8) The definition of “public service” in subsection 1(1) is amended by striking out the expression “or branches”.

(9) In the definition of “unit” in subsection 1(1), the expression “public service commissioner” is substituted for the word “Commissioner”.

4.(1) Paragraph 8(1)(g) is amended by striking out the expression “or branch”.

(2) Paragraph 8(1)(i) is amended by striking out the word “a”, and by substituting the word “systems” for the word “system.”

(3) Subsection 8(3) is amended by striking out the expression “branch or division”.

5. Subsection 9(2) is amended by striking out the expressions “branch or division” and “or branch”.

6. Section 13 is repealed.

7. Section 15 is amended by striking out the expression “or branch”.

8. Section 18 is amended by striking out the expression “or branch”.

9.(1) In section 19, the expression “one or more classification plans for” is substituted for the expression “a Classification Plan for all”.

(2) The following subsections are added to section 19:

“(2) Every classification plan shall establish one or more systems of classes, groups and levels to which positions may be allocated.

(3) Every classification plan shall set out

(a) the evaluation techniques to be used in classifying positions, and

(b) the classification standards or specifications to be applied in classifying positions.

(4) The commission may establish one or more classification plans respecting casuals, and subsections (2) and (3), and sections 23 to 33, with the necessary changes, apply to such plans.

(5) Except as expressly provided by subsection (4), nothing in this section renders any other provision of this Act applicable to casuals.”

10. Sections 20 and 21 are repealed.

11. The following is substituted for section 22:

Creation of and changes to classes, groups and levels

“22. The commission may create, divide, combine, alter or abolish classes, groups and levels.”

12. In section 23, the expression “classes, groups and levels” is substituted for the word “classes”.

13. In section 24, the expression “in whole or in part” is substituted for the expression “or any class or any positions within a class series”, and by substituting the expression “to any class, group and level” for the expression “to any class”.

14. The following new section is added immediately after section 25:

Effective date of classification or reclassification

“25.1 Except as otherwise provided by this Act, the classification or reclassification of a position takes effect on a date determined in accordance with regulations.”

15. In section 25, the expression “class or group” is substituted for the word “class”.

16. Sections 26 and 27 are repealed.

17. The following is substituted for section 28:

Classification techniques and standards

“28. The evaluation techniques to be used in classifying positions, and the classification standards and specifications to be applied in classifying positions, shall be determined solely by the commission.”

18. Sections 29 to 31 are repealed.

19. In section 32, the expression “in his or her department” is substituted for the expression “under his direction”.

20. In section 33, the expression “in his or her department” is substituted for the expression “on his establishment”, and the expression “for his or her department” is substituted for the expression “for his establishment”.

21. The following new subsection is added to section 34:

“(2) A review under subsection (1) shall be discontinued if the employee leaves the employ of the government for a reason other than death or lay-off prior to completion of the review.”

22. In section 35, the word “department” is substituted for the word “establishment”.

23.(1) In subsection 36(1), the expression “section 34 or 35” is substituted for the expression “sections 34 or 35”.

(2) The following new subsections are added to section 36.

“(2) Where a change in the classification of a position results from a review under section 34 or 35, the change shall be deemed to have taken effect on the date on which the request for review was received by the commission.

(3) Notwithstanding subsection (2), an employee is not entitled to a retroactive or other increase of pay or other benefits in respect of the reclassification of a position under this section unless

(a) the employee held the position at the time when the review was requested under section 35 or 36 and

(i) the employee continued to hold the position at the time of the completion of the review, or

(ii) the employee died, was laid off or was transferred by the employer to another position prior to the completion of the review, or

(b) the employee was appointed to the position after the time when the review was requested at a rate of pay lower than the minimum rate of pay for the position as reclassified, and the employee continued to hold the position at the time of the completion of the review.

(4) The rate of pay of an employee to whom paragraph (3)(b) applies shall not, as a result of the reclassification of the position, be increased beyond the minimum rate of pay for the position as reclassified, whether or not the appointment of the person to the position was made under subsection 74(1).

(5) The rate of pay of an employee shall not be reduced as the result of a reclassification of the employee’s position under this section.

(6) The salary range of an employee may be changed as the result of a reclassification of the employee’s position under this section.”

24. Section 37 is amended by substituting the expression “in respect of substantially the same matter” for the expression “within six months from the date of the decision”.

25. In section 39, the expression “subject to the regulations” is added immediately after the word “appointed”.

26. In section 41, the expression “in his or her department” is substituted for the expression “on his establishment”.

27. Section 42 is amended by adding the expression “or in respect of a casual” to the end of the section.

28. In section 43, the expression “as may be prescribed” is substituted for the expression “as may be required to enable the appeal to be determined”.

29. In section 44, the expression “class, group and level” is substituted for the word “class”.

30. In section 45, the expression “20 working days after notice of the classification decision is received by the employee” is substituted for the expression “fifteen working days after the receipt of the classification decision by the Deputy Head”.

31. In section 49, the expression “subject to the regulations” is added immediately after the word “right”.

32. In section 55, the expression “class, group or level” is substituted for the word “class”.

33. The following is substituted for section 56:

Restriction of powers of the board

“56. The Classification Appeal Board shall not have the authority

- (a) to apply evaluation techniques different from those established under paragraph 19(3)(a),
- (b) to apply classification standards or specifications different from those established under paragraph 19(3)(b),
- (c) to make decisions or recommendations regarding rates of pay, other benefits or terms or conditions of employment applicable to any class, group or level, or
- (d) to create, divide, combine, alter or abolish any class, group or level.”

34. The following is substituted for section 57:

Limitation

“57. The Classification Appeal Board shall not conduct a second or further appeal in respect of substantially the same matter.”

35.(1) In subsection 58(2), the expression “an advisor for the bargaining agent” is substituted for the expression “an advisor”.

(2) The following subsections are added to section 58:

- “(4) Where an advisor is appointed for a bargaining agent under subsection (2), the Public Service Commissioner may appoint an additional advisor to act as the commission’s advisor.
- (5) This section does not apply to an appeal of a classification decision with respect to a position allocated to a class excluded from a collective agreement.”

36. The following is substituted for section 59:

Employee representative

“59. Where an appeal to the Classification Appeal Board is initiated by an employee, the employee may appoint a representative to appear before the board and make representations on behalf of the employee.”

37. Section 62 is amended by adding the expression “subject to the regulations” immediately after the word “scheduled”.

38. The following is substituted for section 63:

Result of Appeal

“63.(1) Where a change in the classification of a position results from an appeal to the board, the change shall be deemed to have taken effect on the date on which the request for the review of the classification of the position was received by the commission under section 34 or 35.

(2) Notwithstanding subsection (1), an employee is not entitled to a retroactive or other increase of pay or other benefits in respect of the reclassification of a position under this section unless

(a) the employee held the position at the time when the review of the classification of the position was requested under section 34 or 35 and

(i) the employee continued to hold the position at the time of the completion of the appeal, or

(ii) the employee died, was laid off or was transferred by the employer to another position prior to the completion of the appeal, or

(b) the employee was appointed to the position after the time when the review of the classification of the position was requested under section 34 or 35 at a rate of pay lower than the minimum rate of pay for the position as reclassified on appeal, and the employee continued to hold the position at the time of the completion of the appeal.

(3) The rate of pay of an employee to whom paragraph (2)(b) applies shall not, as a result of the reclassification of the position, be increased beyond the minimum rate of pay for the position as reclassified, whether or not the appointment of the person to the position was made under subsection 74(1).

(4) The rate of pay of an employee to whom paragraph (2)(a) applies shall not, as the result of a reclassification of the employee’s position under this section, be reduced below the rate paid to the employee at the time when the review of the classification of the position was requested under section 34 or 35.

(5) The rate of pay of an employee to whom paragraph (2)(b) applies, shall not, as the result of a reclassification of the employee’s position under this section, be reduced below the rate of pay at which the employee was appointed to the position.

- (6) The salary range of an employee may be changed as the result of a reclassification of the employee's position under this section."

39. Section 64 is repealed.

40. In section 65, the expression "class, group or level" is substituted for the expression "classes of employment".

41. In section 66, the expression "class, group or level" is substituted for the expression "classes of employment", and the expression "classes, groups and levels" is substituted for the word "classes".

42. In sections 67 and 68, the expression "classes, groups or levels" is substituted for the expression "classes of employment".

43. In section 69, the expression "deputy head" is substituted for the expression "class of employment listed in the Schedule".

44. In section 70, the expression "classes, groups and levels" is substituted for the word "classes".

45. In section 71, the expression "classes, groups and levels" is substituted for the expression "classes of employment".

46. The following subsections are added to section 74:

- "(2) Notwithstanding section 73, the public service commissioner may, in accordance with the regulations, make an appointment to a position in a class at a rate of pay lower than the minimum rate for the class where the person appointed does not have all the required qualifications for the position.

- (3) Where an appointment is made under subsection (2), the person appointed to the position may be dismissed from the position not later than three years after the date of the appointment unless the person acquires all the required qualifications for the position during that time."

47. The following is substituted for section 78:

Information to be supplied to the commission

"78. Every deputy head shall, on the request of the commission, provide such information as the commission may require regarding employees and positions in the department of the deputy head, including casuals."

48. Section 79 is amended by substituting the word "positions" for the word "employees", and by striking out the expression "branch or division".

49. Subsection 80(2) is repealed.

50. Section 81 is amended by striking out the expression "branch or division".

51. The following is substituted for section 82:

Limits to staff establishment

"82.(1) The establishment of a department shall not, except with the approval of the management board under the Financial Administration Act, exceed the establishment approved by the management board for the department.

(2) Auxiliary positions shall not be included in the staff establishment of a department for the purposes of subsection (1)."

52. Section 83 is amended by striking out the expression "branch or division".

53. In section 84, the word "commission" is substituted for the word "Commissioner".

54. In section 85, the expression "a person" is substituted for the expression "an employee", and the expression "subsection 84(2)" is substituted for the expression "section 84(2)".

55. In sections 86 to 88, the word "casual" is substituted for the expression "casual employee".

56. Sections 89 to 94 are repealed.

57.(1) The following is substituted for the heading immediately preceding section 95: "Appointment and Termination".

(2) Section 95 is amended by adding the expression "Subject to section 10" to the beginning, and by striking out the expression "branch or division".

58. Section 98 is amended by striking out the expression "or class".

59. The following section is added immediately after section 99:

Affirmative action

"99.1 Notwithstanding any other provision of this Act, the commission may implement programs that have as their object the amelioration of conditions of disadvantaged individuals or groups, and may for that purpose employ such individuals or members of such groups as the commission considers appropriate."

60. In section 100, the word "casuals" is substituted for the expression "persons to perform work of a casual or temporary nature".

61. In section 104, the word "occupations" is substituted for the expression "classes of positions", and the expression "those occupations" is substituted for the expression "those positions".

62. Section 107 is amended

- (a) by substituting the word "in the department of the deputy head" for the expression "on the establishment of his department or branch", and
- (b) by substituting the expression "within a division of the public service defined by the commission" for the expression "within the department, branch or division".

63. Section 109 is amended by striking out the expressions "branch or division" and "branches or divisions".

64. Paragraph 110(a) is amended by striking out the expression "of positions".

65. The following subsections are added to section 115:

“(2) Notwithstanding subsection (1), the probationary period for an auxiliary employee is 1000 working hours, exclusive of overtime hours.

(3) Where a person is transferred or demoted to a position, the commission shall determine whether the person shall serve a probationary period having regard to the circumstances surrounding the transfer or demotion and such other factors as the commission considers relevant.”

66.(1) Section 116 is amended by substituting the expression “other than an auxiliary employee, for further periods” for the expression “for a further period”.

(2) The following subsection is added to section 116:

“(2) A deputy head may extend the probationary period of an auxiliary employee for a further period of 1000 working hours, exclusive of overtime hours.”

67. The following subsection is added to section 119:

“(2) Subsection (1) does not apply to auxiliary employees.”

68.(1) Section 121 is amended by striking out the expression “or temporary” and the word “permanent”.

(2) The following subsection is added to section 121:

“(2) Service as an auxiliary employee shall not be considered as part of a probationary period in respect of an appointment to a position other than an auxiliary position.”

69. Sections 122 to 124 are repealed.

70. In section 127, the expression “evidence satisfactory” is substituted for the expression “satisfactory evidence”.

71. In subsection 130(3), the word “adjudication” is substituted for the expression “the adjudication”.

72. In section 131, the expression “the last working day of the employee” is substituted for the expression “his last working day”.

73.(1) In subsection 132(1), the expression “five consecutive working days of the employee” is substituted for the expression “a period of five consecutive working days”.

(2) The following subsections are added to section 132:

“(4) The position of an auxiliary employee may also be declared to have been abandoned under subsection (1) where the employee has failed to comply with three consecutive calls by the employer to accept a work assignment.

(5) Only calls given to the employee in accordance with subsection 191(3) shall be effective for the purposes of subsection (4).”

74. In section 133, the expression “position at the same level performing similar functions and requiring similar qualifications” is substituted for the expression “in the same class or to an alternative work location”.

75.(1) The following is substituted for subsection 135(1):

“135.(1) Subject to the regulations, where operational requirements so necessitate, a Deputy Head may, at any time, with the prior approval of the commission, transfer an employee from one position to another position at the same level, performing similar functions and requiring similar qualifications in the department of the deputy head,

- (a) within the same work location, or
- (b) between different work locations.”

(2) The following subsections are added to section 135:

- “(1.1) A transfer under subsection (1) shall be effected by the giving of a written notice to the employee in accordance with section 191, specifying the effective date of the transfer.
- (1.2) A copy of the notice under subsection (1.1) shall be sent to the commission.
- (10) Subsections (3) to (9) do not apply to auxiliary employees.
- (11) An employee shall not be required to serve a probationary period solely as a result of a transfer under this section.”

76. The following is substituted for section 136:

Transfer by the public service commissioner

- “136.(1) The public service commissioner may transfer an employee from one position to another at the same level performing similar functions and requiring similar qualifications within the same department
- (a) within the same work location, or
 - (b) between different work locations.
- (2) A transfer under subsection (1) shall not be made except with the consent of the employee and the deputy head of the department within which the transfer is made.
 - (3) The public service commissioner may transfer an employee from one position to another at the same level performing similar functions and requiring similar qualifications between departments
 - (a) within the same work location, or
 - (b) between different work locations.
 - (4) A transfer under subsection (3) shall not be made except with the consent of the employee and the Deputy Head of the department to which the transfer is made.”

77. The following subsection is added to section 146:

- “(2) Subsection (1) does not apply to an employee who is not a member of a bargaining unit under the Public Service Staff Relations Act.”

78. The following subsection is added to section 152:

“(3) Subsection (1) does not apply to an employee who is not a member of a bargaining unit under the Public Service Staff Relations Act.”

79. The following is substituted for section 161:

Leave for employees seeking election

“161.(1) An employee who proposes to become a candidate in an election shall apply in writing to his or her deputy head to be placed on leave without pay, commencing

- (a) upon the issuance of the writ of election, where the person is nominated by a political party prior to the issuance of the writ,
- (b) upon the nomination of the person by a political party, where the person is nominated after the issuance of the writ of election but before being nominated pursuant to the Canada Elections Act or the Elections Act (Yukon) to be a candidate in an election, or
- (c) upon being nominated pursuant to the Canada Elections Act or the Elections Act (Yukon) to be a candidate in an election, where paragraphs (a) and (b) do not apply.

(2) Leave without pay under this section shall terminate on the earlier of

- (a) the official declaration of the result of the election, or
- (b) the withdrawal of the candidate pursuant to the Canada Elections Act or the Elections Act (Yukon).”

80. In section 164, the expression “has been placed on leave without pay under section 161” is substituted for the expression “has been granted leave of absence without pay to seek nomination as a candidate or to be a candidate as a member of the House of Commons or the Council of the Yukon Territory”.

81.(1) Section 165 is amended by striking out the expression “or by-election” and by adding the expression “whether or not a writ for the holding of the election has been issued” to the end of the section.

(2) The following new definition is added to section 165:

“ ‘election’ includes a by-election;”.

82.(1) Subsection 166(1) is amended by substituting the expression “Except as otherwise provided by this Act” for the expression “Except as provided by section 167” and by striking out the expression “or by-election”.

(2) Subsection 166(2) is amended by substituting the expression “Except as otherwise provided by this Act” for the expression “Except as provided by section 167” and by striking out the expression “or by-election”.

(3) The following subsection is added to section 166:

“(3) This section applies whether or not a writ for the holding of an election has been issued.”

83. The following subsections are added to section 167:

“(3) No employee shall so conduct himself or herself during his or her working hours so as to promote or oppose a political party, or a candidate or person who is seeking nomination as a candidate in an election, whether or not a writ for the holding of the election has been issued.”

84. Subsections 168(1) and (3) are amended by striking out the expression “or by-election”.

85.(1) Subsection 168(1) is amended by adding the expression “whether or not a writ for the holding of an election has been issued” to the end of the subsection.

(2) Subsection 168(2) is amended by adding the expression “open to the general public” to the end of the subsection.

86. The following subsection is added to section 170:

“(2) Subsection (1) does not apply to an employee who is not a member of a bargaining unit under the Public Service Staff Relations Act.”

87. Section 171 is amended by striking out the expression “branch or division”.

88. In section 172, the word “rate” is substituted for the word “rates”.

89. In section 173, the expression “after receiving notice of lay-off under section 191” is substituted for the expression “after he was laid off”.

90. In section 174, the word “rate” is substituted for the word “rates”.

91. In section 175, the expression “after receiving notice of lay-off under section 191” is substituted for the expression “from the date on which he became a lay-off”, and by substituting the word “rate” for the word “rates”.

92.(1) In section 176, the expression “Subject to subsections (2) and (3), where two or more employees, other than auxiliary employees, in positions in the same group, at the same level, performing similar functions and requiring similar qualifications in the same unit are to be laid off, or where one such employee is to be laid off and there are other such employees holding positions in the same group, at the same level, performing similar functions and requiring similar qualifications in the same unit,” is substituted for all the words preceding the expression “the deputy head”.

(2) The following subsection is added to section 176:

“(2) Where two or more auxiliary employees in positions in the same group, at the same level, performing similar functions and requiring similar qualifications in the same unit are to be laid off, or where one auxiliary employee is to be laid off and there are other auxiliary employees holding positions in the same group, at the same level, performing similar functions and requiring similar qualifications in the same unit, the deputy head shall prepare and forward a report listing the employees in order of their merit to the public service commissioner and such employees, if approved by the public service commissioner, shall be laid off in order beginning with the auxiliary employee lowest on the list.

- (3) An employee other than an auxiliary employee shall not be laid off until all auxiliary employees in positions in the same group, at the same level, performing similar functions and requiring similar qualifications in the same unit have been laid off.”

93. The following subsection is added to section 181:

“(2) Subsection (1) does not apply to auxiliary employees.”.

94. Section 182 is amended

- (a) by substituting the word “casual” for the expression “casual employee”,
- (b) by substituting the expression “an employee” for the expression “a permanent employee”, and
- (c) by substituting the expression “any employee” for the expression “any permanent employee”.

95. Section 183 is amended by striking out the word “employee”.

96. Section 184 is amended by adding to the beginning of the section the expression “Subject to the regulations”.

97. In section 185, the expression “for approval” is added immediately before the word “together”.

98. Section 186 is repealed.

99.(1) Subsection 191(2) is amended

- (a) by adding the expression “Except as provided by subsection (3)” to the beginning of the subsection,
- (b) by substituting the word “ten” for the word “five”, and
- (c) by substituting the expression “registered or certified mail” for the expression “registered mail”.

(2) The following subsection is added to section 191:

“(3) A notice calling upon an auxiliary employee to accept a work assignment may be given personally either orally or in writing, or it may be sent by registered or certified mail addressed to the address provided under subsection (1), in which case it shall be deemed to have been received ten working days after the date of mailing.”

100. Section 193 is amended by substituting the expression “Except as otherwise provided by the regulations, no employee or casual” for the expression “No employee”, and by adding the word “renew” immediately before the word “accept”.

101. Section 195 is amended by striking out the word “or branch”.

102. Section 196 is amended by striking out the expression “The Commission shall have the exclusive right and authority to select training courses for the retention, development and advancement of employees in the Public Service of for such other purposes as the Commission deems appropriate and”.

103. Section 197 is repealed.

104. In section 200, the word “be” is substituted for the expression “replace the Commissioner as”.

105. In section 202, the expression “With the prior approval of the public service commissioner and the consent of the employee, a deputy head may lend any employee to another department, to another government or an agency thereof, or to any body corporate” is substituted for all of the words preceding the expression “for such period”.

106. In section 203, the word “transfer” is added immediately after the word “appointment”, and the expression “under this Act” is substituted for the expression “to a position”.

107.(1) In subsection 204(1), the word “person” is substituted for the word “employee”, and the word “transfer” is added immediately after the word “promotion”.

(2) The following subsection is added to section 204:

“(1.1) The public service commission may, without further cause, suspend or dismiss a person who is appointed to a position as a result of improper influence under section 203.”

(3) In subsection 204(2),

- (a) the word “person” is substituted for the word “employee”,
- (b) the word “person’s” is substituted for the word “employee’s”, and
- (c) the word “transfer” is added immediately after the word “promotion”.

108. The following subsection is added to section 205:

“(2) Subsection (1) does not apply to an employee who is not a member of a bargaining unit under the Public Service Staff Relations Act.”

109.(1) In paragraph 208(2)(f), the word “casuals” is substituted for the expression “employees performing duties of a casual or temporary nature”, and the expression “and casuals” is substituted for the expression “and employees”.

(2) Paragraphs 208(2)(n) and (t) are repealed.

110. A person who is an auxiliary employee pursuant to the personnel policies of the Government of the Yukon when this Act comes into force shall be deemed to be an auxiliary for the purposes of the Public Service Commission Act as amended by this Act, and no such person shall be required to serve a probationary period after this Act comes into force.

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

CHAPTER 25

(RSY 1986, Supplement)

AN ACT TO AMEND THE PUBLIC SERVICE STAFF RELATIONS ACT

(enacted as SY 1987, c. 6, assented to on Feb. 12, 1987)

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

1. This Act amends the Public Service Staff Relations Act.

2. (1) The following definition is added to section 1:

“‘auxiliary employee’ has the same meaning as in the Public Service Act;”.

(2) The following is substituted for paragraphs (d) and (e) of the definition of “employee” in section 1:

“(d) a person who is a casual within the meaning of the Public Service Act;”.

(3) The following is substituted for the definition of “person employed in a managerial or confidential capacity” in subsection 1(2):

“‘person employed in a managerial or confidential capacity’ means a person

- (a) who is employed in a confidential capacity to the Commissioner, a member of the Executive Council, a deputy head, a judge of the Supreme Court or the Territorial Court, or a chief executive officer of an agency of the Government of the Yukon,
- (b) who is employed in a capacity confidential to the Executive Council or a committee of the Executive Council,
- (c) who has or exercises managerial duties and responsibilities in relation to the formulation, development and administration of policies and programs,
- (d) who is required by reason of the person’s duties to deal formally on behalf of the employer with a grievance presented in accordance with the grievance process provided for in this Act,
- (e) who is a unit head as defined in the Public Service Act,
- (f) who is employed in the Department of Finance
 - (i) in the formulation of budgets of the Government of the Yukon,
 - (ii) in the conduct of fiscal relations, or
 - (iii) in a capacity confidential to the management board,
- (g) who is employed in the Public Service Commission,

- (h) who is employed in a confidential capacity to a person described in paragraphs (b) to (g),
- (i) who is not otherwise described in paragraphs (a) to (h) but who, in the opinion of the board, should not be included in any bargaining unit by reason of the person's duties and responsibilities to the employer;”.

3. The following subsection is added to section 20:

- “(2) A bargaining agent for a group of employees may, subject to section 23, apply to the board in the prescribed manner for certification as the bargaining agent for an enlarged bargaining unit the bargaining agent considers appropriate for collective bargaining consisting of the original group of employees and an additional group of employees.”

4. The following subsection is added to section 23:

- “(4) This section does not apply in respect of an application under subsection 20(2) for the enlargement of a bargaining unit to include an additional group of employees where no collective agreement or arbitral award that is in force applies to any member of the additional group.”

5. The following subsections are added to section 25:

- “(3) Where an application for the enlargement of a bargaining unit is made under subsection 20(2), the board shall, subject to subsection (4), determine the group of employees that constitutes an appropriate addition to the existing bargaining unit.
- (4) Notwithstanding any other provision of this Act, the Board shall not determine a unit of employees including auxiliary employees to constitute a unit appropriate for collective bargaining unless the unit includes all of the auxiliary employees of the employer at the time of the application and does not include any other employees except for any employees in respect of whom the bargaining unit has previously been certified.
- (5) Notwithstanding any other provision of this Act, persons who are auxiliary employees upon the coming-into-force of this subsection shall not be included in a bargaining unit otherwise than upon application under subsection 20(2) and upon compliance with subsection (4), and persons who become auxiliary employees after the coming-into-force of this subsection shall not be included in a bargaining unit that does not include all of the other auxiliary employees.”

6. The following new subsection is added to section 27:

- “(2) Where the board
 - (a) has received an application under subsection 20(2),
 - (b) has determined the group of employees that constitutes an appropriate addition to the bargaining unit for collective bargaining in accordance with section 25,

- (c) is satisfied that at the date the application was made a majority of the additional group of employees wished to be represented by the bargaining agent that made the application, and
- (d) is satisfied that the bargaining agent has been duly authorized by the existing bargaining unit to make the application,

the board shall, subject to this Act, certify the enlarged employee organization as bargaining agent for the enlarged bargaining unit in accordance with subsection (3).

- (3) The board shall, upon making a decision to certify an enlarged bargaining unit under subsection (2), issue such transitional directions as may be required for the commencement of the certification with respect to the additional group of employees added to the bargaining unit
 - (a) to provide for the negotiation of a collective agreement to apply to the auxiliary employees until the expiration of any existing collective agreement applying to the rest of the bargaining unit, and
 - (b) to enable bargaining for the enlarged bargaining unit to proceed in an orderly fashion upon expiration of the existing collective agreement.”

7. In subsection 28(1), the expression “paragraphs 27(1)(c) and (d) or 27(2)(c) and (d)” is substituted for the expression “paragraphs (c) and (d) of that section”.

8. The following new subsection is added to section 45:

- “(2) In a collective agreement under subsection (1), the benefits and terms and conditions of employment applicable to auxiliaries need not be the same as for other employees, and such benefits, terms and conditions shall be negotiated and specified separately from those for other employees.”

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

CHAPTER 26

(RSY 1986, Supplement)

SECOND APPROPRIATION ACT, 1987-88

(enacted as SY 1987, c. 20, assented to on April 16, 1987)

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 appearing 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 in March 31, 1988.

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

1. This Act may be cited as the Second Appropriation Act, 1987-88.

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

(2) The sum appropriated by subsection (1) includes the sum of \$33,166,000 appropriated by the Interim Supply Appropriation Act, 1987-88.

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

SECOND APPROPRIATION ACT, 1987-88

SCHEDULE A

\$ (Dollars in 000's)

Operation and Maintenance Votes	This Appropriation	Total O&M Voted (Current O&M Spending Authority)
Yukon Legislative Assembly	1,548	1,548
Executive Council Office	4,024	4,024
Community and Transportation Services	42,852	42,852
Economic Development: Mines and Small Business	2,435	2,435
Education	41,158	41,158
Finance	2,539	2,539
Government Services	12,627	12,627
Health and Human Resources	37,957	37,957
Justice	16,280	16,280
Public Service Commission	3,306	3,306
Renewable Resources	7,221	7,221
Tourism	3,288	3,288
Women's Directorate	209	209
Yukon Housing Corporation	1,305	1,305
Yukon Liquor Corporation	ONE DOLLAR	ONE DOLLAR
Yukon Development Corporation	ONE DOLLAR	ONE DOLLAR
Loan Capital	8,000	8,000
Loan Amortization	1,848	1,848
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Total Operation and Maintenance	186,597	186,597
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SECOND APPROPRIATION ACT, 1987-88

SCHEDULE B GRANTS

OPERATION AND MAINTENANCE VOTES - GRANTS	Purpose/Legislation	\$ (Dollars in 000's) GRANT AMOUNT
Executive Council Office	Asia Pacific Foundation Grant	25
Community and Transportation Services	In-Lieu-of Property Taxes	1,468
	Conditional Municipal Grants	347
	Dwelling Unit Grants	2,759
	Home Owner Grants	917
Education	Yukon College - Student Travel	2
	Student Activity Support Programs	15
	Post Secondary Student Grants	1,101
	Adult Education General Training Allowance	550
	Training Allowances - Apprenticeship	3
Health & Human Resources	Day Care	379
	Pioneer Utility Grant	175
	Yukon Senior's Income Subsidy	430
	Home Care	30
Tourism	Museum Grants	70
Women's Directorate	Women's Groups, Conferences, and Special Activities	11
		<hr/>
Total		8,282 <hr/>

SECOND APPROPRIATION ACT, 1987-88

SCHEDULE "C"

OBJECTIVES

DEPARTMENTAL OBJECTIVES

YUKON LEGISLATIVE ASSEMBLY

- To enable the Yukon Legislative Assembly and its members to carry out their functions by providing administrative support systems and parliamentary expertise.

EXECUTIVE COUNCIL OFFICE

- To provide the Executive Council and Yukon Government departments with a range of services intended to promote and coordinate activities relevant to the provision of analysis, support and advice on all matters relating to the activities of the Government as a whole.

DEPARTMENT OF COMMUNITY AND TRANSPORTATION SERVICES

- To promote local self-government and to provide support to municipalities to offer the services and facilities which reflect their needs and to provide municipal services in un-organized communities.
- To provide for the planning, development and management of Yukon land and its use and to make land available to meet the needs of the Yukon.
- To plan, develop, maintain and regulate a transportation infrastructure and related services to support the social and economic development of the Yukon.
- To support the development of arts, sports and community recreation throughout the Yukon.
- To foster the development and provision of communication services to enhance the cultural, economic and leisure opportunities of Yukoners.

DEPARTMENT OF ECONOMIC DEVELOPMENT: MINES AND SMALL BUSINESS

- To promote development of self-sustaining Yukon economy, with a balance and diversification of primary, secondary, and service industries, providing an acceptable level of income for Yukon residents in either wage or in kind.
- To increase the participation of Yukoners in employment, management, and ownership of Yukon business: to decrease leakage of wages and profits from the Territory, and increase economic returns, capital accumulation, and local influence on economic decision-making for the Yukon.
- To promote a more equitable distribution of economic benefits throughout all regions and segments of the population.

DEPARTMENT OF EDUCATION

- To ensure that all Yukoners are provided with the learning opportunities to achieve their potential by the department planning, developing, managing and evaluating:
 - Primary, elementary and secondary education for all school age children;
 - French language programs;
 - Adult training and continuing education programs;
 - Manpower planning services, employment development and job retention programs;
 - Library and archival services.
- To provide funds for the development, promotion and evaluation of the Native language program and for the training of local instructors for the program, and provide the required central support.

DEPARTMENT OF FINANCE

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

DEPARTMENT OF GOVERNMENT SERVICES

- To provide goods and services to all the Yukon Government's departments and agencies so that the physical resources of the government are acquired, allocated and utilized in an efficient and optimum manner.
- To co-ordinate and facilitate the Yukon Government's relationship with the private sector.

DEPARTMENT OF HEALTH AND HUMAN RESOURCES

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

DEPARTMENT OF JUSTICE

- To respond to Yukon community needs to provide services designated to reduce crime and to serve and protect victims and potential victims.
- To provide police services designed to preserve law and order.
- To provide court services.
- To provide secure housing and correctional services designed to protect communities from offenders and to provide rehabilitative services to offenders.
- To maintain safe employment, orderly and responsible commercial and professional services in the Yukon and to promote the public interest in labour-management harmony and the consumer interest in commercial and professional activities.
- To provide legal services to the Yukon Government.

PUBLIC SERVICE COMMISSION

- To provide information, systems and services to Management Board and line departments so that the human resources of the public service may be managed equitably and efficiently in accordance with applicable legislation.

DEPARTMENT OF RENEWABLE RESOURCES

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

DEPARTMENT OF TOURISM

- To promote and develop the Yukon as a tourism destination for the economic and social benefit of Yukoners and to assist the private sector in similar efforts.
- To develop, enhance and transmit, for the benefit of all Yukoners and visitors, an appreciation and understanding of the Yukon's heritage as well as to preserve these resources for present and future generations.

WOMEN'S DIRECTORATE

- To improve the economic, social, and legal status of Yukon women to promote equality.

YUKON HOUSING CORPORATION

- To ensure the provision and availability of suitable and affordable accommodation to the Yukon households in need, senior citizens, the disabled and special needs groups.
- To ensure the provision and availability of suitable accommodation to Government of Yukon staff living outside of Whitehorse, and to administer the Government's Employee Housing Buy-Back Program.
- To foster and promote programs that will assist the housing industry to supply adequate housing within Yukon.
- To create and promote an environment of community participation in the design, development and delivery of housing programs.

YUKON LIQUOR CORPORATION

- To provide for and to regulate the purchase, transportation, and sale of alcoholic beverages in the Yukon.

YUKON DEVELOPMENT CORPORATION

- To acquire the assets and carry-on the operations of the Northern Canada Power Commission in the Yukon.
- To facilitate the realization of the economic goals of the Government of Yukon in a cost-effective manner through selective strategic investments.

CHAPTER 27

(RSY 1986, Supplement)

AN ACT TO AMEND THE WORKERS COMPENSATION ACT

(enacted as SY 1986, c. 26, assented to on Dec. 16, 1987)

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

1. This Act amends the Workers Compensation Act.
- 2.(1) In paragraph 34(1)(d), the figure "\$1,000" is substituted for the figure "\$650".
- (2) In paragraph 34(1)(e), the figure "\$300" is substituted for the figure "\$165".
- (3) In paragraph 34(1)(f), the figure "\$325" is substituted for the figure "\$180".

CHAPTER 28

(RSY 1986, Supplement)

AN ACT TO AMEND THE WORKERS COMPENSATION ACT

(enacted as SY 1987, c. 21, assented to on April 16, 1987)

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

1. This Act amends the Workers Compensation Act.
2. Section 1 is amended by striking out the definition of "silicosis".
3. The following section is added immediately after section 5:

Amount of compensation in special cases

"5.1 Where an application under subsection 5(1) or (2) is approved, the amount of compensation to be paid shall not exceed 75 percent of the stated sum for which coverage is requested in the application."

4. Subsection 7(2) is amended by striking out the expression "except in the case of silicosis".
5. The following is substituted for paragraph 8(1)(c):
 "(c) a chairperson".
6. Subsection 8(2) is amended by striking out the expression "other than the Chairman".
7. Subsection 8(6) is repealed.
8. The following is substituted for subsection 8(7):
 "(7) The board may appoint one of the members to act as chairperson during the absence of the chairperson."
9. Paragraph 22(1)(b) is amended by striking out the expression "other than silicosis".
10. Paragraph 22(1)(c) is repealed.
11. Paragraph 34(1)(c) is amended by striking out the expression "not exceeding \$105".
12. Paragraph 34(1)(e) is amended by substituting the expression "age of 18 years" for the expression "age of 16 years" throughout.
13. Paragraph 34(1)(g) is amended by
 - (a) substituting the expression "17 or 18 years of age" for the expression "16 or 17 years of age", and

(b) substituting the expression “age of 18 years” for the expression “age of 16 years”.

14. Paragraph 34(1)(h) is amended by substituting the expression “age of 21 years” for the expression “age of 18 years”.

15. The following is substituted for Section 35:

“Where a worker dies leaving no dependent spouse and immediately preceding the death has cohabited with a person of the opposite sex who is dependent on the worker for maintenance and support, the compensation to which the dependent spouse of the worker would have been entitled under this Act may be paid to the person who is dependent upon the worker for maintenance and support in the same manner and subject to the same conditions as it may have been paid to the dependent spouse.”

16. Paragraph 36(1)(a) is amended by substituting the expression “age of 18 years” for the expression “age of 16 years”.

17. Paragraph 36(1)(f) is amended by substituting the expression “age of 21 years” for the expression “age of 18 years”.

18. Subsection 36(2) is amended by substituting the expression “age of 21 years” for the expression “age of 18 years”.

19. Sections 38, 58 and 59 and paragraph 68(1)(e) are repealed.

20. This Act is amended by substituting the word “chairperson” for the word “chairman” throughout.

CHAPTER 29

(RSY 1986, Supplement)

YOUNG PERSONS OFFENCES ACT

(enacted as SY 1987, c. 22, assented to on April 16, 1987)

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

Interpretation

1. In this Act,

“director” means the director of juvenile justice appointed under section 3;

“enactment” means an Act or a regulation or any portion of an Act or regulation;

“offence” means an offence created by an enactment or a municipal bylaw;

“parent” has the same meaning as in the Young Offenders Act (Canada);

“pre-disposition report” means a report on the personal and family history and present environment of a young person prepared by a person authorized by the director to prepare such reports;

“young person” means a person who is, or in the absence of evidence to the contrary, appears to be (a) 12 years of age or more, but (b) under 18 years of age at the time an offence is alleged to have been committed;

“youth court” means the Territorial Court or a court designated by the Commissioner in Executive Council as a youth court for the purposes of this Act;

“youth court judge” means a Territorial Court judge or a person appointed or designated to be a judge of a youth court.

“youth worker” includes a youth worker under the Young Offenders Act (Canada).

Declaration of principles

2.(1) It is hereby recognized and declared that:

- (a) while young persons should not in all instances be held accountable in the same manner or suffer the same consequences for their behaviour as adults, young persons who commit offences should nonetheless bear responsibility for their contraventions;
- (b) society must, although it has the responsibility to take reasonable measures to prevent criminal conduct by young persons, be afforded the necessary protection from illegal behaviour;

- (c) young persons who commit offences require supervision, discipline and control, but, because of their state of dependency and level of development and maturity, they also have special needs and require guidance and assistance;
- (d) where it is not inconsistent with the protection of society, taking no measures or taking measures other than judicial proceedings under this Act should be considered for dealing with young persons who have committed offences;
- (e) young persons have rights and freedoms in their own right, including those stated in the Canadian Charter of Rights and Freedoms or in the Canadian Bill of Rights, and in particular a right to be heard in the course of, and participate in, the processes that lead to decisions that affect them, and young persons should have special guarantees of their rights and freedoms;
- (f) in the application of this Act, the rights and freedoms of young persons include a right to the least possible interference with freedom that is consistent with the protection of society, having regard to the young persons and the interests of their families;
- (g) young persons have the right, in every instance where they have rights or freedoms that may be affected by this Act, to be informed as to what those rights and freedoms are;
- (h) parents have responsibility for the care and supervision of their children, and, for that reason, young persons should be removed from parental supervision either partly or entirely only when measures that provide for continuing parental supervision are inappropriate.

(2) This Act shall be construed in accordance with the principles set out in subsection (1).

Director of juvenile justice

3. There shall be a director of juvenile justice appointed by the Commissioner in Executive Council who shall have the duties and functions as set out in this Act together with such other duties and functions as may be prescribed.

Alternative measures

4.(1) Alternative measures may be used to deal with a young person alleged to have committed an offence instead of judicial proceedings under this Act only if

- (a) the measures are part of a program of alternative measures authorized by the Commissioner in Executive Council or a delegate of the Commissioner in Executive Council,
- (b) the person who is considering whether to use such measures is satisfied that the measures would be appropriate having regard to the needs of the young person and the interests of society,
- (c) the young person, having been informed of the alternative measures, fully and freely consents to participate therein,

- (d) the young person has, before consenting to participate in the alternative measures, been advised of the right to be represented by counsel and been given a reasonable opportunity to consult with counsel,
- (e) the young person accepts responsibility for the act or omission that forms the basis of the offence that the young person is alleged to have committed,
- (f) there is, in the opinion of the Executive Council Member with the responsibility as Minister of Justice or the agent of that Executive Council Member, sufficient evidence to proceed with the prosecution of the offence, and
- (g) the prosecution of the offence is not in any way barred at law.

(2) Alternative measures shall not be used to deal with a young person alleged to have committed an offence if the young person

- (a) denies participation or involvement in the commission of the offence, or
- (b) wishes to have the charge dealt with by a youth court.

(3) No admission, confession or statement accepting responsibility for an act or omission made by a young person as a condition of being dealt with by alternative measures shall be admissible in evidence against the young person in any civil or criminal proceedings or in any proceedings for the prosecution of an offence against an enactment or a municipal by-law.

(4) The use of alternative measures in respect of a young person is not a bar to proceeding against the young person under this Act, but

- (a) where the youth court is satisfied on the balance of probabilities that the young person has complied with the terms and conditions of the alternative measures, the youth court shall dismiss any charge against the young person, and
- (b) where the youth court is satisfied on a balance of probabilities that the young person has not complied with the terms and conditions of the alternative measures, the youth court may dismiss any charge against the young person, if, in the opinion of the court, the prosecution of the charge would be unfair, and the youth court may consider the young person's performance with respect to the alternative measures before making a disposition under this Act.

(5) Subject to subsection (4), nothing in this section prevents a person from laying an information, or proceeding with the prosecution of an offence in accordance with the law.

Person under 12

4.1 No one shall be convicted of an offence in respect of an act or omission of that person that occurred while they were under the age of 12 years.

Prosecution procedures

5.(1) Except to the extent that they are inconsistent with this Act or the regulations, the provisions of the Criminal Code of Canada respecting summary convictions, with such modifications as the circumstances require, apply to an offence alleged to have been committed by a young person and to proceedings under this Act.

(2) Proceedings under this Act shall be commenced in a youth court which shall have the powers of a summary conviction court and shall be a court of record.

(3) Proceedings commenced under this Act against a young person may be continued after the young person becomes an adult, as if the young person had remained a young person.

(4) For the purposes of this Act, a judge of a youth court has the powers of a judge of the Territorial Court.

Time limit

6. An information under this Act may not be laid after six months from the day when the matter of the information arose, unless another time limit is provided for in another enactment.

Notice to parent

7.(1) Where a young person is arrested and detained in custody pending an appearance in court, the officer in charge at the time the young person is first detained shall forthwith give to a parent of the young person an oral or written notice of the arrest stating the place of detention and the reason for the arrest.

(2) When a young person is required to appear in court charged with an offence, a parent of the young person shall, before the young person's first court appearance on that offence, be given a notice in writing stating

- (a) the name of the young person in respect of whom it is given,
- (b) the charge against the young person,
- (c) the time and place of the first court appearance for that offence, and
- (d) a statement that the young person has the right to be represented by counsel.

(3) Where the whereabouts of the parents of the young person are not known or it appears that no parent is available, a notice under this section may be given to an adult relative of the young person who is known to the young person and is likely to assist the young person.

(4) If notice cannot be given as required by subsection (2) or (3), the notice may be given to an adult who is known to the young person and is likely to assist the young person.

Notice to spouse

8. Where a young person is married, the notices under subsections 7(1) and (2) may be given to the spouse of the young person instead of a parent.

Court direction

9. Where doubt exists as to the person to whom a notice should be given under section 7 or 8, the youth court judge or, where a youth court judge is not reasonably available, a justice of the peace may give direction about to whom the notice should be given, and a notice given in accordance with such directions is sufficient notice for the purposes of the Act.

Service of notice

10. Notice given in accordance with section 7, 8 or 9 may be served personally or may be sent by registered or certified mail.

Failure to give notice

11. Failure to give a notice in accordance with section 7, 8 or 9 does not affect the validity of proceedings, but where there has been such failure or where none of the persons to whom a notice is given attends the court with the young person, the youth court judge may

- (a) adjourn the proceedings in order that the notice be given in such a manner and to such person as the judge directs, or
- (b) dispense with the notice, where doing so will not prevent a fair hearing.

Failure of parent to attend

12. Where a parent does not attend proceedings before youth court in respect of a young person, the court may, if in the opinion of the judge the presence of a parent is necessary or in the best interests of the young person, by order in writing require a parent to attend at any stage of the proceedings, and if the parent fails to attend and it is proven that a copy of the order was served on the parent, the youth court judge may issue a warrant to compel the attendance of the parent.

Presence of young person at hearing

13.(1) Subject to subsection (2) and section 14 the young person shall be present in the court during the whole of the court proceedings.

(2) The youth court may

- (a) cause the young person to be removed and be kept out of court where the young person misconducts himself or herself by interrupting the proceedings so that to continue the proceedings in the young person's presence would not be feasible,
- (b) permit the young person to be out of court during the whole or any part of the young person's court proceedings on such conditions as the court considers proper, or
- (c) cause the young person to be removed and to be kept out of court during the trial of an issue as to whether the young person is, on account of insanity, unfit to stand trial, where it is satisfied that the failure to do so might have an adverse affect on the mental health of the young person.

(3) A young person is entitled to make full answer and defence personally or by counsel.

Application of summary conviction tickets

14.(1) Sections 9 to 26 of the Summary Convictions Act apply to young persons.

(2) Notwithstanding subsection 18(2) of the Summary Convictions Act, a Notice of Trial under section 18 of the Summary Convictions Act shall be served on a young person in accordance with the provisions of sections 7 to 10 of this Act.

Exemption from section 7 to 12

15. Where a ticket has been issued to a young person sections 7 to 12 of this Act do not apply.

Appearance of young person

16.(1) When a young person against whom an information is laid first appears before a youth court, the court shall

- (a) cause the information to be read to the young person, and
- (b) where the young person is not represented by counsel, inform the young person of the right to be so represented.

(2) If a young person is represented by counsel, the young person may waive the requirement under paragraph (1)(a).

(3) If a young person is not represented by counsel, the youth court shall, before accepting a plea,

- (a) satisfy itself that the young person understands the charge, and
- (b) explain to the young person that a plea of guilty or not guilty may be entered to the charge.

(4) If the youth court is not satisfied that the young person understands the charge as required under paragraph (3)(a), the court shall enter a plea of not guilty on behalf of the young person and shall proceed with the trial in accordance with subsection 17(2).

Adjudication

17.(1) Where a young person pleads guilty to an offence and the youth court is satisfied that the facts support the charge, the court shall find the young person guilty of the offence.

(2) Where a young person pleads not guilty to an offence or where a young person pleads guilty but the youth court is not satisfied that the facts support the charge, the court shall proceed with the trial and shall find the young person guilty or not guilty or make an order dismissing the charge, as the case may be.

(3) This section does not apply where a young person has entered a plea of guilty to an offence under the provisions of sections 9 to 26 of the Summary Convictions Act.

Dispositions

18.(1) Notwithstanding a minimum penalty in an enactment or a regulation or a municipal bylaw, where a youth court finds a young person guilty of an offence, it shall consider any pre-disposition report required by the court, any representations made by the parties to the proceedings or their counsel or agents or by the parents of the young person, and any other relevant information before the court, and the court shall then make any one of the following dispositions or any number thereof that are not inconsistent with each other:

- (a) order that the young person be discharged absolutely if the court considers it to be in the best interests of the young person and not contrary to the public interest;

- (b) impose on the young person a fine not exceeding the amount set out in the enactment or municipal by-law to be paid at such time and on such terms as the court may fix;
- (c) order the young person to pay to any other person at such time and on such terms as the court may fix an amount by way of compensation for loss of or damage to property, for loss of income or support or for special damages or personal injury arising from the commission of the offence where the value thereof is readily ascertainable, but no order shall be made for general damages;
- (d) order the young person to make restitution within such time and in such manner as the court may fix;
- (e) subject to section 19, order the young person to perform a community service at such time and on such terms as the court may fix;
- (f) where a person is found guilty or convicted of an offence, make any order of prohibition, seizure or forfeiture that may be imposed under an enactment or a municipal bylaw or regulation;
- (g) subject to section 20, order that the young person be detained for treatment, subject to such conditions as the court considers appropriate, in a hospital or other place where treatment is available;
- (h) place the young person on probation for a specified period not exceeding two years;
- (i) subject to subsection (8) and section 21, commit the young person to custody, to be served continuously or intermittently, for a specified period not exceeding six months from the date of the committal;
- (j) impose on the young person such other reasonable and ancillary conditions as the court deems advisable and in the best interests of the young person and the public.

(2) A disposition made under this section comes into force on the date on which it is made or on such later date as the youth court specifies.

(3) No disposition under this section, other than an order under paragraph (1)(f), shall continue in force for more than two years and, where the youth court makes more than one disposition at the same time in respect of the same offence, the combined duration of the dispositions shall not exceed two years.

(4) Where more than one disposition is made under this section with respect to different offences committed by a young person, the continuous combined duration of the disposition shall not exceed three years.

(5) A disposition made under this section continues in effect, in accordance with its terms, notwithstanding that the person against whom it is made is or becomes an adult.

(6) Where a youth court makes a disposition under this section, it shall state its reasons in the record of the case and shall, on request, provide a copy of the disposition and a transcript or copy of the reasons for the disposition to

- (a) the young person in respect of whom the disposition is made,
- (b) the young person's counsel,
- (c) the young person's parent, and
- (d) the prosecutor.

(7) No disposition shall be made in respect of a young person that results in a punishment that is greater than the maximum punishment that would be applicable to an adult who has committed the same offence.

(8) Before making an order of committal to intermittent custody under paragraph (1)(i) the youth court shall require the prosecutor to make available to the court for its consideration a report of the director or a delegate of the director as to the availability of a place of custody where an order of intermittent custody can be enforced, and where the report discloses that no such place of custody is available, the court shall not make such an order.

(9) Where a young person fails to comply with a disposition made under this section, the youth court may at any time by notice, summons or warrant cause the young person to be brought before the court, and the court may cancel the disposition and make whatever new dispositions it considers appropriate.

(10) Where a ticket under the provisions of the Summary Convictions Act has been issued to a young person and the young person has paid the fine within the prescribed time, this section does not apply.

Fines or other payment

19.(1) The youth court shall, in imposing a fine on a young person or in making an order against a young person for the payment of money or restitution, have regard to the present and future means of the young person to pay.

(2) Where the Commissioner in Executive Council has established a fine option program under the Fine Option Act, the young person upon whom a fine is imposed may discharge the fine in whole or in part by earning credits for work performed.

(3) No order may be made for a young person to perform services unless the youth court is satisfied that

- (a) the young person against whom the order is made is a suitable candidate for such order, and
- (b) the order does not interfere with the normal hours of work or education of the young person.

(4) No order may be made for a young person to perform personal services or community services unless such services can be completed in 120 hours or less and within six months of the date of the order.

(5) No order may be made for the young person to perform personal services or community services unless the youth court is satisfied that the person or organization for which the services are to be performed has agreed to the services.

Consent to treatment

20.(1) No order may be made directing a young person to be detained for treatment unless the youth court has secured the consent of the young person, the parents of the young person and the place where the young person is to be detained for treatment.

(2) The youth court may dispense with the consent of a parent required under subsection (1) if it appears that the parent is not available or if the parent is not, in the opinion of the court, taking an active interest in the proceedings.

Procedure for custody order

21.(1) Subject to subsection (2), no order may be made committing a young person to custody unless the youth court has received and considered a pre-disposition report.

(2) The youth court may, with the consent of the prosecutor and the young person or the young person's counsel, dispense with the pre-disposition report required under subsection (1) if the youth court is satisfied, having regard to the circumstances, that the report is unnecessary or that it would not be in the best interests of the young person.

(3) A pre-disposition report ordered by a youth court judge may be oral or in writing and shall include investigation and discussion of such matters as the judge directs.

(4) Where a pre-disposition report in respect of a young person is submitted to a youth court in writing, the court

- (a) shall cause a copy of the report to be given to
 - (i) the young person,
 - (ii) a parent of the young person if the parent is in attendance at the proceedings against the young person,
 - (iii) counsel, if any, representing the young person, and
 - (iv) the prosecutor, and
- (b) may cause a copy of the report to be given to a parent of the young person not in attendance at the proceeding against the young person if the parent is, in the opinion of the court, taking an active interest in the proceedings.

Open custody

22. Where a young person is committed to custody under this Act, it shall be open custody as defined in the Young Offenders Act (Canada) and the provisions of that Act dealing with open custody shall apply.

Offence for non-compliance with a disposition of the court

23. A young person who is subject to a disposition made under paragraphs 18(1)(b) to (e) or paragraphs 18(1)(h) to (j) and who refuses or willfully fails to comply with that order is guilty of an offence punishable on summary conviction.

Probation orders

24.(1) The following conditions shall be included in a probation order made under this Act:

- (a) that the young person be bound by the probation order, keep the peace and be of good behaviour;
- (b) that the young person appear before the youth court when required by the court to do so.

(2) A probation order made under this Act may include such of the following conditions as the youth court considers appropriate in the circumstances of the case:

- (a) that the young person bound by the probation order report to and be under the supervision of the director or a person designated by the director or the youth court;
- (b) that the young person remain within the Yukon;
- (c) that the young person make reasonable efforts to obtain and maintain suitable employment;
- (d) that the young person attend school or such other place of learning, training or recreation as is appropriate, if the court is satisfied that a suitable program is available for the young person at such place;
- (e) that the young person reside with a parent, or such other adult as the court considers appropriate and who is willing to provide for the care and maintenance of the young person;
- (f) that the young person reside in such place as the director or the director's delegate may specify;
- (g) that, subject to paragraphs (b) and (f), the young person notify the clerk of the youth court, the director or the youth worker assigned to the young person's case of any change of address or any change in the young person's place of employment, education or training;
- (h) that the young person comply with such other reasonable conditions set out in the order as the court considers desirable, including conditions for securing the good conduct of the young person and for preventing the commission by the young person of other offences.

(3) Where the youth court makes a probation order under this Act it shall

- (a) have the order read by or to the young person bound by the probation order,
- (b) have the purpose and effect of the order explained to the young person and ascertain that the young person understands it, and
- (c) have a copy of the order given to the young person and to a parent of the young person, if the parent has attended at the proceedings against the young person.

(4) Where the youth court makes a probation order under this Act, it may have a copy of the order given to a parent who has not attended at the proceedings against the young person if the parent is, in the opinion of the court, taking an active interest in the proceedings.

(5) After a probation order has been read by or to and explained to a young person, the young person shall endorse on the order acknowledgment of receipt of a copy of the order and of the fact that it has been explained to him or her.

(6) The failure of the young person to endorse the probation order pursuant to subsection (5) does not affect the validity of the order.

(7) A probation order made under this Act comes into force

- (a) on the date on which the order is made, or
- (b) where the young person in respect of whom the order is made is committed to custody, upon the release from custody of the young person.

(8) A young person may be given notice orally or in writing to appear before the youth court pursuant to the probation order.

(9) If a young person to whom notice is given in writing to appear before the youth court does not appear at the time and place named in the notice and it is proved that a copy of the notice was served on the young person, the youth court may issue a warrant to compel the appearance of the young person.

Separation from adults

25.(1) A young person who is charged with an offence and detained prior to trial or committed to custody under this Act shall be held separate and apart from any adult who is charged with or convicted of an offence under an enactment, an act of the Parliament of Canada or a municipal by-law.

(2) Subject to subsection (1), a facility designated as an open custody facility under the Young Offender's Act (Canada) is a facility to which a young person may be committed to serve a period of custody.

Designated place of temporary detention

26.(1) Where a young person

- (a) is arrested and detained prior to the making of a disposition in respect of the young person under section 18, or
- (b) detained pursuant to subsection 24(9), the young person shall, subject to subsection (5) be detained in a place of temporary detention designated as such pursuant to the Young Offender's Act (Canada) or in a place within a class of such places so designated.

(2) A young person who is detained in a place of temporary detention pursuant to subsection (1) may, in the course of being transferred from that place to the court or from the court to that place be held under the supervision and control of a peace officer.

(3) A young person referred to in subsection (1) shall be held separate and apart from any adult who is detained or held in custody unless the youth court judge or a justice is satisfied that

- (a) the young person cannot, having regard to the young person's safety or the safety of others, be detained in a place of detention for young persons, or

- (b) no place of detention for young persons is available within a reasonable distance.

(4) Subsections (1) and (3) do not apply in respect of any temporary detention of a young person under the supervision and control of a peace officer after arrest but a young person who is so detained shall be transferred to a place of temporary detention referred to in subsection (1) as soon as is reasonably practicable, and in no case later than the first reasonable opportunity after the appearance of the young person before a youth court judge or a justice pursuant to this Act.

(5) Where the Commissioner in Executive Council has designated a person or a group of persons whose authorization is required, either in all circumstances or in circumstances specified by the Commissioner in Executive Council, before a young person who has been arrested may be detained in accordance with this section, no young person shall be so detained unless the authorization is obtained.

Placement of young person in care of responsible person

27.(1) Where a youth court judge or a justice is satisfied that

- (a) a young person who has been arrested would be detained in custody,
 - (b) a responsible person is willing and able to take care of and exercise control over the young person, and
 - (c) the young person is willing to be placed in the care of that person,
- the young person may be placed in the care of that person instead of being detained in custody.

(2) A young person shall not be placed in the care of a person under subsection (1) unless

- (a) that person undertakes in writing to take care of and to be responsible for the attendance of the young person in court when required and to comply with such other conditions as the youth court judge or justice may specify, and
- (b) the young person undertakes in writing to comply with the arrangement and to comply with such other conditions as the youth court judge or justice may specify.

(3) Where a young person has been placed in the care of a person under subsection (1) and

- (a) that person is no longer willing or able to take care of or exercise control over the young person, or
- (b) it is, for any other reason, no longer appropriate that the young person be placed in the care of that person,

the young person, the person in whose care the young person has been placed or any other person may, by application in writing to a youth court judge or a justice, apply for an order under subsection (4).

(4) Where a youth court judge or a justice is satisfied that a young person should not remain in the custody of the person in whose care the young person was placed under subsection (1), the youth court judge or justice shall

- (a) make an order relieving the person and the young person of the obligations undertaken pursuant to subsection (2), and
- (b) issue a warrant for the arrest of the young person.

(5) Where a young person is arrested pursuant to a warrant issued under paragraph (4)(b), the young person shall be taken before a youth court judge or justice forthwith and dealt with under section 457 of the Criminal Code.

Non-compliance with section 27

28. Any person who willfully fails to comply with an undertaking entered into pursuant to subsection 27(2), is guilty of an offence.

Transfer between facilities

29. The director or an appointee of the director may transfer a young person in temporary detention or custody from one facility to another.

Temporary release

30.(1) The director or an appointee of the director may, subject to any terms and conditions that may be considered desirable, authorize a young person committed to custody pursuant to a disposition made under this Act

- (a) to be released from custody for a period not exceeding 15 days where, in the opinion of the director or the appointee, it is necessary or desirable that the young person be absent, with or without escort, for medical, compassionate or humanitarian reasons or for the purpose of the rehabilitation or re-integration of the young person into the community, or
- (b) to be released from custody on such date and during such hours as may be specified in order that the young person may better carry out employment or improve education or training.

(2) The director may, at any time, revoke an authorization made under subsection (1).

(3) Where the director revokes an authorization for a young person to be released from custody or where a young person fails to comply with a term or condition of release from custody under this section, the young person may be arrested without warrant and returned to custody.

Transfer

31.(1) Where an agreement has been made between the Yukon and another jurisdiction in Canada, the director may arrange for appropriate authorities in the other jurisdiction to assume supervision of a young person who is subject to an order of the youth court except an order committing the young person to custody.

(2) Where a transfer is made under subsection (1) and the young person complies with the terms and conditions determined by the director, the young person is deemed to have complied with the disposition order of the youth court.

Restriction on publication

32.(1) No person shall publish by any means a report of an offence committed or alleged to have been committed by a young person, or a report of a hearing, adjudication, disposition or appeal concerning a young person who committed or is alleged to have committed an offence in which

- (a) the name of the young person is disclosed,
- (b) the name of a young person aggrieved by the offence or who appeared as a witness in connection with the offence is disclosed, or
- (c) any information serving to identify a person set out in paragraph (a) or (b) is disclosed.

(2) Everyone who contravenes subsection (1) is guilty of an offence and liable to a fine of not more than \$500.

Persons excluded

33.(1) Subject to subsection (2) a youth court may exclude any person from all or part of the proceedings if the court deems that the person's presence is unnecessary to the conduct of the proceedings where the youth court is of the opinion

- (a) that any evidence or information presented to the court would be seriously injurious or seriously prejudicial to
 - (i) the young person who is being dealt with in the proceedings,
 - (ii) a child or young person who is a witness in the proceedings, or
 - (iii) a child or young person who is aggrieved by or the victim of the offence charged in the proceedings, or
- (b) that it would be in the interest of public morals, the maintenance of order or the proper administration of justice to exclude any or all members of the public from the courtroom.

(2) The court shall not, pursuant to subsection (1), exclude from proceedings under this Act

- (a) the prosecutor,
- (b) the young person who is being dealt with in the proceedings,
- (c) the parent of the young person,
- (d) the counsel of the young person,
- (e) an adult assisting the young person,
- (f) the director or a representative of the director, or
- (g) a social worker to whom the young person's case has been assigned.

Disclosure of records

34. Records of an investigation or charge concerning an offence by a young person maintained by the police, a court, the director or a government department or agency, shall not be disclosed except in accordance with the provisions of the Young Offenders Act (Canada).

Lapse of conviction

35.(1) Notwithstanding any enactment, including the other provisions of this Act, every conviction of a young person of an offence lapses and ceases to have effect for any purpose when three years have elapsed from the day when the conviction was first entered by a court having original or appellate jurisdiction over the offence.

(2) Nothing in this section affects the liability of the young person convicted of an offence to any disposition imposed by or in respect of the conviction at the date of the conviction.

(3) Where a conviction for an offence has lapsed by virtue of this section, the person who was convicted of the offence is not required to

- (a) disclose the fact that he or she was convicted of the offence, or
- (b) answer affirmatively or negatively any question tending to disclose the fact that the person was convicted of the offence.

(4) Where the provisions of this section conflict with the provisions of any enactment or municipal by-law with respect to the effect of the conviction of an offence, this section prevails.

Regulations

36. The Commissioner in Executive Council may make regulations

- (a) designating a court as a youth court for the purposes of this Act;
- (b) prescribing forms;
- (c) respecting facilities where young persons may be detained in custody;
- (d) designating a person or class of persons whose authorization is required for placing a young person in a place of temporary detention;
- (e) generally for carrying out the purposes and provisions of this Act.

Transitional

37. A person who, before the coming into force of this Act, while a young person, committed an offence in respect of which no proceedings were commenced before the coming into force of this Act, may be dealt with under this Act as if the offence occurred after the coming into force of this Act.

Children's Act amendments

38.(1) The following definition is added to section 104 of the Children's Act.

“director of juvenile justice³⁹ means the director of juvenile justice appointed under the Young Persons Offences Act.”

(2) The following is substituted for section 110 of the Children's Act:

“110. 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.”

(3) In paragraph 112(e) of the Children’s Act the expression “or the Young Persons Offences Act” is added after the expression “the Young Offenders Act (Canada).

(4) Section 114 of the Children’s Act is repealed.

Corrections Act amendments

39.(1) Section 1 of the Corrections Act is amended by striking out the definition of “Director of Family and Children’s Services”.

(2) The following definition is added to section 1 of the Corrections Act:

“‘director of juvenile justice’ means the director of juvenile justice appointed under the Young Persons Offences Act.”

(3) In subsections 15(2), 15(4), and section 18 and in paragraph 19(d) of the Corrections Act, the expression “director of juvenile justice” is substituted for the phrase “Director of Family and Children’s Services”.

CHAPTER 30

(RSY 1986, Supplement)

AN ACT TO AMEND THE YUKON DEVELOPMENT CORPORATION ACT

(enacted as SY 1987, c. 23, assented to on April 16, 1987)

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

1. This Act amends the Yukon Development Corporation Act.

2. Subsection 12(1) is amended by adding the expression “and any wholly owned subsidiary of the corporation established for the purposes of conducting a public utility operation” immediately after the expression “In the conduct of any public utility operations, the corporation”.

3. The following section is added immediately after section 12:

Public Utility Franchise

“12.1(1) Notwithstanding the provisions of any other Act, the corporation is deemed to have been granted a franchise for the production, generation, storage, transmission, sale, delivery and furnishing of electricity at the rates provided for by, and subject to the terms and conditions set out in the purchase and sale agreement made March 31, 1987 among Her Majesty the Queen in Right of Canada, Yukon Power Corporation, the Government of the Yukon and Northern Canada Power Commission.”

(2) The corporation may assign the franchise to a wholly owned subsidiary of the corporation.”

4. This Act comes into force on March 31, 1987.

Revised Statutes of the Yukon, 1986

Appendix

This Appendix is a republication of the Statutes of the Yukon, 1987, chapters 24 to 33. These chapters were originally published in Volume 3 of the SY 1987. They are reproduced here in their original form.

CHAPTER 24

(STATUTES OF THE YUKON, 1987)

AN ACT TO AMEND THE ASSESSMENT AND TAXATION ACT

(Assented to December 3, 1987)

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

1. This Act amends the Assessment and Taxation Act.

2. In subsection 56(3) of the Act, the expression “electrical utility services or of telephone or other telecommunication services” is substituted for the expression “electrical utility services”.

CHAPTER 25
(STATUTES OF THE YUKON, 1987)
CHANGE OF NAME ACT
(Assented to December 3, 1987)

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

Interpretation

1. In this Act,

“child” means a person under 19 years of age;

“cohabitation agreement” has the same meaning as the Family Property and Support Act;

“court” means the Supreme Court;

“father” means the father of a child by birth or by virtue of an adoption order made or recognized under the Children’s Act;

“judge” means a judge of the court;

“mother” means the mother of a child by birth or by virtue of an adoption order made or recognized under the Children’s Act;

“person” does not include a corporation;

“registrar” means the registrar under the Vital Statistics Act;

Application of the Act

2.(1) This Act applies to changes in the legal names of persons.

(2) A change of the legal name of a person may be made only in accordance with this Act, the Vital Statistics Act or Part 3 of the Children’s Act and is effective for all legal purposes.

(3) The name a person adopts under this Act shall include a surname and at least one forename, written in the Roman alphabet and shall not include initials, numbers or other symbols.

Application for change of name

3.(1) An application shall be made to the registrar in the prescribed form and shall include

- (a) the present and proposed names in full,
- (b) the present address and previous addresses for the three months immediately preceding the application of the applicant and the person whose name is proposed to be changed,

- (c) the reason for the proposed change of name, and
 - (d) the date and place of birth of the person whose name is proposed to be changed.
- (2) An application shall be accompanied by
- (a) any consent, notice or court order required under this Act,
 - (b) an affidavit of qualification signed by the applicant, and
 - (c) such other fees, evidence or documents as may be prescribed in the regulations.

Persons applying for changes of their own names

4. A person may apply for a change of his or her legal name where

- (a) the person is at least 19 years of age or married, widowed or divorced, and
- (b) the person is ordinarily resident in the Yukon and has actually resided in the Yukon for the three months immediately preceding the date on which the application is received by the registrar.

Application for change of name of child

5.(1) Subject to the other provisions of this section, any of the following persons who have lawful custody of an unmarried child may apply to the registrar for a change of the legal name of the child:

- (a) the mother;
- (b) the father;
- (c) a person appointed pursuant to section 32 of the Children's Act to exercise the rights of custody.

(2) A change of a child's surname under this section shall be restricted to

- (a) the surname of the mother;
- (b) the surname of the father;
- (c) the surname of any person having lawful custody of the child, or
- (d) a hyphenated surname consisting of two of the surnames of persons named in paragraphs (a) to (c).

(3) Where a person named in subsection (2) has a hyphenated surname, the child's surname shall not be changed to a surname

- (a) containing more than one hyphen, or
- (b) consisting of more than one part of each of the two surnames used for the child's surname.

(4) Subject to subsection (5), where a person makes an application to change the name of a child to a name including the surname of another person different from that of the applicant under this section, the application shall be accompanied by the consent of that person or an order made under section 8.

(5) Where an application under this section has the effect of deleting from the name of a child all or part of the surname of another person, the application shall be accompanied by the consent of that person or an order made under section 8, unless the registrar is satisfied on the basis of affidavit evidence that the other person (a) does not have custody of the child,

(b) is not contributing to the support of the child, and

(c) has severed his or her relationship with the child.

(6) An application under this section shall be accompanied by the written consent of every other person who has lawful custody of the child or who is lawfully entitled to access to the child.

Wards

6. The director of family and children's services under the Children's Act may apply to the registrar for a change of the legal name of a child who has been committed to the permanent care and custody of the director under the Children's Act.

Consent of child

7. An application in respect of a child who is 12 years of age or more shall be accompanied by the consent of the child or an order made under section 8.

Dispensing with consent

8.(1) On the application of any person, a judge may grant an order dispensing with a consent required under section 5, or 7.

(2) Where an application is made under subsection (1) with respect to the legal name of a child, the best interests of the child shall be the primary consideration of the judge in considering the application.

Registration of change of name

9.(1) Subject to subsection (2), the registrar shall register a change of the legal name of a person on receipt of an application.

(2) The register shall not register a change of name if, in the registrar's opinion, the application contains a misrepresentation or the change of name is sought for a fraudulent or unlawful purpose.

(3) The registrar may not register a change of name where the proposed name contains more than one hyphen.

Certificate of change of name

10. On registration of a change of the legal name of a person under section 9, the registrar shall issue to the person a certificate of change of name in the prescribed form.

Vital statistics records

11. On registration of a change of the legal name of a person under section 9, the registrar shall, without charge, alter the records under the Vital Statistics Act with respect to the person, in conformity with the registered change.

Notice of change of name

12. Where a change of the legal name of a person has been registered under section 9, the registrar shall cause the prescribed notice of the change of name to be published in the Yukon Gazette.

Election by married persons

13.(1) A married person who is ordinarily a resident of the Yukon may change his or her surname by electing to use as a legal surname

- (a) the surname of his or her spouse,
- (b) the surname the married person had immediately prior to the marriage, or
- (c) a hyphenated surname comprised of one part from each of the surnames referred to in paragraphs (a) and (b).

(2) A married person may give notice of his or her election under subsection (1) in the prescribed form to the registrar.

(3) On receiving the notice mentioned in subsection (2) and the prescribed fee, the registrar shall

- (a) register the election, and
- (b) issue to the married person a certificate of election indicating the election.

(4) Where a married person who gives notice of his or her election under subsection (2) wishes to effect a further change to his or her surname, the person may apply for a change of name under section 3.

Change of name upon divorce

14.(1) Upon a divorce, or an annulment of a person's marriage, the person may revoke an election made under section 13 by filing with the registrar a notice of revocation in the prescribed form together with a certified copy of the decree absolute or annulment;

(2) On receiving the documents in accordance with subsection (1) the registrar shall

- (a) register the change of name according to the order, and
- (b) issue to the person whose name is to be changed a certificate of change of name showing as the person's legal surname the surname the person had immediately prior to making the election under section 13.

Searches of change of name records

15. The registrar may, on application in the prescribed form,

- (a) conduct a search of the records kept under this Act with respect to the name of any person, and
- (b) provide a duplicate of a certificate issued under this Act with respect to the name of any person.

Substitution of new name in documents

16.(1) A person whose legal name has been changed in accordance with this Act shall, upon production of a certificate or duplicate certificate issued under this Act and on satisfac-

tory proof of identity, be entitled to have the new name substituted for the former name in any record, certificate, instrument, document, contract or writing whatever, whether public or private, upon payment of such fees, as may be prescribed by any Act.

(2) Notwithstanding subsection (1), no changes shall be made to records under the Vital Statistics Act on the basis of an election made under section 13 nor shall any changes or substitutions be made to those records that would delete the record of registrations and change of name.

Evidence

17.(1) A certificate or duplicate certificate purporting to have been issued under this Act is, for all purposes, prima facie proof of its contents without proof of the appointment or signature of the registrar.

(2) Where the signature of the registrar is required for any purposes of this Act, the signature may be written, engraved, lithographed or reproduced by any other mode of reproducing words in visible form.

(3) Every document issued under this Act under the signature of the registrar is and remains valid, notwithstanding that the registrar has ceased to hold office before the issue of the document.

Fraud or misrepresentation

18.(1) The registrar may, if satisfied that a change of name has been obtained by fraud or misrepresentation under this Act, annul the registration of the change of name effective from a date the registrar considers appropriate.

(2) Where the registrar annuls a registration under subsection (1), the registrar shall endorse on the registration a notice of the annulment, and shall publish a notice of the annulment in the Yukon Gazette.

(3) Where an annulment is made under subsection (1), the registrar shall make such alterations in the records under the Vital Statistics Act as are necessary.

(4) The registrar shall file a notice of an annulment made under subsection (1) in the land titles office, in the office of the registrar under the Personal Property Security Act, in the office of the clerk of the Supreme Court, in the office of the clerk of the Territorial Court and in the office of the sheriff.

(5) Where an annulment has been made under subsection (1), the registrar may require any person to whom a certificate or duplicate certificate affected thereby has been issued under this Act to return the certificate or duplicate certificate to the registrar.

(6) Every person who wilfully fails to comply with an order under subsection (5) commits an offence.

Appeal from registrar's decision

19.(1) A person whose application is rejected by the director may, within 30 days after receiving notice of the registrar's decision, appeal to the court.

(2) The court may consider any relevant evidence and make any appropriate order.

(3) On receiving a certified copy of the order, the registrar shall treat it as if it were his or her own decision and shall make all necessary changes in the records under this Act and the Vital Statistics Act.

Revocation of change of name

20. (1) Any person with a substantial interest in the matter may apply to the court for the revocation of a change of name made under this Act.

(2) If the court is satisfied that the change of name ought not to have been made, the court may revoke it.

Registrar's signature on documents

21. Section 31 of the Vital Statistics Act applies with necessary modifications to documents issued under this Act.

Regulations

22. The Commissioner in Executive Council may make regulations respecting

- (a) forms;
- (b) fees;
- (c) information and documents for the purpose of applications and supporting material.

Repeal

23. The Change of Name Act is repealed.

CHAPTER 26

(STATUTES OF THE THE YUKON, 1987)

AN ACT TO AMEND THE INCOME TAX ACT

(Assented to December 3, 1987)

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

1. This Act amends the Income Tax Act.

2.(1) The following subsection is added to section 1 of the Act:

“(6) Interest computed under any of subsections 20(1), (2), and (9), 23(3), (4), and (5), and 41(6) and (7) shall be compounded daily, and, where interest is computed on an amount under any of those provisions and is unpaid on the day it would, but for this subsection have ceased to be computed under that provision, interest at the rate provided by the provision shall be computed and compounded daily on the unpaid interest from that day to the day it is paid.”

(2) The amendment made by subsection (1) shall be deemed to have come into force on January 1, 1987, and interest computed in respect of a period ending before that day shall be compounded on or after that day.

3.(1) Clause 3(7)(b)(i) of the Act is amended by deleting the word “and” at the end of subparagraph (C), by adding the word “and” at the end of subparagraph (D), and by adding the following subparagraph immediately after clause (D):

“(E) his income from employment in that country was not from a source in that country to the extent of the lesser of the amounts determined in respect thereof under paragraphs 122.3(1)(c) and (d) of the federal Act for the year.”

(2) The amendment made by subsection (1) is applicable to the 1984 and subsequent taxation years.

(3) The following expression is substituted for all that portion of clause 3(7)(b)(ii) of the Act next after subparagraph (B):

“minus any amounts deductible under paragraph 110(1)(d), section 110.1, paragraph 111(1)(b), or section 112 of the federal Act for the year or such period or periods, as the case may be”

(4) The amendment made by subsection (3) is applicable to the 1984 and subsequent taxation years.

4.(1) The following expression is substituted for all that portion of subsection 10(1) of the Act preceding paragraph (a):

“(1) A return for each taxation year in the case of a corporation (other than a corporation that was a registered charity throughout the year) and for each taxation year for which a tax is payable, or would be payable if this Part were read without reference to sections 127.2 and 127.3 of the federal Act, in the case of an individual shall, without notice or demand therefor, be filed with the Commissioner in prescribed form and containing prescribed information,”

(2) The amendment made by subsection (1) is applicable to the 1983 and subsequent taxation years.

5.(1) The following clause is substituted for clause 12(6)(a)(ii) of the Act:

“(ii) has filed with the Minister a waiver in the prescribed form within three years from the day of the mailing of a notice of an original assessment or of a notification that no tax is payable for a taxation year, and”

(2) The following paragraph is substituted for paragraph 12(6)(b) of the Act:

“(b) within three years from the day referred to in subparagraph (a)(ii), in any other case,”

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

“(6.1) Where the Commissioner would, but for this subsection, be entitled to reassess, make an additional assessment, or assess tax, interest, or penalties by virtue only of the filing of a waiver under subparagraph (6)(a)(ii), the Commissioner may not make such reassessment, additional assessment or assessment after the day that is six months after the date on which a notice of revocation of the waiver in prescribed form is filed.”

(4) The following expression is substituted for all that portion of subsection 12(7) preceding paragraph (a):

“(7) Notwithstanding subsection (6), there shall not be included in computing the income of a taxpayer, for the purposes of any reassessment, additional assessment, or assessment of tax, interest, or penalties under this part that is made after the expiration of three years from the day referred to in subparagraph (6)(a)(ii), any amount that was not included in his income for the purposes of an assessment of tax under this Part made before the expiration of three years from that day and”

(5) The amendments made by subsections (1), (2), and (4) are applicable to the 1983 and subsequent taxation years.

(6) The amendment made by subsection (3) is applicable after February 15, 1984.

6.(1) The following subsection is added to section 17 of the Act:

“(3.1) Where the tax payable under this Part (computed without reference to sections 127.2 and 127.3 of the federal Act) by a corporation for a taxation year or its first instalment base for the year is not more than \$1000, the corporation may, instead of paying the instalments required by paragraph (1)(a) for the year, pay to the Commissioner, pursuant to paragraph (1)(b), all of its tax as estimated by it under section 11 for the year.”

(2) The amendment made by subsection (1) is applicable to the 1984 and subsequent taxation years.

7.(1) The following subsection is substituted for subsection 20(1) of the Act:

“(1) Where at any time after the day on or before which a return of a taxpayer’s income was required to be filed under this Act for a taxation year

- (a) the amount of his tax payable for the year under this Act exceeds
- (b) the aggregate of all amounts each of which is an amount paid at or before that time on account of his tax payable and applied as at that time by the Commissioner against the taxpayer’s liability for an amount payable under this Act for the year,

the person liable to pay the tax shall pay interest of such excess, for the period after April 19, 1983 during which it is outstanding, at such rates per annum as are prescribed and are in effect from time to time during the period for the purposes of subsection 161(1) of the federal Act.”

(2) The amendment made by subsection (1) is applicable after April 19, 1983.

(3) The following subsection is added to section 20 of the Act:

“(2.1) Where the aggregate of all amounts each of which is an amount of interest payable by a taxpayer under subsection (2) or under subsection 161(2) of the federal Act does not exceed \$25 for a taxation year, the Commissioner shall not assess such interest.”

(4) The amendment made by subsection (3) is applicable to the 1984 and subsequent taxation years.

(5) The following subsection is added to section 20 of the Act:

“(10) Where a taxpayer is required by this Part to pay a penalty and fails to pay all or any part thereof as required, he shall pay to the Commissioner interest at the rate prescribed for the purposes of subsection 161(11) of the federal Act on the amount he failed to pay computed:

- (a) in the case of a penalty payable by virtue of subsection 21(1), (2) or (3), or subsection 22(1) or (2) from the day on or before which the taxpayer’s return of income for the taxation year in respect of which the penalty is payable was, or would have been if tax under this Part were payable by him for the year, required to be filed to the day of payment; and
- (b) in the case of a penalty payable by virtue of any other provision of this Part, from the day of mailing of the notice of original assessment of the penalty to the day of payment.”

(6) The amendment made by subsection (5) shall be deemed to have come into force on January 1, 1987, except that no interest is payable under that amendment for any part of a period before January 1, 1987.

8.(1) The following subsections are substituted for subsections 23(1) and (2) of the Act:

- “(1) Where the return of a taxpayer’s income for a taxation year is made within three years from the end of the year, the Commissioner
- (a) may, on or after mailing the notice of assessment for the year, refund, without application therefor, any overpayment made on account of the tax, and
 - (b) shall make such a refund after mailing the notice of assessment if application therefor has been made in writing by the taxpayer within three years from the end of the year.

(2) Instead of making a refund or repayment that might otherwise be made under this section, the Commissioner may, where the taxpayer is liable or about to become liable to make any payment under this Act, apply the amount of the refund or repayment to that other liability and notify the taxpayer of that action.”

(2) The amendment made by subsection (1) is applicable to refunds for the 1983 and subsequent taxation years.

(3) The following subsections are substituted for subsection 23(3) of the Act:

- “(3) Where an amount in respect of an overpayment for a taxation year is refunded, or applied under this section on another liability, interest at the rate per annum prescribed for the purpose of subsection 164(3) of the federal Act shall be paid or applied thereon for the period beginning with the latest of
- (a) the day when the overpayment arose,
 - (b) the day on or before which the return of income for the year was required to be filed or would have been required to be filed if tax were payable for the year, and
 - (c) the day when the return of income for the year was actually filed,
- and ending with the day of refunding or application aforesaid, unless the amount of the inter so calculated is less than \$1, in which event no interest shall be paid or applied under this subsection.

(3.1) Where, at any particular time, interest has been paid to, or applied to a liability of, a taxpayer pursuant to subsection (3) in respect of an overpayment and it is determined at a subsequent time that the actual overpayment was less than the overpayment in respect of which interest was paid or applied, the following rules apply:

- (a) the amount by which the interest that has been paid or applied exceeds the interest, if any, computed in respect of the amount that is determined at the subsequent time to be the actual overpayment shall be deemed to be an amount (in this subsection referred to as “the amount payable”) that became payable under this Act by the taxpayer at the particular time;
- (b) the taxpayer shall pay interest, at the rate prescribed for the purposes of subsection 161(1) of the federal Act, on the amount payable for the

period beginning at the particular time and ending on the date of payment; and

- (c) the Commissioner may at any time assess the taxpayer in respect of the amount payable and, where the Commissioner makes such an assessment, the provisions of this Act are applicable, with such modifications as the circumstances require, in respect of the assessment as though it had been made under section 12 of this Act.”

(4) The amendment made by subsection (3) is applicable to interest paid or applied after April 19, 1983.

(5) The following subsection is added to section 23 of the act:

“(4.1) Where the Yukon Supreme Court, the Yukon Court of Appeal, or the Supreme Court of Canada has, on the disposition of an appeal in respect of taxes, interest, or a penalty under this Act by a taxpayer resident in Canada,

- (a) referred an assessment back to the Commissioner for reconsideration and reassessment,
 - (b) varied or vacated an assessment, or
 - (c) ordered the Commissioner to repay tax, interest, or penalties,
- the Commissioner shall with all due dispatch, whether or not an appeal from the decision of the Court has been or may be instituted,
- (d) where the assessment has been referred back to him, reconsider the assessment and make a reassessment in accordance with the decision of the Court, unless otherwise directed in writing by the taxpayer,
 - (e) refund any overpayment resulting from the variation, vacation or reassessment, and
 - (f) where paragraph (c) is applicable, repay any tax, interest, or penalties as ordered,

and the Commissioner may repay any tax, interest, or penalties or surrender any security accepted therefore by him to any other taxpayer who has filed an objection or instituted an appeal if, having regard to the reasons given on the disposition of the appeal, he is satisfied that it would be just and equitable to do so, but for greater certainty, the Commissioner may, in accordance with the provisions of this Act, the Judicature Act, the Court of Appeal Act, or the Supreme Court Act (Canada) as they relate to appeals from decisions of the Supreme Court of the Yukon Territory, appeal from the decision of the Yukon Supreme Court notwithstanding any variation or vacation of any assessment by the Court or any reassessment made by the Commissioner under paragraph (d), and any such appeal from a decision of the Supreme Court of the Yukon Territory shall proceed as if it were an appeal from the assessment that was referred back, varied or vacated.”

(6) The amendment made by subsection (5) is applicable after February 15, 1984.

(7) The following subsection is substituted for subsection 23(6) of the Act:

“(6) In this section, “overpayment” of a taxpayer for a taxation year means the aggregate of all amounts paid on account of his tax under this Act for the year minus all amounts payable by him under this Act for the year.”

(8) The amendment made by subsection (7) is applicable to the 1983 and subsequent taxation years.

9.(1) The following subsection is substituted for subsection 24(5) of the Act:

“(5) A reassessment made by the Commissioner pursuant to subsection (3) is not invalid by reason only of not having been made within three years from the day of mailing of a notice of an original assessment or of a notification described in subsection 12(6).”

(2) The amendment made by subsection (1) is applicable to the 1983 and subsequent taxation years.

10.(1) The following paragraph is substituted for paragraph 25(1)(b) of the Act:

“(b) 90 days have elapsed after service of the notice of objection and the Commissioner has not notified the taxpayer that he has vacated or confirmed the assessment or reassessed,”

(2) The amendment made by subsection (1) is applicable only to notices of objection served after the day on which this amending Act comes into force.

11.(1) The following subsections are substituted for subsection 31(3) of the Act:

“(3) The Commissioner may, if he considers it advisable in a particular case, accept security for payment of any amount that is or may become payable under this Act.

(3.1) Where at any time a taxpayer requests in writing that the Commissioner surrender any security accepted by the Commissioner under subsection (3), the Commissioner shall surrender the security to the extent that the amount thereof exceeds the amount for which the security was accepted that is payable at that time.”

(2) The amendment made by subsection (1) is applicable after February 15, 1984.

12.(1) The following expression is substituted for all that portion of subsection 41(6) of the Act coming after paragraph (b):

“together with interest on the amount that should have been deducted or withheld, at the rate per annum prescribed for the purposes of subsection 227(8) of the federal Act.”

(2) The amendment made by subsection (1) is applicable after February 15, 1984.

CHAPTER 27

(STATUTES OF THE YUKON, 1987)

AN ACT TO AMEND THE LEGAL PROFESSION ACT

(Assented to December 17, 1987)

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

- 1. This Act amends the Legal Profession Act.**
- 2. Section 110 is repealed.**
- 3. This Act comes into force on January 1, 1988.**

CHAPTER 28

(STATUTES OF THE YUKON, 1987)

MISCELLANEOUS STATUTE LAW AMENDMENT ACT, 1987

(Assented to December 17, 1987)

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

Elevator and Fixed Conveyances Act

1. In subsection 2(1) of the Elevator and Fixed Conveyances Act, the expression "amusement rides" is inserted immediately after the expression "ski tows".

Fine Option Act

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

"'fine' includes court costs;".

Health Care Insurance Plan Act

3. In subsection 15(1) of the Health Care Insurance Plan Act, the expression "insured services" is substituted for the expression "insurance services".

Insurance Act

4.(1) Section 4 of the Act to Amend the Insurance Act assented to on April 16, 1987 and published as chapter 12 of the Statutes of Yukon, 1987 is repealed.

(2) Subsection 21(1) is amended by adding the following paragraph:

"(f.1) underwriters or syndicates of underwriters operating on a plan known as The Canadian Insurance Exchange."

Interim Supply Appropriation Act, 1986-87

5. In section 2 of the Interim Supply Appropriation Act, 1986-87 the word "charges" is substituted for the word "changes".

Legislative Assembly Retirement Allowances Act

6.(1) In subsection 4(3) of the Legislative Assembly Retirement Allowances Act, the reference here being to that Act as it stood before the coming into force of the Revised Statutes of Yukon 1986, the expression "A person who is entitled to a retirement allowance under subsection (2) or under the section for which this section is substituted" is substituted for the expression "A person who is entitled to a retirement allowance under subsection (2)."

(2) Subsection (1) shall be deemed to have come into force on April 16, 1987.

Motor Vehicles Act

7. In subsection 232(1) of the Motor Vehicles Act, the expression “believes on reasonable grounds” is substituted for the word “suspects”.

Municipal and Community Infrastructure Grant Act

8. In subsection 2(5) of the Municipal and Community Infrastructure Grants Act the expression “by way of a supplement to the municipal infrastructures grants, except an extraordinary infrastructure grant under section 8” is substituted for the expression “by way of a supplement to the municipal grant under section 8”.

Public Service Commission Act

9. In the definition of “auxiliary employee” in subsection 1(1) of the Public Service Commission Act, the word “recurs” is substituted for the word “reoccurs”.

An Act to Amend the Public Service Commission Act

10. In paragraph 62(a) of An Act to Amend the Public Service Commission Act, assented to on February 2, 1987, the expression “substituting the expression” is substituted for the expression “substituting the word”.

Revised Statutes Act

11.(1) In section 4 of the Revised Statutes Act, the expression “or of the application of any of those Acts or portions of Acts,” is inserted immediately after the expression “the effect of any saving clause in any of those Acts or portions of Acts,”.

(2) Subsection (1) shall be deemed to have come into force on March 13, 1986.

Supreme Court Act

12. The following section is added to the Supreme Court Act:

“10. If, in a proceeding in the Court, the plaintiff recovers a sum within the jurisdiction of the Small Claims Court, the plaintiff is not entitled to any costs, other than disbursements, unless the Court certifies on the record that there was sufficient reason for bringing the proceeding in the Court, or unless the Court, by order, allows costs.”

Yukon Development Corporation Act

13.(1) Section 12 of the Yukon Development Corporation Act is amended by substituting the expression “and any wholly owned subsidiary” for the expression “and wholly owned subsidiary”.

(2) In subsection 16(1) of the Yukon Development Corporation Act, the expression “investment of money by” is substituted for the expression “investment of money in”.

Workers Compensation Act

14. In subsection 8(3) the word “three” is substituted for the word “five”.

CHAPTER 29

(STATUTES OF THE YUKON, 1987)

AN ACT TO AMEND THE MUNICIPAL ACT

(Assented to December 3, 1987)

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

1. This Act amends the Municipal Act.
2. The following subsection is added to section 245 of the Act:
“(4) Before making a request under subsection (1), the Executive Council Member shall consult with the municipality”
3. The following paragraph is substituted for paragraph 254(1)(i) of the Act:
“(i) authorize encroachment on a highway, delegate the power to authorize encroachment on a highway, and set a periodic or single fee for encroaching on a highway;”

CHAPTER 30
(STATUTES OF THE YUKON, 1987)
PUBLIC LIBRARIES ACT
(Assented to December 3, 1987)

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

Central library

1. There shall be a central library containing the books, recordings, films, documents and other materials that are provided out of public revenue, or gifts or grants from other persons.

Director of libraries

2. There shall be a director of libraries who shall be responsible for the administration of the central library and of public libraries in the Yukon.

Whitehorse Public Library Board

3.(1) There shall be a Whitehorse Public Library Board consisting of no more than seven members appointed by the Executive Council Member.

(2) The function of the Whitehorse Public Library Board is to advise the director on the delivery of library services regarding the Whitehorse Public Library and to perform such other advisory duties with respect to that library as may be requested by the director.

Community libraries

4.(1) After receiving an application, the Executive Council Member may designate an association of persons in an area where library services are not provided, or are provided by way of a volunteer branch library, as a community library authorized to provide library services in a specified area.

(2) All public libraries outside the City of Whitehorse in existence at the date of coming into force of this Act, except volunteer branch libraries, are deemed to be designated as community libraries.

Community Library boards

5.(1) A community library board, when organized in the prescribed manner, is a corporation and shall be known as "The (designated name of library) Community Library Board", unless cancelled in accordance with the regulations.

(2) Subject to the regulations and the approval of the director, a community library board has charge of the business of the library.

Volunteer Branch Library

6.(1) Subject to the regulations, after receiving a written request the Executive Council Member may establish a volunteer branch library for any area where there is not a community library.

(2) Subject to the regulations the Executive Council Member may, by order, dissolve a volunteer branch library.

Regulations

7. The Commissioner in Executive Council may make regulations

- (a) providing for the establishment, maintenance, and operation of public libraries;
- (b) establishing advisory boards for the purposes of advising the director and setting out their duties and functions;
- (c) prescribing the duties of the director;
- (d) prescribing the powers and duties of community libraries;
- (e) prescribing for the appointment of volunteer librarians and their powers and duties;
- (f) respecting the terms and conditions for the termination or dissolution of community libraries and volunteer libraries;
- (g) respecting matters relating to applications for community or volunteer branch libraries;
- (h) generally for carrying out the purposes and provisions of this Act.

CHAPTER 31

(STATUTES OF THE YUKON, 1987)

SIXTH APPROPRIATION ACT, 1986-87

(Assented to December 17, 1987)

Whereas it appears by message from the Commissioner and in the estimates accompanying the message that, in addition to the sums previously appropriated, the sums not appearing in parenthesis in Schedule "A" of this Act are required for the purpose of defraying certain expenses of the public service of the Yukon and for related purposes for the period of 12 months ending in March 31, 1987;

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

1. This Act may be cited as the Sixth Appropriation Act, 1986-87.

2.(1) In addition to the sum of \$80,935,000 provided for in the First Appropriation Act, 1986-87, the sum of \$173,940,000 provided for in the Second Appropriation Act, 1986-87, the sum of \$21,359,000 provided for in the Third Appropriation Act, 1986-87, the sum of \$7,247,000 provided for in the Fourth Appropriation Act, 1986-87 and the sum of \$234,000 provided for in the Fifth Appropriation Act 1986-87, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$4,134,000 for defraying the several charges and expenses of the public service of the Yukon payable in the period of 12 months ending on March 31, 1987, as set forth in Schedule "A" of this Act and that sum shall not be paid or applied except in accordance with Schedule "A", the Financial Administration Act and, subject to that Act, the estimates accompanying the message from the Commissioner.

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

(3) The 1986-87 grant to the Yukon Housing Corporation pursuant to subsection 17(2) of the Housing Corporation Act shall be \$1,805,000 for operational costs and \$1,300,000 for capital costs.

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

SCHEDULE A

		\$ (Dollars in 000's)	
Sums required this appropriation		Voted to Date	This Total Voted Appro- (Current Spend- priation ing Authority)
Operation and maintenance votes			
09	Community and Transportation Services	41,771	592
15	Health & Human Resources	36,396	1,286
10	Public Service Commission	3,390	818
		<hr/>	<hr/>
	Subtotal Operation and Maintenance	81,557	2,696
		<hr/>	<hr/>
			84,253
Capital votes			
03	Education	19,911	1,438
		<hr/>	<hr/>
	Total sums required	101,468	4,134
		<hr/>	<hr/>
			105,602

Sums not required this appropriation**Operation and maintenance votes**

01	Yukon Legislative Assembly	1,546	(74)	1,472
02	Executive Council Office	3,870	(378)	3,492
07	Economic Development: Mines and Small Business	4,501	(571)	3,930
03	Education	40,371	(655)	39,716
12	Finance	3,439	(219)	3,220
16	Government Services	12,749	(50)	12,699
08	Justice	16,408	(487)	15,921
14	Renewable Resources	6,321	(278)	6,043
13	Tourism	3,947	(330)	3,617
11	Women's Directorate	213	(30)	183
	Loan Capital	1,000	(800)	200
	Loan Amortization	1,875	(143)	1,732
	Subtotal operation and maintenance	96,240	(4,015)	92,225

Capital votes

02	Executive Council Office	21	(2)	19
09	Community and Transportation Services	49,357	(5,727)	43,630
07	Economic Development: Mines and Small Business	12,220	(5,344)	6,876
16	Government Services	6,801	(289)	6,512
15	Health and Human Resources	1,962	(181)	1,781
08	Justice	6,067	(1,225)	4,842
14	Renewable Resources	2,092	(473)	1,619
13	Tourism	5,487	(1,077)	4,410
	Sub total capital	84,007	(14,318)	69,689
	Total sums not required	180,247	(18,333)	161,914
	Net Total	281,715	(14,199)	267,516

CHAPTER 32
(STATUTES OF YUKON, 1987)
SOCIETIES ACT
(Assented to December 17, 1987)

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

Interpretation

1. In this Act;

“director” means a director or officer of a society;

“registrar” means the registrar of societies appointed under section 2;

“society” means a society incorporated or continued under this Act;

“special resolution” means

- (i) a resolution passed by the vote of not less than 75% of the members voting at a general meeting of which not less than 21 days notice of the resolution has been given, or
- (ii) a resolution agreed to in writing by all the members who would have been entitled to vote at a general meeting.

Registrar

2. There shall be a registrar of societies.

Application to existing societies

3.(1) A society incorporated or registered in the Yukon when this Act comes into force is continued as a society under this Act.

(2) The by-laws of a society referred to in subsection (1) shall continue in force except those parts that are contrary to this Act.

(3) If, at the time this Act comes into force the by-laws of a society do not comply with this Act, the society shall, within 30 days after its second annual general meeting following the coming into force of this Act, file amended by-laws with the registrar.

Incorporation

4. Five or more persons may incorporate under this Act for any lawful purpose other than carrying on a trade or business.

No share capital

5.(1) No society shall have capital divided into shares, declare a dividend, or distribute its assets among its members.

(2) The interest of a member in a society is non-transferable.

(3) Notwithstanding subsection (1), a society may distribute its assets on dissolution, in accordance with the regulations.

Application for incorporation

6. Persons wishing to incorporate a society under this Act shall deliver to the registrar an application in the prescribed form, together with the prescribed fee.

Incorporation certificate

7. Upon receipt of an application and the prescribed fee the registrar may issue a certificate that the society is incorporated.

By-laws

8.(1) The by-laws prescribed in the regulations shall be the by-laws of a society except to the extent that by-laws providing otherwise have been filed with the registrar at the time of application or in accordance with section 9.

(2) The by-laws of a society shall contain provisions about:

- (a) the terms of admission of members and their rights and obligations;
- (b) the conditions of withdrawal of members and the manner of expulsion, if any, of members;
- (c) the manner, and time of calling general and special meetings, the number constituting a quorum at a meeting, and rights of voting;
- (d) the appointment and removal of directors;
- (e) directors' duties, powers and remuneration;
- (f) the exercise of borrowing powers;
- (g) the appointment of accountants;
- (h) the custody and use of the society's seal, if any;
- (i) the preparation and custody of minutes of meetings and records;
- (j) the time and place where records may be examined by members;
- (k) the manner of making, altering or rescinding by-laws;
- (l) the arbitration or mediation of disputes;
- (m) the winding up and distribution of assets.

Change of by-laws

9. A society may change its by-laws by special resolution but the change is not effective until filed with and approved by the registrar.

Change of purposes

10. A society may change its purposes by special resolution but the change is not effective until filed with and approved by the registrar.

Name of society

11.(1) A society shall not, have, use or identify itself with a name that is

- (a) identical or similar to the name of an existing, recently dissolved or proposed society, corporation, partnership or firm,
- (b) prohibited by the regulations, or
- (c) rejected by the registrar pursuant to subsection (2).

(2) The registrar may reject the name or proposed name of a society if, in the registrar's opinion, the name

- (a) is objectionable, or
- (b) is similar to the name of an existing, recently dissolved or proposed society, corporation, partnership or firm known to the registrar and is likely to mislead or confuse.

Effect of certificate

12.(1) Upon the issuance of the certificate of incorporation the members of the society are established as a corporation.

(2) A society has all the rights, powers, and privileges of a natural person.

Limitation of liability of members

13. No member of a society is, because of their membership, liable for a debt or liability of the society in their individual capacity.

Debentures

14. A society may only issue debentures if the issue is approved by a special resolution.

Registered Office

15.(1) Every society shall have a registered office in the Yukon to which all communications may be sent and at which all documents may be served.

(2) A society may change its registered office but the change is not effective until a notice of the new location of the registered office, including postal code, is filed with the registrar.

Annual general meeting

16.(1) Every society shall hold an annual general meeting in the Yukon at which it shall present to its members the financial statements in accordance with the regulations.

(2) Notwithstanding subsection (1), upon application by a society, the registrar may permit a society to hold an annual general meeting outside the Yukon.

Annual reports

17. A society shall file such reports as required by and in the time and manner prescribed by the regulations.

Branch Societies

18.(1) A society may have one or more branch societies.

(2) When a society establishes a branch society, it shall immediately send to the registrar a notice setting out

- (a) the date the branch society was established, and
- (b) the title and location of the branch society.

(3) A society shall immediately notify the registrar in writing when a branch society ceases to exist.

Voluntary winding up

19.(1) A society may surrender its certificate of incorporation by special resolution upon giving not less than 21 days notice to all members and creditors.

(2) Where the registrar is satisfied that no debts or liabilities of the society are outstanding, the registrar may accept the surrender of the certificate and dissolve the society.

Dissolution

20.(1) Where the registrar believes, on reasonable and probable grounds that a society is conducting itself in a manner contrary to this Act or an order of the registrar, the registrar may

- (a) cancel the incorporation of the society, and
- (b) declare the society to be dissolved subject to such conditions as the registrar deems proper.

(2) Upon cancelling an incorporation of a society under subsection (1), the registrar shall immediately send notice by certified mail to

- (a) the society, and
- (b) to each of the directors of the society as set out in the registrar's records.

(3) Upon the cancellation of the incorporation of a society the registrar may appoint a liquidator to wind up the affairs of the society.

Default in filing and dissolution of society

21.(1) Where a society has failed to make a filing required by this Act or the regulations, the registrar may send a notice by certified mail to the society setting out that the society has 120 days from the date of mailing of the notice to make the required filing, failing which, the society may be dissolved.

(2) If within 120 days of the date of mailing of the notice under subsection (1) the society has not made the required filings, the registrar may

- (a) appoint a liquidator to wind up the the affairs of the society, and
- (b) dissolve the society.

Notice of Breach

22.(1) Upon receiving a complaint in writing that a breach of this Act, the regulations or a society's by-laws has been committed, the registrar may appoint an investigator to review the matter and report to the registrar.

(2) Where a society has received notification from the registrar that a complaint is being investigated, the society shall allow the investigator access to its records for the purpose of making the investigation.

(3) Where, after reviewing the report of an investigator, the registrar is of the opinion that there has been a breach of the Act, the regulations, or a society's by-laws, the registrar may order the society to rectify the breach.

Register of members

23.(1) Every society shall keep a register of all its members containing the following for each person

- (a) the person's name and address,
- (b) the date the person was admitted as a member,
- (c) the date the person ceased to be a member, and
- (d) the class of membership if any.

(2) The society shall keep the register at its registered office and shall permit a member to inspect the register at any reasonable time.

Offence

24.(1) A society that contravenes this Act, the regulations or an order by the registrar is guilty of an offence.

(2) Any person who knowingly makes a false statement on an application or filing required under this Act is guilty of an offence.

(3) A prosecution for an offence under this Act may be commenced at any time within 2 years after the time when the subject matter of the offence arose.

Regulations

25. The Commissioner in Executive Council may make regulations

- (a) prescribing forms;
- (b) prescribing fees to the registrar for incorporation and for service under this Act;
- (c) prescribing information to be provided to the registrar with applications;
- (d) prescribing by-laws;
- (e) prescribing returns to be made by societies;
- (f) respecting names of societies, including prohibiting the use of any names or any words or expressions in names;
- (g) respecting procedures for reserving names;
- (h) prescribing different classes of societies for the purposes of financial statement filings;
- (i) respecting the financial statement filing requirement for different classes of societies;

- (j) for carrying out the purposes of this Act.

Repeal

26. The Societies Act is repealed.

CHAPTER 33

(STATUTES OF YUKON, 1987)

THIRD APPROPRIATION ACT, 1987-88

(Assented to December 17, 1987)

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

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

1. This Act may be cited as the Third Appropriation Act, 1987-88.

2.(1) In addition to the sum of \$114,302,000 provided for in the First Appropriation Act, 1987-88, the sum of \$176,749,000 provided for in the Second Appropriation Act, 1987-88, from and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole \$9,711,000 for defraying the several charges and expenses of the public service of the Yukon payable in the period of 12 months ending on March 31, 1988, as set forth in Schedule "A" of this Act and that sum shall not be paid or applied except in accordance with Schedule "A", the Financial Administration Act and, subject to that Act, the estimates accompanying the message from the Commissioner.

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

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

SCHEDULE A

	Voted This to Date	\$ (Dollars in 000's)	
Sums required this appropriation		Total Appropriation	Voted (Current Spending Authority)
Operation and maintenance Votes			
01 Yukon Legislative Assembly	1,548	231	1,779
09 Community and Transportation Services	42,852	214	43,066
03 Education	41,158	302	41,460
16 Government Services	12,627	970	13,597
08 Justice	16,280	233	16,513
14 Renewable Resources	7,221	129	7,350
11 Women's Directorate	209	34	243
	<hr/>	<hr/>	<hr/>
Subtotal operation and maintenance	121,895	2,113	124,008
	<hr/>	<hr/>	<hr/>
Capital votes			
09 Community and Transportation Services	56,291	2,947	59,238
03 Education	22,618	4,569	27,187
08 Justice	178	82	260
	<hr/>	<hr/>	<hr/>
Subtotal Capital	79,087	7,598	86,685
	<hr/>	<hr/>	<hr/>
Total Sums required	200,982	9,711	210,693
	<hr/>	<hr/>	<hr/>

Sums not required this appropriation

Operation and maintenance votes

02	Executive Council Office	4,024	-	4,024
07	Economic Development: Mines and Small Business	2,435	-	2,435
12	Finance	2,539	-	2,539
05	Health and Human Resources	37,957	-	37,957
10	Public Service Commission	3,306	-	3,306
13	Tourism	3,288	-	3,288
18	Yukon Housing Corporation	1,305	-	1,305
	Loan Capital	8,000	-	8,000
	Loan Amortization	1,848	-	1,848
	Subtotal operation and maintenance	64,702	-	64,702

Capital votes

02	Executive Council Office	44	-	44
07	Economic Development: Mines and Small Business	12,652	-	12,652
16	Government Services	9,068	(32)	9,036
05	Health and Human Resources	5,996	(1,271)	4,725
14	Renewable Resources	1,747	(129)	1,618
13	Tourism	2,842	-	2,842
18	Yukon Housing Corporation	2,740	-	2,740
19	Yukon Liquor Corporation	126	-	126
	Subtotal capital	35,215	(1,432)	33,783
	Total sums not required	99,917	(1,432)	98,485
	Net Total	300,899	8,279	309,178

TABLE OF PUBLIC STATUTES

RSY 1986, SUPPLEMENT

Part 1

This table lists all Acts in the Revised Statutes of the Yukon 1986 plus all Acts enacted by the Legislative Assembly of the Yukon Territory between May 28, 1986, the cut-off date for inclusion in the RSY 1986, and October 12, 1987, the date on which the RSY 1986 came into force. Unless otherwise noted below, Acts that were enacted after the cut-off date for inclusion in the RSY 1986 came into force on the day they received assent. The information about coming into force is current to the end of December 31, 1988.

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Access to Information	RSY 1986, c. 1		
Age of Majority	RSY 1986, c. 2		
Agricultural Products	RSY 1986, c. 3		
Agricultural Development	RSY 1986, c. 4		
Animal Protection	RSY 1986, c. 5		
Apprentice Training	RSY 1986, c. 6		
Appropriation	SY 1986, c. 21 (RSY 1986, Supp., c. 4) SY 1987, c. 9 (RSY 1986, Supp., c. 5) SY 1987, c. 1 (RSY 1986, Supp., c. 7) SY 1987, c. 2 (RSY 1986, Supp., c. 8) SY 1987, c. 13 (RSY 1986, Supp., c. 13) SY 1987, c. 20 (RSY 1986, Supp., c. 26)		
Arbitration	RSY 1986, c. 7		
Archives	RSY 1986, c. 8		
Area Development	RSY 1986, c. 9		
Assessment and Taxation	RSY 1986, c. 10	s. 1 s. 25.1 s. 36 s. 49	SY 1986, c. 20, s. 2 and s. 3 which came into force Jan 1/87 (RSY 1986, Supp., c. 1) Added by SY 1986, c. 20, s. 4 (RSY 1986, Supp., c. 1) SY 1986, c. 20, s. 5 (RSY 1986, Supp., c. 1) SY 1986, c. 20, s. 6 (RSY 1986, Supp., c. 1)
Boiler and Pressure Vessels	RSY 1986, c. 11		

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Brands	RSY 1986, c. 12	s. 1	SY 1987, c. 7, s. 1 (RSY 1986, Supp., c. 2)
		s. 9	SY 1987 c. 7, s. 1 (RSY 1986, Supp., c. 2)
Building Standards	RSY 1986, c. 13		
Bulk Sales	RSY 1986, c. 14		
Business Corporations	RSY 1986, c. 15		
Business Development Assistance	RSY 1986, c. 16	s. 5	SY 1987, c. 8, s. 2 (RSY 1986, Supp., c. 3)
		s. 22	Added by SY 1987, c. 8, s. 3 (RSY 1986, Supp., c. 3)
Business Licence	RSY 1986, c. 17		
Cemeteries and Burial Sites	RSY 1986, c. 18		
Certified General Accountants	RSY 1986, c. 19		
Change of Name	RSY 1986, c. 20		
Chartered Accountants	RSY 1986, c. 21		
Children's	RSY 1986, c. 22	s. 104	SY 1987, c. 22, s. 38 (RSY 1986, Supp., c. 29)
		s. 110	SY 1987, c. 22, s. 38 (RSY 1986, Supp., c. 29)
		s. 112	SY 1987, c. 22, s. 38 (RSY 1986, Supp., c. 29)
		s. 114	Repealed by SY 1987, c. 22, s. 38 (RSY 1986, Supp., c. 29)
Chiropractors	RSY 1986, c. 23		
Choses in Action	RSY 1986, c. 24		
Civil Emergency Measures	RSY 1986, c. 25		
Collection	RSY 1986, c. 26		
Compensation for Victims of Crime	RSY 1986, c. 27		
Condominium	RSY 1986, c. 28		
Conflict of Laws (Traffic Accidents)	RSY 1986, c. 29		
Constitutional Questions	RSY 1986, c. 30		
Consumers Protection	RSY 1986, c. 31		
Contributory Negligence	RSY 1986, c. 32		
Controverted Elections	RSY 1986, c. 33		
Cooperative Association	RSY 1986, c. 34		
Coroners	RSY 1986, c. 35		
Corrections	RSY 1986, c. 36	s. 1	SY 1987, c. 22, s. 39 (RSY 1986, Supp., c. 29)
		s. 15	SY 1987, c. 22, s. 39 (RSY 1986, Supp., c. 29)
		s. 18	SY 1987, c. 22, s. 39 (RSY 1986, Supp., c. 29)
		s. 19	SY 1987, c. 22, s. 39 (RSY 1986, Supp., c. 29)
Court of Appeal	RSY 1986, c. 37		
Creditors Relief	RSY 1986, c. 38		

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Dangerous Goods			
Transportation	RSY 1986, c. 39		
Day Care	RSY 1986, c. 40		
Defamation	RSY 1986, c. 41		
Dental Profession	RSY 1986, c. 42		
Denture Technicians	RSY 1986, c. 43		
Dependants Relief	RSY 1986, c. 44		
Devolution of Real Property	RSY 1986, c. 45		
Distress	RSY 1986, c. 46		
Dog	RSY 1986, c. 47		
Elections	RSY 1986, c. 48		
Electoral District Boundaries	RSY 1986, c. 49		
Electrical Protection	RSY 1986, c. 50	s. 19	SY 1987, c. 11, proclaimed in force Oct. 26/87, (RSY 1986, Supp., c. 9)
Elevator and Fixed Conveyances	RSY 1986, c. 51		
Emergency Medical Aid	RSY 1986, c. 52		
Employment Agencies	RSY 1986, c. 53		
Employment Standards	RSY 1986, c. 54		
Energy Conservation Assistance	RSY 1986, c. 55		
Engineering Profession	RSY 1986, c. 56		
Evidence	RSY 1986, c. 57		
Executions	RSY 1986, c. 58		
Exemptions	RSY 1986, c. 59		
Expropriation	RSY 1986, c. 60		
Factors	RSY 1986, c. 61		
Fair Practices	RSY 1986, c. 62	Whole Act	Repealed by SY 1987, c. 3, proclaimed in force July 1/87 except s. 14 which came into force Dec. 10/87, (RSY 1986, Supp., c. 11)
Family Property and Support	RSY 1986, c. 63		
Fatal Accidents	RSY 1986, c. 64		
Financial Administration	RSY 1986, c. 65	Whole Act affected	SY 1987, c. 10, s. 2 (RSY 1986, Supp., c. 6)
		s. 1	SY 1987, c. 10, s. 2 (RSY 1986, Supp., c. 6)
		s. 3	SY 1987, c. 10, s. 3 (RSY 1986, Supp., c. 6)
		s. 42	SY 1987, c. 10, s. 4 (RSY 1986, Supp., c. 6)
		s. 44	SY 1987, c. 10, s. 5 (RSY 1986, Supp., c. 6)
		s. 44.1	Added by SY 1987, c. 10, s. 6 (RSY 1986, Supp., c. 6)
		s. 72	SY 1987, c. 10, s. 7 (RSY 1986, Supp., c. 6)
		s. 75	SY 1987, c. 10, s. 8 (RSY 1986, Supp., c. 6)
Fine Option	RSY 1986, c. 66		

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Fire Prevention	RSY 1986, c. 67		
Flag	RSY 1986, c. 68		
Floral Emblem	RSY 1986, c. 69		
Foreign Arbitral Awards	RSY 1986, c. 70		
Forest Protection	RSY 1986, c. 71		
Fraudulent Preferences and Conveyances	RSY 1986, c. 72		
Frustrated Contracts	RSY 1986, c. 73		
Fuel Oil Tax	RSY 1986, c. 74		
Funeral Directors	RSY 1986, c. 75		
Gaols	RSY 1986, c. 76		
Garbage Keepers Lien	RSY 1986, c. 77		
Garnishee	RSY 1986, c. 78		
Gas Burning	SY 1987, c. 11 (RSY 1986, Supp., c. 9)		Proclaimed in force Oct 26/88
Gasoline Handling	RSY 1986, c. 79		
Government Employee			
Housing Plan	RSY 1986, c. 80		
Health Care Insurance Plan	RSY 1986, c. 81		
Highways	RSY 1986, c. 82	s. 29.1	Added by SY 1987, c. 7, s. 2, proclaimed in force Oct 3/88, (RSY 1986, Supp., c. 2)
		s. 29.2	Added by SY 1987, c. 7, s. 2, proclaimed in force Oct 3/88, (RSY 1986, Supp., c. 2)
Historic Sites and Monuments	RSY 1986, c. 83		
Home Owners Grant	RSY 1986, c. 84	s. 3	SY 1986, c. 22, s. 2, para.(a) of which did not come into force until Apr. 1/87, (RSY 1986, Supp., c. 10)
Hospital Insurance Services	RSY 1986, c. 85		
Hotels and Tourist Establishments	RSY 1986, c. 86		
Housing Corporation	RSY 1986, c. 87		
Housing Development	RSY 1986, c. 88		
Human Rights	SY 1987, c. 3 (RSY 1986, Supp., c. 11)		Proclaimed in force July 1/87 except s. 14 which came into force Dec. 10/87
Human Tissue Gift	RSY 1986, c. 89		
Income Tax	RSY 1986, c. 90		
Insurance Act	RSY 1986, c. 91	s. 1	SY 1987, c. 12, s. 2 (RSY 1986, Supp., c. 12)
		s. 1.1	Added by SY 1987, c. 12, s. 3 (RSY 1986, Supp., c. 12)
		s. 21	SY 1987, c. 12, s. 4 (RSY 1986, Supp., c. 12)
		s. 22.1	Added by SY 1987, c. 12, s. 5 (RSY 1986, Supp., c. 12)
		s. 26.1	Added by SY 1987, c. 12, s. 6 (RSY 1986, Supp., c. 12)
		s. 44	SY 1987, c. 12, s. 7 (RSY 1986, Supp., c. 12)
Insurance Premium Tax	RSY 1986, c. 92		

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
International Commercial Arbitration	SY 1987, c. 14 (RSY 1986, Supp., c. 14)		
Interpretation	RSY 1986, c. 93		
Interprovincial Subpoena	RSY 1986, c. 94		
Intestate Succession	RSY 1986, c. 95		
Judicature	RSY 1986, c. 96		
Jury	RSY 1986, c. 97		
Landlord and Tenant	RSY 1986, c. 98		
Lands	RSY 1986, c. 99		
Legal Profession	RSY 1986, c. 100		
Legal Services Society	RSY 1986, c. 101	s. 16	SY 1986, c. 23 (RSY 1986, Supp., c. 15)
Legislative Assembly	RSY 1986, c. 102	s. 39	SY 1987, c. 15, s. 2, retroactive to April 1/86, (RSY 1986, Supp., c. 16)
		s. 40	SY 1987, c. 15, s. 3, retroactive to April 1/87, (RSY 1986, Supp., c. 16)
		s. 42	SY 1987, c. 15, s. 4, retroactive to April 1/87, (RSY 1986, Supp., c. 16)
		s. 43	SY 1987, c. 15, s. 5, retroactive to April 1/87, (RSY 1986, Supp., c. 16)
		s. 45	SY 1987, c. 15, s. 6, retroactive to April 1/87, (RSY 1986, Supp., c. 16)
		s. 46	SY 1977, c. 15, s. 7, retroactive to April 1/87, (RSY 1986, Supp., c. 16)
		s. 47	SY 1987, c. 15, s. 8, retroactive to April 1/87, (RSY 1986, Supp., c. 16)
		s. 47.1	Added by SY 1987, c. 15, s. 9, retroactive to April 1/87, (RSY 1986, Supp., c. 16)
		s. 49.1	Added by SY 1987, c. 15, s. 10, retroactive to April 1/87, (RSY 1986, Supp., c. 16)
Legislative Assembly Retirement Allowances	RSY 1986, c. 103	s. 3	SY 1987, c. 15, s. 13 (RSY 1986, Supp., c. 16)
		s. 4	SY 1987, c. 15, s. 14 (RSY 1986, Supp., c. 16)
		s. 5.1	SY 1987, c. 15, s. 15 (RSY 1986, Supp., c. 16)
		s. 7	SY 1987, c. 15, s. 16 (RSY 1986, Supp., c. 16)
Limitation of Actions	RSY 1986, c. 104		
Liquor	RSY 1986, c. 105		
Liquor Tax	RSY 1986, c. 106		
Lord's Day	RSY 1986, c. 107		
Lottery Licensing	SY 1987, c. 16 (RSY 1986, Supp., c. 17)		Proclaimed in force Dec. 31/87
Maintenance and Custody Orders Enforcement	RSY 1986, c. 108		
Management Accountants	RSY 1986, c. 109		
Marriage	RSY 1986, c. 110		
Married Women's Property	RSY 1986, c. 111		
Mechanics Lien	RSY 1986, c. 112		
Mediation Board	RSY 1986, c. 113		

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Medical Profession	RSY 1986, c. 114	s. 23.1 s. 23.2	Added by SY 1987, c. 4, s. 2 (RSY 1986, Supp., c. 17) Added by SY 1987, c. 4, s. 2 (RSY 1986, Supp., c. 17)
Mental Health	RSY 1986, c. 115		
Miners Lien	RSY 1986, c. 116		
Motor Transport	RSY 1986, c. 117		
Motor Vehicles	RSY 1986, c. 118	s. 113 s. 171 s. 186.1 to 186.3	SY 1987, c. 18, s. 2, which came into force July 1/87, (RSY 1986, Supp., c. 20) SY 1987, c. 18, s. 3, which came into force July 1/87, (RSY 1986, Supp., 20) Added by SY 1987, c. 17, s. 1, which came into force Sept. 1/87, (RSY 1986, Supp., c. 19)
Municipal	RSY 1986, c. 119		
Municipal and Community Infrastructure Grants	SY 1986, c. 24 (RSY 1986, Supp. c. 21)		Proclaimed in force Feb. 1/88
Municipal Finance	RSY 1986, c. 120	s. 10.1	Added by SY 1986, c. 25, s. 1 (RSY 1986, Supp., c. 22)
Noise Prevention	RSY 1986, c. 121		
Notaries	RSY 1986, c. 122		
Nursing Assistants Registration	SY 1987, c. 19 (RSY 1986, Supp., c. 23)		Proclaimed in force Dec. 31/87
Occupational Health and Safety	RSY 1986, c. 123		
Occupational Training	RSY 1986, c. 124		
Optometrists	RSY 1986, c. 125		
Parks	RSY 1986, c. 126		
Partnership	RSY 1986, c. 127		
Pawnbrokers and Second Hand Dealers	RSY 1986, c. 128		
Perpetuities	RSY 1986, c. 129		
Personal Property Security	RSY 1986, c. 130		
Pharmacists	RSY 1986, c. 131		
Pioneer Utility Grant	RSY 1986, c. 132		
Plebiscite	RSY 1986, c. 133		
Pounds	RSY 1986, c. 134	s. 7.1 s. 8.1 s. 11.1 s. 22 s. 22.1	Added by SY 1987, c. 7, s. 3 (RSY 1986, Supp., c. 2) Added by SY 1987, c. 7, s. 3 (RSY 1986, Supp., c. 2) Added by SY 1987, c. 7, s. 3 (RSY 1986, Supp., c. 2) SY 1987, c. 7, s. 3 (RSY 1986, Supp., c. 2) Added by SY 1987, c. 7, s.3 (RSY 1986, Supp., c. 2)
Presumption of Death	RSY 1986, c. 135		
Public Health	RSY 1986, c. 136		
Public Inquiries	RSY 1986, c. 137		
Public Lotteries	RSY 1986, c. 138		
Public Printing	RSY 1986, c. 139		

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Public Servants Superannuation Public Service	RSY 1986, c. 140 RSY 1986, c. 141	Title	SY 1987, c. 5, s. 2, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 1	SY 1987, c. 5, s. 3, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 8	SY 1987, c. 5, s. 4, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 9	SY 1987, c. 5, s. 5, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 13	Repealed by SY 1987, c. 5, s. 6, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 15	SY 1987, c. 5, s. 7, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 18	SY 1987, c. 5, s. 8, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 19	SY 1987, c. 5, s. 9, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 20 and 21	Repealed by SY 1987, c. 5, s. 10, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 22	SY 1987, c. 5, s. 11, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 23	SY 1987, c. 5, s. 12, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 24	SY 1987, c. 5, s. 13, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 25.1	Added by SY 1987, c. 5, s. 14, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 25	SY 1987, c. 5, s. 15, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 26 and 27	Repealed by SY 1987, c. 5, s. 16, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 28	SY 1987, c. 5, s. 17, proclaimed in force April 6/87, (RSY 1987, Supp., c. 24)
		s. 29 to 31	Repealed by SY 1987, c. 5, s. 18, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 32	SY 1987, c. 5, s. 19, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 33	SY 1987, c. 5, s. 20, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 34	SY 1987, c. 5, s. 21, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 35	SY 1987, c. 5, s. 22, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 36	SY 1987, c. 5, s. 23, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 37	SY 1987, c. 5, s. 24, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
	s. 39		SY 1987, c. 5, s. 25, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 41		SY 1987, c. 5, s. 26, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 42		SY 1987, c. 5, s. 27, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 43		SY 1987, c. 5, s. 28, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 44		SY 1987, c. 5, s. 29, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 45		SY 1987, c. 5, s. 30, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 49		SY 1987, c. 5, s. 31, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 55		SY 1987, c. 5, s. 32, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 56		SY 1987, c. 5, s. 33, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 57		SY 1987, c. 5, s. 34, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 58		SY 1987, c. 5, s. 35, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 59		SY 1987, c. 5, s. 36, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 62		SY 1987, c. 5, s. 37, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 63		SY 1987, c. 5, s. 38, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 64		Repealed by SY 1987, c. 5, s. 39, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 65		SY 1987, c. 5, s. 40, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 66		SY 1987, c. 5, s. 41, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 67		SY 1987, c. 5, s. 42, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 68		SY 1987, c. 5, s. 42, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 69		SY 1987, c. 5, s. 43, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 70		SY 1987, c. 5, s. 44, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 71		SY 1987, c. 5, s. 45, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 74		SY 1987, c. 5, s. 46, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 78		SY 1987, c. 5, s. 47, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 79		SY 1987, c. 5, s. 48, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 80		SY 1987, c. 5, s. 49, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
	s. 81		SY 1987, c. 5, s. 50, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 82		SY 1987, c. 5, s. 51, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 83		SY 1987, c. 5, s. 52, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 84		SY 1987, c. 5, s. 53, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 85		SY 1987, c. 5, s. 54, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 86		SY 1987, c. 5, s. 55, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 87		SY 1987, c. 5, s. 55, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 88		SY 1987, c. 5, s. 55, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 89 to 94		Repealed by SY 1987, c. 5, s. 56, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 95		SY 1987, c. 5, s. 57, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 98		SY 1987, c. 5, s. 58, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 99.1		Added by SY 1987, c. 5, s. 59, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 100		SY 1987, c. 5, s. 60, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 104		SY 1987, c. 5, s. 61, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 107		SY 1987, c. 5, s. 62, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 109		SY 1987, c. 5, s. 63, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 110		SY 1987, c. 5, s. 64, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 115		SY 1987, c. 5, s. 65, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 116		SY 1987, c. 5, s. 66, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 119		SY 1987, c. 5, s. 67, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 121		SY 1987, c. 5, s. 68, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 122 to 124		Repealed by SY 1987, c. 5, s. 69, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 127		SY 1987, c. 5, s. 70, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 130		SY 1987, c. 5, s. 71, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 131		SY 1987, c. 5, s. 72, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
	s. 132		SY 1987, c. 5, s. 73, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 133		SY 1987, c. 5, s. 74, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 135		SY 1987, c. 5, s. 75, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 136		SY 1987, c. 5, s. 76, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 146		SY 1987, c. 5, s. 77, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 152		SY 1987, c. 5, s. 78, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 161		SY 1987, c. 5, s. 79, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 164		SY 1987, c. 5, s. 80, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 165		SY 1987, c. 5, s. 81, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 166		SY 1987, c. 5, s. 82, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 167		SY 1987, c. 5, s. 83, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 168		SY 1987, c. 5, s. 84 and 85, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 170		SY 1987, c. 5, s. 86, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 171		SY 1987, c. 5, s. 87, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 172		SY 1987, c. 5, s. 88, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 173		SY 1987, c. 5, s. 89, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 174		SY 1987, c. 5, s. 90, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 175		SY 1987, c. 5, s. 91, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 176		SY 1987, c. 5, s. 92, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 181		SY 1987, c. 5, s. 93, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 182		SY 1987, c. 5, s. 94, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 183		SY 1987, c. 5, s. 95, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 184		SY 1987, c. 5, s. 96, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 185		SY 1987, c. 5, s. 97, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
	s. 186		Repealed by SY 1987, c. 5, s. 98, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
		s. 191	SY 1987, c. 5, s. 99, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 193	SY 1987, c. 5, s. 100, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 195	SY 1987, c. 5, s. 101, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 196	SY 1987, c. 5, s. 102, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 197	Repealed by SY 1987, c. 5, s. 103, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 200	SY 1987, c. 5, s. 104, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 202	SY 1987, c. 5, s. 105, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 203	SY 1987, c. 5, s. 106, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 204	SY 1987, c. 5, s. 107, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 205	SY 1987, c. 5, s. 108, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
		s. 208	SY 1987, c. 5, s. 109, proclaimed in force April 6/87, (RSY 1986, Supp., c. 24)
Public Service Commission Public Service Staff Relations	RSY 1986, c. 142		See Public Service
		s. 1	SY 1987, c. 6, s. 2, proclaimed in force April 6/87, (RSY 1986, Supp., c. 25)
		s. 20	SY 1987, c. 6, s. 3, proclaimed in force April 6/87, (RSY 1986, Supp., c. 25)
		s. 23	SY 1987, c. 6, s. 4, proclaimed in force April 6/87, (RSY 1986, Supp., c. 25)
		s. 25	SY 1987, c. 6, s. 5, proclaimed in force April 6/87, (RSY 1986, Supp., c. 25)
		s. 27	SY 1987, c. 6, s. 6, proclaimed in force April 6/87, (RSY 1986, Supp., c. 25)
		s. 28	SY 1987, c. 6, s. 7, proclaimed in force April 6/87, (RSY 1986, Supp., c. 25)
		s. 45	SY 1987, c. 6, s. 8, proclaimed in force April 6/87, (RSY 1986, Supp., c. 25)
Public Utilities	RSY 1986, c. 143		
Raven	RSY 1986, c. 144		
Real Estate Agents	RSY 1986, c. 145		
Reciprocal Enforcement of Judgments	RSY 1986, c. 146		

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
Reciprocal Enforcement of Judgments (U.K.)	RSY 1986, c. 147		
Reciprocal Enforcement of Maintenance Orders	RSY 1986, c. 148		
Recording of Evidence	RSY 1986, c. 149		
Recreation	RSY 1986, c. 150		
Regulations	RSY 1986, c. 151		
Rehabilitation Services	RSY 1986, c. 152		
Retirement Plan Benefits	RSY 1986, c. 153		
Sale of Goods	RSY 1986, c. 154		
School	RSY 1986, s. 155		
School Trespass	RSY 1986, c. 156		
Scientists and Explorers	RSY 1986, c. 157		
Securities	RSY 1986, c. 158		
Seniors Income Supplement	RSY 1986, c. 159		
Small Claims Court	RSY 1986, c. 160		
Social Assistance	RSY 1986, c. 161		
Societies	RSY 1986, c. 162		
Students Financial Assistance	RSY 1986, c. 163		
Summary Convictions	RSY 1986, c. 164		
Supreme Court	RSY 1986, c. 165		
Survival of Actions	RSY 1986, c. 166		
Survivorship	RSY 1986, c. 167		
Tenants in Common	RSY 1986, c. 168		
Territorial Court	RSY 1986, c. 169		
Tobacco Tax	RSY 1986, c. 170		
Trade Schools Regulation	RSY 1986, c. 171		
Travel for Medical Treatment	RSY 1986, c. 172		
Trustee	RSY 1986, c. 173		
Variation of Trusts	RSY 1986, c. 174		
Vital Statistics	RSY 1986, c. 175		
Warehouse Keepers Lien	RSY 1986, c. 176		
Warehouse Receipts	RSY 1986, c. 177		
Wildlife	RSY 1986, c. 178		
Wills	RSY 1986, c. 179		
Workers Compensation	RSY 1986, c. 180	Whole Act affected	SY 1987, c. 21, s. 20 (RSY 1986, Supp., c. 28)
		s. 1	SY 1987, c. 21, s. 2 (RSY 1986, Supp., c. 28)
		s. 5.1	Added by SY 1987, c. 21, s. 3 (RSY 1986, Supp., c. 28)
		s. 7	SY 1987, c. 21, s. 4 (RSY 1986, Supp., c. 28)
		s. 8	SY 1987, c. 21, s. 5 to 8 (RSY 1986, Supp., c. 28)
		s. 22	SY 1987, c. 21, s. 9 and 10 (RSY 1986, Supp., c. 28)
		s. 34	SY 1986, c. 26, s. 2 (RSY 1986, Supp., c. 27); SY 1987, c. 21, s. 11 to 14 (RSY 1986, Supp., c. 28)

TITLE	CITATION	PROVISION AMENDED, REPEALED OR ADDED	CITATION OF AMENDMENTS, REPEALS AND ADDITIONS, REMARKS ON COMING INTO FORCE
		s. 35	SY 1987, c. 21, s. 15 (RSY 1986, Supp., c. 28)
		s. 36	SY 1987, c. 21, s. 16 to 18 (RSY 1986, Supp., c. 28)
		s. 38	Repealed by SY 1987, c. 21, s. 19 (RSY 1986, Supp., c. 28)
		s. 58	Repealed by SY 1987, c. 21, s. 19 (RSY 1986, Supp., c. 28)
		s. 59	Repealed by SY 1987, c. 21, s. 19 (RSY 1986, Supp., c. 28)
		s. 68	SY 1987, c. 21, s. 19 (RSY 1986, Supp., c. 28)
Young Persons Offences (RSY 1986, Supp., c. 29)	SY 1987, c. 22		
Yukon Development Corporation	RSY 1986, c. 181	s. 12	SY 1987, c. 23, s. 2, which came into force March 31/87, (RSY 1986, Supp., c. 30)
		s. 12.1	Added by SY 1987, c. 23, s. 3, which came into force March 31/87, (RSY 1986, Supp., c. 30)
Yukon Tartan	RSY 1986, c. 182		

TABLE OF PUBLIC STATUTES

RSY 1986, SUPPLEMENT

Part 2

STATUTES NOT CONSOLIDATED, NOT REPEALED

This table is derived from Appendix A of the RSY 1986; it lists all the Statutes of the Yukon Territory, or provisions of them, that remained in force as of May 28, 1986, the cut-off date for inclusion in the RSY 1986, but which were not consolidated in the RSY 1986, and it shows amendments to or repeals of those Acts made subsequently to May 28, 1986.

Session	Chap.	Title	Remarks
1915	2	An Ordinance to Incorporate the Sisters of Saint Ann	In force
1963(1st)	2	Synod of the Diocese of Yukon Ordinance	In force
R.O. 1971	H-5	Housing Ordinance	In force
R.O. 1971	L-11	Low Cost Housing Ordinance	In force
1972	25	Rental-Purchase Housing Ordinance	In force
1972	30	Faro General Purposes Loan Ordinance	In force
1972	31	Dawson General Purposes Loan Ordinance	In force
1972	32	Whitehorse General Purposes Loan Ordinance	In force
1973	7	Workmen's Compensation Supplementary Benefits Ordinance	In force
1973	25	City of Dawson General Purposes Loan Ordinance	In force
1973	27	Faro General Purposes Loan Ordinance	In force
1973	28	Financial Agreement Ordinance, 1973	In force
1973	33	Territorial-Municipal Employment Loans Ordinance	In force
1973	34	Whitehorse General Purposes Loan Ordinance	In force
1974(2nd)	22	Financial Agreement Ordinance, 1974	In force
1974(2nd)	25	Municipal General Purposes Loan Ordinance	In force
1975(1st)	1	Community Assistance Ordinance	Repealed by SY 1986, c. 24, which was proclaimed in force Feb. 1/88
1975(1st)	5	Government Employee Housing Plans Ordinance	In force
1975(1st)	9	Young Voyageur Agreement Ordinance	In force
1975(1st)	21	Financial Agreement Ordinance, 1975	In force
1975(1st)	23	Municipal General Purposes Loans Ordinance	In force
1976(1st)	10	Financial Agreement Ordinance, 1976	In force
1976(1st)	15	Municipal General Purposes Loan Ordinance	In force
1977(1st)	4	General Development Agreement Ordinance	In force
1977(1st)	14	Financial Agreement Ordinance, 1977	In force
1977(1st)	20	Municipal General Purposes Loan Ordinance	In force
1978(1st)	13	An Ordinance to Open a Certain Portion of Land in the City of Whitehorse	In force
1978(1st)	14	Dawson City Utilities Replacement Ordinance	In force
1978(1st)	19	Financial Agreement Ordinance, 1978	In force
1978(1st)	21	Municipal General Purposes Loan Ordinance	In force
1979(1st)	8	Financial Agreement Ordinance, 1979	In force

Session	Chap.	Title	Remarks
1979(1st)	10	Municipal General Purposes Loan Ordinance, 1979	In force
1980(1st)	6	Energy Conservation Agreement Ordinance	In force
1980(1st)	10	Financial Agreement Ordinance, 1980	In force
1980(1st)	22	Municipal General Purposes Loan Ordinance, 1980	In force
1980(2nd)	16	Miscellaneous Statute Law Amendment Ordinance, 1980 (No. 2)	s. 3 in force
1980(2nd)	18	An Ordinance to Amend the Municipal General Purposes Loan Ordinance, 1980	In force
1981(1st)	1	Financial Agreement Ordinance, 1981	In force
1981(1st)	12	Municipal General Purposes Loan Ordinance, 1981	In force
1981(2nd)	11	Miscellaneous Statute Law Amendment Ordinance, 1981 (No. 2)	s. 1 in force
1982	10	Financial Agreement Act, 1982	In force
1982	22	Land Planning Act	In force
1983	1	Employment Expansion and Development Act	In force
1983	2	Financial Agreement Act, 1983	In force
1983	17	Economic and Regional Development Agreement Act	In force
1984	2	Children's Act	s. 185(2)-(3) in force
1984	10	Financial Agreement Act, 1984	In force
1984	12	Government Employees Unemployment Insurance Agreement Act	In force
1984	17	Legal Profession Act	ss. 117-119
1984	32	Young Offenders Agreement Act	In force
1985	10	Central Trust Company and Crown Trust Company Act	In force
1985	18	Financial Agreement Act, 1985-88	In force
1985	20	First Appropriation Act, 1986-87	Spent
1985	24	An Act to Amend the Income Tax Act	ss. 2(1)(part), 2(5), 2(6), 3(2), 4(5)-(7), 6(2), 7(4), 8(2), 9(2), and 10(2) in force
1985	27	Loan Guarantee Act, 1985	In force
1986	13	Municipal General Purposes Loan Act, 1986	In force
1986	14	Revised Statutes Act	In force
1986	15	Second Appropriation Act, 1986-87	Spent
1986	18	Third Appropriation Act, 1986-87	Spent