

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Thursday, November 5, 2009 — 1:00 p.m.**

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

*Prayers*

## DAILY ROUTINE

**Speaker:** We will proceed at this time with the Order Paper.

Tributes.

## TRIBUTES

### Women Abuse Prevention Month

**Hon. Ms. Horne:** November is Women Abuse Prevention Month in Yukon. It is a time for all of us to make a personal commitment to work toward the elimination of violence toward women in our communities. According to the Statistics Canada report, *Measuring Violence Against Women: Statistical Trends 2006*, the rates of sexual violence against women in Yukon are close to three times higher than the national average.

That same report also states that aboriginal women experience spousal violence at a rate more than three times that of non-aboriginal women. As a society and as individuals we need to work on changing societal attitudes about violence against women. In order that it can be prevented and eliminated, we need to change the attitude that violence is an acceptable means of resolving disputes. We all need to speak out against violence against women when we see it happening in our communities. Whether it is physical, sexual, emotional or psychological violence, it must stop. We need to teach our children about the importance of healthy, balanced relationships. Boys need to grow up knowing they need to respect women and girls. Girls need to grow up knowing they can stand up for themselves.

If children grow up believing that men and women are equal in society, it will help to address the power inequity between men and women that is at the very root of violence against women.

I want to take this opportunity to acknowledge the valuable front-line work done every day by women's groups and children's shelters by Victim Services and by equality-seeking women's organizations. Their work and support to women is key to eliminating violence against women in this territory.

During the month of November, the Victoria Faulkner Women's Centre and Les EssentiElles are organizing their now annual 12 Days to End Violence campaign between November 25 and December 6. Some of the activities will include screenings with the Yukon Men's Society of the *Tough Guise* film that explores the roots of violence and espouses a new masculinity that does not condone violence. There will also be a screening of *École Polytechnique* about the horrific events that took place there 20 years ago.

The campaign will also include a postcard campaign, asking for men to pledge toward a specific action that reduces vio-

lence. The postcard campaign hopes to have at least 520 men make a pledge. The number 520 represents the present number of missing or murdered aboriginal women in Canada.

I encourage everyone to participate in these events, to speak out against violence in our community and to actively support the eradication of violence against women.

Thank you, Mr. Speaker.

**Mr. Elias:** I rise on behalf of the Official Opposition to pay tribute to Women Abuse Prevention Month. Women Abuse Prevention Month presents an opportunity to raise awareness about violence against women and its prevention. It is every woman's fundamental right to live in safety and security in their homes and communities free from the threat of violence.

Abuse can take many forms, such as assault, domestic violence, spousal abuse and physical or mental cruelty. Some forms of violence have a greater physical or emotional impact than others. Not all violence leaves physical scars, but all forms of violence contribute to a very real fear and suffering that women in our society today endure.

No matter its name, it has to end. Every year, thousands of children are exposed to domestic violence at home and this has a significant impact on the lives of these children and their futures. These children not only see one parent violently assaulting the other, but often hear the distressing sounds of violence and may also be aware of the unmistakable signs of it.

Exposure to these types of abuse poses significant risks to the child's physical, emotional and social development. Children who witness violence and abuse at home are more likely to display physically aggressive acts of bullying than their peers and are at a greater risk of depression and anxiety. Studies have also revealed that children who witness domestic violence are more likely to be affected by violence as adults, either as victims or perpetrators. We need to work on changing social attitudes about violence against women. We need to speak out against violence or abuse when we see it happen. We must teach our children that men and women are equal in our society.

We would like to pay tribute and express our thanks to the many organizations, agencies, front-line workers, staff, the volunteers and supporters who work with women who have been abused or are in abusive situations. As we educate and raise awareness of violence against women, we must all actively work toward its eradication. We must work together to change attitudes and behaviour. We must teach our children by example that all forms of violence are unacceptable. Every woman has the right to be treated with respect and to live a life without violence. This month, as we heighten our awareness of this issue, let us make it a year long, lifelong effort to end the violence.

Thank you, Mr. Speaker.

**Mr. Hardy:** Mr. Speaker, I rise for the NDP caucus to recognize Women Abuse Prevention Month, which is November each year.

Physical, emotional, financial and psychological abuse of women has long been an urgent problem. There were more

than 38,000 incidents of spousal violence reported to Canadian police forces in 2006. We can assume with confidence that those numbers have increased in the past three years. Eight out of 10 victims of spousal violence were women, and we can also assume that what is reported to police is just the tip of the iceberg. Statistics show that spousal assaults are more prevalent in the west and the north in Canada. Major assaults which involve a weapon or serious injury were highest in Manitoba, the Yukon and Saskatchewan. The Yukon and Northwest Territories were highest in Canada for common assault, which does not involve a weapon or serious injury. On every front, violence and abuse in the northern territories far exceeds that of any of the provinces.

These disturbing statistics are even more shocking when we look at the rate of abuse against aboriginal women. In 2004, Amnesty International released a report called *Stolen Sisters* that documented the large number of indigenous women who have been murdered or who have gone missing in Canada. This year marks five years since the original report was published. Amnesty International is calling for governments to work with indigenous women to institute a comprehensive national plan of action to protect their rights. Any plan must include effective measures to address social and economic inequalities that increase the risk to aboriginal women. Nationally, this means funding to fulfill the Kelowna accord. Internationally, response must be full implementation of the human rights standards contained in the *United Nations Declaration on the Rights of Indigenous Peoples*.

In both cases, Yukon can be instrumental in supporting and promoting these initiatives. The process that has been established through the aboriginal affairs working group, which is attended by our Premier, is to identify and implement concrete and tangible actions to improve outcomes for First Nations, Inuit and Métis people in priority areas.

It is vitally important for our northern voice to be on that working group to reflect the extreme importance to us of prevention of abuse against aboriginal women, but violence against women is everywhere and in every culture. We must be vigilant within our own families, with each other, with the neighbours, with strangers, that we engage to prevent violence against women.

Violence against women often means violence against children. I can speak from experience about the impact that has on people. Every single man must stand up and fight this — fight against their brothers if they are abusing women and children. We cannot be silent, Mr. Speaker. We have a responsibility to end this trend that continues to grow in our society.

### In recognition of Veterans Week

**Mr. Inverarity:** I rise today on behalf of all members of the Legislature to pay tribute to Yukon veterans and to all veterans during Veterans Week, November 5 through 11. We pause and reflect, remembering all men and women who died in war, lived through conflicts and served in peacekeeping, and who are still in the service of our country today.

Veterans Week is an opportunity to thank all those who have served and are serving in our Armed Forces. Many of our veterans were young when they left their families and loved

ones behind to fight for their country on foreign soil, never knowing if they would ever return home again. They came from many different backgrounds and from all regions of the country — ordinary men and women who did extraordinary things when we needed them most. They suffered hardships, injustices and the horrors of war, and many veterans paid the ultimate price for our freedom.

The World War I's Battle of Vimy Ridge was the first time all four divisions of the Canadian Corps worked together as one formation. The Canadian triumph at Vimy Ridge was one of the most complete offensive victories up to that point in the war. Canadians became well-known for their skills in offensive operations on the Western Front. The victory at Vimy set the momentum that would carry the Canadian Corps successfully to the end of the war.

The First World War was the largest conflict the world had ever seen up until that time, and 68,000 Canadians died. The triumph at Vimy and other victories over the final three months of the war is referred to as "Canada's 100 days" and earned Canada a separate signature on the Treaty of Versailles, which officially ended the First World War. Tragically, the 1914-18 war, to end all wars, was followed scarcely 20 years later by an even more widespread and destructive war, the Second World War.

It is important to remember the sacrifices and achievements of those who served in the cause of peace and freedom around the world. Remember those who gave their lives. It is important that our children and their children remember the sacrifices that were made.

This year, 2009, marks the 91<sup>st</sup> anniversary of the ending of the First World War. The peaceful society we live in in Canada and enjoy today is only a dream to the many people in the world who live in countries that are torn apart by violence. We owe a debt of gratitude to all who served Canada in times of war, military conflict, and peace, and who are still serving Canada today. We encourage everyone to wear a poppy in remembrance of their sacrifices for our freedom. A Remembrance Day flag raising ceremony was held yesterday at the Veterans Square by City Hall. There will be veterans recognition dinner tomorrow evening on Friday, November 6, at the Royal Canadian Legion and our November 11 ceremonies, which will be held at the Canada Games Centre. Please remember to be seated there by 10:00 in the morning.

As the 11<sup>th</sup> hour of the 11<sup>th</sup> day of the 11<sup>th</sup> month approaches, we stand in remembrance of these men and women. We honour their memory and give them the recognition they so rightly deserve. Never forget the cost of the freedoms we enjoy today. We will not only give our thanks, but we also give our respect and appreciation to all our veterans, not only this week but each week and every day of our lives — lest we forget.

**Speaker:** Are there any further tributes?

Introduction of visitors.

Returns or documents for tabling.

## TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Lang:** I am pleased to stand today to table the *Yukon Solid Waste Action Plan* in this Legislature. The *Yukon Solid Waste Action Plan* will be made available to stakeholders in the Yukon public today. Officials with Community Services will be arranging a briefing for members of the opposition.

**Hon. Mr. Fentie:** Pursuant to section 22 of the *Yukon Development Corporation Act*, I have for tabling the Yukon Development Corporation 2008 annual report and the Yukon Energy Corporation 2008 annual report.

**Speaker:** Are there any further returns or documents for tabling?

Are there any reports of committees?

Are there any petitions?

Are there any notices of motion?

## NOTICES OF MOTION

**Mr. Nordick:** I rise today to give notice of the following motion:

THAT this House urges Canada Post to provide service to all Yukon communities, including the community of Marsh Lake, and establish post offices in communities where no post office currently exists.

I give notice of the following motion:

THAT this House congratulates Air North on providing the first 737 jet service to Old Crow on November 4, 2009, following improvements completed by the Government of Yukon at the airports in Dawson City and Old Crow.

**Mr. Mitchell:** I give notice of the following motion:

THAT this House urges the Yukon government to introduce legislation enabling the establishment of credit unions in the territory.

**Mr. Cardiff:** I give notice of the following motion:

THAT this House urges the Yukon government to recommend to the Government of Canada to direct the resources saved by eliminating the long-gun registry toward programs of abuse prevention and violence prevention.

**Mr. Hardy:** I give notice of the following motion:

THAT this House urges the Yukon government to defer introducing amendments to the Yukon's *Oil and Gas Act* until the 2010 spring sitting of the Legislative Assembly, at the earliest, to allow more time for meaningful review and input by individuals, First Nations, renewable resources councils, community groups and other interested and/or affected bodies and organizations.

**Speaker:** Are there any further notices of motion?

Hearing none, are there bills to be introduced?

Hearing none, is there a statement by a minister?

This then brings us to Question Period.

## QUESTION PERIOD

### Question re: Student absenteeism

**Mr. Fairclough:** Again, absenteeism is raising its head in our education system. This time it seems to be due to influenza and the H1N1 epidemic. This morning, the territory's chief medical officer was announcing that he didn't think we have hit the peak yet. We know there is a direct correlation between being absent from school and low grades. Students who have missed school generally do not achieve high grades.

The Department of Education and this minister need to provide all students with the opportunity they need to succeed. With parents keeping their children at home from school because they're sick or wanting to keep them from catching H1N1, we are seeing extremely high absences, in some cases around the territory.

Can the minister tell us what the plan is for making sure these students are able to keep up with their studies?

**Hon. Mr. Rouble:** I appreciate the question coming from the member opposite. Indeed, this is a question on the minds of many parents and students and people in our education system.

The Department of Education has worked very closely with the public health officials and with the Department of Health and Social Services to take appropriate steps and to ensure we had appropriate plans in place as to how to address this flu season that is well before us. We're encouraging students to take all the appropriate steps, including keeping safe distances between people, washing hands, using hand sanitizers and taking the appropriate preventive steps. Of course, we encourage those who are ill to stay home.

The good news is that homework can be sent home. One piece of good news about this flu is that it is my understanding that it doesn't last for that long, so the absences are not extended periods that we might see with other diseases. We're not expecting students to be away for prolonged periods of time. Certainly, homework can be sent home, and we would encourage kids to do extra work to catch up.

**Mr. Fairclough:** In ensuring that we have appropriate educational outcomes for our students, there needs to be a catch-up plan. Right now, there is high absenteeism in Carcross, and in my own community of Carmacks the reported rate of students absent has been almost 80 percent.

We need a plan to help these students get back on track when they return to classes. We need to have more educational assistants to assist the students transitioning to coming back into school after being gone for quite some time.

The minister says that perhaps homework could be sent home, but whatever it is we need a plan to make sure — especially in the communities — that students have every opportunity to succeed in their education. Has the minister thought about providing more educational assistants or teachers to ensure that the students are able to continue to reach their educational goals and get caught up?

**Hon. Mr. Rouble:** We will continue to ensure that students have the opportunities that they need to succeed in our education system and grow up and lead healthy and productive lives in our community. Indeed, we do see some significant

absenteeism rates throughout the territory. Here in Whitehorse, on average, we see students who miss between 14 and 19 days a year, and in Yukon communities some students are missing up to, on average, 29 days a year. That is a tremendous amount of absenteeism. Those are historical numbers, not based on absenteeism this year, due to one particular flu.

We will continue to work with all our teachers, our educators, our parents and others to provide the best educational system in the territory. As the member opposite knows, we have the best student/teacher ratio, the best ratio of education assistants to students of any jurisdiction in Canada.

**Mr. Fairclough:** We haven't heard from the minister whether they have a clear plan to address this issue. The unfortunate thing is that the communities will suffer the greatest from the effects of this influenza.

We know that the department is tracking student absenteeism, but what about the teachers? We need to make sure that there are enough people to cover off teachers' absenteeism as well, and we know that schools will stay open as long as they can function operationally — and I'm not saying that this will happen, but what about if they need to close? We need to have a back-up education plan — a catch-up plan — to make sure that our students' education does not, in the end, suffer. With H1N1 on the upswing, we need to be preparing for the after effects. Again, will the minister ensure that there is not a lag in the education of our students?

**Hon. Mr. Rouble:** Mr. Speaker, I want to assure the member opposite — and indeed all parents in our education system — that the Department of Education has a comprehensive plan in place to deal with this situation. We are taking steps to prepare students to prevent the transmission of any flu. As well, we're working with all our teachers, with additional substitute teachers. We're looking at other people in the community to ensure that we're able to keep our schools open. Yes, Mr. Speaker, once we see the final effects of this situation that is facing the territory — that is ever evolving, that is changing every day — we will look at what steps have to be taken. If that means rescheduling things like student/teacher interviews, or school trips, or other things, we will take a look at that based on the evidence that we have.

Mr. Speaker, rest assured, the Department of Education, our principals and our teachers have appropriate plans as to how to address the situation, and I have the utmost amount of faith in them.

#### **Question re: Yukon Energy Corporation/ATCO**

**Mr. Mitchell:** The former chair of the Yukon Energy Corporation Board and three former board members blew the lid off the government plans to privatize the Energy Corporation this past summer; they exposed the government's plans. They also exposed the former minister's astonishment that the Premier had gone behind his back and was already well down the road to privatization before the minister responsible really knew what was going on. At a meeting in December of 2008, the minister was finally informed of what was going on behind his back and declared he would have to resign.

Mr. Speaker, on Monday, the former minister responsible for the Yukon Energy Corporation finally addressed this issue.

The minister now says, "The discussions never happened. None of it is true."

The former board members and the chair say it did. Does the Premier believe the four former board members or his minister?

**Hon. Mr. Fentie:** Mr. Speaker, I think it has been clear over the last number of days in this Legislature that we've effectively established the fact that the Leader of the Official Opposition has been privy to statements — in some cases documents of any sort, other comments through the media. I think we've talked about the state of confusion the member is in over all this. We've tried to express to him factually where this situation is at. A lot of this has to do with cherry-picking snippets of information from transcripts and letters, correspondence, omitting other factors in that correspondence.

The government feels the best course of action to help the Leader of the Official Opposition and all members of this House — given the confusion that is going on, especially with the Official Opposition — that we would go before the Public Accounts Committee with this matter and help clear that up for them.

**Mr. Mitchell:** What's becoming increasingly clear is the Premier stands alone as the only arbiter of what really happens. He's right. Everyone else is wrong.

The public is once again presented with two conflicting stories. In this case, the former minister responsible for the Yukon Energy Corporation has told his version of events. He has said the discussion never happened, none of it is true. One of the former board members is not happy with the minister's denials. He feels the former minister is now accusing him of lying.

The former board member repeated in an interview with local media yesterday that the meeting did, in fact, occur and that the minister offered to resign. The public is left to decide whom to believe.

I'll ask the Premier again: whose version of events does he believe, the one made public by the former chair and the three board members or the version put forward on Monday by his former minister?

**Hon. Mr. Fentie:** That's the problem — the member has just pinpointed the problem. We're discussing versions of events. There is a correct process to establish the facts, and the government is proceeding with that.

There's another point to be made here, and it has to do with correspondence this member has referred to now a number of times in the House but has omitted other content of that correspondence. The proposal received by the government from ATCO was first presented to caucus. Obviously, members of caucus were aware of the proposal.

If we keep dealing with versions of events, confusion between concepts and concrete actions, the member has confused proposed models with actual agreements.

The member has confused other matters. I think the best course of action for the Yukon public, the members of this House, and for all concerned, is the Public Accounts Committee. It will do its work and report to this House, which is in keeping with the obligations that we in the Assembly all hold.

**Mr. Mitchell:** This Premier has stood on his feet for five days so far this sitting and repeatedly refused to answer questions. That's what's confusing the issue — a Premier who won't answer questions. They are straightforward questions. The former Board member is a long-time Yukoner. He is someone who is very well regarded in his community and throughout the Yukon. The former minister is the former minister. The Premier pushed him out of a job as minister responsible for the Yukon Energy Corporation earlier this summer. He was obviously not satisfied with the minister's performance.

We believe that at a meeting in December of last year, the former minister offered to resign. He did so in front of many witnesses. The former chair said so, and so do three former board members. Once again, everyone is wrong, but the Premier and this Yukon Party government. Funny how that seems to keep on happening.

We'll ask again: whose version of events does the Premier agree with — the minister's or the former board members'? Simple question; answer it.

**Hon. Mr. Fentie:** By raising the decibel of discussion, it's pretty impossible to turn confusion and the version of events into fact. That is why we will have the Public Accounts Committee deal with the matter.

The member again has stood on his feet and made a number of assertions, and I don't think anyone would take issue with an individual's opinion. It is the member's opinion and that may be his interpretation of the version of events. That's his choice, but our job in this Assembly is to ensure that the public is informed and informed factually, and that we do our work in the public interest. That's what the government's side is doing. We would hope that the Official Opposition would also honour that code of conduct in this Assembly and make that contribution as they should.

#### **Question re: Infrastructure funding**

**Mr. Hardy:** The government is building, directly and indirectly, a number of projects around this territory. When you sit down and add up all the costs of all the spending on infrastructure, the amount is absolutely staggering and growing rapidly. But there is a problem, and that is around the lack of financial accountability and transparency. The public has received very little information to date about how these projects are being financed and yet work on them is moving ahead. All you have to do is drive around the territory and you will see projects everywhere going on. An example — just looking out the window here — is Yukon Hospital Corporation's new building that has already been started.

Will the minister responsible for the Yukon Hospital Corporation please tell us what the financial arrangements are and what the final cost will be?

**Hon. Mr. Hart:** For the member opposite, the Whitehorse Hospital Corporation is constructing the residence facility across the river and they are doing so based on the recommendation from their board. They are following the board's review and are also following its mandate as prescribed in the act.

**Mr. Hardy:** Just for the record, Mr. Speaker, the minister never answered the question. Typical transparency here,

isn't it? From the NDP's perspective, this government is operating in a manner that is not as open as it could be and should be, and the end result could be significant unexpected costs to the taxpayers down the road. We've already seen this in the past. Mayo B is another prime example of a major infrastructure project that will end up costing taxpayers tens of millions of dollars with very little public disclosure to date about where the money is coming from.

We know what the federal government is contributing — that has been announced time and time again — but we do not have a clue about how much the territorial government will put up, how much the Na Cho Nyäk Dun First Nation or any other First Nations will be putting up or contributing, and how much, if anything, the private sector is investing and what it will get in return.

Will the minister responsible for Yukon Energy Corporation please tell us what deal is being cut here so the public can be kept informed?

**Hon. Mr. Fentie:** First off, we have to recognize that the Yukon Energy Corporation and the act that governs it does allow the Energy Corporation to access or solicit finances, funds, within the parameters of its mandate. The agreement between Canada and Yukon is an agreement — a contribution agreement between Canada and the Yukon Energy Corporation. Mr. Speaker, the government is working through the Yukon Development Corporation, which is the Crown corporation that is the owner or the overseeing body of the wholly owned subsidiary of the Yukon Energy Corporation, to assist the Yukon Energy Corporation to be able to meet its obligations — especially its financial obligations under the contribution agreement.

The Yukon Energy Corporation is doing its work as we speak. Once they have completed that work, we will ensure that this House and the public are well aware of exactly what the Energy Corporation has been able to accomplish.

The other point on the First Nations side of this is yes, there is provision in this project for First Nations to invest and there is work ongoing with the Na Cho Nyäk Dun.

There is a memorandum of understanding in place meeting the government treaty obligations, and at this time the Energy Corporation is in discussions with Na Cho Nyäk Dun.

**Mr. Hardy:** Well, that's nice to hear that the minister has finally admitted that the Energy Corporation is in discussions, but once again we didn't get the answers. There are no figures, no projections, no information for the public to be able to either support or criticize what this government is doing and the direction they are going in. We have serious concerns around the costs of the Whitehorse Correctional Centre, another major project costing tens of millions of dollars.

This government has a terrible track record delivering projects on budget and on time because it does not follow normal tendering processes. It prefers using fast-track methods, cost-plus, design/build project management which have a history of resulting in delays and cost overruns.

Will the minister responsible for Whitehorse Correctional Centre please tell us what the financial arrangements are and what the final costs will be?

**Hon. Mr. Fentie:** The budget documents are very clear. The announcement of the overall cost of a multi-purpose facility has been made quite some time ago.

The member of the Third Party alludes to this government's processes around contracting. I would remind the member that, on this particular project, there was also a land claim obligation for us to ensure that we had a Yukon asset construction agreement with the Kwanlin Dun First Nation.

All that material is available for the member. If he'd like more detail on that, we can certainly provide him that detail. The contract has been let; the construction is well underway, and we're very pleased to be delivering a multi-purpose facility in this territory that will hopefully contribute to a reduction of recidivism and other valuable programs and services that can be provided.

**Question re: Whitehorse Correctional Centre rebuild**

**Mr. Cardiff:** On Monday, the Minister of Justice said that the new correctional facility was being built on time and on budget, and then refused to give any details and told me to direct my questions to the Minister of Highways and Public Works.

What is the time frame for the correctional facility, and what is the total budget, the total cost of the facility, when completed?

**Hon. Mr. Lang:** As Minister of Highways and Public Works, we're overseeing the actual construction site for Justice. I'd like to report to the House that it is on budget and it is on time. In fact, the report I just recently got is that it is ahead of schedule at the moment, but of course it's expected to open in 2012. They are within the budget and within the timelines that were set out, with an optimistic look at a completion date a little less than they projected when the contract was let.

**Mr. Cardiff:** Let the record show the minister didn't answer the question. Time and budgets with many projects have been a moving target with this government. The announcement in March was that the government would be paying \$21.6 million — that's what was budgeted in the spring — for the new treatment and corrections centre. That's on top of previous announcements of \$5.6 million for design and \$2.7 million for construction management services. There was about \$30 million committed.

If you look at the contract registry, it lists 16 contracts related to this project that come in at \$63.5 million, most of which is in the form of a \$55-million contract to the Dominion-Kwanlin Dun Joint Venture. Can the minister explain how this is still on time and on budget?

**Hon. Mr. Lang:** I could get that information across to the member opposite. I don't have the figures right here with me today. I have been briefed on it. I have been told it's on time and it's on budget. I have had a tour of the multiplex up there, and it certainly seems to me to be moving at a fast pace. They will have the flex building open in November of this year, and that building will be utilized for women's accommodations until such time as the other building is up and ready to be occupied. But I am told and assured that this is on budget and on time.

**Mr. Cardiff:** The government press release in March said that the correctional facility would be completed by late 2011. On Monday, the Minister of Justice said 2012. In the spring, the Minister of Justice, on April 1, said that it was \$67 million. Now, with \$63.5 million committed, and almost two years to go, we're wondering whether it is on time or on budget. The minister just said it was ahead of schedule, and we've gone from 2011 to 2012, so how can that be? Can the minister tell us, what is the final cost and when will it be completed?

**Hon. Mr. Lang:** In addressing the member opposite, 2012 was a January date and that's the move-in date. There is a time lapse between the finish date and actually when they occupy the building, so there is a space there where it's equipped for the occupying of the facility. So 2012 is in January 2012, but optimistically, we could look at maybe at the end of 2011 at the moment. So it's a moving target per se, but it's moving in the right direction. I recommend anybody here to go on a tour of the facility. At this moment they're putting a tent over it so that they can work through the winter season. It's certainly an interesting thing to look at and certainly it's great to see Yukoners working there in the construction trades to get that building up and running. But as far as the final figure, I will work with the department to get something in front of the member opposite as quickly as I can.

**Question re: House business**

**Mr. McRobb:** Yesterday afternoon, this Yukon Party government again demonstrated how it governs like a dictatorship. Instead of allowing debate on the *Yukon Energy Corporation Protection Act*, it used its majority in this House to end debate without any further discussion. Such practice is known as "hijacking." The hijacking occurred after a very short debate lasting about half an hour. There was ample time for fuller debate, but the Yukon Party didn't allow that. In fact, ending debate so soon created a problem on what other business to discuss. We ended up debating two government bills without first being provided with briefings, which is another compromise of democratic principles. Why does this government insist on usurping democracy and ruling like a dictatorship?

**Speaker's statement**

**Speaker:** Prior to the honourable member's answering, the Chair is going to reserve the right to make a ruling on the honourable member's comments. My memory serves me that some of the adjectives the honourable member used have been ruled out of order in the past, and I'm not going to hold the member responsible right now, but I'm going to do some research on this.

**Hon. Mr. Fentie:** Thank you, Mr. Speaker. Bill No. 110 did receive debate in this House yesterday — I thought, from our side and our perspective, a very constructive debate. There was good input from the Member for Kluane. There was also some very constructive input from the minister responsible for Energy, Mines and Resources, and of course, as minister responsible for the corporations, I did engage in the debate.

The government's side also pointed out that there were a number of issues that we wanted to look through and work through, and I can tell the Member for Kluane here and now that work by the Department of Justice has already commenced in reviewing the bill itself to ensure conformity and to ensure that there are no other pieces of legislation that may be impacted by such a bill. That is standard procedure and work we must do. Also, direction has been given to the president of the Yukon Development Corporation to provide to the Yukon Development Corporation Board — its chair and directors — the bill for their thorough analysis, to report back to the president of the Yukon Development Corporation. I'm not sure where the Member for Kluane is coming from, but we are proceeding with work on the bill.

**Mr. McRobb:** Mr. Speaker, the Premier talks a good story, but doesn't live up to his own words. How often have we heard him challenge us to full debate? Those words rang hollow yesterday afternoon, and it is not the first time the Yukon Party government has hijacked democracy. It has done it several times already —

**Some Hon. Member:** (Inaudible)

### Unparliamentary language

**Speaker:** Order. We established a line; the honourable member stepped over it. You're in front of it now. "Hijacked democracy" is not in order, and I'd ask the honourable member not to use that term. You have the floor.

**Mr. McRobb:** This government has done it several times on bills that we have brought forward for debate in this House. The public demands protection of its ownership of assets in the Yukon Energy Corporation from secret sell-offs. This Yukon Party government doesn't agree; otherwise, it wouldn't have done what it did to the bill.

This fuels speculation that this government is continuing its attempts to privatize these public assets. Why did the Premier refuse to put a stop to any continuance of his secret privatization plan?

**Hon. Mr. Fentie:** Let me go about it this way, Mr. Speaker. The bill hasn't stopped, so I don't understand where the Member for Kluane is actually coming from on this matter. The bill has not stopped. We adjourned debate on the bill, as the government side pointed out yesterday, to do the work necessary on the bill for it to proceed. I don't think there is anything wrong with that. That's pretty standard.

We're also reviewing and analyzing whether or not 30 days of consultation on this matter is sufficient.

I pointed out moments ago that the Yukon Development Corporation and its chair and board of directors will be receiving the bill for their analysis and report back. Justice is working on the bill in terms of its conformity and other related and peripheral impacts.

Mr. Speaker, I can't understand where the Member for Kluane is coming from when he suggests that we've stopped something. If I may be facetious for a moment, "hijacking" is a time-honoured tradition of organized crime and I'm sure he's not referring to the government side being involved in that.

**Some Hon. Member:** (Inaudible)

**Speaker:** Time for Question Period has now expired. We will proceed to Orders of the Day.

**Mr. McRobb:** Point of order.

**Speaker:** There's no point of order. Question Period has now elapsed.

**Mr. McRobb:** There was extra time.

**Speaker:** Question Period has expired.

### Speaker's ruling re question of privilege raised October 29, 2009

**Speaker:** Prior to proceeding to Orders of the Day, the Chair will rule on a question of privilege raised last Thursday by the Leader of the Official Opposition. The Chair would like to thank the Leader of the Official Opposition for bringing this issue to the attention of the House and would also like to thank the Government House Leader and the Leader of the Third Party for their contributions last Thursday.

In raising the question of privilege, the Leader of the Official Opposition charged the Premier with contempt for allegedly deliberately misleading this House with a statement the Premier made during Oral Question Period on April 27 of this year.

Before ruling on the question of privilege, the Chair will address some procedural matters. Standing Order 7(4) says that the Speaker must rule on (a) where there appears, on the face of it, to be a case of breach of privilege, and (b) whether the matter has been raised at the earliest opportunity.

I shall deal with the second matter first. The Leader of the Official Opposition raised the question of privilege on the first day of the 2009 fall sitting. This statement made by the Premier occurred during the 2009 spring sitting. However, the Leader of the Official Opposition stated that information that allegedly impugns the Premier's statement only became public after the spring sitting had concluded. The Chair accepts the position of the Leader of the Official Opposition and agrees that last Thursday was his earliest opportunity to bring this issue to the attention of the House.

I shall now address the issue of breach of privilege itself. In dealing with questions of privilege it is not the Chair's role to rule that a breach of privilege has or has not occurred. That is a matter for the House to decide. The question for the Chair is whether there appears, on the face of it, to be a breach of privilege. Should the Chair decide that is the case, the Leader of the Official Opposition will be invited to place before the House a motion that would address this issue. All other business before the House, with the exception of the Daily Routine, would be set aside until this issue is dealt with.

In order to rule on this question of privilege, the Chair must first consider the nature of contempt as an aspect of privilege. *House of Commons Procedure and Practice*, at page 52, defines contempt as "any conduct which offends the authority or dignity of the House, even though no breach of any specific privilege may have been committed..."

The first question to be answered is whether the charge of misleading the House can be considered by the Chair as a matter of contempt. The answer appears clearly to be "yes".

The 23<sup>rd</sup> edition of *Erskine May's Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, at page 132, says, "The Commons may treat the making of a deliberately misleading statement as a contempt."

The second question is whether the Premier's statement, in the context described by the Leader of the Official Opposition, amounts to a contempt of the House. The facts, as presented by the Leader of the Official Opposition, can be summarized as follows: On April 27, the Premier told the House, in response to a question from the Leader of the Third Party, "No, we're not involved in any process to privatize any public corporation in the Yukon, whether it be energy, hospitals or whatever the case may be."

According to the Leader of the Official Opposition, the Premier's statement has been contradicted by the former chair of the Yukon Energy Corporation Board of Directors and the Member for Lake Laberge, who was the Minister of Energy, Mines and Resources at the time the Premier made the statement in question.

The Premier's statement has also, allegedly, been contradicted by the Premier's own officials and government officials who handle access to information requests. The Leader of the Official Opposition asserted that the Premier was aware that negotiations to privatize all or part of Yukon Energy Corporation were ongoing when he made his statement on April 27, and that the Premier was personally involved in the negotiations.

This evidence, according to the Leader of the Official Opposition, means that the Premier's statement in the House on April 27 was not only misleading, but deliberately misleading. As a result the Leader of the Official Opposition concluded that the Premier is guilty of a contempt against this House.

The Leader of the Official Opposition, other members of this House, members of the general public and members of the press gallery are free to use whatever criteria they wish to assess these statements and to draw their own conclusions. However, in dealing with the issue of contempt the Chair must rely on the principles of parliamentary democracy, established rules of procedure, and relevant precedents.

David McGee, the former Clerk of the New Zealand House of Representatives, has, in his book, *Parliamentary Practice in New Zealand*, articulated a standard for establishing a prima facie case of contempt. Mr. McGee says, "There are two ingredients to be established when it is alleged that a member is in contempt on this ground: the statement must, in fact, have been misleading; and it must be established that the member making this statement knew at the time the statement was made that it was incorrect and that, in making it, the member intended to mislead the House".

This standard has been cited in cases in the House of Commons of Canada, the Legislative Assembly of Alberta, and in other Canadian jurisdictions as well. It is also the standard I will follow in ruling on this matter of contempt.

McGee is not alone in focusing on the necessity of demonstrating intent. For example, in a 1987 ruling, Speaker Phillips of Manitoba said, "A Member raising a matter of privilege

which charges that another Member has misled the House, must support his or her charge with proof of intent."

The Leader of the Official Opposition supplied evidence that he believes supports that assertion. However, the evidence offered by the Leader of the Official Opposition did not, in the Chair's view, establish a deliberate intention on the part of the Premier to mislead the House. The Chair appreciates that it is difficult to establish intent and notes that this difficulty has not been lost on other Canadian Speakers. Nonetheless, that is the standard to which the Chair must adhere.

Another factor to consider is the nature of the evidence offered by the Leader of the Official Opposition. As stated, he cited statements from a number of individuals that contradicted the statement the Premier made in the House in April. From the research conducted for this ruling it was found that in those instances where Speakers ruled that a prima facie contempt existed, the case against the member accused of misleading the House was founded on contradictory statements — either oral or written — made by that member. The assertions of others — including elected members — or documents supplied by others, were not enough.

Parliamentary authorities point to the importance of self-incrimination as the means of establishing intent in the cases of contempt. Joseph Maingot, on page 224 of his second edition of *Parliamentary Privilege in Canada*, says, "An admission by a Member that he misled the House would constitute a matter of disorder, and an admission of deliberately misleading the House would constitute a breach of privilege or, more properly, contempt."

The 23<sup>rd</sup> edition of Erskine May, at page 132, cites one example where an admission of deliberately misleading the House resulted in the finding of contempt against a member. This was the infamous case from 1963 involving a British cabinet minister by the name of John Profumo. In this case, the member delivered a prepared statement to the House of Commons, which he subsequently admitted was not true. Minister Profumo's admission was the basis of the successful contempt case against him.

Members are also aware that this House, like others, operates on the basis that all members are honourable and are to be taken at their word. Annotation 494, in the 6<sup>th</sup> edition of *Beauchesne's Parliamentary Rules and Forms of the House of Commons of Canada*, says, "It has been formally ruled by Speakers that statements by members respecting themselves and particularly within their own knowledge must be accepted."

In the House of Commons of Canada, for instance, it is accepted that if a member denies having misled the House, the Speaker accepts the member's assertion and the case is closed. Similarly, in the Quebec National Assembly the President has consistently ruled that in order to open the way to a question of privilege, a member must overturn the presumption established in Standing Order 35(6), according to which a member must be taken at his word. This presumption can be overturned only when a member, in making some statement, deliberately misleads the Assembly and thereafter acknowledges having misled it, thus placing himself or herself in contempt of Parliament.

In a ruling in 2002, Speaker Carr of the Legislative Assembly of Ontario spoke of the high threshold regarding charges of contempt. Speaker Carr said, “The threshold for finding a prima facie case of contempt against a member of the Legislature on the basis of deliberately misleading the House is ... set quite high and is very uncommon. It must involve a proved finding of an overt attempt to intentionally mislead the Legislature. In the absence of an admission from the member accused of the conduct, or of tangible confirmation of the conduct independently proved, a Speaker must assume that no honourable members would engage in such behaviour or that, at most, inconsistent statements were the result of inadvertence or honest mistake.”

As I mentioned at the beginning of this ruling, the question for the Chair is whether there appears, on the face of it, to be a breach of privilege. Based on the standards established for the Canadian legislative assemblies and the precedents cited above, the Chair concludes that there is no prima facie contempt in this case.

Members — and others — may ask why the threshold for demonstrating a prima facie contempt is so high. The Legislative Assembly is primarily a forum for debate on bills and public policy. Members have different and sometimes conflicting perspectives on the issues that come before them. Members will table documents or offer other evidence that supports their point of view, or counters that of other members. If the presentation of evidence that contradicts the statements of a member could be taken as the basis of a contempt charge, the House might find itself devoting more and more time to that issue, rather than the bills and policies it is supposed to debate.

Perhaps more importantly, members should also keep in mind that the powers of an Assembly to discipline its members are substantial. A member found in contempt of the House could be censured, suspended from the service of the Assembly for a specified period of time or expelled from the House. Furthermore, the exercise of the disciplinary powers is part of the Assembly’s collective privilege to control its own proceedings; therefore such decisions are not subject to judicial review. For these reasons the Chair must exercise great caution before allowing a motion based on a question of privilege to be placed before the House.

To quote again from *Beauchesne*, there are times when the House has “to accept two contradictory accounts of the same incident.” That, in the view of the Chair, is the situation faced by the House in this instance.

Standing Order 7(5) says, “If the Speaker rules that there is no prima facie case of breach of privilege or that the matter has not been raised at the earliest opportunity, the matter is then closed.” However, this only means that it is closed as a matter of privilege. The Leader of the Official Opposition — or any other member — may still bring this issue before the House. This could be done by raising a question during the Oral Question Period or by giving notice of substantive motion, which could then be called for debate using the usual rules of procedure.

The Chair thanks all members for their attention to this ruling. We will now proceed to Orders of the Day and government bills.

## ORDERS OF THE DAY

## GOVERNMENT BILLS

### Bill No. 17: Second Reading — *continued*

**Clerk:** Second reading, Bill No. 17, standing in the name of the Hon. Mr. Fentie; adjourned debate, the Hon. Mr. Lang.

**Hon. Mr. Lang:** I’d like to thank the House here today for the time I have to discuss Bill No. 17, brought forward by the Minister of Finance and Premier Fentie. Certainly, reviewing the departments that I am responsible for, Energy, Mines and Resources, Highways and Public Works, and, of course, Community Services — three very, very important departments in the territory, departments that touch and work with communities and also individuals in many aspects of Yukon’s daily life.

As we move forward, I’d like to take the departments one at a time and review a bit of what we’re doing, looking forward to the debate we’re going to have here when we get into Committee where we will have a chance to answer some of the questions I know the opposition will be bringing forward.

The Department of Energy, Mines and Resources is a very busy department. It works with the other departments and the mining community, energy, forestry and all the other engines of our economy and has worked very hard. I’d like to thank the department itself for the work they do on a daily basis to address the issues we have, to resource the things we do and to push forward the government’s agenda in this department. Without a doubt, they are probably one in the territory and in the government that is held in high regard for their work ethic and the product they turn out at the end of the day.

I’ll go over the corporate services in the department. If we were to look at what we’re going to talk about in the department, we’re looking at approximately a \$1.6-million expenditure, an increase for capital. That is put forward by Energy, Mines and Resources to continue the good work they do on a yearly basis. In Corporate Services, it would be a \$100,000 revote for the development of a forestry information system required to support the Yukon’s new *Forest Resources Act* and related regulations. That again is work in progress and is how we’re going to go forward, managing our forests and our forest resources.

The system will provide a central collection area for electronic information related to forest tenures under the *Forest Resources Act* — in other words, modernizing the industry. Maybe industry is the wrong word; I guess we would be modernizing the management of our forests. That is a very important component of any of our departments, to make sure we can keep up and modernize and work forward so we have a modern, high-tech forest management facility on the ground here in the territory.

In addition to tracking forest licences and permits, the system will also provide important guidelines to forest management branch staff to ensure all appropriate procedural steps are followed, such as providing timely responses to applicants and timely referrals to Yukon First Nations.

In other words, it's a tool we'll use in managing the forests and making sure that we get the information out, not only to the individuals in the forest industry, but First Nations and other governments. The system will also link to EMR's geographic information system — GIS — to enable on-line public access to up-to-date mapping information when applying for forest tenures. In other words, it's another tool to manage our forests.

As we move through the forest management branch, we're requesting \$545,000 for planning, design and initial contracting of the Yukon's forest research infrastructure. The project will allow for the upgrading and renovation of the greenhouses built in 1968 and 1989 and the development of a research laboratory at the forest management branch's compound and the research centre at the Gunnar Nielsen Mickey Lammers Research Forest.

I'd like to take a few seconds here to recommend to everybody in the House that they go do a tour of the Gunnar Nielsen Mickey Lammers Research Forest and see the work that the forestry department has done to date on that investment we have. It's on the corner of the Takhini Hot Springs Road and Mayo Road. It's accessible on a daily basis — cross-country skiing in the winter and other activities — and it certainly is an eye opener of what the department has done with that. I certainly look forward to working with the department to enhance it even more.

This will enhance Yukon government's current research capacity, as well as create new opportunities for northern forestry research partners. In other words, this is going to be another tool that we will have in the research partnerships that we are working toward.

There is \$110,000 allocated for planning and the development of design options for the H. S. Bostock Core Library project. This is operated by the Yukon Geological Survey. The H. S. Bostock Core Library is a facility that supports geoscience research in the Yukon — another very important part of the department. Certainly, as we move forward into the management of our resources, this has really been a diamond in our department in how they have managed to move forward and put this technology on the ground for the general public and how the general public has acted with this in a very positive way.

The facility supports mineral exploration in Yukon, and of course it provides valuable information to enable stewardship and sustainable development of the territory's energy, mineral and land resources — another great, great thing, Mr. Speaker.

Funding will allow for the identification of options to provide increased secure storage for current and future specimens, as well as for the storage of equipment required for geological field research. This will be a support part of the department and, as I said, it will be the storage of equipment required for this very extensive and important part of our management tool for the department.

We're supported by the Arctic research infrastructure fund. These projects are fully recoverable from the Government of Canada — another partnership we worked on with the Government of Canada in the past, and in the future we'll hopefully have the success we've had on these kinds of projects.

Let's go to other resources. Two allocations in support of the Government of Yukon's joint land project, Teslin Tlingit Council — a very productive partnership. We're working together to address the demand for recreational lots. The Yukon government and the Teslin Tlingit Council were pleased to recently offer 19 recreational cottage lots for sale on Little Teslin Lake. This is the first partnership between the two governments — the government of the Teslin Tlingit Council and the territorial government — putting recreational land out for Yukoners on Little Teslin Lake. This is a very successful partnership.

Between Squanga Lake and Johnsons Crossing, the 12 public land lots and seven lots on settlement land have been offered for lease through a joint lottery process. That is in the process right now, so we will be having those recreational lots out and available to the general public. \$194,000 was allocated to this project for the necessary planning, survey and design work, funded under the northern strategy fund. An additional \$390,000 had been allocated for Little Teslin Lake roadwork necessary for the project. In other words, it's access to these lots.

The land planning branch — \$85,000 revoted from Community Services to Energy, Mines and Resources to complete a number of area plans. Funding will enable Energy, Mines and Resources' land planning branch to continue work on the Carcross, Marsh Lake, West Dawson/Sunnydale local area plans.

That is just a rough overview of what we're doing in Energy, Mines and Resources. I look forward to moving forward here in the next week or so and debating this with the members opposite on what this department is doing on a daily and monthly basis and the request for this \$1.6 million we put forward to the government of the day.

Highways and Public Works is again a very large department. It has a large budget and, of course, as we move through this budget and in this supplementary budget, the requests are that the department's O&M expenditures will increase by approximately \$1.8 million, capital expenditures will increase by approximately \$11.8 million, revenues through capital recoveries and O&M recovery will increase by approximately \$3.9 million, and other figures are out there that we will be able to debate when we get this into Committee. I'm looking forward to that debate.

As we go through this, we can look at what we are doing as a department. I work with the department on a daily basis and have for a period of — I guess it would be two years. I'd like to take a moment to thank all the people who work in our communities and also in the City of Whitehorse and in the Department of Highways and Public Works, and compliment them on the job they do. They do touch and work with every Yukoner. We all take advantage of our roads, take advantage of buildings, and this department certainly is a department that

oversees all that. I'd like to compliment all of them for the hard work they've done.

I had the honour of giving a bit of a presentation to all the foremen who work throughout the territory. They have these workshops here in the City of Whitehorse. As I looked around, it was refreshing to see all the new faces and, of course, the older faces — but they're all Yukoners. All these people have come through the Department of Highways and Public Works and now are working in management positions and doing an excellent job for Yukoners.

Again, hats off to them and I look forward to working with them into the future because they do a lot of hard work and they certainly represent us well when they're out in the field. That's a compliment to them and it certainly makes my job a lot easier when I have those kinds of people out in the field working for the Yukon to make sure that our roads and all our other structures are kept up to a standard that's acceptable.

There are some increases — there's an increase of \$69,000 in Corporate Services for a revote of funds to complete contract regulations and procurement review. This is a review that we as government task the Department of Highways and Public Works to do. This is to review our contract regulations and procurement review. This is something that has been ongoing. I look forward to the final review getting in front of us because that was the question about how the process worked in the past and we feel that it should be modernized.

It says that this review has been ongoing, and we'll be modernizing the government's procurement process. It's very important for us as Yukoners to make sure we keep up to date with procedures and sort of take advantage of what is happening out there in different jurisdictions and how we can streamline the process. So we're looking forward to the end of those discussions and having something in front of us so we can modernize that.

An increase of \$159,000 for O&M costs to ensure mobile telecommunication capacity in southeast remote sites — these are sites that we're putting up as we modernize our communication. The transport division will see an O&M increase of \$1.6 million, due to the emergency washout repairs on various highways. That was something that happened this spring; we had washouts. Repairs were required for the Klondike Highway, North Canol, Freegold Road, Hunker Road, Granville Road, Mount Nansen Road, Campbell Highway, Bonanza Creek Road and various other smaller locations. But as you see, the responsibility goes from main arteries to roads like Hunker and Granville and Mount Nansen Road — all these roads are being utilized by Yukoners — and that money is being requested because of those costs.

The highlight of the 2009-10 supplementary capital expenditures include the following: corporate and computer equipment — of course that's ongoing; a revote of \$522,000 for the purchase of a new core operating environment for our network infrastructure; revote for \$462,000 for project work on phase 3 of the geometric Yukon high-resolution mapping process, another modernization thing within the government; a revote of \$108,000 toward the human resource management system; telecommunications — a revote of \$245,000 to continue pro-

ject work to dismantle and remove all MDMRS equipment located in southeast Yukon — again, an obligation we have. As we modernize, we have to take out the equipment that is obsolete.

There is \$415,000 for supply and installation of two southeastern remote sites — again, more resources, so that we have a modern communications system; transport facilities and equipment — increase of \$238,000 due to revote to continue work on projects not completed by year-end on miscellaneous projects, such as retrofit towers and cables for the Pelly Barge ferry, work on potable water wells at Destruction Bay and Teslin highway maintenance camps. Those are ongoing maintenance costs.

Environmental rehabilitation — we need an increase of \$140,000 for a revote to continue the work on the oil/water separator project at Swift River maintenance camp and site remediation at the Whitehorse grader station.

I haven't got enough time to debate at length all of the things that we are doing in Community Services, which is another department, but I look forward to debating and talking about all these requests we are going to have here in the budget, and I certainly look forward to the support of all members of the House to make sure that these questions again are answered, but also that we have the votes we need to let these departments do the work we assign them to do.

I would like to take just one minute — and I know that I haven't had time to speak to Community Services — another responsibility I have — but again I would like to thank all the staff at Community Services for the hard work they have done over the past year. It has been a very interesting year for me, but also for the department as we acquired responsibilities — EMS and other responsibilities. I would like to commend them in what they have done in a very timely fashion and certainly in a businesslike way. It is a pleasure to work with them, and I look forward to debating their budget here in the near future when we talk about Community Services and what their demands are.

Thank you.

## INTRODUCTION OF VISITORS

**Mr. Nordick:** I'd like the members of this House to welcome a friend and a constituent of mine, Mr. Stephen Johnson. I'd like to congratulate him also on becoming a councillor for the City of Dawson.

Thank you.

*Applause*

**Mr. Inverarity:** First I'd like to say there were some comments made the other day, on Tuesday, regarding members on this side of the House not speaking on Tuesday. I was here Tuesday, but I have to say that I developed some sort of reaction, I'm not sure if it was to my shot or whether or not it was because of my previous illness earlier in the week. I was kind of prepared to do it, but I just was overcome and I couldn't actually speak on Tuesday. It wasn't that I wasn't prepared to do it.

In moving forward in my opening remarks — I think that I'd first like to thank the members opposite for the opportunity to speak today on the supplementary. I don't think I'm going to speak for a long term, because I know that we're pressed for time; we have lots of bills. We have lots of departments to go through and certainly I'm going to leave most of my questioning and my issues to the departmental debate.

I would like to thank, of course, my wife Mary and my children for supporting me in my decision to seek public office. I do that every time I get up here. I think it's important that we acknowledge those people who stand behind us — make us better than we are — and they certainly deserve that recognition.

I would certainly like to thank the residents of Porter Creek South for electing me, for my opportunity to represent them. It gives me great privilege to be able to do that, and I look forward to many continued years as their representative within the Legislative Assembly.

Certainly I would like to thank the Porter Creek Community Association. I've been attending a lot of their meetings over the last two or three years, and I find that their insights and their advice for me — in terms of representing my constituents — to be very, very helpful. I look forward to that continued advice and that continued support. I know — as do the other members from the Porter Creek area — that they offer their support too.

Certainly out of the Porter Creek Community Association rose the Friends of McIntyre Creek. I don't know if they've actually incorporated or not as a separate entity, but certainly they were a sub-committee of the Porter Creek Community Association early on. They carry forth the valid concerns they have for the McIntyre Creek area. I think we all stand here looking at that area. We've seen the abuses that have gone on in terms of the lower end of it, closer to the mouth, being used as a dump.

Over the summer I had an opportunity to attend a number of walkabouts, I guess we'd call them — nature walks in the McIntyre Creek area, the wetlands at the top end, and I found it very interesting. There were 30 or 40 people at each of the outings and that showed a high representation. We need to seriously consider what is going on with the McIntyre Creek, and I'll speak a little bit more about that.

Finally, I'd like to thank my riding association, which stands behind me within Porter Creek South and helped me get elected. Without their support and continued guidance, I would have a lot of difficulty standing here and representing Porter Creek South.

As you know, Mr. Speaker, my critic areas are Tourism, Highways and Public Works, and the Yukon Liquor Corporation. These are new to me this year and, as I find my way through each of these departments, I look forward to having some lively debate with the ministers. I know he has alluded to it already in terms of Highways and Public Works. I know last spring we left off with debate on Tourism. I enjoy the spirited debates we have with the Minister of Tourism.

I'm not going to get into much in terms of the department in these opening remarks. I'll leave them for when we get into

departmental debate, but I am looking forward to it and welcome the constructive input that the minister will have for us.

Within the Highways and Public Works area, as always, I will be revisiting the Auditor General's report of a couple of years ago to make sure the issues there will be addressed and that there is a continuation of achieving the goals and objectives set out by the Auditor General's report, specifically the master space plan that I'll be looking forward to discussing. I'm also interested in talking about roads, which are always good things to talk about in the Yukon.

This summer on the north Klondike Highway and the Silver Trail — there are still issues I brought up in the spring. They're still there today. I'm looking forward to seeing what will happen. Of particular concern to me are the vehicle accidents that are happening on the roads as a result of some of the maintenance that's going on — perhaps not as a direct result, but certainly the washouts in the spring caused a number of accidents. I realize that, to a large degree, they were acts of God, but they are a concern and we need to be diligent to make sure our highways are kept up to a standard that is safe. I know nobody wants to see deaths on our highways, so we need to do the diligence in that area.

I know later on in the sitting we're going to be talking a bit about the *Motor Vehicles Act* and the change to that. I know specifically that they're going to be addressing the issues regarding the communities, with regard to ATVs and the disabled parking slots within commercial properties. I think those are worthy causes and I think they need to be addressed so that the communities in which they will be affected will have the options to be able to enact their own bylaws to extend that.

But on the same issue, I think it's important and I hope, as we discuss the *Motor Vehicles Act*, if friendly amendments do come forward, they will be accepted in the spirit that they are intended and that these amendments will receive a fair hearing as opposed to some of our other amendments at other sittings we've had earlier on. I look forward to debate within that area also, Mr. Speaker.

I notice that the Member for Klondike, I believe, introduced some cellphone motions this year, along with the Member for Vuntut Gwitchin. Certainly this is of high concern to me, particularly where individuals are driving down highways, texting. The concept of doing that is really foreign to me. I just don't know how people can do that and think that they are actually being safe on the road.

I know that within the Porter Creek area this year we have had a death up there — a traffic death — and I believe it might have been related to this specific issue too. It is important that we address these issues and that we move this issue about cellphone use in vehicles to its conclusion and get in line with what is obviously happening not in the rest of Canada but certainly around the world.

The issue, when I think about it, of driving down the highway — and we see the ads for the new vehicles out there. They have TVs in the back for the kids and they have GPSs that talk to you and certainly the distractions that are being caused are an issue. I am a ham radio operator, as you know, and have on frequent occasions — in fact, within motor vehi-

cles we have been using hand-held microphones for probably 50 years within motor vehicles for emergency preparedness. I am not sure how this will affect the overall cellphone usage, but maybe it's time to consider how we deal with not only cellphone issues but how we deal with these other issues of distractions that are going on within a vehicle.

I'd like to turn my discussion a little bit today to what's happening in the Porter Creek area, specifically the Porter Creek South and the Whistle Bend area, as it's going to significantly affect some things that are going on there. There might be an argument that might be made that this may or may not be a suitable location, that it could be or could not be something that should be related to the city. However, I believe that it's an important issue to bring up because it does affect a significant number of people within the city, and I think that the government has a role to play in this area.

Specifically, I'd like to talk about the traffic study that was recently released by, I believe, the City of Whitehorse with regard to travel in and out of Porter Creek — specifically the Whistle Bend area. I think that I have some concerns about this. I don't particularly feel that there was enough public discussion about this particular traffic study prior to the study being done. To some degree it appears to be a foregone conclusion, and that's always risky, I would have to say, when studies are put out that say this. Obviously, there's criticism about whether or not there has been sufficient public input for the contractors of the study to actually do their job.

The areas in question are the areas around what I will call the intersection of the Whistle Bend access road — this would be the new access road — and where it will come on to Mountainview Drive. I think it's still to be decided exactly where but the approximation is up near the top of Mountainview Drive.

I have had phone calls; I have had letters from constituents, specifically on Tamarack Street where this access road may be coming very close to a playground that's there. It's a concern that needs to be addressed. Individuals who have these concerns have come forward already, but it's worthwhile putting on the record that the new Whistle Bend will cause significant impact on the city. They're talking 10,000 new residents over a period of 20 years. The time for planning that is now.

We need to do that due care to make sure that traffic flows are valid. Personally, I've attended most of the charettes that have been available within the city around the Whistle Bend development and, quite frankly, I've been happy with the charettes. The problem is that, every time I brought up the issue of traffic flows, it was sort of a we'll-get-to-that, we'll-get-to-that attitude, and that's not the right one because it's part and parcel of the whole development.

I think it's not only going to affect Mountainview Drive; it's going to affect the north end of the city, or the north end of Whistle Bend/Wann Road area. I think those issues need to be dealt with.

Likewise, at the — I'm not sure if it's a roundabout now or if it will be an intersection with traffic lights, but I believe the intersection will go through to what I call the connector road through McIntyre Creek to the Alaska Highway. I think this road has been marked on some maps and not marked on others.

I believe there's a real concern here that this will affect the wildlife corridor coming through the McIntyre Creek area. The Friends of McIntyre Creek have brought this issue up on a number of occasions. Part and parcel of that issue is the extension of Pine Street down to this connector road. If you see in your mind's eye the McIntyre Creek area, there will be significant road access. I can see Mountainview Drive being twinned all the way down to the Superstore. With 10,000 people moving into the Whistle Bend area, I can see the connector road, if it were to go ahead, being twinned. I could see a twinning of Wann Road also. So these issues need to be addressed, and I'm bringing them up for my constituents in the area. I think that it's worthwhile that we spend the time today to make sure that we are going in the right direction and we look at all the possibilities for traffic flows and not just accept the one report.

Certainly other issues that come up in my constituency are affordable building lots. A lot of my constituents are original owners of their property. Their children are now raised and they're looking for building lots for their young — what I call young adults or their children — first-time homeowners need to have affordable lots and I hope that both the government, which makes the land available for these lots, and the city don't put profit ahead of our youth who want to build their lives. We spend thousands and thousands of dollars educating our children and trying to get them to come back to the Yukon to live. We should make it available to them so that they can in fact have affordable places to live. Apartments are very hard to come by in this town and yet I see no apartment buildings going up. I understand that there are some issues around that that need to be addressed so that certainly people can have low cost apartments. Certainly I think the lots should be sold at least to first-time homeowners at cost and that we should not be making a profit on this so we can accommodate our youth to stay in the Yukon.

This brings up the issue from the Housing Corporation where they ran out of mortgage money this spring. I don't believe they've replenished that fund at this point in time and that's something that needs to be looked at. I think it's important that perhaps they look at a first-time homeowner's mortgage program. Maybe the old program might need to be fixed; maybe it just needs to be revised so that young people — young adults, first-time homeowners — have an opportunity, when they can't qualify at a bank, to be able to go to Yukon Housing Corporation to get them started. It may not even have to be a full mortgage; it may be assisting them with a down payment. We see microloans for businesses, for example, where you go in and you get a little loan to get you going and then you pay it back. It allows you to actually leverage that into more dollars. It might be something worth looking at so that first-time homeowners can in fact afford to buy or build within the city.

I think I would like to address some concerns within the legislation that's coming up at this point in time. There are a few bills. We haven't really received too much in the way of briefings on some of the legislation. I know we're going to be talking about one this afternoon, the ATIPP act, when we get through the speeches today. However, I believe, if I see the

schedule right, the actual briefing for the ATIPP act is next week, and it could be passed by the end of the day — through second reading. I'm concerned that we've had no real opportunities to discuss it. My biggest concern about the ATIPP act isn't really with who is going to be included in it; it's more about the second part of it, which is, as I recall, the medical act. I maybe have it wrong.

But what I see happening here is a ganging together of two acts within one piece of legislation that's being tabled. I know the Minister of Health and Social Services was starting to talk about it at the close of business yesterday, so I'm looking forward to perhaps having him answer some of the questions, if we get into that bill later today.

But my concern here really does not deal with the acts themselves or the amendments to them. It's about privacy. I'm going to talk a bit about privacy here. I guess I saw it when it came up with the driver's licence issues that I brought up over the last year and a half or so.

I would like to thank the Minister of Highways and Public Works and the Minister of Community Services for going forward with us getting new drivers' licences. I am pleased to see that. It's too bad that it will be next summer. I would have thought that once I started actually complaining about this issue they would have been a little bit more proactive, but I understand and I'm getting used to the fact that we may have to wait a little longer for things. But that's okay; it's moving forward.

I only have two minutes, so let me be fast and brief. Maybe the minister will get off the hook a little easier. My concern here is about privacy. I believe that we need to be able to protect individual privacy, and when I first saw the ATIPP act, I had some real concerns about what kind of information was going to be transferred to other jurisdictions. In retrospect, if I had looked at the definitions a little closer, I think it would have solved my problem for me, but I was quite concerned about it. It's important that we look at privacy — particularly health record privacy: our records and who we are and how we have medical records, but also driver's licence information needs to be protected. We as individual citizens need to be protected in this area.

With that, Mr. Speaker, I'll just close my speech today by saying that I look forward to having more general debate within the department.

**Hon. Ms. Horne:** Mr. Speaker, I would like to begin by reviewing what it is we committed to Yukoners to do should we be elected. Our first commitment was to achieve a better quality of life for Yukoners. Our second commitment was to protect the environment. The third commitment was to promote a strong, diversified private sector economy. The fourth commitment was to practise good governance with strong fiscal management. A good government is one that provides the context in which its citizens can grow and prosper. We want to help Yukoners achieve a better quality of life.

Mr. Speaker, you know as well as I do the sorry state of the Yukon economy in the late 1990s and the early 2000s. I again remember vividly those tear-stained faces pressed against the rear-view window of the vehicles heading south through

Teslin, but this government has worked diligently to resurrect our economy, to revive Yukon as the land of opportunities. We have been successful.

Today we are all aware that Yukoners have a rich selection of job opportunities. Few things help us achieve a better quality of life than having a meaningful, rewarding career that provides for our needs and enables us to be contributing members of society. Having addressed in our first mandate the economic plight we inherited, we are now working on other areas to improve Yukoners' lives. I would like to talk about how this budget contributes toward accomplishing those commitments. Many of my colleagues have already spoken to this budget. In reviewing our budget documents, I would like to mention a few items in particular.

The Minister of Education has added \$65,000 for the Canada student loan program. In talking to my constituents and other Yukoners, I know that many people appreciate the support shown by this government to our students. I also note with some delight the older workers initiative that has received an additional \$202,000. Well done.

Mr. Speaker, I look at all the great work happening in Community Services. Here is a department that does much to help Yukoners with their daily lives. For many Yukoners, it plays a key role in providing clean water and handling the removal of waste water, building the city streets and running the landfills, either by working with local municipalities and communities or, where there is no local government, doing it themselves.

This summer I got to see another side of Community Services, the part that handles wildland fires. I was so impressed with their good work. As a rural MLA, I am very grateful for the assistance I receive from Community Services and Highways and Public Works. Our budget includes more money for them to do their good work.

The Highways and Public Works budget has more money for the Robert Campbell Highway, including an extra \$353,000. This brings our Building Canada commitment this year to \$8,853,000. We also have an extra \$450,000 investment by Yukon for the Yukon portion of \$2,530,000, for a total budgeted investment of \$11,383,000 this year.

As the MLA for two of the communities this highway serves, namely Ross River and Faro, I am just delighted this work is being funded. I know that our government puts a high priority on improving the quality of Yukon roads, especially the Robert Campbell Highway.

I would like to note that Energy, Mines and Resources has additional dollars for a joint land development project in my riding and for an access road. I appreciate the diligence of Energy, Mines and Resources and Teslin Tlingit Council in bringing this project forward. I think this is a great model for future development in my riding and for the rest of the territory.

I would like to note that the Health and Social Services budget includes an extra \$78,000 for treatment systems and \$313,000 for detox and treatment practices standardization. We have extra money in the budget for the receiving home replacement, as well as extra funds for seniors facilities. I know

Minister Lang and I are excited about the seniors facilities that are going up in Yukon.

I would like to speak for a few moments about the increase to the museums assistance in Tourism and Culture. As someone who has worked in the cultural industries, I appreciate the support this government has provided. In looking at the time, I realize there is much in my departments I want to mention. I'm cognizant of the good work that we are doing in both the Women's Directorate and in Justice. I would like to thank the staff of both departments for their perseverance and good work.

I will be brief today in outlining the highlights of the 2009-10 supplementary budget request for the Department of Justice. Some of the items in this budget are directly related to our overall correctional redevelopment project. I will take a small amount of time to update this House on this project, so that the current items are in their proper context.

I am pleased to report that a fully recoverable \$34,000 was allocated to fund our conference, entitled "The Path to Justice: Access to Justice for Individuals with Fetal Alcohol Spectrum Disorder" held in September.

This government is committed to replacing the Whitehorse Correctional Centre, as laid out in our correctional redevelopment strategic plan. The new correctional centre allows for inmates to maximize their time, to address issues that have led to criminality, and it provides suitable space for treatment-readiness and programs. We are constructing a facility and implementing a program model that supports preparing inmates for treatment and for taking steps to move forward on release from custody.

The Yukon government has budgeted \$21.6 million this fiscal year to finalize design and begin construction of a new correctional centre. As we had discussed before, the total estimated cost for the new facility is \$67 million. Building design is at 95 percent construction drawing stage. We continue to tender and award contracts as the design advances.

This approach has allowed the project to be managed to meet the scheduled completion date of late 2011. It does take time to develop all the details that the contractors need to build a building. Construction has proceeded on selected parts of the building while the remaining details are being finished. For example, the superstructure has been raised, the steel inspected, and placement of the concrete walls has started. All this can be done before the details of the reception counter are completed.

The living units have been designed to accommodate our small yet diverse populations. This new correctional centre will be a combination of structural steel framing, concrete floors and concrete block walls, high-security doors and windows, steel cladding and other finishes. The construction manager continues to prepare sequential tender packages for issuance. The foundations and site services have been completed. Some of the structural steel in building walls are done. We are following a building development process that ensures that this new facility reflects the Yukon's unique social context, providing secure custody options, while promoting offender accountability, motivation, rehabilitation and, most important, healing.

This project has advanced to the construction stage. We will soon see the plans materialize to a structure for completion

in late 2011. The new correctional centre has been designed as a generation 3 facility that supports an enhanced direct supervision model. The facility will operate much differently in comparison to the existing correctional centre.

This direct supervision design and supervision model will result in increased interaction between inmates and staff. As you can see, Mr. Speaker, we are building a multi-purpose facility that will focus on treatment and rehabilitation through education, programs and treatment in a suitable and efficient space. The new facility, coordination of services and interdepartmental cooperation are substantial steps toward enhancing security for the Yukon public in a modern approach.

We heard through the consultation process that Yukoners wanted a facility that was more humane, that could address the needs of those inmates with mental health and addiction issues and that could provide greater security for inmates, staff and the Yukon public. Our government is striving to have the best corrections system in Canada and, to do that, we need a building complementary to the planning and programming efforts over the past several years. This new facility provides the opportunity to bring life to many of the initiatives that we are undertaking through correctional redevelopment. The new *Corrections Act* is a very significant piece of work that supports our new correctional centre. The *Corrections Act's* guiding principles reflect the values that were developed through the corrections consultation.

These guiding principles bring to the forefront the protection of society; collaboration with First Nations in developing and delivering correctional services and programs; rehabilitation and reintegration planning with offenders; the implementation of policies, programs and practices that respond to the needs of female offenders; offenders actively participating in programming; ongoing support to the corrections branch staff; the implementation of the least restrictive measures consistent with the protection of the public; fair and reviewable discipline processes; and opportunities for the public to participate in the development and delivery of programming.

The first building to be completed as part of this project is the women's transitional living unit. \$385,000 is being reallocated from the 2010-11 capital plan to complete this project. The total cost for this project remains unchanged at \$1,604,000 and will be occupied this month by staff and inmates. I will be touring the completed facility tomorrow morning, which makes me very happy.

The Department of Justice is working hard to provide better services to female inmates. We recognize that the number of female inmates has increased. The renovations that have been completed at Whitehorse Correctional Centre and the construction of the transitional women's living unit are examples of our commitment to improve the services for our inmates.

Prior to completion of the new correctional centre, the transitional women's living unit will provide accommodation options in a different supervision environment. This new building distinctly separates eligible low- and medium-security female inmates from the main inmate population. This separation results in safer and more efficient operations by reducing the

female inmate count and by reducing the number of units occupied by women in Whitehorse Correctional Centre.

Of course, once the new correctional centre is completed, this women's living unit will be transferred to the Department of Health and Social Services. The infrastructure will then be repurposed for appropriate alcohol and drug treatment options. Planning for this stage is ongoing.

As previously mentioned, in the new correctional centre, women will be housed in a separate, secure living area from men.

Female inmates will have improved access to specific services, such as the health unit, and will have program delivery areas within and immediately adjacent to their unit. The new *Corrections Act* recognizes that female inmates have different needs from male inmates. This is reflected in the new correctional centre design, which includes space purposefully laid out for programs and services specifically for female inmates.

The Department of Justice is also in the process of updating its information systems, including replacing the aging court registry information — or CRIS, as it's known — with a similar, newer system that will better provide service for the needs of both the courts and the correctional system in Yukon. The department has received \$37,000 from the Canadian Centre for Justice Statistics to conduct a study of Nova Scotia's system, document the architecture data model, security model, process flow and embedded business logic. This funding will be allocated to the CRIS replacement project.

The Government of Yukon is taking the lead in addressing the barriers faced by those individuals with fetal alcohol spectrum disorder when they become involved in the justice system. One of the key recommendations that came from our conference held in Whitehorse on FASD was the need to develop coursework and materials that would educate a wide variety of justice professionals about FASD. As such, in partnership with Yukon College, the department is currently developing a curriculum package on FASD for justice professionals.

Our judiciary is one of the most important cornerstones of our legal system. All provinces and territories were required to establish an independent judicial compensation commission, or JCC, as a result of the 1997 Supreme Court of Canada decision. The act says the JCC's recommendations are binding on the government. In this supplementary budget, a one-time increase of \$452,000 was allocated to the court services budget to reflect the compensation increases for the Territorial Court justices and the senior justice of the peace as a result of the JCC recommendations.

We also have official languages, a key component of our *Languages Act*. For the first time in its history the Supreme Court of Yukon has established its own set of rules, rather than relying on the British Columbia Supreme Court rules. The Department of Justice received a one-time budget increase of \$100,000 for translation of the rules of court in the 2008-09 main estimates.

I could go on for the rest of the day on the accomplishments and what we're designing for the Department of Justice, but seeing the time, I will end my speaking and go into the details when I come to our budget specifically.

**Mr. Fairclough:** I would also like to respond to the supplementary budget that has been brought forward to us in this House. I would like to talk about some of the line items and the different departments that affect my riding and my communities and also the government's initiatives.

Quite often, when it comes to replying to the budget speech or the supplementary budgets, often I would bring out projects for governments to look at or consider for the next and upcoming budget that would be presented in this House. From time to time I do have these line items reflect the concerns that I brought up, or a government initiative that has been carried out. Of course, I would like to have seen a lot more carried out, and also would like to see a lot more initiatives reflected in the line items. I am hoping that perhaps in the next big budget that comes up in the spring — in March — that we would be able to see some of these things reflected in there.

Some of the small ones — and I would like to bring one up now because it was an issue that was raised with me by some of my constituents in Mayo, and that was simply having the school bus route going to a new subdivision to pick children up for school. This was not taking place. I raised it in the House, trying to get the bus to go into this new subdivision where the First Nation administration building has been built. There are a number of homes there. It didn't happen and part of the problem was that it would take between five and 10 minutes off the bus route to go and do this. I think it was also part of the busing contract that needed to be changed.

Anyway, that happened and it was raised to me again just before the start of the school season. Now we have the school bus going into the subdivision in the community of Mayo. I'm sure that a lot of the parents are appreciative of that because it is quite a way from the downtown community. That seems to be where the community is expanding.

Just before I leave that, I want to explore another project that community has been asking government to buy into and this one is probably of interest to many Yukoners. I'm sure it's of interest to the government side, and that is with Na Cho Nyäk Dun and the building of their new administration building.

They had their grand opening not too long ago. They have moved into their building; they're operating out of that building now. It's one of the most beautiful buildings I've seen in the territory. I encourage anybody who hasn't seen that building to walk through and be taken through that building just to see the kind of work that has gone into this building. Some unique things — an elders room, for example, is something to really look at. Every door in their office has a carving, whether it's a wolf or crow or sheep. These are all unique to the community. The biggest thing that set it apart from most other buildings is the fact that they built this building to be heated through geothermal technology and have worked with government on getting this system into this building.

From what I'm told, it is designed big enough to heat many homes that have gone up in that area — about 20 homes or more. I could be wrong on that. But they have been denied funding and have been told to try again through the municipal

rural infrastructure fund, and they haven't gotten anywhere on it. In the meantime, of course, the contract to build a building was underway — the building was being constructed. Of course they had to make a decision about whether or not they were going to put the infrastructure of geothermal heating in the building while they had the chance. And they did. They decided to do that. Now, having to apply through MRIF money — having one-third of their dollars going to it — this amount of money that Na Cho Nyäk Dun has spent on this building is not recognized as a contribution. It has to be new money.

It's like we're going in circles again, and I'm hoping that this government would work with the community to ensure that those monies flow to that First Nation for that type of heating system. Perhaps it could be monitored as a system that we could put in many buildings around the territory. From what I understand, after 10 years it starts to pay for itself. In 10 years it pays for itself, and after 10 years it's all about saving money when it comes to heating. So, if there is a direction given, there is one right there. I have raised this one quite often with the government's side, and I've got correspondence back, but this is all about commitment of money.

For the small community of Stewart Crossing, what they wanted were some safety measures put on their highways. Simply put, they wanted street lights to come into town on both sides so that commuters would at least slow down when they are entering town, because a lot of people do their walking down that stretch of road — to either the restaurant or the gas station and the little store that is there, and back home. That hasn't happened. I haven't heard of a commitment from government side to do this yet, and I'm hoping that if we see a budget come forward in the spring, that this could be put into it.

I'm going to go on to roads a little bit, because I heard the previous speaker say how much money they're putting into road maintenance and so on. One of the biggest complaints I get from my riding is about road maintenance. They come from the communities of Keno, Carmacks, Pelly Crossing and Mayo. I get e-mails on it, phone calls — right down to the blading of the snow off the road, to brush clearing. I know there's brush clearing that takes place. I know there are improvements to the roads but, in my constituents' view, not enough. Some of it has become a bit of a danger and I know the government side knows about the sloughing of the road near Fox Lake and how work had to be done on that section.

The Silver Trail — there hasn't really been any major money going into reconstruction of portions of that road to bring it up to better safety standards. The Silver Trail from Mayo to Keno doesn't get the kind of maintenance or work put on to it that satisfies my constituents either. I noted the last time I was up there — which was probably close to a month ago now — but it was just after the Premier did his community tour. I don't know why they do this, but the Department of Highways and Public Works blades the road every time the Premier goes up to that community. It is actually a good road when you drive up there and you experience it. When I raise in the House how awful the road is, it is not being seen that way. I know the Minister of Tourism has experienced the road and how rough it is. I want to bring that out again because I think,

in talking with people, a lot more work could be put into that section of road. It's being used quite a bit now. There is a lot of activity up there and a lot of close calls, from what I gather from people. There's another direction again: to look a lot more seriously at the Silver Trail, particularly between Mayo and Keno.

I notice that some monies are going into secondary roads. That has been noted, particularly by the development community. About \$200,000 went into the Casino Trail, or the "Free-gold Road", they call it now. It's called the "Freegold Road", but it's the Casino Trail that goes all the way up to the Casino properties. Money has been put into that — much-needed money — because the year before, we experienced some pretty high waters and some flash floods that took place and washed out a lot of the crossings of creeks and so on.

I did ask the Minister of Highways and Public Works to look into ensuring the abutments to the Big Creek bridge be put back in place, because one side of the creek was washed out. I believe that did not take place but some of the work did go up to that point on that road.

I bring this forward because there are many big issues that keep coming up to me in my riding. Mining, of course, is one of them, but lately I have to say that trust in government is probably the biggest issue that has been brought to my attention. The whole discussion about elections and people not being heard, court cases that are continuing to take place — as a matter of fact, the court case with Little Salmon-Carmacks First Nation is scheduled for the 12<sup>th</sup> of this month in Ottawa and will go on for a few days, as people are being heard. Later on, we'll see a ruling come down.

Whatever the outcome, it will have a lot of effect on the Yukon, on Yukon First Nations, the development community and so on. It's a huge court case that is being looked at by people across Canada. They're also getting involved and people are looking forward to the outcome, particularly the First Nation of Little Salmon-Carmacks. It's all about accommodation and consultation and is an issue we brought forward on the floor of this Legislature time and time again for governments to make improvements in that area. You know what? It didn't really happen.

My riding could have a tremendous amount of impact from the mining industry, right from Keno down to even the very south part of my riding. It could change a lot of things.

We have seen a lot of changes even take place with Capstone at Minto and the number of activities that are taking place in the community. Of course, people are thankful for having the transmission line built all the way to Pelly and we would like to see it continue on to Stewart Crossing for the grid to be connected. That has made life a lot better in the community of Pelly Crossing, where they don't have to listen to a generator that runs 24 hours a day in downtown Pelly Crossing.

I have raised this issue quite a bit here in this House, too, and that is the college campus in the community of Pelly Crossing. I did note in here that there is money that has been identified for that — some \$200,000. These are things that we could support. I've also raised the issue of the bridge in Pelly Crossing and the fact that it needs some paint. It is really an

eyesore. It's rusted quite a bit. I know it's not going to fall down or anything, but the government could pay some attention and put some money into that

I've also brought up with the Minister of Highways and Public Works about the approaches to some of the roads on both ends of the bridge, to have turning lanes on them to increase the safety aspect of that. That hasn't happened yet so I'm waiting for that.

Okay, I'm running out of time here. There is a lot of money that went into water and sewer in this budget. I was really hoping that perhaps the government would look at the community of Carmacks when it comes to safe drinking water and not have them seek money through the Canadian Auto Workers for a short-term solution. If there's one direction the government can go, it's that — provide and ensure that communities have safe drinking water.

There's so much. The community of Carmacks raised the issue of the bypass road again and the government has not committed to that. I'm hoping to see that in the spring budget. I did note there is money for the design of a bridge across the Nordenskiöld River. I would say we came close to losing that bridge this spring. It has sunk about eight inches on one side and the waters were right up to the bottom of it and it doesn't look good if we perhaps have high water again. I think government could be putting some attention to the possible flooding when the spring comes.

I guess I'm out of time, but the community of Carmacks has also raised their recreation centre.

I wanted to sit down with some of the ministers and go over the whole issue of a possible training project that could take place through pipeline training and so on, if the government side is interested in that.

The other big issue that people have is in regard to the elk and how government has been supposedly taking care of it, and the bison. I know I'm out of time here. There are a million things that could be raised and I'm hoping that I can go through it and that we will have enough time in this sitting that I can go through some of these in the departments.

**Hon. Ms. Taylor:** It is indeed my honour and privilege to say a few words in response to this particular bill. I, too, would like to start off by recognizing and extending my heartfelt thanks to my constituency of Whitehorse West for certainly their input, for their comments, for continuing to raise issues of importance to them and for giving me the opportunity to work on their behalf.

I suppose the one thing I would like to, first off, recognize is that of the opening of the Hamilton Boulevard extension that occurred I believe on July 25, earlier this year, and for which I was really pleased to be able to join with my colleagues from the Government of Yukon, the Government of Canada, and the City of Whitehorse to officially open the extension itself. It was indeed a great moment of gratitude for me because certainly since being elected in 2002, I have indeed advocated for the extension, and I have done so because it has been indeed the number one priority for citizens of Whitehorse West and accompanying area residents as well.

I have worked very closely with my government colleagues and the area residents to see this project come to fruition and, on July 15, I was very pleased to be part of that ceremony opening the extension itself.

The extension enhances the public safety, provides an alternative access in times of emergency and has really significantly helped alleviate traffic pressure for any of us who have lived in that area. I have lived in the Copper Ridge area for the last 12 years, not to mention my years in Granger prior to that and so forth. There has been a significant degree of population growth in the area, which is wonderful because it says our community is evolving and continues to evolve. With that come additional demands and pressures on the neighbourhood, including infrastructure such as transportation corridors.

I would like to thank everyone who contributed to the planning process, including organizations such as the Klondike Snowmobile Association, the Yukon Rock Climbers Association, to the Copper Ridge Neighbourhood Association, the Granger Community Association, Hillcrest Community Association, and many, many others. Thanks to their contributions, the route is very functional, but it's also a scenic one at that, with multiple uses.

I would also like to thank the three governments for funding the initiative and in particular the Yukon government for putting forward the lion's share of funding of \$6.5 million toward this initiative. Most importantly, I would like to thank the constituency of Whitehorse West and the area residents who live in the area, as well, for making the extension the priority and for keeping it a priority, whether it was chatting with me at the doorstep, on the phone, by e-mail or certainly during the public meetings that were held by the government. I thank them for their patience. I certainly also recognize and thank the hardship that some residents also most unfortunately endured during the construction phase.

As I said at the opening on July 15, this project has been a long time in coming but it very much marks yet another milestone in the evolution of our community.

Mr. Speaker, I would also like to just recognize in my riding of Whitehorse West, the Copper Ridge Place. Earlier this year, the minister responsible for the Department of Health and Social Services announced the opening of the remaining 12 additional beds at Copper Ridge Place, for a total of 96 residents. We all know that it is a home to many residents and with that, Copper Ridge Place provides a full range of specialized care to seniors, elders, adults and children.

In fact, I also was accompanied by the Minister of Health and Social Services earlier — I believe it was just last month — in the unveiling of the under-the-sea theme of the children's unit. It was a beautiful makeover of that children's unit. I'm sure that if my son were there, who is a big fan of Nemo and Dory, he would very much have especially appreciated the improvements made to that particular unit.

It was wonderful again to be able to have the opportunity to thank the professionals who work day in and day out at the Copper Ridge Place and to be able to recognize the stellar service that these professionals provide. They not only provide specific health care to the residents, but they really have gone a

long way in ensuring that Copper Ridge Place is the home that it has become to now 96 individuals in the unit.

I was very pleased to see that, again, the remaining residences were opened at Copper Ridge Place. Of course, housed within the supplementary budget, there are additional resources for other health care professionals who will certainly assist Copper Ridge Place and many others.

I again would just like to offer my thanks to their staff for their dedication to the residents and for making the facility a very welcome home. As well, just another big thank you to all the many volunteers from the community who have given of their time to enhance the quality of life for our residents within Copper Ridge Place, whether it has been providing recreational programs, helping out with special events, or even one-on-one visits. There's a multitude of individuals to recognize, but I think it's really important that Copper Ridge Place has really grown as a community within the community of Copper Ridge, and I couldn't be more proud to be able to represent those residents who live within Copper Ridge Place as well.

I would also like to recognize the good work of the Copper Ridge Community Association. They held another of their annual summer barbecues. Actually, it was more like a fall barbecue that was held just within the last month and a half I think it was — another successful community gathering. I congratulate them for their ongoing work in developing the proposed Lazulite Drive neighbourhood park as well as their continued work on fire abatement within the community. I was very pleased to see that just over \$40,000 has been approved in FireSmart funding for the Copper Ridge Community Association to enhance fire safety within our own backyard.

I was very pleased with the turnout for my own annual constituency barbecue that I held earlier this year. It's always a wonderful occasion to get together with community residents, to see them on an informal basis and to be able to see their families. I thank each and every person who was able to make it out. I think it was only about 28 degrees that day, so it was perhaps not as hot as some of the other days we experienced earlier this year, but it was a wonderful one at that.

There is a lot to address here, and perhaps I'll just say a few words about my own two respective departments, starting with Tourism and Culture. Over the course of the summer months, since we last adjourned the Legislature, we have been busy on a number of initiatives and have announced a fair amount of them. As I've said from occasion to occasion, an integral component of growing tourism is that of partnering, whether it has been partnering with the private sector or the public sector, and in that regard our government very much is pleased to continue its work with the Government of Canada, certainly in making strategic investments in Canada's north.

In fact, we were very pleased to be able to sign on to a memorandum of understanding with our two sister territories and the Canadian Tourism Commission, which really enables Canada's north to participate as a single partner, and thereby cost-share in marketing initiatives offered by the Canadian Tourism Commission.

This has been one initiative that I have been lobbying for for many years as the Minister of Tourism and Culture. In ef-

fect, in order to be able to participate in Canadian Tourism Commission programs, you have to pay to play. Up until just recently, it has been quite cost prohibitive to do just that, but this agreement provides Yukon with access to a much wider range of national and international marketing programs. Also, recently we were very pleased that Canada was able to approve our application for around \$250,000 for a number of marketing tools that will enhance Yukon's marketing efforts, including dollars for a high-definition video shoot, a website tool that enables visitors to upload personal testimonials, a website user tool called "airline wizard", which is enabling visitors to find information on flights, such as Air North, and the great northern adventure air pass, among many others.

Again, I just want to recognize that Air North, Yukon's airline, Canadian North airlines and the Government of Northwest Territories also contributed an additional \$142,000 toward this project. We were also very pleased to be able to make a number of announcements in collaboration with self-governing First Nations on a number of key strategic investments that will also directly benefit tourism in the territory, including the Champagne and Aishihik First Nation cultural centre and that of the Kwanlin Dun First Nations cultural centre, both of which mark instrumental or very unique partnerships that we've been able to garner.

Of course, when we talk about our visitor centre, we're very pleased to be able to become a long-time anchor tenant within the cultural centre, and we think that this will be a win-win for everyone involved.

Likewise, with the Kwanlin Dun First Nation cultural centre, through the Department of Community Services, we're also very pleased to be able to house the future community public library within this particular facility.

Again, both initiatives have been a long time in coming, and I just want to comment and congratulate both First Nations for their diligence, for all their monumental efforts and the work behind the scenes over the years, to recognize their long-term vision for the waterfront and for their area. It's of significant importance to the First Nation heritage, their historic values and also from a tourism perspective. It is also a great win-win, which also entails the participation of Parks Canada when it comes to Champagne and Aishihik First Nations cultural centre.

Earlier this year, we were also pleased to co-sign the *Tombstone Territorial Park Management Plan* with Tr'ondëk Hwëch'in First Nation. Again, this has been another initiative that has been some 10 years in the making but it is effectively protecting the natural cultural values of the area for all time. It recognizes the Tr'ondëk Hwëch'in's traditional ongoing use in developing and managing the park.

Mr. Speaker, we were also very pleased to be able to complete a number of runway ramp improvements, both at Dawson City and Old Crow airports, which has accommodated 737 jet service in these communities for the first time ever.

I see that my time is running short already, but I did want to take this opportunity to extend my heartfelt thanks to individuals who participated in the Olympic and Paralympic Games and had to do with the Olympic torch relay.

Yesterday and the day before, I was very privileged to be able to take part in ceremonies here in Whitehorse and, as well, in Dawson City and the community of Old Crow in being able to bring the torch home, so to speak. It was an unbelievable experience to be able to witness the torch being lit by individuals such as Ramesh Ferris, who is a very strong ambassador for the Yukon all around. And to see his very feat, having hand-cycled thousands of kilometres across the country, and for him to be able to earn the privilege of being able to light the actual torch, was really quite a moving experience.

Likewise, seeing athletes such as Alan Benjamin and Martha Benjamin — there were many, many others who took part in the torch relay in Old Crow and Dawson City. But these individuals remind us of what we can do and what we can be when we do our very best, and really, that's what the Olympics are all about — encouraging us all to be the best we can be.

It was very inspiring to see these individuals, and I just want to congratulate every one of them for doing what they did on behalf of Yukon. I also want to recognize all the Yukon artists who performed at each of the venues in each of our communities, because it's really through their entertainment, through their performance, that they also were able to articulate a story about the Yukon and what we stand for, what our values are. So to them I also say, a job well done.

But I also wanted to extend a great thank-you to all the organizers for the tremendous job that they did in each of the communities. Putting together each of these events, in collaboration with the Vancouver Olympic organizing committee, the respective communities, and many, many volunteers is certainly anything but easy. But, you know, they did a tremendous job, and they did the Yukon very proud by showcasing the Yukon on the international stage. I just wanted to commend them for all that they were able to do.

I know that I am running short on time, but I also wanted to recognize that some of the events earlier this year — the Hug the Legislature event, which I also had the honour of being able to participate in — which was held just about a week and a half or two weeks ago. I want to thank BYTE — Bringing Youth Toward Equality — and the Canadian Youth Climate Coalition for organizing this event. There were over 400, I believe — approximately 400 — Yukoners who showed up at the Legislature to take part in international action on climate change. It has been said here in the Yukon — across the circumpolar north — that we know that the effects of climate change are becoming increasingly more apparent, but they are also becoming better understood. I just wanted to congratulate them for their good work in raising awareness about the importance of climate change, of the impacts that climate change is bringing to areas such as the north and why we need to keep continuing to encourage our respective national governments to take aggressive action on climate change.

Seeing the time, again I thank you for the opportunity and I certainly look forward to engaging in a more rigorous debate on our respective departments.

**Mr. McRobb:** I thank all previous speakers for their comments on the record. Once again, this is the opportunity to

make some general comments and I'm going to focus on the bigger picture. A lot has transpired since the spring sitting that deserves mention and closer attention but, as we know, time is limited so I'll try to focus on what I think are the top three.

The first one has to be the Yukon Energy Corporation bombshell and the resignations that followed. The second has to be the resignation of the Premier's right-hand man, the Member for Lake Laberge and former Minister for Energy, Mines and Resources and the former Government House Leader. The third issue has to be the floor crossing by the former Independent Member for McIntyre-Takhini. In my estimation, those are the three big issues that have occurred since the spring sitting and have resulted in changes within this Assembly.

Of course the latter two matters were related to the top issue — the secret negotiations to privatize the Yukon Energy Corporation. Without the YEC bombshell, the other two likely never would have occurred. The YEC bombshell issue has several aspects of interest to the public, including integrity and honesty of the government. Probably the aspect of the greatest concern to the public is the sell-off of their interests in the publicly owned Yukon Energy Corporation.

Yukoners consider their ownership in the territory's electrical infrastructure nothing less than sacred. That is why we brought forward a bill to protect the public's interest yesterday. I introduced the bill; the energy minister responded; then the Premier spoke and suddenly closed debate.

Mr. Speaker, I would suggest that is not democracy, not even close. The government in effect invoked closure on our bill. Nobody else was permitted to speak to the bill. Debate was shut down. The Yukon Party government decided, in its own opinion, that it shall prevail and its ears were closed to any further discussion. This is sometimes called the my-way-or-the-highway approach.

It certainly indicates that what we have in this Assembly today does not resemble a democracy. Had the Yukon Party allowed debate to continue, others could have spoken on the record. For instance, I know the former Leader of the Third Party had something to say, and he voted against the closure motion, as did we in the Official Opposition. All members on the opposition benches voted against the government's motion to invoke closure, but the ruling Yukon Party used its majority to, once again, dictate the agenda of this House.

What makes this unilateral action so undemocratic is that it occurred on private members' day. Mr. Speaker, we know that private members' days occur only once every two weeks while the House is sitting. That's the opportunity available to opposition members to bring forward matters in the public interest. Those opportunities are rotated between the Official Opposition and the Third Party, according to a roster.

Now, in looking at that roster, along with the scheduled sitting days of this fall sitting, as best as we can determine we in the Official Opposition will have only two private members' days during this entire sitting. Yesterday was one of them. As the government side knows, the other has been stated publicly to be used to bring forward our non-confidence motion.

So, in effect, by prematurely closing debate on the *Yukon Energy Corporation Protection Act*, the Yukon Party has delayed any further progress on this bill until next spring, at the very earliest. Yukon Party government has therefore dictated the agenda to the Official Opposition and told it what its schedule should be.

That is not democracy, Mr. Speaker. That is not how this institution is supposed to function. The government of the day should never be allowed to do that. As we know, the Official Opposition has a primary responsibility to hold the government side accountable. It must be allowed to proceed unencumbered within all available opportunities allowed by the Standing Orders. Only then can our system function properly. A government in power should never use its majority to interfere with that right.

And if it does, Mr. Speaker, then hard questions need to be asked, such as what is the government hiding? Why is the government interfering? The Official Opposition has the ability to bring heat or propose better alternatives. When the rights of the Official Opposition are stifled, then our democracy does not function properly. We in the Official Opposition are charged with the main responsibility of holding the government side members accountable to the public. In addition to that very important role, the Official Opposition can propose alternatives to what the government is doing.

The public wants to see such alternatives. The public wants to see the ability of all members in this Assembly function as best as possible in the public interest.

In yesterday's case, the Official Opposition proposed a new option to better serve the public. The *Yukon Energy Corporation Protection Act* was created in response to public concern and to protect the public interest. In fact, the public helped to improve this bill through input received during the month-long public consultation process. But, Mr. Speaker, did that matter to this Yukon Party government? No sir. It invoked closure on the bill, which ended debate and virtually eliminated any opportunity to bring back this bill until sometime next spring.

So the public's interest in Yukon Energy Corporation assets remains unprotected. There is a very good question that is provoked from that. Why did this Yukon Party government choose to invoke closure on this bill and to remove the possibility of protecting the public's interest with respect to Yukon Energy Corporation assets? Very good question. Mr. Speaker, I would submit the Yukon Party government's action fuels speculation it is continuing to privatize the Yukon Energy Corporation.

There's a second option that is obvious — that the Yukon Party government is working on diluting the public share of energy infrastructure in the territory. That would be what I would call a *de facto* privatization by attrition. That's exactly what was set out in the joint position paper — a document tabled in this House on the very first day of this fall sitting.

The joint position paper outlined how the Yukon Party government was working to form a partnership with ATCO, an Alberta-based private company, and this partnership would give ATCO the first right to invest in the territory's future capi-

tal projects until such a point as ATCO's assets reached half the total book value of both companies' assets.

Well, what would that accomplish, Mr. Speaker? In my opinion, the net result would be a considerable gain to the private company, simply because Yukon Energy Corporation's assets have such a low book value. Why do Yukon Energy Corporation's assets have such a low book value? Well, Mr. Speaker, for several reasons, namely the fact that the 1987 NCPC transfer agreement, which transferred the assets of the Northern Canada Power Commission to the Yukon government/Yukon Development Corporation, involved a massive writedown in the book value of the assets. As a matter of fact, the Whitehorse dam was essentially reduced to a \$56-million note.

What would it cost to replace that facility today, Mr. Speaker? We don't know but I've seen some figures in the neighbourhood of \$1 billion.

There are other assets like the Aishihik hydro generating station. What would it cost to replace that 30-megawatt facility today? Well, I would hazard a guess of at least half a billion dollars and probably a whole lot more.

There is also the Mayo hydro facility, which has a replacement value far in excess of its book value. There is the major transmission line from Aishihik to Whitehorse to Faro, and several other secondary lines to Teslin, Carcross and Haines Junction and so on. The replacement value of that infrastructure is exponentially higher than the remaining depreciated book value that exists today. So, what's the upshot of this? Well, Mr. Speaker, if ATCO has half ownership in this new entity, which was called Opco, then it owns half the total assets — half the total worth of Opco. What will it cost ATCO to do that? The answer, Mr. Speaker, is simply real value: today's money; undepreciated money; and ungifted money from the federal government. The arrangement provided ATCO the opportunity for first investment in all new capital infrastructure in the territory until it reached a total of half the book value of all assets.

Well, Mr. Speaker, that is essentially giving away the major infrastructure at something to the effect of 10 cents on the dollar. We've heard this from others in the know. We've heard this from the former chair of the board of the Yukon Energy Corporation. We've heard it from former board members, who all quit in principle to expose what was going on behind the scenes and bring it to the attention of the public. We've also heard it from employees of the Yukon Energy Corporation. I attended a rally, Mr. Speaker — I believe it was back in early July in LePage Park. The Premier was invited, but he didn't show. Lots of employees of the Yukon Energy Corporation did show, and I heard what they had to say. Everybody I've mentioned — the employees, the former board members, the chair — everybody was on the same page. It was a massive sell-off and giveaway of public assets at about 10 cents on the dollar.

This has also been discussed in previous meetings, and possibly hearings, before the Yukon Utilities Board. This is a concern that has been identified for several years. One has to wonder why this Yukon Party government decided to go down that road. It did not have a mandate from the public to do so,

and it failed to even inform the public of what it was working on. Then when it came to light, we heard denials.

Well, I guess that can all be rolled up under the big-umbrella concern I started mentioning. It's very difficult to call this a democracy today.

A lot of changes need to take place. Yesterday, we did deal with a motion that could set into progress some changes, but we won't see those for two years at the earliest, Mr. Speaker. If this government waits until the end of its mandate, it won't be able to do it. It will be the next government that does it. The government has also rejected calls for an election, which would clear the air and respond to Yukoners' wishes. I would like to close by saying there's a lot more we could do to improve democracy in this Assembly.

**Speaker:** Thank you. If the honourable member speaks, he will close debate. Does any other member wish to be heard?

**Hon. Mr. Fentie:** First, I want to thank all members of the Assembly for their input and comments with respect to the supplementary budget for this fiscal year, Bill No. 17, *Second Appropriation Act, 2009-10*. I would also like to thank the Member for Kluane for his presentation on democracy 101.

I just have a few closing comments, Mr. Speaker. In a brief overview, we must recognize that although Yukon government does have a very healthy financial position, we are spending down our net financial resources and we must always be very vigilant in regard to that spending down of net financial resources to ensure that we maintain a fiscal position that allows the government to address challenges and needs as they arise going forward. We also are in a global situation that certainly dictates a careful, cautious approach and that's exactly what we are doing. Much of that credit goes to the Department of Finance and the department's officials who are the individuals charged with a very challenging task, and that is to maintain that focus and careful, cautious approach. They are doing an exemplary job on behalf of the Yukon government and the Yukon public.

Further, there are a number of important aspects to the budget, to the *Supplementary Estimates No. 1*. Infrastructure investments continue. This is critical. Yukon needs infrastructure. One of the overriding factors always in making decisions on infrastructure is not only to create short-term benefit and employment, and of course, stimulus, cash flow within the territory, it is to do the best we can to ensure that that investment in infrastructure today complements economic growth for tomorrow.

When you consider investments in the airport, in highways, in our green energy project — the Mayo B project — I think those are clear examples of how we are reaching, or meeting that objective in reaching that goal. On the labor-market front, always preparing Yukoners to participate and benefit from the opportunities that are before us is critical, not only to that short-term benefit aspect, but also to contribute to our long-term economic growth, the critical mass of trained and skilled Yukoners who will be a part of Yukon's future in de-

velopment and, of course, labor-market arrangements, investments, training and education. All of these things are a contributing factor, and they contribute positively.

So too is capacity building. That is fundamental to ensure that our capacity is always increasing, filling the gaps, addressing the needs and the challenges so that Yukon is prepared, Yukoners are prepared, and we can continue to build our future collectively and collaboratively. That is what this government is really all about — ensuring Yukoners are involved in an inclusive approach and building our future together. Capacity investment for First Nations will be ongoing. The Yukon government will do its part. We call upon Canada to do its part, not just in Yukon, but across the country. I'm sure the Third Party shares that perspective, given their comments in the House today.

The recent engagement with ministers responsible for aboriginal affairs across the country — there are some significant, what I would call "targets", if you will, that they will be working on and we'll all be working on in addressing that particular area.

Public health and safety is a must. It is certainly a non-discretionary area of investment. We must always maintain the highest standard to the extent possible for public health and safety.

Investing in Yukoners is a mark and a measurement of good governance and this government, thanks to a number of its ministers — whether it be in Education, Economic Development, Highways and Public Works, Community Services or Women's Directorate, the list goes on, Justice, Tourism and Culture and the Department of Environment — are all areas where investing in Yukoners takes place.

I must say that it's truly unfortunate that the Member for Kluane chose to respond to these supplementary estimates as he did. The government has offered a way to resolve the confusion that exists, that reigns within the Official Opposition on this matter. I do not for a moment disagree with the issue of privatization. That's certainly not on in this territory and, although there may have been discussions at some point in time, since the Yukon has received the assets of the Northern Canada Power Commission and began this long journey of providing energy to Yukoners, privatization is not on.

However, I think the Member for Kluane has to look a little broader. All the growth and the benefits that are evolving for Yukoners have created another challenge — albeit a positive one — for the Yukon, and that is meeting our energy supply requirements. If the member would care to look at our energy strategy — whether he supports it or not — the member will find clearly an emphasis on partnership. Partnership for the Yukon, the Yukon Energy Corporation, and in other areas is essential for us to meet the needs and the challenges of the Yukon today and in building a positive and bright future for the Yukon of tomorrow.

So partnerships is what it's really all about, and I want to emphasize the confusion with the Official Opposition, who seem to think that fostering and forging partnerships would be privatization. Well, the government side totally disagrees with that. I believe yesterday there was a clear presentation to the

House about all the benefits of those partnerships that we've fostered and built over the last seven years — including the offshore partnerships that we're building with other countries. These are essentially partnerships.

The Minister of Economic Development has spent a great deal of time in putting in place and building those types of partnerships with countries like China, which has resulted in massive amounts of investment for this territory. That's the point. It's not about privatization at all. It's about building the partnerships necessary to meet the challenges and the needs of the Yukon today and the Yukon of tomorrow.

We will carry on — this supplementary budget is meeting our targets, it fits with the plan in our vision, it is within our fiscal management practices, as always, and a great deal of credit goes to all the ministers for their work and their departments' work in putting together, once again, another significant investment in the Yukon Territory and its future.

I thank them all. I thank the opposition for their input and I hope that we can assist the Official Opposition in clearing up that confusion and helping them become a contributing factor to this territory today and tomorrow.

*Motion for second reading of Bill No. 17 agreed to*

#### **Bill No. 80: Second Reading — *continued***

**Clerk:** Second reading, Bill No. 80, standing in the name of the Hon. Mr. Lang; adjourned debate, the Hon. Mr. Hart.

**Hon. Mr. Hart:** Mr. Speaker, I want to stress that I use the term “as appropriate”. Agreements that this government may reach with other parties will always be limited to sharing only the information that is necessary in its most limited form and only with the appropriate health care providers. This is a principle that will run through any agreement or arrangement that the Yukon enters into, and will also be apparent in the forthcoming legislation on personal health information.

Finally, Mr. Speaker, this amendment provides authorization to enter into agreements to share personal health information. Yukoners want to know when their information may be shared, and this government is committing, in the amendment, to provide public notice of agreements that may be entered into.

The Health and Social Services' website is becoming a significant site for the Yukon public to access health-related information, and we will continue to use it for communicating any notices in relation to agreements reached pursuant to this amendment.

I believe that the amendment to the *Health Act* —

**Some Hon. Member:** (Inaudible)

#### **Point of order**

**Speaker:** The Member for Mount Lorne, on a point of order.

**Mr. Cardiff:** The Blues reflect that it was actually adjourned debate — Mr. Lang. There is no record of Mr. Hart speaking yesterday to this motion.

**Speaker:** My Table Officers tell me it's an error in the Blues, which rarely happens, but apparently this happened in

that case. So from the Chair's perspective there is no point of order.

Minister of Health and Social Services, you have the floor.

**Hon. Mr. Hart:** For the member opposite, I did commence after Mr. Lang yesterday. My comments were very short, but in essence I only have a small portion left here, and if he begs to hear it, I'll just finish off.

I believe the amendment to the *Health Act* is an important step forward in providing Yukoners with access to improved health care services while protecting privacy of personal information. I look forward to going through the *Health Act* amendment in Committee of the Whole and encourage all members to support this amendment.

**Mr. Inverarity:** Just briefly on this bill, I had mentioned earlier today in my speech that I had some concerns about it, but I'm going to speak today specifically regarding the part that affects my critic area, which is Highways and Public Works, which administers most of the ATIPP act. I would have to say that I am generally pleased by the number of additional Crown corporations that have been added to this particular bill. Quite frankly, I was surprised to see the additions of as many as I had. I know I had some brief discussions with other members of my caucus earlier. We were looking at actually tabling some of our own list of bodies that should be included as public bodies.

If I read the newspaper correctly the other day, Mr. Speaker, I believe the Privacy Commissioner had suggested that perhaps there were three or four others that could have been added, but like a lot of the legislation that appears here before the House these days, it's a good start. We can work on the others as we go through.

With regard to the privacy issues that are addressed at the back, I believe, as I talked to the minister, I'm going to actually leave it for my colleague here to speak on. So I'll sit down and turn it over.

**Mr. Mitchell:** I did ask some questions at the Department of Health and Social Services briefing we had this morning on the Health portions of this act. Unfortunately, the people responsible for drafting of this were not present, so the questions could not be answered. I will have questions for the Health and Social Services minister when we get into Committee on this, and they will not be dissimilar from the questions I asked about the protection of personal health information in the previous bill, Bill No. 77, *Act to Amend the Public Health and Safety Act*. That is just to learn more details of the transmission of information of a personal nature from someone's health file to another jurisdiction or another health professional and what role the actual person will have in approving that process or being informed of it.

We do support the intent of this legislation. It's unfortunate we received an e-mail from the Government House Leader today, and I think the briefing on this act is scheduled for November 17. I'm not certain how we can have informed debate if we're going to debate the bill and then, 10 or 12 days later, get

the briefing. Perhaps that was an earlier schedule and perhaps the Government House Leader might reschedule some of these briefings so that we actually can have better, informed debate, because there are technical aspects in this legislation. It would be helpful. In the past, we've always have briefings prior to bills coming to second reading or moving into Committee and we hope that for the rest of the legislation on the agenda for this sitting that that will again be the practice.

**Hon. Mr. Rouble:** It's my honour and pleasure to rise in our Assembly today to provide some additional comments and support for this piece of legislation that's before us. The *Act to Amend the Access to Information and Protection of Privacy Act and the Health Act* is an important change and an important progression of this piece of legislation. As we know, the ATIPP act, as it's more commonly referred to, provides a couple different safeguards for our society and for our community and for individuals in it.

For one, it provides a guarantee of access to information that government may have from other interested parties, while at the same time, what is equally as important — as is denoted by the title — it provides for the protection of privacy.

It has been commented many times, not only in this Assembly, but in other venues, that the government has not provided information that people were looking for. It's often that that information is of a personal or a private nature relating to a specific individual. I think it is important that we have strong legislation that protects the rights of the individual and the rights to the privacy of their information, while at the same time providing additional avenues where public or interested parties may seek additional information from government.

I would suggest that, first and foremost, the most appropriate avenue is to ask the department for the information. Sometimes this isn't the case. I believe it's become a bit of a common practice in some circles to start with an access to information request instead of asking the appropriate department for the information. This does, I believe, artificially increase the number of ATIPP requests that are out there.

I expect that many of the situations where the departments have released information in the past will continue to release them without going through the process of having a formal access to information request being made.

One of the key things that this bill does is clarify and expand the list of entities that are public bodies and therefore are subject to the act. This has been an issue for a number of years throughout the territory and resulted in a number of different investigations and, indeed, challenges. The definition, I believe, is staying quite broad, but is also including a list held in regulations that clearly identifies which entities are covered under ATIPP. Additionally, I expect that this list will continue to grow as decisions are made as to which entities fall under that. I understand that there has been some frustration from some circles when accessing information from some of these different entities, in that they must first go through a process to identify whether they fit the requirements or description of what a public body is. This will make it clearer as to what entities are public bodies and, therefore, which ones are not.

It should be noted additionally that Yukon College is being identified as a public body in the regulations of this act.

This is common in other jurisdictions, and the act also makes it very clear that teaching and research materials of college employees do not fall under ATIPP. If there are any students out there, this means that they cannot ATIPP the final exam before the exam is given. I wish I had thought of that when I was in school. But I want to reassure the students and faculty that teaching, research materials and the work product of students are not covered under ATIPP and that this is not a tool to be used to find out how a student did on something or other during the course of their scholastic career. Instead, it is to hold the institution to the appropriate level of public scrutiny.

Additionally, this piece of legislation adds new administrative powers to the records manager to deal more effectively and efficiently with requests and for information.

As members I'm sure are aware, there are a number of different pieces of information or requests coming through these different officers and whatever we can do to streamline this will assist not only the individuals asking for the information, but the individuals providing the information. There are also changes to how guidelines are addressed and the timelines. This is important because under the current situation, a deadline exists, but then if the records manager requests additional information, it doesn't affect the timeline.

I understand that there may be cases where the records manager may have requested additional information and not yet received that before the deadline to provide the information has occurred. Obviously, we need to address that in order to ensure that the timelines can be met and also to provide encouragement to those asking for information to provide the information that is needed in order to fulfill their request in a timely manner.

Additionally, Mr. Speaker, this clarifies the power of the Information and Privacy Commissioner with respect to reviews under the act and it does identify that there will be regular reviews. This is always a challenge to enact that in legislation.

In some instances it makes it a good idea to call for a regular review. In other circumstances it creates challenges where governments might be reviewing this same piece of legislation multiple times in their mandates. Not that that's necessarily a bad thing, but it does create a substantive amount of work in conducting legislative reviews on the multitude of pieces of legislation that we have in the territory and the finite resources that we have in the departments, and the Department of Justice, to address the multitude of legislative reviews.

Additionally, this act provides for the collection and disclosure of personal health information, pursuant to agreements with governments or other specified bodies for the purpose of administering health legislation. I have had significant discussions with officials on this matter and they have provided assurances to me about the safety and security of the data, that there are appropriate provisions put in place to ensure that the privacy of the information is not breached and that information is not used for purposes beyond what is anticipated here in our legislation.

I know there are many conspiracies out there in our world today and people often bring these into discussion when talking about access to information and protection of privacy issues. My thoughts on this have been put at ease. They have assured me that there are appropriate safeguards to protect the information and to keep it from being used for purposes other than for what it was originally intended.

I think this is a good step in our legislative agenda here in updating and making this act easier to use. It will make it not only easier to use for the people who administer it, but also for people who apply for information under it. I would commend it to this Assembly and encourage all members to continue to support this legislation.

**Mr. Cardiff:** I am pleased today to rise to speak to Bill No. 80, *Act to Amend the Access to Information and Protection of Privacy Act and the Health Act*. This has been a long time in coming. This is another item that we in the NDP caucus have been asking to be done for many years. I'm pleased to see that the government has listened and come forward with a process that engaged the Yukon public and, indeed, engaged us in the Third Party and our experiences with trying to use this particular piece of legislation to gain information in the spirit of a government that wants to be transparent and provide information but doesn't always succeed.

It has been frustrating over the years and whether or not these improvements and amendments to the act actually improve the process will remain to be seen. The fact that we're debating this and speaking to this in second reading is only moderately troublesome to me.

As was mentioned by the Member for Copperbelt, we have yet to receive a technical briefing on the legislation, and have it explained to us on this side of the House by department officials. The Department of Health and Social Services and the Department of Highways and Public Works are, I believe, responsible for the actual ATIPP legislation. However, that briefing is, according to the schedule I received today, due next Thursday, November 12. I trust that the Government House Leader and the other respective House leaders will be able to schedule the Committee of the Whole debate following the technical briefing.

What is the purpose of this piece of legislation? Well, ultimately, it's about balancing the public's right to know — and interestingly enough, I think it was only about a month or six weeks ago that it was actually declared the Public Right to Know Week by the Commissioner. That's what we're talking about. The right for the public to know what it is — what the government — what information there is in government about certain topics and certain issues.

At the same time it is about balancing that with the protection of personal and private information.

Listening to the Minister of Highways and Public Works yesterday, I understand that there are amendments in here that are now going to protect not just personal information, but certain business information. I'm sure that the business community thinks that that is a good idea as long as the information — I agree that there is business information that needs to be pro-

ected, but we also want to ensure that businesses are acting within the law. So I'll leave it at that.

Some of the other amendments are things that we have been lobbying for and asking questions about, such as expanding the definition of "public body" to include things like Yukon College, Yukon Development Corporation, the Hospital Corporation, Yukon Housing Corporation and Workers' Compensation Health and Safety Board. I am pleased to see that there is a draft schedule that was provided as well with this act that lists those.

I'm not sure — that's one reason why a technical briefing would have been helpful — part (b) in the definition of "public body" says that public bodies are also "each board, commission, foundation, corporation, or other similar agency established or incorporated as an agent of the Government of Yukon,..."

I'm not a lawyer, and I would appreciate knowing whether or not this would include school boards, school councils — what other types of boards, commissions, foundations might fall under this act where their information would be accessible, that personal information would still be protected.

I'm also pleased as well to see the provision for — as I said, we're not going to know until this *Act to Amend the Access to Information and Protection of Privacy Act and the Health Act* are actually put into force, how that is going to work.

I'm pleased to see that there is — at the very least — a scheduled review of the legislation, which I think makes sense. The fact that it's six years, it seems — I hope it doesn't take six years to find out whether or not we've achieved what we intended to do and if there are actually improvements that can be made — now that we've got the government going down the right road on this piece of legislation and actually amending it — if there are obvious improvements that can be made to the act that will improve the protection of personal information, yet grant access to that information and the public's right to know, that we'll make those changes prior to the six-year review.

As well, one other recommendation that was made by the Privacy Commissioner was to include municipalities and I believe municipalities are a form of public government and, hence, the information that they hold about members of the public should be protected — that information should be protected, and yet there should be access to information provided as well.

So, as I said earlier, without having the briefing that we're going to receive on November 12, I don't have any more comments or further questions of clarification at this point. I look forward to the briefing with the government officials and being able to have them explain some of the more detailed legal aspects of what's contained in the bill. I look forward to asking the ministers questions in Committee of the Whole, subsequent to that briefing.

**Hon. Mr. Kenyon:** I've just got a few comments on this myself. I think the previous speaker, the Member from Mount Lorne, has a good point in terms of technical briefings. I have to point out at the same time that in regard to Bill No. 110

— *Yukon Energy Corporation Protection Act*, I guess it is — while the member who presented the bill with all the right intentions, he seems to have forgotten to brief anyone on it, so we were faced with the same thing — debating something that made no sense.

There are a number of things that I missed that are interesting. For instance, one of the big things with this, as with some of the other things — select committees, for instance — that have faced us is, who exactly is affected by it? What bodies are affected by it? Within the documentation, a public body — well, it's a little bit unclear in there what a public body is under the ATIPP act. In other jurisdictions it deals with access to information/protection of privacy. It applies to local governments, hospitals, colleges and universities. That, I think, is fairly clear, but in other jurisdictions, while they specify a variety of government boards and committees, they too fall a little bit short in terms of who is protected.

One of the suggestions on that scope is any organization that is supported by public funds, and that is perhaps a good place to start. I would argue, however, that while boards and committees and departments function under government-related funds or public funds, at the same time, the Official Opposition and Third Party receive funding from public funds, and I would suggest that they too should be ATIPP-able — something to think about.

The consultation on this covered quite a wide range of things and, without getting into all of the individual things in there, the amount and some of the things can be a little bit skewed. It can be taken out of context without the entire documentation, and it can also draw in other third parties where they shouldn't be. For instance, one of the functions of the Department of Economic Development is to put groups together — put investors together — with organizations or companies that want to be invested in, so to speak. That's a business-to-business relationship, and it becomes difficult. At what point should the department have to lay out who is involved in the negotiation and what that level of negotiation is?

That's a difficult one and it's really easy to say, "Well, we should know what's going on." But on the other hand, it can seriously inhibit anyone who is trying to do meaningful consultation.

There is also the problem of waiving fees, and fees unfortunately do have to be somewhat a part of this, because especially when you get into some of the larger departments, you literally have to have a full-time person doing ATIPP requests. It's not difficult for that to get out of hand with the larger departments. The smaller departments may not have the capability; they may not have the capacity to really do that. Should there be a fee? Should there be a reasonable waiving of fees? It's very wide open in terms of how that is looked after.

Another aspect is the problem of repetitive requests. Section 43 of the act allows the Information and Privacy Commissioner, upon the request of a public body, to authorize the public body to disregard the access to information request based on their repetitive and systematic nature. This can be anything from a local media, who just keep plodding away in hopes something comes out of it and can really tie up departmental

resources. In Alberta, the Commissioner is allowed to authorize a public body to ignore requests that are frivolous and vexatious — always a good phrasing there, but unfortunately it's a phrase that has incredible confusion in terms of its interpretation.

It's not uncommon, even now, to get multiple requests from the same applicant at the same time — in other words, coming down and firing the same question four different ways and see what comes up on that. Again, it's a terrible waste of resources. On the other hand, it may be a very good reason to bring it out if that's going to be a big difficulty in terms of dealing with this.

Some jurisdictions have provisions that when the multiple requests are received at the same time from one requester, there is an automatic extension of the response timeline, which could solve the problem, but in some cases it might simply prolong the problem. An automatic extension of the response timeline — or a public body can apply for an extension to the Information and Privacy Commissioner. Even here, there is a degree of confusion in there. It's not such an easy task.

This is again referring back to Bill 110. This is why we have a Department of Justice, and lawyers, and legislation drafters to build something that makes sense and is enforceable. To simply write it up in a short period of time and then put it out may sometimes not be the best solution. In fact, it may not be any solution at all.

It's interesting to know — and I refer to the problem with having third parties exempted from this — in 2008-09, in the Department of Economic Development, for instance, only four requests were made. That only constituted 1.4 percent of the total requests. Other departments not so much; it became much more involved. Yukon Housing Corporation had two requests, or .7 percent.

Without going into a lot of detail, I just throw those things out for members to consider, and I look forward to what could be a fairly lively debate during Committee of the Whole.

**Hon. Ms. Taylor:** First of all, I would just like to maybe add to the debate with respect to scheduling of briefings. As Government House Leader, I just want to bring to members' attention that we on this side of the House have done our very utmost to be up front and open in terms of making briefings available. I think that for the very first time, it has been acknowledged by the respective parties that we actually have made briefings available for each of the respective departments for this supplementary — the fall supplementary budget. We are trying to do our very best to accommodate the opposition by ensuring that information is made available. We would be pleased to extend that invitation to perhaps even having briefings on Fridays, for example, to be able to accommodate briefings on legislation, for example, such as ATIPP tomorrow. However, that is at the discretion of the other respective caucuses, and I certainly await to hear from the opposition members.

I would just like to thank the member opposite for bringing forward this legislation. This legislation is actually something that we as a party committed to during the last election, and

we're very pleased to be able to deliver on that platform commitment. I think that when we look over the years, access to information has indeed evolved significantly. Really, when you think about it, not long ago, we didn't even have this legislation in place. It just does speak to how things have evolved — how information and how we deliver information has evolved. With the abilities and technologies that are made available, it's a very complex area to administer and certainly an issue.

I just wanted to thank all of the officials who do their work in this realm of business because it is anything but easy to be sure.

I think they have, however, within the parameters provided within the legislation, done a fairly good job; however, we see the need, as do other members of the public, to renew and reflect some of the changes. Some of the recommendations were also made by the Privacy Commissioner, of course — we were pleased to hear her comments — and have been able to reflect a number of the recommendations made by the Privacy Commissioner. The amendments — I think it has been said here already today — are a demonstration of being responsive to the public, and certainly to the Opposition, in making changes to make the Assembly work.

It includes, of course, the scope of the act, the definition of "public body" — and I know there has been a lot of debate on the floor. To be sure, there will be much more when we get into Committee of the Whole. I want to ensure, though, that the Opposition is fully briefed, and a briefing will be made available before we dive into Committee of the Whole. I'm very pleased to see that there is a defined time for reviewing the act.

Every six years is defined within this proposed legislation. It provides certainty that there will always be a need to review, refine and update our policies as we conduct business. As I mentioned, as technologies change and information case law continues to evolve, it's really important that we also remain modern and reflect those changes accordingly.

Also, I just wanted to thank the minister for tabling earlier — I think it was last week, in the spirit of cooperation — the proposed regulations that accompany the act. When we talk about public bodies, of course, we talk about the entities such as the Yukon Energy Corporation, the Hospital Corporation and Yukon College. These are all items and issues that have been on the public docket for some time. I think that the proposed regulations and defining — or expanding — the scope of doing business by including these public bodies, again is certainly a reflection of listening to the public.

At the risk of sounding repetitive, I don't want to repeat all that has been said here today, other than the fact that there are a number of areas that this legislation does endeavour to address. I think that, for example, the act doesn't have a clause — the current act that is — that specifies what happens to records. As a result, it has created some confusion and some uncertainties in regard to what records should be kept, which ones are to be destroyed, and so forth. One of the sections does endeavour to address this issue by providing further clarity and certainty to the act, as well. It also enhances proposed provisions in the legislation. It proposes to enhance efficiencies in the way we

process records; for example, being able to close a file if an applicant does not respond to inquiries within 30 days.

As it stands currently, files are left open indefinitely. The proposed provisions within the act also seek to clarify this identified challenge sometimes.

The act provides further clarity, as well as certainty, in terms of allowing or enabling a records manager to extend the time for responding if a multitude of requests are received at the same time. Again, being able to give that flexibility to the records manager to appropriate or be able to define what order of business goes ahead. Again a number of these changes are also administrative in nature. Sometimes that is the case.

But all around though, I do commend this piece of legislation. I am very pleased to be able to report to my constituents that we are able to provide this bill which seeks clarity, provides certainty, but also expands the number of public bodies in the spirit of openness and transparency. I think it's of the utmost importance when we deal with legislation such as this.

I again thank members opposite for their comments and certainly look forward to moving forward.

Thank you.

**Mr. Nordick:** It gives me great pleasure to speak to Bill No. 80, *Act to Amend the Access to Information and Protection of Privacy Act and the Health Act*. There was a lot of information put on the floor of the Assembly this afternoon about this act, so I will keep my comments quite short. There were a couple of places that maybe were missed, but a lot was said. So I'll just touch on a few sections only.

Section 20 of this act deals with intergovernmental relations and relations with First Nations. This has been amended to bring the act up to date. Also put into this act is a review of this act every six years.

This act is expanding in its scope and application, and this is the first time in many years a government has expanded the scope of ATIPP. This was an election platform commitment. We believe that Yukoners should be able to get information about their government. We have expanded the scope to include the Yukon Hospital Corporation, the Yukon Energy Corporation, the Workers' Compensation Health and Safety Board, and also Yukon College.

In the college's case, it makes it clear that teachers and research material of the college employees do not fall under this ATIPP act. Also section 2(1)(c) has been amended so that records in the custody of an officer identified as a public body in the regulations are subject to that. This amendment was brought forward because of our *Child and Youth Advocate Act* that this government put in place. This *Child and Youth Advocate Act* is also included as a public body.

Mr. Speaker, some people might wonder what happens to records. Should they be kept? Should they be destroyed? Section 34 requires that personal information be kept for one year if the public body makes a decision that directly affects an individual. In this act, clause (b) is new. It means that a public body can be identified in regulations. This allows public bodies to be added or removed in regulations.

Section 12 allows the records manager to expand the time for responding to multiple requests if there are multiple requests received at the same time. This also allows the records manager to extend the time limit for responding by an additional 30 days.

Section 20 deals with refusing access to information, if such information would be harmful for intergovernmental or First Nation relations. Section 26 deals with notifying third parties before information about them is disclosed. This section applies to both personal and business information. It also ensures that both business and personal information is treated the same.

Section 35(2) limits a public body to using personal information only when necessary to carry out its purpose. Section 43 deals with frivolous or vexatious applications. If applicants disagree, they can appeal this decision, and in the definition of what is frivolous or vexatious, it has been defined in common law in the past. So, that is the definition that this act will be using. It's a common law definition.

We have also included in this action a section that modifies the communication. So if an applicant applies to ATIPP, they can receive information via e-mail, or those kinds of things.

Mr. Speaker, I do support this bill, and I encourage a fruitful debate during Committee of the Whole, and I'd like to encourage all members to support this legislation.

Thank you.

**Mr. Edzerza:** Well, as I listened to all the different comments on this piece of legislation, all I can say is that it is a very important piece of legislation and thank goodness that there has been such legislation in place. I say that because I know that a lot of the victims of the mission school era really relied on some of the information that was stored with regard to their time spent in the mission school. I can't imagine even how much of a flood for requests for access to information were made by different students throughout the Yukon Territory. I know that there were numerous people in my First Nation of Kwanlin Dun who had to apply through the *Access to Information and Protection of Privacy Act* in order to refresh their memories, for example, or to confirm some of the memories that they had with regard to the mission school.

Another very important note was how long that information was kept. Nowadays it's a lot simpler to store things with a computer. Without having to repeat a lot of what everyone has said with regard to this bill, I'm going to talk more along the lines of another importance of this legislation.

For example, with a large number of self-governing First Nations now, this could be used as a good example for any of those First Nations who might be pressured into probably developing some type of legislation like this within each First Nation, because I know within the self-governing First Nations that there is a lot of valuable information that is collected throughout the years, whether it's on the individual or things that might have transpired at the workplace, labour relations; it could be health. A lot of self-governing First Nations now administer their own health programs. We have justice programs,

where there is a lot of information that could be stored. So, at some point in time, I think that this could be a very valuable source of information and an example of something that the First Nations could refer to.

I have been asked on several different occasions why, for example, the Yukon College or the Yukon Housing Corporation were exempt from this legislation. At the time, I could only respond by making a comment like, "Maybe it's a good question. Why are they not included?" Now they are included, and some of the other ones that are public bodies and should have been on the list are now there. I listened with some interest about the request for school boards and such to be on there and, again, I would assume somewhere in the future those bodies probably will be added. This is another part of this legislation that is good, because they can now add or take off some of the public bodies that they feel — ones that need to be added could be done and ones that they may want to take off can be done without amending this act.

I think that, all in all, it's a very important piece of legislation because access to information — just those words alone say a lot — and the protection of privacy — again, very powerful statements, because both are equally important. You have to be able to access information at some points in time, but then again, it's equally important you have to be able to protect the privacy of individual citizens.

With that, Mr. Speaker, I will close and wait to hear discussions on this in Committee of the Whole.

Thank you.

**Speaker:** If the member speaks, he will close debate. Does any other member wish to be heard?

**Hon. Mr. Lang:** In closing remarks here this afternoon, first of all, I would like to thank the Department of Highways and Public Works that houses ATIPP and the individuals who worked so hard in getting this put forward. There was a lot of work to be done internally, and of course, there were public consultations and work with corporations and other organizations that are going to be directly affected by this decision we make in the next period of time.

Certainly, the comments made by the members in the House here are comments that were made out in the community and were brought back for the decision to be made on how we can move forward. I would say one of the more important decisions that was made was the obligation to address this issue in a six-year window. The ATIPP has to be modernized every six years and I think that's important because, as you know, the ATIPP hadn't been improved on since its inception 13 years ago.

It is an old piece of legislation, and certainly by bringing it forward, we can certainly look forward to a review every six years. When I was overseeing, or being responsible for the ATIPP legislation, I didn't realize the amount of work that it took to get this legislation in the position it's in today, and that six-year window is a fair window. It gives the department some certainty on how ATIPP will be overseen, and also it will certainly be reviewed on a six-year basis.

Certainly the corporations, whether they are the hospital or the other corporations that were added to this ATIPP availability — when we reviewed the legislation, we also compared it to other legislations across Canada — the ATIPP — we made sure that we were doing things that were parallel with other jurisdictions. Of course, that is showing up in the bill here today.

Again, I would like to thank all the members in the House. It has been a question that has been out there for many years: which government was going to modernize the ATIPP legislation? It was this government, this party, that made the commitment in the last election that we would go to work on this and bring revised legislation here to the House. Certainly, I am proud that we could do it in a timely fashion and I look forward to the discussion we are going to have as we take it to Committee of the Whole.

Mr. Speaker, thank you very much, and I thank all the members in the House here today for their comments on this very important legislation.

*Motion for second reading of Bill No. 80 agreed to*

### **Bill No. 73: Second Reading**

**Clerk:** Second reading, Bill No. 73, standing in the name of the Hon. Mr. Hart.

**Hon. Mr. Hart:** I move that Bill No. 73, entitled *Act to Amend the Registered Nurses Profession Act*, be now read a second time.

**Speaker:** It has been moved by the Hon. Minister of Health and Social Services that Bill No. 73, entitled *Act to Amend the Registered Nurses Profession Act*, be now read a second time.

**Hon. Mr. Hart:** A considerable amount of time of consultation has taken place with the nurses with regard to this legislation, thus my second reading speech on this will be relatively short. As part of our commitment to the health human resource strategy objective has been to facilitate improved supply, retention and development of the health care workforce, including nurse practitioners in the Yukon health care system. It is one of the achievements of this strategy. Nurse practitioners are registered nurses with advanced professional knowledge, skills and judgement. Prior to this bill, there was no legislative authority in the Yukon for these professionals to practise their full scope or retain their licensing in other jurisdictions.

The bill reflects step-by-step collaboration with the Yukon Registered Nurses Association, or YRNA, which is the regulatory body in the Yukon for registered nurses. At the outset of this initiative, our objectives were to develop a scope of practice for nurse practitioners, create a process whereby specific nurse practitioner activities would be authorized, and include other administrative changes, as identified by YRNA.

In July 2008, a discussion paper on the scope of practice and the role of nurse practitioners and other administrative changes to the act was released as a first part of a comprehensive consultation process during which the public and stakeholders were provided an opportunity to comment.

This past winter, the second part of the consultation was completed, rounding out the second part of the consultation

process. Both phases provided us with valuable feedback and comments, many of which have been incorporated into the bill before us today. I would like to thank all those who took part and time to provide their thoughts and recommendations.

There was consensus from the consultation that we had adequately captured the scope and practice of nurse practitioners.

Yukon nurse practitioners will be authorized within their scope of professional knowledge, skills and judgement: to make a diagnosis to identify diseases, disorders, or conditions; communicate a diagnosis; order or interpret specific screening and diagnostic tests; and select, recommend, supply, prescribe and monitor the effectiveness of specified drugs.

We also heard that there were improvements with the legislation that would further protect the safety of the public through compelling employers to report when they have reasonable grounds to believe that a registered nurse or nurse practitioner is a danger to the public. Clause 22.1(1) of the act enshrines this principle.

The process for authorizing specific nurse practitioner activities would be a two-step process. First, an expert multi-disciplinary committee comprised of physicians, pharmacists and nurses, created through regulation would be tasked to review literature and research to recommend to the YRNA board of directors regarding specific activities of nurse practitioners. The board will then submit to the Commissioner in Executive Council the activities performed by the nurse practitioners to be established by regulation.

The administration amendments included are further aimed at ensuring that Yukoners continue to receive quality health care by ensuring that YRNA has the tools and mechanisms to function optimally in their capacity to ensure public safety by regulating the nursing profession. This is highlighted in amendments to section 32, which now states that discipline hearings be heard in public, unless there are reasons shown that it would be inappropriate.

Another key administrative amendment is section 24(1): complaint resolution by consent. This is a practice integrated by many regulatory bodies across Canada and is a highly effective tool for resolving a complaint within a reasonable time period and with other stricter dispositions for that hearing by a disciplinary committee. Mr. Speaker, I'll be going through the various sections in more detail as we work through the bill. I look forward to discussing this bill and answering questions of a specific nature as we get to Committee of the Whole. I thank you for your time.

**Mr. Mitchell:** I thank the minister for that overview of Bill No. 73, *Act to Amend the Registered Nurses Profession Act*. It gives me pleasure today to speak to this at second reading.

First of all, we all know the vital and important role that registered nurses, practical nurses and now nurse practitioners — once we pass this legislation — play in our society. We need look no further than the events of recent days and weeks in terms of what is going on with the H1N1 pandemic. The nurses are at the front lines in dealing with health care. Prob-

bly people receive more hands-on treatment — certainly in the communities they do — from nurses who care for people at all stages of life than they do from doctors or any other health care professional. I know that the Member for McIntyre-Takhini is very proud of the fact that his daughter is a registered nurse. He has spoken in the past quite eloquently about the job that she does on behalf of people.

This legislation appears to be very good legislation. We followed the consultation period that has been out and we have seen comments invited. We are very pleased that the Yukon Registered Nurses Association endorses this so that their suggestions have been incorporated.

You know, we on this side of the House are very pleased to see the inclusion now of nurse practitioners, which will help to alleviate some of the stress on the health care system by their being able — as the minister says — to make diagnoses, to identify diseases, to communicate diagnoses, to order and interpret screening, to prescribe and monitor the effectiveness of drugs and to perform other procedures. This will take some of the pressure off the role played by doctors. In particular in communities I think this is going to be very, very helpful. So, on this side of the House, we look forward to asking certain questions in Committee, but we think that this is good legislation and we will be supporting it.

**Mr. Edzerza:** I will be very brief, but I think it is critically important for all politicians to really stand up and recognize the grave importance of the work that the medical professional people do in all of the sometimes probably quite threatening positions that they put themselves in, being front-line workers.

I thank the Leader of the Official Opposition for mentioning my daughter, who is a registered nurse and who, I might add, has been doing wonderfully well in the last three years that she has been working at the hospital in Dawson. But I'm equally as proud to put on record today that I also have my eldest granddaughter, who is graduating this spring from Thompson Rivers University in Kamloops with a nursing degree. She has the privilege of being able to do her last practicum here at the Whitehorse Hospital in February.

So I know very well, first-hand, how much stress could be involved in this profession.

I also have another granddaughter, who works in the extended care facility at Copper Ridge. She took a course at the college to be able to do that.

Any kind of legislation that's put before the House that will improve things for the nurses who are in the Yukon Territory is a good thing. I know that the Yukon Territory has to take very good care of their professional nurses because they are in such high demand all across Canada. I know of jurisdictions that are having great difficulty in being able to maintain and keep nurses in their jurisdiction because, when they can get more support in other areas, they sometimes do move on to those areas.

Anything the Yukon can do that would be attractive as real, genuine support and able to demonstrate to the professional people that their services really are honoured in this ter-

ritory, the better off we will be. So, I look forward to hearing more comments with regard to this legislation in Committee of the Whole.

**Mr. Cardiff:** I'll be brief as well. This is what we believe to be a step forward in the right direction, a good piece of legislation. It's something that, once again, we've asked questions about in the Legislative Assembly with regard to our health care system and the provision of health care services in Whitehorse and in all Yukon communities. We believe it is a step forward and it provides the opportunity for health care professionals — nurses, registered nurses — to take yet another step and to use the experience and the knowledge that they have, both through education and through their many varied experiences working on the front lines providing for the health care of the citizens of the Yukon, to actually provide a higher level of service and take some of the pressure off our health care system.

I think it speaks to probably providing a more collaborative model of health care and I will note as well as the Leader of the Official Opposition I too attended the clinics to receive the H1N1 vaccination, and it's truly amazing the level of service that we have here in the Yukon and the service that's being provided to Yukoners by the health care workers at those clinics. It's the nurses and administrative workers on the front line who are providing that level of service. We certainly appreciate it, and we definitely owe them a debt of gratitude.

On that note as well, I just think that we are so lucky to live here in the Yukon and I hope that all those who want to receive or need to receive that vaccination are able to receive that vaccination. We look at what's transpiring in other jurisdictions in southern Canada, and we should count ourselves as extremely lucky to have been able to receive those vaccinations.

I feel that there are lots of people in southern Canada who probably need it much more than some of us here in the Yukon.

We will have some questions. Once again, due to the order of business — and I will concur with the Government House Leader on the fact that the schedule of briefings is far better than it was previously. I would be open to having briefings on Fridays. However, in past practice, it wasn't due to other scheduling of MLA travel and other meetings, but if there was some way of working around that, I would be willing to work collaboratively with the other House leaders to try to achieve that.

I think the fact that this expands, or this act allows, registered nurses and nurse practitioners to expand the scope of what they are able to do and the services that they're able to provide to Yukoners is a good step in the right direction, and it's the beginning of improving our health care system here in the Yukon. So, while we will have some questions, both in the briefing and in Committee of the Whole, overall I think it's a good piece of legislation and I look forward to supporting it.

**Hon. Mr. Lang:** Listening to the debate this afternoon, I, too, would like to thank the Minister of Health and Social Services for the work his department has done to stream-

line and get the work done that had to be done on the H1N1 vaccinations. I only have to look at the news every evening to find other jurisdictions that didn't meet the mark, and I'd like to thank the department and the minister for the team he put together, and was proactive on this issue from day one, and certainly the end results have been nothing less than superb.

As everybody in the House has commented on today, we all went to get our vaccinations — it was streamlined, it was efficient, and I think today we can say that probably 70 percent of Yukoners are now inoculated, so that's good news.

As far as the legislation is concerned, I look forward to the debate we can have when it's in Committee of the Whole, but I'd like to compliment the department for doing the hard work they did to get it out here in front of us — another step in modernizing our medical professional individuals who work in our system. You only have to go to places like Carcross and Carmacks and all these remote areas — they're not that remote — where we have nurse practitioners and medical personnel and you have to understand that these individuals are tasked with a big responsibility, and anything I can do in this House in conjunction with the government and the House as a whole, certainly I will do.

I look forward to the debate that is going to come forward here in the next couple of weeks and look forward to the vote and certainly think this is what we're here to do. I look forward to that debate.

#### **Motion to adjourn debate**

**Hon. Mr. Lang:** Looking at the time, Mr. Speaker, I move that debate be now adjourned.

**Speaker:** It has been moved by the Hon. Minister of Community Services that debate be now adjourned.

*Motion to adjourn debate on second reading of Bill No. 73 agreed to*

**Hon. Ms. Taylor:** I move that the House do now adjourn.

**Speaker:** It has been moved by the Government House Leader that the House do now adjourn.

*Motion agreed to*

**Speaker:** This House now stands adjourned until 1:00 p.m. Monday.

*The House adjourned at 5:22 p.m.*

#### **The following Sessional Papers were tabled November 5, 2009:**

09-1-137

Yukon Development Corporation 2008 Annual Report and Audited Financial Statements (Premier Fentie)

09-1-138

Yukon Energy Corporation 2008 Annual Report and Audited Financial Statements (Premier Fentie)

#### **The following document was filed November 5, 2009:**

09-1-120

Yukon Solid Waste Action Plan (Lang)