

**Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, November 18, 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.

INTRODUCTION OF VISITORS

Hon. Mr. Lang: Mr. Speaker, I would like to introduce to the House, Jan Trim and Tim Twardochleb. They are both representing Mothers Against Drunk Driving.

Applause

Speaker: Are there any tributes?

TRIBUTES

In recognition of National Day of Remembrance for Road Crash Victims

Hon. Mr. Lang: I rise today on behalf of the House to pay tribute to the second annual National Day of Remembrance for Road Crash Victims. This is a day to remember those who have lost their lives in motor vehicle accidents. Motor vehicle accidents continue to be one of the leading causes of death in this country, and Yukon is no exception. The devastation these road crashes impose on victims, friends and families is huge. While many improvements have been made through changes to infrastructure, technology, legislation, education and enforcement methods, this day reminds us that there is still much work to be done.

Although it may be impossible for us to eliminate all traffic accidents, I am proud to say that over the years Yukon has been active in developing innovative strategies to reduce them. Many infrastructure improvements have been made to Yukon's roads and highways that have increased the level of safety for all travellers.

A great example of these improvements is the work completed by the Department of Highways and Public Works on the Two Mile Hill and Alaska Highway intersection. This intersection was identified as a high-collision area. To solve this problem, the department realigned the turning lanes and increased safety for all drivers.

Infrastructure improvements are only part of the solution. Nearly all road traffic deaths and injuries are preventable. Alcohol, drugs, speeding, fatigue, and failure to buckle up are common key factors in road crash injuries and deaths. Working with our local and national partners, Yukon will continue to raise awareness of the need for safe and responsible driving on our roads to prevent future injuries and deaths.

Distracted driving and the use of cellphones and Blackberies is also a growing concern. This government is reviewing options that we will be adopting next fall to address the issue of

distracted driving and increase safety on all of our roads. We are also considering options to enforce a lower blood alcohol level for all drivers under the *Motor Vehicles Act*. As government, we ensure that Yukoners are educated on the importance of road safety and to understand how their actions behind the wheel can contribute to safe driving on our highways.

In conclusion, Mr. Speaker, I urge everyone to reflect on this Day of Remembrance for Road Crash Victims. We must remember those in our communities that we have lost. We must use that memory to guide our own actions behind the wheel because we all contribute to the safety of our Yukon roads.

With continued infrastructure improvements and commitment to safer driving habits by all Yukoners, our territory will be a key component to Canada's nation-wide action plan road safety vision for 2010. We will be a leader in working to make Canada's roads the safest in the world.

Thank you again, Mr. Speaker.

In recognition of World Diabetes Awareness Prevention Month and World Diabetes Day

Hon. Mr. Hart: I rise today on behalf of the government and the Independent member to pay tribute to Diabetes Awareness Month. November is the Diabetes Awareness Month — a time to shine the spotlight on a serious disease that leads to a potentially life-threatening complication such as heart disease, stroke, kidney disease, blindness and amputation.

According to the Canadian Diabetes Association, 2.4 million Canadians are afflicted by diabetes. By 2010 there will be more than 3 million afflicted with this disease.

In the Yukon, more than 2,000 Yukoners have been diagnosed with diabetes. This number includes youth and adults and reflects both type 1 and type 2 diabetes. Most diabetics suffer from type 2 diabetes, a disease that is lifestyle related. Even more so, over six million Canadians live with pre-diabetes, which increases their risk of developing type 2 diabetes. The risk of developing heart disease is very high with diabetics. Those who do not even know that they are at risk can do serious damage to their heart before they are diagnosed.

The Canadian Diabetes Association estimates that four out of five people living with diabetes will not survive heart disease. However, there is good news. Lifestyle can drastically reduce our chances of contracting type 2 diabetes. The prescription is simple: exercising, eating healthy foods, maintaining an appropriate weight, avoiding smoking and stress. The World Health Organization, in conjunction with the International Diabetes Federation, established World Diabetes Day in an effort to raise awareness of diabetes throughout the world.

In the Yukon, I am proud of the work being done to raise awareness of this silent killer. The Yukon Diabetes Collaborative consists of a number of health professionals and organizations whose aim is to raise awareness about diabetes. In fact, in the Yukon we have a strong diabetes collaborative that brings together doctors, pharmacists, community health providers and the Diabetes Education Centre, among other health professionals. This partnership has only one goal: helping people with diabetes live longer, healthier lives.

I urge all Yukoners to inform themselves about diabetes and, if they have any of the risk factors that can lead to diabetes, get tested and get well.

Thank you, Mr. Speaker.

Mr. Mitchell: Mr. Speaker, I rise today on behalf of the Official Opposition and the Third Party to pay tribute to World Diabetes Awareness Prevention Month and World Diabetes Day.

World Diabetes Day is celebrated each year on Nov. 14, on the birthday of the famous Canadian, Sir Fredrick Banting, who, along with Sir Charles Best, first discovered the idea which led to the discovery of insulin in 1921.

The World Diabetes Day logo is a blue circle. The significance of the blue circle is overwhelmingly positive. Across cultures, the circle symbolizes life and health. The colour blue reflects the sky that unites all nations and is the colour of the United Nations flag. The blue circle signifies the unity of the global diabetes community in response to the diabetes pandemic.

Le diabète tue au moins un million de personnes chaque année, bon nombre d'entre eux dans les pays en voie de développement. Il peut également rendre d'autres maladies plus mauvaises. Par exemple, le type diabète 2 est évitable. Il est parmi les soi-disant «maladies de style de vie» — avec la maladie cardio-vasculaire et quelques cancers - qui sont attribuables aux régimes malsains, législative manque d'exercice, l'usage du tabac et l'abus de l'alcool.

Diabetes kills at least one million people every year, many of them in developing countries. It can also make other diseases worse. For example, type 2 diabetes is preventable. It is among the so-called “lifestyle diseases” — along with cardiovascular disease and some cancers — all of which are attributable to unhealthy diets, lack of exercise, tobacco use and the abuse of alcohol.

The theme for World Diabetes Day for 2009 through 2013 is, “Diabetes education and prevention. The campaign slogan for 2009 is “Understand diabetes and take control”. This broad and long-term theme will allow all diabetes stakeholders to take part, to help in making this campaign a global success. This campaign calls on all those responsible for diabetes care to understand diabetes and take control. For people with diabetes, this is a message about empowerment through education.

Governments need to implement more effective strategies and policies for the prevention and management of diabetes to safeguard the health of our citizens with diabetes and those who are most vulnerable.

Diabetes in the Yukon is much worse than in other parts of the country. First Nations people in the Yukon and across Canada are at a very high risk for diabetes. The rate of diabetes in First Nation people is three to five times that of the general Canadian population.

Diabetes imposes life-long demands on the 285 million people worldwide now living with diabetes and their families. We must all work toward preventing diabetes and improving the quality of life for those affected, through research, educa-

tion, service and advocacy. Early diagnosis and education is crucial to reducing complications and saving lives.

We can help prevent diabetes, but research is the only hope for a cure.

We salute our doctors, healthcare professionals and front-line workers for their dedication and service in addressing this most serious disease. They continue to work to prevent diabetes and improve the quality of life for those affected by diabetes.

Nous saluons nos médecins, professionnels de la santé et ouvriers de ligne du front pour leur attachement et service en adressant cette maladie la plus sérieuse. Ils continuent à fonctionner pour empêcher le diabète et pour améliorer la qualité de vie de ceux affectés par le diabète.

We encourage all Yukoners to adopt a lifestyle that helps prevent diabetes.

Thank you, Mr. Speaker. Merci, Monsieur le Président

In recognition of Geographic Information Systems Day

Hon. Mr. Lang: I rise today on behalf of the House to pay tribute to Geographic Information Systems Day.

On this special day, schools and organizations around the globe will do their part to raise awareness concerning a technology that has increasingly become an integral part of our everyday lives. The geographic information system, also known as GIS, is a powerful digital technology that over the past three decades has altered the way we function in our homes, school and our work environment. GIS includes the computer software, data and solutions used by hundreds of thousands of people worldwide in education, research, business and government.

This sophisticated computer mapping tool is used to extract the patterns and trends inherent in location-based information such as streets, buildings or terrain and convert them into digital maps. Today practically every aspect of our lives is touched by GIS. It can be used to map and analyze an astonishing variety of information types ranging from health statistics to population demographics, transportation and utility networks, animal migration routes, flood protection zones, environmental patterns, habitat and climate change and much more. This technology provides innumerable benefits to Yukon citizens. Through GIS we are able to visualize the impact we are having on the land so that we can be proactive in managing environmental issues such as accessing possible environmental impacts of mining or forestry in an area. This is the same technology that provides us with automobile GPS devices and other GIS services that we readily recognize.

One of the most popular applications of GIS is Google Earth, an application that displays satellite imagery and aerial photography and allows us to pinpoint and zoom in on virtually any part of the globe with incredible detail.

GIS Day allows us to celebrate an amazing technology that is helping us to gain insights and to make better, more informed decisions concerning natural resource management, transportation, public safety, land planning, demographics, education, business, and public administration.

Thank you, Mr. Speaker.

Speaker: Are there any further tributes?

Introduction of visitors.

Some Hon. Member: Point of personal privilege, Mr. Speaker.

Point of personal privilege

Speaker: The Hon. Member for Riverdale South, on a point of personal privilege.

Hon. Mr. Hart: I rise on a point of personal privilege. Yesterday, I made a remark in this House to the member opposite, and I would like to withdraw that remark and offer my unqualified apology to the member opposite and to this House.

Speaker: Are there any returns or documents for tabling?

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motion?

NOTICES OF MOTION

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

THAT this House urges the Yukon government to

(1) follow the roles and responsibilities of governing as it pertains to the Executive Council, Cabinet, Premier's office, ministers and other applicable persons; and

(2) ensure ministers are allowed to fulfill their ministerial responsibilities without political interference from the Premier's office.

Mr. Cathers: I give notice of the following motion:

THAT this House urges the Yukon government to continue to support the Yukon mining incentive program by extending the \$1.1-million increase to the program that was provided as one-time funding in this year's budget and including at least \$1.8 million to the Yukon mining incentive program in the Yukon government's 2010-11 budget.

Speaker: Are there any further notices of motion?

Hearing none, is there a statement by a minister?

Hearing none, that brings us to Question Period.

QUESTION PERIOD

Question re: Peel watershed land use plan

Mr. Fairclough: We've asked the Minister of Environment repeatedly about the Premier's political interference in the Peel planning process. The minister responded by waving a letter around that was signed by government officials and published in a local newspaper as proof that the Premier did not interfere with the planning process.

There are some curious statements in this letter. For example, I quote: "It is clearly understood that it is the Premier's job to provide a corporate, government-wide perspective on issues and initiatives that ensure the interests of all Yukoners are considered."

Government officials know better than to make a public statement about the Premier's job. No one is fooled here. We know that the government officials signed the letter. Who wrote it?

Hon. Mr. Fentie: Given the motion just read into the record by the Member for Mayo-Tatchun's leader, speaking to the roles and responsibilities of the Executive Council, Cabinet, ministers and so on, at least I agree with the Member for Mayo-Tatchun that it is the Premier's job, given those roles and responsibilities, to make sure that all departments, agencies and all related initiatives are following the corporate agenda, policy, the *General Administration Manual*, all other areas that we are responsible for ensuring government is meeting its obligations within.

I think the Member for Mayo-Tatchun, in terms of his question on who wrote the letter, should have already figured that out, if they understand the roles and responsibilities. People sign their names to letters they write.

Mr. Fairclough: I think the public figured that one out too. Mr. Speaker, everyone is ultimately responsible for their own actions. We have no issue with the government officials. We know that they can effectively follow directions given by the Premier. It is the action of the Minister of Environment that we are questioning. When news of this irate phone call became public, a letter showed up in the local newspaper describing what the Premier's job is. Government employees would not do this without specific direction; they know better.

We recognize that the Minister of Environment was not there when the Premier directed her officials to water down her department's submission to the Peel watershed commission. Was she there when the department officials were directed to sign the letter?

Hon. Ms. Taylor: Again, I will reiterate that this government — the Premier of the Yukon and certainly I as Minister of Environment — certainly have not politically interfered in the land use planning process.

I'm very proud of this government's record when it comes to land use planning. Certainly over the last several years we have focused on meeting our legal obligations as defined in the *Umbrella Final Agreement*, the final agreements and the treaties themselves.

It not only pertains very much to the final agreement chapter 10 — whether it is the actual workings of special management areas; chapter 11, land use planning; chapter 16, fish and wildlife planning; or chapter 17, forest management planning. Again, for the member's record, we have not interfered in the land use planning process. Now if the member opposite is insinuating that I, as Minister of Environment, indicated or gave any direction to the Department of Environment or the Department of Energy, Mines and Resources, I say he is unequivocally wrong. Again, I have not politically interfered in the land use planning process. Rather, I respect the integrity and independence of the land use planning process.

Mr. Fairclough: She didn't say. The question was very clear. Now let me be clear on the issue. I know that government employees do not speak publicly about the roles and responsibilities of elected officials. This is not about the actions of the government employees. This is about the actions of the minister. The Premier was accused by his former Cabinet colleague of directing government staff to write the letter.

Now we're questioning the actions of the Minister of Environment. Was she actively involved in preparing this letter and did she instruct her staff to sign it?

Hon. Ms. Taylor: Well, Mr. Speaker, no — absolutely no on all fronts. Mr. Speaker, again, show me the proof that I as Minister of Environment politically interfered in the drafting of any correspondence that was written by the Deputy Minister of Environment or the Deputy Minister of Energy, Mines and Resources. I will put my name on the line any time.

Mr. Speaker, I have not politically interfered. I have not directed any correspondence. Rather, I respect the work of the Department of Environment, the Department of Tourism and Culture, the Department of Energy, Mines and Resources and many others who have contributed to the land use planning process when it comes to the Peel watershed over the last many years.

When it comes to land classification, ecological information, data, mapping, multi-stakeholder processes as it comes to planning, again, Mr. Speaker, I have not politically interfered. I have certainly not interfered in any land use planning process. That is the job of the ministry of Environment, the ministry of Energy, Mines and Resources and the Department of Tourism and Culture.

If the member opposite is again insinuating that I have dictated what was to be included or excluded or whether or not I as the Minister of Environment have dictated what is to be written, the answer is absolutely not.

Question re: Peel watershed land use plan

Mr. Mitchell: Mr. Speaker, over the past few weeks, Yukoners have learned a lot about how this Yukon Party government does business. Yukoners have learned that it is acceptable to angrily dress down government officials for doing their jobs. Yukoners have learned that it is acceptable to do an end run around independent planning commissions set up in good faith under the *Umbrella Final Agreement*. Yukoners have learned that it is acceptable for departmental ministers to be powerless while the Premier gives the orders. Yukoners know that the Minister of Environment wasn't in charge; she wasn't present when the Premier chastised her staff and she hasn't stood up for them since. When will the minister finally take responsibility for her department?

Hon. Ms. Taylor: We on this side of the House are very proud of the accomplishment of the Department of Environment. Mr. Speaker, the Department of Environment has been very active in identifying, remediation and assessing contaminated sites as administered by the Yukon government — for the very first time ever, I might add.

We have more than quadrupled the amount of resources for fish and wildlife planning necessary for actually doing responsible land use planning such as what we were talking about today. We have engaged in a multitude of park planning processes when it comes to protecting areas of which we are very proud, Mr. Speaker, including habitat protection for Old Crow Flats — over one million hectares of protected area, in collaboration with the Vuntut Gwitchin First Nation government.

We are signing off the very first ever land use plan for north Yukon — again, in collaboration with Chief and Council

of the Vuntut Gwitchin First Nation. As well, we were very pleased and proud to be able to sign off the *Tombstone Territorial Park Management Plan* earlier this summer.

We are very pleased to be able to announce and launch the Yukon government climate change action plan and a climate change secretariat that we announced and funded earlier this year, a new animal health program to adapt to the changes that are here and are certainly coming our way. Our commitment is where it is, and we are very proud of the accomplishments of the Department of Environment.

Mr. Mitchell: The Minister of Environment only knows what goes on in her department after the fact, and only when the Premier bothers to tell her. So instead of leading the way, she's left behind to serve as the Premier's top apologist and justify his actions. She has been brandishing a letter to the editor signed by her deputy minister as the only evidence that the Premier wasn't out of line when he made that infamous, irate call. We already know that the Premier directed that Environment's submission to the Peel Watershed Planning Commission be gutted.

Now we hear from the former Energy, Mines and Resources minister, who was in the room when the Premier made that call, that the deputy minister was directed to sign that letter.

By this point I think Yukoners already know the answer to the question but I will ask it anyway. Who directed the deputy minister to sign that letter?

Hon. Mr. Fentie: We are learning a lot of things, Mr. Speaker, and obviously it is the Official Opposition's problem with facts. Does the member not recognize that we as a government and everyone in this House has a duty to the public to ensure the public record is in fact correct?

Yukoners have the right to know the facts. That is what the government is responsible to do from the deputy ministers throughout each and every department, throughout each ministerial portfolio and indeed in the Premier's office. The people have a right to know the facts. Now this government, Mr. Speaker, works very well with its officials and its employees; that is why we are successful. We don't Google officials who exercise freedom of speech. We don't accuse citizen-appointed members to boards, like the Workers' Compensation Health and Safety Board, of wrongdoing, and we don't abscond government employees in public places, like we know a certain member in the Official Opposition has done. We work well with our employees, with our departments, with other governments, with other governments, with First Nations, with national and international interest; that is why this territory is in the positive shape that it is in.

Mr. Mitchell: Mr. Speaker, it is the facts that we're trying to get out on this floor.

Now, this House is familiar with the internal government e-mails, which confirm the Premier's way of running the Minister of Environment's department. These private e-mails are credible, because they were written by government officials under their own initiative in the course of conducting the government's business. They were not meant to be seen by any external party. They were not written to be read in the press.

Unlike the Premier, I put my faith in government officials, especially when I know their words are voluntary and not coerced. The minister thinks a single letter to the editor is a shield large enough to cover herself, the Premier and every other Yukon Party member on that side of the House. If she has so much faith in it, won't she tell us who directed the deputy minister to sign it? Or won't the Premier?

Hon. Mr. Fentie: Mr. Speaker, this is absurd. You know what the Official Opposition and its leader are actually suggesting? That the government would direct deputy ministers or government officials to falsify the public record. In the first place, that's not what governments do and, in the second place, none of those deputy ministers or officials would ever do such a thing. The Official Opposition is definitely having trouble with the facts — they don't like the facts, because they don't serve their purpose. This House is committed to working in a manner that reflects the public interest. The Official Opposition had better catch up.

Question re: Acute health care

Mr. Cardiff: Will the Minister of Health and Social Services please give us his definition of acute health care?

Hon. Mr. Hart: The definition of health care is that we in the Yukon, through Health and Social Services, provide the best health care available to all Yukoners on an equal basis to ensure the best benefit of all.

Mr. Cardiff: The minister wasn't listening. I asked for the definition of acute health care. This government is spending \$50 million on regional hospitals in Watson Lake and Dawson City that will provide acute care exclusively. We are concerned about this minister's policy of concentrating health care dollars and services in acute care institutions only. It contravenes the broad definition of health found in the *Health Act*, which focuses on wellness rather than sickness.

Clause 2(4) of the act outlines the principles that should guide its implementation. The principles are far-sighted and progressive. They are prevention, promotion, integration, partnerships, accountability, accessibility and cultural sensitivity.

What assurances can the minister give us these principles will be followed in acute care institutions he's building for \$50 million?

Hon. Mr. Hart: For the member opposite, we are following those procedures he just outlined. We do that right now outside of the care that we do provide in our acute care facility at this hospital. I might add, without that acute care facility, many of these other issues wouldn't be available to Yukoners. It's that acute care facility that ensures that we have the specialists who come up to the north and provide services here to Yukoners — and I might add, all Yukoners, including the member opposite — with regard to good quality health care.

I would like to emphasize also that, yes, there are other venues with regard to health. We are currently doing all those items with regard to prevention and also providing wellness in the process and ensuring activity of all Yukoners to improve their health care for the future.

Mr. Cardiff: Well, I don't think we'd be shipping people around the Yukon for acute care if we were paying attention to this area. Some parts of the Yukon *Health Act* are

being ignored by this government due to its policy of concentrating on the curative approach in acute care facilities. The act says that five cents of every health dollar should be spent on prevention of disease, injury or dysfunction and on promotion of good health. That's not happening.

Another section of the act states that wherever practicable, health services and social services should be integrated. We don't believe that's happening. The act also allows for local social and health services management through district boards or community clinics. That idea seems to have been discarded.

The *Health Act* requires a Yukon health status report be tabled in the Legislature every three years. We have not seen a report in a number of years. We can't even get the minister to have the chair of the Yukon Hospital Corporation appear in this legislative sitting. When will the minister start complying with the Yukon *Health Act*?

Hon. Mr. Hart: We are attributing all the issues with regard to the *Health Act*. We are following the process. We are providing the best possible service for all Yukoners on an equal basis and we are following all the aspects with regard to the *Hospital Act* as well as the Yukon *Health Act*.

Question re: Research forest centre

Mr. Cathers: Over the past couple of years, the research forest at the corner of the Hot Springs Road and the Mayo Road has been developed to showcase research being done in forestry and at the agriculture test plots, and most importantly, to open it to the public.

One possible project that has been looked at is developing a little oxbow off the river into a day-use site and swimming area. Earlier this year, as then Minister of Energy, Mines and Resources, I asked staff to have the water tested periodically throughout this summer to determine if the water quality will allow the site to be set up for public swimming. The minister should have those test results by now and I would appreciate him letting me know what they are.

Hon. Mr. Lang: Certainly, the tests were done and the tests came back favourably. They did meet the standards the department was looking for, so the answer is yes, it has been done.

Mr. Cathers: I thank the minister for the answer to that question. Work at the research forest over the past couple of years has opened it up to the public and allowed people, particularly area residents, to enjoy it. Trails have been improved and marked and are now open 24 hours a day to the public. This is especially important to my constituents who live in the Hot Springs Road area, who are now able to use the trails and visit river viewpoints they were not able to access before.

Will the Minister of Energy, Mines and Resources please update me on what work was completed at the research forest this year to improve the signage, trails and generally make it more welcoming and usable by the public?

Hon. Mr. Lang: The research centre, the Gunnar Nilsson and Mickey Lammers Research Forest, is open to the public. It had extensive work this year. There was fencing done; there were viewing platforms completed; stairs down to the lowland trail were completed; work is well underway on the interpretive research centre. Next year in the budget will be

further development of the lowland trail, annual fencing and trail maintenance.

A new interpretive research centre will be opened in the summer of 2010. That's another investment in the Gunnar Nilsson and Mickey Lammers Research Forest installation and the plan for installation of assisted migration adaptation plots.

In other words, the work goes on. It's an extensive program. It's a large piece of real estate. I think it's approximately 240 hectares that are involved in this. It's used not only as an interpretive area for the public, but it is also used by the agricultural branch as a form of experimental areas, and also forestry. So it's well used. It's used as a training area for individuals in the department who are learning how to use ATVs and skidoos and other items.

Mr. Cathers: I thank the minister for that answer. Opening the research forest to the public, so people can enjoy it and better understand the research being done, was supported by the staff of the forestry branch and by my constituents living in the area. A number of enhancements to make the area even more usable for the public have been considered and several are in the planning stage as of several months ago.

The minister updated me, or answered part of my next question on some of the planned improvements, but I would appreciate the minister elaborating on what the department's current plans are for improvements at the research forest.

There were a number of things that were considered and contemplated for next year, including the possibility of developing that day-use site at the river and making it accessible for families and for use by people who wish to swim there. I'd appreciate the minister providing an update on what the current plans are for improvements of the research forest next year and when he anticipates that that will occur.

Hon. Mr. Lang: Certainly, as I said to the member opposite, Energy, Mines and Resources' forestry branch is looking at next year's projects. I outlined what we were going to do in the last answer. We're looking at all aspects of it. We have looked forward to enhancing it every year since 1964. Since this thing was put in place there have been improvements made to it. I can't answer the question about the oxbow and whether swimming would be allowed or not allowed, understanding the liability of people swimming and things like that. Those questions will be answered as we move through into the season.

Question re: Yukon Energy Corporation/ATCO

Mr. McRobb: Since all the government members are present today, I'd like to tie up some loose ends on the Yukon Energy Corporation scandal. In December 2008, the minister responsible for the Yukon Energy Corporation — at the time, the Member for Porter Creek North — attended a meeting, where he discovered how far the Premier was going with respect to negotiating away our energy future.

Recently in this House, this same member said, quote: "The discussions never happened; none of it is true." The former chair and board members who are now free to speak out say it did. Departmental officials said it did and we have tabled the evidence in this House.

Documents prove the meeting took place and the former minister was present. So why was this House told this never happened?

Hon. Mr. Kenyon: The meeting did occur on December 10, by my records, although there was another meeting around December 8, I believe, at around 3:00 p.m. What the member opposite is referring to is an allegation I had threatened to resign, and I will state again, unequivocally, no such thing happened.

Mr. McRobb: He said it never happened. We've heard testimony from key individuals in this matter, including the former YEC chair, who has stated the former minister offered to resign following the meeting, but the Premier again refused his resignation and stamped it "return to sender." The former minister refused to talk about it with a local reporter.

Mr. Speaker, this matter is all about integrity. At stake here is the integrity of the former minister, the Premier, this institution and the former YEC chair. The former minister appeared quite emotional and sincere when he told this House the discussions never happened and none of it is true. Yukoners deserve to know the truth. All members in this House deserve to know the truth. This is about integrity. Who is right, the former minister or the former board members?

Hon. Mr. Kenyon: Again, for the edification of the member opposite, who seems to be reading a few too many pulp fiction novels, the meeting at that time and meetings around that — I never offered a resignation, I never considered a resignation. I was in the room and I think I would have noticed. The member opposite was not. If he continues and insists on impugning the integrity of members of this House, I invite him to take this outside.

Mr. McRobb: Mr. Speaker, I am quoting the minister's own words. Now we are still getting two very different versions of events. The government's own hand-picked chair of Yukon Energy Corporation at the time said that it is true. Officials from the Department of Energy, Mines and Resources have said that it is true. I know Yukoners would love to hear more from the former minister and I hope the Premier will let him explain himself on this matter. Is this another case where everyone else is wrong and only this Yukon Party government is right? Mr. Speaker, this is about integrity and being straight with the public.

Will the former minister stand up and correct the record?

Hon. Mr. Kenyon: Thank you, Mr. Speaker, I certainly will. For the member opposite's edification again: I never resigned, I never offered a resignation, I never considered a resignation, I never discussed a resignation. If the member opposite wants to continue those sorts of allegations, I invite him to take it outside of the sanctity of this Chamber.

Question re: Yukon Energy Corporation/ATCO

Mr. McRobb: I'd like to ask the Premier about his involvement in the Yukon Energy Corporation scandal. We know he spent a lot of energy trying to sell out our energy future and his secret negotiations were stalled once the former chair of the Energy Corporation blew the whistle.

Despite the Premier's promises of an open and accountable government, this episode demonstrates that quite the opposite

is true. At a briefing on November 6, we asked officials for certain documents related to this scandal. They responded, “We will try and get them to you.”

Mr. Speaker, it has been nearly two weeks, yet they haven’t arrived. We know the Premier has the authority and ability to release those documents. Officials need the green light from the Premier. Will he now put on record his okay to release these documents?

Hon. Mr. Fentie: Well, in the first instance, I’m not sure even what documents the Member for Kluane is referring to. Secondly, the member has stated that there was some sort of scandal. I would challenge the member to explain to the Yukon public how building literally hundreds of millions of dollars of energy infrastructure for the Yukon Energy Corporation, providing a greener form of energy production, keeping a downward pressure on rates for consumers and putting communities on hydro versus burning diesel is a scandal.

This government has invested heavily in energy infrastructure along with its corporation and we’ll continue to do so. We’ve dedicated a lot of our effort, by the way, to building partnerships — not privatization — and those partnerships have proven successful, given the amount of investment that we have today here in Yukon in our publicly owned utility and its infrastructure.

Mr. McRobb: Mr. Speaker, Yukoners are not getting the full story, because the corner office is deciding what information is being made public and what information remains secret. Officials can only release what they’re allowed to by the Premier and, take note, the Premier did not give approval to release those documents, at least yet. We know that if officials don’t follow orders, they can expect to receive an irate phone call.

In a recent letter, the Premier said it was his intention to continue tabling information in the Legislature relating to discussions with ATCO. Since this letter was written, the Premier has made nothing available to us, the public or this Legislature. Why is the Premier not living up to his own undertakings?

Hon. Mr. Fentie: I’m wondering, then, how the Member for Kluane explains the government’s initiative to have the matter brought before the Public Accounts Committee. I wonder how the Member for Kluane can actually explain that this government just tabled very extensive amendments to the *Access to Information and Protection of Privacy Act*. I’m hoping the member has already thoroughly looked at the amendments to the act. I think the member can then understand, unlike before, even the Energy Corporation is going to be ATIPP-able.

This is all about being open and accountable to the Yukon public. These are the things the government side is doing. No matter what documents we manage to provide the Official Opposition, they simply get confused about what the facts are, because what is in those documents by way of evidence does not fit with their agenda. As I said earlier in this House, the members of this House have a responsibility in the public interest; the Official Opposition had better catch up.

Mr. McRobb: I think the Premier should catch up to his own promises and his own undertakings with respect to this information. We have received nothing since the briefing. The

Premier promised he would be tabling the information in this House. The officials said they will try to get us the information.

Mr. Speaker, we know the information is probably sitting on the Premier’s desk. What do we have to do? Use Google Earth to zoom in on it?

This is outrageous and the Premier tries to deflect this matter to some committee. Mr. Speaker, we have the right to ask these questions in this House. We are asking now. When will these documents be released?

Hon. Mr. Fentie: Mr. Speaker, we know the Member for Kluane is an expert at Googling. We have all experienced that, including, unfortunately, innocent government officials exercising their right to freedom of speech. We know the member can Google — that’s fine.

Secondly, the member has just stated that the Public Accounts Committee is “some committee”. The member opposite has just presented to the Yukon public the Official Opposition’s view of what the Public Accounts Committee is here for. That’s my point: we are here for the public interest, and that includes the Public Accounts Committee, of which the Member for Kluane’s leader is the chair — “some committee” — some joke: the Official Opposition and their position about the public interest. They had better catch up.

Speaker: The time for Question Period has now elapsed. We will proceed to Orders of the Day.

ORDERS OF THE DAY

OPPOSITION PRIVATE MEMBERS’ BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 850

Clerk: Motion No. 850, standing in the name of Mr. Cardiff.

Speaker: It is moved by the Member for Mount Lorne THAT this House establish a select committee on the *Landlord and Tenant Act*,

THAT the membership of the committee be comprised of equal representation from the government caucus, the Official Opposition caucus and the Third Party caucus to be determined by the Premier, the Leader of the Official Opposition and the Third Party caucus to be determined by the Premier, the Leader of the Official Opposition and the Leader of the Third Party,

THAT the committee conduct public consultations for the purpose of receiving views and opinions of Yukon residents and interested groups on the act,

THAT the committee report to the House its findings and recommendations respecting:

- (1) changes to the regulations made pursuant to the act,
- (2) substantive amendments to the act, or
- (3) the introduction by the government of a new act,

THAT the committee report to the House no later than the 2010 spring sitting of the Legislative Assembly,

THAT the government introduce in the House legislation no later than the 2010 spring sitting of the Legislative Assembly,

THAT the committee have the power to call for persons, papers and records and to sit during intersessional periods,

THAT the committee have the power to seek background information from experts and to be able to call and hear these experts as witnesses,

THAT if the House is not sitting at such time as the committee is prepared to present its report, the committee transmit its report to all Members of the Legislative Assembly and then, not more than one day later, release the report to the public; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the committee.

Mr. Cardiff: It's a real pleasure today to rise to address what I consider to be a very important and long-overdue issue that we need to address here in the Legislative Assembly for all Yukoners. I'd like to begin by thanking those people who have joined us in the Legislative Assembly to listen to this and those who are tuned in to the radio and are listening to this debate. I know there are people out there to whom this is a priority, and I thank them for their attention to it. I would also like to thank all MLAs on this side of the House and on the government side of the House for allowing this motion to come forward today. It is a bit unusual for it to come forward today.

I would especially like to thank my colleague, the Member for Whitehorse Centre, for his support in bringing this forward. It means a lot, and I thank him for being here to support it.

As well, there are a number of groups and individuals — consumer and protective services division and the consumer services branch of the Department of Community Services, the working group on housing issues that submitted a proposal to the Minister of Community Services on this issue — a very enlightened document — and all the NGOs that are affiliated with the Anti-Poverty Coalition and the housing task force. Many organizations deal with this issue, and their clients deal with this issue on a regular basis. I would especially like to thank the staff in my office for the casework that has been done around landlord/tenant issues over the period of time that I've been an MLA, as well as for the work they have done on this issue in preparation for this debate today.

So, why are we here today? We're here because the *Landlord and Tenant Act* is outdated. It's over 40 years old.

The language — in a lot of cases — is very outdated and it doesn't reflect the modern realities of landlord and tenant relationships. We've had several motions and questions that have been put forward over the years by me and other New Democrats on establishing committees to hear options and to report and review. We've asked the government to do this. I'd like to once again thank the government for the internal review that they did, and there are some good things in that.

The reason we're here today debating this is because there have been instances of neglect of responsibility on the part of both landlords and tenants, and it has caused distress for both parties. It has caused a loss of income to both parties. It has caused upheaval in family lives and living situations. We feel that the present act is well past its best-before date.

The motion states that the committee report its findings and recommendations respecting changes to the regulations that are made pursuant to this act. The regulations that are now in place actually reflect the weakness of the act. They do not meet the present problems of either tenants or landlords. Landlords would like to see the rent paid on time; tenants can't always do that. There needs to be some sort of resolution to that. There are issues that I will touch on later in more detail — things like standards of maintenance, the living conditions and the ability for tenants to actually have their places of residence maintained to a certain standard and repairs done in a timely manner without having to go through a long process. In some cases, those repairs — no matter how necessary they are — may never get done, and it leads to poor living conditions, sub-standard living conditions. I am not talking about all landlords, but there are a few. We need something in legislation with teeth that's going to alleviate that.

I believe that a more up-to-date act will trigger clearer and more responsive regulations that are understandable and enforceable as well. It also allows for the committee to report recommendations and findings about substantive amendments to the act. So there are a few options there, because it also allows for — thirdly, the possibility of the introduction of a new act by the government. It may be possible to amend the present act. The working group on housing issues — a group of people who came together to deal with this on a daily basis with their client groups — came up with some very good recommendations on how to improve the existing act.

I believe the amendments have to be substantive. I think the government has to make this a number one priority in order to make it successful. If it is revised, it needs to meet both the needs of the landlords and the tenants. The conclusion may be, though, that we go with a whole new piece of legislation, and there are good examples of other acts from other jurisdictions. We've done this before and some of those are listed in the government's own internal review of March 2008. A new act and regulations would also give a fresh view, I believe, of some of the more pressing problems and the possible solutions, and it would allow for a more flexible and a more modern, up-to-date approach.

The motion that we've introduced — or we are debating today — asks that the select committee report no later than the 2010 spring sitting and that the legislation also be introduced during that same sitting. I believe that this early reporting and the possible new legislation means that this process is definitely going to have to be the first priority of this government. I recognize that it's a budget sitting and that we're all going to be debating the budget of, I imagine, \$1 billion or more, probably. But this has to be a priority and we trust the government that changes are going to be substantive and they will reflect the concerns that are going to be heard during the consultation process.

As I've stated earlier, I believe it's fortunate that we've got these two documents. I believe from my past experience on select committees — those being the Select Committee on Human Rights and my current participation in the Select Committee on Whistle-blower Protection — that a consultation

document needs to be prepared, and that needs to be available early in the new year so that Yukoners, landlords, tenants, NGOs and government agencies that want to comment on this issue have some background. I think we're extremely fortunate to have at least the two documents.

There's a plethora of other information out there from this jurisdiction and other jurisdictions, as well as the people, as I say, who deal with this on a day-to-day basis, whether they are landlord or tenants or organizations whose clients are experiencing difficulties with the landlord/tenant relationship.

I believe there are a number of models that could be suggested. I am not going to preclude the outcome of this consultation. I do believe, as I said earlier, that this needs to be a number one priority of this government and of members of this Legislative Assembly. We need to do this well. We need to do it right so that we only have to do it once and have it reviewed down the road maybe in five or 10 years. We need to get it right the first time now that finally, after 40 years, we have the opportunity to make it right.

Some of the other elements of the motion are that the committee has the power to call for persons, papers and records and to sit during intersessional periods; that the committee has the power to seek background information from experts — of which I'm sure there are many — and that we be able to call and hear these experts as witnesses. There is the reporting, the possibility of early transmittal of the report to Members of the Legislative Assembly and to the public, depending on when the legislative sitting is called for in the spring; and that the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the committee.

I would like to thank, in advance, the Clerk of the Legislative Assembly and the staff in the Legislative Assembly Office for the support that I believe this committee will have. It has been a pleasure to work with the staff of the Legislative Assembly Office on the previous select committees that I've participated on. I look forward, once again, to working with them.

I'd like to touch briefly on a number of issues that are raised in the recommendations in the document that is called "An Evaluation of the Yukon Landlord and Tenant Act" and which was submitted to the minister by a workgroup on housing issues. This is a substantial document and it reflects a lot of the problems in the landlord and tenant relationship.

Some of the issues that I believe the review should cover is, number one — as I have stated early — the enforcement of minimum housing and health standards. I think there are good examples of standards available from other provinces. In some areas, it is left up to municipalities to develop these and enforce them but that doesn't make sense here. It would be unacceptable in my mind to have different standards in different communities of the Yukon with regard to how housing is maintained and how the public health and safety is protected. We can't have different rules in different communities because we are one big community. I think the Minister of Education said yesterday that the current population statistics in the Yukon are somewhere around 35,000 people. I'm sure we all want to be treated the same.

There also needs to be some clarification on this point on the relationship between either the existing act or a new act and the *Public Health and Safety Act*. We've debated some amendments to that around emergency health plans and incidents and how we respond to those earlier in the legislative sitting. I hope some of these changes may be considered. We need to look at that relationship.

It's unfortunate, when we talk about the housing standards, and I have to just say this one more time: we cannot continue to have people living in conditions that are substandard and pose a risk to their health and to the health of their families and their children. There are ways to deal with this.

I know it can be a problem for landlords who may not have the resources to bring their housing units up to standard. But we have the able minister responsible for Yukon Housing Corporation and the programs that they have. I honestly believe that if we make it a priority to raise housing standards, that funds can be made available to allow landlords to receive low-interest loans or financing to ensure that their houses are brought up to standard.

There needs to be some sort of decision-making body around this so that, if landlords refuse to do this and the residents are forced to continue to live in those substandard conditions, that somehow, some way, those living conditions are improved. How the government does that — I'll maybe touch on that a little bit later — is up for discussion.

How we go in and recover the costs — because I don't believe they necessarily should be borne by the taxpayer — but at the same time we have a responsibility to ensure that people are living in decent living conditions and that their health and their safety is foremost and utmost the priority — that windows aren't leaking; that doors aren't leaking; that toilets flush; that sewers aren't backing up into basements, bathrooms and kitchens and putting people at risk. To me, this is why the whole enforcement of minimum housing and health standards has to be one of the first and foremost priorities for the select committee to consider.

I think there also needs to be a more formal hearing process for evictions and the clarification around the whole area of evictions. There has to be a clear understanding on the part of the both the tenant and the landlord of what would cause an eviction. Right now, people can be evicted without cause. There needs to be time for a tenant to do remedial action prior to any eviction and a reasonable amount of notice for evictions.

In the internal review that was done by Consumer Protective Services, in the minister's department, there is a table of termination notice periods that vary from one month to three months, depending on what the cause of the eviction is. It even allows in some areas for up to a year in the case of a landlord requiring possession of the rental unit back so they can do major renovations or convert it into a condo.

I believe there are examples out there that we can avail ourselves of and modernize this piece of legislation or, as I said earlier, come up with a new piece of legislation. As well, I believe there needs to be a mediation process. There is a process in place and it is housed in Consumer and Protective Services.

The staff there have been helpful to me and my staff in dealing with some of the casework issues we've had.

They also form part of that mediation process, but the problem is that if one or the other doesn't agree to the mediation process, the option is to go to court. The court process is not the easiest process to go through. I believe it's better to get together and talk. Maybe a compulsory mediation process would save both the time and money of a court process, and the court process needs to be the last option for disputes.

It may even involve something along the lines of a quasi-judicial tribunal, which could recommend how disputes are dealt with and transferred. There could be something along the line of a rentalsman's office that could deal with the issues I was talking about before, ensuring that standards of maintenance and living conditions are brought up to a certain level and that, once again, people's health and safety are not jeopardized.

I think we need to have protection for tenants who complain about their housing conditions, as well as for the landlords who are being harassed by tenants who don't have a valid complaint. It goes both ways. The shoes can be on both feet. If the tenant has a valid complaint about how their landlord is treating them, or the condition of their dwelling, or the landlord's requirement for access to the building, or whatever, there needs to be an assurance — just as there has to be an assurance in whistle-blower legislation — that there is no retaliation on the part of the landlord. And when the shoe is on the other foot, we obviously don't want the tenant who can't agree with the landlord to go in and trash the house or threaten the landlord.

We need a process that's fair and open and where we can mediate these disputes. This could possibly lead to something along the lines of the development of a bill of rights for both landlords and tenants that would be housed in the act or the regulations.

The argument for having a new act as opposed to redrafting the existing act is the fact that there is a lot of archaic language, basically, in the old act. As I said, it's more than 40 years old, so I think we need to have a good look at it. I believe this could lead to the involvement of government officials in telling us their best guess or what they think would be easiest for them, once they receive our recommendations, because they're the ones who are going to be ultimately drafting the new piece of legislation.

As I said earlier, I know that the time frame is going to be tight, but I hope that the drafting of the legislation — when the government proceeds with this — will not only be guided by the conclusions of the select committee, but that input will also be sought from Members of the Legislative Assembly and members of the public during the drafting of the legislation.

I guess one other thing I'd like to touch on — and one of the recommendations in the document I referred to earlier that was submitted to the minister by the working group on housing issues — is the consideration of rent controls because affordability is an important part of this. You know, any one of us in this Legislative Assembly or in the public who are listening and who have children just out of high school, who are maybe attending Yukon College or just beginning their lives out there in

the workplace — they can't afford the rents that are being asked in a lot of instances. They're working for minimum wages in a lot of instances and we can have that discussion another day too. We can talk about raising the minimum wage, maybe, again so that people can maintain a minimum standard of living with some dignity. We heard earlier this week about what is happening with the food bank. And it is not that I don't support the concept of a food bank. I admire the people who have taken it upon themselves to look after others in our community, but it is a sad day when we need a food bank.

As I said earlier, the issue of affordability is important and I guess how we deal with that is up for discussion. The government has a role to play here. They have a relationship with the federal government. I read recently that the government has committed some \$1.9 billion to affordable housing. How that money is distributed among the provinces and the territories, when I looked on the CMHC website — and this was attached to the announcement that was made by the Minister of Health and Social Services and our senator — there were categories for the different programs under which this money was available.

I'm glad to see the government responded to the pleas of their own employees, the pleas from members on this side of the House, to finally replace the children's receiving home, and that the federal government actually stepped up to the plate and provided some funding for that.

We need to ensure that housing conditions around the Yukon are improved, regardless of whether they're rental units or not. How that housing money is distributed is very important. There were categories, but there was no category for self-governing First Nations. There was a category for on-reserve housing. So how do we get money from the federal government, either through the Yukon government or directly to First Nations, to address this state of housing in our territory?

This is very important, and while it might be outside the mandate of the select committee, I can tell you right now we're going to hear this story. There are people who will come to us and tell us, or make submissions, about the type of housing they're being subjected to living in.

I don't want to belabour this point, as important as it is, because I want to hear from other members. I look forward to their support.

The act is almost 40 years old. It goes back to 1971. This act has never been reviewed or amended, save for one small amendment, and it didn't really resolve any problems or modernize it in any way.

So I look forward to participating on this select committee with other MLAs. I look forward to the participation of landlords, tenants, their representative organizations, and the NGOs with client bases that deal with this issue. I look forward, as well, to working with the staff of the Legislative Assembly in going through this process and developing the regulations.

Once again, I'd like to thank the staff in my office and my colleague for being here today to support this motion and to all those who have contributed to getting us at least to this point today. I look forward to the successful completion of the work

of the committee and actually seeing the legislation in the spring sitting 2010.

Hon. Mr. Lang: In responding to Motion No. 850, the *Landlord and Tenant Act*, I am pleased to rise today to support this motion to establish a select committee to review the *Landlord and Tenant Act*. The *Landlord and Tenant Act* came into effect as a Yukon ordinance in the year 1972. While the act has had some changes to it over the years, I see the benefits in performing a public, interjurisdictional review to modernize this legislation.

As the minister responsible for this act, I am well aware of the concerns and challenges of both tenants and, of course, landlords. The *Landlord and Tenant Act* works to balance both of these interests by establishing standard obligations for both parties. These provisions address rent increase, notice periods, security deposits and remedies for landlords and tenants if tenancy obligations are not met.

For example, the act provides that a landlord cannot raise the rent within the first 12 months of tenancy and, after that, the landlord must provide the tenant with three months' notice of a rental increase. With regard to the legislation, including a variety of options as well as a referral to courts, these cases can be heard quickly and without filing costs to either party. I want to point out that the Yukon is one of the few — if not the only — jurisdiction in Canada to offer this service quickly and without filing costs. While the act does address a number of landlord/tenant obligations, it is not the only instrument that regulates tenancy matters in Yukon. There are also other statutes, bylaws and regulations that apply directly to the landlord/tenant relationship, such as the *Public Health and Safety Act*, or the municipal bylaws.

I also appreciate that some tenants are finding it difficult to find suitable and affordable accommodations. This is particularly true for low-income families and why this government is working toward increasing the number of social housing units for Yukoners. Currently, the Yukon Housing Corporation operates 576 social housing units in 10 communities in the Yukon. This inventory will be increased through the Whitehorse affordable family housing project — a project that will help meet one of the greatest housing needs identified: housing for lone-parent families.

In addition to this project, we are building a six-row housing project in the Ingram subdivision and a duplex project is scheduled to begin in 2010. For Yukon seniors in the past couple of years, we provided 48 units of new housing in Whitehorse through construction of the athletes village, as well as completed construction on a nine-unit seniors building in the town of Haines Junction. Currently, there are also new seniors residences under construction in Faro, Watson Lake and Teslin.

Mr. Speaker, we have a lot of good landlords in the Yukon and we need to be careful not to discourage good landlords from continuing to operate their businesses and developing new and affordable rental units. I am confident that the select committee can keep the interests of both tenants and landlords in mind as it moves forward with this new review. With that, I repeat that I fully support this motion and I look forward to

working with our partners on the select committee on reviewing this very important legislation.

Thank you, Mr. Speaker.

Mr. Inverarity: I think it important to look at this *Landlord and Tenant Act* review as a positive step. I would like to thank the Member for Mount Lorne for bringing forward this particular motion to continue the debate on the *Landlord and Tenant Act*. As we know and have heard here a number of times today, it's a pretty old piece of legislation. Therefore, I think it's important for us as the Official Opposition to say that we do support changes to the *Landlord and Tenant Act*. It brings up a couple of issues that I think I'd like to address.

I see in the House this afternoon that we've had some interest from local individuals, and I know there are those individuals who are listening on the radio. Over the years, this particular bill has received some substantial support from NGOs. Certainly, the member of the Third Party has outlined his concerns relating to the changes that need to be done within the *Landlord and Tenant Act*.

I know that when I look through the internal review that was done, they talked about the conditions of the rental housing in Whitehorse. I can vouch for that. I know when my daughter first went out to rent, the place she had flooded in the basement and there was nowhere else to rent in town. She was forced to live in what I could consider to be some substandard housing at the time, and it was an issue.

I think it's important that landlords and tenants work together to resolve these issues over time. Certainly, having a strong act is important to that end.

Also as I mentioned just a second ago, the process for dispute resolution needs to be clearly defined. I think it has to be firm and fair for both the tenant and the landlord. Obviously, disputes are going to arise all the time, as we see frequently, but it's important that there is some mechanism to sort out these disputes.

The third item that we came up with was the termination notice period. Those are always a sticky wicket to talk about when it comes to who is giving notice to whom, whether they're being evicted or they are just skipping out in some cases. So I think those issues are relevant to it.

Certainly, the Third Party has mentioned the no minimum standards for housing with respect to tenant health. We look at some of the places around here and certainly there are some excellent landlords in the community, but there are some who need to do some work.

Certainly, the protection needs to be good for the landlords and it needs to respect the rights of the tenants. Also the member from the Third Party talked about the mechanism to investigate and enforce standards. Do we need a body that individuals can go to for swift resolution? When we're dealing with housing — social housing, renting or whatever — it is important that people know they have someplace to live.

We can see this in some of the social programs that are coming forth outside this jurisdiction where they are trying to get homeless people off the street. They have introduced things

like the housing first program. Things need to move along fast so that these issues can be resolved.

Certainly, there are other issues that need to be resolved over time. I would like to say that support for changes to the *Landlord and Tenant Act* is paramount. They need to be discussed and they need to be addressed here.

I do have some concerns about the process that we are going to be going through with regard to reviewing the act. I have brought this forward on a number of occasions in the past. Certainly, right in the moment we have two or three different substantive motions on the floor. Some have gone forward with regard to select committees. I know I have sat on the select committee for the human rights legislation that we changed last spring and I have to say that overall my feelings for that were fairly positive. In certain circumstances I think they are a positive step.

When I look at the actual motion tabled by the member for the Third Party, I have some concerns about the layout of the structure of the committee and I hope to be able to address some of those. I guess the biggest issue that I have is that the motion itself infers certain things that may already be there and I need some clarification. I'd like to address those specific items that were brought forward.

The fourth "that" that was in the motion states that the committee report to the House its findings and recommendations respecting changes to the regulations made pursuant to the act. The second was substantive amendments to the act, or the introduction by the government of a new act. I think that all three of those items are worthy things to go out to committee to discuss. However, the introduction by the government of a new act to be put into this — I'm not sure, but from my perspective, it infers that in fact there is a draft act out there. I have not seen it. I've seen the internal review. But it raises the question: has the department come up with a draft act that we could take to the committee and have something to discuss?

This item actually came forward out of the opposition's observations of the terms of reference for having select committees — that if we had a document that we can go out and talk to the people about, it would certainly make it that much better for us to be able to debate.

I know there were a number of other issues revolving around a committee. I think we need to look at some of these other issues that come out of this particular motion. If you take item 3 that I just mentioned, the introduction by government of a new act, and you put it together with two statements further down: "That the government introduce in the House legislation no later than the 2010 spring sitting of the Legislative Assembly". Clearly, if the committee has to report by the spring sitting, and if the government has to introduce legislation within that spring sitting, there becomes a time problem, at least in my own mind's eye.

That goes back to this inference that I have, that, in fact, there is a substantial amount of work already done by the government on this particular and important act. It would be nice to see that now. In fact, I would dare say that if there is a proposed act out there, ready to go, it should maybe be brought forward under unanimous consent of the House today, so that

we can actually see the amendments to it. It would certainly allocate or give us the timing that we need to have it passed — if not this sitting which is sooner than later — and at the very outside, we can still go to a committee and be able to discuss it so that it can be passed in a timely fashion in the spring sitting.

Those are my concerns with regard to some of the overall issues around the actual Motion No. 850 that we're debating. It isn't a discussion around whether the act needs to be reviewed; it does need to be reviewed. It needs to be reviewed sooner than later. I think the members on this side of the House are all supportive of that particular cause. It's worthwhile thinking about whether or not we can get the government to bring forward any information that they may have, that they may be privy to — that certainly I have not been aware of. I do have the internal review, and while it is substantial and covers the highlights of a lot of the issues, it isn't the act that is referenced within the motion itself. Really, that's what we're here to debate today — whether or not to have an actual standing committee to review any changes to the act. It would be nice to know what they are.

It brings up the question of whether or not this whole issue should be dealt with by a select committee. Again, you've heard me talk about this issue in the past. We have a Clerk's office that is limited in support. It now has three, and possibly four, select committees that it's going to be doing over the next year to year and a half. That's a substantial impact, not only on their physical resources, but on their monetary resources, which will need to be addressed in the future.

I believe that these particular changes to the act probably exist and that, if they don't, the resources should reside within the department, because they've obviously been looking at this for the last year and a half or two years, if not since 1972. I think we need to do that.

To that end, I'd like to move an amendment.

Amendment proposed

Mr. Inverarity: I move that Motion No. 850 be amended by replacing all the words immediately after the words "THAT this House" with the following:

"urges the Yukon government to immediately conduct public consultations on the *Landlord and Tenant Act*; and

"THAT the government introduce in the House legislation no later than the spring sitting of the Legislative Assembly."

Speaker: The amendment is in order.

It has been moved by the Hon. Member for Mount Lorne THAT Motion No. 850 be amended by replacing all the words immediately after the words "THAT this House" with the following:

"urges the Yukon government to immediately conduct public consultations on the *Landlord and Tenant Act*; and

"THAT the government introduce in the House legislation no later than the spring sitting of the Legislative Assembly."

Mr. Inverarity: Thank you very much, Mr. Speaker. Again, I don't believe that this changes the overall intent, which is to look at significant amendments to the *Landlord and*

Tenant Act. I believe that this is in the spirit of that, but it off-loads some of the effort from both the Clerk's office and from this floor, because I truly believe a lot of this work — certainly a substantial part of the work — has already been done by the department. They have a document here that they can work toward legislation and/or go out to the public between now and the spring sitting and bring back some substantial amendments to the *Landlord and Tenant Act* and I think that it would be in the best interest of moving this thing forward in a timely fashion.

As I said, I believe that we could in fact — if the government were to table amendments in this sitting — look at unanimous support for having some discussion on it in the fall sitting. Then I think that the member from the Third Party — well, I can't speak to his point of view of this, but I do agree that we need to have these changes done now and the sooner the better. To go and do a select committee on this is not in the best interest of getting these amendments forward.

Mr. Cardiff: I recognize the concerns that the Member for Porter Creek South has about the tight time frames and about the amount of work that it takes. That's why we're paid to be here. This is the job that we are tasked with as MLAs — to do the people's work, to go out and hear what people have to say. Maybe not on every issue — there are different venues and methods of doing that work. Select committees are one. It puts us, as MLAs, in touch with the issue, as opposed to having government officials going out and doing it. I recognize the pressure on the Office of the Clerk. I recognize the pressure on my own workload and the workload of other members in this Legislative Assembly. As far as resources to the Clerk of the Legislative Assembly, I believe that's a decision that's taken by the Members' Services Board and this Legislative Assembly as to the resources that we provide. If we deem that we need to provide the Legislative Assembly Office and the Clerk's office with more resources so we can go out and do this work — which I believe to be important work and it's our work to do that — then I can't support this because I believe it's our work to do.

I recognize that it does present some challenges with the number of committees, but this is something new. The first select committee of this Legislative Assembly to go out and do this kind of work in a long, long time — the Member for Vuntut Gwitchin participated on that — was around the *Smoke Free Places Act*. It was a learning curve. Yes, it had a document. It had an actual draft act.

To the best of my knowledge, I've gone through the internal review; I've gone through the report. To the best of my knowledge, I'm not aware that the government has draft legislation. If they do, yes, I would encourage them to bring it forward as well. In my comments, I stated that one of the things we've learned — through my participation with the Member for Pelly-Nisutlin and the Member for Porter Creek South — is we need a discussion document. We found that out through my participation in the Select Committee on Whistle-blower Protection. You need something tangible that people can read and

that explains what it is that we as legislators are trying to do here in the Legislative Assembly.

Now, in my comments — and I don't know, maybe I didn't make this clear enough — it is my hope that both the internal review and the report that was given to the minister will form part of the consultation and those will be resource documents. Do we still need some sort of draft discussion paper? Yes, we do. We either need a draft discussion paper or a draft act in order to go out to the people and solicit their views.

The motion as it reads — if it isn't amended — gives the committee “the power to call for persons” and those persons can be government officials; we can ask them what work has been done on a draft act. We can ask them — we can't direct them — but we can ask them to please go back and look at this. We can ask through the minister for some of this work to be done.

I guess my point is that the whole select committee process is a learning curve for all of us here. It is a new way of working together, of making the Legislative Assembly a little bit nicer place to work and showing that we can cooperate.

My colleague, the Member for Whitehorse Centre, introduced a motion that was debated here last week and passed about a select committee on legislative renewal. That committee is not due to report until the fall of 2011, so there is more of a time frame. What we need to do is work together on all of the select committees and commissions.

The Member for Vuntut Gwitchin has a motion dealing with a commission that looks at aboriginal language and the survival of languages here in the territory — an extremely important issue. I hope we get to debate that and I encourage them to call it. It is right up there and is as important as what we are talking about here today — or more important. It is about the survival of a culture.

This is our work — that's what it boils down to. I think that it is the work that we need to do. I know that my time frames are tight and I've got commitments between now and the next sitting, but I'm willing to do my level best to participate as an active member of this committee and to see that the work is done with others here in the Legislative Assembly. I just hope that other members in this Legislative Assembly are willing to put their jobs on the line here and actually do the work that we're being asked to do by the people who have elected us.

Hon. Ms. Taylor: It has been very intriguing listening to some of the debate going on here this afternoon on this really important motion and I first of all would like to present my opening remarks just by congratulating and recognizing the work of the Member for Mount Lorne bringing forward such an important motion that touches upon each and every one of our lives.

I know I can't speak to the original motion — we are speaking, however, to the amendment. Without sounding redundant, I, too, would like to put on the record that I very much back up the Member for Mount Lorne's view that we as Members of the Legislative Assembly do have obligations and du-

ties as representatives of the public to be engaged with the public on matters that are of interest and mutual importance.

You know, it's this motion that refers to the establishment of a select committee. We're looking at amendments to the *Landlord and Tenant Act*. We're looking at perhaps a new statute in its entirety. I don't know, but all I do know is that this has been recognized by the general public as an issue of concern.

Balance needs to be found among both landlords and tenants. I very much recognize the weaknesses found within the statute as it is today. As to whether or not there is a draft act, there is not. However, I know that the Official Opposition doesn't really like to believe anything we put on the public record, but there is not a draft act. There has been an internal review conducted that of course would be presented as part of the legislative proceedings in conducting a full and comprehensive public consultation on the bill itself.

Likewise, we would also provide information as to what other jurisdictions have done. Just a quick scan analysis of the statutes in other jurisdictions — it really varies in terms of bringing forward new acts. Of course, they vary right across the country. In terms of amendments to the acts, British Columbia has ranged to recent amendments up to 2006. Again, when we look at Newfoundland and Labrador, they're working on a statute of 2000 — I think Ontario really has the most recent updated statute. They're looking at 2006, so it really does vary across the jurisdictions.

I think that really helps inform the select committee, which comprises all parties representing the Legislative Assembly, and it's really important that we do take into consideration all the information that's pertinent to providing a very informative review of a matter that means a lot to all Yukoners.

The Member for Porter Creek South made reference to the government just going out and doing the work. You know, as the Member for Mount Lorne has already said, this is really about helping each of us become better informed on the issues. As a previous minister responsible for the Women's Directorate, there have been concerns raised about doing a comprehensive review of the *Landlord and Tenant Act*. The Yukon Status of Women Council did a very comprehensive report on northern housing issues across the north.

There have been other issues brought to the forefront by the Anti-Poverty Coalition and many others. I congratulate all of these respective organizations for their work, including the Yukon Advisory Council on Women's Issues as well. I do think there is a lot of homework that we need to do. I can very well recognize we all have very busy schedules. We have more things to do than time. I can certainly say that from personal experience, but it's a matter of putting priorities forward and I think this is very much a priority that should be deemed by the institution, not just by the Government of Yukon.

Ultimately, someone has to bring forward a bill and ultimately, that would most definitely be the Government of Yukon. But to help inform the situation and the priorities, it ought to be done by the institution itself.

If the Liberal caucus does not wish to participate in the select committee, that's under their purview. We on this side of

the House do not support the amendment to the motion, as has been put forward by the Member for Porter Creek South; rather, in fact, we do support the original motion in its entirety, as put forward by the Member for Mount Lorne.

We recognize there is a tight time frame, but things have occurred in the past. I just refer to issues such as the safer communities and neighbourhoods legislation. That is a perfect example of all parties working together and actually demonstrating to the public that we actually can put our best foot forward and work together in a positive, constructive manner.

Too often, this institution is criticized for not being able to work together in the public's best interest. I certainly challenge every single member in this Legislature, including our own side of the House, to certainly put forward their best foot and address a matter of utmost importance to all Yukoners.

Mr. Cathers: Mr. Speaker, it is a pleasure to rise today on the amendment to this motion. I do not support the proposed amendment to this motion. I recognize that select committees can be overused. There is a time and a place for those select committees, however, and I believe that they have value, particularly on important issues.

I was a strong advocate for doing the select committee dealing with smoke-free places and I had the honour of chairing that committee. I think it is fair to say that the multi-partisan approach led to a better outcome in that case. It was a very significant change dealing with a significant shift in the rules that pertain to our society since smoking was a fact of life, a way of life and a way of social interaction for so many people.

There were certainly those pressing for that change and this Assembly formed a select committee. We went out and we heard from Yukon citizens. I feel that the committee and that work that we did led to a better outcome in that issue which had significant implications, significant effects on citizens and business owners, and was potentially something that could become very divisive. But by the fact that members worked together in a multi-partisan approach, we came to a level of agreement on most of the major issues related to it.

As chair, I was present at all the meetings and all the hearings that select committee held. There are certainly things we can learn from the successes of that committee and also areas where improvement can be made. As the Member for Mount Lorne noted, select committees since that time have also provided their own learning experience.

While I have some sympathy for the perspective presented by the Member for Porter Creek South and agree that select committees can be overused and not the right solution to every situation, I do believe that it is the right solution to this situation. It is the right approach with issues such as this which, by their nature, are very emotionally charged and have a substantial impact on landlords and on their tenants, and by their nature can lead to a very partisan and divisive outcome.

It is beneficial to bring forward members from all parties. I think the fact that we have taken these steps that began a few years ago in the *Smoke-free Places Act* mean we can move forward from that and use it when appropriate. In this case, a se-

lect committee is in my opinion the best way of dealing with this situation, hearing from Yukoners on the *Landlord and Tenant Act*.

I thank the Member for Mount Lorne for bringing this forward. I think there is a value in issues such as this for MLAs sometimes from all parties to go out and hear it directly from people themselves in consultation and not to simply rely on others to report to them on what was heard. There is a value for people hearing it for themselves when they come forward to this Legislative Assembly.

Mr. Speaker, that almost concludes my remarks. I would also note another example where we did that where it was not a multi-partisan approach, but it was also effective in having MLAs go out as the regulatory review committee when myself, the Member for Southern Lakes and the former Member for Pelly-Nisutlin — there were the three of us who went on that tour, touring the Yukon, listening to Yukoners about contentious issues related to fishing regulations. There was benefit, I believe, in hearing from people directly on those matters, so I would be opposing the amendment to this motion proposed by the Member for Porter Creek South.

Hon. Mr. Fentie: Mr. Speaker, first off, I think we have to recognize that the Third Party is clearly demonstrating its commitment by bringing forward into this House product — what I would call “tangible issues” that we as legislators should work on. The Third Party is demonstrating its commitment to make this Assembly, this institution, work better on behalf of Yukoners.

I think we can all agree that legislation that was developed in 1972 will not necessarily meet Yukon’s requirements today within legal framework and so on. Within a legal framework — that is very important because the issue of housing, residence, dwelling for individuals in any jurisdiction is paramount to one of the foundations of quality of life.

It is somewhat befuddling that the Official Opposition would bring such an amendment forward, considering the fact that we all are here on behalf of the public. We all have a responsibility and a duty to the electorate because it is they who elected us to represent them here in the Yukon Legislative Assembly.

The structure or creation of select committees is not unusual. It’s a mechanism for us to meet that duty and responsibility. Frankly, this is not an issue about tight timelines, resources, or any other matter. It’s an issue of the public interest. It’s an issue of addressing an antiquated, outdated piece of legislation, to modernize it to better meet the needs of the Yukon public.

Now, one can only wonder, when you consider the position that the Official Opposition has taken throughout the days of this fall sitting when it comes to being transparent, open and accountable, why the opposition would so flippantly dissect the motion brought forward by the Third Party to put the members of this institution to work on behalf of the public, to do our job, to meet our responsibilities and our duties. The question has to be asked: why would the Official Opposition demonstrate this kind of aversion to doing our job? It’s really disturbing that the

Official Opposition would do this. Whether or not the Official Opposition wants to participate is not an issue either. They have a responsibility to participate. They are elected to this House.

The government side is not going to support this amendment in any way. In fact, the government side will fully support the motion, as tabled by the Member for Mount Lorne, and will immediately, upon sanctioning the select committee, make sure that its member on the committee is ready, willing and able to do their part as one member of this process to go out and engage with the public.

I think the Independent member has also demonstrated clearly that these processes do result in product that is meeting the public interest, and the member listed a couple of examples of how important it is for us elected people to get out there, engage with the public and get a better understanding of what the public’s views and concerns are. That helps us be better legislators because on behalf of the public is what we do here. It is on behalf of the public that we would amend or create a new *Landlord and Tenant Act*. It’s not on behalf of us; it’s on behalf of the Yukon electorate.

I’m going to encourage the Official Opposition to withdraw this amendment, to recognize their duty and responsibility. This is not a time to duck and run. This is a time to stand up and demonstrate a commitment to this institution and to the Yukon public in general, that the Official Opposition is now prepared to do its job — to meet its responsibility, to honour its obligations to the Yukon public.

It is a matter of credibility, integrity and all those adjectives or terms that you may want to use. The bottom line is that it is our job, and it is high time that we got off the partisan wrangling and recognized that the *Landlord and Tenant Act* has no political or partisan boundaries in it — none whatsoever. We all have a contribution to make, and the government side will be making that contribution.

Thank you, Mr. Speaker.

Mr. Fairclough: I, too, would like to speak to the amendment that was brought forward by the Member for Porter Creek South. I thank him for bringing this amendment forward. The Official Opposition is doing their job. They are thinking about things and they are thinking about the committees. We also feel that amendments or changes to the *Landlord and Tenant Act* are very important. As a matter of fact, the question could easily be asked — we heard it from the Premier on that side of the House that it was important and that we need to get it done. We’ve got a tight timeline.

Well, they have been in government for two terms now — seven years — why didn’t they do it then? I could tell the Premier if he doesn’t know the answer or if he is having trouble with it. The fact is that the minister responsible did ask for an internal review of the act back in 2007. That’s a long time. A lot of work has been done. When issues come up like this, we don’t automatically form a select committee to deal with it. We know how to do our jobs, and we will. We will represent our constituents.

When we bring forward a bill to the floor of this Legislature, if it comes from the Official Opposition — you know what the Premier said to that? He said, “We need to do a thorough job in making sure the information is right, so we’re taking it back. We’re going to bring it back and let government officials do it.” Well, we hear the complete opposite from the members opposite today — the complete opposite.

As a matter of fact, the Premier said, when the *Yukon Energy Corporation Protection Act* came forward: “... we will, in the spirit of making this Assembly work better, do our thorough and due diligence on the proposed bill ...”

Mr. Speaker, we didn’t bring forward amendments just for the sake of bringing forward amendments. We think that the professionals out there know what they are doing.

We have the *Landlord and Tenant Act* internal review. As I went through it, Mr. Speaker, it talks about, in 2007, when it was already announced by the minister of the day that internal review was already taking place — that was two years ago. A lot of work has been done already. I believe that we can move quite quickly and have something presented in the spring sitting of this Legislature.

I also notice that in the document it compares our legislation to the rest of Canada — B.C., Alberta, Saskatchewan, you name it; all the way through the provinces. They’ve done work; they’ve done a lot of work. For the members opposite to get up and say, “Well, this is our job and you know, we would all be more familiar with it.” The select committee will be made up of those few people who would end up going out to the public. Yes, they do have that responsibility to update their own team, their own political party about this, but it would be those people who would have the knowledge.

When we bring forward a bill on the floor of this Legislature, we — the elected members and the government side, as well — are elected to scrutinize the bill and to ask questions. Oftentimes this doesn’t happen, but that’s our job and that will happen. That will happen, should the government side go out and do the job and bring forward a new act or amendments to the *Landlord and Tenant Act*.

Mr. Speaker, I don’t understand what the Premier has been saying in this House. One day he would say one thing and then a week later he would say something different. I believe that a lot of work has already been done. If the government side brings forward an amendment like we have been asking for since the day they came into power and the promise was there to have these done — the minister did commit to an internal review for everyone to consider — should the day come that the government brings this bill forward and they do a thorough explanation of the bill and give briefings on the bill, we will be able to do our job all that much better in this Legislature.

I encourage the government side to think about this amendment. Not every issue that has been raised in this House goes to a select committee — some have worked. There is a lot of work done and one of the reasons for bringing this forward, Mr. Speaker, is that we on this side of the House do very much support amendments to the *Landlord and Tenant Act*. We do — that is in our interest and it’s in the interest of the mover of the motion, of course.

It can be done and I think the frustration with this whole thing is the fact that nothing has been done by the Yukon Party government — so frustrating for the Official Opposition that a motion had to be put on the floor of this Legislature and we’re debating it today. That is the level of frustration that there is out there and we get all these kind words from the government side: yes, we’re going to work together, we should be working better together.

A lot of work has been done — it is professionals who know how to do. That’s what governments do — they bring bills, they write bills for us to scrutinize and look at on the floor of this Legislature. That’s what should take place with this particular bill and I know the government side knows it, but to me there has to be a different agenda happening here other than this.

In the end, if the government side didn’t want to even show any interest in why this should continue being reviewed under the *Landlord and Tenant Act*, we’re going to agree to move things forward; we’re not going to hold things back, but so far I haven’t heard any good argument from the government side that they would have even considered this. How many more times is the government going to move a motion on the floor of this Legislature that they want to go to select committees?

There’s a time and a place for it and I don’t believe that this bill is the place to have a select committee take on the review or introduce a major act like the *Landlord and Tenant Act* in its entirety. I know in the end that government is going to take all these recommendations and develop it anyway. We don’t want to duplicate any work that has already been done. What could happen is this could be an attempt to slow it down.

I sit on the Select Committee on Whistle-blower Protection. It has been over two years — over two years — and there’s no product. It’s frustrating to know that this happens right here on the floor of this Legislature.

People need to pull up their socks. Let’s get the work done. Bring the bill to the floor of this Legislature and let’s all debate it. Those who have questions — even on the government side — well ask them, Mr. Chair. You know there were many bills brought to the floor of the Legislature here. Where is all the goodwill on the government side to work with the Official Opposition? Where is the debate for them? What does government rank important? I heard it from the Premier. He did say that this was an important issue and that everybody agrees that the *Landlord and Tenant Act* needs to be amended and so do many other of the bills that we have before us. This is the Yukon Party government that has been elected for over seven years now. They conducted an internal review some two years ago, and they have been just sitting on the information and not giving the direction to go out and do this.

I think the Member for Mount Lorne caught the government at it — stalling again. I ask everybody to think about it a little more and perhaps comment on having this go forward and let’s have government do it. You don’t need to have a select committee put in place to make this happen. That’s the reality of it all. All the members on that side of the House know that, but hey, not everybody knows the agenda, I guess.

Speaker: The honourable member has spoken on the amendment already, I believe.

Some Hon. Member: (Inaudible)

Speaker: No, there is no closing debate on that. Are you prepared for question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Disagree.

Hon. Ms. Taylor: Disagree.

Hon. Mr. Hart: Disagree.

Hon. Mr. Kenyon: Disagree.

Hon. Mr. Rouble: Disagree.

Hon. Mr. Lang: Disagree.

Hon. Ms. Horne: Disagree.

Mr. Edzerza: Disagree.

Mr. Nordick: Disagree.

Mr. Elias: Agree.

Mr. Fairclough: Agree.

Mr. Inverarity: Agree.

Mr. Cardiff: Disagree.

Clerk: Mr. Speaker, the results are three yea, 10 nay.

Speaker: I think the nays have it. I declare the motion negatived.

Amendment to Motion No. 850 negatived

Speaker: Is there any debate on the main motion?

Hon. Ms. Taylor: Mr. Speaker, it is indeed my honour and privilege to speak to the main motion before us. I would like to take the opportunity to thank the Member for Mount Lorne for bringing forward this important motion, which recognizes the creation of an all-party select committee to conduct public consultations on the *Landlord and Tenant Act* for the purposes of reporting the committee's findings to the Legislature next spring, including the introduction of legislation — as I mentioned before, whether that is in the form of amendments or whether that is tabling a new act altogether.

In recent years, as I believe I have referenced before, there has been a heightened awareness for the need for affordable housing in the territory, including housing for victims of violence, housing for single parent families, youth, seniors, single men and women. We very much recognize the very importance of addressing housing in the territory and have really gone to work on a number of fronts.

One initiative, however, that does remain outstanding is a review of the *Landlord and Tenant Act*. As I believe I referenced earlier today and also not long ago when we on this side of the House chose to enable the Member for Mount Lorne to bring forward this important motion — a private members motion — on the government's motion day. This initiative has been identified as a key priority by a number of stakeholders,

including women's organizations, the Anti-Poverty Coalition and many other entities. As I referenced before, some work has been done in reference to this. We just spoke at great length about the internal review that was conducted by the department recently.

There have also been overviews provided by entities such as the Yukon Status of Women Council, which conducted a pretty comprehensive report on northern housing issues pertaining to the three territories. Again, it made reference to weaknesses identified in the act itself and the need for a comprehensive review.

Over the course of the last number of years I've been really proud of the investments that our government has made toward providing and enabling affordable housing, including the introduction of 48 new units for seniors housing situated at Yukon College. This has really become a welcome addition to the citizens for the City of Whitehorse, and it has really become quite a great community. The property that is situated on the Yukon College precincts — the endowment lands — is in quite a beautiful setting and it has become a really invaluable home to many senior residents, many of whom were on the waiting list. As we speak, construction is underway for a new 30-unit family-focused housing initiative situated in Riverdale. With this initiative, we are working to address the largest gap in housing that currently exists — that being safe, affordable housing for lone-parent families.

We are working to provide more second-stage housing in the Yukon to allow for the longer term, supportive, affordable living for women and children escaping abuse. We're working to address housing needs for Yukon seniors and elders, with the addition of new seniors housing in communities such as Watson Lake, Haines Junction and others.

As the Member for Mount Lorne referred to earlier, we're also working to address safe housing for youth with the construction of a new children's receiving home.

There are many other buildings and replacements of existing infrastructure and housing stock underway now, and we're very appreciative of the work that is going on, all of which is using super green technology that not only lowers our greenhouse gas emissions, but certainly reduces our carbon footprint and provides more energy-efficient housing stock for all of us to enjoy, including our own heating bills that come with the operation and maintenance of those specific infrastructure or housing initiatives.

Despite these gains, there remains a lot more work to be done and we certainly recognize that providing affordable housing is an ongoing matter of importance to Yukon citizens. The month of November is recognized as Woman Abuse Prevention Month. I just raise this because one of the key underlying root causes or instigators for violence is part and parcel of not having a safe supply of secure housing. There is a multitude of reasons. I think that the Member for Vuntut Gwitchin raised in the Legislature yesterday what the government is doing to address violence against women.

Housing is very much one of those important issues that needs to be addressed and in doing so we are helping to reduce the incidents of violence against women and children. That's

why I'm really quite excited about the new family-focused housing initiative that is being constructed in Whitehorse. Lone-parent families were identified as by far the largest group of individuals who are on the waiting list for affordable social housing. The government wanted to go ahead with this initiative to not only address this situation, but to really be able to have a unique setting that had a nurturing environment for raising families, had the ability to provide security, had the ability to provide for safe play spaces, for example — tough and enduring materials within the housing. I can say that having a four-year-old in my household, smaller children can be tough on the appliances and tough on furniture, but it's such an honour and privilege to be able to be a parent.

I really am excited about this particular initiative. I certainly commend the Women's Directorate, working in collaboration with Yukon Housing Corporation, and working alongside the community residents as well, ensuring that this is not just another housing initiative, but that it perhaps serves as a template — a model for future housing initiatives that are very much a welcome part of the community and are situated near schools, grocery stores and within walking distance of medical facilities, such as Whitehorse General Hospital. That is really part and parcel of why that particular location was chosen as the property for the family-focused housing initiative.

I do recognize the work of women's organizations in addressing violence against women in their ongoing work each and every day throughout the year — 365 days a year — and their efforts to address women's equality, whether it be social, economic, political or legal equality.

I commend the efforts of the Yukon Advisory Council on Women's Issues, Status of Women Council, Victoria Faulkner Women's Centre and, very much, the Yukon Aboriginal Women's Council, who just by the way, celebrated 35 years. What a celebration that was. It was really amazing to be part of that festivity and to be part of such a powerhouse of women at the Old Fire Hall not long ago — celebrating and reflecting upon accomplishments, but raising issues of importance, including housing.

I did just want to make reference to that and the review of the *Landlord and Tenant Act*. As we've heard, it has been over 40 years since the actual act has been looked upon for a review. It's well overdue. I think that we very much look forward to participating in the select committee. We have had some past successes with select committees in the territory. The Select Committee on Human Rights is one. We had safer communities and neighbourhoods legislation.

I brought forward the anti-smoking places legislation. You know, these are not light statutes or pieces of legislation that we are talking about. It does provide all of us as members to become very much informed on public issues. I think that this is but one of them. I think that in going forward with a review, it is going to be very interesting. It is going to be very informative. There are a lot of issues that have to be taken into consideration.

I know that the current act does provide for a number of things. It provides termination notice periods, prescribes how a security deposit is to be used, provides notification of rental

increase provisions and process for dispute resolution. It provides a privacy clause, offences, penalties and prescribes responsibilities of the landlord and the tenant. You know those are all basic foundations of any landlord and tenant act, but the thing is, that in 40 years, the Yukon has evolved very much and so have its people.

You know, I can remember when I first moved to the City of Whitehorse; I think it was in January of 1992 if I'm not mistaken. I remember trying to find a place to live at that time and it was next to impossible. In fact, I remember going around with my family trying to secure just an apartment — anything that was available — a room. It was impossible. In fact, I finally found a couple of units. There were actually bids being taken as to who would in fact offer the most money. That's just my own personal experience, but I can only imagine with the heated economy like what we have seen over the course of the last few years, with the growth of the population — 5,000-plus over the last five-plus years — there will be a tremendous demand on our services and that includes housing.

We've seen the prices of our housing values increase astronomically. I know our house has perhaps more than doubled. I'm just assuming that; we've been in the same house for about 12 years. It is very difficult to find affordable housing these days.

It just points to the fact that it is timely that a review be undertaken. I can appreciate concerns being raised about timeliness and an expedient review being undertaken within the confined or set-out consultation requirements. We've done it before; I don't think it's going to be an easy task, to say the least, but I think we need to do our very best and put together the information that has already been compiled by the department and by other departments. I know the Women's Directorate has some information on hand in regard to their consultations with stakeholders over the years on housing matters, including the *Landlord and Tenant Act*.

I'm sure the Department of Justice — Community Services, having had their internal review — will be looking to other jurisdictions and identifying, within a consultation document, what needs to be compiled, and we do need to bring something to the public, to help inform the public but also to help shape the discussions.

So there is work to be done but I think that because of the work that has been done over the last while, it will make it more readily apparent or easier to do just that.

I just thank the Member for Mount Lorne for bringing forward this motion. I very much look forward to hearing some of the discussion and debate that will be undertaken. To be sure, there will likely be some disagreements but that is part of governing as well. Being part of this institution is to do our best to come together and find consensus on a way forward.

Thank you for the opportunity to speak to this motion. I very much support this motion and I look forward to its passage today.

Mr. Fairclough: I would like to also speak to the main motion brought forward by the Member for Mount Lorne. We in the Official Opposition agree that the *Landlord and Tenant*

Act needs an overhaul. It needs amendments, or a new act needs to be brought forward. We agree with that.

When I hear the government speak to this, it is as if this is something new. I know the government side has heard from the day they got elected that the *Landlord and Tenant Act* needs an overhaul, it needs amendments, it needs to be looked at. As I read through the internal review — I read it out earlier, about how the minister of the day publicly announced that an internal review of the *Landlord and Tenant Act* was underway. This was in May of 2007.

In April of 2007, a motion was tabled in this Legislature. I would like to read that motion out, because I want the government side to know that this issue has been on the table for a long time.

There have been questions asked in the House — that government get out and do this, do this, do this. An internal document has been produced. This is what the motion has to say: “THAT this House urges the Yukon government to conduct public consultations on the outdated *Landlord and Tenant Act* and bring forward amendments to the act and its regulations that outline minimum housing and health standards, as well as mechanisms to solve landlord and tenant disputes, and to do so in an expeditious manner.”

That was Motion No. 87. Now what we have are members — the Member for Mount Lorne is right to be able to do this — find whatever way we can get it done. I know that he recognizes that this government dragged their feet on this for years; it was not a priority. Actually, we’re debating a motion to form a select committee to be able to carry out that job that we’ve been asking government to do for years and years and years — for years and years and years and they haven’t done that job.

I also want to say that in the internal review of the *Landlord and Tenant Act*, as of March 2008, it talks about other pieces, other bills that perhaps may need to be amended. I know this select committee and the motion before us do not speak to that. It talks about the importance of these pieces of legislation being administered by all levels of governments. When I think about that, of course I think about the City of Whitehorse here, where this piece of legislation has a huge impact.

The Department of Community Services administers the *Landlord and Tenant Act*, the Department of Health and Social Services administers the *Public Health and Safety Act* and the City of Whitehorse is under the *Municipal Act*. These are things, I believe, the select committee that’s being formed here is going to have to look at and bring forward, perhaps at the same time. That’s additional workload that could be done. People are going to have to make sure they read and gather all of this information and have it brought forward to the Legislative Assembly.

From the wording of the motion, it sounds like if the work gets done early, everybody gets this information handed to them and it will be made public the day after. What the government has to do is take this information that has been gathered by the select committee and put it together in the form of a bill or a new *Landlord and Tenant Act* that is going to be brought forward in the spring sitting. The timeline all of a sud-

den gets very tight and I think we all realize that. It’s not that the work and job couldn’t be done; we believe that it can. We believe that there is a lot of interest out there and this piece of legislation should be overhauled in a major way or have a new bill presented in this House.

The government side has talked about how they would like members on this side of the House to work with them.

You know, we’ve brought bills to be debated in this House for everybody to share their information and for all elected members to do their job, and it was chopped right out of this House and taken off the table without any, or very little, debate. I don’t know — the government side could argue that one.

I heard the Premier and the Deputy Premier say that this is important. I know if it were really important it would have come out a lot earlier. I want to tell you the importance of bills that have been brought forward by the government side. One they thought was really important — the very first bill they brought forward in this House — was the bill to repeal the accountability act. That says a lot, and that is not forgotten out there.

Okay, Mr. Speaker, we’re going to go along with this select committee — the Official Opposition — but I would like everybody to take this seriously and move it forward.

I would like to move an amendment to the motion — another amendment — a friendly one. I think this time, the government side is going to agree to it. I’ll explain a little bit about my amendment.

Amendment proposed

Mr. Fairclough: I move

THAT Motion No. 850 be amended by inserting immediately after the words “THAT the committee conduct public consultations for the purpose of receiving views and opinions of Yukon residents and interests of groups on the act,” the following:

“THAT decisions by the committee require unanimous agreement by members of the committee.”

Speaker: The amendment is in order. I’ll just read it out.

The Member for Mayo-Tatchun has moved

THAT Motion No. 850 be amended by inserting immediately after the words “THAT the committee conduct public consultations for the purpose of receiving views and opinions of Yukon residents and interested groups on the act,” the following:

“THAT decisions by the committee require unanimous agreement by members of the committee.”

Mr. Fairclough: Members on the government side, or those who are listening, must be wondering why this was brought forward. It is not unusual language for motions that have been brought forward in this House. It is language that has been used, Mr. Speaker, in the Select Committee on Human Rights and it has been agreed to by all members of this House. The business was conducted in that fashion and was successful. What we are trying to do is put some seriousness to this and

have unanimous agreement by all members of the committee on dealing with issues concerning this important piece of legislation. That is why we have brought it forward and it is no different from the wording that was used for the Select Committee on Human Rights.

We're hoping that all members agree with this friendly amendment to the motion and we can get on with finishing the debate on this motion in this fashion, knowing that all members who are on this select committee must agree to the changes being made. It's only straightforward, we've done it before and it has been successful, so I'm interested to hear what others have to say on this.

Mr. Cardiff: I recognize the constructive nature of the amendment. I guess in leaving that out of the amendment, I'm looking at the work that we did as a group, as the Member for Mayo-Tatchun cited, on the Select Committee on Human Rights. It was an interesting process, I think, and I don't want to belabour this point too much either, because the day is wasting away and, quite frankly, if this was as important an issue for all Members of the Legislative Assembly, this motion would have passed and we would be debating the next motion.

Quite frankly, some of the conversation in here, I believe, does a disservice to the intent of the original motion. Now, I'm giving consideration to supporting this amendment to expedite matters, but the fact of the matter was that we operated — and I'm sure the members for Pelly-Nisutlin and Porter Creek South will agree with my perception of how that worked — we tried to achieve consensus. To be honest with you, I don't recall and I don't have in front of me the actual text of the motion that created the Select Committee on Human Rights; it may have been there, it may not have. I'll trust the Member for Mayo-Tatchun that's what it was or he wouldn't have said it.

I believe what we're trying to do with select committees here is to show our constituents that we can actually work together and that we can achieve consensus. This is about trying to achieve balance; it's about providing a greater understanding among ourselves as Members of the Legislative Assembly and even as political parties about what the issues are and how we can actually come together and achieve some sort of balance.

Yes, we're not going to agree on everything, and I can tell you right now that writing the final report of the Select Committee on Human Rights — and I hope the other two members will grant me disclosing how this actually went. It wasn't easy. We didn't agree on everything. The report was written and rewritten. Things were put in; things were taken out. There were negotiations. I think we all worked together and at the end of the day, I believe we did the best we could, and we all learned something from it.

So whether we vote this amendment in or not, it's my expectation that we're going to do our jobs, and we're going to try to work together for the outcome. With regard to the time frame and how tight it is — that's why I was hoping we would have passed this by now and then maybe we could even have letters going out, selecting the people, so that we could meet before the Legislative Assembly rises.

Quite frankly, hopefully it will be before I go with the Member for Mayo-Tatchun and the Government House Leader to Copenhagen to attend a very important international event, so we can get a schedule together to begin work early in the new year and actually get work happening before the committee does its actual work.

I certainly hope we can agree and come to some level of cooperation whereby we're presenting the report either prior to the sitting or at the beginning of the sitting, and get some sort of cooperation whereby the five-day rule will be waived and we can introduce the new legislation or the amended legislation — whatever it's going to be — before the end of the sitting.

The reason why the time frames are tight is because the importance of this justifies the expediency. What we're doing here today is dragging it out. I know there are multiple speakers who want to speak to this important issue.

The loudest voice we can give to the importance of this issue is to sit down and agree that this needs to be done and move forward and then move on to the next order of business, which is another motion about select committees. We can have that discussion again.

Obviously the government supports the concept of doing this. I don't want to re-live history. I am not sure — the Member for Mayo-Tatchun cited Motion No. 87 and there is a good possibility that it was my motion. And yes, the government dragged their feet, but I am thankful that finally we've come to a point where the government and I believe members on this side of the Official Opposition will lend their support to doing this. How we go about it — if we argue over that all day then we will never get there. It is my hope that whether or not we put this in there makes no never mind to me. It is my hope that decisions will be unanimous and that we work for consensus. If there are dissenting opinions then we can deal with those during debate of the bill, which is what happened with debate over amendments to the changes to the Yukon *Human Rights Act*. We didn't all see eye to eye, but at the end of the day we did our level best to produce something that I believe honoured what we heard from the Yukon public.

I mean, there's more work to be done and we acknowledged that through our process, through our report — that there's more work to be done. That's actually a good question. That's a question that I can almost guarantee the Minister of Justice I will be asking where we get to the Department of Justice. What progress is being made on the consultations about other matters that the select committee couldn't come to a conclusion on? It's about — let's do our best. Let's sit down and move on to the next item of business. If we really believe that this is important, let's give it the respect that it deserves.

Mr. Inverarity: Speaking to the amendment, I think I'd like to just start off by saying that I think the particular motion that's on the floor today is not lost on the members of the opposition. We realize that it's a significant and important committee that will likely to come to fruition this afternoon. However, just from the record's point of view, I know that on this particular amendment I'm in favour of it, because I sat on the Select Committee on Human Rights. I can vouch that this is

pretty much verbatim, word-for-word, out of that particular motion that was brought forward by the Member for Klondike.

I think the issue here is one of trying to keep things moving forward. I know that on some of the other committees — I sit, for example, on the Public Accounts Committee; I also seconded to the Member for Vuntut Gwitchin on the no-smoking legislation and sat in on a number of committee meetings that were held throughout the communities. I also sit on the committee for board appointments. I see the structure behind how these committees are made. There's a good possibility that I would end up being the member that will be sitting on this one and the one after this; that's not a problem. I think with all the committees — and I think the members opposite will say that I'm a productive member; I take part in the meetings and I generally have them as best as I can.

This particular amendment that is being introduced today from my colleague here brings us together and makes sure there isn't any weight within the committee of one point of view or the other, so at the end of the day the report that comes forward is balanced and represents all those members on the committee and not necessarily those who are trying to work to an agenda of one nature or another.

I am not going to speak long on this because I do believe that we need to move forward on this particular motion. As the member says, perhaps it is time to move on to the next. This particular amendment to the motion brings us together with a common purpose: that we all have to agree when we bring it back. If we don't agree — and I can tell you that on the human rights there was a lot. We only ended up with eight recommendations that we all basically agreed on that went back and became actual law. I think we had something like 28 out of 51 total suggestions that came forward that some of us did or didn't agree with. As the Member for Mount Lorne said, some of them were hotly contested. What it did mean was that we had to work together.

This particular amendment ensures that we work together. I look forward to the support of all members of the House in supporting this amendment.

Speaker: Are you prepared for the question on the amendment?

Some Hon. Members: Agree.

Some Hon. Members: Disagree.

Speaker: The nays have it. I declare the amendment defeated.

Amendment to Motion No. 850 negatived

Speaker: Is there any debate on the main motion? Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Hart: Agree.

Hon. Mr. Kenyon: Agree.

Hon. Mr. Rouble: Agree.

Hon. Mr. Lang: Agree.

Hon. Ms. Horne: Agree.

Mr. Edzerza: Agree.

Mr. Nordick: Agree.

Mr. Fairclough: Agree.

Mr. Inverarity: Agree.

Mr. Cardiff: Agree.

Clerk: Mr. Speaker, the results are 12 yea; nil nay.

Speaker: The yeas have it. I declare the motion carried.

Motion No. 850 agreed to

GOVERNMENT PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 834

Clerk: Motion No. 834, standing in the name of Mr. Nordick.

Speaker: It is moved by the Member for the Klondike THAT a select committee on the safe operation and use of off-road vehicles be established,

THAT the membership of the committee be comprised of equal representation from the government caucus, the Official Opposition caucus, Third Party caucus and include the Independent member,

THAT the Premier, the Leader of the Official Opposition, and the Leader of the Third Party name their respective caucus member(s) to the committee,

THAT the committee conduct public consultations for the purpose of receiving the views and opinions of Yukon residents and prepare a report making recommendations on the safe operation and use of all-terrain vehicles and snowmobiles in the territory,

THAT the committee report its findings and recommendations in the 2010 fall sitting of the Legislative Assembly,

THAT the committee have the power to seek background information from experts and to call and hear these expert witnesses; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the committee.

Mr. Nordick: It gives me great pleasure to rise and speak to this motion. I will keep my comments fairly short, seeing as the previous motion took up the majority of the debate time today, and I would like to see this motion unanimously passed.

I could speak at great length about the pros and cons of off-road vehicle use, and I could also speak at great length on the importance of safety and common sense when using off-road vehicles or any motorized vehicles. But I will not, for the purpose of this motion is to establish a non-partisan select

committee from the members of this Assembly to conduct public consultations.

The reason I put this motion forward was to ensure that this Assembly and the department responsible hears first-hand what Yukoners have to say about the safe operation and use of off-road vehicles and snowmobiles. It is important that the committee listens to the concerns of all Yukoners. Mr. Speaker, the committee might hear that Yukoners do not have any concerns.

It is imperative that this committee travel the Yukon without a preconceived opinion on what they might hear. I know there will most likely be strong opinions on both sides of this discussion. There might be a significant difference in opinions between rural Yukon and Whitehorse.

People in the communities like Dawson City or Old Crow may use ATVs or snow machines differently than people in Whitehorse. There are a lot of uses for off-road vehicles, ranging from work to play. It is important this select committee understands and listens to all these user groups. I know in my community most people wear helmets and respect other people operating off-road vehicles.

Mr. Speaker, there may be strong feelings and opinions among members here today in this regard, but it is our duty as representatives to listen and respect what all Yukoners say and then determine the best way to proceed. I personally encourage everyone to use off-road vehicles safely and I look forward to receiving a report from this committee on the views and concerns, if any, from the citizens of this territory.

Mr. Inverarity: I would like to take this opportunity today to speak on Motion No. 834 and the select committee on the safe operation and use of off-road vehicles. The committee will be established. I think most of my points regarding select committees were identified in the previous motion that we talked about, specifically the resources that are required. That probably is the biggest —

Certainly, in all likelihood, I'll be the individual who will be tasked with sitting on this committee, and I actually look forward, to some degree, I guess, to hearing the views. Obviously I'd love to hear the views of Yukoners. I actually look forward to an opportunity to get out in the community, both with this one, and the one prior to this. It gives me an opportunity to meet with Yukoners and to tell them what I think.

Coming up next year, it'll be even more important than ever for us to get out into the communities — and certainly within Whitehorse — to hear individuals and what they think of this current government. I look forward to that opportunity. I have some issues, I guess, just around — and the Member for Klondike, who put forward the motion, didn't really go into a lot of detail. I was hoping that he would actually speak a little bit longer on this, because I do have some questions. My biggest question actually arises out of the second reading of the *Act to Amend the Motor Vehicles Act*, which we had last week in the House. I remember attending — the City of Whitehorse gave us a briefing on their views on off-road ATV vehicles within the city. They looked forward to that amendment, or to

the act coming forward, along with the part about allowing or ticketing individuals who park in handicapped parking spaces.

That's sort of the secondary one. We didn't really get into the debate about the ATV use within the City of Whitehorse, mostly because we all recognize it was an enabling legislation. The legislation allowed those municipalities to pass bylaws so they can enforce the rules and regulations that pertain to motor vehicles, be those automotive, ATVs, snowmobiles, dirt bikes, go-carts, or whatever. To some degree, we in the Legislative Assembly will be going to Committee and will probably be passing that particular amendment to the *Motor Vehicles Act* sometime this sitting.

The issue I have is that here we are going out to determine, partly, safety issues. I'm sure, as the Member for Klondike has indicated, we will hear a broad range of views from those within my jurisdiction of Porter Creek South. They actually have both sides of the equation — individuals who ride ATVs and snowmobiles, and certainly there are lots of trails that are being used in the Porter Creek South area. On the one hand, everybody sees these vehicles around and as long as there is mutual respect for those on the trails, there generally seems to be some approval of what goes on.

However, by us passing regulations and the amendment to the act that enables the City of Whitehorse to actually go out and pass its own bylaws to enable them to enforce the laws they need for their specific municipality, I have to question the real need behind this particular select committee to go out. While I'd love to hear the views of Yukoners on any subject, I think we're going to run into a situation where we're going to come back with a report, and if the report comes back and says these are the views we've heard — and they range from here to here, or they're all in this particular point of view — then what do we do? There's no indication of having to bring forward other changes. Perhaps the Member for Klondike is correct when he says maybe there won't be any changes. I'm not really sure if the process we're going through here with the select committee is justified.

If I were to look at the City of Whitehorse, and having them come up and say they're going to pass these fairly stringent laws about ATV use within the community, and we come back and say okay, we want to pass some regulations that enforce a helmet law, for example, or enforce a minimum age law for driving ATVs or motor vehicles, I'm not sure if the member — and this is just something that's worthwhile talking about. Watercraft, for example — if that's included in this particular motion, or if it's strictly off-road vehicles. That's what the motion says but I think how we use watercraft is also an important issue.

The point I'm trying to get at here is that we may end up in a situation we have today, which is the municipality of Whitehorse looking to delete their bylaws, as we've enabled them to do, on the no-smoking regulations. They're now saying it's going to be the responsibility of the territorial government to enforce the no-smoking regulations territorially, not just in municipalities or in unincorporated municipalities outside the City of Whitehorse, but everywhere. They're saying they're going to abdicate that back to us.

I see the trap here with this particular committee going out as causing significant confusion for those municipalities that are now moving forward with their own legislation. Do they now wait until the fall of 2010 for us to come back with some report that doesn't have any meaning, doesn't require the government to go out and look at it from the legislative perspective or introduce new bylaws, but in fact, all it does is say that we get to report. If I were the Mayor of Whitehorse or if I were a councillor in the City of Whitehorse or Dawson City for that matter, who is contemplating putting in regulations for ATV use, I would say that we had better wait. That will be a whole year before we even come back with a report that says to do something or not do something. So there is a real uncertainty here that this particular motion is causing. I think that it needs to be addressed within the confines of this Assembly to clear up that confusion as to what is expected out of this. Is it just some wishy-washy report that we've heard from everybody? It is important that at the end of the day we see some concrete outcome, such as this report being referred to the Department of Justice for legislation to go forward.

If that's the case, then the city needs to know that up front, so that they can wait and not have to pass regulations or bylaws or whatever on something that we're going to just talk about. Now, I do agree with the member opposite that it's important at all times to hear from our constituents on these issues, and I can tell the member opposite that I've heard from residents in Porter Creek South and other residents around Whitehorse on some of these views, and I look forward, if we go forward with this to do that. But I'd really, truly like to see some concrete action at the end of the reporting time, so that other municipalities and other jurisdictions are not left in limbo around whether or not they have to wait for the select committee to come back with their results.

It's all fine and dandy, but I just really, really don't think that going out, unless we come up with some amendment to this — and I'll be honest, I'm not going to table one. I think it's up to the Member for Klondike to look at this, into his heart, and say, "What is the action that we're going to do, and what is the outcome of this particular motion and is it just a report?"

When we had the Select Committee on Human Rights, we went out, we talked to them, we came back and we said that we had at least one amendment tabled and that was mine — I think it was amendment No. 101 on the time frames for the *Human Rights Act*. So we had something concrete that we were looking at and trying to do within this Legislative Assembly. I agree it's important that you have an opportunity to go out and listen to people, but we also do have a responsibility in this Legislative Assembly to do or to provide some certainty for those other levels of government that look to us for that certainty. I don't believe that this particular motion provides that certainty. I would dearly request that the member look at even tabling it or coming back with an amendment to it at some point in time, so that we can actually have some outcome other than just another report.

Thank you, Mr. Speaker.

Mr. Edzerza: Well, Mr. Speaker, I am in favour of putting together a select committee to go out and ask the public at large about legislation involving ATVs. I say that because I believe there is such a large percentage of Yukon citizens who own and operate ATVs. I know the rural communities use them for their primary transportation in a lot of cases. I know that even in the City of Whitehorse — I live up on the Fish Lake Road, and it's not uncommon to see several dozen ATVs and skidoos up there on a weekend.

However, I want to speak just a little bit to some of the problems that are encountered with off-road vehicles. What it boils down to is more or less the misuse of ATVs. It's those limited few who do not respect the power and speed of these ATVs who make it difficult for all citizens who own them.

I know for a fact that there are several people within the Whitehorse area who do not respect how they use their ATVs. For example, I was going home one day last winter and out of nowhere, two skidoos were coming past me one on either side of my vehicle while I was driving. That is not only stupid but it is very dangerous because there is a lot of traffic on the Fish Lake Road and where they passed me was just some people looking for a serious accident to happen.

I know a lot of citizens in the territory are probably going to really support legislation being in place for ATVs and I believe there are going to be a lot who are not going to agree with it.

In all, ATVs are enjoyable. I know I have got a four-wheel-drive Ranger truck, a six-wheel vehicle, and I have a couple of skidoos. I do get out and see a lot of country with them that I probably normally wouldn't get to see.

I also know, being the age I am, that I do have a lot of respect for the animals. I don't terrorize the animals while I'm on a machine. When I'm travelling, I always try not to damage the land. I'm pretty careful. I think the first time I rode a skidoo was 47 years ago, and let me tell you, they were very different back then. I think the top speed might have been 30 miles and hour, and we thought we were flying when we were living in Atlin, and we got to ride this old one-cylinder engine skidoo. Back then, we never had helmets. We never wore helmets. When I look at the stats 47 years ago, they're not near what they are today for serious injuries and deaths that were caused by ATVs.

In fact, I thought about this quite a bit today, and I don't know if I ever heard of anyone being killed on a skidoo when I was a young kid, or someone getting seriously injured. However, things have really changed today. A lot more people own ATVs for one thing, and 47 years ago there wasn't a whole lot of skidoos out running around. Things have changed dramatically. The machines nowadays are bigger, faster. I've known some machines that can travel 80 to 100 miles an hour. When we start getting into that kind of dynamic of speed and weight, those two are a real mixture for disaster if not respected. Just from the pure weight of the machine, the speed — when you do hit something, or you do flip it — a good friend of mine who was a Speaker of the House in Nunavut, I believe, was crushed by his own skidoo. Those things happen.

The other factor we have to consider now is that the operators of these machines are getting younger and younger. There are actually children now 10, 12 years old and younger driving these four wheelers and skidoos that an adult has a difficult time to managing and controlling.

When we put all these things together and we start to have numerous reports of critical injuries, people crossing the road and hitting a truck as it's going by — all those things that are taking place have now come to the point where the government of the day has to consider ways to maybe minimize some of the serious injuries that are happening with ATVs.

I got some stuff off the internet today, which was quite astounding to me. I never thought of this much outside the realm of Whitehorse, but ATV crashes send thousands of people to the hospital every year. In 2000 alone, at least 254,000 people who were injured in ATV crashes required medical treatment. Between 200 and 300 people die every year in ATV crashes. Thirty to 40 percent of all people injured or killed in ATV crashes are children under the age of 16. Fifteen percent of the fatal ATV crashes take the lives of children under 12. The U.S. Consumer Product Safety Commission estimates that ATV crashes cost society a total of \$6.5 billion in medical, legal and work loss expenses each year.

Most ATV crashes are the product of ATV misuse, driver inexperience and/or intoxication. ATV misuse can include riding at excessive speed, riding at night without proper gear and riding in inappropriate areas. Ten percent and 25 percent of those injured and killed in ATV crashes respectively were riding on paved roads, streets or highways, where ATVs are not safe to use.

So when I look at some of these stats and I personally know individuals in the Yukon who were injured by ATVs — for instance, one of my nephews was just innocently going to go up a little gravel bank in the gravel pit with the four-wheeler, and lo and behold, it came over backwards on him and he lost an eye, crushed his face, broke bones, but that young fellow was probably maybe NHL hockey material, because he was such an athlete at the age of 14.

He was a phenomenal hockey player. And then he had this accident at the age of, I think, 15, which kind of messed up his career as a hockey player.

I am not going to talk any longer on this, because I think there are lots of pros and cons with regard to ATVs. All I can say is that a lot of people I know don't like to wear helmets. I had to get used to wearing it and I do wear it now when I am riding my ATVs. Something else that I dug up off the internet with regard to helmet was wearing a helmet while riding an ATV can make the difference between surviving and ending up dead.

Statistics suggest that a helmet may reduce risk of death by almost 42 percent and the risk of non-fatal head injuries by nearly two-thirds, or 64 percent. So I hope that any young person hearing this today really thinks about how serious it is to be on these machines. I do support this motion.

Thank you, Mr. Speaker.

Mr. Cardiff: I'm pleased to stand today and support this motion. I hope that this is the beginning of a new way of doing things here in the Legislative Assembly. There may be some questions about how we decide how important an issue is have a select committee on it. As I said earlier in the previous motion debate, it's a learning curve, and it's something we're all going to learn to do. The thing about it is, is it a good thing? Is it a bad thing? We don't know until we do it, and we're not going to know until we do it. We're not going to know until we try to do it.

We're not going to know until we do it. We're not going to know until we try to do it. So, I'm saying, "Let's try to do it." I indicated previously that I hoped that the Member for Vuntut Gwitchin would get the support of his caucus, or the government, in some way, shape or form that we can address his Motion No. 848, because I believe that it, too, is very important. While it doesn't create a select committee, it creates a process that is created by the legislative committee.

We should look at that, because it too is a very important issue. I don't know how we decide which issues are most important, and what processes we use for that, but as I said, we won't know until we try. We're going to try, and we may stumble and we may fall, but what we need to do is pick ourselves up and get on with the job.

I hope that that the regulation and legislation around off-road vehicles and their usage is different — it varies — from provincial and territorial jurisdiction to jurisdiction. I believe the Yukon is one of the last places in Canada to not regulate off-road vehicles, so this is timely. Obviously, I think it is an important issue for Yukoners, because it's a substantial part of many people's lifestyles. In some instances it's how they make their living; it's how they hunt; it's how they gather food and it's what they do for recreation.

There seem to be so many snow machines and ATVs that it's probably time we did something.

So I hope that the public consultation is accessible so that Yukoners can weigh in. There are a number of recreational groups, rural Yukoners, tourism operators, Yukoners who fish, hunt and trap, conservation groups, the Yukon Fish and Wildlife Management Board and people out there who use ATVs or snow machines on a regular basis.

I'm actually pleased that the language is so broad. I thought, boy, this is pretty broad and I think that's good. I think that the public can weigh in on a number of topics. I'm going to touch on a few of them.

Making helmets mandatory is an issue that I have raised before in the Legislative Assembly. In April 2008, I asked the previous Minister of Health and Social Services — now the Independent member, the Member for Lake Laberge — to make helmet use mandatory for ATV riders and to draft legislation; that didn't happen. So this is yet another process that is being put in place to address that. The minister had declined that and we are glad the government is prepared to go out and do this consultation and move forward. I believe it is an important issue.

Statistics from June of 2004 to May of 2006 show that, in the Yukon, 99 people were treated for injuries involving ATVs.

They resulted in one death, one broken neck, three scalp or facial injuries and the rest, I am sure, were numerous and could have involved broken bones or serious lacerations as well.

Other things that the select committee may want to consider are things like issuing highly visible licence plates, so that citizens can report if someone is violating the rules. Should there be age restrictions? Off-road vehicles are pretty powerful and at what age are riders of these vehicles fully aware of their physical limitations? It kind of parallels what we were trying to say in the *Young Worker Protection Act* and I'll remind members about the cognitive ability of younger people to make good decisions about their safety and actions and what it is that they're doing.

They could consider things like registration or insurance requirements. Training and education is important and — I believe it's in the occupational health and safety regulations — it's required that people who are riding, using ATVs for their job, have to take training and I think that's important. We can talk about fines for infractions and the enforcement of that.

Apparently, in British Columbia, some of the money that comes from those fines goes to trail development, enforcement and conservation measures. One of the big issues — and this is one of the reasons why I'm glad that this is broad, because I believe that one of the big issues with off-road vehicles is their impact on the natural environment and wildlife. A Yukon Fish and Wildlife Management Board report says of the effects on roads and trails on wildlife: "... between 1971 and 1998, all the grizzly bears killed" in the Rockies "by humans ... were killed within 500 metres" — half a kilometre — "of a road or trail."

ORVs also create tremendous access to our back country and our wilderness, as the Member for McIntyre-Takhini alluded to. What are the rules around those using off-road vehicles in those areas? Do we need to protect some of that back country? What is the link between declines of species, like caribou herds, moose populations, and fish habitat by the use of off-road vehicles?

Roads and trails make new areas accessible for hunting and fishing, and while it can be seen as a benefit, it can also be detrimental to those fish and wildlife populations. You can see some of that in that report through the aerial photography of some of the habitat damage that ATVs have done around the McClintock River and at Marsh Lake. What's the impact on the wildlife in that area? We talked the other day, or I introduced the motion the other day, about looking into the decline of our caribou herd. It's important that we take all things into consideration, recognizing that, in some instances, the use of these off-road vehicles has become a way of life for trappers, for subsistence hunters, for miners, for foresters and for photographers who are getting out there. But what we want to do is ensure that we don't damage the environment. I don't believe it was in the Fish and Wildlife Management Board report, but I heard a report recently, the other day, that was concerned about the negative effects.

In a lot of instances — I am not really familiar and I don't own an ATV or a snow machine, yet anyway but maybe someday — but it is my understanding and I know that technology is improving and we are all becoming more aware, but maybe

there needs to be regulations about emissions. I heard a recent report about the negative impacts on communities where ATVs and snow machines are a primary mode of transportation for the people who live in those communities. There are actually negative health effects. That could be caused by the fact — I am not sure what they use now. I know that there are four-stroke engines and there are two-stroke engines. I know that the two-stroke engines create a lot more pollution and we all know about that. The government actually has incentives through its energy rebate program to invest in new four-stroke boat motors. So they recognize that there is an issue there and that it contributes to greenhouse gas emissions. So we can look at that.

The Yukon Fish and Wildlife Management Board also had its *20:20 Vision* background document. It could be helpful for those in the Department of Environment or work for the Yukon government or a First Nation government to know where the ATV trails are. So if you ask the government for the location of the motorized trails, the number of kilometers of such trails and any management area, right now they can't tell you, because the information is not being recorded. We don't need to go out and create a whole bunch of new trails if there are already trails there that have a negative impact.

So we don't know really what access to the back country is doing, how it's changing from one decade to the next and how fast and where wilderness habitats are shrinking. For instance, the document also looked at the case of the decline of the sheep population in the Miners Range. In 1978 to 1988, the kill rate was 2.6 rams per year. Between 1989 and 2007, it went up to 5.4 rams per year.

What changed was the first ATV made its appearance in the Miners Range in about 1989 and each year brought more ATV-borne sheep hunters. It increased the access, but it put pressure on that herd of sheep. In the 30 years this area has been monitored, this is what we have seen. It followed a familiar trajectory when those pressures were increased.

I, too, would like to move on and I just hope that in closing, we look at the safety issues, we look at the needs of those who use these off-road vehicles to make a living or as a way of life and that we grant them the respect and the use that they need, but that we also imposed appropriate restrictions for the safety of those that are riding them, for our young children. It seems more and more that we see them riding machines that are way too big and way too fast and it causes me a lot of concern. I don't want to spoil their fun either, but we need to include more education requirements and maybe some age restriction or supervision requirements.

Maybe we need to have designated off-road vehicle routes and the exclusion of off-road vehicles from sensitive habitats such as tundra, subalpine and wetlands. I have heard that complaint loud and clear. I am sure that the Member for Southern Lakes has heard that concern, too, about ATVs using wetlands or even the deserts.

Do we have a permitting system that permits only so many in a certain area at one time? These are all possibilities that this committee could look at. We could possibly restrict how an off-road vehicle may be operated in certain areas — for exam-

ple, during certain times of the day or certain seasons. If during a certain season an area is more sensitive due to wildlife activity in that area, maybe we should restrict the use of off-road vehicles during that period.

We could also look at — through fish and game regulations, I suppose — prohibiting hunting a specific distance from a road or a trail, and go back to the way that we used to do it. Some of us, I know, are getting older, and I see the benefit of using off-road vehicles, but there are restrictions around hunting using aircraft, for instance. There are time-restrictions around when you land and when you can hunt. So this isn't unheard of. I'm not saying which way it should be or which way it shouldn't be, I just think that these are things that need to be considered.

I've probably used up more time than I should have and I'd like to give others an opportunity to express their point of view. Thank you and I look forward to supporting the motion.

Hon. Mr. Lang: Speaking to Motion No. 834, of course I'm in favour of the motion, creating a committee on the safety, operation and use of off-road vehicles. We need to hear how Yukoners feel about off-road vehicle use and what measures this government should be considering. This government recognizes a potential risk involved with the use of off-road vehicles and we are committed to ensuring the safety of all Yukoners, by exploring options to reduce that risk. Off-road vehicles are used primarily for recreation in the territory; however, there are some Yukon communities that use them for transportation purposes. The government needs to find a way to balance the need for increased safety to reduce injuries and fatalities and the need for transportation with these particular vehicles.

According to the Whitehorse RCMP, Mr. Speaker, off-road vehicle accidents have resulted in one fatality and 25 bodily and property injuries as reported in 2008-09. These numbers do not reflect those incidents from preceding years. These injuries and fatalities are preventable.

Jurisdictions across the country are seeing similar results regarding use of off-road vehicles. Creating a local committee that will explore options and listen to the opinions and ideas of Yukoners regarding the use of off-road vehicles is a good way to approach this issue.

As the minister responsible for transportation and highway safety in Yukon, I believe we need to carefully examine all the options available to improve safety for off-road vehicle riders. We need to find a balance that improves safety for off-road vehicle users yet still allows the range of use currently enjoyed by all Yukoners. I would like to remind all Yukoners, before they head out on their off-road vehicles, to be aware of the following safety tips. Ensure that the vehicle you are using is an appropriate type and size for your age. Again, as we talk in the House today, we see many younger people driving these very powerful machines and they are not of an appropriate age to be in command of that size of a vehicle.

Follow the operating and safety instructions outlined in your manual. Do not drive while impaired in any way. An ATV is still a vehicle that should be treated as such.

I will conclude in stating that this government looks forward to working collaboratively with our stakeholders to increase safety for all Yukoners and off-road vehicle users.

Thank you, Mr. Speaker.

Mr. Mitchell: It's a pleasure to rise and speak to the motion of the Member for Klondike today. Time is brief, and I know that other members want to speak, and we want to get to a vote. I do appreciate the issues that the Member for Porter Creek South brought forward, particularly with working cooperatively with the City of Whitehorse so that we don't have bylaws that conflict with each other. I think it boils down to a communications issue, that we make sure that we don't make extra work for other jurisdictions, for municipalities, as we change the laws, and the consultation should provide time to arrange for that.

The Member for Mount Lorne has touched on a number of safety issues, from mandatory helmet use to age restrictions, or possible age restrictions, and impact on wildlife. I would also add on the terrain, because I know that even on the walking trails behind where I live in the City of Whitehorse, it's quite noticeable how much the terrain gets chewed up by repetitive use on trails of all-terrain vehicles.

It's probably appropriate that this issue does go through a select committee because, unlike the *Landlord and Tenant Act*, where I think that there's largely agreement across jurisdictions on the sorts of principles that should be in a good, modern *Landlord and Tenant Act*, this is an issue where many Yukoners may disagree; it will be seen as controversial in many areas.

I know in rural Yukon that ATVs, four-wheelers, and snow machines are not just recreational vehicles — they're working vehicles. In fact, in Old Crow — probably every member here has been to Old Crow more than once — four-wheelers and snow machines outnumber trucks or any other form of vehicle. They're the main form of transportation. They're your taxi from the airport to the rest of the town or the school.

The impact of this kind of legislation could be very different in Old Crow on how it will impact on the daily working life of the residents than perhaps in the City of Whitehorse. I agree with the Member for McIntyre-Takhini. The machines have become far more powerful and he made reference to a one-cylinder skidoo back in Atlin — I think I might have bought that machine, used, back in 1971 because I can remember having to virtually chase it up a hill, get off it and help push because it didn't have the power to get up where I was going. They have become a lot more powerful. Some of the sleds that go by now on the trails have more horsepower than the cars I used to drive back in the 1960s. I've been passed, not only by 10- and 12-year-olds, but by eight-year-olds on four-wheelers, on motorized trail bikes, and on snow machines. One has to wonder about the judgement of an eight- or 10-year-old, in terms of their own safety, as well as in terms of the safety of other people who are sharing the trails.

So I think there is a lot to consider here, and I think that the prime consideration, as the motion lays out in its first paragraph, is about the safe operation and use of off-road vehicles.

Anything we can do toward improving safety is something I can support and I believe our caucus can support.

We've seen some tragedies. We've all known some of the people who have been involved. They tend to be young people, and that may speak to inexperience or lack of judgement. We don't know which, but it is a tragedy. I witnessed a near-accident years ago, where a 10- or 11-year-old came roaring out of a ditch and ran right into the front wheel of a pickup truck that was on the highway. If that sled had gotten on the highway a millisecond earlier, it would have been in front of the wheel and there would have been either serious injury or death. It was amazing to see that sled bounce off the wheel — the child was unhurt but not because of responsible riding but rather just because God was smiling that day.

This is something that we should be doing. It is going to probably involve a lot of compromise between the interests of people who not only want to use these vehicles as recreational vehicles but who see them as working tools, and the safety of the general public. I look forward to seeing the outcome of this.

I would say that I am a little confused as to how these different motions come forward because I noticed that the previous motion established a select committee that didn't include the Independent member. This is a select committee that does include the Independent member and I just wonder if the Independent member gets to have input into how these are drafted or if it is just the nature of the motions. In any case, I am sure the Independent member appreciates being included in this one.

I know that other members want to talk and that we need to get to a vote so I will leave it at that other than to say that, if we do our jobs right, we should save lives.

Mr. Cathers: I thank the members who have spoken on this today and I thank the Member for Klondike for including me in this motion on the proposed select committee. I rise today to support this motion with some reservations. I am somewhat concerned that it appears that a number of members were making a case for improving safety and putting in place new restrictions, new regulations, new requirements — when in fact another question I have in my mind is about the appropriateness and the timeliness of this. We have a *Motor Vehicles Act* amendment before this House, which provides municipalities with new tools for regulating use of off-road vehicles within municipalities. That is in fact, in my opinion, where the greatest issues exist — the greatest risks to safety, the greatest conflicts occur.

I am somewhat concerned with this — it needs to be kept in mind that there is a balance in these issues. Safety is important, but regulations and laws can go too far in restricting personal freedoms. As a number of members have mentioned and noted, there are a number of people in the Yukon who use snow machines and ATVs as a way of life. There are people who use them for parts of their transportation. They use them for hunting and for subsistence. People, including my own family, use them as working machines on a daily basis for everything from hauling supplies up to the boat to working around the yard in an area where the chances of running into other vehicles or other people is very limited. There are many other

families in the Yukon that — or, I shouldn't say many — but there are a number of other families in the Yukon that either live out in the bush, or spend a significant amount of time out at a cabin or a camp, and again are in a situation where they are not personally in that much contact with other citizens.

Since other members have spoken to the need for new regulations and improving safety in large part, I will briefly make the case for the contrary perspective, while emphasizing that there is certainly a need for appropriate consideration of where the balance lies between where your personal rights stop and someone else's begin. The conflict, the risk and the need for consideration of regulation primarily exists, in my opinion, where there are mass users — where there are frequent opportunities for interaction and for conflict.

The amendment to the *Motor Vehicles Act* to permit municipalities to put in place bylaws to do so is a very well-timed and appropriate tool for reducing the problem where the risks are greatest.

Another concern that I have in my reservations in supporting this motion is that it seems, as has been articulated by a number of members today in this House, that safety is the compelling argument in debate in the Legislative Assembly when it comes to the issue of personal freedoms versus safety. Again, from my perspective, an appropriate balance is necessary. There is a line between our freedom and where government needs to put in place appropriate and sensible regulations. A select committee, if this matter is going to be considered, is a good tool for dealing with this. It provides Yukoners with the opportunity to provide input on a very important matter and one that opinions are very divided on.

The question, as I said, is where the line between personal responsibility and government regulation appropriately lies. Personal safety, when driving off-road vehicles, whether snow machines or ATVs, requires a personal commitment to not driving dangerously. It requires a personal understanding of the capabilities of the machine that you are driving, the level of its power and how it handles. When it comes to the suggestion that some make that we should have helmet laws and that perhaps we should make that mandatory, I would, in that case, argue the consideration to the contrary view — not argue against helmet use, but the fact, as I have said before, that the use of a helmet is an important factor in improving your safety, but it is not nearly as important as common sense. There are many, many ways to kill or injure yourself or others while driving an off-road vehicle, even if you are wearing a helmet.

But, Mr. Speaker, again I emphasize I think that providing Yukoners opportunity for input on this has value. As I said, I will pose the contrary view, because it seems that most have spoken in favour of improving safety, which seems to mean that they have in their minds it is an almost foregone conclusion that new rules are needed. Common sense cannot be replaced when driving a vehicle, particularly when driving over rough terrain and using snow machines. So many Yukoners use them up in the mountains where they have typically the common passion for large machines and for using them at high altitudes.

One of the greatest risks when Yukoners go up to the White Pass or the Haines summit or to other mountains is when people get into situations where they are consuming alcohol, perhaps getting into a situation of trying to — particularly young men — prove their manliness by high-marking on summits. Actually, that also applies to older men and to some women, but I think it's more a problem that the male gender is afflicted with in that situation.

Those are areas where people are pushing the stupid line. They're going higher than they should. I have gone up to the White Pass myself on a number of occasions, enjoyed riding up there and was fairly cautious in doing so. But I've gotten to the point of coming down mountains where you didn't quite realize how fast you'd be going by the time you came to the bottom, after you turn around. I recall one situation where, having gone only partway up the mountain, by the time I got to the bottom, every time I let the brake off — and I was alternating between squeezing it and letting it off, because if I locked it up, I slipped sideways and would have rolled. As soon as I let that brake off, the needle was jumping up to 80 miles an hour. That was a situation I wasn't comfortable with — I didn't do it again.

In that situation my point is that you get a number of people getting into a situation where no amount of regulation is going to avoid them putting themselves in a situation where they're risking themselves. Those who choose to exercise some degree of caution in that area and realize when they have perhaps pushed it too far will hopefully make the smart decision the next time after they made the risky decision the first time. A helmet will not save you in all situations or in a great many of the situations where you can kill or injure yourself or others if you're driving an ATV or a snow machine like an idiot.

I will wrap up here fairly quickly in the interest of time — I know there are others who wish to speak — but I would point out there are other citizens, among them seniors and elders, who've been using snow machines or four-wheelers for a great many years for hunting, for transportation, et cetera, some of whom would be very difficult to ever convince to wear a helmet, even after someone handed them a ticket for not doing so. It's a concern for people who have glasses. Some people who wear glasses cannot wear contact lenses and anyone who has ever been out at minus 40 degrees, trying to wear a helmet, realizes that you are not going to be able to keep your glasses clear at minus 40 under a helmet. They would, in fact, be at increased risk from wearing that helmet versus not doing so. So again, stepping too far and getting to prescriptive may increase the risk for Yukon citizens and it certainly deprives them of that personal choice.

The risks that occur like drinking while driving, driving at excessive speeds around other potential users, meeting people on trails, are all things that no amount of regulations will fix. That being said, Mr. Speaker, in the interest of time, I will note that I support this motion with a great deal of reservation. A number of members may have it in their heads that we need to do something to fix a problem and that in fact we may be using a tool of excessive regulation that may make members feel

good but will not address the root cause of the problem. There is no substitute for common sense.

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

Mr. Fairclough: I would like to also respond to this motion.

I think that the smaller communities around the territory have a lot of use for off-road vehicles. The whole issue of safety has been brought to our attention so many times. In my community, I've had one young person pass away as a result of an accident with a four-wheeler. So many people have talked about how to operate these vehicles in a safer manner. Some of them are just dangerous to operate. Like the previous speaker said, it is common sense that will prevail in the end.

When it comes to things like operating a motorized boat in the territory, come springtime and you want to jump and take your boat out on the lake and use it, you cannot operate the boat unless you have taken a course, and actually have a boat operator's licence.

Some Hon. Member: (Inaudible)

Mr. Fairclough: I haven't taken the course yet, so I can't operate a boat. A lot of it is common sense.

When I have talked about these issues to some of the First Nations — for example, in the lands department and even within government — many, if not all, of their employees should be taking this course. Some of them are mandatory safety courses, whether it is operating a four-wheeler or a snow machine. It's amazing. These are courses that I have not taken, but those who have taken them know how to get their snow machines unstuck better than they did before and just know how to operate, lean and move, and avoid getting into trouble or into tight situations. It's not a mandatory thing right now, even through the departments, but it could be made that way. A select committee could go out and look at how to best do this. I hear the arguments from the Independent member and others. The whole issue with the select committee is about safety.

That's the way we in this Legislature should be pushing this and not having to impede on people's lifestyles, aboriginal rights, or our common use of the land that we have today. More and more people are buying machines. I mean, there are pretty good sales here in the territory. A lot of snowmobiles are being sold. A lot more powerful machines are being used.

I rent a house on 12th Avenue here in Whitehorse, and I can see a lot of, I would say, abuse to ATVs — the speed, where they drive their machines. I even saw one that kind of shocked me because it's one that I think could have been on a videotape. As I was going through Rabbit's Foot Canyon, the big hill there on the right as you go north, kids were going up with these snow machines and, coming down, one of them went out of control and started to roll. The kids jumped out of the way just in time and his machine rolled and rolled and rolled all the way down the hill. It was amazing that nobody got hurt there.

To take a course that would look at the safe use of snow machines by all family members, including those who have

been operating them — trappers and so on — for many years could be useful. It is not just about the machines itself. I mean, the safety issue — when you take a snow machine out into the wilderness, it is things like, what do you do when the machine breaks down and you need to survive? A lot of it is survival skills too. It is still amazing how many people are out there who just don't have these skills. A select committee is going to be formed here and we are going to vote on it and pass it. I hope that they take into consideration the lifestyle of Yukoners seriously and that people are still able to operate off-road equipment without some rules and laws that would otherwise prohibit them to do so.

With that, Mr. Speaker, my community of Carmacks has tried to address this problem locally. It's a small community with many snow machines and four-wheelers still run on the roads — I'm going to finish up so that we can vote on this — and it's common that they operate on our community roads. As a matter of fact, there are roads that are not maintained around the community, so in the wintertime it is fun to be out on these roads that you don't need to break trail on. It stays off people's traplines and the Quest trail and so on.

A select committee will be formed here and we're going to be looking at the safety aspect of this. I give it a lot of caution like the previous speaker to this motion. I hope that much time is spent on this. I realize that it is not time-sensitive like the previous motion that we had on the floor here; it talks about bringing back legislation in the fall. That's fine. That's when they should be brought forward anyway.

I hope that the Legislative Assembly Office and the aides can handle all these select committees. Perhaps, Mr. Speaker, we might be seeing another 10 of them formed here, and that'll keep people busy here, maybe working some overtime and putting in the time that's needed. I wish them luck in this, because it seems like that's the road we go down. Normally, this could be done in a different fashion. In the spirit of cooperating with one another, if we brought forward amendments to this motion, they're just not going to be agreed to by members on the floor here.

It's getting close to that time, isn't it, Mr. Speaker? I'll sit down. We'll vote on this, and I just throw that caution out like other members have. Thanks.

Speaker: Are you prepared for the question? Are you agreed?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Hart: Agree.

Hon. Mr. Kenyon: Agree.

Hon. Mr. Rouble: Agree.

Hon. Mr. Lang: Agree.

Hon. Ms. Horne: Agree.

Mr. Edzerza: Agree.

Mr. Nordick: Agree.

Mr. Mitchell: Agree.

Mr. McRobb: Agree.

Mr. Elias: Agree.

Mr. Fairclough: Agree.

Mr. Inverarity: Agree.

Mr. Cardiff: Agree.

Mr. Cathers: Agree.

Clerk: Mr. Speaker, the results are 16 yea, nil nay.

Speaker: The yeas have it. I declare the motion carried.

Motion No. 834 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. tomorrow.

The House adjourned at 5:26 p.m.