

Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, May 12, 2010 — 1:00 p.m.

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

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In remembrance of Marjorie Fisher

Hon. Ms. Horne: Mr. Speaker, I would like all members to recognize Mickey Fisher and his daughters who are in the House. I have a tribute to wife and mother, Marjorie Alvina Fisher.

On behalf of all members, I rise to pay tribute to Marjorie Alvina Fisher, the mother of Adrian and Lila, grandmother of Jamie and Jacob, and the wife of Mickey, who is well known to this Assembly, having served as the MLA for Lake Laberge from 1992 to 1996. I am pleased that the family is able to join us today in the gallery.

I would like you to join me in welcoming husband Mickey Fisher, daughters Adrian Fisher and Lila Nichol and Marjorie's good friend, Dinah Laing.

Applause

Hon. Ms. Horne: Marjorie Alvina Cole was born in Bella Coola, British Columbia, to Johnny and Lina Cole. She was the second youngest of 10 children: Phyllis, Annie, Violet, Marshall, Edith, Hazel, Jim, Pat, Marjorie and Al. Marjorie was raised and spent her school years in Bella Coola with her family. Fortunately for us, in 1961, Marjorie came to Watson Lake to visit her sister Hazel and remained to work at the Cedar Lodge Café.

Marjorie married Mickey Fisher on June 27, 1964 at the age of 21 in Watson Lake, where they made their home and raised their daughters.

In 1973, daughter Adrian arrived and in 1974, daughter Lila was born. Marjorie called both girls by one name: Adrilila and thus bypassed that thing that the other parents do — calling the wrong name for the child she wanted to come.

Marjorie worked in the local daycare in Watson Lake when the girls were small and then went on to become a teacher's assistant at the girls' school at K.D. Johnson Elementary as the girls grew older. Marjorie also drove a cab for Mickey's taxi company, Bell Cabs, for four years.

Marjorie was an avid sportsperson. She enjoyed basketball and softball and was a regular at the local and various community curling rinks throughout Yukon in winter.

Marjorie loved snowmobiling and got her first machine in 1969 and continued snowmobiling all her life. In 1983, the Fisher family moved from Watson Lake to Whitehorse.

Marjorie was requested by the Board of Education to continue her work as a teaching assistant. She complied.

In 1986, they moved to the Hot Springs Road, where they market-gardened and grew about 17 different varieties of vegetables on two acres.

In 2002, Mickey and Marjorie relocated to Stewart, B.C., where they lived for five years. While living in Stewart, Marjorie, with her love of sports, played badminton.

In 2007, Mickey and Marjorie decided to leave Stewart, return to the Yukon and make Faro their home. Marjorie joined the carpet bowling group and, if not at home, you would find her on her four-wheeler or snowmobiling with their dog, Einstein. A lifelong sports enthusiast and an avid outdoorswoman, Marjorie never missed an opportunity to be out camping, fishing, canoeing with her daughters, Adrian and Lila, or just relaxing at one of her favourite spots, such as Meister Lake.

One year, Marjorie and her daughter, Lila, walked the Chilkoot Pass, which is a task not for the faint of heart. Marjorie was a very private person who liked to read and crochet, but also enjoyed card games, such as Hearts and Rumoli, and was a top-notch Pictionary player and a maestro of Scrabble. She sure could think outside the box.

Marjorie was a charming and calm human being. She was quiet and steadfast, smart as a whip, funny and clever. Marjorie was always ready to listen and chances are that when you and Marjorie were talking, it was inevitably always about you, never about her. By being a steadfast friend, Marjorie made many, many good and lifelong friends wherever she lived — Bella Coola, Watson Lake, Whitehorse, Stewart, Faro and indeed throughout the Yukon.

Always up for good times with close friends and family, she had a great sense of humour, as I am sure anyone who met her will attest to. Her winning smile will be missed. She played the piano, loved to dance and was a dedicated rock and roll fan, and in particular an Elvis Presley fan. She loved her grandchildren, Jamie and Jacob, and they in turn adored their beloved grandmother. Marjorie's ashes will be scattered privately by her family at her parent's gravesite in Bella Coola and on the Little River, Yukon at a later date. Little River Roadhouse is along the old Dawson Trail between Whitehorse and Braeburn. This was a favourite snowmobiling destination.

Margorie will surely be missed. God gives us love, something to love he lends us. He lent us Marjorie Alvina Fisher to love.

[Tlingit spoken]

Rest well, Marjorie.

Thank you.

In recognition of Police Week

Hon. Ms. Horne: I rise today on behalf of all members to pay tribute to Police Week in Canada. This year, Canadians will honour those who serve and protect the community by celebrating Police Week from May 9 to 15. Police Week is dedicated to increasing community awareness and recognition of policing services while strengthening police community ties. Police Week is governed by four specific objectives: to act as a vehicle in which to reinforce ties with the community; to honour police officers for the public safety and security they pro-

vide to their communities; to promote the work police do in their communities; and to inform the community about the police role in public safety and security.

Recent events have challenged public confidence in the RCMP. These events should not detract from the positive contribution made by members of M Division, who work diligently and put themselves in harm's way to keep our communities in Yukon safe.

In looking over the honour roll of officers who have given their life in the line of duty, I was reminded of the officers who have died on duty in Yukon. I deeply appreciate those who are willing to serve and protect. The RCMP have a long, rich and proud history in Yukon. From the days of the gold rush until today, the RCMP have served our territory and our communities well.

The Government of Yukon will continue to support the RCMP in their efforts to make our communities, neighbourhoods and homes safe and healthy. Günilschish.

Speaker: Any further tributes?
Introduction of visitors?
Returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Lang: I have for tabling the Fleet Vehicle Agency business plan for 2010-11.

I also have for tabling the Queen's Printer Agency business plan for the year 2010-11.

Speaker: Any further documents for tabling?
Any reports of committees?
Are there any petitions?
Are there any bills to be introduced?
Any notices of motion?
Is there a statement by a minister?
This then brings us to Question Period.

QUESTION PERIOD

Question re: Yukon Energy Corporation/ATCO

Mr. McRobb: Mr. Speaker, the Premier continues to deny that he tried to sell out Yukon's energy future despite the overwhelming evidence to the contrary. The hard evidence speaks for itself: government records detailing his calls and meetings with ATCO and confidential papers outlining his specific negotiations with ATCO. If that weren't enough, there is even a letter from the Premier to ATCO's president thanking her for entering into negotiations.

The evidence is clear and the Premier's denials don't stand up. But there is more. He still hasn't tabled the confidential documents promised to us last fall. When will he be tabling these documents or will he continue to hide them?

Hon. Mr. Fentie: Mr. Speaker, I think what is really hard is the Member for Kluane's ability to actually understand the facts, evidence and information that is put before him. The member says that there were secret negotiations. Witnesses before this House refuted that and pointed out to the member opposite that there were some discussions going on with

ATCO. The member continues to refer to a secret. Witnesses before this House informed the member opposite that, in fact, the Yukon Energy Corporation was in receipt of a proposal that was presented by ATCO — probably a very similar proposal to the one the Northwest Territories received.

Mr. Speaker, the list goes on. The member himself tabled evidence. Contrary to the claim that the Member for Kluane is making that we were selling assets, the very documents tabled by the member opposite refute that claim and show clearly that the government was not selling any assets. What is really hard, Mr. Speaker, is the Member for Kluane and his Liberal colleagues' ability to grasp the facts.

Mr. McRobb: Mr. Speaker, the witnesses confirmed the facts. Yukoners have lost trust in this Premier and this government because they continue to deny the facts.

Everyone else is wrong and only the Yukon Party is right. He said the four YEC board members were wrong. They resigned in protest over his attempts to privatize Yukon Energy, yet this government remains locked in hard denial. He said the former EMR minister, the Premier's ex-right-hand man, was wrong. He outed the Premier's secret plans and crossed the floor, yet this government remains locked in hard denial.

Extensive internal documents prove his involvement in negotiations with ATCO, yet those too are wrong because this government is locked in hard denial. Will the Premier now do the right thing and call for a public inquiry?

Hon. Mr. Fentie: Public inquiries are an instrument of great significance and importance when they are required, but for this type of — it's hard to put a name to this because there would be an issue of Standing Orders, but I think I've been pretty clear in what this is really all about and it does not serve the level of this institution; therefore, there's no reason to call a public inquiry.

But the members opposite have every opportunity to further review this issue. Their very own leader, the Liberal leader, is the chair of the Public Accounts Committee. They should just go to work.

Mr. McRobb: It's a sad state of affairs to again witness this government's continued denial of the facts, refusal to table documents, refusal to honour the principle of complete disclosure, and refusal to call for a public inquiry. This Yukon Party government is allowing itself to run and hide from the truth, and this should not be tolerated in our supposedly open and accountable democracy. The Premier continues to deny the meeting records, the letters to ATCO, the joint position paper, the reason for why half the Yukon Energy Corporation Board resigned and statements from his own ex-right-hand man.

It's time for an independent public inquiry to finally get to the bottom of this whole mess. Will the Premier at least tell us why he won't call a public inquiry?

Hon. Mr. Fentie: Well, the short answer, Mr. Speaker — and it is really quite simple — there's no reason to. In fact, the government's not running from anything. The government has been very active in its role and responsibilities when it comes to energy, and that includes investing in energy infrastructure; meeting the supply and demands of the Yukon Territory; meeting the fact that we are growing and challenged to

ensure that we have reliable, affordable electricity for the rate-payer and the consumer; adding large industrial customers to the grid; partnering with governments like Canada to invest millions of dollars in more infrastructure; and partnering with the private sector, such as a mining company, to invest millions further into infrastructure.

The real sad thing here is that the Liberals are against all those things of great value to the Yukon and the Yukon public, but that's their problem. Maybe they should call an inquiry on themselves.

Question re: Yukon Energy Corporation/ATCO

Mr. McRobb: Mr. Speaker, the Premier could be caught red-handed loading turbines in the back of his truck and heading to Alberta, yet he would still deny trying to privatize our energy future.

Let's examine the hard evidence so far. On November 7, 2008, the Premier wrote to the president of ATCO. He thanked her for meeting with him to start privatization negotiations. His letter said that the Yukon Party caucus has given its "full approval" to proceed. He said that the government would work quickly to resolve internal roadblocks to selling off Yukon Energy, and he laid out a workplan to consider new ownership options.

Despite all this, the government is still locked in hard denial. Is not his letter thanking the ATCO president for negotiating with him hard enough evidence?

Hon. Mr. Fentie: The member's interpretation of the letter is really quite interesting, Mr. Speaker, and I challenge the member to show anybody in this territory where in that letter it in fact says what the Member for Kluane claims.

You know, this could be a lot easier for the Member for Kluane. Stand outside and formally accuse me of being a liar and contravening government policy in this territory about privatizing the Energy Corporation and then he'll get his inquiry. Show a little intestinal fortitude. Don't hide in here behind the immunity of this institution. Be a man. Go show the Yukon public that he actually has some evidence.

Speaker's statement

Speaker: Honourable members, before the Hon. Member for Kluane starts again here, it's perfectly acceptable to question the policies of either side. The representations, however, are starting to get personal. Honourable members, keep that under control. Member for Kluane, you have the floor.

Mr. McRobb: Thank you, Mr. Speaker. The Premier proudly declared his Yukon Party caucus supported his negotiations to privatize our energy future. This is hard evidence that proves he wasn't alone in his privatization plans.

It proves that every single member of his caucus knew about the negotiations and approved of those negotiations. They're all in it together. The Premier told the ATCO president that he had discussed the negotiations with, quote: "the Government of Yukon caucus and have full approval to proceed." He closed by saying, "I look forward to future discussions and the implementations of a new corporate entity."

The entire Yukon Party caucus was in this with him. Will the Premier tell Yukoners what he told Albertans — that his entire caucus was in this with him?

Hon. Mr. Fentie: Once again, it is a fruitless exercise to explain to the member opposite what actually was in a letter he seems to not be able to decipher. But let's go further.

Yeah, the whole Yukon Party government caucus and government, as a team in general, is in all this together. It is investing millions of dollars in Yukon's energy infrastructure. The Member for Kluane and the Liberals take issue with that.

The member has referred to openness and transparency. Well, the members have taken issue recently with appointments to the Yukon Energy Corporation after witnesses from the corporation came before a select committee of this House, presented evidence and information on a totally independent, open and transparent process to choose those individuals.

The Member for Kluane is in hard denial himself, not the government side. The government is doing its job. It's too bad the Liberal caucus can't seem to do theirs.

Mr. McRobb: Well, Mr. Speaker, it sounds like the Premier is confused. The only witnesses before this House confirmed that his secret negotiations went far beyond rationalization. Now, what we have confirmed today is that the entire Yukon Party caucus knew and authorized these negotiations and they are all in it together. His caucus colleagues were there when he started negotiations, they were there when he continued negotiations, and when the scandal was finally exposed, they were there with him when he denied those negotiations. They're all in it together and together they have lost the public's trust. What's the Premier afraid of?

Some Hon. Member: (Inaudible)

Point of order

Speaker: On a point of order, Minister of Justice.

Hon. Ms. Horne: Standing Order 19 (c): persists in needless repetition; (g): imputes false, unavowed motives to another member; (h): uttering a deliberate falsehood; (i): abusive, insulting language in a context likely to create disorder.

Speaker: On the point of order, does anybody else want in on this?

Speaker's ruling

Speaker: There is no point of order; it's simply a dispute among members.

Mr. McRobb: Mr. Speaker, what's the Premier —

Some Hon. Member: (Inaudible)

Speaker's statement

Speaker: Order. Sit down, please. A point of order is never disruptive in this Legislative Assembly. Every member has the right to stand up on a point of order, regardless of whether the Chair decides it is or isn't a point of order. Every member has that right, sir — every member.

Member for Kluane, you have the floor.

Mr. McRobb: What's the Premier afraid of? Why won't he finally clear the air and call for a public inquiry?

Hon. Mr. Fentie: I think the government side has demonstrated on a continuing basis that they're not afraid of anything when it comes to living up to our obligations to the Yukon public and to leading this territory into a better and brighter future. That's much of what we've accomplished over the last number of years as a government.

I think what the Member for Kluane is confused about and struggling with is the fear that the Member for Kluane and the Liberals have about actually going out and formally making some sort of accusation where they can actually present their evidence and those being accused can defend themselves accordingly.

The members opposite fear that because they fear the facts.

Question re: Kinship care

Mr. Cardiff: Mr. Speaker, positive ties with family members are a greater force for good than any other element in a child's life. Knowing this, dozens of grandparents and extended family members throughout the Yukon are caring for children who would otherwise be in foster care.

A year and a half ago the minister received a report researching the situation of kinship care in the Yukon. The report from the Little Salmon Carmacks First Nation and the Grandparents' Rights Association of Yukon contained 12 recommendations for public policy. Meetings were held separately with the Minister of Health and Social Services and department officials by a group of grandparents in conjunction with the report and ongoing concerns. Will the Minister of Health and Social Services tell the House how many of the report's recommendations have been acted on and which ones will be considered in the future?

Hon. Mr. Hart: Yes, we did meet with the group. We did review the report that was provided with regard to this situation in the Yukon. Also, we recently passed the *Child and Family Services Act* here in the Yukon. It was proclaimed just recently on April 30. We are implementing that new act here in the Yukon.

Many of the recommendations, in some form or another, that were provided by the study are being implemented in the *Child and Family Services Act* and can be covered under the extended family process and provide protection for the children through the extended family process. We are looking very strongly at providing and ensuring that the children of those families stay within the families — especially from the cultural aspect — and that is one of the key focuses of the new *Child and Family Services Act*.

Mr. Cardiff: Many kinship caregivers do not want to become formal foster homes, because that would require the children to be in the care and custody of the government with social workers making important decisions for their family members. Caregivers point out that they are saving the government millions of dollars in foster home payments, which would have to be paid if they became foster homes.

One of the social policy recommendations in the report given to the minister was to establish a special category of alternative care for extended families, other than formal foster care. It would be without regard to custody and would allow for financial, social, training and counselling supports similar to

those offered in foster homes. This has been done in other jurisdictions with positive results.

Will the minister set up a special category of alternative care for kinship givers?

Hon. Mr. Hart: I thank the member opposite for the question. We did meet with these individuals. We have had discussions with them. We have looked at their recommendations. We feel that many of the recommendations can be afforded through the new *Child and Family Services Act*. There are some of the recommendations that are not going to be addressed under the new *Child and Family Services Act*. There are many reasons why we can't move forward with some of those issues.

So, in the meantime, we are looking at some of the other recommendations that are put forth in the study to see if in fact there is some value that we can put under the *Child and Family Services Act* to assist the grandparents.

The big issue for us is to ensure that extended family is included, which it is under the new *Child and Family Services Act*. It allows for children of the family to stay within that family. If the parents are not capable of providing that assistance, then the grandparents can and, in many cases, do provide assistance in that process.

We are looking at ways in which we can help those grandparents in providing respite care. We're also looking at other venues in which —

Speaker: Thank you. Final supplementary, please.

Mr. Cardiff: The new *Child and Family Services Act* allows for agreements with kinship caregivers for financial and other services to support their caretaking. It sounds good on the surface but the agreements are for children who, without the service outlined in the agreement, would be in need of protection. Many of the children were in need of protection before being placed with their kin. In most cases, that's why they were placed away from their parents. Now they are being cared for adequately and are not in need of protection. The result is no agreement, no assistance to the kinship caregivers. Basically they're being penalized for doing such a good job.

Will the minister reconsider this inflexible policy and give real support to deserving kinship caregivers who are caring for children who would otherwise be the responsibility of the minister's department?

Hon. Mr. Hart: We on the government side, as well as our department officials, are working with all individuals dealing with the care of their children — foster parents through our programming, through the parents, the grandparents who are looking after those individuals. We are looking at assisting and providing that assistance to all those individuals to ensure the care of the child is being looked after. That is our focus and that is what we are looking at. That is the reason why, Mr. Speaker, for the first time in 20 years we increased the rate for foster parents. It was this government that did that and it was this government that provided that process.

Question re: Deep Creek infrastructure

Mr. Cathers: I have some questions about infrastructure in the community of Deep Creek. I will begin by following up with the Minister of Community Services about the project

to develop water treatment infrastructure in Deep Creek. Possibilities that have been considered in the past include a community fill point, a refill station for fire trucks and, of course, public use. Money is in this year's budget for the project but the details of what that project is going to entail have yet to be made clear. Is the minister able today to provide me details on what this project entails?

Hon. Mr. Lang: There is an investment that is going to be put toward a new well on Deep Creek. I know the figure is roughly \$1.5 million, so there is an investment going there. As far as what it's going to service and whether it is going to be a bulk situation or otherwise, I couldn't address that today but I could get back to him with an overview communication to tell him exactly what investment that will involve.

Mr. Cathers: Another infrastructure issue in Deep Creek involves safety at the corner near the bridge across Deep Creek. As the minister knows, this bridge is on the Deep Creek south road. Immediately south of the bridge, there's a sharp curve where there have been at least two accidents in recent years due to vehicles flying off the corner.

I personally went to the scene of an accident there last fall, where a truck had flipped over onto its roof due to excessive speed around the corner.

Will the minister agree to have Highways and Public Works staff take a look at this corner and consider whether a guardrail or some other measure would be appropriate to improve safety at the corner, and will he commit following up with me in a letter about the results of that review?

Hon. Mr. Lang: The Department of Highways and Public Works will certainly be looking at that to do an assessment on exactly what the member has brought to the floor here today.

Mr. Cathers: I thank the minister for that answer. Another issue in that community is the Deep Creek dump. Last year, the Department of Community Services implemented hours of operation and a locked gate at the Deep Creek dump to address some of the problems that had been occurring before. It has indeed reduced problems that were occurring, including heavy commercial dumping and unauthorized burning at this facility.

The new operational arrangement is a big improvement over what was happening a year ago, and I appreciate the steps the minister and staff at Community Services have taken in that area.

My question for the minister today is whether the department has any plans to make changes this year in how the facility is being run, such as changes to hours of operation, addition of new recycling facilities, et cetera, or whether it will be continuing in the same manner as it has been.

Hon. Mr. Lang: Mr. Speaker, the transfer station is being looked at. We are ordering bins for the Deep Creek transfer station to improve recycling opportunities at that facility. As well, we are working on other upgrades. Improving signage, establishing facilities to safely manage household hazardous waste and upgrading the free store are being considered as part of these improvements. In other words, we are moving on with our solid-waste action plan, and those are all part of the in-

vestment this government is going to be putting into that facility.

Question re: Auditor General report

Mr. Mitchell: Mr. Speaker, Yukoners know the Premier doesn't think much of the Auditor General. That is a matter of public record. He has referred to her reports as "just her opinion"; however, Yukoners are quite interested in what she has to say about the state of the Yukon's books and about the spending decisions this government makes.

Each year the Auditor General of Canada signs off on the government's books. She provides a letter saying whether she is satisfied with the books or not.

That letter is supposed to be in the Premier's hands by October 31 of each year. This past October came and went and the letter never arrived. The Auditor General refused to sign off. This is very unusual. Either the Auditor General says the books are okay or she says they are not.

Has the Finance minister received this letter yet and are last year's books signed off?

Hon. Mr. Fentie: The Leader of the Liberal Party knows exactly what he's referring to. The Yukon Housing Corporation was late in its presentation of its books. Therefore, the Auditor General could not complete that particular aspect of our consolidated statements. But as the member likes to refer to the Auditor General, the Auditor General has also been very clear that all other matters of the government have been duly assessed.

I can tell the member opposite that the Auditor General is, at this time, pleased with the progress being made. The Department of Finance has assisted the Yukon Housing Corporation over the last number of months and we have no reason to be concerned whatsoever. When it comes to the Yukon government's books, as the Auditor General has pointed out on many occasions, they are in good shape.

Mr. Mitchell: Well, Mr. Speaker, in the absence of the letter, all we have is the Finance minister's opinion.

Last December, the Minister of Finance hosted a meeting with finance ministers from across Canada. As the host of this meeting, the Premier was the only one at the table who had the dubious honour of not having his financial statements for the last year approved by the Auditor General of Canada or a provincial Auditor General. Despite promises from the Premier on numerous occasions that this issue would be resolved and resolved before the end of last fall's sitting, it was not. The Auditor General won't sign off on the books and the Premier has not provided a good explanation for why this is the case.

Mr. Speaker, we know the Auditor General has had harsh criticism for this government over its poor handling of financial matters. We also know the Premier can't get last year's books signed off. Can the Finance minister tell Yukoners when he expects to receive a thumbs-up or thumbs-down on last year's books?

Hon. Mr. Fentie: Well, speaking of thumbs-down, it is thumbs-down to the Liberal leader's inferences. Mr. Speaker, I've just articulated to the member opposite, the Leader of the Liberal Party, and his colleagues that the Auditor General has assessed all the other matters of the Yukon government's

books. I've explained to the member the issue has to do with Yukon Housing Corporation and that progress has been made in that area. The Department of Finance officials have been assisting the Yukon Housing Corporation on matters that have been delinquent in providing information to the Auditor General.

This is all being done, Mr. Speaker. As I said, the government and the Auditor General have no reason to be concerned about the Yukon government's books — in fact, quite the contrary; they are in very good shape — a lot better than they used to be under the former Liberal government's financial mismanagement.

Mr. Mitchell: Each year the Auditor General looks at the books and gives the government a passing grade or a failing grade. So far she has given this government an "incomplete". When the public accounts were presented in this House last fall, a page was missing — probably the most important page, the one where the Auditor General says "thumbs-up" or "thumbs-down". We are almost seven months past the deadline, and there has been no mention of when we're going to get this letter from the Premier — just more excuses. It is about accountability, transparency and being open with the public. These are all things the government says it values, but it has a hard time backing them up. We know the government has resorted to shuffling construction projects off the main books in order to keep them in the black. When is the Auditor General going to sign off on last year's books?

Hon. Mr. Fentie: Here we go. The Member for Kluane is taking issue with the government for not being factual and, as always, the government has demonstrated, with a litany of examples, how factual, open and transparent the government is. In explaining this very issue to the Leader of the Liberal Party, he now claims that to be an excuse.

Well, Mr. Speaker, thumbs-down once again on the Leader of the Liberal Party, who can't even figure out what the Auditor General has actually said when it comes to the public accounts tabled in this House. Let me repeat: all other financial matters of the Yukon government have been addressed and duly noted, save and except the Yukon Housing Corporation's issue of being late with their year-ends. Progress is being made on that, Mr. Speaker. The Department of Finance has provided a great deal of assistance over the last number of months to deal with the issue, and the Auditor General and the Yukon government have no reason to be concerned. All matters are being dealt with accordingly. The Yukon government's finances are actually in great shape.

You know, Mr. Speaker, we actually have money in the bank these days. We are not paying debt-servicing charges or borrowing money to pay employees' wages; we have more than doubled the financial capacity of the Yukon. We're in very good shape, Mr. Speaker. Thumbs-down to the Leader of the Liberal Party.

Question re: Auditor General report

Mr. Mitchell: Mr. Speaker, one of the traits of this government is that it doesn't like to take responsibility when things go wrong. It starts in the corner office and seems to have taken hold of the remaining members of the Yukon Party gov-

ernment. We saw this when the ATCO scandal unfolded. The Premier went into denial and refused to take responsibility for what he tried to do; namely, privatize our energy future.

We saw it last week when the government refused to take responsibility for its unjust firing of the former workers' advocate, and we have seen it repeatedly whenever the topic of the Premier's \$36-million investment in asset-backed commercial paper is brought up.

Recently the Premier again tried to duck responsibility for his role in this investing fiasco. He tried to say the government was given a clean bill of health by the Auditor General when she looked at this matter in 2008. In fact, she said "...that the Government's investment in summer 2007 in two asset-backed commercial paper trusts that were set up by non-banks ... did not meet the requirements of the Act."

Speaker: Sorry, you're out of time.

Hon. Mr. Fentie: Actually, the government has taken responsibility. As the Auditor General said — and, once again, I would hope the member opposite doesn't deem this to be an excuse — and I'm going to try to quote from the auditor's report. The Auditor General clearly said on the matter that this had been a past practice of the Yukon government for years, and that the situation had no negative impact on the finances of the Yukon government. That is in the report — not verbatim — but the member will find it there if he chooses to read past the convenient passage that he likes to cherry-pick.

Secondly, this government, after decades of that practice, is the government that took responsibility and implemented a policy so that practice could not continue. So I hope that helps the member clear up his confusion about what the Auditor General says or doesn't say, Mr. Speaker.

You know, it goes further. The member opposite doesn't know the difference between "scandal" and "partnership". He doesn't know the difference between "due process" and "personnel matters". He doesn't know exactly what position the members take at any given time, given their deviance from the *Civil Forfeiture Act*. We're all confused about the Liberals these days.

Mr. Mitchell: While the Premier is busy paraphrasing the report, we don't have to cherry-pick, because the whole report is damning on the actions of this government.

During debate on April 8, the MLA for Lake Laberge, the Premier's former right-hand man, made this statement, quote: "The Premier will again, as always, use his standard approach of repeating the message of how everyone else is wrong..."

The MLA for Lake Laberge was correct. That is the standard approach of the Premier and this entire government caucus and we hear it again today.

The Premier approved investing \$36 million in ABCP in 2007. Those investments, quote: "did not meet the requirements of the Act," according to the Auditor General of Canada. The Premier has been in denial about that conclusion since the report was tabled in this House in 2008. Everyone else is wrong and only this government is right. Who does the Premier think the public believes in the matter — the Auditor General of Canada or him?

Hon. Mr. Fentie: Mr. Speaker, we all understand what the Auditor General's role is and the report she provides, especially through the public accounts. That is no secret. I am sure Yukoners would certainly accept those as factual versus the Leader of the Liberal Party's interpretation of what the Auditor General says. Now, Mr. Speaker, the member opposite believes that the government is wrong. Well, let me remind the member that the government has delivered a vision and a plan for the Yukon public that we were elected to do. We are not wrong about that. We said we would do it and that's exactly what we're delivering. We said we would build and address an economy. We said we would partner with First Nations and others — other governments, the corporate community — and we're doing it. We said we'd address education. Education reform, by way of an example, demonstrates we're doing it.

We said we'd be taking care of our environment. Well, Mr. Speaker, I don't think there's any government in history here that has done the job that the Yukon Party government has done on the environment. When it comes to arts and culture, this government said it would do something there and it has done it. The list goes on, and I can tell you that we have not been wrong, because the quality of life in this territory has dramatically improved.

Mr. Mitchell: The Premier approved the decision to invest \$36 million in ABCP in 2007. In 2008, the Auditor General of Canada said the investments did not meet the requirements of the act. That money has been tied up ever since. We can't spend it, even if we wanted to thanks to the decision the Premier made. That \$36 million is now listed at only \$24 million on the government's books and if we tried to sell it, we would have a hard time getting even that much. Instead, Yukoners are left to wait eight or nine years and hope they get their money back.

The Deputy Premier has also risen in this House many times and said she supports the Premier's decision. They're all in it together, Mr. Speaker, and voters will remember that in the coming election. The MLA for Lake Laberge said the Premier will again, as always, use his standard approach of repeating the message of how everyone else is wrong. Will the Premier actually take responsibility for his actions or will he prove the MLA from Lake Laberge right?

Hon. Mr. Fentie: Speaking of being repetitive and needless repetition, my goodness, Mr. Speaker, what we've been hearing for many years now from the Liberals is the same old thing, yet the Liberals fail to explain to Yukoners what they would do.

The Liberals like to make suggestions and inferences but have little to back that up. The government side will continue to do its job, as we were elected to do. We're not wrong about that; that's exactly what we committed to do and that's what we are delivering on behalf of the Yukon public.

Where the Liberals are wrong is they fail to understand that very important commitment to the Yukon public. They've been wrong about their contract with Yukoners when it comes to a code of conduct, they've been wrong about virtually everything they've presented in this House, and they continue to be

wrong in their position when it comes to the Yukon Territory and its future. We'll let Yukoners judge that.

It appears the Leader of the Official Opposition is on a campaign. Unfortunately, there's no election.

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

ORDERS OF THE DAY

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 1092

Clerk: Motion No. 1092, standing in the name of Mr. Cardiff.

Speaker: It is moved by the Member for Mount Lorne THAT this House urges the Yukon Government to protect the principles of democracy and accountability by:

- (1) ensuring that citizens have a right to organize referenda on issues of concern, as was intended in the *Municipal Act*; and
- (2) bringing forward amendments to the *Municipal Act* and to the *Ombudsman Act* to allow the Ombudsman to hear citizens' appeals when they feel they have been treated unfairly by a municipal government.

Mr. Cardiff: Mr. Speaker, New Democrats have always been a party of democracy and in the Yukon the NDP has a proud tradition. An NDP government brought forward the current *Municipal Act* in 1998 which allows citizens to organize a referendum on an issue of concern. I would like to take this opportunity, actually, Mr. Speaker, to thank municipal politicians for stepping up and serving their communities.

I think it is important and, as a politician, I recognize the vast amount of work and time and effort that goes into representing your constituents and, not only that, the toll that it takes on your personal life, your family life and the criticism that you come under.

The issues I'm bringing up today are not meant to slight those individuals — those municipal politicians. I'm not trying to say that they're inferior or incapable. What I am trying to say is that we all need to work together to address the concerns of Yukon people because all of these issues belong to us collectively. Our municipal issues and territorial issues — in this Legislature, we have a responsibility to all citizens of the Yukon. That's why it was the Legislative Assembly that created the current *Municipal Act* and the subsequent amendments to it.

It's up to us to work with municipal councils to provide a good quality of life, to provide citizens with an opportunity to have a say about issues that are important to them, to participate in the democratic process. So my points today are to speak to the importance of democracy, accountability and the need to follow the intentions of laws as they were created to strengthen that democracy.

Do we as legislators here in the Legislative Assembly have the right to speak about how democracy is practiced in our

communities? I believe we do. We have a right, and with rights come a responsibility to increase democracy exercised in this House and in territorial politics. We have made some efforts in that area with select committees and encouraging governments to consult more. Recently in this Legislative Assembly we've seen citizens speak out about what is important to them and to raise their voices. It's important to note that government listened. That's the thrust of what I want to talk about today — people's voices being heard, and being given the ability to participate.

In recent years, the New Democrat caucus has brought forward pieces of legislation — the *Democratic Reform Act*, which looked at both electoral reform and legislative reform.

We also tabled and brought forward an act called the *Legislative Renewal Act*. We tabled a motion in the Legislature that was debated last fall and passed unanimously to strike a select committee on legislative renewal to talk to Yukon people about how we can improve territorial politics and, I think more importantly, about how they can improve territorial politics, how they can advise us on how to do our job better, and communicate better with them.

I think that's important. It's how we make our system function better and be more accountable and more responsive to the needs of the citizens we're elected to serve.

We brought this motion forward because we're concerned. We're hearing concerns from people in various communities that, when it comes to municipal government, to that important relationship between the Yukon citizen and their local council, there are some problems. It comes down to this, basically: we want to safeguard citizens' democratic rights because we believe, as we saw here in the Legislative Assembly last week, citizens expect greater accountability from governments — both territorial and municipal.

Some of the other indicators are — and we hear this all the time and I've heard it spoken many times in this Legislative Assembly that our democracy is under threat. I would just like to point out a few things about why that appears to be.

What we see is a dissatisfied and apathetic public who have a tendency to tune-out rather than participate in the decisions that affect them. The reason why they do that is because they feel their voices are not being heard. In the interest of participating in something that was going on in the Legislative Assembly, where members were talking about songs that relate to issues that we were talking about, I believe there's a song that Michael Jackson sings, and the lyrics go, "All I wanna say is that they don't really care about us."

There are people out there who honestly believe that we're in this Legislative Assembly talking about matters and we really don't care what goes on out there. We need to do a better job because I know, as a legislator and as someone who has participated here, that we really do care about the issues that affect people. How we deal with them, what our response is to them and the actions that we take, may be different, but I honestly believe that we really care and it's the actions that we take that are important.

Some of the evidence that people feel that way is seen when you look at voter turnout. If you look at the past territo-

rial election, voter turnout was the lowest it has ever been. In the last municipal election, voter turnout in Whitehorse was 37 percent of eligible electors who turned out. That's not really very good.

It is a pretty high number compared to what happens in some jurisdictions down south. So I would believe there is actually more enthusiasm for participation, but we need to get that number up. The way we do that is by responding to voters so that they know that we're listening to them.

Why do people tune politics out? Why do they not pay attention? I think we all have to take some responsibility in turning this around and bringing people back into the political debate. How we do we turn that tide? We need to improve the system so that it is more relevant, more accountable, more ethical, more democratic and I think, most importantly, more accessible. In the Yukon, as politicians, we're pretty accessible — sometimes. We listen to people's concerns on the streets, at the gas stations, in the grocery stores, the line-up at the bank. But how do we ensure that they know their voices are being heard? We do that because we demonstrate good governance in our communities and in our territory.

So the motion is urging the Yukon government to protect the principles of democracy and accountability by ensuring that citizens have the right to organize referenda on issues of concern, as was intended in the *Municipal Act*, and to bring forward amendments to the *Municipal Act* and the *Ombudsman Act* to allow the ombudsman to hear citizens' appeals when they feel they have been treated unfairly by a municipal government.

I would just like to read a little bit from the preamble to the *Municipal Act*:

"WHEREAS this Act was developed in a spirit of partnership, mutual respect, and trust between the Government of the Yukon and the Association of Yukon Communities;

"AND WHEREAS it is desirable to establish a framework for local government which provides for the development of safe, healthy, and orderly communities founded on the following principles:

"That the Government of the Yukon recognizes municipalities as a responsible and accountable level of government;

"That Yukon municipal governments are created by the Government of the Yukon and are responsible and accountable to the citizens they serve and to the Government of the Yukon;

"That the primary responsibilities of municipal governments are services to property and good government to their residents and taxpayers;"

And most importantly — although it doesn't say that, but one of the ones that I feel is important is:

"That public participation is fundamental to good local government; and

"That sustainable communities require financially solvent local governments that are responsive to the public's need for affordable public services; and

"That local governments have a significant responsibility for furthering compatible human activities and land uses."

So that's from the preamble to the *Municipal Act*.

So the motion, as I read it, raises the two issues related to accountability and democracy. There are probably many more issues that the public will hopefully have a chance to debate through public processes to review the act.

I am going to touch on that a little bit more toward the end of my talk today. I really hope that when the minister gets up to debate this motion, to speak to this, that he clarifies the approach to the next act review and provides timelines, scope and guarantees that citizens will be involved because, in 2008, the review basically — the conversation and the questions that were asked were defined by politicians and bureaucrats. They weren't defined by public input. In fact, I'll talk a little bit more about that later, as I said.

The first issue of the motion speaks to ensuring the viability of referenda. This is a major part of the *Municipal Act* and it falls under the section, public votes. Under the public votes section of the act, there are sections on plebiscites, which are non-binding votes when a municipality wants the public's opinion.

There is another section on referenda. Referenda allow a citizen-initiated process of petitioning, and if thresholds are met, that forces municipalities to put a bylaw to a vote. If there's an issue that's important and enough citizens feel strongly enough, municipalities need to respond. I think it's an important vehicle for citizen participation. There are thresholds and there are reasons why there are thresholds. If the threshold was set too low, municipalities could be forced into situations of holding referenda every other month. There are thresholds and they have to be important issues that are really engaging to the public.

The act says that a referendum can go ahead with at least 25 percent of the total number of electors and communities may have their own bylaws on referenda.

Section 153 of the act says that citizens "... may petition council for a referendum ... on any matter within the jurisdiction of the council including capital projects ..." So, on any matter — that's a pretty broad mandate. What we're saying is that the government of the day has not stood up for this important part of the act. The evidence of that comes from a court case. The minister will be fully aware of this court case and there is correspondence. The case was *City of Whitehorse v. Darragh* for which the B.C. Court of Appeal ruled that the City of Whitehorse's official community plan was not subject to the public votes provisions of the act. It is important because the case was not tried by Yukon judges.

Basically it is my understanding that there are three specific exemptions in the act and that the official community plan is not one of those exemptions to public votes or referenda.

The citizen who brought this forward and went out collected the names of voters, or electors, in the City of Whitehorse, was denied the ability to force a referendum on a land use issue. If we go back to the *Municipal Act*, it says one of the principles that local governments have is a significant responsibility for furthering compatible human activities and land uses. So it's in the act, and this is what this citizen was trying to do.

The question for the government, I guess, is: can they state now whether or not it was the intention of the act to exempt the OCP from the public vote section of the act? I can tell you that the former Minister of Community Services, who brought the act in, in 1998, earlier this year said no, that wasn't the intention.

The official community plan was in fact intended to be subject to public votes and others, apparently, who were part of the conversation when bringing in this act — and I don't know maybe the Member for Mayo-Tatchun will remember this, because he was there for this discussion and I'm sure will remember that this is part of the decision.

So if that's the intention, that may be one of the areas the minister — I'm not trying to give him an idea because I think it's a bad idea — may want to bring that up. What I would warn the minister about, I guess, if I had to warn him of something, is what the public is going to say about that — to ensure that we're not just listening to a select group of people; that we're listening to the people who vote and want to have their voices heard.

Despite the act that says in section 153(1)(3) "Eligible petitioners may petition council for a referendum on any matter within the jurisdiction of the council including capital projects," he act gives the minister and Cabinet broad powers to interpret the act.

In section 13, "The Commissioner in Executive Council may make any regulations and prescribe any forms considered necessary for carrying out the purposes and provisions of this Act."

The act gives the citizens the right to hold a referendum on any topic. The intent of the legislation, when it was written in the past under the stewardship of an NDP government, was that the definition of what the public could bring to a vote was extremely broad. It was a major piece of the legislation.

I am going to quote from *Hansard* in 1998 — some of what was said about the act.

The new act replaces ministerial control and approvals with a system that empowers voters to provide direction to municipal government. "The provisions for petitioning and public votes puts the checks and the balances into the hands of the electorate." That's pretty powerful. That's what was said when the *Municipal Act* was brought in, in 1998.

It's unfortunate; maybe the minister wasn't here when the act was brought in, and I hope he's not missing the opportunity to listen to what was said then, because it's very important.

These are other quotes from *Hansard*: "The new *Municipal Act* gives voters the power to oversee the affairs of the municipality and to provide binding direction to councils on important issues." "This gives citizens a meaningful process to ensure that councils act on issues the voters consider important." "Yukon municipalities endorse these new checks and balances. They believe ... they should be fully accountable for their actions."

So 12 years ago — 11 and a half years ago — this was what was said in the Legislative Assembly about our *Municipal Act*. At the time, the act was leading-edge. Yukon won much

praise, not just here in the Yukon but across the country, for being progressive, for being democratic.

We've got the act. It is significantly broad. It grants people the rights. It grants citizens the ability to have public votes and it is an act that allows the minister a great deal of discretion. Now the minister could have stood up and told the City of Whitehorse that the law is the law and that the referendum on the McLean Lake land use issue there should just go ahead, but he didn't do that. He allowed it to go to court. Governments have to stop relying on courts to interpret laws and agreements. I am reminded of a conversation I had with a former senior bureaucrat. There was a time when they couldn't even listen. They are now probably listening intently to the discussions we're having.

I remember when I first started attending the Legislative Assembly, Mr. Speaker, and there would be senior officials sitting in the gallery listening, taking notes and using our words — the words of ministers especially, because it's the ministers who are responsible for the legislation that comes forward by a government — listening intently to what it is that the ministers are saying as to the intent of the law. They would be listening intently to what opposition members are saying could be the flaws in the law, and listening to the responses of the ministers, because that's how you're supposed to interpret the act. That's how you're supposed to interpret the legislation. It's about what the intent was, not what the B.C. Court of Appeal believes the intent was. It's about what the intent was. I won't read the quotes again, but the *Hansard* quotes from November 24, 1998, speak for themselves.

What this minister did was allow the B.C. Court of Appeal to decide instead of reading the quotes from *Hansard*. I'll send those over to the minister later, so he has the opportunity to read them. What did this cause — allowing it to go to court and forcing citizens to stand up for their rights that are enshrined in the *Municipal Act*? He allowed an individual to go through a lengthy court process and spend a fairly handsome sum of money — close to \$15,000. The minister's response to this person was that basically he was glad the court ruled and set a precedent on the matter. Instead of looking at what the intent of the legislation was, he applauded the government and dismissed a citizen's concerns.

In response to this, the minister got a bill from the citizen, and the minister, it would appear, preferred that the court rule on the matter, rather than having his lawyers look at the act, read *Hansard* and actually take a stand on it. Now, perhaps when the minister gets up to respond to my comments today, if he would please, he would indicate whether or not he will be paying that bill. Some would suggest the minister has seized the opportunity from the court decision to completely turn his back on the act's principles of citizen self-determination, as is laid out in the preamble, as is laid out in the act and as was discussed in November of 1998.

The second piece of the motion speaks to bringing forward amendments to the *Municipal Act* and to the *Ombudsman Act* to allow the ombudsman to hear citizens' appeals when they feel they have been treated unfairly by a municipal govern-

ment. I want to clear up a little bit of misinformation out there about appeals.

As it stands, if a citizen feels a decision made by a municipal council is unfair, they have a right to appeal that. I understand that. They have a right to appeal it to the Yukon Municipal Board. When a citizen has a complaint about an employee of a municipality, they have to take that appeal to city council. I think it should be pretty obvious that there may be a problem here that the employer is hearing a citizen's appeal judging their employee, and there's this rule about not being the judge in one's own matter. Any review of the act needs to look at the question of appeals, I believe, so when the minister is initiating the next review — which he indicated he would be several times in various correspondence — he has indicated that future consultations will involve public consultation. I would encourage him to not just have public consultation. I would encourage him to have public participation as well, and it should look at the Yukon Municipal Board, which, in the interest of public awareness is another important body that is chaired by another person who is well known to this Legislative Assembly. He has appeared here as a witness many times in his capacity as chair of other organizations.

I really want the minister to address this issue: when you look at the Yukon Municipal Board, there is a pretty serious anomaly to other appointments to other boards, and it appears that the chair of the Yukon Municipal Board has a lifetime job there. I'm not sure if he has a lifetime job on any of the other boards he is involved with, but this chair has been the chair since July 16, 1984, and his term expires on January 1, 2009.

I know in his other capacity as chair of something else, he may be working on something that would allow someone to maybe live longer — we're not aware of it, and I hope the Minister of Health and Social Services will make us aware of what it is that they're working on over there that would allow this to happen.

The Municipal Board as well is not ATIPPable. It does not maintain a public library or a website with its rulings. We would hope that it is added to the list of public bodies when the ATIPP regulations are drafted. In the interest of fairness, Mr. Speaker, transparency and accountability, we think that the ombudsman could play a role in the appeals process when citizens have concerns about the actions or the decisions that municipal councils are taking.

Currently, the ombudsman's powers are as follows: "The mission of the Office of the Yukon Ombudsman is to provide an independent, impartial means by which public complaints concerning the Government of Yukon can be heard and investigated with the goal of promoting fairness, openness and accountability in public administration."

They can investigate Yukon government departments; they can investigate Crown corporations, independent authorities or boards; they can investigate public schools, Yukon College, hospitals, professional and occupational governing bodies.

When it comes to municipalities, it's only if the municipality requests the ombudsman to investigate a matter. We know that it's not very likely that, if a citizen has a concern or an issue, that a municipality —

We've seen here in this Legislative Assembly the government not want to investigate or hold inquiries or investigations into some of the actions they've been responsible for.

I guess it makes it difficult when you're in that position; not being in that position, I don't feel that way. But feeling that way, I think it's important. The other thing I think is important is that, when you make those decisions, if you take that stand, you be willing to live by it. What I'm saying is, I would be willing to live by that. If that's what I'm saying, if I'm saying this is what I believe in, then I'd be willing to live by that and we all have to do that.

So the request has to come from the municipality; it's not a citizen-driven initiative when it comes to complaints regarding municipal governments, their actions, their decisions, capital projects. The ombudsman cannot investigate disputes between individuals; it doesn't investigate the federal government, the courts; it doesn't investigate landlord and tenant matters; it doesn't investigate the Legislative Assembly. It doesn't investigate the elections office; it doesn't investigate banks, home or auto insurances, businesses.

What it does is it provides a channel for redress for the poor and for those who are without means to hire lawyers — and we saw in this instance this citizen went to a great personal expense to stand up for what she believed in and without any redress. Maybe this would have been a better channel than going through the act. The *Ombudsman Act* could be amended to give the ombudsman the power to hear appeals. It may be, as a last resort — I'm not saying ditch the Yukon Municipal Board, but when the citizen has exhausted other avenues and recourses and still feels aggrieved, using the ombudsman's office would be a good option. It's something that exists already and it talks about fairness; it talks about openness and it talks about accountability in government and public administration.

So those are the points that are salient to the motion, as I brought it forward. The only other thing that I would like to address is the act itself and the process, because what we're proposing is that the government bring forward amendments to certain acts — to the *Municipal Act* — to ensure that they stand up for the principles of the act, as outlined in the preamble, to go back and read *Hansard* — and I will send that over to the minister when I'm done — and to put in place a process that allows for public participation.

You know, how should we handle these important issues? The two issues are that the public votes and provisions in the *Municipal Act* are respected — not allowed to wither and die or be tied up by court action — and that how citizens' appeals are heard is looked at seriously with the possibility that the ombudsman could be brought into this process to give it more openness, fairness and, indeed, more accountability.

How should we handle these issues? I think we need to talk to the people. The minister has made several statements on this. In his letter to Ms. Darragh, he said, "Any future review will include a public consultation component as well." We support that. I'm going to go back to this; I raised this earlier. We support it and we thought the 2008 review was problematic because, while citizens were given the opportunity to participate by receiving a questionnaire with the questions being de-

finied by the minister, by the minister's department, by municipalities and the Association of Yukon Communities, there was no provision. When we debated the revisions to the act in the Legislative Assembly, the minister basically said, "These are the only things that we looked at." I don't find that acceptable.

I think that citizens need to be engaged; they need to be able to bring forward issues. If there's an issue with the *Municipal Act* that is important to citizens, we should allow them to come forward, to bring those issues forward, and we should put them out there for public discussion, not muzzle them, not say, "Go away. These are the only issues we want to talk about." We need to be prepared to talk about all issues.

The minister made these statements in the Legislative Assembly just the other day that suggest that the public's participation may not necessarily be guaranteed, because what he said was, "We certainly have worked over the last eight years with the act itself and we are reviewing that act as we move forward."

Is the minister reviewing the act or are the minister and municipal governments reviewing the act? This is a piece of legislation that belongs to the public. The other thing he said is, "We are reviewing the act itself with our partners, the actual communities that are affected by the *Municipal Act* and we're doing that as we speak."

As I just said, the most important part of this matter and the most important part of democracy, Mr. Speaker, is the citizens. It is not us here in the Legislative Assembly. It is not those who have dedicated their lives to serving in municipal governments. The most important part about democracy is citizens and citizen participation. It is about listening to them. It is about the actions that we take as politicians.

My hope, Mr. Speaker, is that this is not going to be some sort of a closed-door review or a targeted consultation. That seems to be another one that comes up on the hot key: targeted consultation. I hope the minister meant what he said when he sent that letter — that any review will involve the public, and not just in a cursory way but in a real engaging way. We want to ensure people's voices are heard and not just that they are heard but that they know they are heard and what we say in the Legislative Assembly reflects that. The laws that we bring in need to reflect what we're hearing from citizens and the legislation that we bring in, the words that we speak, should mean something to people. They can see by not just our words but by our actions that they're being heard.

I really would like to hear some answers from the minister in response to the questions. I don't want to just hear him get up and read a speech that has been prepared. I asked some questions about the act review process, what public consultation is planned, how engaging it will be, will he pay his bill when he basically allowed the B.C. Court of Appeal to interpret the legislation? Contrary to what I read in *Hansard*, obviously — and I'm not one to judge what the B.C. Court of Appeal says but it would have been a good thing if they had actually read some of those comments in *Hansard*, because that's what really should be guiding the intent of the legislation.

When the minister gets up to speak about the public's opportunity to participate, and I want to know about the issue of

referenda and public votes and the issue of appeals. I want to know whether or not the minister will commit today to making that part of a public review of the *Municipal Act*. I thank everyone for their interest and attention to my comments today, and I look forward to the comments from others this afternoon.

Hon. Mr. Lang: I would like to address the member opposite on the motion we have on the floor here, Motion No. 1092. As we look at that motion, we certainly appreciate the work that went into it. This was brought forward by the Member for Mount Lorne:

“THAT this House urges the Yukon Government to protect the principles of democracy and accountability by:

(1) ensuring that citizens have a right to organize referenda on issue of concerns, as was intended by the *Municipal Act*; and

(2) bringing forward amendments to the *Municipal Act* and to the *Ombudsman Act* to allow the Ombudsman to hear citizens’ appeals when they feel they have been treated unfairly by the municipal government.”

That is the motion that we see before us today.

Certainly, we as a government, having the responsibility to oversee the government as it is today, have worked on the act itself. We encourage Yukoners to work directly with their municipal governments, and if they have any concerns, they may also ask the Yukon government to find solutions to these issues. We encourage all Yukoners to work with all levels of government when they have issues.

I have points to bring forward today, Mr. Speaker, on what this government is looking forward to, or what we see in the future of our communities in the territory. This government has established a Municipal Fiscal Framework Review Committee that will consider important issues related to the municipal fiscal picture. This review committee will have representatives from Association of Yukon Communities and the Yukon government. The committee will look at how municipalities are funded, funding levels, mandates, regional efficiencies, local service provision and training and gaps in capacity. Those are all very important issues to our municipalities.

The establishment of the Municipal Fiscal Framework Review Committee is an important step in addressing the long-term sustainability of our Yukon municipalities. This committee will consult with municipalities and stakeholders throughout the Yukon and will also look at best practices from other jurisdictions. While the review committee’s focus is expected to be on fiscal and sustainability issues, there is a possibility that its review may expand to governance matters during the course of its consultation. In other words, Mr. Speaker, we’re going to address all angles of our communities to make sure that not only are we looking at the fiscal side of the ledger, but we’re looking at governance and other issues as they move through with this consultation process. If so, the review committee can address this in its findings at the next year’s Association of Yukon Communities.

This is the commitment that I wanted when I met with Association of Yukon Communities in Dawson City in the last couple of weeks — a commitment that this committee would

give me a report at the next Association of Yukon Communities meeting next year. In other words, they have a 12-month window of opportunity to do the work we’re laying out for them to do, in partnership with the AYC and of course the government of the day.

We as a department continue to track legislative issues when they are raised by the public. In other words, we are constantly, through the department, tracking issues that are raised by the public, by the communities and by the Association of Yukon Communities. We do this to ensure the issues can be discussed in a future review of the *Municipal Act*. Again, this is an ongoing monitoring of issues that are brought forward by the general public and by the communities themselves.

The department will consider undertaking the next review of the *Municipal Act* when the department and Association of Yukon Communities agree that a sufficient number of proposals for amendment have been identified to warrant such a review. In other words, the issue about a review will be brought forward in partnership with AYC and the communities.

Another point is that the Yukon government respects the authority of the judicial system and supports the 2009 B.C. Court of Appeal decision that a referendum-type of public process does not apply to the official community plan part of the act. That was decided in the B.C. Court of Appeal and we respect that decision.

The official community plan part of the *Municipal Act* clearly established the requirement for a public hearing and all other steps that municipalities need to take when developing or amending an official community plan.

While the ruling does prevent referenda on OCP-related matters, the referenda provision of the *Municipal Act* continues to allow residents to petition for a referendum on the wide range of other issues.

This is addressing what we as a government are doing. We’re looking forward to working with the municipalities and, of course, with the general public on this review. I’m looking forward to AYC and the government going out and talking to our municipalities and seeing where we can be of assistance to those communities. Of course, our communities outside of Whitehorse — as the member opposite was looking toward the Ombudsman or some form of ATIPPING or whatever for the general public — we have to be very, very conscious of the strength of our municipalities to do a lot of this work that we decide here in the House that should be another burden on our communities. Certainly, these are things that have to be discussed by those municipalities. The Village of Carmacks hasn’t got the capacity that the City of Whitehorse has — or, I would imagine, the City of Dawson — to deal with some of the issues.

We have to deal with these municipalities in a fair and open way to make sure they have the capacity on the ground to do the job that their community expects them to do. In other words, holding public office in our communities is virtually a volunteer situation. There isn’t much return, as far as financial benefit, for being on town council or being mayor or taking on other responsibilities. If we as the senior government in the territory can make their job easier, I would recommend that, because they do a very responsible job in our communities and

are very much a necessity, when it comes to our job as a department in the government. We look at those municipalities as being very supportive of our department.

We are very conscious of the capacity of our municipalities, and we don't want to do anything that would put them in jeopardy or in a situation where they couldn't manage their community financially. Again, we have to think of this not from the municipality of Whitehorse level; we have to look at our smaller communities like Carmacks and Mayo and Watson Lake and Dawson City and be very conscious of their capacity to do the job of running these municipalities.

Mr. Speaker, I do appreciate the fact that this motion has been brought forward. I have gone over this review that we're doing in partnership with AYC and, of course, the government. The commitment we've made is that, over the next 12 months, we want to open up the dialogue on the economics of the municipalities, on the capacity of our municipalities and where we can be of assistance — whether it is monetarily or with personnel or other issues that will be brought out. Again, Mr. Speaker, I don't want to second guess what is going to come out of this review, but when I made the announcement in Dawson, it was certainly met with a lot of optimism by the partners, by AYC and their membership, and we certainly are looking forward to getting the final report in the next 12 months.

In looking at that, we as a government have signed a five-year financial commitment with our partners. I'm looking forward to next year's report so that the next five-year arrangement can be organized so that we can move forward and make our community stronger. I would like to propose an amendment to the motion.

Amendment proposed

Hon. Mr. Lang: Mr. Speaker, I move that Motion No. 1092 be amended by deleting:

- (1) the colon after the word "by";
- (2) the number "(1)" where it appears;
- (3) the words "was intended in" and substituting for them the words "set out in section 150 to 159 of; and
- (4) all the words after the word "act" where it first appears in the motion.

Thank you.

Speaker: The Chair is going to seek the advice of the mover of the amendment in that, in my reading of *Beauchesne's Parliamentary Rules and Forms*, section 578(2), which I've sent over to the member — it appears that if this amendment is to stand, it asks the House to do what it is already doing and that is just simply enforcing the *Municipal Act* as it stands in our current orders — just advice from the honourable member, please.

Some Hon. Member: (Inaudible)

Speaker: So has the honourable member advice for the Chair, please?

Hon. Mr. Lang: I guess in covering comments, Mr. Speaker, we certainly want the act to do what it is supposed to do and we're bringing that back to the floor here.

Speaker's ruling

Speaker: As I shared with the honourable member, section 578(2), an amendment that would produce the same result if the original motion were simply negated, that appears to the Chair to be exactly what your amendment is proposing. The amendment would produce the same result as if the original motion were simply negated; therefore, the amendment to that motion is out of order.

The honourable member still has the floor, still has unlimited time. The remedy is to simply defeat the motion or to move a different amendment.

Hon. Mr. Lang: If we can't amend the motion as we put forward today, we won't be accepting or voting for the amendment that's on the floor this afternoon.

Speaker: The amendment is negated, so there is no amendment on the floor, so you're speaking now to the main motion.

Hon. Mr. Lang: Yes, and we won't be supporting the main motion.

Speaker: All right. Does any other member wishes to speak?

Mr. Fairclough: That's interesting, the events that just took place in an attempt to amend the motion as put forward by the Member for Mount Lorne. I'd like to just say a few words on this.

I understand perhaps where the minister is coming from. I had listened to a lot of the debate that took place around the table at the Association of Yukon Communities meeting in Dawson City. I listened to discussions that took place among the elected members on city councils at the AYC annual general meeting in Dawson City.

I know where the minister is coming from. I understand what he is saying about working with the municipalities. This motion "...urges the Yukon government to protect the principles of democracy and accountability." It says: "ensuring that citizens have a right to organize referenda on issues of concern, as was intended in the *Municipal Act*."

I know that the B.C. Court of Appeal process took place. This motion is a result of a lot of this. There is an area where I think the minister could have said a few more words on why perhaps he disliked the second part of the motion — that was (2) "bringing forward amendments to the *Municipal Act* and to the *Ombudsman Act* to allow the Ombudsman to hear citizens' appeals when they feel they have been treated unfairly by a municipal government."

I didn't hear the minister say a whole lot. I was hoping to hear the minister react to this section. I know that simple message could have been that the government needs to have some consultation with AYC and engage them in having an ombudsman hear the citizen's appeal when it comes to unfair treatment by a municipal government. I think AYC and municipalities would be quite interested in this and voicing their concerns.

I just wanted to put that forward and say a few more words on the motion, as it was first presented by the Member for Mount Lorne.

The *Municipal Act*, in part 3, division 16, speaks directly to and in regard to referenda. With respect to part 3, where referenda are referred to and part 7 of the act, many municipalities are engaged in a discussion with the Association of Yukon Communities on these parts.

The minister alluded to that in some of his remarks, and I was hoping he could perhaps expand on it. He has stated that, in the government's work with municipalities and AYC, they discuss concerns when a legislative issue is brought forward and they track that issue so it may be considered in any future reviews of the *Municipal Act*.

We of course are pleased to hear the minister say that. It is also reflected in a letter signed by the minister. We have brought forward many questions in this Legislature to ensure public consultation does take place on decisions that affect people the most. The *Civil Forfeiture Act* was a good example of that.

The only thing is that a review needs to happen. When is the government going to do the work and get on with the review and the necessary changes, if there are changes that need to be made?

I'll come back to this committee in a second. The decision that was made on August 21, 2009, by the B.C. Court of Appeal basically ended the referendum process being allowed and the decision basically makes part 3, division 16, null and void. We're interested in hearing from the government side what their plan is and how to deal with this ruling — whether or not they will comply with the ruling, which I heard the minister say, and remove the referenda from that section.

I also heard the minister say that the government is going to be talking with the municipalities in quite some detail by forming a committee that was announced at the annual general meeting in Dawson City.

Now, it was interesting to hear the amendment put forward by the Minister of Community Services. It took away the first section of the motion that refers to the ombudsman hearing citizens' appeals where they feel that they have been unfairly treated by municipal governments. I know the minister didn't have an opportunity to speak to his amendment because it was ruled out of order, although he did have an opportunity to continue to debate this motion. It would have been nice to hear from the government side if they laid out their rationale for why they disliked the second part of the motion that was put forward by the Member for Mount Lorne. I believe the next speaker on the government side will be able to do that.

I know the minister is going to rely a lot on this new committee that he announced in Dawson City, but doing nothing says a lot too. I would like to hear the government talk about how they feel about the ruling that was received on August 21, 2009.

I think that, with all of this, it has gone to the public and people are talking about this quite a bit, particularly the municipalities that may be affected by this. Yukoners need to have clarification on how the B.C. Court of Appeal ruling will affect

the *Municipal Act*. This is what we're hoping the minister could lay out clearly to us in this House. Tell us how this B.C. Court of Appeal ruling will affect the *Municipal Act* and basically the ongoing work of the municipalities.

The government made some commitments in regard to ensuring there will be some public consultation, particularly when it comes to reviewing the *Municipal Act*. The motion is basically urging government to protect the principles of democracy and accountability. That's within the act itself. There's another area where I believe the government could state their case. I really think this government needs to make a decision. I think this government and the minister need to speak with the municipalities — particularly with AYC and Yukoners — on this matter, and a public consultation must be undertaken.

I know the minister is going to rely on the committee that is formed to deal with priorities and the ongoing function of municipalities and he would have a report back to him within a year to see how governments could react to the municipalities. That is well and good and we in the Official Opposition do agree with this approach. There was a big announcement by the minister to AYC and it was fairly well taken by all members who were there — what they want to see is how well it's going to work, how things are going to unfold with this committee and the final recommendation, and how this government will commit to those recommendations.

How will the referendum section be kept in the act and comply with the court ruling? This is the question that must be answered by the government and by the minister. It must be talked about now, so I'm hoping that perhaps the next speaker could continue on with debate on the motion as it was presented with all the words in it and nothing changed or deleted.

It will be interesting to hear how government will deal with conforming to the ruling of the act and how they will deal with that. The minister said, yes, they will. The minister didn't really say how they would go about dealing and conforming to the ruling of the act. These are questions we would like to hear from the government side. I believe that perhaps the government is working on proposing another amendment to this motion — the second attempt — or altogether scrapping this motion and voting against it, which the minister said they will do, instead of what the Yukon Party always says in this Legislature: making some positive changes, either to acts or motions, and the government side has always invited the opposition to be constructive and to make improvements where they can.

We are expecting the Yukon Party government, if they have an issue with the motion itself, to also come forward with something constructive and conform to the rules of the Legislature, whether it is making amendments to the act or giving some positive direction to how they would ensure that the government is going to continue to protect the principles of democracy and accountability. This is what we on this side of the House would like to hear.

We do have some issue with how this will take place on number (2) of the motion as it is read out. From what we've heard, the government was bringing forward amendments. I didn't realize it was to scrap all of that section. I understand that if you're going to allow the ombudsman to hear citizens'

appeals when they feel that they have not been treated fairly by a municipal government that a lot of discussion in that section needs to take place with AYC and municipalities before we even bring a motion out like that. I am just bringing this forward to the Member for Mount Lorne, as this is perhaps a bit of a problem area.

I hear the intent of the mover of the motion in number (2) of this motion, but we also have a bit of concern where we think the best method to deal with all of this is to take it back out for public consultation, particularly to the municipalities. If this new committee that has been formed through Community Services, to help with the tough issues in the municipalities, and perhaps give some good direction for change in government, will do this, then perhaps the minister could lay that out a lot clearer for us in the House. Perhaps if there was good rationale behind it, we may look at the position the government is taking on this.

If there's reassurance, I suppose, by the government side that they would go down this road and even give some timelines in the actions they're going to be taking, we may look at it in a more positive light. But we too feel the Yukon government should protect the principles of democracy and accountability that are in the act and not see these major changes. We want to know how government is going to conform to the ruling that was set out by the B.C. Court of Appeal on August 21, 2009.

With that, Mr. Speaker, I look forward to hearing what the government side has to say on this motion.

Speaker: The honourable member has spoken already and this is still the main motion. If he now speaks, he'll close debate. Does any other member wish to be heard?

Mr. Cardiff: I am pleased that the amendment was not in order. As the Member for Mayo-Tatchun said, the government encourages us to be constructive in our debate and make good suggestions. It appears the minister made an attempt at trying to improve the motion. It's my view that basically it gutted a major part of the motion.

If the minister is so concerned about his relationship and his partnership, and the fact that it needs to be part of a process, then that should have been what the minister's amendment was. The minister could have amended it by suggesting that what it is we're proposing in our motion should be part of the *Municipal Act* review process, because basically, our intent was to urge the government to protect the principles of democracy and accountability. The minister has stood up and he has said he's going to vote against that. That's going to be a challenge. I hope it's a challenge to every member on that side of the Legislative Assembly to vote against protecting the principles of democracy and accountability. How dare they? I can't believe it.

I asked the minister a few questions. One of the questions was exactly that: would he consider ensuring citizens have the right to organize referenda on issues of concern, as was intended in the *Municipal Act*?

Obviously the minister wasn't listening to what I was saying when I asked him if he would consider taking that out and

making that part of the process. What has happened is, when you go back and when you listen — and I sent this over to the minister and he obviously didn't read it. These are the minister's words in 1998: "The new *Municipal Act* gives voters the power to oversee the affairs of the municipality and to provide binding direction to councils on important issues ... This gives citizens a meaningful process to ensure that councils act on issues the voters consider important." "Yukon municipalities endorse these new checks and balances. They believe they should strive to deliver a high standard of local government, and they should be fully accountable for their actions."

Now, the minister believes — he respects the court decision. The other question he didn't answer is, is he going to pay the citizen's legal bill for a court decision that basically took away the rights that I just read — about the intent of the *Municipal Act* when it was brought in. The intent of the *Municipal Act* in 1998 was the same as the intent of the *Municipal Act* is today, and it shouldn't change.

I mean, we make legislative changes, but read the preamble. The preamble hasn't changed; it talks about public participation as fundamental to good local government. It talks about local governments having a significant responsibility for furthering compatible human activities and land uses. That's what the court issue is about. It's about public participation being fundamental to good government in those processes and the ability of citizens to participate in that decision-making, and the power the act was supposed to give voters and citizens to oversee the affairs of municipalities and provide binding direction, to have a discussion in the public.

The minister doesn't support that. He is more concerned about — he mentioned his partnership with AYC and municipalities. I understand. I've been here just as long as the minister has, maybe not in the same capacity, but I understand the need to work with people, with other organizations. We have to do it in here all the time. We have to work.

When I first became elected, that was one of the biggest issues in my riding — the issue of official community plans, about land development in communities, about citizen participation, so it's not unfamiliar to me. I appeared as a representative of my constituents in front of city council in order to ensure that their voices were heard and that there was a process. At the end of the day, they may not have gotten what they wanted, they may not have achieved what their goal was, but at least they knew that their voice had been heard.

There was an opportunity for me to speak as their representative but, most importantly, there was an opportunity for them to speak and be heard at city council meetings.

What the act was intended to do, if you read what the minister said, was to give voters the power to oversee the affairs of the municipality and to provide binding direction to councils on important issues. I'm not talking about every little issue. We are not talking about referenda on a bimonthly basis; we're talking about thresholds that are in the act.

The minister seemed to want to amend the motion so that what it basically said was that the government was going to continue to do what it's doing. But what is it going to do? Because if you go back, if you talk to the former Minister of

Community Services who brought the act forward, and you talk to others who were involved in the drafting of that legislation — what they're telling us is that the intent was to include the official community plan and make it subject to public votes, as is laid out in the *Municipal Act*.

So we're talking about — this is what the intent of the legislation was. That's what was agreed to in 1998. This minister has allowed a court process to overturn what the intent of the act was.

He's not even prepared to respond to that. The average citizen doesn't have the resources at their disposal to deal with that.

I find it disturbing that the minister feels this way and that the government wants to vote against protecting the principles of democracy and accountability. The other question I asked the minister was, would he consider — it's in the motion: we're urging the government to protect the principles of democracy and accountability by bringing forward amendments to the *Municipal Act* and the *Ombudsman Act*, to allow the ombudsman to hear citizens' appeals.

I'm not suggesting they just go out and do that. The minister has obviously — if he has any sensitivity to what has happened here in the Legislative Assembly — and obviously they do, because they heard what the people said when they appeared here in the Legislative Assembly. I'm not saying this has to be a cut and dried deal. What I'm saying and what I asked them at the end of my opening comments, when I was speaking to this motion, was would he consider making this a part of the process — to bring forward those amendments to the *Municipal Act* and the *Ombudsman Act* to allow the ombudsman to hear citizens' appeals when they feel they have been treated unfairly by a municipal government?

What the minister said in his amendment was basically a flat out "no." Then what the minister said when his attempt to do that failed was that he's not even going to urge the government to protect the principles of democracy and accountability. Unbelievable; totally unbelievable. The minister needs to think hard and long about this. The other thing the minister said was that he was in Dawson. It is unfortunate that I was unable to be there. I have attended a number of AYC annual general meetings and I always find them very informative. It is a good place to touch base with other leaders in our communities and hear the issues that are important to them.

It is a partnership. It's a partnership between the minister, the government and the municipalities. It's a partnership between the municipalities and AYC. It's a partnership between the minister and AYC and the department and Association of Yukon Communities, but it's also a partnership between all of us and those municipal governments and the Association of Yukon Communities. Most importantly, democracy is a partnership between us here in this Legislative Assembly and the people who are walking up and down the street outside who want to have their voices heard. The only way that they can do that through the *Municipal Act* is to go and vote once every three years, to go to city council and make their voices heard. Another way is for them to organize a referendum, go out and get the support in the community, meet that threshold,

and then there's a public discussion about an important issue in the community.

But the government wants to limit what's up for discussion and what's up for a referendum. The government unfortunately believes the appeal process, as it currently exists, is good enough, and that the ombudsman's office, with the mandate they have to investigate and promote fairness, openness and accountability in public administration and public government, is too stringent a test for the citizens of the Yukon, that they don't deserve that. I find that shameful.

I understand; the minister has indicated once again that this government is not willing to protect the principles of democracy and accountability in the Yukon, that they're going to vote against it, and I find that unfortunate today and very disappointing.

Speaker: 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: Disagree.

Hon. Mr. Hart: Disagree.

Hon. Mr. Kenyon: Disagree.

Hon. Mr. Rouble: Disagree.

Hon. Mr. Lang: Disagree.

Hon. Ms. Horne: Disagree.

Mr. Nordick: Disagree.

Mr. Mitchell: Agree.

Mr. McRobb: Agree.

Mr. Fairclough: Agree.

Mr. Inverarity: Agree.

Mr. Cardiff: Agree.

Mr. Cathers: Agree.

Clerk: Mr. Speaker, the results are six yea, seven nay.

Speaker: The nays have it. I declare the motion is negatived.

Motion No. 1092 negatived

INTRODUCTION OF VISITORS

Hon. Mr. Fentie: I would ask the House's indulgence to welcome former Chief of the Liard First Nation, Ms. Anne Magun-Worton and her sister Marion.

Applause

Mr. Nordick: Mr. Speaker, I move that the Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Speaker: It has been moved that the Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Nordick): Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 20, *First Appropriation Act, 2010-11*. We will now proceed with general debate on Department of Community Services. Do members wish a brief recess?

All Hon. Members: Agreed.

Chair: Committee of the Whole will recess for 15 minutes.

Recess

Chair: Committee of the Whole will now come to order.

Bill No. 20 — *First Appropriation Act, 2010-11* — continued

Chair: The matter before the Committee is Bill No. 20, *First Appropriation Act, 2010-11*. We will now proceed with general debate on Vote 51, Department of Community Services.

Department of Community Services

Hon. Mr. Lang: I am pleased to introduce the Department of Community Services' budget for the year 2010-11. The budget includes \$65,763,000 in operation and maintenance expenditures and \$77,005,000 in capital investment. It is a budget that includes significant investment in community infrastructure and in programs and services. It is a budget that demonstrates this government's commitment to building vibrant, healthy and sustainable Yukon communities.

Mr. Chair, this is a budget that is designed to serve Yukon citizens and support our communities. We are investing in drinking water and waste-water system upgrades and treatment options; solid-waste management and facility upgrades; community infrastructure, including community roads and bridges and recreational facilities.

Mr. Chair, we continue to invest in community infrastructure in partnership with Canada, First Nations and municipalities to maximize the benefit for all Yukoners. In this budget we demonstrate our dedication to public safety and our commitment to protect life and property from human and naturally caused threats through key investments in emergency services and management. We are a department that fosters strong local governance and supports healthy, active communities.

We are demonstrating support for municipal governments and increasing municipal operating grants. We continue to work on partnerships with municipalities to develop and supply residential, commercial and industrial land in our Yukon communities. This budget demonstrates that we are a department that believes in service excellence. We are providing new secure drivers' licences for Yukoners; supplying bilingual inquiry services to the public; protecting consumers and businesses through regulatory services; supporting public library services; and we continue to deliver programs and services important to Yukoners.

Mr. Chair, Community Services promotes vibrant, healthy and sustainable Yukon communities and this is a budget that

delivers wide benefits to Yukon. In 2010-11, we are investing in drinking water and waste-water systems in Yukon. Through the municipal rural infrastructure fund, \$200,000 is being invested in Haines Junction water supply improvements. The projects include expanding the pump capacity and enhancing the water treatment system. Under MRIF, \$1.133 million is being invested to improve the Little Salmon Carmacks First Nation water supply. The project will improve the water delivery fill system, which means that more households in the community will benefit from the reliable potable water source.

Under the Building Canada fund, \$1.45 million is allocated to improve the Carcross drinking water treatment system to meet newly revised guidelines for Canadian drinking water. A request for proposals has gone out and construction is planned in the year 2010. We are undertaking arsenic treatment upgrades in several communities to meet newly revised guidelines for Canadian drinking water quality. In total, \$3.41 million is allocated under the Building Canada fund to improve the Champagne and Aishihik First Nations water supply, Carcross Tagish First Nation water supply, and the Haines Junction and Teslin water supplies. There is \$700,000 allocated to complete the construction of the Marsh Lake intake and water treatment plant. The facility will supply drinking water to local residents and commercial water delivery businesses, and ensure that the public has access to affordable, safe drinking water. Construction has already started and will be completed this coming summer. Under the Building Canada fund, \$1.1 million is allocated to improve the Ross River drinking water system to meet all newly revised guidelines for Canadian drinking water quality. The project includes replacement of the existing building to house the treatment system upgrades.

Construction is planned to start in the year 2010. In addition to improving physical infrastructure and developing treatment processes to improve water quality, the Department of Community Services is working with all municipalities and First Nation governments and community partners to address the human health and environmental safety issues involved in water handling.

We are providing \$203,000 to train and certify Yukon water handling operators. This is a continuation of northern strategy funding that is supporting the Yukon water and waste-water operating program at Yukon College. The program has held 31 courses since January 2009 and 313 students have attended to date.

This initiative will help to ensure Yukon has qualified water operators in all of our communities. Through these key investments in community drinking water systems, this government is ensuring Yukoners have access to safe drinking water. In the Community Services 2010-11 budget, we are also investing in waste-water systems to assist communities to meet regulatory standards and to ensure best practices. The commissioning phase is already underway and a final cleanup and landscaping will be completed in the spring of 2010 of this year.

\$200,000 is allocated to examine engineering options for the disposal field and septic tanks in Destruction Bay. This includes servicing of the sewage handling system and pump-out options to utilize capacity of the Burwash Landing lagoon.

In addition, \$200,000 is being allocated to improve efficiencies of the Burwash Landing lagoon and includes measures to improve performance during the winter months.

\$150,000 is going toward investigating alternate wastewater treatment options in Old Crow, including interceptor ditches to capture migrating water, and maintenance. \$16.8 million is allocated under Building Canada for the Dawson sewer treatment and district heating system project. The design/build contract has been awarded, and we expect construction to begin in 2010 and to be completed in 2011.

The project includes engineering, design and construction of a district biomass heating system that ties into the wastewater treatment facility. This is environmentally sensitive and will help to offset costs of maintaining the facility.

Under this budget, Mr. Chair, Community Services is implementing the *Yukon Solid Waste Action Plan* and taking steps to modernize the management of our solid waste in Yukon. Last year, we committed to creating a sustainable waste management system in Yukon and in November of 2009 we outlined a vision for a modern, sustainable waste management system based on best management practices and cost-effective solutions suited to the Yukon's unique northern climate. This budget, Mr. Chair, includes upgrades to the landfill in the Whitehorse region, the establishment of a solid waste action committee, establishing a Haines Junction regional landfill and developing transfer stations in the region.

Mr. Chair, \$320,000 is allocated for facility improvements and implementation of the strategy. \$262,000 is allocated to complete the transition of the Tagish and Carcross landfill to transfer stations. The *Yukon Solid Waste Action Plan* complements the government's ongoing support of recycling and will, in the long-term, help to ensure all government-operated solid waste facilities meet the 2012 deadline for stopping all open burning.

\$1.521 million is allocated under Building Canada to complete the Carmacks waste-water treatment plant. Community Services is continuing to work with the federal government, First Nations and community governments to upgrade and construct high-quality community infrastructure to enhance the quality of life. Through joint investment and Community Services leadership, we are maximizing benefits of the funding opportunities. We continue to advance Carcross and Whitehorse waterfront projects as scheduled. Phase 1 of the Carcross waterfront development projects have been completed or are underway, including highlights like the new carving facility and the pedestrian bridge. 2010-11 marks the start of phase 2 of the project. \$1.6 million is allocated to upgrade base infrastructure, landscaping, visitors' washrooms and constructing an S.S. Tutshi memorial.

Phase 2 will require three years to complete and 50 percent of all costs are recoverable from Canada. The Whitehorse waterfront revitalization project is also well underway. In 2010-11, Community Services is allocating \$2 million to pave the new Rotary Park parking lot, complete landscaping at Shipyards Park, complete renovations of the roundhouse, restore Shipyards Park heritage buildings, construct the Old Fire Hall tower, place an underwater power line and enter detailed design

on the wharf. Fifty percent of all costs associated with the Whitehorse waterfront project are also recoverable from Canada under the Canadian strategic infrastructure fund.

A feature project for the Whitehorse waterfront also funded jointly by Yukon and Canada under CSIF is the Kwanlin Dun cultural centre. This will be a centrepiece in the development of the Whitehorse waterfront and demonstrates the benefits of government-to-government partnerships between Yukon, Canada and the Kwanlin Dun First Nation. The Kwanlin Dun First Nation cultural centre will enhance business, tourism and cultural opportunities on the Whitehorse waterfront and, with the addition of the new public library space, will become a main attraction and a natural gathering place. Construction of the KDFN cultural centre and parking lot will begin in 2010-11. Soil remediation and monitoring of groundwater flows on the KDFN site will also continue. Community Services has allocated \$10.3 million toward the project in this year's budget. The culture centre and the new Whitehorse Public Library are expected to be completed by the end of 2011.

Mr. Chair, over the past three years, Yukon has been designing, upgrading and building Yukon's infrastructure through Building Canada funding.

In 2009, the Yukon government laid the groundwork that will enable us to continue to maximize benefits to Yukon communities from the Building Canada fund. We met with all municipalities, all First Nation governments, and all local advisory councils and held public meetings in every community to identify community infrastructure priorities and to build a long-term plan that will account for the changing needs of Yukon communities.

The community input has been combined with previous reports and research to create the Yukon infrastructure plan. The Yukon infrastructure plan is being used as a guide for projects listed in the 2009-10 and 2010-11 annual capital plans. We are investing in areas of priority for Yukoners across the territory, including drinking water, waste water, solid waste, roads and green energy.

We heard that water quality is a concern and we have responded with 16 projects in Faro, Watson Lake, Mayo, Haines Junction, Old Crow, Whitehorse, Teslin, Carcross, Rock Creek, Deep Creek, Burwash Landing, Beaver Creek, Mendenhall and also in the Champagne and Aishihik and Carcross-Tagish First Nations. These projects will improve water infrastructure, protect wellheads and provide for treatment systems that will meet the new Canadian drinking water guidelines.

Our investment will ensure Yukoners have safe and sustainable access to drinking water. Yukoners identify cleaner air and cleaner water as a priority. We have identified projects that improve waste water, treatment systems, green energy options and include solid-waste facility upgrades.

A waste-water treatment facility is being constructed in Dawson City, along with a district heating energy-capture system. Funds are also going to improve waste-water infrastructure in Watson Lake, Faro, Carmacks and, of course, Whitehorse. Projects in the annual capital plan will enable us to complete the transition from landfills to transfer stations, upgrade solid-waste facilities, establish regional landfill options and

install recycling depots and compost facilities in many of our unincorporated communities.

Another key project is Yukon's network of roads and bridges. This network is part of our social and economic development. Roads link northern communities to resources, to each other and to the larger world. Beaver Creek, Carcross, Old Crow and Teslin will all have road upgrades. We'll also see improvements to the Atlin Road, Campbell Highway and the Pelly River bridge.

Over all, the more than \$81-million investment under the 2009-10 and the 2010-11 annual capital plan will bring real benefits to our Yukon communities, provide jobs and benefits to the economy and balance the availability of expertise and labour and the priority of the communities themselves. In the 2010-11 budget, Mr. Chair, Community Services has allocated \$3.37 million for planning and design related services on the entire suite of projects listed in the recent annual capital plan. Construction is planned for the year 2011-12 and 2012-13. This planning and step approach ensures that infrastructure investments and construction will benefit our local economy. This will be of a long-term benefit to Yukon's economy and demonstrate sound planning.

I also want to acknowledge Canada for its commitment to Yukon through this and other joint funding initiatives. In partnership with Canada, the Government of Yukon will continue to work toward sustainable community infrastructure that meets short-term and long-term needs, contribute to a healthy environment and provide safe drinking water, roads and bridges across the territory. Community Services continues to value the positive and respectful working relationship that has developed between Yukon communities, the Association of Yukon Communities and Yukon, and we continue to show our support for the municipal governments.

For the third year in a row, we have increased the comprehensive municipal grant. In this budget, we are providing an additional \$808,000. That means that this government is providing \$14,962,000 in operating grants to eight Yukon municipalities. The transfer of grants-in-lieu of taxes has also increased by \$271,000, due to the value of increased property assessments in our Yukon municipalities.

We continue to work closely with our municipal partners to build capacity for effective local governance that is open, accountable and fiscally responsible. Community Services is also committed to developing land in partnership with the municipal governments and to making land available in our unincorporated communities. In total, there are \$15 million allocated in the 2010-11 budget for land development projects in the City of Dawson, Carmacks, Destruction Bay, Haines Junction, Mayo, Watson Lake, Whitehorse and other communities. In Haines Junction, construction will be completed in the summer of 2010 to add country residential lots in Willow Acres and to provide fully serviced urban residential infill lots. There are \$2.328 million allocated to complete the Haines Junction urban residential subdivision and \$1.175 million for Willow Acres.

The Yukon government continues to work with the City of Dawson to address land development requirements within the

City of Dawson and has allocated \$100,000 toward the Dome Road subdivision and \$770,000 toward the construction of the Callison Industrial subdivision.

In Whitehorse, \$970,000 is allocated for construction of phase 3 of the Arkell-Ingram subdivision — 141 mixed-residential lots for Yukoners later this year. A lottery is expected to take place later this year.

The Whistle Bend development is beginning construction and lot supply is anticipated for the fall of 2012. Eight million dollars will go toward Whistle Bend in this year's budget.

Mr. Fairclough: I thank the minister for his opening remarks. I understand that he may not be finished his opening remarks. I would like to thank the officials for the briefing they gave in Community Services and for being here today, helping the minister out.

Just listening to the minister's opening remarks, right at the end he talked about the development of lots in some of the outlying communities around Whitehorse. He mentioned Haines Junction and Carmacks. I was wondering if, to start off this debate, the minister could give us more detail as to how many lots will be developed. I haven't heard him say anything about the community of Carmacks, for example, but he did mention Haines Junction and a couple of other places around Whitehorse.

I would give the minister an opportunity to give us more details on that and provide us with that information.

Hon. Mr. Lang: We are working with the municipal government to address the issue in Carmacks. There is some need in the Village of Carmacks and we are working in partnership with the municipality to bring out some lots. The department is working with the local government to do just that.

Mr. Fairclough: I didn't hear the minister fully on this, but he mentioned Marsh Lake recreational lots and lotteries in his opening remarks. I'm wondering if he can again go over that section of his speech and let us know in more detail what that entails and when these recreational lots are going to be coming open.

Hon. Mr. Lang: I maybe didn't make myself clear. When we were talking about a lottery, we were talking about the new lots coming out in Arkell and Ingram this coming fall, so that's where the lottery would be held.

Mr. Fairclough: The minister also said recreational lots will be made available in Marsh Lake. I might have misheard what the minister said. If that was the case, maybe he could tell us where on Marsh Lake.

Hon. Mr. Lang: I didn't mention it in my address here this afternoon, so I'm not sure where the member got the information from. There's a \$15-million sum of resources. It has been allocated in this year, 2010-11, for land development projects in Dawson, Carmacks, Destruction Bay, Haines Junction, Mayo, Watson Lake and Whitehorse and other communities. That's the overview of where we see the money being spent.

Moving on to my opening address, I do have some more comments to make here on behalf of the government. We as a department are working to build community roadways, improve pedestrian bridges and assist homeowners when they

need it most. In Old Crow, we are upgrading community roads and constructing a stormwater drainage system to alleviate standing stormwater within the community. Resurfacing will make roads safer for all our users in our communities. Yukon is entering into a detailed design phase for this initiative to determine how best to proceed with construction. In 2010-11, utilizing Building Canada funds, we are investing \$1.4 million for the first phase of this project in Old Crow.

Again, the Department of Community Services has allocated \$200,000 to repair the Miles Canyon walking bridge and \$600,000 to repair the Ross River suspension bridge — very popular facilities we have, both in Ross River and in the City of Whitehorse.

The Department of Community Services is also working with other departments to assist homeowners by finding solutions to the subsurface water issues in the Zircon Road area. This is a complex problem that is being addressed through a joint effort between the Yukon government, the city and individual homeowners. Community Services will continue the groundwater monitoring program and install a de-watering system in the interceptive trench this summer, 2010, for the amount of \$400,000, which is allocated for this initiative.

We support community sports and recreation programs in the Yukon. In this budget we have allocated funding to assist with Yukon's participation in national sporting events and upgrading community recreation infrastructure. We have committed \$150,000 — that's \$75,000 in 2010-11 and \$75,000 in 2011-12 — to support Yukon's participation in the 2011 North American Indigenous Games in Milwaukee, Wisconsin, in August of 2011.

Yukon has had an ever-growing presence in the North American Indigenous Games since the first games started in the year 1990.

There is \$120,000 marked for Yukon's contribution to the 2011 Halifax Canada Winter Games. This commitment supports Yukon's participation in the upcoming games. We are providing \$1 million to the City of Whitehorse for the 2012 Whitehorse Arctic Winter Games. This is our final installment to the host society in support of the upcoming games. Funding will help to establish a host society, headquarters, hire the general manager and support staff to help ensure we have successful games.

We are utilizing the recreational infrastructure fund to leverage funding for several sports and recreation projects throughout the Yukon. Projects include: \$13,000 for the Tr'ondëk Hwëch'in First Nation Wellness Camp; \$20,000 for a Carcross pool staff residence; \$48,000 for repair to the Watson Lake pool liner; \$120,000 for Carmacks rink repair and walkway; and \$248,000 for Mount Lorne's Zamboni shed. There is \$178,000 for upgrades and repairs to the Beaver Creek Community Centre. There is \$196,000 for the upgrade to the Ross River Community Centre upgrades.

Yukon also continues to provide funding to the City of Dawson to address structural upgrades to the recreation centre. This is the second year of a four-year commitment — \$1 million will be provided in the year 2010-11.

This past year saw Yukon's participation in the 2010 Olympic and Paralympic Winter Games. I want to take this opportunity to acknowledge the great work of our staff, officials, youth ambassadors, demonstrating sports athletes and coaches on the world stage. Our ongoing support for sport and recreation in Yukon enables our young people to aspire to do their very best to serve their communities and to contribute to Yukon's thriving sports and recreation community.

Community Services is also a department that focuses on excellence in emergency preparedness, response and management. In this budget we demonstrate our dedication to public safety and our commitment to protect life and property from human and natural causes/threats through key investments in emergency services and management. Community Services is working to create safer communities by providing integrated, high quality, dependable protective services to all of our communities throughout the Yukon.

In June 2009, I announced an increase in funding for volunteer fire departments. In this budget, Mr. Chair, we are providing an additional \$57,000 for our volunteers' pay. This funding commitment is in line with the support that this government has provided to Emergency Medical Services and the overall support the Yukon government provides to emergency responders.

The year 2009 was a prolonged hot and dry summer, with strong winds and extreme fire conditions. The effectiveness of our wildland fire management program is a good news story, and the working relationship between our wildland fire program and our volunteer fire departments is essential to continued success.

In this budget Community Services is investing in the purchase of emergency response vehicles to enhance services throughout the Yukon. \$250,000 is allotted for two ambulances and \$168,000 toward a fire suppression vehicle.

We are providing \$250,000 to design and construct a Ross River fire hall. The facility includes water supply and will also serve as truck storage and the community fire hall.

We have increased Emergency Medical Services' operating budget by \$1.022 million this year, bringing the total to \$6.913 million to further enhance Emergency Medical Services in Yukon. The funding will help to support additional staff and our volunteers.

In addition, we are allocating \$357,000 to plan and design a new integrated emergency response facility, which will house Whitehorse's new primary Emergency Medical Services ambulance station. The existing ambulance station will continue to serve as a satellite facility. Together, the facility will enhance quick EMS response time to serve a growing community that includes new neighbourhoods along Hamilton Boulevard, and of course, the Alaska Highway. The additional emergency service facility will further improve services to residents of Whitehorse, and, of course, the surrounding area.

A total of \$1 million has been allocated to the FireSmart program to help reduce the threat of wildfire in and near Yukon communities. FireSmart also strengthens local economies by creating much needed winter employment opportunities. There is \$50,000 dedicated to support EMO with technical enhance-

ment to the joint emergency operation coordinated centre and to provide staff with emergency management training opportunities. One of our accomplishments last year was the completion of the Yukon government pandemic coordination plan. The Department of Health and Social Services led the health response. The Public Service Commission led the human resource response and EMO worked with all departments to manage the H1N1 event. The attention Yukon government paid to manage the H1N1 event demonstrates our commitment to our public safety.

This budget demonstrates the collectivity — we are a department that believes in service excellence. We continue our support for public library programs and have allocated \$15,000 for library database development and \$20,000 for library building renovations in the community of Carcross.

We continue to offer the rural domestic water well program and the rural electrification program for homeowners, and have allocated \$1.2 million for both of these programs.

We are also committed to improving services for Yukon drivers by offering new secure drivers' licences and government-issued identification cards. The new secure driver's licence will meet national and international driver's licence standards and help to eliminate difficulties Yukon citizens have faced when using the current licence in other jurisdictions. In this sitting, Community Services is asking for the Legislature to approve amendments to the *Motor Vehicles Act* related to this initiative. There is \$55,000 allocated for ongoing maintenance related to providing the new secure Yukon driver's licence.

The summer 2010 budget for the Department of Community Services includes \$65.76 million in operation and maintenance expenditures and \$77 million in capital investment.

It is a budget that includes significant investment in community infrastructure, programs and services, and maintains our commitment to build vibrant, healthy and sustainable Yukon communities.

We are investing in drinking water, waste water, solid waste, community infrastructure — including community roads, pedestrian bridges and recreational facilities. In this budget we demonstrate our dedication to public safety and our commitment to protect life and property from human and natural causes and threats through key investment in emergency services and management.

We are a department that fosters strong local governance and supports healthy, active communities. In this budget our department is encouraging healthy lifestyles and personal achievement by investing in our athletes, our coaches, and our host societies for local and national sport events. This budget demonstrates that we are a department that believes in services and excellence.

Community Services is a department that promotes vibrant, healthy and sustainable Yukon communities. Through planned investment, we are contributing to a better quality of life for all Yukoners.

I would like to take a few moments and thank not only the staff I have here in the House today for answering questions, but the department itself for all of the hard-working individuals

who work in the department and do the excellent job they do in all of our communities throughout the territory.

Mr. Fairclough: I do have a few more questions for the minister. I would like to go into some of the municipal funding, but first the minister said there was a project with the LSCFN through the municipal rural infrastructure fund. I believe this project was necessary to comply with the more stringent regulations that have been put out there. I'd just like to know if we'll end up seeing projects like this in more of the communities. Perhaps the minister can also let us know if he sees an end to the municipal rural infrastructure fund.

Hon. Mr. Lang: In addressing the member opposite, the First Nation was the lead on this project. It was through MRIF, which was a partnership. We certainly worked with the First Nation, but they definitely are the lead on this project.

Mr. Fairclough: The municipal rural infrastructure fund — the minister didn't ask about that. Does this have a deadline? Is there a deadline to the fund? Is it going to be ending soon?

Hon. Mr. Lang: In addressing the member opposite, there will be no new projects under that fund process. It will be sunsetted as soon as these projects are finished, so MRIF has grown into the Building Canada fund. As far as that one program is concerned, it will be terminated with the completion of the projects that are on the books at the moment.

Mr. Fairclough: Safe water — drinking water in the communities, of course, is a big deal. The minister said he has addressed some of the issues in some of the communities with regard to arsenic and so on.

The community of Pelly Crossing had a low-pressure piped water system in the community that cost quite a bit more, I think, than they realized. Part of that project — the other community that was part of designing that project was Little Salmon Carmacks First Nation, which wanted to see a piped water system in their community. I'm just wondering how the department is addressing that issue.

Hon. Mr. Lang: That's another project that was MRIF-funded, and the lead on that was the Selkirk First Nation. We are in discussions with them, so there has been dialogue between the two governments, but it is the lead of the Selkirk First Nation through the MRIF application.

Mr. Fairclough: I realize that, and it was also deemed as a pilot project to see how well, I suppose, this would go. Part of designing this low-pressure water system was the Little Salmon Carmacks First Nation, which worked with Selkirk on designing this. I was just wondering how the minister is addressing that piped-water issue for Little Salmon Carmacks First Nation, if at all.

Hon. Mr. Lang: The agreement is between the three governments and of course in that agreement is an outline of how it will unfold, which is all written into the agreement. So it includes the First Nation government, the Yukon government and the federal government. So in addressing the question, it's all part and parcel of the agreement that was signed by the three governments.

Mr. Fairclough: I realize that. Has the minister had any discussions with the Little Salmon Carmacks First Nation in addressing that issue of piped water in that community?

Hon. Mr. Lang: I haven't been in discussions with the Little Salmon Carmacks First Nation government personally, but I've been told by my capable staff that it's a process of a fill station and we have had discussions with them. So internally, between the two governments, there has been dialogue.

Mr. Fairclough: I believe they are two very different projects, and I'm hoping that if the minister is down in that community, he would open up some discussions with the First Nation on this, as it continues to be a very important issue, as they do need help. They have accepted help from the Canadian Auto Workers in trying to upgrade their wells, at least to have some safe drinking water for the time being. This has been on the books for quite some time, so I'm hoping the minister, in his community tours, would initiate discussions on this, if there is an interest on the part of government.

The minister also raised that in this budget there is money for community roads and bridges. He mentioned the painting of the bridge across the Pelly River in Pelly Crossing. I know that every one of the locals and visitors who had seen this bridge was wondering when this will ever take place, and I have raised it with the minister many times. So I am glad to see this is in the budget. I am hoping that this project goes well. I have experienced the one in Carmacks — I'm just waiting for the conversation to finish.

I have experienced the one in Carmacks and part of the issue was the amount of paint that would drift, I guess, with the wind, onto people's property and particularly vehicles, and that was a big issue in the painting of the Carmacks bridge. I just want to flag that for the member opposite, ensuring that things like that don't take place because it's frustrating for people to deal with. But I do realize that this bridge needs to be painted. It's an eyesore and eventually down the road, if it is not taken care of, it will become a problem.

The minister said that by the year 2012, there will be no burning in municipal landfills allowed. A lot of the communities have already gone to the trench-and-bury pile, and there are still some communities that are under the government's watch that are still burning their trash in the community dumps. Some of them have incinerators as part of that. But a situation has occurred here in Whitehorse where, because of the cost of taking a few bags of garbage into the municipal landfill here in Whitehorse, a lot of garbage ends up in some of the dumpsters that are in and around Whitehorse and the transfer stations. Then the government ends up paying to have garbage that has been produced here in Whitehorse and taken out to these places in and around Whitehorse transferred back.

I'm wondering how government is going to make improvements and have this more cost-effective.

Hon. Mr. Lang: Going back to one of the questions the member talked about — the Little Salmon Carmacks First Nation water supply treatment. We do have \$1.133 million being invested through MRIF to improve the Little Salmon Carmacks First Nation water supply. The project will improve the water-delivery fill system, which means that more house-

holds in the community will benefit from reliable potable water. There are resources going toward the Little Salmon Carmacks First Nation water supply and modernization — \$1.133 million.

As far as our solid waste is concerned, we have been very active and very concerned about the management of solid waste throughout the territory, understanding that we as a territorial government have control and management over a number of these facilities.

Of course, the municipality of Whitehorse manages their facility here in the city, so as far as daily management of the facility here in Whitehorse, that's a responsibility of the municipal government.

As we went through the community and worked in consultation with our partners — whether it was our municipal governments or the First Nation governments — one of the first things we did and one of the first initiatives implemented under the *Yukon Solid Waste Action Plan* was the establishment of transfer stations in Carcross and Tagish which would result in at least 75 percent of Yukon's solid waste being transferred and landfilled instead of being burned. So we are moving toward that target of 2012.

Another investment we made is that we have management on-site at these transfer stations to make sure that they are managed in a proper and a controlled way. So Carcross, Deep Creek and Tagish all have management teams put together and they're managed on a daily basis. I was in Carcross last weekend, and they are pleased with the transfer station and the improvement that has brought to the community. We all know there is a date there — 2012 — that we have to comply with the no-burn, and with the movement we're making inside the territory to get to that goal, we are making some very positive investments.

We're looking at the Haines Junction area and we're looking at Mayo and Dawson City. Mayo is the centre of an area that has the responsibility, through the municipality, of managing a waste facility. Having Keno City and the other users come in and use that facility, how do we work in partnership with the municipality to make sure we don't put an unfair burden on a municipality to manage solid waste for the whole surrounding area and not be compensated in some fashion? So we're working with the community of Mayo.

Dawson City, through the municipality, manages their facility but, again, how do we work with them, with the pressure they have from the outlying areas, especially in the summer season, when they accept all the solid waste from the surrounding area?

So those are all things that the government is aware of and certainly are working with our communities.

Mr. Fairclough: From what I understand, in some of these transfer stations it does become a problem when these stations are only open a few days a week. That issue has been raised with us. I am sure that it has with the department and the minister. I am wondering how the government is addressing that and whether or not the minister feels that the government will be ready for this no-burn by 2012. Is the government ready

for that? Are all the plans put in place to ensure the government itself complies with its own rules?

Hon. Mr. Lang: Certainly we are working with the communities on the hours when these transfer stations are managed and we are flexible on that. It certainly has been an improvement on what we had in the past. We look forward to the improvements we can make as we move through this transition that we're going through at the moment.

As far as being ready for 2012, we're working very positively toward that date. I'm very confident that this department can do just that and have the facilities up and running and in place, so we can comply with a 2012 date for the no-burn legislation and policies. No, I think that I'm comfortable with that date. From a management point of view, it's positive to have a date. We're working toward that, so as we work through it will we have something to judge on where we've come from and where we're going, but 2012 is the date.

Mr. Fairclough: The minister said that they are working with communities to address the hours and the amount of time that these dumps or solid-waste areas are to be used. I guess we can take that information back and basically say that the minister is committed to making some improvements there. With this kind of a project, 2012 will come pretty quickly. The minister said that they've been working at this for quite some time to address these issues and trying to work out all the issues that are related to the no-burn restriction by 2012.

Can the minister tell us what additional costs this will mean to government?

Hon. Mr. Lang: There's certainly more cost to managing the solid-waste process that we're doing now. The transfer stations are costly because of the nature of the operation itself, but it's an investment a modern society has to make in managing solid waste, and certainly whatever those amounts of money are — I have a figure here for the gentleman. There's a \$320,000 commitment here. It's allocated for facility improvements and implementation of the strategy. So, as we move through this, we have resources for the improvements in the facilities themselves. Of course, there's a cost to managing them. So we're doing just that.

As we grow into these transfer sites, there is a question about hours. We are working with the communities, but the nature of what we're operating — part of the management is the restricted hours of access to the facility. So there will be a give-and-take and, as people grow into this, there will be a balance between managing this in a fiscally responsible way and also making it accessible to the general public in a very positive way. So there is a balance here.

We don't want to see our transfer stations in a situation we found our solid-waste management in in the past. They were open to the general public on a 24-hour-a-day basis, and we found that didn't manage well, either.

As we work in our communities and put our transfer stations in place, we eliminate the issue of people moving around and putting waste in unmanaged sites and making it a little harder for individuals to utilize one solid-waste area because another area is under management.

We will see that as we grow into this — there will be more and more management of our solid waste. Certainly by the year 2012, the no-burn restriction will be in place. So it's going to be a constant policing obligation for the government of the day, but certainly there will be costs to do just that.

Mr. Fairclough: I don't want to go too much further on this, but the minister said this obviously has been worked on by government for quite some time. Tagish, Deep Creek, and Carcross and others that the minister mentioned, including the community of Keno — I would like to know exactly where these transfer stations are going to be located. Perhaps the minister could tell us how, for example, this would work for the community of, say, Keno? Is the solid waste going to be trucked to Mayo — an hour's drive? Is a position — basically, a part-time position — going to be created in, or contracted out, in the community of Keno? I'm just wondering exactly where these transfer stations are going to be and if the minister could give us an example of how it would work. I gave him the example of the community of Keno.

Hon. Mr. Lang: As we move through with the Whitehorse area plan on solid-waste management — in other words, with our transfer stations that are around the City of Whitehorse — the next plan is the Haines Junction area and looking at how we manage that. Then we'll be looking at Mayo as a centre, then eventually moving to the Dawson City area.

As far as how a community like Keno City would be handled, I visualize it being a transfer station. The option hasn't been brought forward yet because we haven't talked to the community or worked with the municipality of Mayo or had that discussion. But I see a transfer station being in Keno and then being managed from Keno into another site. Those are all things that would happen as we move forward. As we get the Haines Junction issue finalized and managed, we'll move into Mayo and the Dawson area.

Again, the municipality of Mayo manages the site as it is today, and it is becoming more of a cost for our municipalities to manage solid waste.

There are obligations put in place that weren't there 20 years ago. There's always a balance on how we would work with the municipality of Mayo — if their facility is even capable of doing this. Those are all engineering issues that would have to be worked on with the municipalities and the communities to make sure that whatever we did was manageable by the municipality, if in fact, it were to go to that municipality.

Mr. Fairclough: I thank the minister for that answer. I know 2012 is not very far away, and these plans and management plans have to be put in place and talked about fairly quickly, because it could be that we're steered in a bit of a different direction. Does this mean that in 2012 there will be no incinerators left in the territory? The community of Keno, for example, uses one. Are we getting rid of these?

Hon. Mr. Lang: Keno City has an incinerator. Again, I don't want to second-guess what the decision is because that is in the process being planned, so whatever I say here on the floor must have a bit of flexibility. In other words it is very clear what 2012 is going to bring to us about burning. Is there a modern form of incineration? Well, maybe there is, but at the

moment, we don't have incinerators. I would say to you right now it would be a decision that would be made, but whatever I have seen in the *Yukon Solid Waste Action Plan* was visualizing transfer stations and management of solid waste in a central area by ditching and the process like the City of Whitehorse does now with our transfer from Deep Creek and our other facilities. They receive our solid waste. We pay them a tonnage fee to manage it. That is what I would visualize in the City of Dawson and Mayo. They would be obligated to work with us to manage the actual transfer of solid waste into their facility, but we would pay a tonnage fee so that they would have a flow of resources to do just exactly what they contracted to do with us as a government.

2012 is a date we're working toward, and I'm optimistic that we can meet that date. As far as the department is concerned, they feel they are comfortable with that date. There haven't been any red flags on dates being extended or anything else. They seem to be on target and on budget in how this thing would unfold, so I'm very confident that we can meet that date.

Mr. Fairclough: Mr. Chair, we will definitely be monitoring that as this is pretty important stuff. Some communities have complied with that no-burn situation for quite some time.

The minister, in his opening remarks, talked about an increase in taxes, in revenue and grants-in-lieu of property taxes and I believe he said that this was due to an increase in residential buildings. Can the minister tell us whether or not this is largely due to the increase in houses that First Nations have built, because their property taxes are grants-in-lieu?

Hon. Mr. Lang: Governments can't tax each other, so in lieu of taxes, we pay an agreed amount of money for taxes in municipalities where we have investments — in other words, government infrastructure. So that's an agreed amount. As the appraised value goes up, then our obligation is to pay more taxes. But it's not a First Nation issue. It's not part of their tax base. It's what we do as a territorial government. In lieu of taxes, we pay a grant to the municipality so they have operating money. It's not a complicated process; it's just what governments do among themselves. The federal government does the same. In the City of Whitehorse, any investment they would have wouldn't be a tax; it would be a grant-in-lieu of taxes.

Mr. Fairclough: Just one comment to that is that First Nations continue to build homes and their property taxes are grants-in-lieu of property taxes.

I'm just wondering, because that goes straight to the territorial government and not to the municipal government. That was the reason for asking that question.

During the AYC meeting in Dawson City, this government talked about quarterly grants to the municipalities. This was waived for this year, but I guess there would be four payments of municipal funding through the Yukon government to the municipalities. I was wondering, it's not in this year's budget, but is this going to change next year? If so, will we see equal quarterly payments to municipalities or will we see a bigger up front, first-quarter payment?

Hon. Mr. Lang: The Auditor General was commenting on how we should manage the expenditure through the department, so it was red-flagged by the Auditor General.

Certainly, we are aware of the history of the municipal grant and how the communities and municipalities manage the grant over a 12-month or business year. Certainly, we extended it for one year. We're open for discussion on an ongoing year, but I remind the member opposite that this is one of the things that the Municipal Fiscal Framework Review Committee is going to have to talk about with the municipalities. This is one of the things I see the committee going out and working on and talking about, then and coming back with recommendations on how we get closer to the Auditor General's recommendations and how the municipality can work and manage their finances too. I visualize this being one of the questions that will be answered by this review committee. Certainly, I tasked them with that.

Mr. Fairclough: What has been said to AYC by the minister is that, yes, this year, the quarterly grants to municipalities has been waived, but it's going to happen. That's reason for asking that question. The minister also said that this review committee will be looking at these types of issues that are significant to municipalities and perhaps making recommendations to the government. They are tasked to do this, to work with the municipalities and come up with these recommendations. I can't remember when the minister said that he would like to see this work completed by the committee. Perhaps he can tell us now.

Hon. Mr. Lang: I was very clear in my presentation to AYC that we have a 12-month window of opportunity to get this thing in front of the government. Certainly, with AYC leadership and of course the government itself, the Department of Community Services being part of that, I visualize that being jumpstarted as quickly as possible. There are all sorts of issues. It is not just resources that municipalities have issues with. It is capacity. It is accounting questions, like the member opposite's question about the grant itself, how it is handled by the territorial government and how it flows to municipalities.

Also, I'm looking forward to that, but it was very clear from me as the minister and the department that we were looking at a 12-month window of opportunity to put those questions out and have some answers brought back to me.

This is being led by the Association of Yukon Communities with the help of the government or Community Services. We're going to go out — I visualize going out — and talk to all of the municipalities on their specific issues, but also I'm looking at probably hiring expertise to work with this group of individuals that could answer some high level questions or work with them on resolving some of these issues. This is a review that this government is going to take very seriously and it's not only the resources municipalities have, but the day-to-day management of the municipalities throughout the territory.

Understand, Mr. Chair, that every community has different issues, different obligations, different sizes and of course different resources. It's very important that this group gets out and talks to every municipality and resolves — no, not the word "resolves" — but brings back to us some solutions or some

recommendations that we can work with to make the municipalities not only strengthened financially, but also to bring their capacity into a position where they can see the job they're doing, which makes their life a little bit easier.

I hope that we can help strengthen our communities wherever they are in the territory, whether it's solid-waste or wastewater management — all of these issues that come up — and these groups of individuals in our municipalities have to manage them on a daily basis.

I'm looking forward to the report and I look forward to working with the group that will be put together. They do have a 12-month window of opportunity to get back to us as a government and put recommendations in front of us, so that we can address them as quickly as possible after that 12-month window.

Mr. Fairclough: It would be good to be able to see this report completed before the end of the fiscal year, so we could see some reflection of any of the recommendations coming in the next fiscal year.

I know it's a 12-month window of opportunity here, as the minister says. I think a lot of this work could probably be completed quite a bit before that and that governments do get an idea as to what the committee will be recommending.

I want to go into the costs a little bit, but first, this was a committee that the minister recommends to work with municipalities to make improvements in whatever way, whether it's management or even dollar-wise to the municipalities. But there were some in attendance at AYC who were looking on and taking in the discussions between the municipalities and government and have shown some interest perhaps in this committee. Is this committee to deal directly with how to make improvements in those communities? How are the unincorporated communities included in this? Perhaps the minister could give us an idea of how, for example, Little Salmon Carmacks First Nation, which has a community within the municipality — well, they're within the boundaries of the municipality, but they're excluded from them. How is this government going to be dealing with them?

Is this committee going to have an expanded mandate to deal with communities, such as Little Salmon Carmacks First Nation, such as Stewart Crossing, Keno and those unincorporated communities and those First Nation communities?

Hon. Mr. Lang: I'd like to remind the member opposite that we have eight municipalities in the territory. This review involves the eight municipalities. It's being led by the Association of Yukon Communities and the government itself. So it's going to address municipal questions, and I feel it's timely to do this.

We increased the municipal grants to the municipalities by just over \$800,000 this year. We as a government in the last five years have given improvements to the municipal grant. By the way, that was a decision we made as a government, understanding that municipalities were struggling with their budgets because there hadn't been an increase for many, many years. I am looking forward to the findings of this group. At that point, once the findings are put in front of us as the government, we'll go to work on those findings. As far as outside the municipal-

ity, this group is tasked with working with the eight municipalities, coming back to us with the findings. As a government, we will take a look at the findings and move forward with those findings when they are put in front of us as the government.

Mr. Fairclough: Mr. Chair, I am sure that the minister and the department also have people tasked in monitoring progress and are still dealing with other issues. I want to read a couple of motions that have been put on the floor of this Legislature and perhaps ask the minister how he responds to these motions, because they are directly dealing with municipal funding.

So I'll read them out first and then the minister can respond to that, because I definitely wouldn't be able to debate it here in the House.

The first one is Motion No. 1041 and is: "THAT this House urges the Yukon government to examine and project the increased Operations and Maintenance costs that will be incurred by municipalities before implementing new regulations, such as health, safety and environmental regulations, that require new spending by municipalities in order to: (1) provide accurate projections of the additional costs to municipalities of implementing new regulations; and (2) provide additional funding support above the Comprehensive Municipal Grant to cover the increased costs of implementing new regulations."

I know the minister may say, well, this is exactly what this review committee is going to be doing, but this is an issue that was raised directly to the minister at the Association of Yukon Communities and it was raised by the mayor of Dawson as a very important issue that government should be dealing with and not have these additional costs that are forced upon them by new regulations that basically would require increased and new costs to municipalities.

I'm just wondering if the minister can answer that question first.

Hon. Mr. Lang: We've just received the recommendations from AYC and we're looking at them and will respond as quickly as we can. That's exactly why we put together this group — to address most of the issues, hopefully, in the municipality.

We understand the day-to-day operation of municipalities throughout the Yukon is an obligation and a growing cost and, with more regulations, whether it's solid waste or potable water and all the questions around that, the new accounting process that's in place for all our municipalities, it all requires resources. That's exactly why we jump-started this process we have. I'm looking forward to the work that will be done and the results of that work within the next 12 months. That would coincide with AYC's next meeting next year. I certainly look forward to having them in front of me then.

Mr. Fairclough: So if we were ever to have debated this motion, that would have been the minister's answer.

The other motion I wanted to read out, too, because it's not just with the territorial government, but it says, "...urges the Government of Yukon to consult and work with the Association of Yukon Communities and all municipalities to ensure that municipalities are provided the necessary funding support to address the increased operation and maintenance require-

ments to run the new infrastructure that is being built through federal infrastructure funding programs.”

This is Motion No. 1042. I expect perhaps the minister’s answers will be the same as the one he just gave.

Hon. Mr. Lang: The answer is yes, it would be the committee’s responsibility to come back with the cost. But we can’t lose sight of the improvements the Building Canada program will have, of course, in partnership. A lot of this infrastructure is going to be upgraded. That will be a balance from an economic perspective, too, because of the costs of running the old infrastructure, and we have new infrastructure in place.

I am looking forward to the next seven years and the investments that are going to be put on the ground for our municipalities. I would like to thank the department for the work they have done to jump-start this committee and get out there and do a thorough review and a thorough think-tank on how municipalities and the territorial government can work together in the future to make municipalities stronger, but also to have the partnership work in a modern way and in a balanced way. I look forward to working with those municipalities to address just what the member opposite has been speaking about.

From my conversations with mayors and councillors throughout the territory, they are looking forward to participating in this review and certainly they have many, many questions, and I look forward to those questions. Certainly, once they arrive on my desk or in the department, we’re going to treat those concerns very seriously.

Mr. Fairclough: I thank the minister for that answer. I would like to move on. One of the objectives of the department is to ensure compliance with the minimum building code and electrical codes and so on.

One of the government’s commitments here, in their buildings, is to build to green standards, or SuperGreen standards. Are there any changes to our building codes that would include green standards or improvements to what we have right now to ensure energy efficiency?

Hon. Mr. Lang: Here are some interesting statistics. Last year in Building Safety we issued 2,696 codes in standard permits and registrations. That’s a growth over the last period of time. We completed 7,242 inspections for building, plumbing, development, electrical, gas and boiler pressure vessels and processed 1,457 building file information requests. Building Safety of course sits under Consumer and Safety Services — infrastructure and development — along with Consumer Services, Corporate Affairs, Labour Services, Motor Vehicles. In other words, the department is tasked with a very responsible job, and it’s not only here in the City of Whitehorse, but it’s throughout the territory.

Another innovation the department has is that we’re implementing a new electronic permitting reporting software system to enable building inspectors to create permits and reports on-site — in other words, when the building inspector is out in the field, he can work right from his remote location and issue permits and reporting software. That’s a modernization of the program we have in place.

The Building Safety branch issues permits, licences and performs inspections under the following pieces of legislation:

the *Building Standards Act*, *Electrical Protection Act*, *Gas Burning Devices Act*, *Boiler and Pressure Vessels Act*, *Elevator and Fixed Conveyances Act* and *Area Development Act*. It also provides advice to the public and construction industry regarding requirements and interpretation of the above acts and regulations. We provide building file information to the legal banking community.

The department has a responsibility in all these areas. As far as green building, we have made a commitment as a government and I look forward to the Yukon Housing Corporation debate. When it’s up, you can talk to the minister responsible for Yukon Housing Corporation. They’ve invested a lot of resources into green technology and have been a leader in the territory to show what green technology can do, and of course, in those kinds of decisions, what the costs are.

Public Works, another department that will be up — we as the Department of Highways and Public Works have a responsibility to look at green construction on whatever we build for the government.

Now, we have responsibilities that we manage for Yukon Housing Corporation, other departments and, in some respects, Yukon Hospital Corporation, but we again are leaning toward the green technology for all our building and we certainly recommended that any buildings in the territory being built today meet a certain green standard, which will make their footprint more compatible with what we’re trying to do here in the territory, but also the economic ramifications of building green are very real. It does have a cost up front when you do build it, but it has a savings, as you move down in the years of the construction itself.

A couple of questions back, Mr. Chair, there was a question about residential land or land availability. In the residential files here in the Community Services, \$13.823 million consists of 11 projects, Mr. Chair. There is a Whitehorse periphery residential of \$500,000 for planning, environmental assessment and design of lots in Grizzly Valley. There is \$150,000 for planning and design at Mount Lorne. There is \$970,000 for the completion of 141 new single- and multi-family lots, again in Arkell. There is \$8 million to begin construction of the Whistle Bend subdivision.

There is \$2.328 million to continue construction of 52 fully serviced urban residential lots in Haines Junction; \$1.175 million to continue construction of 29 country residential and two commercial lots at Willow Acres in the Haines Junction community. There is \$100,000 for planning of country residential lots on the Dome Road in Dawson. There is \$150,000 for option analyzing, planning and environmental assessment in the community of Carmacks — another investment we’re making in the community of Carmacks.

There is \$150,000 for examining options for residential lots in the community of Destruction Bay, which is important. They’ve been asking for access to land for quite awhile. There is \$150,000 for planning in the community of Mayo for lots and \$150,000 for options planning and environmental assessment in the community of Watson Lake. There is \$150,000 for recreational to assess potential locations for recreational lot

development; quarries, at \$250,000, to plan for the Stevens quarry with the City of Whitehorse.

So those are the investments we have made on the ground. There is an industrial component to this. There is \$770,000, which consists of one project. That's the Dawson Callison industrial subdivision, so that's for lot development. So we are doing a balance of both.

If we were to look at the Whistle Bend, stage 1 and 2, there will be 298 lots, a mixture of townhouses, single-family duplexes and multi-family lots. This is in partnership, of course, with the City of Whitehorse. Ingram, which is ongoing, will have 141 lots, a mixture of town homes, single-family, duplex and multi-family lots. Of course Haines Junction will have 83 lots, 29 country residential, two commercial and 52 serviced residential lots.

Land development projects in the planning phase are what we're doing in planning in the department. We're looking at Destruction Bay, Glacier Acres infill, which is a very positive thing for the community of Destruction Bay; Dawson Callison, which is going to be 20 industrial lots; Dawson Dome, which will have a potential of 14 country residential lots; and Carmacks, residential/industrial infill. I've been talking to the mayor and council. There is a demand there, and we're certainly working with them in partnership to address that issue. The Grizzly Valley, which is a Whitehorse issue — 30 rural residential lots, with the potential of another 30. So there will be a 60-lot potential. The first phase will be 30 lots. There is Mayo — working with the town of Mayo to look at residential infill. That's an ongoing discussion we're having and certainly, we're in the planning stages of that.

Most communities in the territory are going to be touched by Community Services in respect to lot development, whether it's residential — and as you can see, residential and recreational and also a bit of industrial in all of our communities. So, again, it's a need. In fact, Community Services has staff on the ground in Dawson City today to talk about this issue. Mayo tomorrow — staff on the ground, and talking about land development, so we are working with the community.

If you were to look at our inventory, our lots are being eaten up very quickly: Beaver Creek residential — they have one lot available; Carmacks, country residential — they have 13 available — commercial, two and the total is 15; Dawson City — 14 residential lots available; and Haines Junction — tourist commercial, four.

You can see where they need that investment on the ground there. Ross River has industrial, two — that would be another community that will be looking for investments. They have a lot of pressure in their community for access to land, so that's another unincorporated community we're going to have to deal with.

Teslin has residential airport lots — they have 36 there and, commercial, they have two, so they have a bit of inventory. Watson Lake has the following: residential, three; mobile home, 11; country residential, 12; and industrial, 11. That again is another area we're going to have to look at very seriously, because they have a mine opening up in the near future and

these kinds of issues will have to be addressed. Again, it's another job for the department to do.

The capable staff we have will be travelling to Watson Lake in the coming weeks to identify areas for development — good news for Watson Lake. I have to repeat that it is a partnership with the municipality, so it's a working relationship between our eight municipalities and us.

As you can see from our inventory, there is a need out there and certainly the municipalities have been working with us. The urgency is there and we certainly are taking that urgency very seriously.

Mr. Chair, seeing the time, I recommend we report progress.

Chair: It has been moved by Mr. Lang that Committee of the Whole report progress.

Motion agreed to

Hon. Mr. Rouble: I move that the Speaker do now resume the Chair.

Chair: It has been moved by Hon. Mr. Rouble that the Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

May the House have a report from the Chair of Committee of the Whole?

Chair's report

Mr. Nordick: Committee of the Whole has considered Bill No. 20, *First Appropriation Act, 2010-11*, and directed me to report progress.

Speaker: You have heard the report from the Chair of Committee of the Whole. Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

Hon. Mr. Rouble: I move that the House do now adjourn.

Speaker: It has been moved 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 5:27 p.m.

The following documents were filed May 12, 2010:

10-1-152

Fleet Vehicle Agency 2010-2011 Business Plan (Lang)

10-1-153

Queen's Printer Agency 2010-2011 Business Plan (Lang)