

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Wednesday, February 16, 2011 — 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.

Introduction of visitors.

Returns or documents for tabling.

**TABLING RETURNS AND DOCUMENTS**

**Mr. McRobb:** I have two documents for tabling. They're both e-mails from the Yukon Housing Corporation officials regarding the sell-off of the mortgage portfolio.

**Speaker:** In future, honourable member, documents for tabling are simply that; I don't need an explanation.

Reports of committees.

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motion?

**NOTICES OF MOTION**

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

THAT this House urges the Government of Canada to amend the Yukon Northern Affairs program devolution transfer agreement, signed by a previous Yukon government on October 29, 2001, in relation to the following:

(1) changing the provisions of chapter 5, Forest Resources, and the \$7.5 million for Fire Suppression Transition set out in chapter 7.13 to ensure the Government of Yukon receives appropriate compensation for fighting forest fires, especially in the view of the increased historic risk of fire in the boreal forest, including the massive spruce-bark beetle infestation that was allowed to grow unchecked for decades in the Kluane region under DIAND's administration;

(2) increasing the \$3-million cap on Resource Revenues set out in chapter 7.27.1(a), Net Fiscal Benefit, to enable the Government of Yukon and Yukon First Nations to receive more benefits from resource development in the territory while promoting greater economic activity with a corresponding greater economic return to the Government of Canada; and

(3) ensuring there is parity between the provisions of the Yukon Northern Affairs program devolution transfer agreement and the devolution agreements being negotiated with the Government of Northwest Territories and the Government of Nunavut.

**Ms. Hanson:** Mr. Speaker, I give notice of the following motion for the production of papers:

THAT this House do issue an order for the return of all documents related to the cost of advertising the Yukon government's 2009-10 budget and the 2011-12 budget in the print and electronic media.

Mr. Speaker, I give notice of the following motion:

THAT this House reaffirms Yukon as a nuclear-free zone and supports the Yukon Member of Parliament's bill before the House of Commons, which would prohibit using Canada's land, sea or airspace above the 60<sup>th</sup> parallel to transport or test nuclear weapons.

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

THAT this House urges the Government of Yukon to comply with recommendations from the Auditor General of Canada by identifying its most important health priorities, developing key health indicators and setting targets for health outcomes in order to properly assess whether it is providing the right programs and services and allocating resources optimally.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to comply with recommendations from the Auditor General of Canada and begin following the *Financial Administration Act*.

**Mr. Fairclough:** Mr. Speaker, I give notice of the following motion:

THAT this House urges the Cabinet Commissioner for the Department of Community Services to work with all stakeholders to ensure residents of Dawson City have 24-hour ambulance coverage.

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

THAT this House urges the Standing Committee on Public Accounts to meet as soon as possible to review and respond to the report of the Auditor General of Canada, titled *Yukon Health Services and Programs 2011 — Department of Health and Social Services*, tabled in the Legislative Assembly on February 15, 2011; and

THAT all members of the Public Accounts Committee respond in a timely and forthright manner whenever communicating with the chair of the committee as to their availability and willingness to meet and discuss important matters in the public interest.

I also give notice of the following motion:

THAT this House welcomes the news of a temporary fix to the situation in Dawson, where there was a lack of essential ambulance services, and encourages the Minister of Community Services to engage in discussions with all volunteer EMS responders throughout the territory about lasting, long-term solutions that:

(1) respects EMS volunteers' and their families' contributions;

(2) incorporates EMS volunteer perspectives on funding priorities; and

(3) ensures that essential services are provided round-the-clock in all Yukon communities.

**Speaker:** Are there any further notices of motion? Hearing none, is there a statement by a minister? This then brings us to Question Period.

## QUESTION PERIOD

### Question re: Auditor General report

**Mr. Mitchell:** Mr. Speaker, the Auditor General's report, *Yukon Health Services and Programs — 2011*, found that this government, quote: "...has not identified and formally documented its most important health priorities."

This government promises big and delivers little. We have heard promises of a homeless shelter; we have heard talk about the need for a proper, medical detox facility, but are these even in this government's long-term plans? No, they are not.

The Auditor General also stated that the department, quote: "does not have a human resource plan." Will the Health and Social Services minister tell us if he accepts the Auditor General's assessment and how he will set priorities for the department?

**Hon. Mr. Hart:** To begin with, I would first of all like to thank the Auditor General Sheila Fraser and her audit team for the report she did on my Department of Health and Social Services and for the recommendations contained therein. The process appears to have been a thorough assessment of the department, and the recommendations appear to be ones that we can work with. I also advise that the report tabled yesterday, as the member opposite indicated, contained our formal responses to those recommendations.

**Mr. Mitchell:** Another problem the Auditor General pointed out was that this government, and I quote: "...does not use and analyze data from all relevant sources to determine whether its programs and services are achieving their objectives and reaching those who need them..." The report states that this government "... cannot assess whether it is providing the right programs and services and allocating resources optimally."

The Health minister stated last October that, quote: "We need solid research to back up the policies and programs that will lead to solutions." Studies and research are important, Mr. Speaker, but so is the ability to evaluate the programs that you are implementing. Otherwise, there is no way to tell if they are succeeding or not.

How can the department properly evaluate the programs in place if there is not a proper assessment system in place?

**Hon. Mr. Hart:** The member opposite obviously has the report. He has seen our department's response to the recommendation. As I indicated earlier, we are in a review of our strategic plan. We have gone in that place. If you will note, the Auditor General has clearly stated that we have the plan in the early stages and we are moving along in that process. I look forward to providing the results of same to the House on Wednesday.

**Mr. Mitchell:** While this government continues to boast that it has Yukoners on the path to prosperity, the Auditor

General's report would indicate that this government is lost in the woods. As this government has often said, you can't know where you are going until you know where you have been. But the Auditor General's report would indicate that that government does not know where it has been, so it's impossible for the government to know where it's going.

The Auditor General has recommended that, and I quote: "The Department of Health and Social Services should rank its health priorities, set timelines and targets for addressing them, and identify resources required."

The department has agreed with these recommendations. Will the minister be acting on them and providing the required resources for the department to follow through?

**Hon. Mr. Hart:** The Auditor General's report clearly states that, although in the early stages, the department has begun implementing the strategic planning — I might add, strategic planning and risk management for the department. That's identified in the Auditor General's report.

### Question re: Auditor General report

**Mr. Mitchell:** Yesterday the Auditor General presented her findings into the Department of Health and Social Services. She brought forward a number of serious concerns, including issues with poor planning, overspending, and inadequate information management. One thing that the Auditor General criticized was the *Yukon Substance Abuse Action Plan*. She said that there was no way of telling if it was effective and that its lack of performance measures directly contravenes the government's own financial administration manual. The Justice minister has previously had a lot to say about the plan's effectiveness.

How can the minister call this plan a success when the Auditor General says she can't even tell if it is working?

**Hon. Mr. Hart:** As I have stated previously here, we have had discussions with the Auditor General's team. We have gone over the department's process. We are in support of the recommendations put forth by the Auditor General's team, as well as the Auditor General. As indicated in the report, we have commenced a process of planning and strategic work with regard to all programming in Health and Social Services.

**Mr. Mitchell:** Mr. Speaker, the Auditor General pointed out that 28.4 percent of Yukoners are heavy drinkers compared to 17.2 percent of Canadians generally. That means Yukoners are at a higher risk of more than 65 medical conditions, including cancer, cardiovascular disease and mental illness. That's why it is so important to be sure that the millions of dollars spent on substance abuse issues are effectively spent.

This is what the Auditor General had to say about the *Yukon Substance Abuse Action Plan*: "...the action plan did not have targets, goals, performance measures, or evaluation requirements. Consequently, the effectiveness of the Substance Abuse Action Plan could not be assessed."

Why can't the minister show that the plan has had any effect whatsoever?

**Hon. Mr. Hart:** In regard to the Auditor General's report, I look forward to the discussion taking place, as the Member for Mount Lorne brought up, in PAC on the details, specifically with regard to Health and Social Services as it re-

lates to the specific and individual items related to the Auditor General's report. However, I will state that, together with the information we have and the information provided by the Auditor General, we are in the planning process to ensure that what we are doing is and can be accomplished with the resources that we have in the best possible way to ensure services are available for all Yukoners.

**Mr. Mitchell:** A substance abuse action plan has been in place for six years. It has pulled resources from the departments of Health and Social Services, Justice, Education, Community Services, the Women's Directorate and the Yukon Liquor Corporation. It was supposed to fulfill Yukon Party campaign promises to address serious drug and alcohol issues in the territory.

Now the Auditor General says there is no way to tell if it is working. Does the minister agree with the Auditor General that this plan's effects are unknown and that it has been managed in contravention of the financial administration manual?

**Hon. Ms. Horne:** This is really interesting. This is a very interesting question, seeing it was the opposition that recognized substance abuse is the biggest driver of crime in Yukon, yet it was the opposition that shut down the Sarah Steele Building. This is interesting. We have put the *Yukon Substance Abuse Action Plan* into use in Yukon, and we are looking at the problems. Recidivism is one of the hardest gauges, and this happens right across Canada. There is no accurate gauge as to how a program is working, but we have set up courts for Yukon people suffering with substance abuse. We have proven that, in most cases, our Community Wellness Court is 60-percent effective, and that's for substance abuse.

Yes, Mr. Speaker, this government is concerned about substance abuse.

#### **Question re: Auditor General report**

**Ms. Hanson:** Mr. Speaker, the Auditor General's report yesterday on the Department of Health and Social Services was both brutally frank and crystal clear. It demonstrated what we have been hearing and seeing through the course of the last few days during the budget debate. This Yukon Party government has been spending one-third of its total budget for the last eight years without any credible strategic plan containing measurable goals and objectives.

The report says it has failed to identify its most important health priorities and has not set targets for health outcomes, nor has it developed key health indicators. In the Auditor General's own words, this means the government "cannot assess whether it is providing the right programs and services and allocating resources optimally." In light of this, will the Minister of Health and Social Services and Social Services tell us how he determined that Yukoners needed and wanted more acute care facilities and not the expansion of a collaborative primary health care delivery model as recommended by the *Yukon Health Care Review*?

**Hon. Mr. Hart:** Mr. Speaker, first of all, for the member opposite, I'd like to correct some of the information that she has provided with regard to the Auditor General's report. The statement that the Department of Health and Social Services was, and I quote: "spending huge sums of money

without a strategic business plan and a risk-management process or complete and accurate health plan data" is incorrect. The Auditor General's report clearly states, as I stated before previously, that although at early stages, the department has begun implementing strategic planning and risk management. It states that a strategic plan does have goals, objectives, strategies, missions and a vision.

Although we do not agree as to whether those goals and objectives are measurable, the Auditor General does not deny that this work has begun and it is underway.

In fact, we have completed and released the departmental strategic plan in 2009 for the period of 2009 until 2014.

**Ms. Hanson:** In fact, the minister does reflect that it has begun the strategic planning exercise. What the Auditor General did point out is that there is no integration of the data and that it reflects on the ability to plan for workforce adjustment and for the planning for recruitment and retention.

What I would like to know is whether or not the minister does agree that accountable, responsible decision-making depends on having complete and accurate data, not just silo approaches, which she identified in the report yesterday. I'm just asking: yes or no?

**Hon. Mr. Hart:** Mr. Speaker, we've made huge strides in our risk-management processes, and this work continues throughout the department in a planned and meaningful way. In addition, program impacts on public health often take many, many years to demonstrate. Impact and outcome assessments are typically very costly and resource intensive, to be able to identify and state that an impact or outcome was truly as a result of the program and not a result of the confounding conditions — better economic environment, better social environment, et cetera. So we rely on using best practices that have been demonstrated to have positive impacts and outcomes that have been demonstrated in other jurisdictions.

Mr. Speaker, we have identified our greatest health priority, ensuring health care services for all Yukon residents, when they need them and where they need them.

**Ms. Hanson:** In fact, the Auditor General has identified that the department has identified many health priorities in its planning documents, but it has neither ranked them nor produced plans to address them in ways that include resources, timelines and targets. As a result, the Auditor General — not me — has said that it is not clear which priorities are critical and what the department plans to do to address them. The minister has promised Yukoners two regional hospitals, a social inclusion strategy, a wellness strategy, a strategy to deal with acutely intoxicated persons at risk, a palliative care program, the continuation of three mental health programs previously funded under the territorial health access fund, et cetera. Which of these are key priorities and when does the government plan to set goals to be able to demonstrate that it is delivering on its mandate under the *Yukon Health Act*?

**Hon. Mr. Hart:** I thank the member opposite for identifying all the good programs that this side of the Legisla-

ture is working with. As I have stated previously, I will state that we are working.

I will again state it is also because the three territories work together to ensure that we receive the same amount of services for health care as those of our southern brethren with regard to health care from the federal government. I will state again that we agree with the Auditor General and the evaluation, and that more data would be informative and would provide additional information and assist us in evaluating our programs.

However, the federal government has provided us with \$1.4 million to evaluate just one program — just one program — and the Auditor General has evaluated two programs and made that assessment. As stated, we have worked with the Auditor General's department and her team, and we look forward to working with them in the future, as well as providing them a progress report on the information they did provide us and working forward on the recommendations to improve the health care for all Yukoners.

#### **Question re: Deep Creek zoning regulations**

**Mr. Cathers:** I have some questions for the Minister of Energy, Mines and Resources about the status of zoning initiatives. Last summer, the department did a final round of public consultation on draft zoning regulations for Deep Creek. I understand that, after that consultation, revisions were being made to the draft regulations.

Will the minister please tell me the current status of the Deep Creek zoning regulations and when he expects those regulations to be approved?

**Hon. Mr. Rouble:** In addition to undertaking a number of different land planning exercises throughout the territory, some that are a requirement of land claim agreements, I can confirm for the member opposite that we are in the very final stages of finalizing the Deep Creek area development regulations, and I expect to have them available in the near future.

**Mr. Cathers:** I appreciate the minister's indication that this file is in its final stages. As he knows, a number of my constituents in the Deep Creek area are frustrated by the fact that the zoning regulations are not in place. Last fall, on November 8, the minister indicated, and I quote: "I expect to be in a position to make an announcement on this in the near future."

Can the minister give me an indication of when residents can expect an announcement on the file?

**Hon. Mr. Rouble:** As I previously commented to the member opposite, the Government of Yukon, the Department of Energy, Mines and Resources and our land use planning people have been working on a number of different files, with a number of different initiatives throughout the territory. I do expect to see the Deep Creek regulations coming forward once they conclude the final steps of the process. Once we have everything finalized, we will be in a position to make an announcement on the plans.

**Mr. Cathers:** I'll look forward to more information from the minister in what I hope will be the near future.

Last year a number of residents of the Mayo Road north zoning area signed a petition asking the minister to arrange a public meeting to review minimum lot size for rural residential properties. The petitioners seek a reduction in minimum lot size, similar to what has been approved for other zoning areas. While it's not yet clear how other residents feel about that proposed change, it's important to provide people in the area the opportunity to review and discuss the proposal.

The Minister of Energy, Mines and Resources wrote to the organizer of that petition in September 2010 and indicated land planning staff would begin organizing a meeting. Will he please update me on the status of this zoning file?

#### **Speaker's statement**

**Speaker:** Before the honourable minister answers the question, Member for Lake Laberge, the Chair has a concern that the second supplementary doesn't seem to be linked to the first two. From my perspective, the first two were on zoning; this is a question on lot size. So honourable member, just be careful with that in the future, because I understand you only have one question.

Minister responsible, please.

**Hon. Mr. Rouble:** The Department of Energy, Mines and Resources and our land planning people have been very busy on a number of different initiatives, including the completion of the local area plan for west Dawson and Sunnydale, Marsh Lake — which has recently announced the tendering of a planner — Carcross and the Teslin area.

Additionally, the Department of Energy, Mines and Resources planners will be meeting with a variety of different First Nations to discuss the issues around land planning within their traditional territories, as we have an obligation to do so.

I will take the member opposite's question under advisement and contact the department officials and provide an update on that, once I have information back from department officials.

#### **Question re: Yukon Housing Corporation mortgage portfolio**

**Mr. McRobb:** I have more questions for the Yukon Housing Corporation minister. In the summer of 2009, the Yukon Housing Corporation faced a cash crunch. Minutes from a board meeting in August 2009 state: "The corporation does not have enough cash in its bank account to pay all of its expenditures."

To alleviate this cash crunch, the board began looking into selling the corporation's mortgage portfolio to a private lending institution. A series of e-mails obtained under access to information confirm this minister's officials worked for several months putting together a Management Board submission for this minister to review.

One e-mail dated March 5, 2010, stated: "We are trying to have the minister review and sign off the document on March 8." Will the minister now explain his involvement in this considerable undertaking by his officials?

**Hon. Mr. Kenyon:** Mr. Speaker, again the member opposite shows his inability to comprehend the differences

between the Management Board Secretariat and the Management Board itself, which is a group of bureaucrats whose duty it is to do analysis, and a branch of Cabinet, which has never seen any of the documents he refers to.

For the member opposite, again, when he refers to “short of cash”, he should be aware of the fact — should be — that the problem was the level of vote authority. It certainly had nothing to do with the fact that the government had a huge amount of money in its bank account, but at the time, the vote authority was low. The board of directors — an independent body and Crown corporation — made decisions. It’s their decision to make. It is not the habit of this government, like it was in the past for the short-lived Liberal government, to meddle in the affairs of boards of directors. That is not something we do. The member opposite has made it very clear and the Liberal Party has made it very clear that they will interfere and tinker with boards of directors. I don’t think that’s reasonable, Mr. Speaker.

**Mr. McRobb:** Why does the minister refuse to tell us his level of involvement in this? Well, let’s explore further. According to e-mails received under access to information — by the way, e-mails that this self-professed completely open and accountable government refused to release when we asked for them — officials in both the Yukon Housing Corporation and the Department of Finance were working on a Management Board submission from January to March of 2010. This is the description used by this minister’s own officials: Management Board submission. Included in this group were the president, vice-president and directors — the minister’s most senior officials.

Does the minister expect the public to believe that all these senior officials worked on this project for months, yet this minister knew nothing about it?

**Hon. Mr. Kenyon:** Mr. Speaker, I think it’s very reasonable the board of directors and the officials of the Yukon Housing Corporation do their due diligence and work independently and have the proper analysis done by the Management Board Secretariat. While submissions go through the Executive Council Office, it actually resides in the Department of Finance.

The Liberal leader has made it very clear in the past that it’s not his opinion that Finance officials should have input to financial decisions. That’s what I hear the Member for Kluane saying now, that he doesn’t feel that then asking for an opinion from Department of Finance officials/Management Board Secretariat should be part of it.

I do go back, since the member is fond of quoting minutes, June 16, 2000, Yukon Housing Corporation Board of Directors meeting with the then Liberal minister responsible, and I quote: “The minister then outlined two areas of immediate need which he wishes to focus on.” We can keep going into July 21, 2000. The Liberal minister provided the board and staff with a brief overview of his thoughts relating to long-term planning. His comments centred on items — and the list goes on.

The Yukon Housing Corporation does marvelous work and we’re very happy to let them do it.

**Mr. McRobb:** Why doesn’t this minister just answer the simple question? Let’s explore this further. It’s episodes like this that have eroded the public’s trust in this government. A couple of years ago, the Premier led secret negotiations to privatize our energy future. He denied it repeatedly, but the public knew what really happened. Did this Yukon Party government learn a lesson from that experience? No.

They laughed it off and on its heels the minister responsible for the Housing Corporation directed his officials to develop a Management Board submission for selling the corporation’s \$40 million mortgage portfolio. The hard evidence proves this is true, yet this minister remains in hard denial.

Will the minister now stop denying the obvious and admit he was involved in the mortgage sell-off plan?

**Hon. Mr. Kenyon:** Obviously, the member opposite’s memory is very, very short. The opposition briefing was done only — what? — two hours ago, and he asked the question if there was direction given and was told, “Absolutely not — there was no direction given.”

But I do have to go back to *Hansard* and the Blues, and I’d repeat again from the Member for Kluane, and I quote: “I have seen where the Deputy Minister of Executive Council Office comes into the executive offices with an ATIPP request and asks for political guidance...” Now that was under his watch, when he claims he had knowledge of that information.

If we also go back to a letter of October 10, which was received in my office on October 11, 2007, from the Leader of the Liberal Party, the MLA for Copperbelt, and I quote: “I am asking you to intervene on her behalf...”, et cetera.

We don’t intervene with the Housing Corporation. We let them do their good work. Obviously, the Liberals have already, very forcefully, announced a plank in their campaign for wanting to take over government — they want to interfere with boards and committees. That is frightening, Mr. Speaker.

#### **Question re: Yukon Housing Corporation mortgage portfolio**

**Mr. McRobb:** Let me start off by explaining to the House what happened in the briefing this morning. Yes, I asked officials whether political direction was received from this Yukon Party government. Of course, the officials felt very uncomfortable giving a simple yes and instead explained how they could not answer the question. However, their body language shouted out an obvious yes. They received political direction from this minister, yet he continues to deny it. It is no wonder Yukoners have lost trust in this government. We know that this option was considered at the highest level by this government. We know that officials worked for months to get this Management Board submission ready.

Will the minister admit his involvement and explain why he decided to cancel this plan?

**Hon. Mr. Kenyon:** Now the member opposite is interpreting body language. His skills are absolutely amazing. I go back to November 15, 2004 of *Hansard*, and I quote: “Out of nowhere jumped this mother grouse on the pathway in front of us.” I think the grouse tripped him on this occasion, Mr. Speaker.

**Mr. McRobb:** Mr. Speaker, can we deal with the issue at hand? This minister won't admit the obvious. He remains in hard denial. The evidence has been tabled in this House. He won't admit he gave the political direction to his officials. Instead, the officials are feeling the pressure. This government is putting the officials out on a limb to take the pressure on this matter, when it was a political directive from this government. The minister needs to have the courage to stand up and admit that. Will he do that now?

**Hon. Mr. Kenyon:** This is getting interesting. Not only does the member opposite interpret body language and take that as evidence — it doesn't matter what the people said; it doesn't matter what his information was; he's going to read their body language.

Now I'm sure he'll go back and Google all of these people and see if he can find out other information, as he has done in the past.

He'll go back and find some reason to claim again, as he did in this House, that job applications and job postings were done in a sex shop. I'm sure he'll go back, as he has done in this House, and he'll claim that a sink was installed in Cabinet offices. We're still looking for it. We haven't found it yet, and neither have any of our maintenance people — and neither has he, whom I have invited before to come up and point that sink out.

I have to go back to a very famous statesman by the name of Samuel Adams, who stated once: "It does not require a majority to prevail, but rather an irate, tireless minority keen to set brush fires in people's minds." We're getting a good view, I think, in this case, of the Liberal platform. We'll get in there and involve ourselves in boards and committees and we'll read their body language. We won't go on what they actually say.

**Mr. McRobb:** The minister's perspective on this whole matter is quite interesting, yet it remains — he refuses to address the issues. We hear all kinds of extraneous excuses — anything but an answer to these questions.

This is all about trust and integrity — trust, integrity and accountability of the minister's actions. We are talking about hundreds of Yukoners' mortgages that were secretly planned to be sold off to private institutions, putting their mortgages at risk; yet this minister is content to evade the accountability and leave the matter with his officials. Will the minister admit he was involved and gave political direction for this secret plan?

**Hon. Mr. Kenyon:** Again, for the member opposite, no direction was given. He was told that by me in this House. He was told that by Yukon government officials and Yukon Housing Corporation officials. I go back, this time, to August 24, 2000, under a Liberal government, and I quote: "At the recent planning sessions, the honourable Wayne Jim, minister responsible for the Yukon Housing Corporation indicated to the board of directors the need for the corporation to review the Mountainview Place project and develop new options." That's giving direction, Mr. Speaker — a letter from the Liberal leader to a minister asking them to intervene. That's giving direction.

So many of these things make no sense. Last year we put over \$7 million into the budget for housing. The member voted against it and then in this House he indicated that he never even

read it. Another \$7 million has been put into the budget this year for the mortgage portfolio and housing loans, et cetera.

No doubt he is going to vote against that. He won't read that either. We're very clear on that. We're getting a very good indication of how the Liberals would do this. They don't like the Finance department involved in advising on financial decisions. They will interfere with boards and committees. They built no social housing. We increased the stock by 40 percent. That's our response.

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

## ORDERS OF THE DAY

### OPPOSITION PRIVATE MEMBERS' BUSINESS

#### BILLS OTHER THAN GOVERNMENT BILLS

##### **Bill No. 114: *Act to Amend the Housing Corporation Act* — Second Reading**

**Clerk:** Second reading, Bill No. 114, standing in the name of Mr. McRobb.

**Mr. McRobb:** Mr. Speaker, I move that Bill No. 114, entitled *Act to Amend the Housing Corporation Act*, be now read a second time.

**Speaker:** It has moved by the Member for Kluane that Bill No. 114, entitled *Act to Amend the Housing Corporation Act*, be now read a second time.

**Mr. McRobb:** Mr. Speaker, as I present this bill this afternoon, I feel it necessary to really render it down to what's important about this bill. This is all about protecting Yukoners in the future.

Passing this bill would protect all those with Yukon Housing Corporation mortgages from the risks associated with the sell-off of their mortgages to a private lending institution. This is not specifically about what this Yukon Party tried to do, as we've just covered in Question Period, Mr. Speaker.

I urge all members to think beyond that episode and consider what is best for Yukoners long into the future. This bill would protect Yukoners from the actions of any future government. Mr. Speaker, we're not just talking about this Yukon Party government in the remainder of its term; we're talking about the next government, the one after that and so on, long into the future. This is laying out part of our plan for the future.

This bill would enshrine protection for these mortgage holders long into the future. It would enshrine this protection into legislation.

So, Mr. Speaker, let's be clear about what this is all about: it's about enshrining legislation, the protection needed to assure all Yukon Housing Corporation mortgagees, present and future, that their mortgages will stay with the Yukon Housing Corporation and not be transferred to a private lending institution. This is about doing the right thing for Yukoners. Is this action in the public interest? Of course it is, Mr. Speaker.

In recent months, as Yukoners became aware of the Yukon Party's secret plan to privatize their Housing Corporation mortgages, they spoke out loudly and clearly against such a plan. In fact, it was bad publicity that caused this secret plan to be put on hold for the time being. Well, I see the Housing minister finds this amusing, but evidence makes it clear. It was bad publicity that tripped up this secret initiative. It was made clear by the Yukon public. They wanted this protection and opposed the sell-off of their mortgages to private lending institutions.

Therefore, this bill is in the public interest and is important to the public. As a reminder, Mr. Speaker, all members must never forget: we were elected to serve the public.

Do we think the Yukon Party government will help us in passing this bill today? Well, it should be no surprise that, based on past examples, I would be shocked if the Yukon Party were to support this bill.

Let's take a look at some of the other bills brought forward during this session of the Yukon Legislative Assembly and how the Yukon Party government responded to those bills.

Going back to October 31, 2007, the Leader of the Official Opposition, the Member for Copperbelt, introduced *Act to Amend the Cooperation in Governance Act*. What did the Yukon Party government do? It adjourned debate. Adjourning debate is a rarely used instrument that has found favour among some majority governments in our country, but used very sparingly. The reason it is used sparingly is because the action is seen as undemocratic. To adjourn debate on an initiative brought forward by the opposition is not allowing the process to evolve and conclude in a vote by all elected members. We've seen this quite a few times from this government.

The second occasion occurred on November 3, 2009, when I introduced the *Yukon Energy Corporation Protection Act*. What did the Yukon Party government do? It adjourned debate again — so much for democracy.

I stand corrected; that wasn't the second bill, it was another example, so I'll go to a third example. The Member for Porter Creek South on April 23, 2007, introduced an *Act to Amend the Yukon Human Rights Act*. What happened there? The Yukon Party again adjourned debate. Shame, Mr. Speaker; this is supposed to be a democracy.

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

#### Point of order

**Speaker:** Member for Klondike, on a point of order.

**Mr. Nordick:** Mr. Speaker, on the debate today, although enlightening and entertaining, I don't see any relevance to the bill at hand. The member spoke about everything but the bill he is supposed to be talking about, so I would encourage the member to get on track, speak about the bill that he tabled, not every other bill besides that.

**Speaker:** Member for Kluane, on the point of order.

**Mr. McRobb:** On the point of order, Mr. Speaker, if the member had been listening he would have caught the connection. I lead off by clearly saying, "I don't expect this government to support this bill based on past examples. Allow me to recite those examples." That's what I was doing.

#### Speaker's ruling

**Speaker:** From the Chair's perspective there is no point of order; it is simply a dispute between members. The Member for Kluane has the floor.

**Mr. McRobb:** Mr. Speaker, a fourth example occurred on April 24, 2007.

The Member for Porter Creek South introduced another piece of legislation called the *Apology Act*. The Yukon Party voted it down. The Yukon Party used its majority in this Assembly to defeat that legislation. Again, shame on this government.

Also, on October 31, 2007, I introduced the *Net Metering Act*. What did the Yukon Party government do in response? It adjourned debate, Mr. Speaker, not on one occasion — on two occasions. This is shameful. This is not a democracy. You know, all parties —

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

#### Point of order

**Speaker:** On a point of order. Go ahead.

**Hon. Ms. Horne:** The member opposite is insinuating the government is acting in a non-democratic way and I object to his body language.

**Speaker:** Point of order, the Member for Kluane.

**Mr. McRobb:** On the point of order, there simply is none, Mr. Speaker. I'm describing the actions of this Yukon Party government as undemocratic, and I'm entitled to my point of view.

#### Speaker's ruling

**Speaker:** From the Chair's perspective, there is no point of order. It is simply a dispute between members. Member for Kluane, you have the floor, please.

**Mr. McRobb:** Thank you, Mr. Speaker.

So the Yukon Party has either adjourned debate or used its majority to defeat every one of these bills that we have brought forward over the past four and a half years in this Assembly. Isn't that something? We can look at what each one of these bills was about and ask ourselves: did the government do something to fill the void for these needs? The answer is no. We still don't have a net metering act or apology act or Energy Corporation protection act or the amendment to the *Cooperation in Governance Act* and so on. This government essentially defeated these opposition initiatives simply because of a political decision. What I'm doing today is calling on all members to do the right thing and support this bill, because it is in the public interest and it is important to Yukoners. Again, do I think we are going to get government support for this bill?

No, and that's no surprise, but I don't feel I should stand here and be subservient or any other way than I am today. We are at the point in this mandate where an election is close at hand, and we know if this bill gets defeated it's something that our party can include in a campaign platform and provide to the voters during this coming election. If bills like this that protect Yukoners are important to the Yukon public, they'll have the opportunity to say so at the polls in the not too distant future.

Government support for this bill, as far as I'm concerned, doesn't really matter.

Sure, Yukoners might care, but if the Yukon Party wants to defeat this bill or adjourn debate like it has on every other bill we've brought forward in this Assembly, then it'll be part of the Yukon Party's record and what a long record it is.

It's getting longer all the time. Again, this is all about trust and integrity. We heard that today in Question Period and we know this government has lost the public's trust.

We should all try to remember why we were elected, and it's to serve the public. Once again, this bill would serve a public need to protect those with Yukon Housing Corporation mortgages from ever being sold to private lending institutions.

I have a few notes to say about related matters. First, let's talk about the Yukon Housing Corporation. It has several responsibilities. We know in its mandate it's important for the corporation to help more Yukoners own their own homes. The corporation's mortgage programs help bridge existing housing gaps in the private sector by offering loans to people who do not qualify for standard bank mortgages.

The programs have been in place for many years and have been tailored to specifically address the housing needs of Yukoners.

Hundreds of Yukon families continue to live in homes financed through the Housing Corporation. It is worth noting, Mr. Speaker, that these families entered into substantial financial contracts, specifically with the Yukon Housing Corporation and specifically not with private chartered banks or other private lending institutions.

This *Act to Amend the Housing Corporation Act* protects Yukoners and their homes. It prevents the Housing Corporation from selling their mortgages to other financial institutions without their consent. This is not merely a policy change; this is enshrining that safeguard into legislation for the long term.

The Housing Corporation is mandated to facilitate home ownership. It's a Crown corporation charged with working in the public interest to help more Yukoners own their own homes. Other financial institutions are, of course, charged with a different mandate. It's no surprise that their mandate is to lend money or to decline to lend money, or to decline to renew outstanding mortgages with the objective of maximizing their profits for shareholders. We all know that. We accept that. It is life in the real world, but in the Yukon we care about each other a little more than just in the real world. All parties in this Assembly recognize that and part of that belief is borne out in the existence of the Yukon Housing Corporation, which does provide social housing and programs to help those in need, which includes first time homeowners and so on, all the way down the list. That's not open for debate. We know the private lending institutions have a primary objective of maximizing their earnings for shareholders.

During Monday's Question Period, the minister responsible for the Housing Corporation stated clearly on the record that there never was a plan to sell off the mortgage portfolio. While we feel satisfied his comments give a level of assurance that he has abandoned his plans to sell off the tens of millions of dollars of Yukoners' mortgages, that's not good enough and

it's not good enough for the holders of these mortgages. They want more of an assurance than just a brief comment on the record from the minister. They want the peace of mind of knowing that a mortgage they took out with this Crown corporation will remain that way for the entire future until their mortgage is paid off. They don't want to wake up suddenly one day and find they don't qualify for a renewal of a term in their mortgage because of more stringent criteria demanded by private lending institutions, which put at risk their mortgage and their ability to retain and live in their own homes. They don't want that.

We speak about peace of mind. Essentially, this is certainty. We recognize the value and the meaning of the word "certainty". It is used in all kinds of other contexts. What people want is certainty that their mortgages will remain with this Crown corporation. This bill today would achieve that.

To change this — if any future government wanted to change this bill, if passed — would require that government to bring an amendment to this bill and to this Assembly — bringing it forward to debate and actually voting on that bill. It is a rather extensive process. The best way to enshrine any change in the actions of the government is to put it into legislation. A policy change can be changed at whim. A minister can have a policy changed. There is no requirement to ever make it known to the public that such a policy change has occurred.

This government has made dozens of policy changes over the years, many of which still have not been communicated to the public. So, if the minister is indeed committed to keeping Yukoners' mortgages within the Housing Corporation — as he now claims to be — he should have no trouble supporting this bill.

Let's look at what he said: "There are no plans and there will be no plans to sell off the mortgage portfolio." Well, as you heard today, Mr. Speaker, there is some reason to doubt that particular commitment, because the evidence tabled in this Assembly now clearly proves there was a plan.

Our bill clearly states: "...the corporation shall not assign, transfer or sell any loans...without the express written consent of the borrower."

Many Yukoners simply don't trust this government. Those Yukoners are not satisfied with verbal assurances that their mortgages won't be sold to private interests. Those mortgage holders need assurance and peace of mind. They're not getting it from this government or this minister.

The minister also said there's no need for a Yukon Housing Corporation protection act because there were never any plans to sell off Yukoners' mortgages to the highest bidder, but documents from the Housing Corporation officials say differently. Those internal government documents state that the Housing Corporation had a cash-flow problem. Those documents prove that to resolve that problem, the corporation considered selling off its mortgage portfolio. From a strict financial perspective, selling off the mortgage portfolio would have brought in about \$40 million, but for the 230 Yukoners who bought their homes using Housing Corporation mortgages, there is much more than just a financial perspective to consider.



For those people, it would have been extremely stressful to suddenly discover that their homes are now held as security by financial institutions that would not qualify them for a home loan in the first place.

Let's go back to the Housing Corporation's plans to sell off the mortgage portfolio. Minutes from board meetings and e-mails between senior officials prove that a great deal of time and energy was invested in getting the mortgage portfolio ready for sale.

It is worth noting, by the way, that we do not know this as a result of what the minister has said in this House, even when asked directly about his plans to sell off the mortgage portfolio. How did we find out then? How did we get the hard evidence and information trail if we didn't get the minister to put it on the record? Well, it was obtained through an *Access to Information and Protection of Privacy Act* request. That is how. How we obtained this information is relevant because of the consistent mismatch between the minister's statements and the official documents and because of the minister's consistent unwillingness to be forthright about how he directs the Housing Corporation.

Let's take a closer look at this: board meeting minutes from August 6, 2009, show just how much work went into preparing Yukoners' mortgages for the auction block. That undertaking included striking a special finance and program review committee to consider solutions to the cash-flow crunch. That review committee comprised a half-dozen officials at the highest levels and from across the range of Housing Corporation responsibilities. This was obviously an important matter, to have such high-level assignments and be given such priority.

On August 6, 2009, that specially formed committee reported back to the board of directors about possible solutions to the Housing Corporation's cash-flow problems. The minutes of that meeting outline in detail how serious the issue was and the different ways the corporation considered raising the much-needed cash.

Quite simply, and according to the minutes, "The Corporation does not have enough cash in its bank account to pay all of its expenditures for the fiscal year." That's a quote taken right from the minutes.

It was essential that they find a solution. Those minutes also stated "the committee undertook some preliminary reviews of options that could provide YHC with cash for operations, current liabilities and long-term debt."

That is, the committee knew there wasn't enough cash and they were looking for different ways to find some. The committee came up with three possible ways to raise money. As we will see, the committee gave serious consideration to selling off, as a block, Yukoners' mortgages to a private bank. Again, according to minutes from this meeting, the first option was entitled, "Securitization through Canada Mortgage and Housing Corporation." Those minutes state that YHC staff met with representatives from the Canada Mortgage and Housing Corporation also known as CMHC, Mr. Speaker — to discuss the option of mortgage securitization.

This option basically allows CMHC-approved lenders the opportunity to convert existing mortgage portfolios to cash. The point of going through these minutes today is to make clear just how much work went into finding a solution for the corporation's cash-flow problems.

The point is that the minister's denial that anything was going on was simply not believable.

Senior officials had met with representatives from CMHC and they reported back to the board of directors. This is recorded in the minutes from the board of directors for the Yukon Housing Corporation.

The second option the special committee came up with was entitled "Private Sector Financing". This included selling off Yukoners' mortgages to a private bank — that is, trading the long-term stream of mortgage payments from those 230 or so Yukoners for a single lump of cash.

The minutes are explicit. The Housing Corporation gave a great deal of thought to selling off the mortgage portfolio to a private bank. Those minutes state: "The committee considered the option of selling the mortgage portfolio to a private sector lending institution and/or obtaining a long-term loan secured by the portfolio." That's another quote directly from the minutes.

There is no mention about consulting with Yukoners before selling off their mortgages. As a matter of fact, there's been no admission from the minister this was even going on.

He has consistently refused to acknowledge his officials were given direction to work on this initiative. The minister has refused to take responsibility for giving his officials a political direction they would need before embarking on an initiative of this importance to the public.

You know, Mr. Speaker, I've talked to a few people about this particular matter, including a former minister responsible for the Yukon Housing Corporation and others in the know. I asked them if they believed officials were never given political direction from the minister before embarking on such an initiative affecting so many people. The answer was unanimous and clear — no.

These people clearly said there is no chance something like this would ever happen without political direction from the minister. This is also consistent with my own understanding, and this is what I believe happened. Earlier today we heard the minister's take on what happened during their briefing. Mr. Speaker, the minister wasn't there. He should talk to those who were there. The result is 180 degrees from what we heard the minister say. Officials did not deny point blank that there was ever political direction given. The truth is the officials felt very uncomfortable, and I gave them the option of not responding, and that's exactly what happened. As indicated, the body language was very clear. Now, would that reaction have been produced if the minister had never given any political direction?

Of course not, Mr. Speaker — of course not. These officials know that in addition to their responsibilities in the corporation, they are there to serve the minister and presumably, they take pride in that as do all other officials in the employ of the Yukon government. So, they're put in a position — a very uncomfortable position — I recognize that before even asking the question. It was clear what the answer

question. It was clear what the answer really was; just ask anybody else in that briefing.

They didn't want to be put on the spot for telling us what their own minister would not tell us and we can respect that. We don't want to infringe on the rights of the public service or leave them hanging out to dry. We won't do that. We don't use officials as shields. We're prepared to stand and be accountable for our actions. We're prepared to answer questions.

Let's take a look at this government's record.

Has the minister answered any of the dozen or so questions I've asked him this week alone on this matter? Not even close. The minister will talk about anything other than the question itself. He likes to go back and talk about previous governments, two or three elections ago. How is that relevant to his responsibilities today? How is that relevant to what's important to Yukoners today and tomorrow? Of course the answer is that it's not relevant at all and people expect more from their government ministers in the way of responding to the issues of importance.

I just saw this morning on CBC *NewsWorld* a political professor commenting on the unfortunate events around the federal Cabinet minister's failure to admit the insertion of the word "no" when signing off on a directive. I listened very carefully to what he had to say.

It was all about accountability to the public and respect for the institution. Well, Mr. Speaker, it is precisely those values I hold up here in contrast with what we're getting from this government with respect to being accountable on this matter. This government refuses to admit there was even a Management Board submission being prepared. Instead, we get the red-herring approach about some secretariat. This has got nothing to do with a secretariat. This evidence obtained through access to information is clear. It references a Management Board submission, so that's one of the minister's red herrings and there are plenty more. We've analyzed the answers we've gotten and essentially the minister has contributed nothing of significance in terms of answering the questions or leading to any discovery of what actually took place. Well, why have we pursued these questions? There are a couple of answers right at the top.

One is about accountability, about trust and about integrity. If a minister in this House stands up and puts on record a statement that definitively states one thing, yet hard evidence obtained — hard evidence, by the way, Mr. Speaker, which is internal government documentation; the government's own internal documentation — proves something completely different, then we have a crisis in accountability. This translates to trust. We've spoken about trust on countless occasions and how this government has lost the public trust. Well, Mr. Speaker, does this Yukon Party government learn? Does it try to pull up its socks? Does it try to be more trustworthy to Yukoners? No. This government is in a tailspin when it comes to losing the public's trust.

It's no wonder recent public opinion polls repeatedly identify good governance as Yukoners' top issue. Good governance means people want a government they can trust. If this wasn't an issue, good governance would not continually be the top

issue identified when Yukoners are polled. There are plenty of other issues important to Yukoners: the economy, the environment, health care, the list goes on and on, yet good governance has been the top issue for several polls extending more than a year.

Well, it all started with the government's denial of its \$36.5 million investment into ABCPs — it ramped up big time when the public discovered the Yukon Party's secret plan to privatize Yukoners' energy future.

Now we discover, hot on the heels of that episode, the Yukon Party wanted to privatize Yukoners' mortgages held by the Yukon Housing Corporation to get \$40 million in cash because the corporation had a cash-flow crisis.

Has the government admitted this? No. And that's part of the problem that relates to good governance. The minister should have the courage to tell Yukoners what really happened. The government should have the courage to be accountable for its record. Instead, we get denial, diversion and attack — the three components, the guiding principles to Yukon Party members during Question Period or any other accountability session in this Legislative Assembly. Modus operandi equals deny, divert and attack.

Let's go back to what that professor said on television, talking about the respect and integrity of the institution, talking about the importance of ministerial accountability. Compare the two, Mr. Speaker, and what do you get? The answer is: night and day. The two are diametrically opposed, completely opposite. The Yukon Party way is not the democratic way; it's not the way the public expects. It's not what Yukoners deserve and it's no wonder why people are crying out for good governance. Hopefully, they'll get an opportunity to elect a government they can trust soon.

So, I wish to wrap up my comments in presenting this bill. Yes, there is history, explaining the need to bring this bill forward. I've addressed that.

I have also called on all members to think beyond the present day situation or the recent past, which is still a matter of debate, even though the evidence is clear — to think beyond the Yukon Party's secret plan about what is good for Yukoners long into the future, and vote accordingly, to treat this bill accordingly. We don't want the minister to stand up and read from Wikipedia for another three hours like he has done on at least three or four occasions in the past. Mr. Speaker, that's called "filibustering". It's also very disrespectful to members of other parties who bring forward initiatives they firmly believe are in the public interest.

Mr. Speaker, that's as bad as invoking closure on a bill. It's almost as bad as using a majority to defeat a bill, even though members know a bill is in the public interest.

What is the Yukon Party going to do? Are we going to hear the minister address the content of the bill, provide something substantive on the record about the bill? Are we going to hear about Wikipedia and so on for the next three hours, or will the government bring in a motion to close debate on this bill, which will end the discussion promptly, like it did on the *Yukon Energy Corporation Protection Act*? What will the Yukon

Party do? It will be very interesting, as the Member for Cop-perbelt just indicated.

The borrowers are the home owners. They are the mortgagors. The banks are the mortgagees. If there is any confusion out there, let me clarify the record with that.

It will be very interesting to see how the Yukon Party handles this. I'll be quite surprised if the government side just puts up their housing minister who speaks concisely and directly to the bill and then ends up supporting it in a vote. I'd be very surprised, but it could happen. It would be the right thing to do, okay. Then we can go from there.

There is another item of business this afternoon. The Third Party wants to present a bill of its own, so I would encourage all members to address the matters at hand, avoid unnecessary filibustering, or invoking closure — well, I hear chortling from the Minister of Community Services and formerly Energy, Mines and Resources on that point. But I recall twice when he filibustered that other bill I just mentioned — the *Yukon Energy Corporation Protection Act* — twice. If you add up the hours he spoke, it was in excess of four hours, which prevented any other member in this House from speaking or advancing the bill.

He simply talked and talked and talked for over four hours, repeating himself. That's what we're trying to avoid here today.

I've used my time succinctly. I've used three-quarters of an hour in presenting this bill, pointing out what's important about the bill, explaining the background and how Yukoners need this protection, about how it's in the public interest. I have speculated how the Yukon Party might approach this bill, in terms of how it will deal with it, starting very shortly. I've explained the recent history of how the Yukon Party has dealt with bills we in the Official Opposition have brought forward in this House. So let's just say the table is set. The minister can now have his say.

**Hon. Mr. Kenyon:** I thank the member opposite for giving me some good material to work with on this one.

As members are aware, the Yukon Housing Corporation does play a key role in housing and housing issues for people in the Yukon. It links families, communities and the housing industry with programs and services that work to support the housing needs of Yukoners. Yukon Housing Corporation has been providing these programs and services for many years now and they have successfully helped hundreds and hundreds of Yukoners, people who could otherwise not have addressed their housing needs through the private market, and they found solutions through the programs offered by the Housing Corporation.

These programs contribute greatly to the well-being of Yukoners. They improve the housing stock and stimulate economic activity. The emphasis is on helping the marketplace work better, furthering the self-sufficiency of communities, industries, and individuals in directly assisting people in need of housing options.

Mr. Speaker, often these are options that would otherwise not be accessible, or at least extremely difficult to access. Not

only does the Housing Corporation offer a very wide variety of programs, it also has very experienced staff to provide advice and help to Yukoners. Certainly on this side of the House, we have great faith in a very talented staff at the Yukon Housing Corporation — very talented right from the top to the bottom. We respect their advice and decisions and we respect the board. Obviously that's something the Liberal Party does not do, and that's very disappointing. As the Leader of the Official Opposition has said in the past, he really doesn't want the Finance department involved in these, so why would the Housing Corporation ask for advice and ask for information from the Finance department, from the Management Board Secretariat? They're called options, alternatives — deal with data, deal with fact. Don't do as the Liberals would do and just make a decision; they can try to correct it later, what the heck. We'll get a private sector corporation to put in a CAT scan. Gosh, that didn't work out too well for them, did it?

They didn't really work diligently to improve and to work with the tourism industry. They spent all of last spring in this House constantly criticizing the whole tourism industry and what was being done within the tourism industry and how terrible that would be. We had a 13-percent increase; that didn't really work out too well for them either.

The housing programs have evolved throughout the years to meet the specific needs of Yukoners and the current housing market, and that does change all the time, obviously.

The programs take into account specific housing needs and the diversity of those needs. For example, the home-ownership program offers an opportunity to purchase an existing home or, in the communities, to build a modest home, for clients who could not otherwise enter into home ownership. For many people, Yukon Housing Corporation assistance is the only way they can access home ownership.

In addition to the technical and financial advice provided by the Housing Corporation, the program offers incentives to help Yukoners enter into home ownership. I think the Liberals have to explain that, if they don't believe financial advice and information from the Housing Corporation, do they believe the technical information? Do they question this?

The program emphasis is to offer an affordable option to Yukon families in need of home ownership. The program is beneficial to the health and well-being of families and Yukoners in general. Throughout the years, hundreds of Yukoners have benefited from this program. Currently, there are nearly 200 clients with home ownership loans and a portfolio value of around \$30 million. That fluctuates almost on a day-to-day basis.

As mortgages are paid off or moved to banks by the holders of the mortgage, the money is reinvested and it shows as revenue. I asked the Member for Kluane to check the revenue section of those pages, although he probably won't read those pages either.

Last year, we put in over \$7 million into the home loans and mortgage portfolio. The Member for Kluane claims that we didn't. He completely missed that. He didn't read it. And this year, in the budget documents — again, over \$7 million inserted into that portfolio. But he won't read that either and he

already said he'll vote against it. So I'm not really sure why we spend our time in here sometimes with such a pre-determined result.

In addition to facilitating home ownership for these Yukoners, the interest income generated by the loan stays in the Yukon and helps support other programs. This is clearly a win-win situation. Again, with money coming and going, and money being reinvested, gosh, they asked the Finance department; they asked Management Board Secretariat to take a look at this and to give them advice. What a novel concept. The Liberals have been very clear — they don't want anything like that; they don't want Finance actually getting involved in this and that's unfortunate.

The Member for Kluane keeps claiming that his evidence is a document that came from the Management Board Secretariat. Now, the secretariat works a lot through the Executive Council Office, but it is a creature of the Finance department and that's really where the employees work. There are 13 employees in the Management Board Secretariat — excellent, excellent people — they give good advice; we are very happy to deal with them as often as we can, and to take that advice. I will be happy to send over to the Member for Kluane a list of those employees so he knows who to contact specifically and say we don't think you're doing a good job — we don't believe you. Boy that's a block of votes that the Liberals can count on next fall. We don't think you're doing a good job. I don't think that's an option that this government would support; I don't think it's an option that most reasonable people would support, but I think most people would know where I'm going with that and I don't have to say it.

Now, the programs offer all Yukon homeowners the opportunity to borrow money at low interest rates — and I'll get to some of that information — to address energy efficiency upgrades, building components in need of report, overcrowding and accessibility issues. This program aims to improve overall quality and safety and extend the useful life of Yukon's existing housing stock.

While improving Yukon's housing stock, the programs provide valuable economic stimulus to the local contractors and suppliers, and there are currently over 500 clients in these programs.

We all know — most of us know; obviously the Member for Kluane didn't get that far — that Yukon Housing Corporation is a territorial Crown corporation that operates quite differently from a line department. It was established in 1972, pursuant to the provisions of the *Housing Corporation Act*. This statute defines the Yukon Housing Corporation as “an agent of the Government of Yukon”, and therefore, actions by the Yukon Housing Corporation are actions on behalf of the Government of Yukon.

But the act also defines the corporation as the board of directors. The board has the general power to conduct the corporation's affairs. It is responsible and accountable for the actions of the corporation and the board is accountable, through the minister, to the Yukon Legislature for actions of the staff of the corporation.

It's responsible and reports to this body through the minister responsible. It's not a line department; quite different from that. I do understand that the Member for Kluane has not been in government in either incarnation of political affiliation; he hasn't — he sat in the backbenches and watched it all happen, but he has not been part of a government. There are many in Yukon who are very thankful for that.

In addition, all financial activities of the corporation are subject to the *Financial Administration Act*. This act ensures the prudent and legal financial management of public funds. The corporation's finances must be audited every year by the Auditor General of Canada. We have just gone through that process. She saw no problems at all with the function of the Yukon Housing Corporation; a few minor housekeeping suggestions and we thank her for that, but she had no concerns about the fiscal and financial management of the corporation.

That was in 2009 when the corporation's activities were reviewed by the Auditor General. One of the purposes of this audit was to determine whether or not the corporation has adequately managed its various lending programs. I'm proud to say that the audit concluded, again, that, yes, the corporation has adequately managed its lending programs.

The corporation has a good collection record and few defaults on its loans. In fact, the default rate of the corporation is significantly lower than any commercial lending institution because of the way the good staff work with clients. That's the way it's done by the Housing Corporation and the way it should be done.

I'm still very disappointed to hear the Liberal Member for Kluane being so critical of the people at the Yukon Housing Corporation, one of the most amazing groups I've worked with and one of the most talented groups I've ever worked with. My hat goes off to them all the time.

I see the Liberal leader saying he agrees, and I appreciate his comments in that respect. I wish he would have that discussion with his Member for Kluane, who doesn't seem to agree — very disappointing, but I leave that for their caucus to work out.

The Member for Kluane also said he wants certainty. I go back a number of years ago, around 2001, the merciful end of the shortest lived majority government in the history of the Commonwealth of Nations, the Liberal government which, in 22 short months, called a snap election. They wanted certainty.

The Member for Kluane wants certainty again. I have a feeling Yukon will give him that certainty. Be careful what you wish for, Mr. Speaker.

Certainly, we have already identified that the Management Board Secretariat will probably have very few supporters of the Liberals, who say that they don't believe in what they do and don't want them consulted — “Yeah, we should let them all go.” That's what the member opposite seems to be saying, because why would we ask advice of this group if they're going to be continually insulted? Why would Yukon Housing Corporation employees also look favourably upon the Liberal Party because all they have said so far in the House, through the Member for Kluane, is that their body language is bad, they are obviously — I would use the L-word, and I would be happy to

outside of this House, but I know I can't here. The member was clearly told during a briefing short hours ago that there was no political direction. But the Member for Kluane knows better — he reads body language.

I guess he also reads, as I mentioned earlier — I believe it was in 2004 in this House, where he was reading the body language of a spruce grouse. I think the spruce grouse actually has tripped him up pretty badly this time.

Now, all of this is a direct result of the staff's commitment to the management of arrears and the willingness to work with clients to find solutions to housing needs. They do this on a daily basis, and it's so disappointing to hear the Member for Kluane criticize the good people in there.

But this has been consistent, especially in the last year or so. I find it rather frightening that, first of all, the Liberals have not — and we've been very critical on this — given us an alternative. They have not told us what they would do. Well, now that's starting to come out. They would interfere with boards and committees. They would give direction — and have given direction in their short-lived tenure. They're critical of the amount of social housing. We've increased it 40 percent. Under the Liberal regime, not a single, solitary unit was built — not one.

So, in summary, the programs offered by the Housing Corporation are very effective. They're designed to reach as many Yukoners as possible. The loans portfolio is being managed very well and the arrears are very low. As the member opposite was trying to read from his dictionary — mortgagee versus mortgagor — to put it in the most simple terms, the people who hold the mortgages are the Yukon people. They're the ones who hold the mortgage, and they're the ones we're responsible to, in order to make sure that the loans are adequately put out, that they're adequately secured — and I will get to that — and that people are adequately treated.

Now, we all know that within this body we vote on budgets. We vote for budgets; the opposition votes against them. They've already told us that. The Member for Kluane didn't even get around to reading it. We know that we basically determine the vote authority — in other words, how much a department or a corporation can spend. What the corporation did, of course, is it was pushing the limits of that vote authority. The solution? Well, there is a variety of different solutions. Wow — they asked people within Management Board Secretariat and the Finance department to give them various options. When those options came back, the decision was made by the Housing Corporation that the most viable was to get more money on a vote authority. If I remember correctly, I believe it was a warrant. This government put more money into the portfolio at the time. That was the option we took. Was the Management Board Secretariat's analysis presented to Cabinet? No, it wasn't. Was it presented to the actual Management Board, a subcommittee of Cabinet? No, it wasn't. Was it created at the direction of any political figure at any level? No, it wasn't. The corporation was doing its very good work. The activities of the corporation are governed by existing acts, which ensure the mandates are met and that there is fiscal responsibility.

The financial activities of the corporation are regularly audited, as I mentioned, by the Office of the Auditor General of Canada, and the Department of Finance provides support to the corporation. Wow, what a novel concept. Liberals don't seem to agree with that. They would rather make decisions based on fiction, based on thoughts, based on body language. Wow, I'm still scratching my head a little bit on that one. Existing processes work well and we just don't see any reason to make changes at this time.

Now, look at some of the realities. How this works is that the Yukon Housing Corporation requires a minimum down payment of 2.5 percent. The industry norm is five and, in fact, that is under review of course by the federal government and by the Canada Mortgage and Housing Corporation. But the Housing Corporation right now only requires a minimum down payment of 2.5 percent. To save potential homeowners thousands of dollars, the Yukon Housing Corporation does not require a homeowner to purchase insurance, such as provided by Canada Mortgage and Housing Corporation, or CMHC. The interesting twist to that of course is we have one of the lowest default rates, if not the lowest default rate, of all major mortgage lenders in Canada.

The staff does a marvellous job of that in working with clients and we're very proud of their work.

The Yukon Housing Corporation also — and I'll explain this a little bit more — is not accredited under the *National Housing Act* of Canada. As a result, we are not subject to the limitations of the act. This is a positive in that the Housing Corporation does not have to comply with the requirements of this act in terms of minimum down payment of five percent or more and the requirement for insurance. We self-insure.

The Yukon Housing Corporation is therefore able to provide assistance to homeowners who could not otherwise obtain financing through lenders accredited under the act. Due to the fact that the Housing Corporation is not accredited under the *National Housing Act*, there is, in effect, a barrier to Yukon Housing Corporation entering into arrangements with an organization such as CMHC or any other to obtain funding for the mortgages.

If the Member for Kluane had actually read more than the title of the document — which at the time he claimed in the House contained information we refused to provide; great peals of laughter on this side, because he had the document in his hand when he said that, Mr. Speaker. You have to wonder about that one.

This is effectively a barrier to the Housing Corporation entering into arrangements, as I say, with any organization such as CMHC or any other. Separate and apart from the barrier to the Yukon Housing Corporation to recover funds from its mortgage portfolio, as I just mentioned, there are other practical issues why no such arrangements would be entered into by the Housing Corporation. Substantial discount in the value of the mortgages — we have a default rate that is one of the lowest in Canada. Why would any organization take pennies on the dollar, when the dollar is worth \$1? That makes no sense. I don't think that one we had to get from the Department of Fi-

nance, but that was part of the analysis if the Member for Kluane had bothered to read it. Obviously, he hasn't.

The second part of that are costs for Yukon Housing Corporation and the potential of continuing to administer mortgages. Even if we sold mortgages off, the Housing Corporation would still have to administer them and would still incur the expenses, except the income wouldn't be there.

Thirdly, the additional cost to the Yukon Housing Corporation of placing insurance on the mortgage portfolio, because we're not required — at this point, we don't place mortgage insurance. I'll get to that in awhile. Not being accredited under the *National Housing Act* of Canada, we don't have to put that insurance on it. As I say, we self-insure, so any kind of a sell-off would require that we put insurance on it. Why would anyone do this when, in fact, the income is there, the default rate is one of the lowest in Canada? It simply makes no sense. But somehow things that make no sense seem to be attractive to the Member for Kluane. I leave that with him and his conscience, obviously.

Now, in addition to the barrier with respect to the *National Housing Act*, there is no economic argument to be made to receive monies on its mortgage portfolio. As I say, it just simply doesn't make sense. As a result of the way the Yukon Housing Corporation mortgage program is set up, there are other barriers to the Housing Corporation to obtain monies for its mortgage portfolio. There is, therefore, no necessity or rationale for the proposed amendment, and therefore I really do have to speak against it. As I say, it simply doesn't make any sense.

Now, what happens, or how are things done with this? What is mortgage insurance, mortgage loan insurance and everything else? Well, to obtain that mortgage loan insurance, lenders, the institutions — or in the case, the Housing Corporation — would pay an insurance premium. Typically, your lender would pass these costs on to you and the lender will give you the exact price when you apply for a mortgage. The CMHC mortgage loan insurance premium is calculated as a percentage of the loan and based on the size of the down payment. The higher the percentage of the total house price or value, the higher the percentage you pay in insurance premiums. Without mortgage insurance, the lending institution has to go much higher in terms of the mortgage rates to cover themselves and all of the administrative fees that would be attendant to that. Therefore, really at the end, for the vast majority of borrowers, the cost of CMHC mortgage loan insurance is more than fully offset by the savings achieved.

I can go through some of the percentages, but probably they're available on-line. Mind you, the Member for Kluane didn't read the budget documents; I'm not sure that he would go on-line and actually read the facts on this. Mortgage involves an agreement between a lender and borrower. The lender decides to lend the borrower money to purchase property under the condition that the borrower promises to repay the loan and provides land as security for the repayment.

When it's repaid in full, the lender then releases that property back to the borrower. You can use all sorts of mechanisms

to accomplish that. The insurance, who arranges it — this is all available on-line.

The other aspect that comes out in a lot of these things is the traditional lending institutions will allow a homeowner to borrow on the equity through a line of credit. This is something the Yukon Housing Corporation does not do. It's not in our mandate; it's not something we do now and it's not something I could see in the foreseeable future. Through most lending institutions — banks, mortgage companies, et cetera — you can go in and say — pick some numbers — the house is worth \$300,000; I have \$100,000 in equity paid off. The bank will say, "We'll loan you \$80,000 on that" and you have just gotten a line of credit of \$80,000 you can buy a car with, send the kids off to school, send yourself off to school, take an accounting course that might help some on the opposite side here.

You can do a wide variety of things. Many of our mortgage holders have seen that and many have come in and moved the mortgages themselves. It makes every bit of sense. Where does the money go that comes back in? It goes right back into other mortgages, as well as the supplement of \$7 million last year in the budget, which the Member for Kluane seems to have missed, and the \$7 million in the budget for this year. Hopefully, I've made enough points here that the member will go back and read that, but he has already said publicly that he'll vote against it, so that's disappointing, to put it mildly.

He claims that direction was given; it wasn't. Sorry, I hate to break that to him, but it simply wasn't. But the Liberals have put on the record now their desire for certainty; I think we're happy to give it to them. They've said that they would interfere with boards and committees. They would interfere with documents. The member opposite went back and referenced a few documents. So let's go back a little further on that, through the 22 months that the Liberals were in power.

On May 5, 2000, the Yukon Housing Board of Directors strongly disagreed with Cabinet's decision to appoint a certain person and initially refused to appoint them.

The board is independent. It has that ability to do that. If you go through the resolutions, the president's position and resolution are — basically, if I go down into the middle of that — whereas in October 1999, "the Hon. Eric Fairclough advised the board of directors of Ms. So-and-so's lack of response and suggested that the board of directors recruit a new president." I'd say that's giving direction.

### Speaker's statement

**Speaker:** Order please. Honourable member, please don't mention members by name. It has happened a couple of times here in the House today. This is just a general reminder to all members. Don't use members' names. Thank you.

**Hon. Mr. Kenyon:** Good point, Mr. Speaker. I realized that as soon as I said it.

Again, to go back, obviously the Member for Mayo-Tatchun specifically advised the board of directors to recruit a new president. I would say that's giving direction. Move to June 16, 2000. The minister, the Liberal minister of the day, then outlined two areas of immediate need, which he wishes to focus on.

Direction to the board: Takhini Bluffs and housing export; the development of export policy and guidelines, particularly financial guidelines — the minister requested that Yukon Housing Corporation ascertain what export policy has been developed at the national level to determine whether Yukon Housing Corporation is in line with other jurisdictions. Staff will gather the necessary information using in-house resources.

The minutes go on: June 16, 2000. The Liberal minister of the day also discussed the following issues: holding a planning session this summer; round table discussions with Health and Social Services and Community and Transportation Services to develop comprehensive responses to issues — let's get right in there and direct what the responses will be; the need for urban and rural housing; and meeting with First Nation communities. Again, directly getting involved with the corporation. I think that gives us a pretty good suggestion of what a Liberal government would do.

On July 21, 2000: the Liberal minister of the day provided the board and staff with a brief overview of his thoughts of the day relating to long-term planning, centered on items such as thinking beyond four years was necessary — it's a good thought — considering ideas such as self-financing the corporation.

Self-financing — gosh, isn't that kind of what the Member for Kluane is concerned about? It's his own party giving the direction. Development of processes to measure returns on investments, activities must be measurable and accountable to the public, look after home and Yukoners and ensure that export activities translate into jobs. Export activities — kind of like sending the trade mission over to China, getting there and finding out that it was in the middle of Chinese holidays and all the offices were closed and the basic conversations revolved around selling cigarettes to China. I'm sure the cigarette and tobacco industry in the Yukon was very pleased to hear that.

Move ahead to August 24, 2000 — the Yukon Housing Corporation's board, together with the minister — the Liberal minister of the day — senior officials from the corporation, community business leaders, mayor, Grand Chief and Council for Yukon First Nations and others had received an invitation from CMHC's board of directors to join them for a reception and luncheon as part of CMHC's across-the-north tour to familiarize themselves on issues, concerns and initiatives relating to housing.

The minister also joined the board for the presentation. So we're very pleased he at least sat there and took notes.

On August 24, the same day, in the Whitehorse Housing boardroom — again I quote: "At the recent planning session, the Liberal minister for the Yukon Housing Corporation indicated to the board of directors the need for the corporation to review the Mountainview Place project and develop new options." Gosh, the Liberals directed them to do their job. I kind of think they were probably doing that in the first place. And how would they develop those options? They would do it through Management Board Secretariat. That's what they do for a living. That's the good work they do.

The minister indicated that weak consumer interest in the development was a sign that, although consumers faced health

and safety issues in their existing locations, Mountainview Place was not currently deemed an alternative. They didn't do the evaluation yet, but the Liberal minister of the day told them it was not deemed an alternative. That's not giving direction? I would say that's giving very distinct direction.

Also in a letter dated August 7 to the minister, the Liberal minister of the day, and I quote: "At the recent planning session you asked the board of directors to review the Mountainview Place project with the intent of developing new options. In response to this direction, the board proposes a strategy that includes both an interim and long-term response", and it goes on a bit with a couple of options. Again a quote: "The board of directors seeks your concurrence that its strategy is acceptable."

Boy, they didn't want to do anything that would annoy the Liberal minister of the day who told them what to do. The Liberal Party is making it very clear how they would function in government and making it very clear — why would any one get involved with a board or a committee to work with that? Because obviously, there would be no independence, no ability to do their jobs. It just is very frightening to me.

Now moving ahead to November 16, 2001, on page 2 of the minutes, and I quote: "At this point in the meeting the Liberal minister responsible for the Housing Corporation pointed out that his attendance at the board meeting was merely as an observer." Well, a little bit of an epiphany there.

I guess suddenly, perhaps, the Liberal Party at that point decided that maybe they shouldn't be in all of these minutes. They shouldn't be doing that.

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

#### Point of order

**Speaker:** Member for Copperbelt, on a point of order.

**Mr. Mitchell:** I rise on a point of order under Standing Order 19(b): "A member shall be called to order by the Speaker if that member ... speaks to a matter other than the question under discussion."

I would suggest that while we always give latitude to members, the minister has been going on for quite some time talking about matters of some 10 years ago or longer and minutes that do not pertain at all to the current matter at hand, which is a bill under discussion with a very specific purpose to amend the Yukon *Housing Corporation Act*. He's not talking about current matters but simply talking about a history lesson.

**Speaker:** Member for Porter Creek North, on the point of order.

**Hon. Mr. Kenyon:** On the point of order, the Member for Kluane opened the door by quoting extensively from minutes of the board of directors of the Yukon Housing Corporation. It's only reasonable that this side have the ability to answer his comments.

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

**Speaker:** No, you're done. Anybody else want in on this?

#### Speaker's ruling

**Speaker:** From the Chair's perspective, it is simply a dispute between members. As the honourable member who

raised the point of order pointed out, we have given a great deal of latitude in the discussion and debate on these bills. So honourable members, I would just ask them to carry on respectfully.

You have the floor, Minister of Economic Development.

**Hon. Mr. Kenyon:** Thank you, Mr. Speaker. We are certainly coming to the end of the minutes of the very short-lived Liberal government giving direction to the Housing Corporation Board of Directors.

If we move to, again — and I'll find the thing here — February 4, 2000 — under a resolution that was made regarding Takhini North under general, the minutes note, and I quote again: "Two years ago, the Yukon government..." and I point out — the Yukon Liberal government — "...instructed Yukon Housing Corporation to become involved in trade and export."

Giving direction — and the Member for Kluane doesn't like this? I'm astounded; I'm shocked, Mr. Speaker. Also, in February 4, 2000 — and I go back to another part of the motions, and I quote: "Whereas Yukon Housing Corporation has received direction from Cabinet to involve the corporation in trade and export opportunities."

Not so much in housing opportunities. Certainly on the social end, they didn't build any. We've increased the social portfolio, the rent-g geared-to-income portfolio by 40 percent. The Liberal government — who I readily admit in 22 months was the shortest lived majority government in the history of the Commonwealth of Nations. Maybe they didn't have a chance to do anything, but I've got to point out that they didn't even start it. In 22 months, they hadn't gotten around to starting it yet, but to stand in this House and be critical and claim that direction was given to the Housing Corporation, which clearly is not appropriate and not the position of this government, and then to do that with all of these examples that I've gone through of the Liberals doing exactly that. They have always given direction to the Housing Corporation and the Housing Corporation Board of Directors.

Now, I leave to other bodies and other times to make the determination if that's appropriate, is what I would suggest without getting back into the stories of glass houses, et cetera, et cetera.

Why would you claim something is so terrible when, in fact, you did exactly the same thing that you're claiming we did? And we didn't do it. We didn't give direction. But the Member for Kluane saw the body language. Well, I'll tell you, some of the body language I see in here coming across the floor is rather frightening. But we don't try to interpret that. We listen to what the members have to say. The Member for Kluane didn't listen to what the Housing Corporation senior officials said. He read the body language. So again, I guess that's another lump of potential voters this fall who will look at it and say, "Wait a minute — if the Liberals come into power, this is what we're going to have to put up with. This is what we're going to have to do."

Look back at the record of what the Liberals accomplished. I think there are a number of voting blocks that I don't think the Liberals would really be wasting an awful lot of time

on. In that 22 months — mercifully, only 22 months — of power, the Liberal government fired 11 deputy ministers. In 22 months, they fired 11 deputy ministers. I guess that's another block of voters whose doors they're not going to have to bother knocking on. I think they established very quickly how they would act in that case.

It has not been the record of this government; it was not the record of an NDP government, but it's the record of the Liberal government. They did away with the Department of Economic Development. Interestingly enough, Mr. Speaker, it's the very Minister of Economic Development of the day who now is very much involved with Economic Development in the territory, and we thank him for that. But he was the one who cancelled the department and that, to me, is a bit scary.

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

#### Point of order

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

**Mr. Cardiff:** It is very much along the lines of the previous point of order, but I think the minister has finally strayed off the topic of the *Act to Amend the Housing Corporation Act*. He's talking about the Department of Economic Development; he's talking about previous governments and their record of firing deputy ministers, which has absolutely nothing to do with what we are talking about today.

**Speaker:** On the point of order, Minister of Economic Development.

**Hon. Mr. Kenyon:** Mr. Speaker, the Member for Kluane went to great lengths about trust; he went to great lengths about trusting what people say and body language, et cetera. Again, he has opened the door; I think it's only reasonable that we be allowed to address that.

#### Speaker's ruling

**Speaker:** From the Chair's perspective, again, although some members may be aggrieved by it, the debates on this motion and other motions in the Legislative Assembly have a wide-ranging nature. If the House Leaders feel that they want the Chair to be more specific, then I would welcome instruction from the House Leaders or from the Leaders of the Official Opposition, government and Third Party. Failing that, however, there is no point of order from the Chair's perspective. It's simply a dispute between members.

Minister of Economic Development, you have the floor.

**Hon. Mr. Kenyon:** Housing Corporation, but you were close, Mr. Speaker. Well, thank you, if we go back and look at the options that the good people of the Management Board Secretariat and the Finance department had suggested at the time — if we looked at various loans, home ownership, the green home program, the owner-build — in that case they were looking at, and I stress this, \$28,831,000. There were other loans involved in that — home repair and joint venture, another \$13.085 million — and so really a total in almost the \$42 million range.



I'm told now that the mortgage portfolio was down in the mid-\$30 million. Money is coming back in as people pay mortgages off and look at other alternatives, and that's pretty reasonable.

What was it that the Department of Finance actually looked at? They looked at three options, basically. The Member for Kluane has mentioned these, so let me talk to them a bit. Option one was fairly simple, immediate and low-cost. Clients have asked for it and that was to encourage clients to transfer the mortgages to banks. It's something the Housing Corporation has done, again for many reasons. At some points during that time period, the banks were offering lower mortgage rates. They also had the ability and were actively putting out loans on lines of credit — things the Housing Corporation does not and cannot do.

This would be one option and the result of the transfers would factor into the next steps for reducing the portfolio. The Housing Corporation, as I say, has been doing this and it makes every bit of sense.

The corporation has looked at what would happen if they removed prepayment penalties.

Honestly, I don't know where that stands at this point, but my understanding is that they have communicated to a number of people that they would remove that prepayment penalty. In other words, if you want to pay it off before it matures, it is going to cost you three months. We're happy to look at that as an alternative. In terms of the legal fees, we thought at the time that it might be a good way to even supplement those fees. The Housing Corporation tells us no, that there actually had been some indication from the banks, et cetera, that they would waive the legal fees or absorb them themselves. This would generate the cash equivalent of the loan amount but it would result in the loss of interest income. The interest appears on the revenue side of the ledger. Again, I suggest that the Liberal Member for Kluane actually read the revenue side. Maybe that's more fun than the expenditure side, which he has already made clear that he hasn't read. You know, that was one option that the Finance department looked at, and no, it has some benefits, but it has many that would not be good.

Now, in terms of option 2, the private sale, that would require negotiations with the banks and result in a loss of the portfolio.

The Finance department estimated at that point it would be about five percent and that would be due to the range of mortgages held, which are all over the map. Many of them require CMHC mortgage insurance and some are higher risk and some of the clients are ineligible for bank financing, which is the whole point of the program.

It is not a reasonable option. It was to be contingent on the laws of the *National Housing Act*, the *Bank Act* of Canada and the Housing Corporation would still have to administer the portfolio — still — so they would still have all the expenses but they would lose the income and the value of the portfolio — clearly not a reasonable choice, which is why Management Board was never brought into this matrix and Cabinet never saw the documents.

Option 3, the securitization, would require the Housing Corporation to become a *National Housing Act* approved lender, which is a very significant shift from the Housing Corporation's existing target group and would require them to pay an administrative fee of about five percent of the portfolio value, which would take considerable time to complete. And the Housing Corporation would still have to administer the portfolio.

So again, they would lose the value. With one of the lowest, if not the lowest, default rates in Canada, why would you sell something for less than a dollar on the dollar when the dollar is there and secured?

So it was good to document them. I commend the Housing Corporation for taking this to Management Board Secretariat. It made sense for them to do it and, as I say, it was the decision of the Housing Corporation Board of Directors that this document and its recommendations not be forwarded in any way, shape or form to Management Board or to Cabinet. In fact, further in the document, which shows it here blocked out — but I've read it in the House before and I'm happy to do it again. On page 6 of 18, one of the points was that the Housing Corporation would have to seek concurrence from YTG, since they hadn't talked to YTG yet. Well, no, they never did. That makes sense. They were doing their job, a job that obviously the Member for Kluane has no comprehension of, no understanding of, on the basis of just simply — I hope that it is simply not understanding what's in the budget documents and what's in all the rest of the documents. I really do hope that it's simply not having bothered to read it because that would be very disappointing.

Mr. Speaker, I could go on at length. The Member for Kluane, basically, asks for certainty — we certainly think that he is going to get that certainty in the coming months — again. He asked, "What will the Yukon Party do?" Well, I think I could spend the next hour or two or five reading from all of the things we've accomplished. We've increased the social housing portfolio by 40 percent; we've built lots of new units — Faro, Teslin, and the seniors — Watson Lake — 12 up there; athletes village — utilizing what could have been a bad situation during the Canada Games — into a legacy of housing up there. We've worked with YACA, Yukon asset construction agreement, through Kwanlin Dun First Nation, to work on the seniors waterfront housing project, which will hopefully be done fairly quickly. We can look at the whole development and promotion of SuperGreen energy standards — a creature of the Yukon Housing Corporation. It was our staff who invented that, developed it and has promoted it.

We have two staff housing units in Watson Lake built to SuperGreen energy standards. We have another YACA agreement to do a six-unit family townhouse unit in the Ingram subdivision. I believe people are already in that. Habitat for Humanity — a marvellous group we've worked with extensively.

Those are the sorts of things we would do. What did the Liberals do in their short term? Nothing. They didn't build; they didn't even plan a single unit of social housing.

With those comments, Mr. Speaker, I won't go into any further detail on what has been accomplished here and all the good things we've done and we will be doing. It's just actually kind of scary when you look back through some of the things and some of the things that have been said in this House — it's just mind-boggling. I can't even go into half of that and be within the rules of this House.

With that, obviously the government does not support something that makes no sense at all, is not needed, and simply complicates things. Given the size of the budget and the coming election, I do hope the members opposite want to get back to debating the budget. So far, we've heard precious little in this House of any indication of what either opposition party would do. I think maybe at some point in time they're going to have to come out and say it, and I would suggest this House is a good place to say it. With that, I'll turn it back over to them and keep my fingers crossed.

**Mr. Cardiff:** Where to start, Mr. Speaker? Maybe we'll start with the last comment of the minister responsible for Yukon Housing Corporation. I'd just like to point out who they don't have a corner on all the good ideas; they're not the only ones that can come up with good ideas. As for debating the budget — when we're debating the budget — I know we're talking about this bill but the minister opened this up. When it comes to debating the budget, we're here to debate the government's spending record and not what we would do on this side of the House or what the Liberals would do. When we're debating the budget, we're here to debate the government's priorities and scrutinize their expenditures. Thank you very much.

Now, to get to Bill No. 114 — first of all, I'd like to thank the Member for Kluane for bringing the bill forward. The way that I interpret the bill, that we interpret the bill here in the New Democratic caucus and the way that it has been explained to us, it does two things: it ensures, or it is supposed to ensure that, when the Yukon Housing Corporation is lending funds under the mortgage program, they actually meet the criteria of what it is they're supposed to do.

The way it was originally set up, the intent was to provide mortgages to clients who had been turned down by other lending institutions, namely the banks. That hasn't always been the case. If you look at the new 33(1), "If in the opinion of the corporation sufficient money is not being made available by lending institutions ...", it's my understanding that, in Committee of the Whole, there would be an amendment coming forward to change the word "of" to "or" so it would be "sufficient money is not being made available by lending institutions or Canada corporation for housing purposes, the corporation may make..." the loans. If the government has a better idea about how to tighten that up a little bit to ensure the original intent is actually being met and it's enshrined in the legislation, then I'm sure that we'd be willing on this side of the House to listen to their ideas about such matters.

The other second piece of the bill, the way that I understand it, is to provide some protection for those who already have mortgages with Yukon Housing Corporation or are thinking about entering into a mortgage. And the way that it pro-

vides that protection is through section 2, which says that despite any other terms and conditions the corporation may prescribe, the corporation shall not assign, transfer or sell any loans made under subsection 1 without the expressed written consent of the borrower, and I don't think that's too much to ask. The minister went on and on and on about how it doesn't make sense to do it. He gave a whole history about, you know, what actually transpired or didn't transpire and that's his version of those events, but it doesn't mean to say that this protection is not needed. Just because he doesn't think it may be a good idea, it doesn't mean that somebody else or the corporation down the road may decide that this is a good idea.

We're in a cash crunch. This is something that we're going to do and we're going to take it to Management Board and we're going to convince Management Board and Cabinet and the minister that this is a good idea and here are the reasons for doing it. But it shouldn't be done without the consent of the borrower and I will get into a parallel about why that is.

Should Yukon Housing Corporation have the right to sell off their mortgages? You know, maybe there could be a good case for that. But should they be able to do it without the permission of their clients? I don't think that's a good idea. The bill, I believe, still allows for it to happen, but it would be the borrowers' decision, not the Housing Corporation's decision, so it protects the consumer from being passed off to the banks and forced to pay higher mortgage rates.

So here's the parallel from our past which is very, very instructive, Mr. Speaker. The minister delved back about 10 years.

We're all glad to hear that he's a student of previous governments and that he may not read the minutes of the current Yukon Housing Corporation Board of Governors, but he's studied — spent many hours studying what has happened in the past and he's up-to-date on that and he probably could get a degree in it. Let's cast our thoughts back even a little further than the minister, and we'll go back to the 1990s. There was Jean Chrétien's government — it was under that government that tuition fees in this country really took off. Back in the 1990s, tuition fees started to rise and student debt — I remember, as a member of the Yukon College Board of Governors, being lobbied not just here, but when travelling to ACCC conferences — that's the Association of Community Colleges of Canada — being lobbied by students continuously, not just from Yukon, but students from across Canada, that something had to be done about the student debt crisis back in the 1990s. So what happened?

We had students who were graduating, working at minimum-wage jobs — some of them still going to school but some of them just graduating — and trying to pay back sometimes hundreds of dollars per month in loan payments. I remember talking to students who were \$20,000, \$30,000 or \$40,000 in debt, depending on the length of their education — whether they had been in a two-year program or a four-year program or they were pursuing more in-depth education.

What it did was create a huge burden on new graduates trying to get a new start in their adult life and raising their families. So what happened to that student debt? The problem

was exacerbated by the decision to sell those student loans to banks — banks that make billions and billions of dollars in profit, if you pay attention to what the profits are.

Under Jean Chrétien and the Liberal government back then, the student loans were sold to the banks and new, stricter measures were drafted to force former students to pay their loans on time. The banks had those new rules, and from 1995 to 2000, Canadian banks had contracts with the government to operate the loan program.

The major lenders were CIBC, the Royal Bank and the Bank of Nova Scotia. With the involvement of the banks, the federal government then implemented a couple of new measures to curb the default rate. Credit checks for students 22 years of age and older who apply for loans and those with student loans were not able to declare bankruptcy for 10 years after leaving school. The national director of the Canadian Federation of Students at the time was basically blaming the banks for the tighter measures on bankruptcy and credit checks. But it created an incredible burden on the people who are the future leaders of our society. It was the sell-off of that debt to banks that placed a huge burden on the people who would be the next leaders of our society at that time.

So the loan system for students was like a social program — it was like health care — and it should be treated the same, and it shouldn't be contracted out. So too, we believe, is the Yukon Housing Corporation mortgage program. It is like a social program. It's about helping and assisting those people who don't qualify for traditional bank mortgages — who have gone to other lending institutions, had their applications denied. They can then go to Yukon Housing Corporation, and Yukon Housing Corporation can review their file and see whether or not — through their mortgage program — they can assist them in becoming homeowners. I think that is something that's valuable.

I think it's valuable to our society and it's one of the goals — it's part of the mandate of the corporation to assist people with their housing needs and to assist them to achieve home ownership, something that is becoming more and more difficult as time goes by. The minister pointed out that there is a large mortgage portfolio out there. I believe he mentioned the figure \$30 million in mortgages out there. There is a low default rate, so the way that the program is being managed seems to be working effectively. There probably isn't a need to sell it off. There is a return on the money that has been invested by Yukon taxpayers through the corporation for assisting those who have had difficulty borrowing money using traditional means, through lending institutions in Canada and the Yukon. To assist them I think makes sense. But there was the ability, and it appears that there is the ability in the current act, for the corporation to sell off those mortgages without the consent of the borrowers — the people who we're trying to assist.

We could create an undue hardship on them, just like those students who had their student loans sold off by the federal government to banking institutions. They ended up forced into higher interest rates. They were harassed by those institutions and taken to collection agencies. Should they have to pay back their student loans? Yes, they should have to pay back their

student loans. But the terms under which they borrowed the money should not be changed arbitrarily.

I understand what the minister is saying about the ability to take a Yukon Housing mortgage to the bank. If a client so wishes to negotiate better terms through another lending institution, they should be allowed to do that. I agree with that. There are lots of examples of being able to do that, so I don't have a problem with that.

What I do have a problem with is when a government or a government arm's-length corporation would put people in a position like that, or the possibility that they could put a Yukon citizen in that position. I think there needs to be some protection for that.

I believe the bill does that. As I said earlier, it does two things. It clarifies the fact that Yukon Housing Corporation mortgage clients first need to be refused at another lending institution before they're eligible for the Yukon Housing Corporation mortgage program and, number two, it provides that assurance that their mortgage won't be sold or traded to another financial institution, where it could place a burden or an undue hardship on those clients.

The way the bill reads, the way it has been explained to me — if there are members on the other side who can explain that it does something different, I'd be willing to listen, but the way I understand the bill makes sense to me. I would be pleased to support it. Thank you very much.

**Mr. Mitchell:** It's disappointing, Mr. Speaker, that there aren't more members on the other side who want to make their case either for why they don't think this bill is necessary or, because we know they're all independent thinkers, support the Member for Kluane in what he's trying to achieve today with a very simple amendment to a bill whose goal is the protection of Yukoners.

First of all, I want to thank the Member for Kluane for doing the research and coming up with Bill No. 114, which is, as I've said, very simple. It accomplishes something without a great deal of words to do it and that is to protect Yukoners from any government, regardless of the era, that might choose to privatize and sell off their mortgages without their permission.

You know, Mr. Speaker, the Housing minister spoke at great length without really addressing, in my mind, the issues at hand.

First of all, this minister constantly tells us how — other than being a student of ancient Housing Corp history, because apparently he loves reading minutes that are nine, 10, 11, 12 years old. Perhaps he would like to know what housing was looked at during the Roman era, for all we know. But he hasn't read any minutes during his eight years plus as the minister responsible; that's what he has assured us.

I find that interesting, because on page 19-2 of the budget books — in the main estimates of this year under both the O&M and the capital estimates — it says, "Vote 18 — Yukon Housing Corporation," Right at the top, Mr. Speaker, it says, "Minister" — the Member for Porter Creek North. As we know, it is the minister's name there, but it is the Member for Porter Creek North.

Then it goes on to talk about the chair and the president of the corporation. Then on this one page, it says, "Corporate Objectives," and I'm not going to read them all, Mr. Speaker, because I don't need that to make the point that I'm making today.

That's the overall, number one priority of the department for which the minister is the minister responsible, although he is taking a "Hear no evil, see no evil" approach. He doesn't hear anything from officials and he doesn't read anything that officials are working on — certainly doesn't communicate with officials.

Then under the next bullet that says "to help the housing marketplace work better by furthering the self-sufficiency of communities, industries and people by," there is a series of additional sub-points or sub-bullets, and about halfway down the page it says "supporting Yukoners to become homeowners." That's what the housing program is about — it's supporting Yukoners to become homeowners. And, as the minister is pleased to tell us, there is a loan portfolio — mortgage financing loans — 2011-12 estimate of \$6 million; home completion loans — \$50,000; owner-build loans — \$1.1 million. So that is a major purpose of the corporation for which the minister is reportedly responsible, and it's beyond my understanding how one can be responsible for something if one is determined never to read any of the board — who are ably overseeing this and steering the corporation forward — minutes and without ever speaking to the board members or the officials. It's difficult to know how this minister is responsible for the corporation.

What we have heard in this House is the minister usually doesn't want to be held responsible for things we believe he has done and that documents indicate he has certainly been involved in.

This is a very simple bill, and the operative sentence, the core of it, is 33(2): "Despite any other terms and conditions the corporation may prescribe, the corporation shall not assign, transfer or sell any loans made under subsection (1) without the express written consent of the borrower." Isn't that novel? Once again, it would just be asking Yukoners. It would be saying to a Yukoner, "We're considering selling the mortgage you took out in good faith with a Crown corporation to a third party — to a chartered bank. How do you feel about that? Will that be problematic for you? Are you okay with that?"

It doesn't prevent the corporation from doing so; it simply requires the corporation to get the informed consent of the mortgagor — the homeowner.

Now, the minister says, "It was never contemplated. We would never do it. In fact, we couldn't do it. The National Housing Corporation wouldn't allow for it. Bank policies wouldn't be able to provide for it. It wouldn't be possible. The loans aren't insured." There was a whole series of reasons. Well, surely the minister is not suggesting that the capable officials at the Housing Corporation and the hard-working board members spent months — because that's what the minister has told us in this House — that they spent these months looking into this, but he knew nothing about it.

He is therefore suggesting that something, which he says is absolutely clear to one and all couldn't happen, they spent months investigating. If it were impossible for it to happen, they would have known that on day one. They wouldn't have spent months pursuing it — having meetings and conversations and e-mail correspondence with Canada Mortgage and Housing Corporation officials; having meetings with Department of Finance officials, together with Housing Corporation officials; having meetings with representatives of a chartered bank. They would have just said, "Can't do it — no point in it. The minister might be interested in doing it, but we'll have to tell him we can't do it."

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

**Mr. Mitchell:** And meetings with the minister, as the Member for Kluane says, which we believe and know have happened. Now, in fact that's why we're introducing this *Act to Amend the Housing Corporation Act* because that special finance and program review committee that was struck between the corporation and the Department of Finance has extensively researched how to sell off Yukoners' mortgages and what the benefits and the drawbacks of doing so would be. The committee, in fact, pointed out two possible public relations challenges presented by selling the mortgage portfolio, both of which related to the fallout from the Yukon Party's mismanagement of Yukoners' public assets and public funds. The first drawback, which was cited in documents that we received under ATIPP, said that, quote: "privatization of government assets currently has a high public profile." That refers to the Premier's secret negotiations to sell out Yukon's public energy utility to private interests from Alberta and the subsequent resignation of his own Energy, Mines and Resources minister and fully half the board of Yukon Energy Corporation.

The second drawback that the committee highlighted was the lingering bad taste left by the government's bad investments in asset-backed commercial paper, another situation in which this government long denied any wrongdoing —

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

#### Point of order

**Speaker:** On a point of order, Member for Porter Creek Centre.

**Hon. Mr. Lang:** The member opposite is very famous for standing up, saying the members on this side of the House are off subject, and I think the member opposite is doing exactly that. Let's talk to the bill that's on the floor and let's move forward. It has nothing to do with asset-backed investments on any level.

**Speaker:** On the point of order, Member for Copperbelt.

**Mr. Mitchell:** I'll be brief. The very board minutes that were ATIPP'd and the internal documents make reference to the fact that the government was concerned because of these other issues.

#### Speaker's ruling

**Speaker:** On the point of order, as the Chair has ruled several times earlier today, there is no point of order. It's simply a dispute between members, as we have allowed a fairly

wide-ranging conversation to go on discussing this bill. The Hon. Leader of the Official Opposition has the floor.

**Mr. Mitchell:** Thank you, Mr. Speaker. I'm going to try to put it in everyday layman's terms why this bill is so important, why it's necessary. I'll tell a little story. The Minister of Highways and Public Works has asked for me to bring it down to his level, and I will attempt to do so, at his request.

With apologies to the Member for Mount Lorne, who likes to use parables and examples, I will provide one today. Let's think of the typical Yukon couple. I'll call them Joe and Josephine Yukoner. That makes it simple for the Highways minister. Joe and Josephine want to own their own home, as do many Yukoners. That's something that unfortunately is increasingly difficult to do these days, since this Yukon Party government has been so slow in planning for new lot development across Yukon. There are very few building lots available — very few in the City of Whitehorse for sure. Joe and Josephine are indeed fortunate. They were lucky and their names were chosen awhile ago in the lottery for the most recent phase of Takhini North developed by the City of Whitehorse, and they actually were successful in obtaining a lot.

Now, Joe and Josephine have full-time jobs. Joe works in the private sector; he's a tradesman. He is just starting out. He's an apprentice carpenter working toward earning his journeyman papers. Josephine works for the Yukon government as an administrative assistant. While Joe and Josephine considered trying to get a mortgage from a chartered bank, a friend suggested that they try the Yukon Housing Corporation because the corporation's lending criteria are more flexible and will allow for a smaller down payment.

That will make having a new home built more affordable for Joe and Josephine Yukoner. In fact, the Housing Corporation doesn't require Joe and Josephine to even try going to a chartered bank because the corporation has taken it under its own policy to determine whether or not they would have been able to qualify at a chartered bank or not.

Joe and Josephine do qualify for a mortgage with the assistance of the officers at the Housing Corporation. They build their new home and they move in. They take out a mortgage with the Yukon Housing Corporation with an initial five-year term and a 25-year amortization. A couple of years later, the Housing minister of the day asks for, and receives, a Management Board submission for the privatization or sale of the residential mortgage portfolio to a chartered bank. The current Housing minister says that could never happen, despite the fact that he was on that path and pretty far down it — but some future Housing minister does. I know that the Member for Pelly-Nisutlin is interested in this, so I'm glad she's paying attention.

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

#### Point of order

**Speaker:** Member for Pelly-Nisutlin, on a point of order.

**Hon. Ms. Horne:** The member opposite is saying that I am interested in what he is talking about — imputing false motives; I am not.

**Speaker:** On the point of order.

**Mr. Mitchell:** I did hear the member speaking. If I misunderstood her interest as being something else, then I've erred, but I thought what she was expressing was interest.

#### Speaker's ruling

**Speaker:** It is an interesting point of order in that I've noticed over the last week or so, members on each side and all members of this House are ascribing motives to other members, whether it be how they focus or concentrate on the questions or answers, whether it be how they conduct themselves in the House. This is a very slippery slope, honourable members, because each side is going to get hit by it. If you do not want people interpreting and ascribing motives to you, don't do it to somebody else.

Honourable members, there is no point of order, but I want to offer that caution, because people are going to be aggrieved here and you're going to come to the Speaker and demand a resolution, and it's going to be that the resolution is within yourselves and within your own conduct.

You still have the floor, Leader of the Official Opposition.

**Mr. Mitchell:** Thank you, Mr. Speaker. So a couple of years later, as I was saying, the housing minister of the day moves forward, in fact, with the submission from the Housing Corporation and does actually sell the residential mortgage portfolio to a chartered bank.

Joe and Josephine Yukoner's mortgage is sold along with others to this chartered bank. Now, two years later, because there is a shortage of building lots available, unfortunately, Joe is laid off. The carpenter under whom he's apprenticing just can't keep him working any longer. He's laid off. It's a struggle, but Joe and Josephine continue to make their mortgage payments to the chartered bank that now holds the mortgage. Joe does some part-time handyman work while he waits for things to pick up. One day, three months or so before the end of the five-year term of the mortgage, Joe receives a call from the loan officer at the bank who's responsible for the Yukoners' mortgage. They make an appointment to meet to discuss the mortgage renewal. The banker asks Joe and Josephine to bring in their latest financial information, T4s, tax returns, et cetera. The banker is quite surprised to learn that Joe is no longer fully employed and only earned \$10,000 the previous year. The banker discovers that between the mortgage and a truck loan, Joe and Josephine are paying over 40 percent of their total household income to service these loans every month. That is well above the CMHC guidelines and the chartered banks' policy for debt servicing.

So, the banker tells the Yukoners, because he's trying to assist them, that he won't be able to renew the loan at these levels, but he suggests that they sell Joe's truck to help reduce their total debt. Joe explains he can't work without a truck. He needs to carry tools and he needs to carry lumber. He won't be able to earn even the \$10,000 he earned last year. Josephine points out that the Yukoners have never been late with a mortgage payment. They honour their commitments. They pay their bills, but the banker unfortunately tells them that isn't relevant. His hands are tied. He can't do anything because of his bank's

policy, because of CMHC policy. He suggests that they try the Yukon Housing Corporation, but unfortunately when the Yukoners call their old friends at the Housing Corporation they discover that they are no longer in the residential mortgage business at the Housing Corporation because the minister of the day ended that portion of their activities.

The point of this story, which I've told so that it would be very simple for all members to understand, is that things change and because the mandate of the Housing Corporation is to assist people to meet their housing needs and because, as the minister correctly pointed out earlier today, they require a smaller down payment they have different criteria, they don't deal with insurance issues and many other issues, they're not bound by the national housing corporation policies.

Yukon Housing Corporation has the ability to be flexible, to look at the actual evidence of how a family has been paying, without fail and on time, their mortgage payments month after month, year after year, even during the difficult times when they didn't have as much income as they had anticipated having. But, Mr. Speaker, the chartered banks don't have that flexibility, so when the minister talks about the banks would never take a mortgage that didn't have certain levels of income support and that didn't meet their criteria, they may well have taken a mortgage in the housing corporation that fully would have met with the bank's requirements when they took it. When the Yukoners took out that mortgage they could have possibly gone to a chartered bank, but they went to the Yukon Housing Corporation because they knew it was a friendlier, more flexible way in which to borrow money.

And yes, if this was to be sold off, the government could enjoin the chartered bank to have to honor those loans for the existing term, but I'm not certain that they could force any bank to renew the loan and issue a new loan, time after time, for the next 20 years. That's the danger to Yukoners. That's what could happen and that's why the Member for Kluane brought forward a bill after seeing what this minister had embarked on through the corporation a year ago, and that's why he brought forward a simple solution. It was not to tie the hands of the Housing Corporation from ever selling mortgages to a third party, but simply to require the acquiescence and agreement of the existing mortgagor — of the Yukoner — who has mortgaged their house in good faith to the Housing Corporation and that's why I support this bill and I urge all members to do so today.

**Hon. Mr. Lang:** Mr. Speaker, I would like to thank the House here today for their conversation. I would like to thank the Leader of the Official Opposition for bringing his debate down to our level. I know that he's quite — on the food chain is quite high on himself. I think that I enjoyed the —

#### Speaker's statement

**Speaker:** Order please. I've cautioned members before from trying to make this debate personal. So honourable minister, please be careful and don't personalize debate. The minister has the floor.

**Hon. Mr. Lang:** In saying that, I look forward to the vote this afternoon, understanding that everybody in the House has a vote — one man; one vote — and look forward to bringing this.

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

**Hon. Mr. Lang:** I enjoy the Leader of the Third Party and her heckling. She'll have her time on the floor, Mr. Speaker. I'm speaking, not the Leader of the Third Party. I have as much time as anybody else in this House to debate whatever goes on in this House. I have one vote. I remind the Third Party that's the way this House works.

I'll sit down and we will have a vote on this and see where we proceed this afternoon.

**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.

**Hon. Mr. Edzerza:** Disagree.

**Mr. Nordick:** Disagree.

**Mr. Mitchell:** Agree.

**Mr. McRobb:** Agree.

**Mr. Fairclough:** Agree.

**Mr. Inverarity:** Agree.

**Ms. Hanson:** Agree.

**Mr. Cardiff:** Agree.

**Mr. Cathers:** Disagree.

**Clerk:** The results are six yea, nine nay.

**Speaker:** The nays have it. I declare the motion defeated.

*Motion for second reading of Bill No. 114 negatived*

#### Bill No. 113: *Acutely Intoxicated Persons (Care and Protection) Act* — Second Reading

**Clerk:** Second reading, Bill No. 113, standing in the name of Ms. Hanson.

**Ms. Hanson:** I move that Bill No. 113, entitled *Acutely Intoxicated Persons (Care and Protection) Act*, be now read a second time.

**Speaker:** It has been moved by the Leader of the Third Party that Bill No. 113, entitled *Acutely Intoxicated Persons (Care and Protection) Act*, be now read a second time.

**Ms. Hanson:** I'm pleased to be able to have the opportunity to speak to this private member's bill today, because I think that it provides an opportunity for all members of this Legislative Assembly to demonstrate the compassion and duty

of care that public expects of us as elected members of this Assembly, regardless of our party leanings or our partisan affiliations.

During the by-election campaign last December and in the months leading up to that, the serious issues of the most vulnerable in our society were brought to the attention of all Yukoners. I'll remind all members of this Legislature that it was not a partisan issue during the campaign. Every single party represented in this Legislature recognized the difficulties and the circumstances that people find themselves in — people who are either victims of violence, people who are acutely intoxicated due to either alcohol or substance abuse — are issues that must be addressed and must be addressed by this Legislative Assembly.

There are a number of contextual matters that I'd like to set before the House before we turn to the specifics of this legislation. The members will be aware that this Legislature set in motion a review of the Yukon police force. They were charged with reviewing the circumstances initially that arose as a result of the unfortunate incidents in Watson Lake as well as the death in custody of Raymond Silverfox. During the course of the review of the police force, it became clear that the circumstances and the dimensions of this review were much broader than simply the issues of what happened to Mr. Silverfox or what happened in Watson Lake with respect to the trust and the relationship between Yukoners and the RCMP. As a result of that, this House, in May, tasked a separate review process to be completed, and I'll come back to the mandate of that second review in a few moments.

The review of the Yukon's police force became very clear to all the members of that police force and you'll recall that that review included representatives of the Department of Justice — was co-chaired by the Department of Justice, RCMP and the Council of Yukon First Nations — and had representatives of many other community organizations involved with many hearings throughout the territory. One of the key issues and one of the things I think that drove this, or informed this Legislature in moving to get a greater focus on one aspect of the role and the responsibilities of this review, was it became clear that dealing with acutely intoxicated persons puts a strain on community resources, medical care and law enforcement and that individuals caught in the web of alcohol abuse usually follow a predictable cycle, as we've heard in the Legislature repeatedly, as marked by ambulance trips, nursing station overload, emergency ward overload, emergency shelter overload, and police cell and detoxification unit overload.

The co-chairs of the review of Yukon's police force indicated in their report and in their deliberations that they believe a new approach to the care and custody of acutely intoxicated persons is required. They talked about the possibility of establishing a different type of intervention team to respond to calls for service that involve acutely intoxicated persons. They said and they believed that, in addition, many of these individuals do not belong in cells. They require services that are not typically available in a police cell.

So, as you will recall, Mr. Speaker, the response of this Legislature was on May 11 to agree unanimously to establish

the Task Force on Acutely Intoxicated Persons at Risk. The terms of reference for that task force included: forming a multi-disciplinary task force of front-line agencies comprised of representatives from the Department of Health and Social Services, Justice, the Yukon Hospital Corporation, Emergency Medical Services, the Royal Canadian Mounted Police and the Salvation Army to look at and work with First Nation governments and social agencies involved with individuals with severe alcohol problems and addictions. They were to talk to physicians, the private sector and other organizations, both at the territorial and national levels. The scope of this was broad.

I remind the Legislature that the government — on behalf of this Legislature — invested over \$200,000 to develop what they called then a “socially-inclusive program dealing with acutely intoxicated persons at risk of harming themselves.”

They were charged with examining all aspects of the problem, including facilities — existing and needed — land-based treatment programs, scope of programming, legislation, current research, cost and access to cheap intoxicants.

One aspect of that, as mentioned in the terms of reference, is the issue of legislation. The final report of the task force was to provide advice to the Minister of Health and Social Services about practical actions that would be likely to be both appropriate and effective within a Yukon context to address the target group for this task force, along with the rationale for why these actions are to be considered to be both appropriate and effective and, from those, which actions to implement in what order of priority and why.

I bring forward this private member's bill to address one of the critical recommendations of the task force on acutely intoxicated persons at risk. As I indicated, the history of this goes back to the circumstances, in particular, surrounding the death in custody of both an individual in the police cells as well as one in the detox unit.

In considering the responses and how to approach these issues — because there had been more than one and the history documented in the police review — more than one over a period of not just one year, but many years — of deaths. The Minister of Health and Social Services raised the issue as to whether or not the circumstances of these deaths were coincidental or if there are systemic weaknesses that need to be changed to prevent recurrences in the future. I would suggest and I would recommend — and I will be going through in some detail the recommendations of the Task Force on Acutely Intoxicated Persons, because I think it's absolutely vital to an understanding of why the change to legislation is so important.

So, first of all, intoxication results from the ingestion of intoxicants. Acute intoxication is a state of morbidity and mortality. People both hurt themselves and others while acutely intoxicated. People die and even kill when acutely intoxicated. Similarly — and this is absolutely critical to the recommendations in this report and in the approach that we're proposing in this legislation — withdrawal or progressing from a state of intoxication to a state of sobriety is also a process associated with significant morbidity and mortality.

We saw that with respect to the circumstances surrounding the death of Mr. Silverfox in police custody. Withdrawal

causes illness and sometimes death, even under ideal circumstances.

In the study that the task force was charged with they divided the population groups for review into three distinct groups of acutely intoxicated persons at risk and they identified them — and I think it's important for us to review these. Those people are those who are violent and dangerous; those who have significant medical needs; and all others, with the latter constituting the majority of the clientele. When we say "acutely intoxicated people", a very small minority of them are actually violent people, fewer have a significant medical issue and most are the "other" category.

The task force — I'll refer to it only as "the task force" because the title is very long and cumbersome and it's repetitive. The task force did confine their comments to those who are detained because they are intoxicated, because we're looking at alternatives for how we work with in the community those people we deem to be necessary to be detained. It is the subject of this proposed private member's bill.

The report goes on, but the specific needs or requirements of each of the above groups needs to receive distinct consideration. A person who is inherently violent and can quickly become violent is a danger to personnel and might need to have a dedicated facility for violent and dangerously acutely intoxicated persons at risk. But not all individuals are required to be detained and not all of them are required to be detained in the emergency ward.

What level of medical care and assessment will be provided and how best to utilize and coordinate the resources are decisions that require consideration. Minister, what we're trying to do in bringing forward this private member's bill is to ensure that there is full consideration to all aspects of the care and duty of care that we as members of this Legislature have to these most vulnerable parts of our society.

You know, one of the things that struck me, Mr. Speaker, as I reviewed the findings of the task force, was a reflection again that Yukon — and I don't think this Assembly is much different — and Yukoners have a split personality when it comes to our attitude toward alcohol. It's generally condoned and even frequently encouraged. At social gatherings, there's drink, there's alcohol. It could be a marker of an actual social status. What kind of scotch do you drink? What kind of wine do you drink?

In some circles, alcohol consumption is a sign of achievement and success, but if the person becomes dependent or under the control of intoxicants, our attitudes begin to shift and our attitudes shift way down the continuum almost, in some cases, to disgust, and we become disgusted and disrespectful when the person descends toward the bottom of the social scale.

One of the things the Task Force on Acutely Intoxicated Persons at Risk talked about is the importance of societal approaches and responses to dealing with people who are severely intoxicated. I would recommend to all members that they carefully read the findings of this task force because it is a very compelling reflection of the Yukon society that we live in.

One of the realities of the society that we live in is the fact that we are a relatively tiny population of 35,000 or 36,000 people, but we have all the needs of a jurisdiction much larger than that. So the fact that the number of people who are afflicted with severe intoxication addictions, substance addictions, may be relatively small to the Canadian system, the impact on the community, the impact on those families, is acute.

The reality also is that we have a dedicated community of caregivers in the Yukon. We are asking our caregivers in this territory, not only to respond, but to respond at all times. If we think about it, we are asking — in most cases, these are the not-for-profit parts of the society and not-for-profit organizations — to respond with an open door.

It is a rare exception where we can say that just because you're acutely intoxicated, just because you're stoned, the door is absolutely shut on you. It may be that final door is a jail or it may be that final door is the hospital, but the fact of the matter is that we are stressing our systems to the nth degree. So, one of the findings of this task force is, in fact, that we do have many caring individuals, caring groups and societies and government agencies and departments, who are attempting to work and address these issues. They say that almost without exception, we accomplish far more with far less than our southern counterparts. As a prime example, the task force points out, the local detoxification facility almost on a daily basis provides necessary care unquestionably using inadequate resources and minimally trained personnel in a physical facility unsuited for its purpose. We're asking people to do some of the most difficult work with inadequate resources. That's our job and our responsibility as elected representatives of the people of this territory to ensure that we find the ways and the means to provide the necessary resources to respond in a full and compassionate way, both to the people who are trying to provide services and to those who need them.

One of the challenges is — and we saw this, unfortunately, reflected to a certain degree in the response or the findings of the Auditor General yesterday — because we organize ourselves in various organizational sectors — health, social, law enforcement. We tend to get ourselves into silos.

One of the real challenges — it should be no surprise to this Legislature — for those people who are trying to find a way or trying to deal with the issues they're afflicted with when they are severely intoxicated is they can fall through the cracks.

One of the findings of this report — again, it should be no surprise to this Legislature because we've seen it time and time again: when we see a problem, we try to put a band-aid on it, as opposed to stepping back and asking, how do we actually address these in a thoughtful, coherent and comprehensive way, in a strategic manner?

What I'm trying to suggest here is that we have in the task force report an opportunity for us as legislators to step back and take a thoughtful and comprehensive view.

One of the key findings of the task force report is that communication and planning are the cornerstones required to create a foundation on which we can build a sustainable, effective and compassionate system of care.



With respect to the issue at hand, the private member's bill, with respect to the *Acutely Intoxicated Persons (Care and Protection) Act* — the task force members, Dr. Beaton and Chief Allen, became increasingly concerned as they did their review that the current model used to manage an acutely intoxicated person at risk really does now function entirely within the domain of law enforcement. As I referenced at the outset of my comments this afternoon — Mr. Speaker, do I have the floor?

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

**Ms. Hanson:** Okay, just wondering; there are so many conversations here.

When we looked at the report of the policing review, it was clear there that one element was to deal with those people who are criminally involved as a result of intoxicant use, but what Chief Allen and Dr. Beaton say to us very clearly is that we need to begin to think about moving from a law-enforcement approach to dealing with people who are intoxicated because not everybody who is drunk, not everybody who is stoned, is a criminal.

We need to move from that law enforcement model to one that talks about health care and harm reduction. So, Mr. Speaker, it's no longer acceptable — and I would argue strongly that it's not acceptable — simply to say that we will detain all intoxicated persons. Today we expect that any and all agencies once they accept responsibility for a person will provide appropriate care, including some degree of medical care, in an environment of respect and compassion. So right now, the only means that we have for detaining somebody who's intoxicated is under the *Liquor Act*. One of the findings of this task force — and I'll read you what section 92 says — the current *Liquor Act* states in section 92, "If a peace officer has reasonable and probable grounds to believe and does believe that a person is in an intoxicated condition in a public place, the peace officer may" take the person into custody until "the person in custody has recovered sufficient capacity that, if released, they are unlikely to cause injury to themselves or be a danger, nuisance, or disturbance to others".

Well, Mr. Speaker, basically the *Liquor Act* is saying the sole reason for which a person can be detained is being intoxicated in a public place. More to the point, the end point of a person's detention can include decisions about no longer being a nuisance or a disturbance to others. What they don't deal with in that legislation is that it doesn't reflect either the social norms or the human rights standards of today.

What the members of the Task Force on Acutely Intoxicated Persons at Risk did was actually begin to look at what is going on elsewhere; what is the experience and what evidence can we determine, based on experience in other jurisdictions in Canada, that would help inform this Legislature — this Yukon society — in responding in a more appropriate and compassionate manner to those people who are acutely intoxicated.

Specific reference was made and in conversations with one of the co-chairs and others — and we saw it certainly covered in the media — that significant attention was paid to the experience in both Vancouver and Winnipeg.

What they determined there was that those jurisdictions had established their approach with the philosophy that an intoxicated person would be detained only if the detaining authority judged that a person was being a danger to himself or others. The experience — and I've done my own research and my own reading on that — is that that is a really important aspect; that the person would be detained only, in terms of a law enforcement element, if that person was either a danger to themselves or others. What they found, and what I found in my reading — and I'm reading from the report now — that the phrase "danger to oneself" was generally interpreted as being a passive danger in the sense to mean that the intoxicated person was not able to protect himself either socially or against the elements. In both Vancouver and in Winnipeg, detention was ended when the intoxicated person achieved a level of capacity such that he was able to provide for himself. In neither Winnipeg nor Vancouver did they have as their endpoint or their goal hoping that the person was going to achieve sobriety.

Based on the evidence and the research that the task force members did, as well as the experience that additional research shows, that just is not the logical end point. Both jurisdictions intentionally attempted to release the person for detention prior to entering the medical state of withdrawal. That's not to say that they didn't retain full capacity to apply the *Criminal Code* if his actions required it, but what they repeatedly said — in the experiences we've seen in Vancouver, Winnipeg and, more recently in terms of my research, in Ottawa — is that the end point was really not to try to push somebody into medical withdrawal but to actually release them when they had achieved some capacity to look after themselves — to make a decision about what they do next.

There are significant reasons for that. It speaks to the importance of taking the approach that the NDP is proposing in this private member's bill, as opposed to the legislation under the Yukon *Liquor Act*, which suggests retaining persons for a minimum of 12 hours. The normal experience in the Yukon — as I am told and as I read in the various reviews — is to hold somebody for 24 hours.

In fact, the evidence shows that that may be contributing to mortality — that is, that may be contributing to risk of death by putting somebody into a medical withdrawal.

So what we're proposing here is — this private member's bill begins to address how we will deal with those people who are acutely intoxicated. That then led the task force to make a recommendation. The private member's bill that I introduced this afternoon is, in part, a response to this recommendation — the recommendation that new legislation should be written to supersede sections 91 and 92 of the current *Liquor Act* to define more precisely under what circumstances an acutely intoxicated person can be detained, what services will be provided to the detained person and what conditions must be met to cease that detention.

They suggest that this legislation should be consistent with current human rights standards and should allow for necessary, appropriate basic medical care while under detention.

When you look at that, what does it mean? One of the key things that it means is that we begin to focus on risk reduction

within a framework of respect for human rights. Risk reduction — an incredibly important aspect of modern care for intoxicated persons.

We are all aware of the evolution of our appreciation of human rights. We are aware that the human rights standards of today are such that a person has a right to engage in unhealthy behaviour. We may not like it, but they have a right to do so. Most of us, on occasion, may engage in behaviour that some would consider unhealthy. Some would consider perhaps the folks who ran in the ultra-marathon up to Dawson City are putting themselves at risk, but it is their right to do so without personal restriction.

However, as the task force noted, sometimes the use of an intoxicant can create situations where the individual becomes an immediate risk because they have consumed too much of either a substance or any form of intoxicant.

Both the models in Manitoba and British Columbia provide an option to detain individuals in a safe environment with temporary loss of some rights until he has sobered up, and not become totally sober, but come down sufficiently to establish their own ability for self security. One of the key things of this approach to working with the acutely intoxicated in terms of the aspect of the care and protection that's suggested in this private member's bill, is the recognition that the provision for health care is an integral part of that safe and secure environment for the acutely intoxicated. This is why I speak about this bill as being a part of a coherent, comprehensive approach to dealing with the severely intoxicated in our community and why I think we need to look at it not necessarily in contradiction or in opposition to what has been proposed and what is underway right now with respect to the construction of an assessment centre for the severely intoxicated. I don't see this as opposition to that. I see this as possibly working very well in tandem with it because it speaks to two different kinds of needs that society and individuals who find themselves in this state face.

In one instance, I would suggest that for most of the community, the issues for those who are severely intoxicated and find themselves in a police cell in a detention centre, like Whitehorse Correctional Centre, may for the most part be there because of *Criminal Code* infractions or the intention to charge them under the *Criminal Code*. What the private member's bill with respect to the *Acutely Intoxicated Persons (Care and Protection) Act* is attempting to deal with is those who are not subject to criminal action. They have not committed a crime; they are simply acutely intoxicated.

I say that because, as we look at what continuum of care is required for these individuals, it ensures that when they do reach that state of being able to establish their own capability of basically coming out of their acute state of intoxication — to be able to move into a safe, sobering centre. The report is very clear that that continuum would see the person moving. The experience and the evidence of success in other jurisdictions is that the person moves from a safe place with the sobering centre. Essentially what we're talking about is being able to detain somebody and place them in a sobering centre that's attached to a detox unit.

In Winnipeg, it's very interesting. The task force spent a fair amount of time looking at what's called the Main Street project. This is a facility where all detained intoxicated persons are accommodated, except those with serious medical needs or those detained for criminal activity. We could have a similar and parallel opportunity here in the territory. We have, already, the facilities of the emergency ward. If we begin to develop the appropriate ways of diverting those who should not be going there because they're not in medical need and we divert those who are being detained for criminal activity to the secure assessment centre at the jail — or the Whitehorse Correctional Centre, excuse me — then we have an opportunity to deal with those people as they do in Winnipeg for on-site medical care. They've decided to — after much work, much time and experience and experimentation — come down to models of care that are appropriate to the circumstances of those people who are in those facilities.

Winnipeg's experience from the task force reporting is that we can learn a lot from the experience there by looking at a paramedic model of care, or there's the nurse practitioner model, but those are aspects that we need to be looking at as we look at the care aspect of how we address those people in our society who are acutely intoxicated.

The Task Force on Acutely Intoxicated Persons at Risk commented that many and probably most of the individuals who are detained under the Yukon *Liquor Act* are chronic alcoholics and drug addicted persons who access their intoxicant of choice where it is most easily accessible, which is generally in the confines of the downtown area of Whitehorse — in fact, within the confines of my riding — Whitehorse Centre. Additionally, they determined, based on the information from their consultation with the many non-government organizations and departments — government departments — and with people who actually live on the street, that most of the on-street individuals reside in or near downtown Whitehorse. It's a fact; it's a reality; I know many of these people myself.

In the future, if we're thinking about how we're going to respond appropriately to the care and protection of those acutely intoxicated people, then we need to look at where we place the facilities. It has to be accessible and available to the public it serves.

I guess that's part of the reason why there has been some reaction — and perhaps it's misunderstanding and we'll certainly look forward in budget debate to further elaboration from the Minister of Justice and perhaps the Minister of Health and Social Services with respect to the long-term integration of the secure assessment centre into the planning for this population base, as opposed to just simply as a part of an arm of the law enforcement responsibilities of the Government of Yukon.

As much as we recognize and we know that how we address and how we work with acutely intoxicated persons at risk — that we know that we do need the active involvement and engagement of law enforcement — we also know — and what we've seen over the course of time and based on the experiences in other jurisdictions — that it's time, as the task force indicated, for the pendulum to swing from being all on the law

enforcement side, which is where it is clearly and squarely right now. It is on the law enforcement side.

That's how we respond to those people who are acutely intoxicated, and that is how we end up with the serious situations we found ourselves in, in Yukon, over the last 15, 20, 30 years or more, and most acutely, most particularly, we found ourselves in the last few years with the death in both the police cells and at the detox centre.

What I'm proposing in putting forward this private member's bill is that we need to be looking at moving the pendulum from being strictly focused on law enforcement and using the police as the agents of care for our society, to recognizing that an appropriate care model for acutely intoxicated people really does need to embrace the larger community. It needs to involve both the health aspects and adopt what the task force referred to as a "risk-reduction philosophy".

I'd like to just spend a moment or two talking a little bit more about the experience elsewhere because one of the things that we spoke to in this legislation is the identification of — you know, I say that we've got to move the pendulum away from simply having law enforcement being involved or the police being involved in the interaction and ultimately being accountable and responsible for the interaction with those people who are acutely intoxicated, and suggesting that there are others who can be involved, and quite legitimately, based on their relationship and their experience working with people who are acutely intoxicated. I come back to what I said earlier that we are a small community and the community within the community of Whitehorse that deals with that even smaller percentage of our population, that deals on a day-to-day basis with the travails of severe and acute intoxication.

That community has built a sustained relationship that I think needs to be respected and incorporated into how we ultimately design our response to provision of services, as well as providing the immediate response to those people who are acutely intoxicated. The Yukon Task Force on Acutely Intoxicated People at Risk — one of the things that they found was an observation that I thought was interesting, that when there was an outreach worker engagement with somebody who was intoxicated — and if the RCMP were called to the scene, often the scene and the intensity of the interaction escalated. It was an observation that sort of reinforced that, at times, as much as we would love — and we're working hard and the RCMP are working hard to improve the relationships within the Yukon community — there is still a lack of trust and a lack of engagement at times. It's based on the perception that the law-enforcement agencies have certain really rigidly defined roles. What the harm-reduction model would suggest is, let's find another way of addressing it.

In Winnipeg, they found a fairly interesting approach and I think it's worthwhile looking at. It was interesting because, again, it talks about the community, the community as a whole. In Winnipeg, it wasn't just the police; it wasn't just the helping organizations; it in fact was an involvement with the Winnipeg business community because they recognized they must get actively involved and said, "You know what? It's in our interest to address these issues because nobody likes to see a drunk

on their doorstep. So let's work together and let's find a way to treat and to deal with these issues so that we're not having all of the community being impacted."

So the provisions in the Manitoba legislation then provide for the street workers to be able to detain and transport acutely intoxicated individuals to a sobering centre. Mr. Speaker, I think that this does open up huge opportunities for us and this is what we speak to in this legislation when we talk about a care-and-protection approach and the expansion from law enforcement to other caring individuals in society — other caring professionals, representatives of non-government agencies and outreach workers.

It's really the outreach aspect that is really important here. I'll read you a quote here from the report. They stated that Winnipeg has achieved a functioning system where outreach street workers who have the credibility and acceptance by the street people are also the authorities who detain, restrain and transport these same people when they are acutely intoxicated and in danger.

This seems like a contradiction in roles, but it works in Winnipeg because to the task force interpretation, the sobering centre is not seen as a place for punishment but, instead, as a place for safety and security in a time of need. "We, the task force, do not believe that a person can voluntarily enter the sobering centre but, unequivocally, many enter willingly, even if physically detained."

In Winnipeg, they note the inspector responsible for the Winnipeg police force made a point that, with respect to an acutely intoxicated person at risk, a police officer has the responsibility of enforcement while the outreach worker has the responsibility of enforcement, intervention and prevention.

I think that what we're suggesting here, Mr. Speaker — I know what I'm suggesting with respect to the private member's bill is that we need to learn from the experiences elsewhere. Where we can find the benefits of including outreach and care along with a system that provides law enforcement and detention, then we are better served as a community and most particularly with respect to those people who are the most vulnerable in our community. There are some questions raised about what is a peace officer and what kind of training they would require. I can tell you that there is extensive documentation available, which I'm quite prepared to make available to this Legislature and to the Minister of Justice and the Minister of Health and Social Services, who are the ministers with primary responsibility for this area. We speak in this private member's bill to recognition of what is called a peace officer and there's an extensive training program that could be made available to ensure that if or when we move to this model of care — a protection of the acutely intoxicated — then we would be also ensuring that those people that we ask to assume the responsibilities as peace officers — those people currently engaged in the face-to-face daily work with the acutely intoxicated — the outreach workers, people working in the shelter, people working in various non-government organizations — would be provided with the appropriate levels of training for what is called in Manitoba the "peace officer status course".

It's a comprehensive training program that is backed up with extensive policies and procedures for ensuring that we are providing a not wholly or solely law-enforcement approach. I view this, coming from a social work background in my past, as a holistic approach to approaching a serious community issue. It's similar to how I approach the health care issues; that we need to be taking a holistic, cost-effective approach to dealing with this, and we cannot rely upon models that no longer work and are no longer appropriate to the modern circumstances. So, I realize that it's — there's some time.

I'm not wanting to go on forever at this, because it's not intended as a — I'm speaking to this issue because I think it's important that we, as elected members, take seriously the responsibilities we have to find more appropriate alternative ways to deal with some of the most vulnerable people in our community. There are options, of course, besides, you know, going with the legislation that I'm proposing, but I think that I would be most interested to hear — and that's why I raise this issue here this afternoon because I am interested in hearing what alternative options other members have.

As I said at the outset, this is not a partisan issue, this is an issue that cuts really to the core of how we as members elected by people throughout the Yukon demonstrate how we care and what actual concrete actions we're prepared to take with respect to adapting the approaches that we have to those people who are acutely intoxicated, and who are currently caught up most inappropriately in the criminal justice system when in fact they're not there because they've committed any crime. They're there because they have serious health, social and mental illness issues and we must find the appropriate way to deal with them. Notwithstanding the health and social aspects of it, as I mentioned earlier, there really are some significant human rights issues that I believe from the current legislative base upon which we respond to these individuals. I believe we're open to challenge on that and, at some point, it's always nice when government can get out ahead of the challenge and actually show that it's reacting in a positive and proactive way, as opposed to having to make the changes, because there has been a challenge asserting that quite probably — that we're detaining people illegally. When we suggest that simply because you're drunk, you should be detained, I'm not sure that's actually something that would pass these days with respect to our human rights.

The act with respect to a more appropriate approach to dealing with those people who are acutely intoxicated is one of the key recommendations of the Task Force on Acutely Intoxicated Persons at Risk that reported to this Legislature — reported to the minister on December 31, 2010.

I would hope that members on both sides of this House would find it within them to carefully reflect on both the findings of the Task Force on Acutely Intoxicated Persons at Risk, as well as to the opportunity that is presented to us today to support a model and approach to care for these people who are acutely intoxicated that is based on the social mores of today, that is based on a model that is not focused entirely on criminalizing people because they have serious intoxicant issues or because they have mental health problems, because they are

members of our society who are at the most risk on all indices of both social and health continuums. They have no place to live, they have no place to go to sober up should they wish to sober up, because none of these services and none of these housing options are there for them if the jail is the only option for a person who is acutely intoxicated. I think it's a sad reflection upon us as a community and us as a territory. The Task Force on Acutely Intoxicated Persons at Risk knew when they took this on — and realized as they took on the challenge of looking at options for how we address these issues — that this was going to be a challenge. It's a challenge to all of us because we are quite comfortable with the current approach; we are quite comfortable with saying, "Lock them up. Put them away." That's not — and we all know now, I hope, based on the very difficult experiences and circumstances facing people, as we know — in my riding in particular, but it's not exclusive to my riding — we know that there are serious issues for people in communities throughout this territory: people who have no safe place to live. They have no safe place of refuge, and if they should choose, or wish to begin the process of sobering up, there are very few options for them. They get into this cycle and then they are caught in an ever-downward spiral. What I'm suggesting is that we use this private member's bill as an opening, as an entry point for a conversation about how we're going to respond.

The task force has made 12 recommendations. This legislation is one. I would humbly suggest to the other members of this Legislature that they give careful thought to supporting Bill No. 113, *Acutely Intoxicated Persons (Care and Protection) Act*. I look forward to the dialogue that I hope will ensue. Thank you.

**Hon. Ms. Horne:** That was very interesting. I'd like to respond to this bill that the Leader of the NDP tabled in the Legislative Assembly on February 10, 2011. As the NDP said, we are beginning to explore. This government has already explored and we are meeting the needs that she has brought forward today as she spoke. Speaking of a pendulum, let's talk about a guillotine. It was the NDP, when they were in power — to address substance abuse was to actually shut down the Sarah Steele program. Think about that for a minute: the NDP shut down the Sarah Steele program. Our response to that was to extensively consult with Yukoners to develop the *Yukon Substance Abuse Action Plan*, and we are implementing just that. In addition to the many changes we've made, we've also developed land-based treatment options here in Yukon.

If the members opposite care so much about this issue, then why did they vote against the funding yesterday? Is it really their job?

As a government, we have been systematically changing the way we do business in the Department of Justice and justice in the Yukon. We have undertaken a major consultation on corrections that resulted in a new client-focused program-orientated philosophy of corrections. We have the new *Corrections Act* that reflects our new philosophy. We have the new women's annex at Whitehorse Correctional Centre, which is now operational. We are building a new correctional and treat-

ment facility that is on budget and on time and supports our new philosophy.

We have the Community Wellness Court. Last summer we launched a new *Victims of Crime Strategy* that will focus on services to victims. We have committed \$1.3 million over the next three years to improve services to victims. We have a new *Victims of Crime Act* that has been passed. I would also note that we have been and are continuing to implement the *Substance Abuse Action Plan* that includes education, prevention, harm reduction — which the member opposite just spoke of — enforcement and treatment initiatives. As a government, we are working with First Nations to develop the land-based treatment options. My colleague, the Minister of Health and Social Services, is very deeply involved in that, and I would remind the member opposite that it was this government that led the policing review — I, as the Minister of Justice.

I can assure the member opposite that this matter was raised. It was also raised in the study done by Dr. Beaton and Mr. Allen, which she referred to many times. Once we determined that a better solution was required in the Yukon, we very quickly acted. We moved very swiftly to address this matter. The secure assessment facility is a joint initiative between the Department of Justice and the RCMP to implement a new model that will govern the secure detention of persons detained by the RCMP.

The secure assessment facility will ensure the highest standard of care and protection for persons taken into RCMP custody, including the acutely intoxicated. Persons detained by the RCMP can experience medical complications requiring medical assessment and supervision. The secure assessment facility is an innovative model, which will provide on-site medical assessment by medical professionals. It will also provide care for RCMP prisoners and supervision by correctional officers with specialized training.

Mr. Speaker, this is not the final word on the subject and how Yukon deals with severely intoxicated people. But we are not just pushing through a bill quickly without thinking about it; we are doing it very methodically, and we will do it right.

We have the assessment centre where the individual's intoxication level and health will be assessed. We have a sobering centre planned they can go to, and it will be in action in the very near future. We won't shut down the Sarah Steele detox centre. No, we won't. We care.

Yesterday one of my rural constituents called, and he shared with me his frustration with the NDP leader and this bill. He thought this bill sounded like a story from the past — a step backward, not forward. After receiving the bill and discussing it with my advisors, I have several concerns about the bill, as well, that I would like to share with this Assembly. While I have concerns with this bill, for reasons I will shortly outline, I appreciate the Leader of the NDP having the courage of her convictions to put forward a position. This is in contrast to the Liberals — specifically, their leader — who promised to lay out their position. Despite speaking for hours the other day, he only managed to put forward platitudes instead of policy statements.

Legislation, as you know, cannot be hastily pasted together. It has to be considered within the context of the entire government response to a subject. Government has many tools at its disposal to respond to an issue, including legislation, policy, programming and projects.

As I outlined earlier, we have been very busy working on addressing many areas related to substance abuse. We consulted on them, then implemented the *Yukon Substance Abuse Action Plan*, which is built around the pillars of harm reduction, education and prevention, enforcement and treatment. Given how much the NDP and Liberals sing the same chorus about the need to do more, especially in the area of treatment, I'm always amazed that the members opposite keep voting against providing the funds necessary to do that.

Take yesterday, for example. They voted against more money for health, highways and education. Just yesterday, after demanding more money in Question Period, the Liberals voted against more funds for Education. They want more but they don't want us to pay for it. Bizarre, Mr. Speaker; truly bizarre.

The bill I see before us does not take into consideration many of the other responses. What I see is a hastily drafted piece of legislation that is disconnected to broader government response.

I would like to clarify that the secure assessment centre and the sobering centre are two distinct buildings. We have said that many times in this House and it seems to go in one ear and out the other; I don't know if heads are hollow. In partnership with the RCMP —

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

#### Point of order

**Speaker:** On the point of order, please, Member for Mount Lorne.

**Mr. Cardiff:** On a point of order, I would ask the Speaker to ask the Minister of Justice not to personalize debate. Suggesting that heads are hollow — those are her words — I think many people would take that as an insult.

**Speaker:** On the point of order, Minister of Justice, please.

**Hon. Ms. Horne:** On the point of order, Mr. Speaker, I was insinuating that my head was hollow.

#### Speaker's ruling

**Speaker:** The implication here, from the Speaker's listening to the conversation, is that there really is no point of order. It's simply a dispute between members. Minister, you have the floor.

**Hon. Ms. Horne:** In partnership with the RCMP, Yukon will construct a secure assessment centre at the new multipurpose treatment and correctional facility. The secure assessment centre will replace the cells in the Whitehorse detachment and will house all police prisoners, including intoxicated persons who are acting violently or are at risk to themselves and require secure custody. The secure assessment centre will eliminate the need to detain these individuals at the Whitehorse detachment. That is what is important to us right now. No longer do we have a drunk tank. Our —

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

**Hon. Ms. Horne:** Excuse me?

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

**Hon. Ms. Horne:** There's more heckling from across the floor than —

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

**Hon. Ms. Horne:** The Leader of the NDP said it was a nice drunk tank. Thank you.

The secure assessment centre will be staffed by correctional officers —

### Speaker's statement

**Speaker:** I spoke earlier of members ascribing motives to other people or quoting other people. I would prefer that honourable members didn't do that unless they're quoting from *Hansard*, because it's going to create discord in this House.

The Minister of Justice has the floor.

**Hon. Ms. Horne:** The secure assessment centre will be staffed by correctional officers trained to manage acutely intoxicated persons. I would like to remind the members opposite that these are peace officers. It will have 24-hour nursing coverage and it will offer separate accommodations for male, female and youth. This is a significant improvement to the current situation of housing RCMP prisoners in Whitehorse detachment cells — no more drunk tank.

The Minister of Health and Social Services has been clear that the Government of Yukon is also committed to developing a sobering centre linked to a detox facility that would provide safe, supervised care of acutely intoxicated persons who do not require secure custody.

The sobering centre will provide medical detoxification and referrals to after-care services. I know that the Minister of Health and Social Services and his officials are actively working on this matter and I will leave that to him to speak to this in more particular aspects. We are doing this, but we are doing it very methodically. We want to ensure that it is done right.

The need for a secure assessment centre and a sobering facility was recognized by both the review of Yukon's police force and the Task Force on Acutely Intoxicated Persons at Risk. The establishment of a secure assessment centre is only a partial response to the much, much larger issue of responding to acutely intoxicated persons at risk. Read together with Dr. Beaton and Chief Allen's report, these two reports establish a blueprint for how to provide safe, compassionate and respectful care for acutely intoxicated persons by providing appropriate accommodation and services, based on the risks they present to the public and themselves.

Actually, the Leader of the NDP might be revealing her age when she says in her news release that she wants to write new legislation and then dusts off 40-year-old legislation from Manitoba. I'd like to tell the member opposite that we look into all issues across Canada and we glean the best out of each jurisdiction to make sure that we have the best legislation possible. Maybe —

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

**Hon. Ms. Horne:** Was that a question?

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

### Point of order

**Speaker:** On a point of order, Member for Southern Lakes.

**Hon. Mr. Rouble:** It has become common practice in the Assembly, when members are heckled, to acknowledge that they are being heckled and often put on the record the inappropriate comments being thrown across. It would appear that when members on opposite benches are heckling, those comments should go on the public record, although now we seem to have a situation where members who are being heckled are being chastised for responding or commenting on that.

I would ask, Mr. Speaker, rather than taking that approach, that you would encourage members opposite who are doing the heckling to refrain from doing so.

**Speaker:** On the point of order, Member for Copperbelt.

**Mr. Mitchell:** The cross talk has been pretty quiet today but, in point of fact, you have ruled and I would believe it's out of order for any member, regardless of what side of the House they're sitting on, particularly a government member, to in effect be challenging your rulings by requesting that you rule differently.

### Speaker's ruling

**Speaker:** From the Chair's perspective, I haven't heard anything that referred to the Standing Orders, in terms of me providing a ruling based on being a servant of the Standing Orders.

Having said that, we are all responsible for decorum in this House — each and every member — and each and every member is responsible for their own actions in this House. I would suggest that firstly, there is no point of order; it's a dispute between members, but secondly, each and every one of us is responsible for our own decorum in this Legislative Assembly. We're all adults.

I spoke earlier about ascribing motives to members, quoting or attempting to quote members. That's happening on all sides of the floor, so don't be pointing fingers across the floor at each other. This is all of us. We're all adults here, and I'll expect we'll act like that. The Minister of Justice has the floor.

**Hon. Ms. Horne:** As I mentioned, the Manitoba legislation is 40 years old and this has allowed a great deal of time to pass in operation of this bill. It has also been litigated in a body of case law that must be thoroughly reviewed before we proceed with this bill. Maybe the Leader of the NDP didn't pay attention when she was cutting and pasting her bill together, but I would have thought she, of all the members at this Assembly, would have been more careful in selecting gender neutral language. I see when the member opposite refers to the peace officer, both "she" and "he" are mentioned, but when it comes to the intoxicated person needing care, several sections refer only to "he" and "him."

Mr. Speaker, let me say to my colleague opposite, that as minister responsible for the Women's Directorate, I am adamant that we need gender-inclusive language. Secondly, the Leader of the NDP is aware that the Minister of Health and Social Services has instructed his department to review the

acutely intoxicated persons report and to come back with options on how to implement that report. Let's do it methodically and let's do it right. Let's not use 40-year-old legislation.

This bill does not recognize the current context in Yukon, especially around the area of facilities. The bill itself allows for some discretion of the peace officer to take a person into their custody and deliver them into a detoxification centre or, presumably, into cells — currently RCMP cells. But in the near future, we will have a better solution in the secure assessment centre. The detoxification centre would take them into custody for up to 24 hours before handing them over to a government longer term detoxification program.

I would also note for members of this House that the secure assessment centre will also be able to do this service under the current legislative structure in place now once we have a facility to take them upon release. The detoxification centres mentioned in the bill would presumably be able to house individuals for longer terms if they decided to take advantage of a government addictions program.

As members know, we are working on the recommendations of the acutely intoxicated persons report and these structures, as contemplated by this act, do not exist. So the NDP's solution is to pass an act that is disconnected from the rest of the system. That, to me, is bad legislation — pure, bad legislation.

Let me talk about the current legislative structures for a moment. As members of this House may not be aware, at the current time, persons who are acutely intoxicated or are picked up by the RCMP are most often picked up under one or more sections of the *Criminal Code* dealing with causing a disturbance, or public drunkenness under section 175 of the *Criminal Code*.

This is an interesting distinction, because often it is the behaviour of the individual while drunk that gets them picked up by the police, not simply the fact that they are drunk. This is, of course, why we have the sections in the *Liquor Act* to deal with individuals under section 91(2) of that act, which makes it an offence to be in an intoxicated condition in a public place. It is interesting to note that under subsection 92(3), no prosecution is to take place for being intoxicated in a public place under subsection 91(2), except with the written consent of the minister — that is, the minister responsible for the Yukon Liquor Corporation or an officer authorized by him or her. This is a high bar and the fact that recent case law has called into question the level at which a person will be deemed to be drunk makes these sections, along with this proposed bill as it is drafted, problematic.

I believe these problems and many others require serious examination by the Department of Justice so we can get the legislation we need and will do the job. Let's do it methodically, carefully and do it right.

Our government has decided to go ahead with the secure assessment centre for some of these reasons, but it also is one of the reasons this act, as it is currently structured, is somewhat — well, it is very flawed. It doesn't take into account that many of the persons are picked up for reasons that are a result of their drunkenness, not necessarily just being drunk.

One of the cases — this was interesting and was challenged in Manitoba — the courts decided that it could only be with alcohol, that drugs were not included under this act. So it sort of defeats the purpose. In the state that these individuals are often in, which includes severe intoxication, but also where they may be a danger to themselves or others by being violent or belligerent, or who could be facing more serious charges — many of these individuals will need to go to our cells. I would be curious to hear the remarks of the members opposite about what they would do to house these persons until they can be safely released back into the community.

Our government agrees that we need a better solution to taking those individuals who are merely drunk and passed out in a public place or persons who clearly are not able to process what is going on around them due to severity of their intoxication, rather than taking them to the hospital emergency room as we now do. This is what the Department of Health and Social Services will be working on to bring solutions that, where possible, will get these individuals out of our emergency rooms and into a more appropriate, safe facility. We all recognize that individuals who undertake this high-risk lifestyle are often going to fail in their attempts to get sober and, as a result, they must be offered many opportunities to try. In the interim, we are working as service providers to give them the care that they will accept.

You know, being a First Nation woman and a First Nation elder, I know the problems that we have of intoxication in our families — residential school residual effects. I know the problems and it also takes those individuals to come forward and say they want the help. What we are doing is we have gone on the recommendations of many, many First Nation people, many First Nation elders, in our corrections consultation. We have gone with what they thought would be the best solution to help heal our citizens. That is why we know that what we're doing will be the way to help cure our society in Yukon. We listened and we put into action what they recommended to us, what they saw as our cultural needs.

This is what the Department of Health and Social Services will be working on to bring solutions. Where possible, we want to get these individuals into these facilities and get them the help that they need. We don't need them to be disproportionately represented in our Correctional Centre. We want to get them the help that they need. For the opposition to criticize us and say that we are not taking care of our citizens — our First Nation citizens are over-represented and I know this for a fact — that is absolutely not the truth. I would not be here if I thought I was harming the people in our communities, our First Nation culture. I want the strength back in our citizens, in our communities — healthy families, healthy mothers.

Yes, we do want to help. This is where the secure assessment centre comes in — or a proposed sobering centre — working in conjunction with the secure assessment centre. It will provide a continuum that will be available when a person wants to make that change. I get very passionate about this because what I do in my job — I want to help Yukon citizens to get out of this pattern of intoxication. I want us to lead a healthy, responsive lifestyle. I am so pleased that this govern-

ment has backed me and the Minister of Environment to bring forward programs that will help and are proving to help our citizens.

**Motion to adjourn debate**

**Hon. Ms. Horne:** Mr. Speaker, seeing the time, I move that debate be now adjourned.

**Speaker:** It is moved by Hon. Minister of Justice that debate be now adjourned.

*Motion to adjourn debate on second reading of Bill No. 113 agreed to*

**Speaker:** The time being 5:30 p.m., this House now stands adjourned until 1:00 p.m. tomorrow.

*The House adjourned at 5:30 p.m.*