

**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, December 11, 2008 — 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.

INTRODUCTION OF VISITORS

Hon. Ms. Horne: I would like the House to acknowledge Rick Goodfellow of the Human Rights Commission, who is in the House today.

Applause

Speaker: Are there any further introductions of visitors?

Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Lang: I have for tabling today four regulations pursuant to the *Area Development Act*. Thank you, Mr. Speaker.

Hon. Mr. Rouble: Mr. Speaker, I have for tabling today the Department of Education 2007-08 academic year annual report.

Hon. Mr. Fentie: I have for tabling today a report on the Yukon government's performance under the *Environment Act*.

Hon. Ms. Horne: I have for tabling today the Yukon Judicial Council Annual Report 2007.

Speaker: Are there further documents for tabling?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motion?

NOTICES OF MOTION

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

THAT this House urges the Yukon Party government to strike a select committee comprised of the leaders or a designate from each political party represented in the Yukon Legislature to consult the public in each Yukon community on whether, and how best, the territory should introduce legislation regarding the election of appointments to the Senate of Canada and ensure the will of the public is respected should anyone be appointed before the effective date of such legislation.

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

THAT this House urges the Yukon government to conduct an official public inquiring into the four First Nation deaths and reports of abuse in police cells that have occurred over the past nine years in Yukon.

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

THAT this House urges the Minister of Community Services to review the *Consumers Protection Act* and to bring forward amendments that would improve consumer protection in Yukon.

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: Watson Lake multi-level care facility

Mr. Mitchell: During Question Period on December 2, in response to the question about possible mould in the Watson Lake hospital project, the Minister of Highways and Public Works stated: "There is factually no truth to that. There is no mould there today. There is no black mould in the new building, and that's where it stands at the moment." Yet now we have learned that there is a company out of Vancouver currently cleaning the building of mould. If there is an Outside company currently cleaning mould in the Watson Lake hospital building, can the minister explain his comments in the House claiming there was no factual truth to mould being there?

Hon. Mr. Lang: I'd like to thank the member for the question. Certainly, there is a company in Watson Lake working on the hospital structure. The mould was discovered in the exhaust of the dryer system in the hospital. But, in fact, the new building is free of mould. So the work is being done on the piping system exhausting the hot air out of the building.

Mr. Mitchell: Well, we seem to be really, really parsing the facts in a narrow way here.

The minister stated there was no mould, no truth to mould being in the building, no black mould in the new building. Mr. Speaker, the minister needs to know what is happening in his department. The \$5-million shell of the Watson Lake hospital is estimated to come in at an additional \$25 million at completion, whenever that may be. An Outside company is currently cleaning up mould within pipes within this shell. We're sure this will be adding dollars to the final cost. The Yukon Party government does not know what the final cost or even the end date of this cleanup will be. The minister may want to take his mop and bucket to cut costs and help speed the cleanup. Can the minister tell taxpayers what the cost of the mould cleanup will be in a building that just a week ago he claimed had no mould, and when will it be completed?

Hon. Mr. Lang: I hope Yukoners don't listen to the figures that the member opposite puts on the floor of the House. They have no credibility on projects in the territory. As far as the mould and as far as the cleanup is concerned, it in-

volves an exhaust system out of the old building, and it is being cleaned up, and it will be done, and we'll move on with doing exactly what this government set out to do: build a whole new health centre for Watson Lake, which, by the way, is in desperate need of one.

Mr. Mitchell: Mr. Speaker, here are some credible numbers on the facts. The Minister of Health and Social Services said during health debate that just under \$5 million was being spent on the shell to date. The Premier said publicly that it could cost more than \$25 million, so those are the facts.

We don't want or need another Thomson Centre fiasco. This Watson Lake hospital project is only in its infancy and already it has had a mould problem. The Yukon Party government brought up an Outside company to deal with the problem. Maybe the minister couldn't provide the facts, because he was unaware of what was happening in his own department, but this mould situation is getting a little sticky. The contract to board up the hospital was awarded on November 18 and is to be completed by January 30. The cleanup could be affecting the delivery of that contract and delays would more than likely add to the final cost. This Watson Lake hospital shell is costing taxpayers money and the project is barely off the ground.

Will the minister give us all of the real facts on the mould in the Watson Lake hospital project?

Hon. Mr. Lang: I have answered the question. They discovered some mould in the exhaust system of the old unit. That mould is being eradicated by a company that has the expertise to do that. This is not going to slow down the construction of the new facility, and we're looking forward to a new hospital, a new medical unit in the Town of Watson Lake.

Watson Lake deserves a medical unit, regardless what the members opposite say. Watson Lake is in need of a medical unit and this government is going to deliver.

Question re: Childcare grants

Mr. Mitchell: Mr. Speaker, CBC Radio reported this morning that a daycare was going out of business. The report said that the business had received a \$50,000 grant from this government, and that it was used as a security deposit for the owner to the landlord. The report also said that the \$50,000 would go to the building's owner in forfeit if they had to vacate and cancel the lease. Mr. Speaker, there are dozens of families and approximately 80 children affected by the pending closure of this daycare. What is the government's policy regarding grants to Yukon daycare businesses, and are there any restrictions on what those grants can be used for?

Hon. Mr. Hart: Mr. Speaker, I thank the member opposite for the question.

For the member opposite, it's unfortunate that the board of directors of the Little Paws Learning Centre has decided to close their doors. As a government, we recognize the importance the centre has played in the lives of the families utilizing their program. The government provides assistance to help with the ongoing operation costs of operating childcare programs; however, the programs are operated independently, and it's up to the individual programs and the program managers — in this case, the board of directors — to manage their budgets and that is the process left in their ability to manage the funds.

That is what we provide. We provide the services in allowing them spaces and we also provide assistance when we're requested.

Mr. Mitchell: The situation I refer to is somewhat disturbing at this time. I recognize, as the minister says, that these are privately run businesses but they're receiving government funding. The CBC report suggested that the money was handed over without any due diligence. If that reflects the facts, we have the government handing over \$50,000 in some manner, the money being used as a security deposit and then the business closing. The landlord lands up with the money. The net result? No business, no place for the children and the public is out \$50,000.

We understand there are dozens of families scrambling to find an alternative daycare and the employees of this company are possibly losing their jobs just before Christmas.

Was there a proper evaluation done of the daycare's business plan and, in particular, the monthly rent of \$12,000 before approving the grant of \$50,000 to this business? Will the government be taking any action to help keep this daycare open?

Hon. Mr. Hart: The previous board of directors made a request for a grant of \$50,000 for a security bond on this building that was being built. The developer required the security bond before commencing the building of the building itself. This was to ensure that the board was committed to the relocation and that they were able to meet the requirements of providing for the daycare.

The grant of \$50,000 was given to the board on July 2007, and it was a one-time-only grant to secure new space in a new building. The main condition of the grant was that the daycare must be continuous in operation for a 24-month period before the obligation to repay the grant is discharged. This agreement is in effect until June 27 of 2009.

Mr. Mitchell: Parents have been left scrambling. They need time to find alternative daycare facilities. They need to review the programs offered and, most importantly, they want to talk with the people with whom they are entrusting their children at any new daycare.

The minister has indicated that there was a requirement to keep the business open until 2009 — I think he said June. If there's \$50,000 invested in a business, we have a vested interest in that business. If the minister did not know they were closing, he should have. If he did, then parents should have been given ample notice to search for alternative arrangements. Childcare is very important and I encourage this government to support such facilities, but government must do so in a responsible manner. It's not fair to anyone else to do otherwise.

Will the minister commit to reviewing this particular situation to see if it was an isolated instance, or whether it is part of a larger problem?

Hon. Mr. Hart: For the member opposite, I looked in my crystal ball yesterday and everything was fine but, in essence, of course childcare is important and this government feels it is important. That's why we have invested, since 2007, a 100-percent increase in our childcare funding for wages and assisting in that process. We've also provided for an increase in

expenses for spaces, so for the member opposite to say that we're not providing any assistance in childcare is ridiculous.

I would say that in relationship to those individuals who are looking for childcare, a plan is being put in place through child care services right now to assist the families who are going to be affected by this closure. Families are welcome to contact the child care services branch and have questions particularly about the childcare subsidy and locating another space. They have that ability to do so. They can contact the department and there will be more than ample services there to refer the individuals to appropriate childcare services.

Speaker's statement

Speaker: Before the next question, Minister of Health and Social Services, in reply to the Official Opposition's question, I would ask the honourable member to focus on the issues and not the motives.

Thank you. Member for McIntyre-Takhini, please.

Question re: RCMP accountability

Mr. Edzerza: Mr. Speaker, we know that four intoxicated First Nation people died in the past nine years while they were in police custody in Yukon. We also know there were coroner's inquests into three of those deaths and some of the recommendations that came out of these inquiries may or may not have been implemented. We keep having these inquests but people keep dying because nobody takes a responsibility for making sure these recommendations get implemented.

Is the minister aware of any cases here in Yukon where the RCMP used excessive force on people of First Nation ancestry while they were in custody?

Hon. Ms. Horne: Mr. Speaker, what I can tell you is that inquests clarify facts and generate recommendations every year. Although they are non-binding, each recommendation is designed to prevent similar deaths in the future. They also inform the public of what has been learned through the investigation. While the coroner does not have the power to enforce agencies to implement these recommendations — a fact is that it is the same all across Canada — that in no way means that the coroner's office does not follow up with various agencies or organizations to determine what recommendations can and will be implemented.

I can assure the member opposite that the chief coroner and the RCMP have worked to ensure that the recommendations made in previous inquiries are implemented to the fullest possible extent. It is my understanding that there is one outstanding recommendation from an inquiry into an in-custody death that occurred eight years ago.

I can confirm for the members opposite that the Department of Justice is working with all the related parties, including the RCMP and the Department of Health and Social Services to implement this final recommendation.

Mr. Edzerza: Well, the minister didn't answer the question.

I recently saw a videotape of a First Nation man being beaten by members of the Yukon RCMP while he was held at the Whitehorse detachment.

I could not believe my eyes, Mr. Speaker. When the victim tried to file charges against the RCMP for what they did to him, he was told the statute of limitations had run out, and he was out of luck. I don't know if any member of the RCMP was ever disciplined for what was done to this man. If anything did happen to officers, neither the victim, nor the media, nor the public, nor I ever heard about it.

Is the minister aware of any instances where disciplinary action was taken against any member of the Yukon RCMP for using excessive force on First Nation people in their custody?

Hon. Ms. Horne: To begin, I want to emphasize that this government has confidence in the RCMP as the provider of services in Yukon. I am not aware of any case where the RCMP have used excessive force and not been investigated.

Mr. Edzerza: Well, Mr. Speaker, maybe the minister ought to watch the national news, because it was on APTN National. Mr. Speaker, the RCMP members should be held accountable for their actions. The worst thing that ever seems to happen to a member of the RCMP who crosses the line or is negligent is to be transferred out of the territory.

Well, this is a problem for Yukon First Nations. To help restore the public trust, will the minister call an independent public inquiry to look into how the RCMP deal with people of First Nation ancestry while they are in custody?

Hon. Ms. Horne: As I mentioned earlier in this House, this government — and I want to emphasize this again — this government has confidence in the RCMP and their treatment of Yukoners in general.

Question re: Legislation updates

Mr. Cardiff: The fall sitting of the Legislature is typically the time that legislation is introduced. We're not really sure how this government prioritizes which laws come up for review and change. The Minister of Community Services is responsible for a great many laws in the Yukon that are in dire need of updating. The *Landlord and Tenant Act* is antiquated and hasn't been touched in 15 years. The *Employment Standards Act* is so out of date that it allows 12-year-olds to work behind deep fryers in restaurants.

In this sitting, the NDP caucus introduced the *Young Worker Protection Act*. The government rejected it, but committed to reviews and consultations with the employment standards branch, with a report due in the spring. Has the minister started that review of the *Employment Standards Act* to address the gaps in protection of young workers?

Hon. Mr. Lang: We as a government certainly didn't reject anything. We committed to go to work and bring to this House this spring the results of the work we're going to do in the period between now and then.

Mr. Cardiff: So the minister hasn't started that review.

Another act that's in dire need of review is the Yukon *Consumers Protection Act*. It's more than 35 years old. It has rules on how bill collectors may send telegrams and it has rules on door-to-door salesmen, but it's quiet about modern consumer problems such as excessive ATM fees, fuel surcharges, renovations that are hugely over estimates and gouging payday loans. Modern consumer protection laws contain clauses where

consumers can expect reasonably acceptable quality, not just in goods, but in services as well. Modern consumer protection laws contain clauses against inaccurate and misleading estimates, and state that an estimate must be within 10 percent of the final price. Modern consumer protection laws also have much steeper penalties for violations than what we have in the Yukon.

What is this minister's plan to review the *Consumers Protection Act* and bring it into the 21st century?

Hon. Mr. Lang: In answering the member opposite, the government reviews internal audits on different acts all the time, and we certainly prioritize them and bring them forward for renewal and modernization as we move through government.

Mr. Cardiff: This act is 35 years old and it hasn't been reviewed. I've been hearing lots of complaints from consumers and businesses about fuel surcharges. Some businesses, most notably airlines, tacked on fuel surcharges when the price of fuel skyrocketed back in the summer. The price of fuel is much lower now, but the fuel charges remain and we see it in the cost of everything that's transported to the Yukon — everything from building supplies to baby formula.

Consumers think this is unfair and they would like something done about it. Will the minister responsible for the laws that protect consumers do something to ensure that consumers aren't being gouged by fuel surcharges?

Hon. Mr. Lang: A fuel tax is a fuel tax — they either hide it in the ticket price or they can be up front about it. In fact, that's how airlines run right around the world. It's not an unusual tax to put on the consumer, and it's a fair tax because, as the fuel price goes up, the tax goes up and vice versa.

Question re: Employment engagement survey

Mr. Inverarity: I'd like to ask the Justice minister a number of questions on various issues that fall under her management. The existing Whitehorse corrections facility is old and overpopulated. We have waited years for the new corrections facility to be constructed. We recognize that there is a delay, and that this is hard on both the inmates and the staff. We also recognize that leadership is a top-down issue. Staff and management are looking to the minister for leadership, and I'm not convinced that they're actually receiving it. What leadership is the Justice minister demonstrating to improve morale within her department?

Hon. Ms. Horne: First of all, I'd like to say that, like my colleagues, I'm very proud of the accomplishments of people within the public service — the work they do, and the service that they offer to the public generally, and clients in particular. The survey results highlight areas of strength as well as areas that need to be addressed to help foster strong employee engagement. The survey results highlight areas of strength as well as areas that need to be addressed, and I think we should focus on the positive in the survey as well. I have been told that this survey in Justice speaks to a number of strengths, such as serving the public good, feeling the job is a good fit, striving to improve the department's results, and positive relations with coworkers.

I think we have a very positive department. I can see that the Christmas spirit has not yet hit the opposition.

Mr. Inverarity: As a member of the Select Committee on Human Rights, I have had the opportunity to hear the Human Rights Commission voice concern about the *Human Rights Act*. During public consultation, Yukoners told us to improve the process for filing and resolving complaints, and they told us to make the Human Rights Commission more arm's length from the government.

I have asked the minister, on behalf of the Human Rights Commission, about implementing these recommendations and have not received an acceptable answer. Again, these actions are causing confidence issues within the department. What is the minister going to do to restore the confidence and morale within the Human Rights Commission?

Speaker: Honourable member, was that a new question?

Mr. Inverarity: No, it's on the issue of confidence and morale.

Speaker: It's tenuous, but I'll allow it.

Hon. Ms. Horne: As a matter of fact, I've spoken to several members of the Human Rights Commission over the past week and discussed the changes that are coming, and they did not voice their discontent with how we were moving on this new legislation.

Mr. Inverarity: We've seen the loss of morale in the corrections branch, and we've seen the loss of morale in the victim services branch. We've also seen concerns coming from the Human Rights Commission.

Confidence within the Department of Justice's senior leadership has fallen from 47 percent to 23 percent this year alone.

Only one out of every five employees in the Department of Justice believes they are getting timely decisions from their leadership. The minister is the leader of the Department of Justice.

What is this minister doing to restore the confidence and morale within the Department of Justice?

Hon. Ms. Horne: As minister, I cannot speculate on the individual employees. I do know, as I've stated before, that correctional redevelopment involves a significant amount of change: a new building, new legislation, new changes in the way things are currently done and as called for by the public during our consultations.

Change creates anxiety or uncertainty which can lead to a sense of disengagement. As I say, we focus on the positive and we have positive employees. I have no doubt in their sincerity in serving the public and getting the results that we want to achieve.

Question re: Asset-backed commercial paper investments

Mr. Mitchell: The news, both national and international, continues to be filled with stories of economic woes. Headlines continually use words such as "collapses," "crashes," "insolvent," and "bankrupt".

However, yesterday there appeared a new word in the *Financial Post*, the headline read: "ABCP committee goes begging to Ottawa". Yes, Mr. Speaker, begging. In the first para-

graph referring to the Purdy Crawford committee, it says, "...has approached the federal government to beg for support in what observers are calling a last ditch effort to prevent the plan from collapsing."

The investment strategy of this government has been reduced to begging. The *Financial Administration Act* was not followed and as a result we have to humble ourselves to begging. Will the Premier call the Prime Minister and stress the importance to Yukon of getting back at least the principal amount of \$36.5 million?

Hon. Mr. Fentie: Mr. Speaker, the unfortunate circumstance of once again a delay in the restructuring process is something that we're all working through. There are many, many proponents involved here. Of course, the federal government's involvement — whether they are asked for support or any other matter — is absolute, because the federal government is actually extensively involved in the investments themselves.

If the restructuring committee, as headed by Mr. Crawford, who has done a very good job to date — where a court-sanctioned restructuring package was brought forward and it had over 90-percent support from proponents.

If they're now going to the federal government to discuss options with the federal government, I think that's an appropriate step to take considering the enormous amount of investment the federal government holds in this area.

Mr. Mitchell: The key to the bailout plan hinged on a \$14-billion margin facility that was going to be provided. That indicates that, at the time, the ABCP investments were considered worth approximately 61 cents on the dollar. That was then. Now we see the situation worsening on a daily basis. They now need up to \$10 billion more from the federal government. Translation: the value is now estimated to be around 33 cents on the dollar.

If the federal government refuses, the value of these investments will plummet even further. The Premier has promised time and time again the money was safe. It is far from safe, Mr. Speaker. After 15 months, they still can't unwind this mess.

The gig is up; it's time for the Premier to level with Yukoners. Will the Premier pick up the phone, call the Prime Minister and plead the case to the federal government to backstop the Crawford committee in their restructuring efforts before we lose the entire \$36.5 million?

Hon. Mr. Fentie: Here we go again; no matter what is presented to the member opposite here, the fixation here to create something that isn't will continue, obviously.

Unparliamentary language

Speaker: Hon. Premier. "Create something that isn't" — the implication, of course, is that the honourable member is misleading the House, and I'd ask the honourable member not to make those kinds of references.

The Premier has the floor.

Hon. Mr. Fentie: It has to do with the loss, Mr. Speaker, and even the Auditor General has pointed out that that is not the case. Our recent public accounts are quite clear, as

scrutinized by the Auditor General. The accounting adjustment is on interest value, and indeed we show a net earning of interest value for the fiscal year-end, but also a \$15 million-plus earnings of interest on overall investments.

Now, Mr. Speaker, the restructuring process is one that we have all embarked on. We are all involved; there are countless proponents, including the federal government. If they're now being asked by the restructuring committee for something that may contribute to this restructuring process, we fully support that, and I'm sure they will continue addressing the matter. The point here is that there are those who sold the securities, and there are those who backed the securities with conditional guarantees, so obviously we all have an expectation that those responsible, those involved, will be held accountable for the issue.

Mr. Mitchell: If this Premier believes that that \$36.5 million is safe and secure and happily earning interest, then he and his colleagues are among the last nine Yukoners to believe so. Those are the facts.

Now, I can understand the Premier's reluctance to follow my suggestion. After all, the money came from Ottawa in the first place. Now, he has to say, "Sorry, I may have lost the \$36.5 million. Would you give me another \$36.5 million?" The Premier is in a real pickle over this whole matter. We all understand that. In fact, we realize that it's probably too late now for the Premier to do much, other than plead his case in Ottawa.

The Premier must, however, acknowledge the fact that \$36.5 million of Yukoners' money is in very serious jeopardy and that is as a direct result of his government not following the *Financial Administration Act*. So will the Premier take this opportunity to level with Yukoners and make one last-ditch effort to salvage the Crawford committee, their efforts and our frozen investments?

Hon. Mr. Fentie: I'm assuming that the member's statement about levelling with Yukoners has some meaning behind that. We've levelled with Yukoners all along, including presenting public accounts to them, as scrutinized by the Auditor General. They're totally inconsistent with what the member is saying, and I don't think there is anything more we can do for the member opposite.

That's the way it is. We'll continue to work, as will all others involved in this process, to make sure that this is resolved. That's exactly what is happening now and has happened all along.

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

ORDERS OF THE DAY

GOVERNMENT MOTIONS

Motion No. 653

Clerk: Motion, No. 653, standing in the name of the Hon. Ms. Horne.

Speaker: It is moved by the Minister of Justice

THAT the Yukon Legislative Assembly, pursuant to section 17(1) of the *Human Rights Act*, reappoint Rick Goodfellow to be a member of the Yukon Human Rights Commission.

Hon. Ms. Horne: It gives me great pleasure to recommend the appointment of Rick Goodfellow, as mandated under the *Human Rights Act*, section 17(1).

Mr. Goodfellow has previously served one term on the commission, having first been appointed on December 9, 2005, for a three-year term. His professional background includes extensive experience in governmental programming and policy and special project management at a senior level. He can count nearly 25 years of disabled-related advocacy experience at the local, provincial and national levels.

Mr. Goodfellow has been involved extensively with community and government projects, including disability and sensitivity seminars, designing policy and procedures for disability-related employment programs, development of training manuals and materials, as well as training, directing and working with staff. Mr. Goodfellow is currently the executive director of Challenge Community Vocational Alternatives in Whitehorse. He supervises a staff of 10 full-time workers and is responsible for the financial and strategic planning of this vibrant organization.

He manages a supported-employment program with the adult services unit of the Government of Yukon and oversees the development and management of all Challenge programs. Nationally, Mr. Goodfellow has served, or is currently serving, on the boards of the Canadian Association of Independent Living Centres, the United Nations Convention on the Rights of Persons with Disabilities, the federal-provincial-territorial task force, *In Unison: A Canadian Approach to Disability Issues*, the Canadian Labour Force Development Board, the Advisory Committee on Accessible Transportation, federal ministry of Transportation and the Human Resources Development Canada core funding committee.

In Yukon, he is a member of the Literacy Action Committee, the 2007 Canada Winter Games Universal Access Committee and the Yukon Wheelchair Basketball Association.

Mr. Speaker, Mr. Goodfellow brings a vast knowledge of community issues related to disability in special needs to the Yukon Human Rights Commission. He has served ably for one term, and I am confident he will continue to be a sincere, strong voice for human rights and social justice in Yukon. Mr. Speaker, I commend Mr. Goodfellow to this Assembly.

In conclusion, Mr. Speaker, I would like to take this opportunity on behalf of the government and people of Yukon to thank all the members of the Yukon Human Rights Commission for their outstanding work.

Thank you, Mr. Speaker, and thank you, Mr. Goodfellow.
Applause

Mr. Inverarity: I would like to rise today to also extend our best wishes on Mr. Goodfellow's reappointment to the commission. I have to say that the minister did an excellent job of going through his CV, and clearly Mr. Goodfellow's experi-

ence and long-standing community support is something that we as Yukoners can all be proud of.

As a result, the Official Opposition will support this appointment and support the motion coming up, and again, on a personal note, over the last six or eight months, sitting on the Select Committee on Human Rights, I've had an opportunity to work with Mr. Goodfellow. He attended a number of our meetings, and I have to say that his insights into proposed changes to the act were very, very useful, very, very thoughtful, and certainly assisted me in changing my points of view on a number of points that were brought up by Mr. Goodfellow.

I'd like to thank you, and congratulations again.

Mr. Cardiff: Mr. Speaker, we, too, in the third party, would like to speak in support of the motion to reappoint Rick Goodfellow to the Yukon Human Rights Commission. We have every confidence in Mr. Goodfellow's ability, and we recognize the contribution that he has made in his first term on the Yukon Human Rights Commission. I would concur with my colleague from Porter Creek South that Rick's participation in the meetings and the hearings of the Select Committee on Human Rights was most welcome and enlightening.

We had many good discussions and his assistance in providing not only guidance to members of the committee, but explaining some of the details to members of the public that were at those hearings, was invaluable in helping us see and also in helping the public see. I think that was one of the things that actually came out of the report: the need for more public awareness and more public education.

I'd like to thank Rick for his contribution to that goal and look forward to more of that.

Motion No. 653 agreed to

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Nordick): Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 54. Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 54 — Electoral District Boundaries Act

Chair: The matter before the Committee is Bill No. 54, *Electoral District Boundaries Act*.

Hon. Mr. Fentie: Mr. Chair, I have some brief comments to make. The *Electoral District Boundaries Act* is a result of what we must do on a regular basis in the territory in striking an electoral district boundaries commission which goes about the business of conducting a thorough analysis or our riding structure and the boundaries therein, tabling a report with recommendations. That work has been done as of March 2008.

The final report is before us and we have structured the act to be consistent with the recommendations by the commission itself, thereby implementing and bringing into force and effect the recommendations of the Electoral District Boundaries Commission through this act, to come into force and effect in the next territorial election. The act also includes the repeal of the former act and the boundaries as defined in the former act.

It's a straightforward piece of legislation, Mr. Chair, and the government will proceed as it's obligated to do with the implementation of the act as it's written.

Mr. Mitchell: We in the Official Opposition are pleased to speak to this bill in Committee of the Whole. As we said at second reading, I'm not going to ask any specific questions of the Premier, other than to say that we appreciate that the bill reflects what the commission presented in its report.

We know that the commissioners — Justice Gower, former Senator Christensen, Mr. Dave Hobbis, Mr. Dan Lang and, of course, Ms. Jo-Ann Waugh, our Chief Electoral Officer — went to great effort going around the Yukon and listening to what Yukoners had to say. They also did their own research, so that they could make sure that in every way possible the new boundaries would reflect the various directions we've received from previous commissions and the courts regarding the balance between rural and urban — an attempt to ensure that First Nation voices would be heard in this Legislative Assembly as much as possible.

We know it was a challenging job, and they did it well. I just want to thank them for the work they did. I have no specific questions for the Premier regarding the content of the act.

Mr. Cardiff: We have no questions at this time for the Premier on the act, either. We said, at second reading, that we support it.

I, too, would like to thank the members of the commission and the Yukon Elections Office for their hard work on coming up with the revised boundaries and we'll be supporting the bill at third reading.

Chair: Is there any further general debate?

Seeing none, we will proceed clause by clause in Bill No. 54.

Mr. Mitchell: I request the unanimous consent of the Committee to deem all clauses and the title of Bill No. 54, *Electoral District Boundaries Act*, read and agreed to.

Unanimous consent re deeming all clauses and title of Bill No. 54 read and agreed to

Chair: Unanimous consent of the Committee has been requested to deem all clauses and the title of Bill No. 54, *Electoral District Boundaries Act*, read and agreed to. Are you agreed?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.
Clauses 1 to 23 deemed read and agreed to
On Title
Title agreed to

Hon. Mr. Fentie: Mr. Chair, I move that Bill No. 54, entitled *Electoral District Boundaries Act*, be reported without amendment.

Chair: It has been moved by Mr. Fentie that Bill No. 54, entitled *Electoral District Boundaries Act*, be reported without amendment.

Motion agreed to

Bill No. 60 — Act to Amend the Judicature Act

Chair: Committee of the Whole will now consider Bill No. 60, *Act to Amend the Judicature Act*.

Hon. Ms. Horne: I spoke earlier during second reading about what this amendment does. I would like to summarize why we are making these changes and what they can mean. Given our small size, Yukoners have understood that, from time to time, we need to borrow from other jurisdictions. This is one such example where this practice is no longer a good fit.

We have been following British Columbia's rules of court, with changes being made by practice directives issued by the Supreme Court. The problem with the B.C. rules is that they are not available in French and may not necessarily fit the Yukon context. As well, it is possible for B.C. to change their rules, which would mean that Yukon's would change. Yukon could possibly find itself in a situation where we are spending money translating and updating rules of court that are not relevant to our situation.

As the Yukon Court of Appeal ruled in September 2007, not having the rules of court available in French contravened our *Languages Act*. This amendment allows us to fulfill our obligations under the *Languages Act*, and therefore improves access to justice for francophones.

The amendment represents an evolution in our development as a territory as it allows us to directly make our own rules of court. As I noted in my second reading speech, the courts support this development. In their press release of September 9 of this year they noted that the rules committee of the Supreme Court of Yukon has been preparing the new rules since 2005. These rules are now on the court's Web site in both French and English. The rules became effective September 15, 2008. The new rules of court follow the structure of the former rules so that to some extent the new rules are similar to the former rules. However, the new rules are more Yukon-friendly and reflect the applicable Yukon statutes as well as addressing some important changes to ensure access to justice.

Mr. Chair, I would like to note some of the changes: dropping the ancient writ of summons format for the simpler statement of claim; providing mandatory case management early in the proceeding to ensure the cases move as quickly as possible; providing the ability to request litigants to appear to explain delay and why the case has not proceeded to trial in one year;

introducing the principle of proportionality to ensure the just, speedy and inexpensive determination of cases based upon the amount of money involved; the importance of the issues and the complexity of the proceeding.

The court will continue to utilize settlement conferences, family-law case conferences and case management to assist in the timely conclusion and hearing of cases.

The amendment to the *Regulations Act* is a consequential amendment removing the rules of court from the list of exceptions to the definitions of a regulation. This means, with the amendment to the *Judicature Act*, the rules of court will be a regulation.

I would be pleased to answer any questions the members opposite may have.

Mr. Inverarity: I think I only have one question and that would be: is there any downside to putting this amendment in regulations as opposed to having it left in the act?

Hon. Ms. Horne: This type of regulation is standard across the country.

Mr. Inverarity: I appreciate the response from the minister; I'm not sure she answered my question, if there was a downside to it or not. At this time, I would like to advise the House that we will be supporting this particular amendment to the *Judicature Act*. At this time, I'd also like to thank the department officials for coming over, and I commend this act to the House.

Mr. Cardiff: Mr. Chair, I have no questions for the minister. The purpose of the *Act to Amend the Judicature Act* seems pretty straightforward. It has been explained a number of times, at second reading and again today in Committee of the Whole. I think it's a step forward in the right direction for Yukoners to take control of just another step in devolution, taking control of our own destiny and control of our daily lives and how we interact with each other — whether it be on the streets or in the court system.

We, too, will be supporting this, both in Committee and in third reading.

Chair: Is there any further general debate on Bill No. 60?

Seeing none, we'll proceed clause by clause on Bill No. 60.

Mr. Cardiff: I would request the unanimous consent of the Committee to deem all clauses and the title of Bill No. 60, *Act to Amend the Judicature Act*, read and agreed to.

Unanimous consent re deeming all clauses and title of Bill No. 60 read and agreed to

Chair: Mr. Cardiff has requested the unanimous consent of Committee to deem all clauses and the title of Bill No. 60, *Act to Amend the Judicature Act*, read and agreed to. Are you agreed?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 1 to 3 deemed read and agreed to

On Title

Title agreed to

Hon. Mr. Cathers: Mr. Chair, I move that Bill No. 60, entitled *Act to Amend the Judicature Act*, be reported without amendment.

Chair: It has been moved by Mr. Cathers that Bill No. 60, entitled *Act to Amend the Judicature Act*, be reported without amendment.

Motion agreed to

Bill No. 56 — Act to Amend the Territorial Lands (Yukon) Act

Chair: Committee of the Whole will now consider Bill No. 56, entitled *Act to Amend the Territorial Lands (Yukon) Act*.

Hon. Mr. Cathers: I will be fairly brief in my introduction, as I have explained this at second reading. In introducing it, I would remind members that the amendment to the *Territorial Lands Act* is very simple. It allows the minister to delegate two responsibilities, namely: one, the authority to form an opinion of trespass on Crown land; and two, the ability to authorize an officer of the Yukon government to apply for a summons to the Supreme Court, effectively initiating legal action.

The need for this amendment resulted from the Yukon Supreme Court decision of January 2008, that said, under the current act, the authority to form the opinion of trespass cannot be delegated and the ruling acknowledged that this decision was administrative in nature and reinforced the government's belief that this should be dealt with at an administrative level.

Responsibilities under this, should this amendment pass, would be delegated to the deputy minister or to another official in a position appropriate to carry out these responsibilities. This delegation is consistent in level and in wording with the Yukon's *Interpretation Act*.

Mr. Mitchell: We in the Official Opposition have put our comments on the record at second reading. We will support this legislation when it gets to third reading, and I thank the officials for the work they have done on developing this legislation. The explanation in the explanatory note is clear, and we have no questions of the minister at this time.

Mr. Cardiff: We, too, will support Bill No. 56, *Act to Amend the Territorial Lands (Yukon) Act*, and we understand that it is basically largely an administrative change and it is about delegating the authority of the minister.

The only question I'd like to ask the minister about this is that the minister was previously responsible for making these decisions. Through the delegation of this authority to the deputy minister to another official — I would just like the minister to clarify that he is still ultimately responsible for the decisions that are made. Could he confirm that?

Hon. Mr. Cathers: In answer to the question from the Member for Mount Lorne, operationally what is being proposed has in fact been practised for some time. However, as the result of a court decision in January of this year, it was clarified that, in the belief of the court, an amendment to the act was required to carry out what had been the practice. Of course, matters of this type that are operational in nature, the determination of whether someone is not legally occupying Crown land, does not have permission to be on it — or a form of ten-

ure to be on it — is very administrative in nature. It is not the type of decision best left in the Cabinet offices or the minister's hand.

It is best dealt with aside from those considerations, and dealt with operationally, not politically. Therefore, again, I would reinforce that this is a return to what has been the practice for some time. Ultimately, of course, a principle in the Westminster democratic system is that the minister is ultimately responsible for all actions within the department, and that includes even such areas as under certain pieces of legislation where the minister is by law not involved in the decision and cannot be involved. Ultimately, within our system, the minister bears responsibility for those activities.

Chair: Is there any further general debate?

Seeing none, we'll proceed clause by clause on Bill No. 56.

Mr. Mitchell: Mr. Chair, I would request unanimous consent of the Committee to deem all clauses and the title of Bill No. 56, *Act to Amend the Territorial Lands (Yukon) Act*, read and agreed to.

Unanimous consent re deeming all clauses and title of Bill No. 56 read and agreed to

Chair: Mr. Mitchell has requested unanimous consent of the Committee to deem all clauses and the title of Bill No. 56, *Act to Amend the Territorial Lands (Yukon) Act*, read and agreed to. Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 1 to 3 deemed read and agreed to

On Title

Title agreed to

Hon. Mr. Cathers: I move that Bill No. 56, *Act to Amend the Territorial Lands (Yukon) Act*, be reported without amendment.

Chair: It has been moved by Mr. Cathers that Bill No. 56, *Act to Amend the Territorial Lands (Yukon) Act*, be reported without amendment.

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Mr. Nordick: Committee of the Whole has considered Bill No. 54, *Electoral District Boundaries Act*, and directed me to report it without amendment.

Mr. Speaker, Committee of the Whole has considered Bill No. 56, *Act to Amend the Territorial Lands (Yukon) Act*, and directed me to report it without amendment.

Mr. Speaker, Committee of the Whole has also considered Bill No. 60, *Act to Amend the Judicature Act*, and directed me to report it without amendment.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

We will now proceed to government bills.

GOVERNMENT BILLS

Bill No. 54: Third Reading

Clerk: Third reading, Bill No. 54, standing in the name of the Hon. Ms. Taylor.

Hon. Mr. Cathers: I move that Bill No. 54, entitled *Electoral District Boundaries Act*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Energy, Mines and Resources that Bill No. 54, entitled *Electoral District Boundaries Act*, be now read a third time and do pass.

Motion for third reading of Bill No. 54 agreed to

Speaker: I declare that Bill No. 54 has passed this House.

Bill No. 60: Third Reading

Clerk: Third reading, Bill No. 60, standing in the name of the Hon. Ms. Horne.

Hon. Ms. Horne: Mr. Speaker, I move that Bill No. 60, entitled *Act to Amend the Judicature Act*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Justice that Bill No. 60, entitled *Act to Amend the Judicature Act*, be now read a third time and do pass.

Motion for third reading of Bill No. 60 agreed to

Speaker: I declare that Bill No. 60 has passed this House.

Bill No. 56: Third Reading

Clerk: Third reading, Bill No. 56, standing in the name of the Hon. Mr. Cathers.

Hon. Mr. Cathers: I move that Bill No. 56, entitled *Act to Amend the Territorial Lands (Yukon) Act*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Energy, Mines and Resources that Bill No. 56, entitled *Act to Amend the Territorial Lands (Yukon) Act*, be now read a third time and do pass.

Hon. Mr. Cathers: Mr. Speaker, I will be very brief at this point. I appreciate members' support for this legislation. Of course, we have discussed this bill both at second reading and in Committee of the Whole, and at this point I don't think anything else needs to be said, so I would thank members for their indication of support, and encourage the House to pass this bill.

Mr. McRobb: Mr. Speaker, we are on the record supporting this bill. It's essentially a piece of housekeeping legislation, and we have no problem with it.

Motion for third reading of Bill No. 56 agreed to

Speaker: I declare that Bill No. 56 has passed this House.

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair: Order please. Committee of the Whole will now come to order. I was wondering if members wanted a brief two-minute recess.

All Hon. Members: Agreed.

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

Recess

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

Bill No. 12 — *Second Appropriation Act, 2008-09* — continued

Department of Highways and Public Works

Chair: The matter before the Committee is Bill No. 12, *Second Appropriation Act, 2008-09*, the Department of Highways and Public Works.

Hon. Mr. Lang: Good afternoon. As the Yukon Minister of Highways and Public Works, I am pleased to speak to our 2008-09 supplementary budget. The department stands proud in the good works and accomplishment it has attained in the recent years. Highways and Public Works is responsible for ensuring safe and efficient transportation and building infrastructure and information systems. Our continued progress toward meeting the department's objective is evidenced by the numerous completed and ongoing projects in the territory.

I have spoken before of the diversity of this department and how it extends throughout the whole territory and can be found in all our communities. The many faces of this department and its diligent and committed staff can be found in carpenters, plumbers, electricians, road foremen, heavy equipment operators, mechanics, systems and office support staff, custodians, engineers, architects, analysts, financial clerks, procurement management and project managers. These are the people who provide the vital services required by the territory's transportation, communication and property infrastructure on a daily basis.

While I will be tabling a complete supplementary budget for the benefit of the House and members opposite, I wish to

now present a brief summary of the supplementary budget highlights.

I would like to speak to an operation and maintenance increase in expenditures for the department's contract regulation and procurement review, which began early this year. Our department has grown along with the Yukon's economy. The process and systems that support contract services need to follow suit.

The current directive and regulations governing contracting have not been revised since they were put in place 10 years ago. Management asked for an internal audit report to make recommendations on where government can improve on contracting and contracting management. The Department of Highways and Public Works is using this audit as a management tool to improve performance and accountability.

The department is asking for an increase of \$140,000 to assist us with this process. These funds will be expended on public consultation, research and the development of new training and tools. The department will be embarking on the public consultation for the contract regulation and procurement review in early 2009.

The department has dedicated \$80.5 million to capital improvements and ongoing maintenance of Yukon highways in this fiscal year. Road improvement projects that meet local needs are an important part of the annual budget cycle. They provide opportunities for area residents, local contractors and First Nations to work in their communities. There are a number of factors that are considered to prioritize these projects, including traffic, volume, road usability and safety concerns.

This past summer, heavy rainfall caused havoc on a couple of Yukon's main highways. This rainfall caused washboarding, potholes and washouts. On the Dempster Highway, maintenance staff was deployed from around the territory to help with the extra road blading that was required. An increase of \$702,000 is required for the additional cost to cover this emergency repair and also the emergency repairs that were required when a portion of the Klondike Highway washed out just south of Carmacks.

The weather conditions were not kind to the department this past summer; however, Highways and Public Works' staff did due diligence to ensure that the public safety was a priority, that the roads were closed when washouts happened and open for public travel as quickly as they and Mother Nature would allow.

I will also take the opportunity now to add that the Dempster Highway resurfacing program received praise from the trucking industry when it began in 2005. The program resulted in approximately 36 kilometres of resurfacing in 2008 and Highways and Public Works is currently working within a five-year plan to finish the resurfacing of this highway.

Mr. Chair, under the Shakkwak funding agreement that we share with our American neighbours, \$1.8 billion has been spent by both countries on upgrading and maintaining the Alaska Highway system in Canada. This work concludes the replacement of the Donjek River bridge and the Duke River bridge and will include the replacement of the Slims River bridge, which started this year.

Initial contracts for the detour construction, soil densification and structural steel supply have been awarded. Due to higher-than-anticipated bids for soil densification, an increase of \$3.5 million will be required. As this House and the members opposite know, these funds are 100-percent recoverable from the Government of the United States.

Also under the Shakwak agreement is the construction of the Beaver Creek permafrost test site. This was completed this summer. With the instrumentation in place we are gathering research as we speak to you in the House today. Mr. Chair, the department will invest an additional \$200,000 for intelligent transportation system permafrost test-site instrumentation which is 50-percent recoverable from the Government of Canada. The project is designed to examine the impact of climate change on permafrost and to develop strategies for reducing the maintenance and construction costs on highways affected by permafrost.

Working in partnership with the U.S. Federal Highway Administration, Public Works and Government Services Canada, Transport Canada, Alaska University Transportation Center and the Laval University, the testing site will gather information over the next five years. This is an example of the department working proactively to mitigate the impact of climate change.

There were other bridges in the Yukon that the department has upgraded that are not under the Shakwak agreement, such as the Tatchun and Upper Liard bridges. The department's transportation, planning and engineering division requires an increase of \$279,000 for additional design initiatives for both these bridges.

The department replaced the deck on the Lewes River bridge this past summer ahead of schedule and with minimum impact on the local area residents. This work will extend the life of this bridge for several decades. An increase of \$1 million for continued improvements to the Lewes River bridge and repairs to the Teslin River bridge is required.

The Department of Highways and Public Works is committed to public safety and these identified funds are testimony to that.

While I talk about public safety, I would like to speak now about the department's initiative to implement a new mobile radio system that will provide reliable mobile communication in all Yukon communities and along 3,500 kilometres of highways.

One thousand public safety and public service workers from the RCMP, Emergency Medical Services, the Department of Environment, Transport Maintenance and Yukon Emergency Measures Organization consider mobile communication crucial to their day-to-day responsibilities, and essential for the protection of life and property. This year, the department is investing \$6.2 million in this new system to replace the existing multi-departmental mobile radio system, known as MRIF. The current MRIF system is operating beyond its service life, and it is becoming increasingly difficult to maintain and repair. Design and construction work will be carried out over the next two years, and the new mobile radio system will replace the old system during 2010.

An additional increase of \$75,000 is required for the implementation phase, and for the cellular expansion project that will extend cellphone coverage to Lake Laberge, Marsh Lake, the Ibex Valley and three airports — Dawson City, Watson Lake and Carmacks.

While I am on the theme of public safety, Mr. Chair, I would like to add, in this vein: in 2006, a road safety audit on the Alaska Highway section between Two Mile Hill and Clyde Wann Road was completed — another audit the department asked for because this department understands the importance of audits and how they can only improve how we function and the services we provide.

The audit report recommended improvements to the left-turn lane from the Alaska Highway to the Two Mile Hill and Hamilton Boulevard, in order to improve visibility for turning traffic. The recommended improvements have been completed, are in use, without too much disruption to the local traffic and residents. I am proud to say this is how this department responds to audits and recommendations.

This fall, the Whitehorse International Airport received a long-awaited airport rescue firefighting vehicle. The enhanced service that this state-of-the-art and technically advanced airport firefighting vehicle can provide is imperative to an international airport receiving commercial passenger jets, such as Condor's Boeing 767. The cost of this remarkable vehicle is \$741,000 and is completely funded through the Government of Canada's airports capital assistance program.

In order to maintain this level of enhanced service, the Department of Highways and Public Works has allocated \$505,000 annually for the cost of extra personnel, training and equipment repairs.

The vehicle also boasts a \$20,000 infrared camera. This enhanced driving system will enable firefighters to see through smoke and fog, which is of significant importance here in the north. These investments to enhance safety will ensure that Whitehorse International Airport is able to provide travellers with a high degree of protection should an emergency, fire or accident ever occur.

This government is looking forward to moving ahead with the planned expansion of the Whitehorse International Airport. They expect to proceed with plans for an in-transit lounge to accommodate international flights. Improvements to the parking lot have been completed and a parking payment system will commence in 2009.

In keeping with other international airports around the world, there is an increase of \$1.9 million of these improvements duly noted and necessary. The international identity of this northern airport has certainly evolved from dirt runways and the hangars it used to be.

I can speak of the growth and the economic viability of this territory and the initiatives this Department of Highways and Public Works undertakes to ensure opportunities are there.

The resource access roads funding is a new initiative for the Yukon government. This program supports the Yukon government's commitment to maintain and upgrade rural and mining roads throughout the territory to an acceptable standard. Where there is community or industrial demand under this new

resource access road program, industry can propose road improvement projects that meet industry transportation needs by supporting this industrial resource sector across Yukon. This will ensure that Yukon remains economically stable and strong. Mr. Chair, in this supplementary budget we are asking for an increase of \$550,000 for this important program.

Mr. Chair, an increase of \$325,000 is required for the business continuity alternative site. The Department of Highways and Public Works is installing a generator and back up power supply at the government's alternative networking computing site. This business continuity site will provide government departments with network and computer services and systems that will help maintain some government program delivery to the public in the event of an outage at its main site. Sound network infrastructure and information systems are crucial to the efficient running of the department's business, and that includes the department's property management division that operates, maintains and oversees new construction of Government of Yukon building infrastructure.

An increase of \$362,000 is required for the property management information system development to ensure an integrated system by which the department can successfully procure and manage the over 480 government buildings within the territory and oversee approximately 52 leased buildings.

Property management division is responsible, with the participation of Environment Yukon and the Tr'ondek Hwech'in First Nation, for the design, management and construction of the Tombstone Park visitor reception centre. This project is constructed and designed with the LEED initiative — LEED, as most of us know now, stands for "leadership in energy and environmental design" and is a national initiative put forward by the Canadian Green Building Council.

This building is the first Yukon government building to be listed on the Canadian Green Building Council Web site as a LEED initiative. The Tombstone visitor reception centre is worthy of this recognition and also showcases the department's commitment to adaptation to climate change.

At this time, Mr. Speaker, I would like to thank the over 850 employees of this department for their dedication and the service they provide on a daily basis. I would be pleased to answer any questions the members opposite have about this supplementary budget.

Mr. McRobb: Certainly, we welcome the minister's invitation to answer any questions. I do have a few this afternoon and I'd like to start with the question of employee morale in the department. A recent report identified that employee morale was not at the level it should be. I would like to ask the minister what political direction he can provide in order to improve the situation.

Hon. Mr. Lang: In reply to the member opposite, we take the surveys very seriously, and we are working within the department. The senior management team is reviewing the corporate and department survey results. Of course, we share the results with the employees. So we are doing our due diligence and that's exactly why these surveys are carried out — to do exactly what we're doing inside the department to answer the questions that our employees have brought forward.

Mr. McRobb: I'm wondering if the minister can give us an idea of what to expect in the near future in terms of any type of reporting on how the departmental morale might be improved. Does he plan to give a status report at some point in time?

Hon. Mr. Rouble: The Public Service Commission has a significant responsibility in the issue of addressing staffing needs throughout the territory, as well as providing human resource management strategies, employee education programs and a multitude of other programs and initiatives throughout the government.

In taking steps to become an employer of choice, to ensure that we continue to have the employees and the appropriate skills to provide all of the necessary services to Yukoners, the Public Service Commission has established an employee engagement survey. This survey is a tool that's also being used in other jurisdictions across Canada, where we will on a regular basis go and ask questions and assess the level of engagement that employees have with their employer.

We're doing this in conjunction with other governments across Canada so we'll have an idea of how to compare information from one government to another, from one department to another and look at trends over time in areas that we're improving.

We recently completed a second employee engagement survey. Unfortunately it didn't offer us much time because after the completion of the first survey and once there was development of some of the plans by the different departments on how to address the issues, the second survey was upon us. There wasn't a whole lot of time to allow for the implementation of many of the suggestions and recommendations to take hold in the departments between when the first survey was done and when the second survey was done.

Mr. Chair, the various deputies who are responsible for the management of the different departments have all been apprised of the information contained in the surveys. Indeed, copies of the information were presented to members here in this Assembly. The deputies will work within their departments. They will develop additional workplans and work to ensure that steps are being taken to create a healthy, positive, productive workplace, one that is engaging for all employees. We, as an employer, have a responsibility to the public to provide the services that they expect us to deliver. We also have a significant responsibility to our employees to ensure that they have a suitable and engaging workplace.

The Public Service Commission will work with all departments on strategies, on policies, and also offer advice on different practices and different techniques for creating and maintaining engaging workplaces. We take this initiative very seriously. The Government of Yukon is committed to this, and we will continue to work with all government departments in order to address the issues that have been raised.

Mr. McRobb: All right. Well, obviously the Highways and Public Works minister doesn't have anything substantial to offer, and we hear the platitudes about what the government intends to do in the future, but again, there is nothing concrete to address the matter.

I'd like to go to one of the largest capital expenditures, the Shakwak highway reconstruction project. The minister identified a few items. When does the minister expect the completion of reconstruction of the bridges and the remaining highway work to occur?

Hon. Mr. Lang: The last bridge has been constructed; we expect that to be finished in the fall of 2009. That's the Slims River bridge. After that there is some BST and finishing work on the highway, but there is nothing extensive.

Mr. McRobb: So the major reconstruction work will be done in the coming year, and that would leave some minor BST work that might extend past next fall, if I understood the minister correctly.

That leads to another question and it has to do with the speed limits on the highway. As I understand it, residents have informed me that they've received commitments from government to standardize the speed limits once the construction is complete. I believe the heavy reconstruction is now complete and there's just some fine-tuning with respect to BST remaining.

Can the minister indicate when there will be a standard speed limit on this international highway corridor?

Hon. Mr. Lang: We are looking at that, but it is a lengthy process. I would say that it's work in progress, so we are looking at the speed limit component on the north highway. But, again, it will take us time to do the consultation and get the thing decided on.

Mr. McRobb: Again, let the record show that the minister failed to answer the question. He gave no indication at all of when Yukoners might expect this to be in place.

My next question has to do with the Beaver Creek permafrost test site. The minister indicated that he hopes to gather information in about five years about the measurements that are currently being taken. When does he expect some results that will indicate how the current problems will be fixed?

Hon. Mr. Lang: In addressing the member opposite about the Beaver Creek permafrost test site and the investment that is on the ground, it is too soon to stand up in the House and give dates and timelines on that, but this is exactly why we put this program together and that is why we put together the team that is working on it. As soon as we can get some information from the test site itself, we will put a work program together, a workplan on how we're going to move forward to mitigate the issue.

Mr. McRobb: All right, so the minister is unable to identify approximately when we must expect some conclusive results but he referred to a workplan that might come out of this study. That begs the question, Mr. Chair: if some extensive highway reconstruction is required — and that probably is a leading option — who is going to pay for it?

Currently, under the agreement all capital projects are paid for by the American taxpayer and the Yukon government recovers the cost of the maintenance on the road. Is there a new agreement in the works with the United States to cover the costs of this? If we're looking for financial assistance, I would suggest it's probably an appropriate time to get the iron in the fire, given President-elect Obama's commitment to rebuilding

national infrastructure, especially given some dire predictions by economists about the future state of the U.S. economy five or 10 years down the road. All of this leads us to where it's probably much better trying to get a commitment sooner rather than later. I'll ask the minister what he is doing about who is going to pay this cost.

Hon. Mr. Lang: I agree with the member opposite that sooner is better than later and that is exactly what we're going to do. As soon as the new administration is in place in Washington, we're going to start working with them on the Shakwak question. We're waiting for the new administration to get settled in and sooner is better.

We are going to be looking for a new agreement with the American government.

Mr. McRobb: Well, I'm somewhat pacified by that answer, but at the same time it raises a concern, Mr. Chair, because the expectation is that, on January 20 when the President-elect is sworn in, he's likely to sign off on a major national infrastructure program that same day. We all know of announcements that have occurred already. The President-elect's team is currently making decisions respecting infrastructure improvements, and to wait until after January 20, Mr. Chair, could be too little, too late.

So I'm going to ask the minister, perhaps he should consider engaging with the President-elect or some of his staff as soon as possible in order to get this iron in the fire. Would he consider that?

Hon. Mr. Lang: The department has been to Washington, talking to different individuals in Washington, D.C. The Shakwak agreement is not done for 12 months. We do realize there is some urgency to this, and we look forward to the new administration getting in place so that we can discuss an extension of — or, a new Shakwak agreement between us and the American government.

Mr. McRobb: I'm not quite sure if that answered the question, but I don't hold high expectations that pursuing this will produce any definitive results. So I'll just proceed to my next question.

The minister mentioned the resurfacing program on the Dempster Highway. I notice in this year's supplementary budget that most of the money that was allocated to upgrade this highway has been cut — the amount is \$240,000. Can the minister explain why and what was cut?

Hon. Mr. Lang: In talking to my people they say nothing has been cut so we'd have to look at that and review it.

Mr. McRobb: Mr. Chair, it is right there in the supplementary budget, capital expenditures, page 9-4, a reduction of \$240,000.

Hon. Mr. Lang: I think the member has to use a ruler when he is looking at this. That was a commitment to the Atlin Road, \$240,000 that was not used. The Dempster Highway, in fact, is up by \$42,000 and the Atlin Road is down by the \$240,000. It is just a matter of properly reading the statement.

Mr. McRobb: Okay, Mr. Chair, I thank the minister for that clarification. Sticking with the cut, can he explain why that amount was cut from the Atlin Road capital budget?

Hon. Mr. Lang: In addressing the Atlin Road situation, the work wasn't done this year.

We prioritized some of our resources to get some of the other work done, so because of other demands, the \$240,000 was taken off the Atlin commitment. We certainly look forward to finishing our commitment on the Atlin Road, but with other obligations we had over the last period of time, the \$240,000 was redirected, but was spent on highways inside the territory.

Mr. McRobb: I'd like to ask the minister about two capital projects that have been suggested to me by people in the territory and whether he can indicate if he has any plans to proceed with either one.

The first one is the development of passing lanes on the Alaska Highway south. The argument in favour is to prepare to become pipeline ready, for instance. I hear the minister laughing; maybe he doesn't have much faith in the pipeline ever coming. Well, we may or may not know for sure, but we've certainly heard that minister in the past use the term "pipeline ready" to justify a number of projects dating back to the expensive weigh station in Watson Lake.

So this is a matter that is of concern to people in the transportation industry, as well as motorists, with these long trucks possibly on the highway blocking traffic. Unless something's done, Mr. Chair, it could present a safety hazard.

For instance, I know from driving through Alaska, there's a law that prevents lineups of more than five vehicles from following another vehicle. I suppose that's a rather inexpensive way to deal with this problem, but we have a department with a sizable capital budget available, and we would expect something more than a simple five-vehicle rule. We would expect, possibly, the inclusion of passing lanes on the main international artery to be included in a near-term budget.

I would add, Mr. Chair, that this is all part of an infrastructure rebuild program that could fall under economic stimulus. I'll ask the minister if he has any plans for that project, first of all.

Hon. Mr. Lang: We certainly look at the whole highway system, north and south. We understand the situation in the Muncho Lake area, which is Public Works Canada's responsibility. But if you look in our immediate area, the Department of Highways and Public Works is reacting to traffic flow and volume — if you look at what the Department of Highways and Public Works has done between the Carcross Cutoff and the Mayo Road — the enhancements we've done there.

So when volume demands it, we certainly move forward aggressively on improving whatever has to be improved to not only keep the travelling public safe, but also that the traffic can be managed in a proper way.

Mr. McRobb: Some have argued that there is a need for these passing lanes now. The other item falling into this category — the minister just alluded, in part, to it — is the widening of the road between the Carcross Cutoff and the Mayo Road. I've asked him before about his plans to perhaps make it four lanes between those two junctures. Can we expect anything in the near term from the minister in that regard?

Hon. Mr. Lang: It is an issue that we look at. It is an issue we monitor with traffic flow and traffic count. It certainly would be something we would look at in the future. There has to be an overview, a study of a proposal like that. We certainly have nothing saying, "Are we going to do it next year?" Probably not. But we certainly would be looking at something like that over the next period of some time — if we were looking at doing a study here in the next three or four years to monitor it. It is something that eventually will have to happen but it is just a matter of the government doing their due diligence on traffic count and traffic flow. As that grows, the demand for that kind of investment will grow with that.

Mr. McRobb: I would like to ask again about the safety issues and the dilapidated condition of the road surface on the north Alaska Highway. How much exactly did the government spend in terms of maintenance on the rip and reshape program last year? What are the intentions to improve this road in the next few years? For instance, I have talked to several constituents and there is a common belief that perhaps the entire road between the Duke River bridge and the U.S. border north of Beaver Creek should be resurfaced on about a four-year rotational basis. Can the minister respond to those questions?

Hon. Mr. Lang: The government will spend what it takes to make sure that chunk of Alaska Highway is safe for the travelling public. We certainly are very happy with the investment we now have in the infrastructure so we can monitor the effects of climate change on the road. We will certainly be using that technology as a tool in maintaining the road in the future.

This is good news for Yukoners and for individuals on the north highway. We all understand the situation at hand — we've all driven in that situation — but as a government we will spend what money it takes to maintain that highway at the level that is acceptable to the travelling public. Now that we've invested on the ground that infrastructure to bring the data to us, we're working with our partners on that to address the issue and mitigate the climate change problems we have on that section of highway. We're looking forward to the data coming in over the next couple of years. At that point, that data will supply us with the information we need for the management tool of that section of highway, and we will address the highway as we have that information. But we will be spending resources on the highway as it is today, to mitigate any problems the travelling public would have on that section of road.

Mr. McRobb: Well, Mr. Chair, the minister's not honouring his commitment to answer the questions. What we just heard was a speech that was largely comprised of platitudes, and again, references to this permafrost study that won't produce any results for at least five years, and then, even out of that comes a workplan and so on.

I identified the severity of the problem; it constitutes a safety issue now. I asked him for a budget amount, what he is spending this year and what he plans to spend in the next few years. We didn't hear any numbers, Mr. Chair. I would ask the minister to try to honour his commitment to answer questions as opposed to responding with platitudes.

Let's move to the north Klondike Highway because we've heard a number of concerns about the condition of this road. The Member for Mayo-Tatchun has heard from a number of his constituents and others. He has asked questions in this House. He spoke to me about it earlier today. We have seen letters to the editor from various people. I haven't driven up there personally, Mr. Chair, but I can accept the testimony of several people that the road appears to be in a state of disrepair, containing several potholes. I am wondering why?

The government has a maintenance budget for this road. Why isn't it kept up to the standards that people have become accustomed to and standards that reflect the levels of safety that the minister likes to espouse during his tributes to National Road Safety Week and so on?

Hon. Mr. Lang: As the Minister of Highways and Public Works, I take exception to the Member for Kluane's comments about how we manage the north highway and how the safety issue is not being addressed.

We have a very competent crew of individuals, a very competent team of managers who do just that. The roads are maintained, and if individuals follow the speed limit and, in areas that are questionable, if they reduce their speed, they are safe.

Now, the comments about the infrastructure that was put in place to monitor the permafrost and the climate change ramifications to the highway — those are all tools that we're going to use to improve that section of highway. If you notice the partnership — it's not just the territorial government that's doing this. It's the U.S. Federal Highway Administration that's working with us, Public Works and Government Services Canada, Transport Canada, the Alaska University Transportation Center and the Université Laval.

These are not individual groups of individuals that don't have their credentials, Mr. Chair. And I'll remind the member opposite: the 850 people who work for this department are stellar employees who work throughout the territory, and I compliment them on the work they do in the territory on a 24-hour-a-day basis. You only have to drive on our highway system in the middle of the night, 7:00 in the morning, in front of school buses, and you invariably see one of these individuals either on a grader, on a truck, or whatever piece of equipment they have to maintain these highways.

Now, Mr. Chair, the intelligent transportation system that we put in place, with partnership with these individual groups of individuals, is turning out information today. It is a five-year program, but hopefully through this five-year program it will answer some of our questions.

But for the member opposite to think that this government or these employees are doing anything less than keeping our highway system safe for the travelling public, is absolutely wrong, Mr. Chair. Our highways employees maintain and rebuild almost 5,000 kilometres of highway in the territory. They do it on a daily basis. I've driven many of those highways. They have workplans in front of them on how we're going to improve that highway system. There are hundreds of bridges in the territory, Mr. Chair, that are being maintained today and will be maintained into the future. Culverts and all these things

need management. The people we have on the ground to manage them do a stellar job, Mr. Chair, and I take offence to think that the member opposite would stand up in this House and say that the employees in this department do anything less than maintain a safe corridor of highway throughout the territory.

Mr. Chair, in addressing that issue on the north Klondike Highway, we had a very, very wet summer. There were some issues of maintenance because of the weather and it was a management issue. We have addressed that and we are moving forward, but the men and women on the ground are doing a very excellent job to keep our roads open and safe for the travelling public.

Mr. McRobb: Spare me from the rhetoric, Mr. Chair. I did not accuse the employees of any type of incompetency. If that's what connects inside the minister's head, then obviously he's the one thinking about it. What I'm referring to are the budget priorities of this Yukon Party government, in particular the minister responsible for Highways and Public Works and his ability to provide sufficient capital budgets and O&M budgets for the department in order for the employees to properly do their job.

I heard from the MLA for Mayo-Tatchun that apparently — and this is rather outrageous — highway crews are given so many dollars per pothole to fix the road. That has nothing to do with the ability of the workers; that has everything to do with the financial resources from the minister. Is this what it boils down to in this department, that they're giving so many dollars per pothole to fix it, whether it's sufficient or not?

Hon. Mr. Lang: I find it interesting — the level of debate we've gone down to at this point. We didn't have any questions from the member opposite or the opposition on our main budget last spring. Now, we're down to paying people per pothole. That cheapens the whole department. That is uncalled for. The individuals out there do work hard, and they try to mitigate any issue that's on the ground in our road system.

But for the member opposite to insinuate that somehow this government manages its highway through the number of potholes we fill in a day or that we pay a bonus to our capable staff to do this — this is an all-time low, Mr. Chair, and I certainly apologize to the 850 employees. Hopefully, they're not listening to this, because it's very, very non-productive.

Mr. McRobb: Isn't that rather amusing. I'm sure some of those employees who are paid per pothole to fix the highway will be rather concerned with what the minister just said. It's quite alarming when you think about it.

The minister should be willing to be quite frank in this Assembly in terms of answering the questions. Instead we get platitudes; we're attacked and our questions are spun against employees, which is a typical method of the Yukon Party. I'm sure everybody is wise to that by now.

I'm not criticizing the employees; I'm criticizing the lack of resources available to them from this minister.

Perhaps the minister is trying to compensate for some of the large funds that have been squandered in the past few years because of poor decisions by the Yukon Party government. One of them has to do with the use of salt brine on the highway. I've spoken to several highway workers about this, and it's

pretty clear the ultimate cost is going to ring in, in the millions of dollars. This highly corrosive substance is still eating away at our highway equipment. It was an expensive experiment gone bad.

Can the minister tell the House what the current state of using a salt brine solution on our highways is? Is he still using it or did he stop using it?

Hon. Mr. Lang: I find it interesting the member opposite describing Department of Highways and Public Works as having a less-than-stellar budget. It's the third largest budget line in the government of the territory — the Yukon government — and we have come in with a supplementary budget asking for more money to do more work on our highway systems, and of course public works. So the member opposite is wrong about that. This is a very large budget and it's a large commitment of dollars for our highway system through the territory and improving the entire infrastructure that this department is responsible for.

When the member opposite talks about grader blades or tires or whatever — as the Minister of Highways and Public Works, I am not privy to a lot of those day-to-day issues. I have great confidence in the individuals who work in the department to make those kinds of corporate decisions; I don't get involved in them, nor should I.

Mr. McRobb: Why not? His predecessor did. When the Member for Riverdale South was Highways minister, he had no problem discussing the salt-brine solution problem because he's a good minister; he's in touch with his department, unlike the minister from Porter Creek South.

Chair's statement

Chair: Order please. This debate has become extremely personal. I know the member is not purposely doing that. I advise the member: please don't personalize debate.

Mr. McRobb: One has to wonder why some issues are now excluded from questioning under this minister when, just a couple years ago when another minister was responsible, these questions were fair game. It all comes down to a minister's understanding of the department.

He says he's not privy. Well, let's just consider that thought for a moment, Mr. Chair. The reason why he's not privy is either he has asked not to be informed about it or he's not listening to the officials. The officials, certainly, being the outstanding public servants they are, would feel an obligation to inform those at the political level about the results of this expensive experiment that is paid for by the taxpayers of the territory.

I recall, Mr. Chair, 10 years ago when I sat with the government of the day, the office next to mine was held by the Minister of Community and Transportation Services at the time, and from time to time I'd sit in on a meeting with his officials. An issue like this is commonly discussed, so I'm wondering why this minister takes these issues off the table or is not privy to those discussions. Can the minister explain that for us?

Hon. Mr. Lang: Thanks, Mr. Chair. I'd like to correct the member opposite. First of all, the Minister of Highways

and Public Works is not the Member for Porter Creek South, and I think the Member for Porter Creek South would take offence to what he said. I am the Member for Porter Creek Centre and I am the Minister of Highways and Public Works.

In addressing the member opposite's questions about the management of the department, I certainly have trust and faith in the employees who work for the department. I represent them; I'm very proud to represent them. The department does have 850 employees; they have quite a large responsibility and I'm sure the minister of the day would be fairly busy if he got involved on every level and decision that department made to manage our infrastructure.

The member opposite knows full well that the budgets are put together, and we look at the budgets. Mr. Chair, I remind you again, there were no questions on last year's budget from the opposition on Highways and Public Works. They left the room.

This is a supplementary budget, so let's discuss the supplementary budget. Understand that we have a large amount of work to be done here in the next three or four hours, if you count what we have here today — another two hours. Then, of course, we have minimum timelines for Monday. So I would recommend to the Member for Kluane that we start talking and discussing the supplementary budget and we move forward so that members in the House can maximize the time they have left to work with all of the departments we have left, so that we can ask questions of other departments too.

So let's stick to the supplementary budget. Let's go forward and get this budget behind us so we can move forward with the other departments. We've got a long list here — the Women's Directorate; Energy, Mines and Resources; Community Services has to be finished. Those are just some of the departments I have off the top of my head that have to be addressed here in the House in the next four to six hours. So let's talk about it; let's give everybody in the House the opportunity to ask questions of the minister and the capable staff I have with me today. Let's move forward and get this department behind us.

Mr. McRobb: There's a case in point. The minister just spoke for 10 minutes, starting off with some perceived confusion about who it was I was referencing. I wasn't referencing the Member for Porter Creek South; I was referencing his predecessor from Riverdale South — the previous Minister of Highways and Public Works.

Then we heard his rendition of how the opposition didn't ask questions in the mains budget. What didn't he understand at the time? My comments were clearly on the record. What's the point? Time was precious. In terms of productivity, we get very little from this minister. So far today he's proving that point quite well.

We failed to get substantive answers to a number of questions, especially with respect to nailing down anything on the calendar. It's all about platitudes and "we're working toward this" or "at some future point that."

Well, Mr. Chair, at some point we do have to evaluate any worthiness in debate with this minister, and as is frequently the

case, we decide to cut to the chase and move on. And he could thank himself, largely, for that.

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Cathers, on a point of order.

Hon. Mr. Cathers: Mr. Chair, I believe you just reminded the Member for Kluane a few minutes ago of the importance of not personalizing debate. He appears to have strayed off course, and I wish to bring that to your attention.

Chair's ruling

Chair: On the point of order, the Chair agrees. The debate has become personal again, and I'd encourage the member not to personalize the debate.

Mr. McRobb: Thank you, Mr. Chair.

What about the road signs that were taken down? What will be done with those?

Hon. Mr. Lang: I thank the member opposite, Mr. Chair. Any signage that we take down, we assess. Anything that's reusable, we reuse, and of course anything that isn't usable, we take a look at recycling the item, so that's an internal management tool that the department uses. Any sign that is usable, we certainly keep and we use at another date, another location, and of course we always have signs that aren't usable and are damaged in one way or another. We work with recycling them as best we can.

Mr. McRobb: Does the department have any plans to erect some of those signs on some of the secondary roads that currently don't have signs indicating there is an upcoming corner, or whatever? Does it have any plans to specifically undertake this?

Hon. Mr. Lang: We, as a department, assess all roads in Yukon and as I just said to the member opposite, if signs are reusable we use them in spots that the department decides are crucial for the travelling public. The signs are reusable. The ones that are reusable are used throughout the Yukon.

Mr. McRobb: I asked the minister about the salt brine solution but did not get anything substantive in response. I want to ask him about a similar matter. It has been conveyed to me that the chipseal mixture might contain vegetable oil. Can he confirm this?

Hon. Mr. Lang: The emulsion is a product that is licensed and we really aren't privy to the information of the makeup of the product. It's protected by — I imagine it would be like Kentucky Fried Chicken or any of these inventions that are out there and have what would be called proprietary rights. We're not privy to what's in it or the amounts.

Mr. McRobb: So motorists on our highways can look forward to not only the vegetable oil but probably 11 secret herbs and spices as well.

Let's go to the issue of highways vehicles. It has also been conveyed to me and there are several concerns by highways personnel that these highways vehicles are not being properly maintained. Has there been any budget cut or refusal to increase the budget to ensure these vehicles are properly maintained?

Hon. Mr. Lang: The simple answer to that is no.

Mr. McRobb: Can the minister indicate if there are any plans to upgrade the Silver Trail?

Hon. Mr. Lang: We've taken an extensive look at the Silver Trail and, of course, we do vehicle counts. Certainly, as traffic demands it, we would certainly invest in the road, but at the moment we have nothing on the drawing board to upgrade that road.

Mr. McRobb: Well, I'm wondering why not. It might have been just yesterday or the day before I heard the same minister speak about the likelihood of the Alexco mine starting up this summer. The Silver Trail is the road to Mayo, which must be travelled in order to get to this potential mine site. Why aren't there any plans in the immediate future to upgrade this road? There are concerns about its condition now, never mind with the prospect of increased traffic.

Hon. Mr. Lang: We manage the highways through traffic count. The traffic count is monitored on the Silver Trail, and the demand isn't there at the moment. That doesn't mean that there isn't going to be a commitment in the future, but at the moment the traffic count doesn't demand it.

Mr. McRobb: Okay, so the Yukon Party's approach to future capital plans is based on a retroactive outlook rather than a proactive outlook. That's basically what the minister said.

I want to ask him about the rural road upgrade program. Does this popular program still exist? If so, what is the amount budgeted on an annual basis?

Hon. Mr. Lang: In addressing the member opposite, it still exists and it's resourced. I think the last year — I could be corrected on that — was approximately \$200,000.

Mr. McRobb: Well, \$200,000 is considerably less than previously budgeted amounts. I recall figures that were commonly of \$500,000 or more — even some years when it was \$1 million. I believe one year it was \$1.5 million.

Why has this program been cut back so much?

Hon. Mr. Lang: It hasn't been cut back.

We put a whole new program together for a total of \$500,000 for the resourced roads, so that gives another access to resources for that. The \$200,000 is there. As the uptake grows, I am certain that the amount would grow. At the moment, we have the rural road funds and the resource road which totals \$700,000, Mr. Speaker. We are doing our job. We are addressing issues as they come forward and we're looking forward in the future that this money will be utilized to upgrade our roads.

Remember, Mr. Chair, that a lot of this money was used in the past and a lot of the roads have been resourced and the roads have been finished. We monitor the demand and, of course, in our mains we put resources toward that demand.

Mr. McRobb: Mr. Chair, can the minister indicate whether these two programs have the same mandate? That is what the minister is implying. I thought the resource access roads program was to assist industry in the transportation to resources; whereas, the rural road upgrade program had a focus of public roads for whatever purpose, and included provisions for other projects such as marinas.

Can the minister confirm that both of these programs are the same — because that's what he's saying? At the same time, when he's on his feet, can we get a breakdown of the projects that have been approved under these programs for this year?

Hon. Mr. Lang: Both of those programs were put together. The rural roads program was put together last year to help the resource industry to better improve their situation out on the ground and have access to industry per se. Also the rural roads — he's right, that fund is used for access roads and things that individual Yukoners request. Certainly, those resources have been in place for many years. But I remind the member opposite, and Yukoners, really, that for the last six years the member opposite has voted against the rural road funding in the budget, and I imagine the member opposite will vote against the rural road money and the resource money.

So the program is there and is being utilized, and we are reacting when the demand shows the need.

Mr. McRobb: Oh, I'd say spare me from the platitudes again. The minister knows full well why the opposition parties may vote against the budget. That was explained in concise terms recently. Yet the minister continues to ignore that explanation and continues to repeat what is essentially a party line.

Now, if we're going to make any progress, we've got to answer the questions. The minister didn't answer my request about providing a breakdown on projects approved this year for these two programs. So I'll ask him again: will he do that?

Hon. Mr. Lang: In addressing the question about why the members opposite voted against the budget or against rural roads or the resource road thing, the truth of the matter is that the individual voted against the resources for those programs. Now, why he voted against them, I don't know and why he would have to defend the fact in the House here, on the floor, that he voted against them — the fact is that it shows in the Blues that the member opposite voted against both programs.

The facts are there. I find it amazing that the member opposite would stand up and explain to the world why he voted against something when the facts are he voted against it.

Mr. McRobb: Here we go again. It wasn't much more than 10 or 15 minutes ago when this minister stood up and challenged everybody to be constructive and try to move debate.

Somebody please tell me what was constructive in that last response? He was asked for the second time to provide a breakdown on the projects approved under these two programs. Instead, we heard the old tired rendition of criticizing the opposition parties for opposing a government budget. The reason is quite valid — the budgets were deficient — and the answers we're getting from the minister are just as deficient. They're lacking in information; they're lacking in commitment and it's not being very productive.

I'm getting very close to where I was in the spring, by just shutting down this questioning once again because we're not getting anything productive out of this minister. When he's on his feet this next time, we want to hear if he will provide the breakdowns of the projects approved.

After all, we are the ones who are charged with the responsibility of holding the government to account on the spending. Unless we're convinced the spending is done prudently and in the interests of the Yukon taxpayer, how can we vote for a budget? Maybe that is what the minister is trying to achieve — pressure us into a yes vote without being held accountable.

Now, aside from that, I'll ask him a new question. It has to do with the likelihood of a heavy spring freshet given the very high precipitation in the fall combined with what appears to be an above-average snow pack. This is on top of what happened last summer when we had washouts of highways infrastructure in the territory.

What can the minister tell us about how the department will be initiating anything new or any added priority, given the likelihood of this situation?

Hon. Mr. Lang: In addressing the member opposite, the Department of Highways and Public Works worked with the water survey group on monitoring just exactly what the member opposite was talking about.

We work with that department to put a business plan together on how we will manage in the spring, if in fact there is some pressure from exactly what the member opposite's talking about.

Mr. McRobb: That's the standard platitude-type response. I'll give the minister an example.

On the Casino Trail, there's infrastructure referred to as the Big Creek bridge. A few years back, someone was killed on that bridge. There were no repairs done after that bridge was washed out last summer, and in fact, it wasn't even flagged by the department. While we would like to believe that the minister is doing his job assigning priorities to these matters, as his platitudes would suggest, we have cause to think otherwise. This example highlights that cause.

I'd like to give him another chance to answer that question properly, and while he's on his feet, I'll ask him, for the fourth time, for the breakdown of the expenditures under those two programs, which he avoided once again. In order to make progress, Mr. Chair, I'm going to include a new question: what is he doing about the Pelly River bridge, which is in bad need of painting and maintenance?

Hon. Mr. Lang: In talking to my very capable staff here this afternoon, we don't do any winter maintenance on the Cassino Road. We maintain a small section of it. It's mostly a resource access road. We haven't done any bridge work on that road. Again, we have to prioritize where we spend our resources. Our resources for bridges and so on are laid out and prioritized using the inventory we have at hand. Bridges are maintained throughout the Yukon. Any individual who meets with an accident on any bridge, whether on the Cassino Road or whatever — it is not something that we, as a government, don't have compassion for. Some of these resource roads are not maintained and some of them are maintained by mining companies and other individuals. Of course, they have to be driven in an appropriate way.

I'm not saying the individual who got himself into the predicament the member opposite was talking about was driving in any way but safe, but we have to remind all Yukoners and

those outside of Yukon that these access roads — these resource roads — are at a different maintenance level. Some of them are maintained by the government but a big part of the resource roads — if you get off the main corridors — are maintained by independent corporations, the mining community or whoever is utilizing those roads for access.

So in addressing the member opposite, the Casino road is there and is certainly being used by the mining community. By the way, it is used by the community in certain levels. We don't maintain the biggest section of that road as a government road — only a small part of it — but our bridge building and bridge enhancement program is done internally through our budget. As I said, we don't maintain those bridges on the road there, so I can't comment on them.

Mr. McRobb: The minister failed for the fourth time to respond to the request for the breakdowns on those two programs. I will ask him for a fifth time when he is on his feet next. The minister also failed to respond to the question about the Pelly River bridge, so I will ask him a second time about that.

Now he really has a lot of balls to juggle on this one, Mr. Chair, because again, I'm not just going to spin out like the Highways and Public Works minister, I'm going to move ahead and ask a new question, and that is one very close to the Pelly River bridge. There have been requests by residents on the north side to create a right-turn lane toward the subdivision. Does the minister have any plans for this?

Hon. Mr. Lang: There is nothing in the sub that speaks to that.

Mr. McRobb: There is nothing in the sub that speaks to that. Well, I'm not sure if the minister is talking about a submarine or the supplementary budget?

Some Hon. Member: (Inaudible)

Mr. McRobb: Whatever, Mr. Chair. Now, he failed to respond to the breakdown request for the fifth time. I'm not sure if there is a statute of limitations on this but let's just try to press the envelope and make it six.

He didn't respond to the question on the Pelly River bridge, and we're only up to attempt number three on that question.

Let's go to another new question. It deals with contract tendering. The Yukon Party promised the electorate it would create an independent appeals committee to adjudicate contract tendering disputes. Can the minister tell us what's being done about that?

Hon. Mr. Lang: That is a commitment of the Yukon Party and this will all be part and parcel of the contract review that has been triggered and is going ahead in the new year.

Mr. McRobb: Well, it's a sad state. We're up the seventh attempt now for the breakdown on the program spending. I'm beginning to get curious about why the minister doesn't want to reveal how he spent the public funds on these programs.

If he refuses again, Mr. Chair, he can have his way and I won't ask him any more. Certainly it will tend to cement in those suspicions. We may have to go down to the access to information department to try to find out.

In his opening remarks, the minister mentioned the audit contracting review and how they are going out to public consultation and so on. My question isn't about that endeavour. It has to do with the Auditor General's review about improving the contract methodology that is currently used by the government. Can the minister explain what improvements have already been implemented?

Hon. Mr. Lang: This is an ongoing management tool as far as our audit is concerned. A lot of the recommendations haven't been implemented.

Again, I remind the member opposite that, in the new year, we are going forward with the contract and procurement overview, and that will, in the end, give us the material we need or answer some of the questions that we've asked — for the department to improve the contracting process and procurement process that the government does today.

Mr. McRobb: All right, Mr. Chair. I guess I'll be making that trip to the access to information office after all.

There are a couple more highway issues I'd like to ask that have been brought to me by constituents, and one of them has to do with the proper storage of the EMS vehicle in Beaver Creek. As it stands now, Mr. Chair, the vehicle is left outside, and of course that causes problems in the wintertime for the first responders to respond to any calls on that lengthy section of highway. The minister stands up and tells us about the great job he's doing to improve and maintain highway safety in the territory, but one would have a difficult time convincing the first responders in Beaver Creek how good things are when they can't even start their vehicle.

There has been a request made for a new building that would accommodate this vehicle and a new fire hall as well. Now I understand the fire hall falls outside of this current department; nevertheless, this minister has responsibility for the department and there are connections to the Highways department because of the safety issue. What plans does he have to advance this project to alleviate this problem?

Hon. Mr. Lang: I remind the member opposite that is exactly what I was talking about earlier in the afternoon. Let's get behind, concentrate on this supplementary budget on Highways. We can move on to Community Services, which is responsible for the question the member put on the floor here now. Let's get back to the subject at hand, which is the supplementary Highways budget.

Mr. McRobb: There we go, Mr. Chair — another non-answer that could have been a very simple answer. Let the record show the minister failed to provide it. I will remind him that there is no guarantee the Department of Community Services will even be debated before the guillotine falls at 5:00 p.m. on Monday — no guarantee at all. I would not try to cut in on our critics' priorities by pushing this issue ahead of other priorities. Now is the time.

We heard the minister's response, and it's not surprising to me. It's quite typical and I've grown accustomed to it. The Yukon Party really has no answers in response to a lot of these good questions.

On another item of concern, the bridge at Burwash Creek — it has been discussed how this is a constraint on the interna-

tional corridor because of its narrow width. I'll just substantiate this concern, Mr. Chair, because I've talked to people who operate highway patrol cars for wide loads, and the situations that currently exist are such that those pilot cars must stop all traffic in a situation where a wide load is about to cross that bridge. This situation is already common, but it will get to be more of a problem should the pipeline ever happen and there are more wide loads on the highway.

So this is a matter I brought up with officials from Energy, Mines and Resources in the briefing on the Alaska Highway pipeline project about two months ago.

I'd like to know if it was brought to the minister's attention and whether he has come up with a solution to deal with it. We currently have a Shakwak budget at our disposal, but may not in the near future. We have an opportunity whereby the U.S. government might be willing to pay for the reconstruction in order to have a wider bridge at that location and remove this bottleneck from the highway. What are his plans in this regard?

Hon. Mr. Lang: The Burwash bridge is being assessed as it has been in the past. In fact, it's not a bottleneck as the member opposite put on the floor this afternoon. It is like all of our bridge priorities. It's a management tool and we have to spend the resources as wisely as we can, to get the best bang for the taxpayer dollars that are spent. There are many issues about the bridge. One issue is about the width of the bridge. The width is narrower, but we have to assess if a new bridge would go in or if we could convert that to a culvert — all of those things are assessed as we manage the highways today and into the future.

Mr. McRobb: Well, it sounds like the minister came full circle on that one. I am not quite sure what he said.

I would like to round out my questioning before I hand it over to the third party. I am sure that the critic has questions on property management, which I did intend to ask, because there certainly are some good questions with respect to that branch. I will leave that up to him and close with an issue on communications. The minister indicated that finally there is a budget amount to bring cellphone coverage to the Ibex area. My response to that is that it is about time. We called on that to happen years ago, but the Yukon Party chose to exclude that region from cellphone coverage.

There is a nearby community — the Takhini River subdivision — and I am hearing lots of concern from residents of that community about that same issue. Now, it's quite possible, depending on the location of the cell tower, to also service that community.

Can the minister indicate whether coverage will extend to Takhini River subdivision and, if it won't, then what are his plans to provide cell service to that area?

Hon. Mr. Lang: Again, it has nothing to do with the supplementary we have here in the sense that we have 17 sites when we — this government — moved forward aggressively to expand our cellphone component in the territory and 17 sites were erected. The money here that is being spent here will do exactly what the member opposite is talking about. It is looking at the Lake Laberge, Marsh Lake, Ibex Valley and the three airports — Dawson City, Watson Lake and Carmacks.

These resources we see here in the supplementary will do the work of deciding where the towers will go. Of course, next summer, the towers will be put in place over the next period of time. It is all work in progress, Mr. Chair.

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

Recess

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

The matter before the Committee is Bill No. 12, *Second Appropriation Act, 2008-09*, Department of Highways and Public Works, Vote 55.

Mr. Cardiff: Mr. Chair, I do have some questions for the Minister of Highways and Public Works. I would like to start off with a question about some of the work that's being done on the Alaska Highway that is affecting constituents in my riding. I would like to start with a conversation. There is money in the supplementary budget for improvements to the Alaska Highway, as there is in every budget and usually every supplementary budget. I would like to start off by asking the minister a question.

Earlier this year — in fact, it was at the beginning of August — I phoned the minister and left him a message. Then I had a conversation with him and on August 20, I wrote a letter to him. I am going to ask one of the pages to please take this letter over to the minister so that he doesn't have to look for it on his desk, because he has obviously lost it.

The concern that I raised in the letter was about the realignment of the traffic flow pattern at the top of the South Access. I asked him what response he had received from the officials and what interim measures were going to be taken to ensure the safety of the travelling public. The problem was that the whole traffic pattern had changed. In some places it was active but in other places it was inactive, and there were cones in the middle of the road. There were some close calls because traffic was redirected, so that it was driving straight through, where people had previously been in a protected situation where they could pull out on to the Alaska Highway off the South Access.

So I never did hear back from the minister. The letter is dated August 20; he never replied. The other question I asked in that letter was — I understood the reason for the realignment was because there were going to be traffic controls. I asked them when those traffic control lights would be installed. I notice that the standards are there, but the lights haven't been installed. So I'd like to know when the lights will be installed.

I'd also like to acknowledge the officials and the staff at the Department of Highways and Public Works because I know that shortly after I made this request, there was signage on the South Access that stated for the travelling public that there was a traffic-flow pattern change.

I knew that it had been recognized and that something had been done about it, but I still failed to receive a response. If the minister could answer those questions, then we'll proceed to some others.

Hon. Mr. Lang: In addressing the member opposite, I apologize for not getting back to him on that issue. I was under the impression that I had. I have to stand up and apologize for that, if in fact you didn't get the information.

As you commented on, the staff did address some of the issues on the South Access and the future of traffic control there. The commitment that I can make on the floor here today is that we are working at getting the traffic control in place — as you said, the standards are in place — for this summer. So it's a work in progress, but hopefully by fall we will have it addressed.

Mr. Cardiff: Mr. Chair, I thank the minister for that answer.

I think that it is a good idea, when we do projects like this, that we do put up signs, even if it's on a temporary basis. People are using these areas of high-volume traffic and there is quite a volume of traffic that goes through there on a daily basis. It's a main artery and it's going to become even busier. When we do make changes, we should put up signs that notify people of changes, because there were a few close calls.

I've got a couple more questions I'd like to ask the minister in this specific area. There's another area of concern for my constituents in my riding and for anybody who is driving on the Alaska Highway — constituents in every riding and anybody who is travelling out on the Alaska Highway. People who travel on it on a daily basis from Southern Lakes and Mount Lorne and areas like that have noticed this problem. The problem is — and I raised this with the minister previously — the intersection at Mount Sima road. There was a whole new traffic divider and realignment of the highway there as well. But it becomes a problem — and the minister knows this because he drives it every day too, although I know he comes into work real early, so he probably doesn't notice it as much.

The problem is at the Pioneer trailer park and the fact there are no turn lanes provided may not be as big an issue in the wintertime, but in the summertime it becomes a real bottleneck with tourists turning into the RV park, both northbound and southbound.

It's my understanding that the engineer who designed that traffic control structure — the medians — recommended that there be a turn lane at that location, and the government's rationale for not doing that was that the entrance for the business where that turn lane would be constructed should be paid for by the business.

Can the minister confirm that? I guess from my perspective it just seems that we shouldn't be sacrificing public safety or compromising public safety because of the — I honestly believe that public safety should come first in this instance and not who should pay for a piece of public infrastructure that benefits the travelling public and promotes safety.

Hon. Mr. Lang: In addressing the member opposite about the traffic control in front of that specific spot — it certainly is a bottleneck when you get those groups of RVs that are trying to find their way around. I agree with the member opposite. What I can commit to do on the floor here is to take a look at it and assess it again. Our job here is to make sure that the travelling public is safe on a 12-month-a-year basis. I will

commit to work with my department to see what we can do to minimize any unsafe situation. Whether it is only in June or July or year-round, we have to address that. I'll commit to go to work on that.

Mr. Cardiff: I thank the minister for that. That is a pretty constructive answer.

I hope that something is done about it in the next road-building season.

One of the other concerns — and I will just enlighten the minister a little bit — is that people have actually had to drive over the median at that location in order to avoid impacts and collisions. The next question is in the same vein and is in the same subdivision, but a different access. It is about the access at Meadow Lakes. Some work has transpired there. It is my understanding that a similar traffic control structure is going to be erected on the highway there. It is going to control the traffic going in and out of the Whitehorse Copper subdivision. It is my understanding that the cost of putting that infrastructure in place is borne by residents who are Yukoners and people who are buying lots in that subdivision.

There are other accesses in that area. There is the access into Wolf Creek North. There are also a couple of private driveways as well on that stretch of road that have to be taken into consideration — actually, at both ends of that stretch of road. We need to ensure their safety.

There is also the road into the Meadow Lakes Golf and Country Club and the Fox Haven subdivision. The constituents of my riding have expressed their concerns to me, and residents of Southern Lakes have expressed their concerns to me, that if what happened in the case of the Pioneer RV Park happens there, we're going to end up in the same situation. If there are no turn lanes and control for vehicles that are turning into and out of that subdivision and the golf course, there will be a problem there.

So will the minister commit to — number one, is he going to require the owners of the golf course and the developers of that subdivision to pay for those turn lanes, or to pay for the redesign of the highway to make it safer? And if not, will the minister commit to ensuring that there are, at the very least, turn lanes at that intersection?

Hon. Mr. Lang: The Meadow Lakes golf course and Fox Haven, or whatever that subdivision is called, has already paid for that improvement on the highway, so it was part and parcel of their permitting process that the lanes were put in. Community Services is working to do exactly the same thing, if you were to look at the Whitehorse Copper exit area, and that, of course, is another thing that would be paid for by the taxpayers or the lot owners in that new subdivision.

Mr. Cardiff: So will the minister confirm — I know that the minister has been lobbied on this previously. The minister has had letters with requests similar to the Member for Kluane — basically, it's like instead of fooling around, why don't we just bite the bullet now and put in four lanes from the Carcross Cutoff — basically plan for the future?

Residents are really concerned that there is going to be — there is a high volume of traffic on that road, both in the morning and in the afternoon when people are commuting. That's

what happens when you develop land outside of the greater City of Whitehorse — there's more traffic. Unless they want to invest money in transit — we could ask the minister questions about that too, I suppose.

Will the minister confirm that there will be turn lanes provided, going both north and south, at the Fox Haven subdivision and the Meadow Lakes golf course?

Hon. Mr. Lang: In addressing the member opposite's request for a double lane and questions like that, as I said to the Member for Kluane, we monitor and work with those things. Understand that we also look at the north highway. There's a request to double-lane that. We have to manage our resources in a proper fashion.

Eventually, I would say that that would be what we as a government would do down the road, as the pressure on that corridor becomes greater. I can commit that the lanes he requested will be done and will be done by either the individuals who own the lots in the new subdivision or by the Meadow Lakes golf course and Fox Haven group.

Mr. Cardiff: There's actually one other question that has come up in relation to this area I'm asking questions about. Going back to the top of the South Access, basically the intersection of the South Access and the Alaska Highway, if my memory serves me correctly, the speed limit there is 80 kilometres an hour — or it was the last time and I'm seeing the officials nodding that it is.

It is my assumption that when the traffic control — the lights — go in, the speed limit will be reduced, because traffic will actually have to come to a stop. So for traffic in that area, the speed limit will be reduced. I'm just wondering if the minister or the officials can tell me this: because there has been some concern expressed about the fact that traffic coming off of the South Access and turning south on the Alaska Highway is no longer protected, it may be prudent at this time to actually reduce the speed limit since the speed limit is going to be reduced anyhow. They are going to have to reduce the speed limit. You can't have people coming up to the stoplights at 80 kilometres an hour, so it will probably be reduced — if the minister and the officials could consider that.

Hon. Mr. Lang: All those things will be taken into consideration as we move forward with this intersection.

As you know, that intersection should be complete by late fall next year.

Mr. Cardiff: I'm not going to change gears but I'm going to change locations. I was listening with great interest to the Member for Kluane question the minister about the work they do on the highways. Having travelled around the Yukon this summer — late summer, early fall I guess is what it was actually — the roads in the Yukon are kept up pretty well for the most part. I think we should be proud of the work that the employees do out there, but I do think there are areas where the schedule with which we rebuild roads and resurface roads needs to be looked at. There are concerns and I heard concerns when I was in Mayo. I've heard concerns from other people I've talked to here in Whitehorse, from Mayo, Elsa and Keno about the condition of the Silver Trail.

I just heard the minister an hour and 10 minutes ago rationalize not doing a whole bunch of work, whether maintenance or upgrading, on the Silver Trail due to the traffic count. I would just like to enlighten the minister here, because when we look at the traffic count and compare it to the traffic count on the Robert Campbell Highway, I would say that the Silver Trail looks like it gets as much if not more traffic on a fairly regular basis as the Robert Campbell Highway. We have \$31 million over the next five years being spent to upgrade the Campbell Highway. I'm not disputing the fact that the Campbell Highway needs work, but at the same time, we are talking about public safety again.

The Member for Kluane mentioned that there may be more mining activity in that area due to work on the mine in Elsa and Keno. So can the minister explain how he can rationalize not doing as much work on the Silver Trail due to a traffic count? Has he looked at and compared the traffic counts on the Silver Trail and the Campbell Highway?

Hon. Mr. Lang: The correction is: we do maintain the Silver Trail. We do it year-round and that is being continued.

Of course we have invested money in the Campbell Highway. The Campbell Highway is a main corridor through the centre of the territory. The challenge we had with the Campbell Highway was that it hadn't had any money spent on it over the last 25 to 30 years as an upgrade, and of course, we committed the \$31 million over three years to bring that highway up to a standard that would be acceptable for the travelling public.

That doesn't mean we're ignoring other highways in the territory. We are spending resources, but we had to prioritize our resources. The Campbell Highway had been on the board for a long time for upgrades. It hadn't been resourced; we've done that. Certainly we'll look at the Silver Trail in the future, and if the traffic warrants it or if we can find the resources to do the work, we certainly would do that.

We understand the issue about mining in that area. As that mining grows, there is going to be more demand. But we will maintain that road, and we will maintain it to the standard it is.

As we grow in the resources — as the \$31 million of work on the Campbell Highway is finished over the next couple of years, there are going to be other projects in the Yukon. Hopefully, through the next period of time — whether it's 10 or 15 years — we will bring our highways throughout the Yukon up to a better standard than they are at today. That's what we're committed to do as a government.

I think that to pick the Campbell Highway and say that it, in some way, isn't warranted — I've got to remind the member opposite that there has been no upgrade money spent on that corridor for the life of the road. The urgency of it was that either we start to spend some resources on it or we would get to the point where the highway was almost impassable. So that's where we're spending the money today.

That doesn't mean we're not going to maintain all of the roads or corridors throughout the Yukon. We're committed to do that. We will be looking at the Silver Trail, and eventually it will be updated and upgraded. As the exploration or the mining community grows, we're going to do whatever it takes to invest

money on the ground to make sure it's safe and drivable on a year-round basis.

We are managing the issue. We are maintaining that road and we have committed resources to the Campbell Highway. That is over and above all the other money we spend upgrading highway systems throughout the territory. It is not stealing from Peter to pay Paul. The \$31,000 is a committed amount of money over and above the budgets that we put forward and the improvements that we make year-round on our highway systems.

Mr. Cardiff: The more the minister speaks, the more questions I have sometimes. Can the minister explain — and I had the privilege of driving on the Robert Campbell Highway — or riding with very capable chauffeurs at the control of the vehicle that I was in earlier this year. I kind of marvelled at the road improvements that were being done. I mean, I think they are great.

They remind me, it looks like the same standard that you would see on the Alaska Highway with the wide brushing and the wide right-of-ways. I'm wondering if that is a new standard that has just come into being recently. It doesn't appear to be the same standard that's necessarily being used on all other highways. It looks similar to what is being done on the Alaska Highway, but it doesn't bear any resemblance really to what's been done, for instance, on the Klondike Highway.

Hon. Mr. Lang: As we look to improve our roads in the territory, we look to the Alaska Highway for those standards. As we look at our clearing — whether it's on right-of-ways — we have to take into consideration the environment and of course as we're building new roads, we have to look at managing drainage. All of these things take consideration and as we move forward, those things impact on the size of the right-of-way.

Certainly, a new road — if you were to look at the right-of-way on the Campbell Highway being a new piece of upgraded highway, you certainly are looking at the finished product; whereas, if you're looking at another part of our highway system, there's overgrowth, there are trees, there are things that we manage on a yearly basis with our ditch-management group, whether it's contracting or we do it internally.

I guess what I'm saying to you is that that's a new stretch of highway; that's the standard we'd like to see, and of course we're managing draining, we're managing the environmental issues that come in, so all of those things dictate the work we do in managing the rights-of-way as we go forward.

Mr. Cardiff: Mr. Chair, I apologize. I don't know if I phrased the question properly, but I guess what I'm looking for is if there is a different standard for a different category of highway. I'm just wondering what category the Alaska Highway, the Robert Campbell, and the Klondike Highway fall into, and if there are different standards for those highways.

Hon. Mr. Lang: Mr. Chair, there are different standards throughout the Yukon, but that highway we're building to the Alaska Highway standard.

Mr. Cardiff: I would like to try to move on to a different area of Highways and Public Works but I am compelled to ask one more question. It is another riding question, basically.

Two years in a row — and I have heard this request even before that — there has been a lot of concern about the condition of the Annie Lake Road. There is increased traffic on that road with the Tagish Lake Gold Corporation and the work that has been done up there over the past two or three years. I know we don't know what is going to be happening up there but I know that the Minister of Economic Development thinks that the future is bright and rosy up there. I heard him talking about it the other day and that there are investments being made and that there is promise for increased activity there.

The condition of the Annie Lake Road — it's my understanding from talking with residents and some people who have worked on that road, that the last time it was actually rebuilt was in 1984. I don't know that it needs to be rebuilt but, at the very least, it needs to be reshaped and tapped.

There are road safety concerns. I brought concerns to the previous Minister of Highways and Public Works. When the road was graded, there were boulders graded out on to the road and damage to some of my constituents' vehicles because of the condition of the road. When there is heavy truck traffic on that road due to the mining activity in that area, it poses a concern and it needs to be brought up to a better standard.

Can the minister tell me — I know this was a request at the Premier's meeting both last fall and this fall, and it's definitely on the community's wish list to have improvements done. Can the minister tell me if the department has this in their schedule?

Hon. Mr. Lang: It's a management tool and again, we have many gravel roads where we have the same issues. The member is right. A lot of these roads need to be reshaped and recapped. We prioritize it and manage as well as we can. These kinds of things hopefully we can get at over the next couple of years, but we do have quite a few roads. As the member said, there have been requests from the community and those things will be balanced.

In the spring, we'll be coming out with a new budget and hopefully some of that work that needs to be done throughout the Yukon will be done.

Mr. Cardiff: The department must have a plan for what work is going to be happening next year. You don't plan month to month or six months to six months. Actually, I heard the minister bump up the Campbell Highway program. I thought it was \$31 million over five years; he just said \$31 million over three years.

I'm looking forward to being able to drive and see all that work completed in the next two years, because we are already at least one year into that project. There has to be a planning process. The minister talks about a management tool and about prioritizing. That's what I am asking: where is it on the priority list? Can the minister tell me where the Annie Lake Road is on the priority list? Is it at the top of the pile? Is it in the middle of the pile? Is it at the bottom of the pile? Is it not even in the pile?

Hon. Mr. Lang: I am not sure what the member — when I said that the Campbell Highway is a three-year program, it is a three-year program. We have one year under our belt, which is last year, and we have two more years to go on that project. I think that the total is \$31 million being spent on

it. It is a three-year project. I am not sure where he got the five years.

As far as prioritizing our highway system, we do that all the time. Certainly, as far as the Annie Lake Road or all of the roads that we have and manage on a daily basis are concerned, we hope to resolve all the issues the member has. The Annie Lake Road is just one of the many issues.

Mr. Cardiff: Thank you, Mr. Chair — I can thank you anyhow. The minister still isn't answering the questions. He talks about prioritizing it and hoping that they can resolve all these issues. I am asking the question for a reason. I would like to go back to my constituents and be able to tell them something from the minister. The minister doesn't seem to be able to tell me; basically he is telling me they have no plans. I don't know whether I should even pursue this line of questioning any more.

Maybe we should move on to something a little more interesting — and the minister will enjoy this. I would like to talk to the minister about contracting because we're not going to get anywhere with the Annie Lake Road. I'd like to talk about the report on audits and some of the concerns that were raised. This applies to some of the projects, maybe, that we've been talking about today. One of the concerns is that the audit division found very few cases where contracts had clearly fulfilled the compliance requirements under the existing rules. There are recommendations in the report about that.

It says that, overall, 65 percent of the sampled service contracts issued by the government did not meet one or more of the compliance requirements stated in the policy. The recommendation is that, "Highways and Public Works should establish guidelines on the use of any exceptions to the bidding requirement, as established under the Contract Regulations and Contracting Directive. In cases where there is a high risk involved in issuing a sole-source contract that has been exempted from the competitive bidding process, departments should be required to have the contract reviewed by Contract Services and the Department of Justice prior to its issuance."

Can the minister tell me if that's being done now?

Hon. Mr. Lang: That's part of our plan and we look forward to improving our contracting and procurement process. As I said to the Member for Kluane, we'll be starting that in the new year and all those issues will be part and parcel of that review.

Mr. Cardiff: Well, I'm glad the minister has a plan for that, because he doesn't have a plan for the Annie Lake Road.

One of the other concerns was the requirement for managers to evaluate contractor performance. As somebody who has worked on government contracts, actually I can understand where this concern comes from, having watched the way that some of these projects go together. I think that we could do a better job of ensuring that there is more control, I guess, and there's more evaluation done.

I think it kind of goes to what I was asking the minister about earlier, about consumer protection. This is more about taxpayer protection, I guess, ensuring that the job is complete and that the taxpayer is getting value for dollars.

This has to do with inspections, basically, and ensuring that the contracts and the performance of the contractor who is performing the work are monitored and evaluated appropriately. Can the minister tell me what's happening there?

Hon. Mr. Lang: I remind the member opposite that we're the ones who had the audit done. Certainly, without auditing — independent of the department — this is all part and parcel of the contracting and procurement plan that we're putting forward today — to move forward with.

All of this is not saying that the department is poorly run in any way. There are checks and balances in place today on just those issues. But in addressing that, we want to improve that, and we're hopeful that that is what this plan is going to do — so after we get through this process, we'll have a better and tighter operation and certainly address the issues that are brought up in the audit that this department had done, independent of the department, to see just where we were weak and how we could improve the whole process.

So that's what we're working with. We're going to work with the contractors through the process and we're going to work with the general public. This is part and parcel of the go-forward plan on this audit. The audit is done. Now we have to go to work and modernize our contracting and procurement process. It hasn't been modernized over a 10-year period. The Yukon has grown and so we feel it's time that we take a look at it and that's what this independent evaluation said to us.

We certainly look forward to the new year. As we act on that audit, get the input from the general public and contractors and other people who are touched by the contracting procurement process, we come out with a better department that is run tighter and can answer the questions that you've just asked, Mr. Chair. How are we going to do it? We're going to go out and do it over the next period of time and come back with the improvements.

Mr. Cardiff: I thank the minister for that answer.

I know that time is short and we only have so much time left, so I'm going to cut to the chase. I'd just like to remind the minister that this audit — the report was approved by the audit committee back in May, so it has been available to the department. Actually, it appears to me, if you read through the document, that the department has put in their responses. The responses are interesting and I think the responses are positive. I hope that maybe — one of the other things that's in the report is working more closely with the Department of Justice and taking advantage of the legal capabilities in the Department of Justice to improve the way contracts are administered and written, and how they're tendered and awarded. I've heard lots of concerns from businesses and others about the way the government goes about doing that, and yes, it needs to be improved.

So I'm not going to ask the minister any more questions. He can breathe easy. I won't ask him any more questions about the audit report, other than this: can the minister commit to providing, for the spring sitting of the Legislative Assembly, a progress report on where the department is at on this report, what achievements have been made and what recommendations have been addressed?

Just give us a progress report. It is not unlike the progress report we got on the Auditor General's report on Highways and Public Works.

Hon. Mr. Lang: I feel that committing to the spring would not be realistic but I could look at the fall sitting that we could have a progress update.

Mr. Cardiff: Mr. Chair, he's saying the fall sitting — how about by the end of the spring sitting? The minister has had this report for a year. The department has got responses to the recommendations. There are plans in place. I'm not asking for everything to be perfect in the fall, I'm just asking for an update on where we are. I hope the document's not this thick; I just want something that will address the concerns the report raises. I think the public deserves to hear what progress the minister is making on that.

Looking at the budget, I'd like to ask the minister — I have a question about the mobile communications solution. This came up the other day when we were debating the Department of Justice, because the Minister of Justice had \$2.3 million, I believe, in her budget for the mobile communications solution. This minister has almost \$6.3 million in the budget.

I'd like to know a couple of things about that. There's also a recovery in here from the RCMP, and I'm just trying to figure out exactly what the circuitous route of all this money is because the Department of Justice is spending \$2.3 million on communications equipment for the RCMP. According to this minister's budget, the RCMP is providing his department with \$3.3 million for the mobile communications solution, and they're expending \$6.3 million. So I'm just wondering: is the recovery part of the money from the Department of Justice? Or maybe he can explain where the money is coming and going from?

Hon. Mr. Lang: There is an agreement between the RCMP and ourselves, one of the users on the system. Of course, they have a financial arrangement with the Department of Justice. They have an agreement between themselves. So the money obviously comes from somewhere, and it comes from Justice to the RCMP, and they also contribute to the system.

Mr. Cardiff: I think I understand it.

\$2.3 million is going from the Department of Justice to the RCMP, and then the Minister of Highways and Public Works gets the \$2.3 million plus another \$1 million by the sounds of it. That clears up some of what I was concerned about the other day. Can the minister tell us what the total price tag for this project is going to be, and tell us what progress has been made on it? Are we 50-percent complete, 75-percent complete, 30-percent? Where are we on that?

Hon. Mr. Lang: The eventual cost will be \$18.5 million dollars, and we hope it will be up and manageable and in operation by the end of 2010.

Mr. Cardiff: Can the minister tell me: is any of it operational now, for starters, is the question, and is it going to become available in stages, or how is that going to work?

Hon. Mr. Lang: This is a phased-in system. As it is constructed it will be put into the system. The four remote sites in southeast Yukon are up and running today.

Mr. Cardiff: Maybe the minister could give us a brief overview, or maybe in the new year once things settle out a little bit, we could get a briefing or a briefing note on what the plans are — if there's a schedule, the construction, completion and the coming on-line of that mobile communications solution. I support the idea. I think it's important. I think it's good for public safety, for the employees of the government who travel the highway on a regular basis, the people who work for Highways and Public Works, for the RCMP and a multitude of others who will be able to take advantage of that.

I'd like to ask the minister a question. We heard recently, and I'm pleased to note, that there has been an agreement reached between the Yukon government and the Government of Kwanlin Dun First Nation regarding construction at the Whitehorse Airport.

I'm just wondering if the minister can tell us what the plans are for moving that project forward. Will it be re-tendered? What is the schedule there or will they use the existing tenders? When does he expect there to be some sort of economic stimulus at the Whitehorse International Airport?

Hon. Mr. Lang: We're looking at retendering it as soon as we can in the new year.

Mr. Cardiff: Do they have an idea of when the tender would — I guess if you don't know when it's going to go out, you don't know when it's going to close, but do we have an idea of when construction may start again? What's the minister hoping for as far as being able to start construction again?

Hon. Mr. Lang: We're looking at early spring that the tender will be issued. Hopefully, we will be on the ground very quickly after that.

Mr. Cardiff: I'd like to ask the minister a question. There is almost \$1.2 million for building development for the Tombstone visitor reception centre. Can he let us know what work is being done there for \$1.2 million?

Hon. Mr. Lang: Mr. Chair, that is an ongoing project. We're looking at a completion date of June of this coming year. Certainly, this building season, the building itself is up. They've got the structure up and they've got more work to do in the interior.

Also, there is a commitment by Environment when it comes to displays and all of the infrastructure that goes inside the building. But we see it being done in June for this upcoming tourist season.

Mr. Cardiff: Can the minister tell me: will the \$1.2 million be expended by March 31, 2009?

Hon. Mr. Lang: That's the intention of the department. Optimistically, we're looking at those resources to get this project behind us.

Mr. Cardiff: So I would assume, then, that much of the \$1.2 million will be expended on finishing the interior of the building.

Hon. Mr. Lang: Some of that money has already been spent on the project, so we're not looking at \$1.2 million ahead of us. The construction has been resourced up until now. Again, optimistically, we're looking at getting this done this tourist season, so we can put it behind us.

Mr. Cardiff: Can the minister tell us what the total anticipated cost of the project is, and will there be money needed in the new budget in the spring for this project as well?

Hon. Mr. Lang: We're contemplating that there could be more resources needed in the spring, but it hasn't been brought forward yet.

Mr. Cardiff: I'd like to ask the minister a question about what the government's plans are with regard to — I'm assuming the minister, still being responsible for property management, has the Watson Lake multi-level health care facility or hospital under his watch. I'd like to know what the plans are. When does he anticipate making a decision on where this project is going?

It is my understanding that they have put out a request for proposals to turn the multi-level health care facility into a hospital. When will that be completed and when do they anticipate making a decision on whether or not they are going to move ahead with building a hospital?

Hon. Mr. Lang: That RFP is out there now. The plan is being put together, and we look forward to the result of that plan so we can make the kind of decisions he has just put on the floor.

Mr. Cardiff: Well, we are going to watch with great anticipation for how the government manages this project. The minister knows that I have worked in the construction industry before. I have had the opportunity to drive by and actually look at the project. As I mentioned to the Premier, we only need to look across the road to see what can be built in a year or two and the progress in Watson Lake doesn't seem to be sufficient. I think that's one of the projects where Yukon taxpayers aren't getting value for their dollar and we're not moving ahead in a positive manner.

I'd like to ask the minister a couple of other questions about staffing more than anything. I'd like to know what the department is doing, what kind of policy it has for ensuring that the employees have proper training when it comes to operating equipment, to appropriate health and safety training so that employees of the department are safe on the job. It's about being safe on the job, having the proper training to operate the equipment, whether it be a piece of road equipment or they're operating equipment inside the central workshop. Is there a program the Department of Highways and Public Works has to ensure that?

Hon. Mr. Lang: Thank you, Mr. Chair. That is exactly what the COR certificate is going to address as we modernize, and we're looking at property management branch working with that too. Not only are we doing it internally, but we're looking at the community as a whole on how we certify all of the contractors that work with us. That way, we have a constant management tool throughout the department, and not only that, but also with contractors, so that the safety of our workers, whether around equipment or individuals who are just working around equipment, is handled in a proper, safe fashion.

Mr. Cardiff: The minister is almost answering my next question first. I wanted to know what the minister is doing in his department and then I will ask him about what contract services branch is going to do about the requirements for COR

certification. I want to know what he is doing with regard to the health and safety of Yukon government employees who work in the minister's department as far as training goes. Is the Department of Highways and Public Works going to become COR certified? Are they going through that process themselves to become COR certified? I would encourage them to do so. I think it is a great idea.

Hon. Mr. Lang: I guess, in answering the member opposite, yes. We're moving in that direction, department by department. Maintenance is already COR certified and property management branch is working toward that. So we are managing it internally to do exactly what the member opposite is talking about.

Mr. Cardiff: Can the minister tell me what level of COR certification the Department of Highways and Public Works has?

Hon. Mr. Lang: I guess in answering there are no levels of COR certifications. You are certified, and that is what COR certification is about. So there is no A, B, C, and D. Being certified is being COR certified.

Mr. Cardiff: I would just like to know: when did the process of COR certification start in the Department of Highways and Public Works?

Hon. Mr. Lang: Thank you, Mr. Chair. It has been two and a half years that we have been working on this COR certification. It does take time, because of the nature of it. It has been a work in progress for the last two and a half years.

Mr. Cardiff: Can the minister tell me whether or not it is department-wide? So employees in every community have participated? I have participated a little bit in the COR certification process, just kind of on the periphery. I would like to know whether or not it entails a lot of time and commitment, both on the part of the employer and employees, to learn about safe practices and ensure that people know about the procedures for each piece of equipment and that this is posted. I am hoping that the minister is going to tell me that this has all been done, so I can go to any Department of Highways and Public Works maintenance workshop and I will be able to see those policies and procedures posted on the wall and the operating rules for pieces of equipment posted on the pieces of equipment telling employees about the dangers.

So is that what the minister's telling me?

Hon. Mr. Lang: All of our transport and maintenance crews are certified throughout the Yukon, so that's one part of the department that has been completed. As far as a COR certification, you're audited on a regular basis to make sure that we are keeping up with the certification. So it's not just one time and we walk away. There is a process of checks and balances to make sure that we maintain our certification, so it's an ongoing obligation.

Mr. Cardiff: So the minister's telling us that the transportation division is COR certified from Watson Lake to Old Crow, is that right?

Hon. Mr. Lang: In addressing that, it's not the department; it's the transportation maintenance group that is certified.

Mr. Cardiff: The transportation maintenance group — are we talking about basically the mechanics who work on the equipment or the employees who do road maintenance?

Hon. Mr. Lang: In addressing that, Mr. Chair, yes.

Mr. Cardiff: Yes, what? I asked: is it the employees — the mechanics — who work on the equipment that are certified or the operators or is it both?

Hon. Mr. Lang: I misunderstood him when he talked about the operators on the equipment. Yes, the road maintenance crew are COR certified and the maintenance staff.

Mr. Cardiff: I thank the minister for clarifying the answer to that question. Can the minister tell us what the department's plans are? There is going to be a requirement — we've seen the ads in the paper that contractors will need to be COR certified as of January 1 and I believe the threshold was for contracts of —

Some Hon. Member: (Inaudible)

Mr. Cardiff: It is \$5,000 and above, the minister is saying. I know that there are companies out there that are COR certified. We've got some big projects coming up — the airport and the Whitehorse correctional facility hopefully will be coming on line here. One of the things that happens is that when you get large projects like this is that we see contractors come from Outside and they are not going to be COR certified. I guess my question is kind of around the Agreement on Internal Trade and requiring that contractors be COR certified. I think that we want contractors, whether they are from down south or from Yukon, to ensure that their employees have the proper safety training.

I'm just wondering with the requirements of the AIT — the Minister of Economic Development was praising the other day — are we going to be able to require contractors from Outside to be COR certified? What are the department's plans for dealing with that?

Hon. Mr. Lang: I can say to you, yes, everybody will be treated equally and the COR question will be answered by every contractor. After January 1, anything over \$500,000 will have to have the COR certification with it.

Mr. Cardiff: Has the department done any review of their policies or programs to see just what the Agreement on Internal Trade will change? The City of Whitehorse recently changed a policy around its contracting. I'm just wondering whether or not the Department of Highways and Public Works has reviewed policies, for fear of violating — because some pretty penalties could be associated with violating that agreement, and it would be the taxpayer who is on the hook. We'll be paying and there won't be any product.

Hon. Mr. Lang: We are aware of the agreement and we do keep abreast of it, understanding that it is an agreement we signed on to in 1995 or 1994. We are aware of that agreement and certainly we keep within the guidelines of that agreement as much as we can.

Chair: Order please. Seeing the time, the Chair will rise and report progress.

Speaker resumes the Chair

Speaker: I will now call the House to order. May the House have a report from the Chair of Committee of the Whole?

Chair's report

Mr. Nordick: Mr. Speaker, Committee of the Whole has considered Bill No. 12, *Second Appropriation Act, 2008-09*, and directed me to report progress on it.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

The House adjourned at 5:37 p.m.

The following Sessional Papers were tabled December 11, 2008:

- 08-1-96
Area Development Act Regulations: OIC 2008/129
(Lang)
- 08-1-97
Area Development Act Regulations: OIC 2008/130
(Lang)
- 08-1-98
Area Development Act Regulations: OIC 2008/131
(Lang)
- 08-1-99
Area Development Act Regulations: OIC 2008/132
(Lang)
- 08-1-100
Yukon Department of Education 2007-2008 Academic Year Annual Report (Rouble)
- 08-1-101
Report on the Yukon Government's Performance under the Environment Act: Prepared by Government Audit Services Branch, Government of Yukon and Approved by the Audit Committee on June 24, 2008 (Fentie)
- 08-1-102
Yukon Judicial Council 2007 Annual Report (Horne)