

Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, April 8, 2009 — 1:00 p.m.

Speaker: I will now call the House to order. We will proceed at this time with prayers. Could each member just give his own silent prayer.

Prayers

DAILY ROUTINE

Speaker: We will now proceed to the Order Paper. Are there any tributes?

TRIBUTES

In recognition of school principals

Hon. Mr. Rouble: I rise today to pay tribute to school principals. As leaders, principals play an important role in engaging communities, teachers and students in creating change and innovation in the education system. Mr. Speaker, it gives me great pleasure this year to acknowledge the work of Ms. Penny Prysnuk, principal of Selkirk Elementary School in Whitehorse, and the late Brian Shanahan, principal of Ghùch Tlâ Community School in Carcross, the two Yukon school principals who received the 2009 Canada's Outstanding Principals Award.

Joining us today in the gallery is Ms. Prysnuk. Please welcome her.

Applause

Hon. Mr. Rouble: Each year, 30 principals are selected from across Canada and celebrated as administrators who make a measurable difference in the lives of young people through helping them receive a quality education. They become members of the National Academy of Principals and attend a four-day executive leadership training program at the University of Toronto, Joseph L. Rotman School of Management.

Over the next year, these outstanding principals will participate in ongoing discussions about leadership issues through an on-line forum, and will be involved in mentoring colleagues in their home schools.

Mr. Speaker, both Yukon award winners made significant contributions to their schools and communities. I commend them for their dedication to providing the best learning environment for all students. I want to thank them, and all school administrators, for their hard work and commitment to Yukon's education system.

Penny Prysnuk is the president of the Association of Yukon School Administrators, and is active on many committees, such as the professional development committee and the leadership advisory committee. Brian Shanahan provided the heart and spirit for the Carcross' community school. He spearheaded the name change from Carcross School to one that better represents the community, that being Ghùch Tlâ Community School. Mr. Shanahan continually looked for expanded, engaging educational opportunities for his students, including establishing the first radio station in an elementary school, and

a summer school to provide additional learning for students who struggled.

Since Canada's Outstanding Principals Award was launched, five exceptional principals from Yukon have been selected as award recipients. I'd like to thank them and all school administrators for their hard work and commitment to Yukon's education system.

Speaker: Are there any further tributes?

Introduction of visitors.

Reports or documents for tabling.

Reports of committees.

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 set aside for one year the community building project in Burwash Landing to allow time to change the building plans and work with the Kluane First Nation and area residents to accommodate the community's request for a new school.

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

THAT this House urges the Yukon government to direct the Yukon Workers' Compensation Health and Safety Board and the Employment Standards Board to immediately draft regulations and/or legislation that would reduce the risk of injury and death of young workers in the Yukon workforce and to bring them into force at the earliest possible date.

Speaker: Are there any further notices of motion?

Hearing none, is there a ministerial statement?

Hearing none, that brings us to Question Period.

QUESTION PERIOD

Question re: Medevac services contract

Mr. McRobb: We've heard all week about how this government handles contracts and I'd like to raise another contracting issue. This past September, the Yukon Health Care Review Committee released its report entitled *Yukon Health Care Review*.

One of the recommendations was to consider the public tendering of the air medevac program. The report pointed out how costs had soared from \$2.6 million in 2003. In 2006, this government sole-sourced a three-year contract at a cost to taxpayers of \$11,143,000. The contract expired at the end of last month and there is still no word about a tender. What's going on? Why hasn't the contract been tendered? Was it extended?

Hon. Mr. Hart: Mr. Speaker, medevacs are still taking place. The current provider's contract was extended for one year to enable the medevacs to take place to ensure health care safety for all Yukoners.

Mr. McRobb: Now, the minister is no doubt aware of at least two Yukon companies that are very interested in this contract — the current provider and another based in Haines

Junction. The proponent of the other company wrote to this government a year ago expressing his interest in the contract. He also sought assurances there would be a fair process including a tender well enough in advance to acquire all of the necessary resources in time to submit a viable bid. This government wrote to him ensuring there would be a fair and reasonable opportunity to compete for the tender and urged him to talk to Contract Services. Well, Mr. Speaker, he went there in October, met with upper management and they expected the tender to be out within a month. That was five months ago. What is going on here? Why was this contract extended for a year without a tender taking place by now?

Hon. Mr. Hart: The last tender was out. We contacted both outfitters in the Yukon with regard to that contract, and only one of the proponents indicated an interest in carrying forth with that issue.

In regard to the member opposite's question, we extended the current contract for one year to enable us to review and put together the tender bid process — which is currently underway — with the intent to get it out early this summer to ensure that the tender is out and that everyone has a fair crack at the medevac contract.

Mr. McRobb: Well, Mr. Speaker, I am having difficulty making sense of that explanation. I have already indicated there was a letter written to the minister — the Yukon Party was aware there was a second contractor interested in the medevac tender. Why did he say there was only one company spoken to?

Secondly, he said officials need more time. My constituent talked to the upper level management in Contract Services, who expected the contract out within a few weeks. What's going on here? Why was this contract merely extended?

The government fusses over a \$500 janitorial contract but does nothing about an \$11-million contract. That's what you call being penny-wise and pound foolish. Why is this happening?

Hon. Mr. Hart: What we have to do is look at the aspect that we are looking after the well-being and health and safety of all Yukoners with regard to the medevac contract. That's the underlying importance of the medevac contract.

We're putting together the terms of reference for the tender to go out, which we anticipate will go out early this fall, to ensure not just his constituent, but other constituents, have the ability to bid on this contract. We had indications of others besides his constituent with regard to the contract, but there was insufficient time to prep for the process to get it out.

We were asked to extend the contract to ensure that we could deliver medevac services for Yukoners, and we did so with the intention of putting out the tender so that it is a fair and open process.

Question re: Water quality, Little Salmon-Carmacks First Nation

Mr. Fairclough: I have a question for the Minister of Community Services. The newest announcement from this Yukon Party government is in regard to the importance they place on water quality for all Yukoners. The minister stated that under the Building Canada plan the Yukon Party govern-

ment will be able to provide key infrastructure upgrades to projects in Yukon communities. This government said it would work with those communities that have a demonstrated need. Well, Little Salmon-Carmacks First Nation is still under a boil-water advisory and has been for well over a year, Mr. Speaker. I think there is a demonstrated need here, so why was Little Salmon-Carmacks First Nation not put on the list of communities identified for funding under the Building Canada fund?

Hon. Mr. Lang: We'll be at the public meetings and, at the same time, First Nation communication will be held in the middle of this month — on April 16 in Carmacks. I recommend all individuals in Carmacks — in the community itself and certainly in the meeting with the First Nation — take advantage of the Building Canada fund.

That's exactly why it's out there, to address the issue the member has brought forward in this House today.

Mr. Fairclough: That community has been bringing this issue to the government for quite a number of years now. The government should be listening to them. Yesterday the minister said there was an application process for communities to receive funding under the Building Canada fund. Now this minister stated that even though water is a priority to this Yukon Party government, and they know the Little Salmon-Carmacks First Nation had to go outside of the territory for help in getting their infrastructure upgraded, that this government still will not fund their project.

Now the First Nation has a demonstrated need for funds under the Building Canada fund. So why was Little Salmon-Carmacks First Nation not put on the list of communities identified for funding under the Building Canada fund?

Hon. Mr. Lang: The facts speak for themselves. The group is going to be in Carmacks on April 16, so I recommend that not only the First Nation in the community but the community itself to come out and participate in these meetings. It's driven by application. We'll work with individuals and First Nations to make sure they're comfortable with the application process, and we're going to address just exactly what the issue is that the member opposite has brought up here today.

We're committed in Building Canada to have clean water, potable water, looking at our communities to get that done. That's a priority of this government; Building Canada fits nicely into that. We're going out for public consultation and one part of it is the First Nation consultation.

April 16 is the date and I look forward to the application coming forward.

Mr. Fairclough: The community has already met with government. They've talked to the Premier; they've written letters; they've applied for other funding, and still nothing is coming forward from this government at all. Here's an opportunity, but it's unbelievable what the First Nation has to go through in trying to receive access to safe drinking water.

The decision for funding for this program stops at the minister's foot. The government already knows about the needs of the communities and they know how the needs fit under the eligibility criteria and, more specifically, they know how Little Salmon-Carmacks First Nation does fit under the criteria for funding. They know that.

There is a demonstrated need and this government needs to deliver the funds. It makes no sense why Little Salmon-Carmacks First Nation is not receiving any of the Building Canada funds. What's going on here?

Can the minister tell us why he will not be distributing funds from the Building Canada fund to the Little Salmon-Carmacks First Nation?

Hon. Mr. Lang: Is the member opposite stone deaf? There is a process in place.

Speaker's statement

Speaker: Those types of remarks will lead to discord. I would just ask the honourable minister to be careful with his verbiage. You have the floor, please.

Hon. Mr. Lang: I will say again — there is a process. It's application driven. We're looking forward to the input from the Little Salmon-Carmacks First Nation and the Carmacks community as to how they visualize working with Building Canada. It's an opportunity for all of the Yukon to benefit from this funding, which is a seven-year program. We're into the second year. We've got five more years. They are being resourced 75 percent by the federal government and 25 percent by local government. But it is application driven, and we're working with all Yukon communities. There is a schedule. Carmacks is scheduled for the middle of the month.

I encourage the member opposite, First Nation governments, residents, municipalities and unincorporated communities to take advantage of those meetings — participate.

Question re: *Young Worker Protection Act*

Mr. Cardiff: Last fall, the NDP caucus introduced Bill No. 109, the *Young Worker Protection Act*. In response to our call for greater protection of young workers, the government went out to consultation, and this week released the report on the findings. Now the government has signalled what they plan to do. They're requesting — and it's not directing, but they're requesting — that the Workers' Compensation Health and Safety Board and the Employment Standards Board work together within their existing framework of authority to appropriately address areas of general consensus —

Should I wait for him to get his advice?

It's not a very strong position, Mr. Speaker. This government is admitting that they will be doing the absolute minimum around the protection of young workers, and the minimum necessary measures are not enough to reduce injuries or death. Which minister will be accepting responsibility if the delay in implementing changes fails to prevent injury or death of young workers?

Hon. Mr. Hart: As I brought in the motion the other day with regard to the consultation that the Workers' Compensation Health and Safety Board and the Employment Standards Board went out on, the results came back in. The member opposite has received the results of that consultation, and we are requesting our boards to go out and get together and work on the areas that there is a consensus on, that was arrived at through the consultations, and put forth the changes, depending on which department is responsible for that process.

The Workers' Compensation Health and Safety Board will take the lead in handling the changes, because we have the resources available with which to, shall we say, police the situation and ensure that things are being handled in an appropriate manner.

Mr. Cardiff: You know, it wasn't that long ago that I received an extremely sad and painful letter from a woman whose nephew was crushed to death in a cardboard-packing machine. She told me about the LifeQuilt project which is a permanent memorial dedicated to thousands of young women and men between the ages of 15 and 24 who have been killed or injured on the job.

I challenge anyone in this Legislature to check out www.youngworkerquilt.ca and read one of the hundred stories that are on that Web site and not be moved and to not see the need for action immediately.

There are some contentious issues that this report has raised and, of course, if we are only to accept recommendations that were unanimously supported, there won't be a lot of change. The report suggests that parents, businesses and young workers support a minimum general working age. They support age restrictions —

Speaker: Ask the question, please.

Mr. Cardiff: What is the minister's time frame for drafting regulations, legislation and creating new programs that will address the woeful gaps in protecting young workers?

Hon. Mr. Hart: I'm following through on the motion that was put forward in the House here. We have followed through with the results of that consultation. The consultation report has basically advised us that we have the appropriate legislation in place to protect our young workers and changes can be made in the appropriate departments — either employment standards and/or Workers' Compensation Health and Safety Board to deal with this situation with regard to young workers.

As the member indicated, there are several issues that were identified in the consultation report where people were somewhat divided on some of this, so we will have to go through that process. We will work on the ones we have a general consensus on first with regard to regulation and process those changes to ensure the safety of our young workers.

Mr. Cardiff: They're going to do the minimum they have to do. Every year in Canada, 60,000 young workers are injured, and 50 to 60 are killed. In the Yukon, 150 workers, on average, are injured seriously enough to require medical treatment or time off from work every year.

It has been more than 12 years since a young worker was killed on the job in the Yukon, but in the last three years, two young workers were killed on the job in other jurisdictions. Yukon lags behind the rest of Canada in protecting young workers.

We have no minimum age for work. Young workers can be employed at many dangerous occupations, and they are — it says so in the report. There are no limits on hours of work. You know, it's going to be tragic if this becomes another case of imagine tomorrow if you hadn't postponed today what you should have done yesterday.

Will the government commit to this issue with greater urgency and commit to implementing new regulations that will protect young workers without further delay?

Hon. Mr. Hart: With regard to the member opposite's request, I think the entire House shares his motion with regard to young workers in the workplace. Every jurisdiction in Canada has this responsibility. The member opposite has even indicated that there have been several occasions where deaths have resulted from working in there. You know, those things are not going to change, Mr. Speaker.

We can have all the regulations we want in the world; those things are not going to change. Accidents will happen. Things will be dealt with.

We will go into the process here of trying to, as I say, look at items that we can work on right away and deal with the ones that we basically have agreement on. Those are the ones we will concentrate on first.

Question re: Bus service to Yukon College

Mr. Edzerza: Yesterday I sent some pictures across the floor for the minister to look at, and I wish I would have taken those pictures a month and a half ago. They were pictures of the unmaintained sidewalks going from the seniors residence at 600 College Drive to the city bus stop, which is a 20-minute walk for the seniors — a very icy walk.

Does the minister now agree, after looking at the pictures, that the walkways could be dangerous for the senior citizens to use?

Hon. Mr. Rouble: On two separate occasions, the Member for McIntyre-Takhini has raised with me the issue that has been brought to his attention regarding increasing bus service by Whitehorse transit authority to address the needs of the residents, not only at the seniors facility, but also the needs of the residents in the college residence.

I have agreed with him on both occasions. I would support the decision made by the City of Whitehorse and Whitehorse Transit to change the bus stop to provide greater access to Whitehorse Transit for the residents of those two buildings.

The minister responsible for Yukon Housing Corporation is also in agreement with this. We will continue to work with the college and with the City of Whitehorse to encourage them to appropriately address the issue.

Mr. Edzerza: Well, Mr. Speaker, this issue will be raised from now till the end of the mandate if it isn't corrected. The walkways from the seniors residence to the bus stop are treacherous. The minister and the government are failing to grasp the seriousness of this issue. There could possibly be a liability issue here. If one of the seniors were injured or killed from a serious fall going to the bus stop 20 minutes away, who is going to be responsible? Who would be responsible for liability, if one of the seniors were seriously injured or killed while walking to the bus stop? YTG or the city? Who would it be?

Hon. Mr. Rouble: Mr. Speaker, I support the request the Member for McIntyre-Takhini has made. I think moving a bus stop would be a good thing. It would not only serve the needs of the seniors in the facility but also of the students there.

I appreciate the enthusiasm and persistence with which the member opposite is bringing forward the issue. I can tell him that a variety of different Government of Yukon departments, including Education, Community Services and the Yukon Housing Corporation are all very concerned about this issue and we will continue to work with the City of Whitehorse, the Whitehorse transit authority and others who play a role in this issue.

Mr. Edzerza: The facts are that the Yukon government built a residence for seniors on land the city will not service. We are talking about 60 to 80 seniors and, according to the Housing Corporation minister, maybe as many as 136. When I walked the distance from the seniors complex to the bus stop, I had to walk on the road, down the middle of the road. I met a senior walking and she said it was quite a hike, uphill all the way from the college to the apartment.

If the government has given up on the bus stop in front of the seniors complex, will he at least ensure the walkways are well lit and safe for the seniors to walk on?

Hon. Mr. Rouble: Mr. Speaker, the government realized there was a great opportunity with the Canada Winter Games. Rather than just investing in temporary housing for a short period of time, Mr. Speaker, the government made a commitment to a long-term project of establishing a significant number of permanent residences for seniors and for students — which, for some reason, the member opposite isn't acknowledging. Of course, Mr. Speaker, all the governments involved and all the agencies involved — the Government of Yukon, the City of Whitehorse and Yukon College — all have a role to play in this. We all have a responsibility in maintaining roads, sidewalks, facilities and all the infrastructure in our community.

As I have said, Mr. Speaker, the Department of Education, Yukon Housing Corporation and Community Services will certainly go to work with the City of Whitehorse and Yukon College in order to address the situation to the satisfaction of the residents in the area.

Question re: Old Crow solid-waste facility

Mr. Elias: Mr. Speaker, I have some questions for the Minister of Community Services. A few weeks ago, the Yukon Environmental and Socio-economic Assessment Board's designated office made a recommendation in response to the minister's proposal to continue the operation and management of the existing Old Crow solid-waste facility for three more years.

The final recommendation was made pursuant to section 56(1)(c) of the act and states that the project not be allowed to proceed, as a designated office has determined that the project will have significant adverse environmental and socio-economic effects that cannot be mitigated.

This landfill facility is located on Yukon government land and is the minister's responsibility, and no one else's.

Does the minister feel that he is properly managing the Old Crow solid-waste facility?

Hon. Mr. Lang: In addressing the member opposite, that's exactly why we're going out with this solid-waste plan. Certainly Old Crow is part and parcel of that. We are looking forward to the results of that plan and moving forward, in not

only managing Old Crow's solid waste, but Yukon's solid waste into the future.

Yes, we are concerned about it. We will be working with Old Crow, the First Nation government and ourselves to address the issue. We are putting the plan together as we speak to make sure that Old Crow has a proper solid-waste management area. That's what we commit to do in the House here and we are looking forward to the report coming back so we can act on those recommendations.

Mr. Elias: This minister has known about this problem for years and my constituents know how well to regard his promises to my community. The Community Services minister needed to renew his solid-waste, special-waste and air-emissions permits to operate this facility, and those permits are issued by the Environment minister.

My constituents are very concerned about the direct and indirect effects that the operation of the landfill has on their health and safety, on air quality, on water quality, environmental quality and the effects on wildlife.

My community of Old Crow, the Vuntut Gwitchin government, the North Yukon Renewable Resources Council, Environment Canada and the Yukon Department of Environment all recommend that the dump be moved. Will the Minister of Community Services move the Old Crow waste-management facility?

Hon. Mr. Lang: That's exactly what this solid-waste plan will dictate. It's like a three-legged stool here. We're talking about putting a plan together about the footprint, we're doing an emission overview of all of our dumps, which is independent of the footprint, and we're having public meetings. So those three things will be done, and out of that will come recommendations, and out of that will have to come funding on how we manage our solid waste into the future in all Yukon communities — Old Crow, Watson Lake, City of Whitehorse — all communities are involved in this study, and we are taking it very seriously.

Mr. Elias: The lifespan of the Old Crow dump is done. It needs to be cleaned up and moved and replaced with a properly engineered facility that has a new operation management plan developed.

This minister is responsible for this waste site in Old Crow that allows contaminated soil to be dumped illegally, contaminated water with heavy metals and toxins to flow directly into the Porcupine River, noxious fumes to constantly drift over the community: hazardous waste that is unmanaged. The site is without a proper liner to prevent groundwater contamination. The environmental assessment said that the Old Crow solid-waste facility provides the opportunity for the generation and release of a suite of contaminated compounds into the surrounding environment. Will the Minister of Community Services move the Old Crow waste-management facility?

Hon. Mr. Lang: Certainly, we'll be working with Old Crow on solid waste. We've committed to do that in the House and we've talked extensively on this over the last two weeks. We're committed to do that, and that's what our solid-waste plan will focus on. I remind the members opposite that we're the first government to do an overview of solid-waste

management in the territory. There is more to it than just solid waste; there are also emissions tests to do, and there's also public consultation. We will be addressing the Old Crow issue, as well as Deep Creek, Marsh Lake, Carcross, and all other communities in the territory. We're not going to one-off this. This is a territory-wide study that's going to take territory-wide investment to solve the issue.

That's coming out of this overview. I look forward to it in the first week in June. We'll be answering these questions to Yukoners in the coming summer so we can go to work and solve this problem.

Question re: Old Crow solid-waste facility

Mr. Elias: Well, Mr. Speaker, I want to ask some questions of the minister who actually made the decision to reject the YESAB recommendations last week and allow the Minister of Community Services to pollute my community. The Environment minister has issued the Community Services minister three permits: air emissions, special waste and solid waste. The landfill in Old Crow is only 50 metres from the mighty Porcupine River that is home to many species of salmon, white fish, inconnu, and is the source of drinking water for many Vuntut Gwitchin subsistence camps down river.

The minister's own law states that a waste-management facility must be at least 100 meters away from a water body. I thought her job was to protect the environment, Mr. Speaker. My constituents want to know why the Environment minister is allowing the Minister of Community Services to contravene the solid-waste regulations in the *Environment Act*.

Speaker's statement

Speaker: Before the minister answers the question, from the Chair's perspective, the Member for Vuntut Gwitchin is personalizing the debate. You are talking about a department here, but you seem to be ascribing responsibility for the direct pollution to the minister. It is the department; it is the government, so please do not personalize the debate. The member understands perfectly what I am talking about.

The Minister of Community Services has the floor.

Hon. Mr. Lang: Again, Mr. Speaker, I would like to address the member opposite. We are doing this overview for the whole territory. We understand the Old Crow situation, and it certainly has to be rectified. That is why we're working with Old Crow. We are working with these other communities to put a master plan together so that we can resource it and move forward, Mr. Speaker.

Solid waste in the territory has not been overviewed for a very long time. Government has one-off'd — Marsh Lake was a prime example, Mr. Speaker. We corrected the problem there and we created a bigger one at Deep Creek. This needs a whole Yukon plan and not just an individual plan. That is exactly what we have tasked the solid-waste group to do. We weren't into this program very long before it was brought to our attention that, without the municipalities involved in the plan, it wouldn't work. We charged the group to involve eight of the municipalities, so the whole Yukon is going to be covered by

this solid-waste plan so that we can solve the problem once and for all.

Mr. Elias: I guess the Environment minister is not willing to get on her feet and explain why she's allowing the Community Services minister to contravene the *Environment Act*.

Some Hon. Member: (Inaudible)

Point of order

Speaker: The Hon. Member for Lake Laberge, on a point of order.

Hon. Mr. Cathers: I believe you just called a member to order for personalizing debate, and I believe he strayed across that line again.

Speaker's ruling

Speaker: I had given the Member for Vuntut Gwitchin fair warning about personalizing debate. I understand the perspective the honourable member is coming from, but he must please be careful with his questions. There is no point of order; it's simply a dispute among members, but the emphasis is on the Member for Vuntut Gwitchin.

The Member for Vuntut Gwitchin has the floor.

Mr. Elias: My constituents have been talking to this Yukon Party government for years about this issue, and they're sick and tired of this government's inaction. Here are some of the things the minister can do, because I'm not just going to get on my feet here and present the problem. I'm going to try to present a solution, because that's what my constituents sent me here to do.

They can plan to move the solid-waste facility for the short term and ensure that the air quality is monitored year-round to evaluate the health risks to my constituents; hire a facility manager and establish a schedule of operations; put up the proper hazardous-waste signage; put up security fencing around the site; divert all surface drainage water from the Porcupine River and partner with the community for waste reduction and recycling.

Will the minister listen to my community and implement these short-term solutions to this problem?

Hon. Mr. Lang: The answer to that is, yes, we'll listen to the community; we'll work with the community; and we look forward to working with the communities on resolving the solid-waste issue in all Yukon communities — Old Crow being one of many.

Mr. Elias: Again, Mr. Speaker, why is the Environment minister silent on this issue? The Environment minister rejected the recommendations from the YESA Board outright and in essence said to the Community Services minister that it's okay that pollution goes from the dump, which he is responsible for, into the Porcupine River. To allow my constituents to be constantly exposed to noxious smoke —

Speaker: Order please. Thank you.

Mr. Elias: This is a serious issue, Mr. Speaker —

Speaker's statement

Speaker: Do I get a chance to speak here?

Mr. Elias: Absolutely.

Speaker: When I speak, you sit down. Do you understand that principle?

You are personalizing debate. I've asked you politely three times not to do it. Don't do it again.

The Member for Vuntut Gwitchin has the floor.

Mr. Elias: — for fish and wildlife values to be compromised. You know, again, in direct contravention of the *Environment Act*, and don't forget, the permits the minister issues

Some Hon. Member: (Inaudible)

Point of order

Speaker: Hon. Member for Porter Creek North, on a point of order.

Hon. Mr. Kenyon: We now seemed to have strayed from personalizing debate to accusations of violating statutes. This is not acceptable.

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

Mr. McRobb: Mr. Speaker, there was no personalization. It was simply, "This is in contravention of the *Environment Act*," and that's totally within the member's right.

Speaker's statement

Speaker: The Chair was, in fact, still mulling over the previous point of order, so I'm going to ask the members to give me a break here. Give me a chance to review this. I'll report back to you tomorrow.

You have about 10 seconds left in your question, sir.

Mr. Elias: The Old Crow waste-management facility is creating serious health problems, Mr. Speaker, that put my constituents at risk. They want this problem solved once and for all. What are the responsible and honourable Yukon Party ministers going to do to solve this problem?

Hon. Mr. Fentie: Mr. Speaker, considering the tone of the debate, I will endeavour to try to refocus the discussion.

In the first instance, Old Crow is not the only community that has a solid-waste site that is time expired. In fact, I would submit to this House, and all Yukoners, that the way the Yukon has been handling solid waste and other materials for decades is time expired. That is why this government has proceeded with a Yukon-wide process to develop a solid-waste management plan for every community, Old Crow included. Furthermore, we have ensured through Building Canada negotiations that solid-waste management is an eligible investment by Canada and the Government of Yukon — whether it be this government or governments to follow.

I want to remind the Member for Old Crow about some other matters. Yes, the dump is so many metres from the Porcupine River — and that is an issue and that is why we're dealing with it — but there is also a fuel storage facility that the Vuntut Gwitchin have that is on the banks on the Porcupine River, and that is also severely problematic to the environment should the wrong thing happen — such as a spill. We are working with Old Crow on that issue also.

Mr. Speaker, this is not about contravention. This is not about a minister allowing anything. It is about the government taking action in areas where it must.

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

INTRODUCTION OF VISITORS

Mr. McRobb: With your indulgence, I would like to invite all members of the Assembly to join me in welcoming to the gallery today a constituent, Mr. Marcel Dulac of Haines Junction — a proponent with Sifton Air.

Applause

Mr. Inverarity: I would also like to welcome to the House this afternoon a constituent of mine and the director of the Friends of McIntyre Creek, Dorothy Bradley. Welcome.

Applause

Mr. Mitchell: I'd also ask all members to join me in extending a warm welcome to Vicki Durrant, the Executive Director of the Youth of Today Society and a proponent of the Angel's Nest shelter.

Applause

ORDERS OF THE DAY

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Clerk: Motion No. 719, standing in the name of Mr. Inverarity.

Speaker: It is moved by the Member for Porter Creek South that this House urges the Yukon government to support the protection of the natural environment of McIntyre Creek and its wetlands for future generations by working with the City of Whitehorse to establish a park that includes:

(1) recognition of the environmental and economic value of McIntyre Creek;

(2) recognition that residents from all over the Yukon, as well as visiting tourists, use this area for recreation, peaceful enjoyment and ecotourism activities, such as hiking, fishing, orienteering, skiing and birdwatching;

(3) the participation of the Ta'an Kwäch'än Council and the Kwanlin Dun First Nation in the process of establishing a park within their overlapping traditional territory;

(4) the participation of stakeholders such as commercial and private landowners, as well as existing mineral claim holders that may be affected by the development of a park;

(5) the participation of partners such as the Department of Fisheries and Oceans, the Yukon Chambers of Mines, the Whitehorse Chamber of Commerce, the Tourism Industry Association and the Friends of McIntyre Creek that may have some responsibility or interest in development of a park; and

(6) consideration of the municipal government's responsibilities and cost of maintaining a park within the boundaries of the City of Whitehorse.

Mr. Inverarity: I would like to thank the House. I am actually very pleased to be able to speak to this motion that I have introduced to the floor. I would like to first of all thank the Porter Creek Community Association for them having a subcommittee called the Friends of McIntyre Creek, allowing them to get established in the community and proceeding with the formation of perhaps a park in the McIntyre Creek area. I introduced Dorothy Bradley earlier, who is the chair of committee — now called the Friends of McIntyre Creek. I think it is worthwhile talking just a little bit here about how we've come to this point in this whole discussion of whether or not to have a park within the city limits of Whitehorse.

About a year or so ago I was at the Porter Creek Community Association meeting and Ms. Bradley brought forward the concept that we really need to look at and protect this wildlife corridor that ran right through the centre of Whitehorse.

It was discussed around the table. There were some issues about how to go forward, whether to form a separate community association. While perhaps that was the favoured way to go, it was clear that perhaps the Porter Creek Community Association could lend itself to get them to that point where they would be able to constitute themselves. In addition, there were issues around housekeeping, that certainly the association could help them with. I would have to say that I was pretty pleased that the association moved forward.

As Dorothy went forward with this particular idea, she approached a number of the other community associations that are affected by this around Whitehorse. The Takhini-McIntyre area was also approached, and out of that came actually a very large group, a committee that was formed that was made up of Whitehorse residents from all over the city.

I was pretty pleased to see that such a large group turned out recently at a community hearing that was organized by Ms. Bradley, and I have to say that it was largely because of her hard work, tenacity, consistency and desire to move forward with this concept that we are now here before the House to discuss this today.

I look forward to some meaningful debate this afternoon. The motion itself calls for the creation of a park within the municipal boundaries of the City of Whitehorse.

This is not new, Mr. Speaker. There has been a lot of talk about this over the years. I know that some of the other members in the House here — the Member for McIntyre-Takhini and I believe the Member for Mount Lorne — have tabled motions in this House to bring forward to discuss this very issue too. I tabled a motion a number of months ago in the last sitting regarding this and have brought forward this one to be more meaningful and to debate this afternoon.

I'd like to thank those other members for doing that and I look forward to their support, as I do from the government to support this particular motion today. I hope we will have a favourable vote later, as we get through this.

There are in fact many organizations, as I've mentioned, that would like to see McIntyre Creek and its associated ponds, wetlands and protected areas be protected in other areas and forms. These organizations have openly expressed their support for the protection of this natural habitat.

Just to name a few, Mr. Speaker, I can think of the Yukon Fish and Game Association, the Yukon Conservation Society, the Klondike Snowmobile Association and Jack Hulland school. It is interesting to note that Jack Hulland school goes to this area frequently to look at the flora and fauna; they bring their classes and they get early education on how to protect the natural habitat within their environment.

On the other end of the scale, we heard the other day at the hearing — or community meeting — that we had that even Yukon College students go there as they go through some of their environmental studies at the college, so we start with the grade schools and progress to the college and I'm very, very pleased to see that this education process has continued to develop.

A number of concerned individuals, including one, feel very strongly about this and we've also written letters both to the Friends of McIntyre Creek and to the other associations to which they belong, in support of this. Individual Yukoners support the idea. Many citizens from all walks of life are concerned. They're concerned for a lot of good reasons. They all share a common sense of value, a lifestyle.

For example, if I may, I believe we need to recognize that a greenspace within the city limits is good for our health, it's good for our well-being, and it's not just about the animals that live there. We all benefit from having this greenspace there. We all enjoy it over time. I know the cross-country ski association, for example, uses a lot of the areas, and it's heartwarming to see this particular area could be used for more than just, perhaps, commercial use.

Greenspace, as we know, is good for our health. Hospital patients, for example, do better with views of greenspace, if they can see outside. I'm reminded of the commercial where a little sick child is lying in bed and a brother goes out and paints flowers and things on the wall adjacent to them in an urban environment, and that is heartwarming and a recognition that greenspace, even if it's just painted on walls, is good for us and we need to stress that we continue to protect this area.

Job stress goes down; productivity rises with views of greenspace. I know this because just even having a window in my office and being able to look out at the snow in the afternoon gives me a feeling of great warmth, knowing that spring is coming down the road.

My wife worked in an area that had no windows and, as a result, recently moved to one where she can look out and watch a view of the eagle around the hospital and, as a result, has certainly appreciated the ability to have a view of greenspace.

Issues around attention deficit disorder, for example, reduce when children are in a natural setting, so children who have an inability to concentrate and can get outdoors can appreciate life better and they do better when they're able to do that.

We all know that, if we just get out and walk, issues of obesity go down. We can exercise and we can see an improvement in our general health, so greenspace is important within the city limits.

Even crime goes down. The more individuals can get out — I believe there was a study done in Chicago where they

looked into whether access to greenspace was important and, sure enough, the rates went down when individuals who were prone to crime were able to get out and do more.

At recent meetings of the Friends of McIntyre Creek, more than 100 people came to hear presentations from various levels of public government. They heard from First Nations, many, many non-government organizations that attended this, sports associations, conservation groups attended this meeting, environmental groups attended and, even more significantly, education and business groups attended, individuals who came to speak to how this particular area, the McIntyre Creek area, would benefit even from a business point of view.

I think it might be appropriate at this time, Mr. Speaker, for me to file some maps that I brought along. There are a number of them. One of them is the outline of the area that's being suggested for the proposed park. Then there are some wildlife maps that I've also included, so if we could get those passed out. I'm not going to speak in a lot of detail, because they are self-explanatory.

The maps have come from a number of sources. Mostly they've come from Applied Ecosystem Management, but they have been presented by the Friends of McIntyre Creek that we've talked about here. I think it's important for you to have a look at what these are and to understand the area that we would like this House to consider for a park area.

The call is getting louder, Mr. Speaker. This issue is here on the floor of the Legislative Assembly; it's here now and it's time we deal with this. I've heard a lot of feedback about this issue. Frequently the question is, "When are we going to move forward with this particular item? When are we going to get the governments and the organizations involved so we can actually take this to the next step, see the meaningful discussion, identify some boundaries we have and move forward with the creation of a park?"

This is an issue of public concern. People have told me that they're willing to listen. They're willing to look at this area and view it to be more than just a green space. It can also be an area of huge economic value from a tourism point of view, for example. I will talk about that in a little bit.

This motion is asking the Yukon government to support the protection of McIntyre Creek for generations. Citizens, groups and businesses are calling for protection, suggesting that creating a park is the way to go.

What we need here at this point in time is not something that is this year or next year, but we need a vision. We need a goal. We need to be able to think multi-generational here in trying to achieve what it is we need for the City of Whitehorse. I believe that if we don't start thinking about 50 or 100 years, then our children will not be able to enjoy this particular wilderness area within the City of Whitehorse.

Creating a park — especially in the middle of an urban setting — is no easy task, Mr. Speaker. I want to explore some of the important issues as I see them. Hopefully, we will give voice to our collective experience in this. The first one that I would like to address is quality of life. I mentioned earlier — how does creating a park in the middle of our city improve our quality of life?

I have talked briefly about just having the greenspace and how it might affect our health. There are also economic benefits to having this greenspace, Mr. Speaker, and I'll get into a little more of this later on as I get into the actual points of the motion.

Clearly, what came out in the meeting that was held up at Mount McIntyre was that tourism was a very important economic factor that came out of it.

I didn't know, for example, that we have one of the top 10 orienteering places in Canada, if not the world, where orienteers come to participate in this particular hobby. I have to say that I'm not really familiar with it myself, but I know that the McIntyre Creek is identified as a choice location, and to turn that into something other than that would be a real shame.

But what it does do is bring economic development in the form of tourists and in the form of groups that come to the Yukon and specifically use this area. I was absolutely amazed at the type of wildlife that people will come to see. They actually stop in Whitehorse and spend more than one day here to go to McIntyre Creek and view the wetlands, so it's important for us to protect this area now and into the future, as I mentioned, for future generations, so our youth can enjoy it.

Access to nature — the Yukon is a natural place with vast tracts of wilderness available to us. Any debate about the wildlife habitat park within the boundaries of Whitehorse must ask a simple question: why? With all the wilderness so close by, why would we want to protect this small chunk of wilderness right in the middle of the city? Well, Mr. Speaker, I think the City of Whitehorse community plan offers a clear message here.

I'd like to quote from the City of Whitehorse's official community plan. Whitehorse residents are proud of their city and its natural surroundings. That's why we need to protect this area within Whitehorse city limits. It's central to everybody. We're proud of what we see in our community. I was talking to a friend of mine who lives in Riverdale, and he said they had two foxes that were actually camped out on the garage roofs over the winter — red foxes. It's part of our growth here. I know out in Porter Creek we have coyotes that wander around. I've seen some foxes within that area, and we need to protect these green spaces that we have.

I'd also like to identify Verslucce Meadow in Porter Creek, which is an area that has been developed. I shouldn't say it has been developed; it needs to be developed. I believe the Minister of Community Services — the Member for Porter Creek Centre — actually worked with the Porter Creek Community Association a number of years ago to do an environmental study of the Verslucce Meadow. He then arranged for that block of land to be turned over to the City of Whitehorse. But where has it gone? It hasn't gone very far, because the city doesn't have the money to be able to develop that area for the residents of Porter Creek. So it sits there waiting for further development. I don't want to see that happen with the McIntyre Creek area, Mr. Speaker. We need to address this issue so that everybody will benefit from this parkland area that we're looking at.

The message, Mr. Speaker, is cultural diversity. Yukon is a place of diverse cultures. To me, this means that we need to

share a common sense of value for the world all around us, especially the place where we live. While we may disagree sometimes about the relative value of specific issues, ultimately we all recognize the value of coexisting with each other and with the world around us.

As I mentioned, the Yukon is a place of diverse cultures. We share a common sense of value for the place in which we live. We share a common sense of value for the place in which we live. We all come from different areas. I know we have First Nations groups. I migrated here from Vancouver in 1974. Some of us have been born here, and some of us are just new residents moving into Whitehorse, so I think that it's important that we address this issue of diverse cultures, but through that diverse culture, we can come together in a common goal, because we all love nature.

Many disagree, sometimes, about the relative value of specific issues. We might disagree on our political points of view, for example, but ultimately, I believe that we recognize that coexistence is good for us all; we need to look after our environment; we need to look after the things that are important to us within this community.

We need to explore the issues that give voice to our collective interests, our expectations and our concerns. Ultimately, the question we must answer is this: what is best for all of us, the "we?" What is best for Yukoners, both now and into the future?

I think it is important that as we look into the future that we see that protecting McIntyre Creek as a park is fundamentally the right choice to go.

Mr. Speaker, I am looking forward to hearing the government's point of view on this motion today and whether or not they will vote in support of the motion.

Mr. Speaker, I would like to look now at some of the individual clauses within it and address the motion that I have tabled today. The first clause includes recognition of the environmental and economic value of McIntyre Creek as one of the most important areas of wildlife habitat within the city limits of Whitehorse. This motion is asking for the government to support, as I mentioned, the protection of McIntyre Creek for the sake of wildlife and the use of its habitat.

If this is going to happen, we need to recognize the inherent environmental value as well as the economic value that coexists within this piece of real estate. Let's look at the recognition of the inherent environmental value — and I think that this is very important because it is the crux of why we should protect this area.

We're talking about the area from the mouth of McIntyre Creek, which used to be the old city dump. We know that the Ta'an Kwäch'an are working actively to try to clean up that dump. I was just talking to one of the members earlier in the week, and he indicated that last summer they went out and tried to clean up the tires. They moved thousands and thousands of tires up the bank in order to haul them away. They went away for a few days and, when they came back, all the tires had been put back down at the bottom of the dump. In fact, they indicated individuals actually had dumped more stuff into the old dump, which is not to be used for that now, obviously.

So there's a lot of work that needs to go on there and I'm glad to see that First Nations are taking the lead and trying to recover this valuable area at the mouth of McIntyre Creek.

We know, as you move up the creek and get to the building just on Mountainview Drive, the fish hatchery, that from there the fish flow down and go out to the ocean, and then they come back to spawn at the mouth of the creek. It would be nice to see this area totally cleaned up and safe from contaminants, safe from all the garbage and refuse that's there. I don't actually believe we'll be able to move all the garbage out of there, but we're trying to make it look better.

Individuals are working hard on this area around the mouth. I look forward to seeing schoolchildren going there and watching the salmon come up in the fall — if we can ever get them up the river that far — and spawning and, in the spring-time, releasing new hatchlings so that they can flow down and go out to the ocean.

As we move further along, we come to the area that's between the Alaska Highway and Mountainview Drive. This particular area is probably the most sensitive area from my perspective, because it not only borders on Porter Creek South, but it also borders on the McIntyre-Takhini area; Yukon College shares parts of this land, and it is under significant pressure right now for development.

So we need to look at this area and say, "What is there? Can we isolate and protect this area so that future generations can use it?" I know that the snowmobile association, for example, uses this as a corridor for moving from the Porter Creek area up on to Mount McIntyre and then south from there. We need to look at how we can develop this. This is going to cost a lot of money. This is not easy business. What we need to do is develop a willingness here for individuals who can and will stand up and protect this area.

The inherent economic value I've talked about briefly here, with regard to tourism. I know that I've mentioned a couple of organizations within town that use it. What I haven't mentioned, Mr. Speaker, is that there are individuals who actually travel through the Yukon, who specifically stop and do bird watching, for example, in the spring. We see lots of songbirds, and we've heard even this week about how they are canaries in the coal mine, so to speak, for our environment. If we start to lose these types of animals within the area, we're going to see some real issues that go on there.

The area is actually inhabited by many different species. There's moose, bear and, in fact, mice also, Mr. Speaker, but wolf, muskrat, fox, lynx, beaver, rabbit and coyote that inhabit the area, in addition to the waterfowl that are abundant throughout the marsh areas.

Getting back to the areas that we're talking about, as you move forward from this area that I referred to — the area that borders Porter Creek South — there is considerable pressure in that area. As you move beyond the Alaska Highway toward Fish Lake and we see the actual marshes that are being developed up in that area, it is important for us recognize that, even now, we see encroachment of the boundaries of the park here that we are discussing. Raven's Ridge, for example, was supposed to have a least a 30-metre corridor from the stream that

goes through McIntyre Creek. Even there they were able to circumvent the bylaw so that they are encroaching more on to the creek side.

We need to look at how we can stop that process so that both sides of the creek are protected. It is very narrow through there and it is important that we don't move forward with any more environmental issues on that.

I think that as you move farther along and you get to the Yukon Electrical dam sites, for example — I am pleased to see that a lot of the land that they have there, they share. They share with the Whitehorse Cross Country Ski Club. They let them build and use trails through some of their land. I think we have something like 42 kilometres of lit track up there now. It is extensive the amount of work that we have within that area around Mount McIntyre.

Also we have a fish farm — a viable commercial operation in that area. I think it's good to see they are participating in this and I'll talk about them a little bit more.

As we move up through the Jackson and Fish Lake areas, we see the watershed — an important part of the city. A few years ago I know that there was some discussion about putting a subdivision in on Fish Lake. It was stopped. I think that is something that we need to wrestle with as we go through this whole park area and how we develop this area and this greenspace.

I think it's important we recognize both the inherent economic values and the environmental values as we get into discussing the park. I think there is a need for both to coexist. I know real estate agents look upon backing on to greenspace as a five-percent or 10-percent increase in the property value. So there is certainly some merit in keeping this as a park area from an economic point of view. It certainly would be a nice place to have it.

On the economic side of things, though, we could easily go in and cut the place down; we could construct roads; we could put bridges in and we could do all kinds of — you know, building high-end houses and office buildings — but what's that going to achieve in this area? We can do that virtually anywhere within the city. Certainly, there is going to be close to 3,500 residences that are going to be developed in the Whistle Bend area, for example. There is going to be a whole community going in there. We're not short of space within the City of Whitehorse. It's another reason why we need to seriously look at protecting this area that is in the core of the City of Whitehorse.

McIntyre Creek certainly has some economic value, as I've indicated here, and I think it's important that we maintain it for what it is because, as it grows, we will see it develop more and more as a park and as an economic area from a tourism and a cultural point of view.

I talked briefly about the environmental areas. I believe that we haven't even scratched the surface of this. I've mentioned about the nesting ducks that are feeding in the area, some of them year-round. I think it would be incumbent upon me to also talk about the chinook salmon and the rainbow trout and the grayling that inhabit the actual creek itself.

I believe it was the Outdoors Club or the Yukon Fish and Game Association that actually restocked McIntyre Creek with things like rainbow trout a few years ago — actually it would be many years ago.

This reminds me of a story, Mr. Speaker, that the member from Old Crow — he was actually fishing on McIntyre Creek when he was about 12 years old with his brother, and he was telling me, “I got a grayling on one line,” and he was trying to reel it in and he heard this noise in the bushes, and he looked up and he came face to face with this cow moose that was just metres away from him. I have to say, he doesn’t know who was scared more. The moose went this way, and he and his brother went that way, and I think the grayling got off the hook.

It has been used for this kind of thing for decades, if not for centuries, Mr. Speaker, and I think that, as we develop McIntyre Creek into a park, we will preserve the inherent environmental value in the wildlife that we have.

These are just some of the identifiable values of McIntyre Creek in its natural state, the way it exists today.

Without collective protection, McIntyre Creek will inevitably be swallowed up by human development. We see this encroaching now. We allow this urban paradise to be turned into a parking lot. It will be at the expense of wildlife that currently live and move through this watershed. I think it’s important for us to identify some of the users that we have within the city. I’ve talked a little bit about tourists and I’ve talked a little bit about the environment but it’s really important to identify that the city on the whole uses this area.

We see the Whitehorse Cross Country Ski Club — I think they have 1,200 to 1,500 members who ski through this area all winter long. In the summertime they hike these trails. They go along and they develop these trails, so they use it. I think something like 25 different user groups appeared at the meeting that we had just a week ago up at Mount McIntyre. We hear about conflicting interests, for example. We talked about the snowmobile association that goes through. In fact, as an example of cooperation, we see them actually cutting trail for some cross country skiers in the area, and the two of them work hand in hand, but inherently are in conflict because some people don’t like to see motorized vehicles on these trails and others do want to use it for their own vehicles.

These are some of the issues that need to be addressed as the government moves forward to try to turn this area into the park, and I’m looking forward to seeing how they do this. Well, it is a good question.

The second clause, Mr. Speaker, includes recognition that residents from all over the Yukon, as well as visiting tourists, use the area for recreational and ecotourism activities such as hiking, fishing, orienteering, skiing and bird watching. This motion, again, asks the government to support the protection of McIntyre Creek for the sake of the people who enjoy this urban paradise today.

There are many benefits from protecting McIntyre Creek and its wetlands. The footpaths, the trails and the creeks are well travelled. I know, for example, the Crestview Community Association is trying to develop a trail that will run along from Crestview all the way to Mount McIntyre Recreation Centre,

and I know the community of Porter Creek has been talking about a trail that will do the same sort of thing.

These will intersect the McIntyre Creek area. They need to be developed. We see individuals, not just from there, but also from the south of town, coming forward and coming in behind around Mount McIntyre on their skidoos, for example, or cross-country skiing or skijoring, where they ski with a dog in front of them. These are things that need to be developed as we move along, Mr. Speaker.

People hike along the creek. They still fish in the water. I know, even as we speak, the City of Whitehorse is conducting training classes on fly-fishing in the area and getting people ready to go fly-fishing for the summer along McIntyre Creek and the Yukon River. People sometimes hike just for the sheer enjoyment of it. I know I could do a little more hiking, Mr. Speaker. There is great benefit in this physical exercise. There’s an opportunity for peaceful thinking, the chance to marvel at the animals that are up close and personal — the exhilaration of that — of close encounters with a moose, as I’ve explained earlier.

I’ve been told by so many people that Whitehorse residents and Yukoners of all stripes want to use this area for their benefit. I think it’s important for us to recognize that this groundswell that started with Dorothy has moved forward to the point where it’s now a roar within our community. It’s time for us to look to take action.

The Yukon Fish and Game Association is a good example of people who recognize the inherent value of our local wilderness. They went great distances many years back, as I mentioned earlier, to stock the fish in the creek, and they apparently are surviving.

I think we need to really realize that this is about all of Whitehorse. We all get out, we all like to hike, we all like to walk, and we all like to enjoy the wilderness. I know when I have issues that I need to think about, just to get outdoors in this area and walk along the creek is great.

It was interesting at the community association meeting we had up at Mount McIntyre — one of the individuals who did the presentation was from Icy Waters. He has his property out there — I’ll mention it a little bit later — and he’s prepared to actually donate some of his property to this particular cause. But what he did do was to give us a slide presentation of all the different animals that he had seen up there.

There were otters, and there were eagles, and there were the fish that he showed us of his own, and how he integrates with the Yukon Electrical Company where he gets his water and it flows in through to feed his fish and then it comes back into the creek and the nutrients from what he feeds actually get into the water and help those fish that are downstream.

For my own, I know that I’m an avid fisherman, Mr. Speaker. I like to get out there and cast a rod and a line, and I’m not sure which is more important, the fact that I go out there and I’m able to sit and be at peace with myself, think about issues that we are faced with every day here in the Legislative Assembly — I’m not sure if that’s more important than that primal instinct, where I got one on the line, and I’m able to

bring it in and take it home and cook it and enjoy the nice fresh taste of fish.

For me, it's maybe a combination of both, but I can tell you that it's a delight to be able to do that. If I were to measure my price per pound, I would have to say — well, I don't even go there, Mr. Speaker, because on a price per pound, you can't measure how much. For me, fishing is such an enjoyable feeling.

The Whitehorse Cross Country Ski Club, Mr. Speaker, is another advocacy group — engaged citizens who have developed trails that are used by skiers and hikers alike. As I indicated, they use it in the winter. They have lots of trails and we've been hearing about the great season that they've had this year. In the summertime many residents use these trails for hiking. They go walking from Hamilton Boulevard, Granger and Copper Ridge area. They walk along the trails and eventually pick up the cross-country ski trails.

I would like to thank the Whitehorse Cross Country Ski Club for improving these trails. I think when I first moved here we had maybe five kilometres of lighted track and now we have well over 30 kilometres of lighted track at the moment, Mr. Speaker, and we see more and more of this coming along.

The venue now is world renowned — not just there but the whole McIntyre mountain area. I think that we should be very thankful to this organization for the work that they have done. They are not really sure about how this park will affect them. I think they have some concerns about it — not so much from a protection perspective, but from a “How are we all going to work together?” And this is where we need to get together and actually talk about how we form this park and how we protect it and how we set aside the area and what the boundaries will be and where do we go and who is going to fund it?

Education and learning: as I indicated earlier, the orienteering groups use this extensively. But I'm really impressed by the school groups and the experiential science groups who use these trails and the creek and the wetlands as an extended classroom. I think it was brought up at the meeting that so many people, young people, get out into this area that it's an exercise in, if you want to call it, manual education. They can learn more about life from one day in the park looking at frogs, looking at the birds and understanding the interaction of nature. First Nations have for centuries talked about how we need to live and work together within our environment, and this particular park is being used by our education system to train them. We want our children to learn lessons about life. Nature is an effective teacher, Mr. Speaker, and I think we need to move forward on this.

McIntyre Creek in this sense can be characterized as a highly qualified local instructor, a natural learning environment that's within walking distance. A cautionary notice here, Mr. Speaker, because we have lots of trails and we have the flexibility and the knowledge now that, if we need to move the trails, we can reseed some of the old ones and make it into something that might be equivalent to Stanley Park. We see these kinds of parks all over North America — in New York City, for example.

I think we need to look at the primary use for McIntyre today and we need to look at how we're going to protect this, both today and into the future. So if we turn this backyard paradise into a parking lot, we do so at our own risk. It is not going to help us. We don't want to lose this natural existing setting that we have, this recreational habitat for not just us, but for the animals that actually inhabit it. We need it for educational purposes, for leisure and for peaceful enjoyment.

What's the cost? The cost will be to our children. If we start looking at this and developing it, we're going to lose something down the road. Our children will not be able to benefit from this particular park, and I think that we need to consider them as we move forward.

Why here? Well, it's pretty simple. Yes, we have lots of greenspace within the City of Whitehorse, but we don't have a natural corridor close to downtown and, as we branch out and we develop and we grow, these other areas will probably be taken over for industrial and commercial uses. What we want to do is to protect this corridor through the city so that our children will be able to enjoy it forever. Without protection, all the value and enjoyment that we currently derive from this natural habitat will be taken away from our children and their children, and the sad, sorry state is that it will be gone forever.

The third clause includes participation by the Ta'an Kwäch'an Council, and the Kwanlin Dun First Nation in the process of establishing a park within this traditional territory. This motion is again asking for government support to protect McIntyre Creek by including key stakeholders and partners in the decision-making process.

Two of Yukon's First Nation governments share jurisdiction over the McIntyre Creek watershed, in the form of overlapping traditional territory. First Nation rights and obligations in this respect are legally binding and constitutionally enshrined. Decisions on land tenure for McIntyre Creek should be based on mutual agreement, not court action. First Nations need to be at the table when decisions are taking place within this area. Any movement to create parkland around McIntyre Creek must be supported by Yukon First Nations.

I don't know why it's so difficult for us to understand the concept that we need to include them in this process. You know, I believe that they're willing to participate. They were at the public hearing that we had. They got up and they spoke about the things that they're doing to McIntyre Creek: cleaning up the dump that I mentioned, the areas along the creek that they're trying to develop. Those things are important, and I believe that they are in fact part and parcel to the creation of this park. Yukon First Nations have much to offer and the creation of a park within the City of Whitehorse cannot proceed without their support.

Clause (4), Mr. Speaker, includes the participation of commercial and private land owners that may affect the development of the park.

Well, Mr. Speaker, I mentioned earlier that the potential private ownership conflicts in this area could be significant to wildlife habitat. The proposed area is mostly Crown land. The Yukon government owns, I believe, 85 percent of the land. Yukon Electrical Company owns a chunk of it too, and so does

Icy Waters. I know both of them are interested in getting into a discussion about this. Icy Waters, for example, has even gone so far as to say that they want a share in this area. I think it is important that these individuals have, and anyone who has a commercial interest in the area, an ability to speak with the groups so that we can do that.

Do you know what we need, Mr. Speaker? We have the Friends of McIntyre Creek, and they have stood up and said, "We want to move forward, but we need help. We need support. We need the government to come to the table and take on a role." Provide some capital, for example, to be able to have meetings and perhaps some secretariat assistance, because it can't all fall on Dorothy's shoulders.

One private landholder in the middle of the area is Yukon Electrical Company, and it operates the hydroelectric plant that is there. Another significant player in the area is Yukon College. I talked a bit about it earlier — the endowment lands. I know they would like to have some commercial space along the Alaska Highway that may even encroach upon this particular area. They need to come to the table to say, "Okay, where are we going to grow?" It's a valid question; it's a valid concern, but it needs to be addressed as part and parcel of this larger group that needs to address how we're going to create this park.

Icy Waters has land tenure, as I've mentioned, within the park boundaries. They've actually offered to donate a chunk of that land to the park, and I think that's important to be able to deal with.

As I move on to (5) — I'm getting close to the end here — but I think it's important that we look at this area as a developmental area and as a natural habitat area. It's something that's good for the Yukon; it's good for Whitehorse; it's certainly good for everybody involved.

Clause (5) includes participation of existing mineral claimholders that may be affected by the park development. Well, Mr. Speaker, we've seen in the papers and we've heard within the city where there's claim staking going on within the City of Whitehorse. There's some land around that has minerals in it. This is another group of people that needs to be dealt with. They need to be talked to, and they may need to be settled with in terms of their claims in order to proceed with this park. Many mineral claims actually exist on the upper McIntyre Creek and the copperbelt — hence why they called it Copperbelt. We still need to be able to provide them access to the Copper Haul Road if they want to move farther down. I think that they need to be players in this particular area, and I think that it's important that we look at them.

We also have, for example, the Trans Canada Trail that goes from Mount Sima to Fish Lake to Coal Lake, and other trails that are also part and parcel of this. There are a number of different stakeholders around, including, as I mentioned, the mining claims. I think that the Yukon Chamber of Mines should be interested in sitting at this table and asking, "How are we going to proceed with this? Do we want to pull out these claims? Do we want to be able to settle with these stakeholders and say, 'You know, this land has more value as a park than it does as a mineral claim.'" I don't know the answer to that

question, but it needs to be answered one way or the other, and it would be helpful if they were at the table to be able to debate and discuss these issues. I think we can move forward and achieve that as a goal.

Clause (6) includes consideration of the municipal government's responsibility and the cost of maintaining a park within the boundaries of the City of Whitehorse. This motion is asking the government to support the protection of McIntyre Creek by including consideration of the cost of creating, building and maintaining a park. A park in the middle of Whitehorse is good for all, but it's going to cost some money and it's going to cost some time.

How much is it going to cost? That's a good question. I don't know, but I know that if we don't sit down at the table, and if we don't invest in this particular park, we will not be able to proceed. So I'm asking the government again to stand up and tell us how they feel about this particular park. Are they prepared to invest? Are they prepared to transfer funds to the city to maintain it if it does go forward? I think this is important.

Who is going to pay? Taxpayers? Well, ultimately, we're all taxpayers in some form or another, and how it gets paid for. We must consider the municipal and territorial tax structure to be able to look after and maintain this park within the city. There are other ways to maintain it too, Mr. Speaker. I remember a couple of years ago when Stanley Park had the big wind storm and huge trees — literally centuries old — were blown over. What happened? The community — the City of Vancouver — got together and started raising funds to clean up Stanley Park. Now we're not in that situation from an environmental disaster point of view, but there are ways that we can look at that are creative to develop and bring costs to the table and, with the support and the indulgences of the government, we can move forward with this.

Who will be directly responsible for the administration of this? Well, it falls within the city limits so it would probably seem natural that ultimately they might be responsible for it as a city park; but most of the land is owned by the Government of Yukon and they need to be a player at this table. They need to be able to say yes, we are prepared to contribute and we recognize the inherent value of this park and, as such, we will also contribute to the city in order to maintain this.

Maybe there is another way. Maybe this government needs to maintain this as a territorial park. I'm not sure, Mr. Speaker, but I know it needs to be done one way or the other.

The point is that the cost needs to be discussed. We need to get together and we need to figure out how we're going to do that and we need this government to be a leader and to take on this challenge because it's not going to be a simple challenge.

So, in closing, in wrapping things up here today, I think I'd just like to address some of these issues that I've brought forward today. First of all, this issue is not simple; it's complex. It requires not just all of those organizations and those groups that are here and want to use this area — McIntyre Creek — as a park, but we need some leadership. We need to know how it's going to be developed and we need the government to step up to the plate.

We need to include everyone who has a stake in it and those who even don't know if they have a stake in it. We need to be able to protect this area in the short term so that Yukoners know that it isn't going to be developed until these tough questions are solved. This area, Mr. Speaker, as I have indicated, offers enormous benefits, not just to Yukoners — we all use it, we ski there, we hike, we fish, we go bird watching, we do orienteering, and we do everything, Mr. Speaker, in and around this area. But it's also a tourist area.

I've indicated earlier and in summary, saying that people, a lot of people, come through this area. It's designated in a lot of the wilderness maps that people see. They plan their trip around going up and looking at the marsh area around the hydroelectric sites in the McIntyre Creek area. Quite frankly, Mr. Speaker, having it there is a lifestyle perk. We're able to go into the wilderness and come face to face with moose, bear, lynx and otters. How often do we get to see otters around? So we're lucky to be able to use this place, Mr. Speaker.

The issues we need to deal with are things like commerce, environmental stewardship and, mostly, we need to protect this corridor for animals and wildlife. I think as we move forward with this, if we can all see the benefits of protecting McIntyre Creek and the headwaters, to the inflow of the Yukon River, it's something that is near and dear to virtually every citizen within Whitehorse, and certainly within the Yukon.

If anything, we need to expand our education models around this area. There are areas that don't even freeze in the wintertime in the McIntyre Creek area because of the marshes.

Mr. Speaker, I think what we need to be able to do here today is address this issue. We need to plan for the future for this area. We need to protect this area now. We need to look at this as a natural paradise within the City of Whitehorse. In closing, I think that where we're going and where the Friends of McIntyre Creek are going is in a good direction, not just for us today, but for our children.

Thank you.

Hon. Mr. Kenyon: It gives me great pleasure to rise to talk to this motion. I think the Member for Porter Creek South had some very good points and, for the most part, I tend to agree wholeheartedly. It is a unique area. It's one that is certainly worth a degree of protection. We certainly have no problems with that.

I also have some concerns in some of the areas, of course, and I'm really glad that the Member for Porter Creek South brought up other areas for parks. On a personal level — and strictly on a personal level — living on Versluc Meadow has been quite an interesting experience over the years. The member opposite is quite correct that that was Commissioner's land. It was originally a glacial lake. It was where — I think the Versluc family had it at that point, but it was originally the housing for horses for the Dawson stage coach line.

Porter Creek — and for those who don't know, that really is Porter Creek that runs right straight across Versluc Meadow from the back of Super A — was straightened out around 1905. It meandered through that lake at one point, but it was straightened out so that it would be much easier to take hay. Over the

years, it became affectionately known locally as “the dirt farm,” and as the dirt levels got lower on one side of the creek, lots were cut off along Wann Road and developed, and then eventually the same thing happened on the south side.

We had a unique opportunity to do something with that, and the member opposite is quite correct. The then Minister of Energy, Mines and Resources identified \$30,000 out of the budget to examine various options and to carry out consultations with residents in the area of what they wanted to see happen to that. I believe most of the money went to experiential students from Porter Creek, and through the good work of one of their retired teachers, they did hydrology studies; they looked at what the potential was there and they asked everyone in a number of different consultations what they wanted to see with this park.

What really came out of that was the fact that most people wanted a pond on the south side of the creek. They wanted to develop walking trails; they didn't want to develop it into a soccer field or anything like that. They wanted to develop something that would draw more wildlife. The member opposite is quite correct that we've had foxes, moose — I almost met, rather abruptly, three moose walking through Rabbit's Foot Canyon about a month ago, so they are certainly in that area — coyotes — and they are a lot of fun to watch. We've been watching out of our windows over the last little while a couple of foxes that have been having a grand old time out there.

It had the potential in that first year to really develop into something or revert to something. Unfortunately, not that long after, on one of my walks through there, there was a pickup truck in the middle of the pond that some person ran in, complete with an oil slick. That had to be towed out. There has been extensive ATV and motocross activity, to a point that in the transition period in there, people were actually coming in with trailers from all over the place and utilizing the dirt piles for jumps. I always wondered who would get sued if that happened.

Over that time, there has been a relative destruction over the good work that the contractor who had the contract to remove the dirt — who had agreed in the contract to return it to its natural state or, in this case, to return it to something that was consistent with what the consultation was. As I say, that now has been pretty well destroyed. We still get the odd fox and coyote that come through. The waterfowl that we enjoyed over the first year or so now don't come by there very often, and there really has been nothing that has happened with Versluc Meadow. In fact, on several occasions, local residents have cut roads right straight through the park, and it has been very difficult to get the city to do anything about that.

I do sympathize with many of the things the member opposite is saying. He mentioned that this has been on the floor before, and he's perfectly correct on that. There was a motion — Motion No. 426 — that reached this floor on April 13, 2005. It was amended and then was accordingly adjourned by the Liberals, by the former Leader of the Liberal Party.

I do understand that the current Leader of the Liberal Party probably doesn't really speak to the people who were in gov-

ernment then but being the last speaker up and having almost 20 minutes to call the vote on that debate, she chose to talk it out and allow the House to adjourn. It certainly has been on the floor before, and what can we say?

There was also a petition that was put on to the floor some time ago — Petition No. 7 — which was responded to on November 8, 2005. The response stated in *Hansard* that the government is committed to working with the City of Whitehorse to establish the consultation process involving the Kwanlin Dun government, the Ta'an Kwäch'än First Nation government, Yukon College, Porter Creek residents and other stakeholders to protect the natural park area, which is wholly owned by the Government of Yukon in its natural state as a park area within the City of Whitehorse. I draw the members' attention to that final bit.

Environment Yukon is certainly willing to hear proposals. I don't think the Minister of Environment has a problem with that discussion. There are a number of different things to consider: that the area being contemplated for the creation does not fit within the designations identified under *Yukon Parks and Land Certainty Act* — problem number one — and through the municipal plan and regulations, the City of Whitehorse could protect this area for recreational use through a designation similar to the one used for Chadburn Lake. That mechanism also stands right there.

When the member opposite refers to ownership of land, the official community plan always takes precedence, it always takes priority. Who owns the land — if my property and my house are designated something under the official community plan, the fact that I own it under that plan is somewhat immaterial. The official community plan always takes precedence.

The member opposite also mentions that they — meaning the City of Whitehorse — might also be responsible. Well, I draw to his attention the fact that they certainly are responsible. Under the official community plan, that is exactly what is to be done.

In that response to the petition that I mentioned, the Government of Yukon took on a certain requirement, and that requirement was to have departments look at this and come to an agreement. Therefore, on May 25, I believe it is, the *Land Development Protocol Agreement, 2006* was signed off between the Government of Yukon, as represented by the Premier, and the City of Whitehorse, as represented by the Mayor of the City of Whitehorse — at that point, His Worship, Ernie Bourassa. That was signed off, and there are a few things that are very relevant in that, that I must bring members' attention to. The simple whereases — and for members, since I will be reading from it, I certainly have a copy of that land agreement to table.

Parties have a mutual interest in providing land development activities in a timely, efficient and economic manner within the boundaries of the City of Whitehorse. I don't think that's disagreed. Well, it is agreed, by this agreement.

Section (b) says: The parties wish to develop and maintain a two-year inventory of different types of lots. We've had that talk many times. Section (c) says: The parties are in agreement that when Yukon acts as a developer, lots will be developed on

a cost-recovery basis, at development cost, or at a value not to exceed market value.

The really important one, Mr. Speaker, is (d): The parties agree that the city has the authority to take a direct role in the planning required to determine the location and nature of future development of territorial Crown land within its boundaries.

Under responsibilities, responsibility number three for the city is that the city will identify those areas within the boundaries of the City of Whitehorse that are designated for development within the City of Whitehorse official community plan, or OCP, and provide a timetable for such development with the goal of maintaining a two-year inventory of lots within the City of Whitehorse. Now, that is specifically toward the two-year inventory, but it does clearly state again that the city is responsible for the official community plan. There are other things that could be negotiated later, of course, but at this point it is clearly the responsibility of the city to do that.

Really, when we look at this, the government is certainly willing to work with the City of Whitehorse — we have no problem with that — on initiatives and issues within municipal boundaries when they're brought forward at the request of city council. I wish to remind the members opposite that, obviously, the City of Whitehorse has jurisdiction and authority for these kinds of land-related issues within their boundaries.

The Yukon government has to respect and does respect the authority of the eight municipal governments in the Yukon. We recognize that the City of Whitehorse, the City of Dawson — I think it's actually the Town of the City of Dawson, with all due respect to the MLA from there — the Village of Mayo, the Village of Teslin, the Village of Carmacks, the Town of Watson Lake, the Village of Haines Junction and the Town of Faro all have land-related responsibilities, including community planning, development and, in some cases, subdivision approval authority.

It's important for the member opposite to understand that lands within the City of Whitehorse, under its official community plan and the land development protocol, are the responsibility of the city. This means that the City of Whitehorse is responsible for planning and zoning — all within the municipal boundaries — including the McIntyre Creek area. Municipal land planning and approval processes are in place and enable the city to consider future development and land use within their jurisdiction.

Under the land protocol that is in place, the Yukon government and the City of Whitehorse are also collaborating — already — to make land available or, in this case, not available. The protocol identifies areas within the boundaries of the City of Whitehorse designated for development within the City of Whitehorse official community plan, or OCP. The protocol that I have referred to and tabled also requires that the planning, engineering and technical studies and an environmental assessment take place prior to presenting plans for subdivision for consideration by city council approval authorities.

The protocol requires all public consultations to be conducted in a manner consistent with those done by the Government of Yukon. This includes YESAB, if it's involved; it in-

cludes all First Nations — everything that we normally would do.

Mr. Speaker, this government will continue to work with the City of Whitehorse under the land development protocol and we will continue to collaborate with the municipal government on all matters brought forward. Land within the boundaries of the City of Whitehorse fall within its jurisdiction for planning, zoning and subdivision approval, and this government will continue to respect those authorities.

In summary, we certainly agree with the thought, with the idea. We wish all parties well, but we feel at this time that the matter clearly is the responsibility of the government of the City of Whitehorse; therefore, Mr. Speaker, I would like to propose a friendly amendment.

Amendment proposed

Hon. Mr. Kenyon: I move

THAT Motion No. 719 be amended by deleting the phrase “the protection of the natural environment of McIntyre Creek and its wetlands for future generations by working with the City of Whitehorse to establish a park” and substituting for it the phrase “the City of Whitehorse’s Official Community Planning process.”

Speaker: The amendment is in order and it reads as follows:

THAT Motion No. 719 be amended by deleting the phrase “the protection of the natural environmental of McIntyre Creek and its wetlands for future generations by working with the City of Whitehorse to establish a park” and substituting for it the phrase, “the City of Whitehorse’s Official Community Planning process.”

On the amendment, Minister of Economic Development, please.

Hon. Mr. Kenyon: I think this is very similar to the amendment that was made to Motion No. 426, and that brings us back to 2005 — I think. Clearly this is a city issue. We have had this debate before — realizing that the debate before got a bit rancorous. I think that this is something that we support on this side of the House. I suspect that everyone on both sides of the House supports this, but it is a city issue. Once the city has made up its mind of what it wants to do, then we are more than happy to look at that land protocol, to go over it and to meet with the city and to come to agreements and to perhaps give them assistance. There are all sorts of ways that we can work within that, but that is truly what has to be done.

Given the fact that we have a \$1.03 billion budget and a large amount of legislation to debate, I would like to thank very much the NDP caucus for not calling a motion today and seeing the great benefit of getting back to debating what is really important to Yukoners.

So with that in mind, Mr. Speaker, I move that debate be now adjourned.

Speaker: The member cannot move the adjournment of his own motion; however, the minister may continue speaking.

Hon. Mr. Kenyon: In that case, Mr. Speaker, I appreciate the correction on that procedural matter. I would then like to hear what other members have to say.

Speaker: All right. On the amendment, Member for Porter Creek South, please.

Mr. Inverarity: Another classic example, Mr. Speaker, of the government hijacking motions on private members’ day. We’re here to debate a serious issue. We’re looking for the government’s support on something and what do we get? We get it twisted and turned around so that they try to change the whole intent and the meaning of what I believe to be a significant motion that deserves the respect of this House and the respect of this government. What do we get? Hijacking, Mr. Speaker.

Quite frankly, I feel the motion itself needs to be turfed. I think that we all recognize that the City of Whitehorse has an official community plan — there is no question about that. What we’re calling on, Mr. Speaker, is the protection of the natural environment. We urge the government to support this process. Yes, there is a process; it does involved the OCP and community plan, but what do we get? We get the member over here wanting to adjourn debate. Even he’s out of order on that. What are we going to tell the Yukoners who want to see this park developed?

They’ve spent years, Mr. Speaker, trying to get to the point where they might get the ear of the government on this particular issue. What do we get? Hijacking again. Well, I’m disappointed Mr. Speaker, in how we are moving forward with this. I think that the government needs to start behaving like a government should, showing leadership in these areas — saying, “Yes, this is an important issue, not just for the City of Whitehorse, but for all Yukon,” and what do we get? “Oh no, no, no. We’re going to adjourn debate. We’re going to move on.” You can see it coming now.

Well, I’m disappointed, Mr. Speaker, as I’ve said. I’ve spent a lot of time trying to encourage members and individuals to look at this park area that needs to be developed, and I have to say that what they’ve done here diminishes what we do in this Legislative Assembly. Well, it’s not the first time they’ve done it to me, that’s for sure. I think I’ve introduced at least three different private members’ bills on the floor of the House here, and debate has been adjourned on them. It’s their practice; it’s what they do. Quite frankly it’s disappointing to see it happen. Dorothy is going to have to go back to her committee and say, “The government is not interested in supporting this. We’ll leave it to the city to develop. We’re not going to invest in a park within the City of Whitehorse.”

I’m disappointed, Mr. Speaker, and I think that what we need to do here is seriously consider private members’ day. We’re here to debate serious issues. We want to see some concrete, serious debate going on here, not adjournments. I’m getting tired of it all, and I think we need to proceed — I don’t know. I’d like to see some action on the part of the government to voice an opinion as to whether they support a park or not.

Let the Yukon citizens know — do they support this park? Are they prepared to invest in this park? I don't see that happening. What they're saying is, "Well, we'll leave it up to the city, but they don't give the city any funds to do this, and they don't give the Friends of McIntyre Creek any funds to move forward to try to get the plan developed and get the individual groups to meet. No. What do they do? They want to adjourn debate.

I'm tired of it, Mr. Speaker. If this is where we're going with this, it's disappointing. We've been trying for years to get our motions on the floor here during private members' day, and the minister stands up and says, "Oh, you know, we're going to debate the budget." Well, that's right. We have three other days of the week that we can debate the budget; we can debate things going on, but this is the day that the opposition members get to stand up and we get to have some meaningful debate on issues that we want to bring forward. And we're not getting there. I'm disappointed. It bothers me, and I think that, quite frankly, it's shameful for this government.

Mr. Cardiff: Well, Mr. Speaker, I would like to speak to the amendment to the motion.

The Member for Porter Creek North has proposed an amendment to the motion that was proposed by the Member for Porter Creek South about the protection of the natural environment of McIntyre Creek. What the Member for Porter Creek North, the Minister of Economic Development, has proposed is that the government be urged to support the City of Whitehorse's official community planning process, including all of the items that the Member for Porter Creek South included in his motion. I'll just read through those:

(1) recognition of the environmental and economic value of McIntyre Creek,

(2) recognition that residents from all over Yukon as well as visiting tourists use this area for recreation, peaceful enjoyment and ecotourism activities such as hiking, fishing, orienteering, skiing and bird watching;

(3) the participation of the Ta'an Kwäch'än Council and the Kwanlin Dun First Nation in the process of establishing a park within their overlapping traditional territory;

(4) the participation of stakeholders such as commercial and private land owners as well as existing mineral claim holders that may be affected by the development of a park;

(5) the participation of partners such as the Department of Fisheries and Oceans, the Yukon Chambers of Mines, the Whitehorse Chamber of Commerce, the Tourism Industry Association and the Friends of McIntyre Creek that may have some responsibility or interest in development of a park; and

(6) consideration of the municipal government's responsibilities and cost of maintaining a park within the boundaries of the City of Whitehorse.

So it is urging the government to support the OCP process, and it includes consideration of the municipal government's responsibilities. It includes the participation of all of these other organizations and other important things that need to be recognized

It's unfortunate that the government removed its support for protection of the natural environment of McIntyre Creek for

future generations. I don't know if the government is trying to get out of its responsibility to represent all Yukoners, because the motion still includes — the way I read it — recognition that residents from all over Yukon use this area for a wide variety of endeavours and pursuits. The government has an obligation to represent all Yukoners. It's not just for the City of Whitehorse that this park would be created.

I know when I attended the meeting — I guess it's a little over a week ago — a number of people and wide variety of people from different backgrounds and different communities — from all over the City of Whitehorse and from outside the City of Whitehorse who had an interest in this area and in preserving it for future generations — for our children — and for ensuring that the health of the creek was looked after for future generations, the wildlife that use the wetlands and the creek, the fact that they would like to return it to improve its salmon-spawning capability — to return it to salmon-spawning status — I think speaks a lot to how committed people are to preserving this area.

Now, the government is — it is Crown land — basically a landowner. The government is responsible for this land and for the disposition of this land, and I think that they are there to manage it and ensure that it is managed well and looked after. The protocol agreement talks about the government's responsibility to work with the city to develop processes and to enter into land development agreements with the city, and consult with the city before making decisions, before the disposal of raw land within the City of Whitehorse. It's about working cooperatively, and the Minister of Economic Development talked about working cooperatively, and that's all that the Member for Porter Creek South was looking for.

He was looking for this government, the Yukon Party government, the Minister of Economic Development, the Minister of Environment, the Minister of Community Services, to work together with the City of Whitehorse, with the Friends of McIntyre Creek, with the Department of Fisheries and Oceans, the Yukon Chamber of Mines, the Whitehorse Chamber of Commerce, the Tourism Industry Association of the Yukon, and the other stakeholders and people who had an interest in this who were at that meeting a week ago.

There were organizations like the Klondike Snowmobile Association, the Rock Climbing Club; the Dog Powered Sports Association was there, the Yukon Bird Club, the Yukon Fish and Game Association — the Yukon Fish and Game Association has been in existence since 1945 and has participated in the creation of other protected areas and made a very good presentation. They represent a large number of people here in Yukon and their interests in fishing, hunting and outdoor pursuits.

One of the things that the representative for the Yukon Fish and Game Association said that really struck home with me that evening was — and this fits in with the Yukon Party campaign slogan, "Imagine tomorrow". I will say it one more time: imagine tomorrow if you hadn't postponed today what you should have done yesterday, Mr. Speaker.

Because what the person from the Fish and Game Association said was, try to imagine 50 years from now — and that's

what we're trying to do. That's what the people in the Porter Creek Community Association, the Friends of McIntyre Creek, are trying to do. They are trying to imagine 10 years down the road, 20 years down the road, 50 years down the road, so that we haven't destroyed the environment around McIntyre Creek, that it's preserved for our children. It's sensitive for wildlife habitat.

I'm not saying that there are not a lot of things to work out. There are a variety of users who all have interests in this area and they need to work out those interests too. There are people who want motorized access; there are people who don't want motorized access; there are people who want to be able to go bird watching; there are people who want to do rock climbing — and they all have to work together. It's up to this government to work together with them and the City of Whitehorse and the Ta'an Kwäch'än Council and Kwanlin Dun First Nation to ensure that something happens. What we got instead today was the minister trying to shut down debate on this issue.

I know for a fact there are other members on this side of the House who would like to speak to this issue and yet the Member for Porter Creek North wanted to adjourn debate, because he didn't think it was important enough to speak about this. Well, imagine tomorrow; imagine 50 years from now, Mr. Speaker, if we didn't have this discussion today, if we didn't try to move this forward and we didn't support the good work of people like Ms. Bradley and others who were at that meeting.

The minister wants to shirk his responsibility —

Some Hon. Member: (Inaudible)

Point of order

Speaker: Government House Leader, on a point of order.

Hon. Mr. Cathers: Mr. Speaker, I believe that for a member to accuse another member of this Assembly of shirking their responsibility is in contravention of our Standing Orders, and I would ask you to have the Member for Mount Lorne refrain from using such remarks.

Speaker: Did the Member for Mayo-Tatchun want to get in on the point of order?

Some Hon. Member: (Inaudible)

Speaker's ruling

Speaker: All right. From the Chair's perspective, there is no point of order. It is simply a dispute among members. The Member for Mount Lorne has the floor.

Mr. Cardiff: I honestly believe that why we're here and what our responsibility is, is to discuss these issues of importance that the Member for Porter Creek South has put on our agenda today. It's private members' motion day, and it's our responsibility to give them due consideration — not to adjourn debate, but to give them consideration and to allow other people to speak. That's our right. That's what we're here for.

I think that what we really need to consider are the views of all those people who attended that meeting and who are willing to sign petitions — the people who go to this area and use it on a regular basis for outdoor pursuits, for their enjoyment. We

need to think about the tourists who come to the Yukon, who enjoy using this area for recreation, for fishing, who bring economic development to our community, who stay in hotels, who rent vehicles, RVs, campers, who buy food in our stores, buy fishing tackle — they're all contributing. This is part of our economy, as well.

The other thing that really struck me the other evening, and that I really understood greatly, was there were two presentations: one from a professor at Yukon College and the other from a young woman who is engaged in putting on programming for both adults and young children about outdoor pursuits, and engaging children and connecting them with the land.

In my time on the Yukon College Board of Governors — I believe it was from about 1991 to 2000; it was nine years — and my involvement in the college, there were proposals about the college endowment lands being transferred to the college. At the time, there weren't final agreements with Ta'an Kwäch'än and Kwanlin Dun and those agreements are in place now. The college board at the time had basically said that it didn't want to get involved because there was an interest by the city and there was an interest, obviously, by First Nations as this was part of their traditional territory. They didn't want the lands transferred to them.

One thing that they did recognize and one thing that we did hear loud and clear as a board at that time was, number one, that those lands were definitely of interest to people of Porter Creek. We actually had the Member for Porter Creek South — not the current member for Porter Creek South, but the former Member for Porter Creek South — come and speak to the board of governors about residents' interest in those areas for recreational pursuits and the natural environment.

We also had representations made to us about the outdoor pursuits of students and staff at the college and how they thought it was an incredible place where they could go and enjoy outdoor pursuits, as well, before work, on their lunch hours or after work.

But I think the biggest thing is the fact there was representation made that it was like an outdoor laboratory. It was an incredible educational resource. It's not just an incredible educational resource that should be preserved for Yukon College; it's an incredible educational resource that should be preserved for all Yukoners — and it's central. For students and the City of Whitehorse, it's an incredible place to go and study the natural environment: wetlands, wildlife, the water, and the way the ecosystems work together.

Ms. Bradley and others who were at that meeting are concerned. I know the Minister of Environment has a copy of the proposal, and I would encourage her to look at some of the pictures of the damage and the degradation that is happening in that area. That is why people are concerned. They want to see the area protected — some sort of interim measure.

Now, I'm not thrilled about the changes to the motion, because I think it lets the Minister of Economic Development off the hook, certainly, and it lets the government off the hook in its responsibility to support the protection of the natural environment of McIntyre Creek and its wetlands for future generations, but I can probably support the motion as amended. I

don't like supporting the motion as amended, but if it comes to it, I suppose I'd rather support it than oppose it, because I want to see something move forward.

So what I'm hoping is that everybody who would like to speak to this motion today, on both sides of the House, has an opportunity to speak to it, and I hope that I will hear the Minister of Environment or somebody on the other side get up and tell us just what this government's commitment is to the Friends of McIntyre Creek, to their support and their participation for their endeavours, through the OCP process, if that's what it takes. But the government needs to support those citizens and their endeavours and the things that they would like to see.

Thank you.

Hon. Mr. Cathers: Let me make a few things very clear. First of all, this is not a debate about outcomes. The debate here is on the issue — it is one of jurisdiction. Members of the government recognize the importance of the McIntyre Creek area. We, in fact, are standing in support of the concept.

The Member for Klwane finds the whole concept of the city process laughable, apparently. I would point out to the member that we support the city process.

There was a commitment made that the city would have the lead in dealing with this through the official community plan process. For the members to stand here and suggest that the Yukon Legislative Assembly — the Yukon government, the senior level of government — should give the city the lead, and then the Member for Porter Creek South would stand up and members here would vote, at the member's urging, to yank the lead away from the city — that type of suggestion is very disturbing.

It is not fair to the city. It is not fair to the citizens of the city, nor is it fair to those who have participated in the process and the discussions to date of protection in the area and the balancing of the various different uses including, as mentioned in the member's motion: recreation, peaceful enjoyment, ecotourism. The participation of various partners including the Department of Fisheries and Ocean, Yukon Chamber of Mines, the chamber of commerce, Tourism Industry Association of the Yukon, Friends of McIntyre Creek — all mentioned in the motion by the Member for Porter Creek South. Yet the member apparently wants to disregard the input of all of those to date since this Legislative Assembly stood and debated this motion — or a similar motion, rather — some four years ago. At that point in time, following an amendment to the motion and ultimately — although the motion was talked out — the government commenced, based upon the amendment to the motion which had passed, a process which included working with the City of Whitehorse through primarily the Department of Community Services, but giving the City of Whitehorse a leading role in the determination of what the land designation should be within municipal boundaries.

Mr. Speaker, a key commitment, a key principle, in the *Municipal Act* in providing municipalities with the ability to do land-planning work within their borders is giving them the jurisdiction to make those decisions around protected open space,

including a park. Let me emphasize that again: a key commitment of the *Municipal Act*, a key principle, is that by giving the municipalities the ability to do zoning, to do area planning, they are then the lead government, the responsible government in making those determinations around land designations after involving, of course, their citizens and members of the Yukon public as a whole, other stakeholders and of course area First Nations upon whose traditional territory the area falls.

We respect the principles of the *Municipal Act*. We respect the commitments made to the city and to all municipalities around land planning. The government members are committed to following our obligations under the *Municipal Act* and our obligations to respect the work the city does in the official community planning process. Again, I note, we are not going to dictate outcomes to the city.

We stand supportive of an appropriate outcome, which includes appropriate protection of the natural environment of McIntyre Creek and its wetlands for future generations, but it would not be reasonable for this Legislative Assembly to stand here and dictate to the City of Whitehorse what that end outcome could be, after all the commitments that have been made, and after the framework of the *Municipal Act* and the principle of allowing municipalities to take the lead in planning within their boundaries. We have obligations to support them and we will do that.

The question I would ask all members in the opposition to consider, and to articulate to members of the public when they speak about this motion — the key question: Do they, or do they not, respect the City of Whitehorse? Do they, or do they not, respect the *Municipal Act*? Do they, or do they not, respect the principle of giving municipalities the ability to take the lead in area planning processes?

Mr. Speaker, again, what the government stands in support of is allowing the city to exercise its jurisdiction. What the government members stand in support of is fulfilling the obligations of the Yukon territorial government to work with the City of Whitehorse, including providing them our support, as obligated within our agreements under the official community plan and of course the *Land Development Protocol Agreement*.

We are committed to honouring those obligations; we are committed to not standing here today and having the Yukon Legislative Assembly dictate outcomes to the city after the Legislative Assembly, members of all parties and governments of all stripes, have agreed to allow municipalities to lead in this role.

Motion to adjourn debate

Hon. Mr. Cathers: So with that, Mr. Speaker, I have summed up the points; I have made it very clear why it is inappropriate for us to dictate the outcomes to the city and I move that debate do now adjourn.

Speaker: It has been moved by the Government House Leader that debate be now adjourned.

Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Kenyon: Agree.

Hon. Mr. Rouble: Agree.

Hon. Mr. Lang: Agree.

Hon. Ms. Horne: Agree.

Hon. Mr. Hart: Agree.

Mr. Nordick: Agree.

Mr. Mitchell: Disagree.

Mr. McRobb: Disagree.

Mr. Elias: Disagree.

Mr. Fairclough: Disagree.

Mr. Cardiff: Disagree.

Mr. Edzerza: Disagree.

Mr. Inverarity: Disagree.

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

Debate on Motion No. 719 and the proposed amendment accordingly adjourned

Speaker: Motions other than government motions, Mr. Clerk.

Motion No. 220

Clerk: Motion No. 220, standing in the name of Mr. McRobb.

Speaker: It is moved by the Member for Klwane

THAT this House urges the Public Accounts Committee to investigate the Government of Yukon's decision to risk \$36.5 million in Asset Backed Commercial Paper (ABCP).

Mr. McRobb: It's a pleasure to speak to this very important issue today. Although the previous motion was important, I believe this matter here is important. I would like to thank the Minister of Economic Development for his view that, at least if the previous debate was shut down, we'd get on to more important matters, as we are now.

This investment into asset-backed commercial paper, or ABCP, was the subject of a review done by the Auditor General, a review that was done at the request of the Official Opposition, the Yukon Liberal caucus, after the Yukon Party government refused to call in the auditor.

Now, before I get into the substance of the motion, I would like to point out that the intent is not to cast blame. The intent of today's discussion is to ensure that we've learned to never repeat these mistakes again. To date, the Yukon Party's only action has been to introduce a policy. Well, Mr. Speaker, a policy can be ignored. It's not law; it's not required; it's not mandatory. It's merely a policy.

The Yukon Party may not view this as a pleasant matter to discuss and there's a chance they might invoke closure on this motion as well, Mr. Speaker. That could be their plan, to shut down debate. Well, this is supposed to be the forum of democ-

racy in the territory. It's the Legislative Assembly. We have freedom of speech; we have rights to express our opinion on behalf of our constituents and Yukoners, and we all deserve to be heard and not be shut down by a government that happens to have the majority of votes in here. That's not democratic.

I recognize that several of the members of the Yukon Party may prefer to just sweep this matter under the proverbial carpet. Well, Mr. Speaker, like several other issues that have been swept under the carpet, the Yukon Party's carpet is looking pretty lumpy these days.

Let's take a closer look at what the Auditor General found. In summer 2007, the Yukon government invested a total of \$36.5 million in asset-backed commercial paper issued by two trusts. Asset-backed commercial paper is a short-term investment in securities backed by a variety of assets, such as mortgages, car loans and credit card balances.

The securities were to mature on August 31, 2007, and on September 4, 2007. Along with many other investors in asset-backed commercial paper, the government was unable to recoup its investment at the maturity dates. Mr. Speaker, if I could just inject, there have been several very good documentaries on air recently. There was one on *Front-line*, an American program, recounting the failure of the major American banks.

There was another program, I believe it was on CBC last weekend, that recounted the whole mortgage meltdown issue in the States and the effect it had on the rest of the world. If any of the members haven't seen either show, I would invite them to check out the Web sites and possibly they might be available there.

Of course, it's somewhat disappointing to recall the words of the Premier in the last sitting when he declared whatever happens in the United States will have no impact on the Yukon. Well, Mr. Speaker, we invite the Premier to repeat those words to people who have lost significant amounts of their investments — the nest eggs that have fallen from the tree. We are affected in the territory by what has happened in the United States and the rest of the world. Look at the commodity prices and the crash of the price of everything from copper to molybdenum to zinc. All of the major prospects on the mining front have been affected by the mortgage meltdown in the United States, which has led to the deterioration in the global economy.

There's still the possibility of the doomsday scenario, where the economy will fail, but I'll leave that for another day. We're going to focus on the matter at hand, which is these bad investments of Yukon taxpayers' money, but we'll keep in mind what the Premier said in only the last sitting.

Now, the asset-backed commercial paper in which the government invested was not one of the three types of investment permitted by the Yukon's *Financial Administration Act*. It was not guaranteed by the Government of Canada or any provincial government. It was not issued or guaranteed by a bank, and was not issued by a company incorporated federally or provincially and given the highest rating by at least two recognized securities rating institutions — although one rating agency had provided the highest rating of trust commercial paper.

Mr. Speaker, that contradicts what we heard directly from the Premier and the Deputy Premier on this matter. What I just read was found in the Auditor General's report. The Auditor General's report was based on her investigation into these matters. I know the Premier has dismissed the Auditor General as it just being "her opinion." Well, Mr. Speaker, I retort: that's his opinion. The Auditor General did a thorough investigation and she found the *Financial Administration Act* was broken on several fronts.

Now prior to making these investments, the Yukon government did not obtain a legal opinion on whether the investments would even comply with the *Financial Administration Act*. It didn't even get a legal opinion.

Mr. Speaker, what does this mean? Well, in my view, we have a legal opinion readily available from the legal advisors on the staff employed with the Department of Justice. All it would have taken was a simple phone call. I am sure the legal opinion would have informed the Premier that it would not be in keeping with our laws to make those investments. The trusts had liquidity agreements. Mr. Speaker, these are agreements with banks that are intended to protect the trusts when there is general market disruption. These agreements reviewed by the Department of Finance as a guarantee that the principal would be repaid when the commercial paper matured. They were law. Although there is no reference to liquidity agreements, we noted the information memorandum for each trust included a clause stipulating that there was no guarantee of payment from the trustee or other parties specified in the memorandum. No guarantee, Mr. Speaker.

Well, we recall the words from the government side in previous sittings about how these investments were guaranteed. The Auditor General found otherwise. But, oh, that's just her opinion, says the Premier.

Commercial paper is a short-term investment, usually maturing in less than a year, but often in as little as a month. Asset-backed commercial paper is backed by a variety of assets, such as mortgage loans, car loans, credit card balances and other interest-bearing assets. The investor buys the paper for less than face value, or par, and holds the paper until it matures, at which point the investor receives the face value or par value of the paper, but not this time, Mr. Speaker.

The difference between the purchase price and the face value of the paper is what's called "interest income" to the investor. In Canada, asset-backed commercial paper is issued by trusts, set up either by domestic banks or other entities which are referred to as "non-banks." About one-third of asset-backed commercial paper that is issued in Canada is managed or administered by these non-banks. Banks and non-banks set up trusts to issue the asset-backed commercial paper which is then distributed to investors by banks and other financial institutions.

In July and August 2007, the government invested a total of \$36.5 million in two asset-backed commercial paper trusts that were set up by non-banks.

The commercial paper, which the government acquired through a bank, was due to mature on August 31, 2007, and

September 4, 2007. Again, Mr. Speaker, these are the findings of the Auditor General of Canada.

I have before me some numbers about the face value versus the purchase price of these trusts. There are three trusts: Symphony Trust with a purchase date of July 30; Symphony Trust, again, with a purchase date of August 1; and Opus Trust with a purchase date of July 31.

These three trusts comprise the total of \$36.5 million of Yukon taxpayers' money. The source of this information is the Yukon government's Department of Finance.

Mr. Speaker, investing, by its very nature, involves risk. Different types of investments carry different levels of risk. The following are the key risks relating to asset-backed commercial paper. Number one: cash flows of trust assets may not be available when the repayment of the commercial paper is due, and that's what happened, Mr. Speaker. The cash flows of the trust assets were not available when the paper came due. They said, "Sorry, we can't pay."

Two: if there is a market disruption, the trust may not be able to issue new commercial paper to replace the maturing paper, and three: the trust may not be able to sustain itself if assets deteriorate. That's happening now. Point number two happened as well and so did point number one. Basically, Mr. Speaker, it looks like it will be three-for-three.

As the underlying assets have a longer maturity than the asset-backed commercial paper instruments that finance them, most trusts that issue ABCP are required to have liquidity agreements in place in order to receive a credit rating. A liquidity agreement is intended to protect the trust when there is a general market disruption and the trust is unable to roll over the asset-backed commercial paper.

Let's make a few observations. Let's look at managing investments. Let's start with investments that did not meet the conditions as set out in the Yukon *Financial Administration Act*.

Now, we know that the Yukon's Department of Finance is responsible for managing the investment of public money. We expected the department would comply with the Yukon's *Financial Administration Act* when it made these investments. Now, under subsection 39.1 of the act, if money in the consolidated revenue fund, other than money in a trust fund, is not immediately required for payments, it may be invested in any of the following, and there are three areas.

The first — securities that are obligations of, or guaranteed by, Canada or a province; the second — fixed deposits, notes, certificates and other short-term paper of or guaranteed by a bank, including swap deposit transactions and currency of the United States of America; and three, commercial paper issued by a company incorporated under the laws of Canada or a province, the securities of which are rated in the highest rating category by at least two recognized security rating institutions.

Well, we have found that the investments in the two trusts were not obligations of nor were they guaranteed by the Government of Canada or by any provincial government. We also found that investments in the two trusts were not issued or guaranteed by a bank. The department was aware that the trusts that issued the asset-backed commercial paper had liquidity

agreements and had viewed these agreements as a guarantee that the principal would be repaid when the commercial paper matured.

Well, the department acknowledged that the liquidity agreement is not an unconditional guarantee. It believed that it is in compliance with subsection (39)(1)(b) of the act, because it viewed the liquidity agreements as a guarantee.

When we reviewed the information memorandum for each of the two trusts, we noted that, while there is no reference to liquidity agreements, each included the following clause that stipulated there is no guarantee of payments from the parties noted. Neither the administrative agent, the trustee of the note, the commercial paper trustee, any beneficiary of the trust, any originator, nor any of the respective affiliates or related parties will guarantee or otherwise assure payment of notes issued by the trust, nor will any such persons compensate the trust or holders of notes if the trust realizes any losses on its portfolios of asset interest. That's quite clear, Mr. Speaker.

Finally, the act also states that an investment can be made if the commercial paper is issued by a company that is incorporated under Canadian or provincial laws, and if it is given the highest rating by at least two recognized security rating institutions; however, trusts are not incorporated. When the investment was made, only one security rating institution had given the highest rating to the ABCP that was issued by these two trusts. Again, Mr. Speaker, another failure to comply.

The department was aware that the asset-backed commercial paper had only one rating and therefore, did not rely on this rating when it made the investment. However, even if the commercial paper had been rated by two institutions, the investment would still not have complied with particularly subsection 39(1)(c) of the act — since investment in a trust is not permitted.

The government did not obtain a legal opinion before these investments were made to ensure they had met the requirements of the *Financial Administration Act*.

Mr. Speaker, let's now look at the timing of repayment of the government's investment and how this is still unknown. The government's investments in the two trusts that issued the asset-backed commercial paper matured in late August and early September 2007; however, the government could not recoup its investment when the commercial paper matured. Many other investors in the commercial paper faced the same situation. The government has not received any payment of principal and interest from the two trusts. I want to repeat that, Mr. Speaker, to make sure that all members have heard it. The government has not received any payment of principal and interest from the two trusts.

Let's look at the issue of how similar investments were made in previous years. Now, we found that the government made investments in asset-backed commercial paper that was issued by trusts set up by non-banks in the past dating back several years. At the end of the 2004-05 fiscal year and at the end of the 2005-06 fiscal year, the Yukon government had about \$9.4 million and \$6.4 million respectively in this type of investment within its accounts. The government redeemed all of this paper upon maturity.

For the reasons previously described, these investments also did not meet the conditions set out in the Yukon's *Financial Administration Act*. On March 31, 2007, it did not hold any investment in asset-backed commercial paper that was issued by trusts set up by non-banks — none.

Mr. Speaker, we know that two years ago the Yukon government held no ABCP issued by trusts set up by non-banks.

The Auditor General made some conclusions and the Yukon's *Financial Administration Act* prescribes the investments that the Government of Yukon can make. We found that the government's investment in the summer of 2007 in two asset-backed commercial paper trusts that were set up by non-banks for a total value of \$36.5 million did not meet the requirements of the *Financial Administration Act*. When this report was written, the government had not yet received any payment of principal and interest from these two trusts, and it has not determined the final impact this may have.

We also found that the government has made prior investments in asset-backed commercial paper issued by trusts, set up by both banks and non-banks. These investments also did not meet the conditions set out in the act. It is important that the Department of Finance manage the investment of public money prudently and in accordance with legislation.

Let's take a closer look at what has been said in this House about this matter. The Premier and the Deputy Premier repeatedly told this House the funds were guaranteed. Mr. Speaker, they were not guaranteed. That was confirmed by the Auditor General of Canada. In addition, this request has been made before, and Yukon Party members voted as a bloc — as they did earlier this afternoon to shut down motion debate. They voted as a bloc to stop the hearing from happening.

They don't want this issue investigated. It makes the government look bad. They just want it to go away — sweep it under the carpet. Well, as outlined at the beginning, it's critical to get this on the record for the purpose of ensuring that we have learned to never repeat these mistakes again. That's the very intent of this motion this afternoon — to urge the Public Accounts Committee to investigate this whole matter.

Since the audit was released, there have been several developments, and that is another reason for raising this issue now.

In the public accounts for the fiscal year ending March 31, 2008, which were released last October 22, the government admitted that these investments are worth less than what we paid for them. The government had to write part of them off. These investments are now worth only \$30 million. We have lost \$6 million or about 15 percent of the initial investment already on these bad investments.

I recognize the content of this discussion this afternoon is quite technical and some members may find it difficult to follow. But we have to repeat the words of the Auditor General as she wrote them, and it could be improper to paraphrase those words, just in case some of the meaning is lost or her words are misinterpreted.

At March 31, 2008, the government held non-bank sponsored asset-backed commercial paper with a maturity value of \$36.5 million, comprising \$13 million in Opus Trust Series A,

and \$23.5 million in Symphony Trust Series A. These investments were purchased at a cost of \$36.3 million in July and August of 2007, and matured during the months of August and September of 2007. As a result of liquidity issues in the ABCP market, they did not settle on maturity. The government's non-bank sponsored ABCP have not traded in the market since August 2007, and there is no market quote available.

These investments, held by the government, were rated by the Dominion Bond Rating Service as R1 — which is high — at the time of purchase, which is of the highest credit quality, and had a yield rate of 4.7 percent. On August 16, 2007, a consortium representing banks, asset providers and major investors had agreed in principle to a long-term proposal and interim agreement regarding the ABCP, commonly referred to as the Montreal Accord. Under this proposal, the affected ABCP would be converted into pooled, long-term, floating-rate notes, maturing no earlier than the scheduled maturity of the underlying assets.

On September 6, 2007, the Pan-Canadian Investors Committee for Third-Party Structured Asset Backed Commercial Paper, consisting of major investors, was created to propose a solution to the liquidity problem affecting the ABCP market and has retained legal and financial advisors to oversee the proposed restructuring process.

Effective March 17, 2008, a court order was put in place that commits investors not to take any action that would precipitate an event of default. During the same week, the committee announced the details of a restructuring plan.

On April 25, 2008, investors overwhelmingly approved the plan. The plan, with an amendment that would allow certain investors to pursue, under specified conditions, claims of fraud against ABCP dealers was sanctioned by the Ontario Superior Court of Justice on June 5, 2008.

I could go on further at length, but in the interest of saving the time of the Assembly — and probably a few trees processed in the *Hansard* office — I'll just stop there and refer members to the auditor's report, which should be available online.

What has happened since the completion of the restructuring? It has been more than a year and a half since the government made the investment. We still don't have our money back. That's a concern to me and to many people our caucus has spoken to over the past 18 months. The public wants answers.

The Public Accounts Committee can provide some of those answers, if only the Yukon Party government would allow it to do its job. That's what the Public Accounts Committee is there for. It's an all-party committee that can hold hearings when the Assembly is not in session and call in witnesses, pose questions on matters in the public interest, and the Auditor General's office is there to assist the committee, if needed.

In the past, I was a member of the committee. It was a valuable learning exercise. I recall we questioned several officials from within the Yukon government. Sometimes that back-pressure is needed.

This committee has an important role to fulfill in the public interest. I believe the committee has the ability to subpoena witnesses if they choose on their own accord to not appear.

So it's a committee with teeth. It's not like the Yukon Party's proposed child advocate. This committee has teeth and it can make recommendations that lead to real action. I think that's what Yukoners are expecting. I know that the Yukon Party talks a good story about action, but in reality we see that, quite often, when it comes to anything controversial or something it doesn't want to do, all we get is a study. It likes to study these matters.

It reminds me of an issue that came up earlier today on the burning of solid waste in our dumps. Instead of taking action, the government wants to do a study. Well, Mr. Speaker, the Public Accounts Committee is beyond that stage. That committee has teeth and it can take action.

It's no wonder the Yukon Party is against it. It doesn't want action; it wants to study. It wants to sweep it under the carpet. Well, as mentioned, the Yukon Party's carpet is looking pretty lumpy.

In October of this year, the Yukon government will close the books on this fiscal year. At that time, all members will be provided with an update on the value of these investments. We know that value will have gone down again. I'm sure the Premier will admit that when he speaks to this motion later today. The value will continue to go down.

Several private sector and public sector companies reported their year-end financial statements recently. All of them have made substantial writedowns in their asset-backed commercial paper investments. Most of these writedowns are in the range of 40 percent.

We'll probably see a number reflective of that this fall when we see the public accounts report for the last fiscal year-end.

We are looking at substantial losses on this investment. The public wants to know how we got into this mess, how we lost millions of dollars. They want to know why the Premier ignored the *Financial Administration Act*. What was the process that was followed or not followed? Why did the Deputy Premier tell Yukoners the money was guaranteed when, in fact, it wasn't? How did the government decide on the amount of the writedown?

You know, these are very strong questions, and it raises another question. Why is it that, in this chamber of democracy, we can get representatives from the government side saying something that is completely contradictory to the Auditor General's findings? Why is that allowed? Why doesn't somebody have the authority to intervene? Instead, the confusion goes to the media; it goes to the public and the matters are clouded. There is a problem with that, Mr. Speaker. What we say in this House should be accurate, at least to the best of our ability. I think many of us were here when those questions were asked and when those answers were given. We recall them. It's unfortunate.

Again, this Yukon Party just wants to sweep it under the carpet. They don't want the Public Accounts Committee to do its job. Yukon Party members on that committee voted against

pursuing this matter. It blocked the will from the rest of the members on that committee to pursue this matter.

Then tomorrow we're probably dealing with a motion to remove another member from that committee. The government seems to have to want to have its cake and wants to eat it too. It wants everything its own way. I see it from the beginning of the day to the end. I truly wish more Yukoners would see how things really are. I truly wish that.

Some Hon. Member: (Inaudible)

Mr. McRobb: The Premier laughs. The Premier laughs. He knows that not too many people understand what just happened an hour ago. The Yukon Party shut down debate on its own amendment to a motion, I might add. It shut down debate. Now, I will agree, with the Minister of Economic Development — to a degree: there were more important matters to discuss and I thank him for elevating the interest in the motion and debate that is occurring right now on the bad investments.

Some Hon. Member: (Inaudible)

Mr. McRobb: Definitely other important matters. I don't know if this is more important, Mr. Speaker. I think I would go with the park, but this is an important issue.

The most appropriate forum to deal with these questions is undoubtedly the Public Accounts Committee. Anytime the government loses millions of dollars of taxpayers' money, it's a cause for concern. It is interesting that the committee has reviewed every other report from the Auditor General except for this one. I wonder why. I wonder why that is, Mr. Speaker.

We know that the Yukon Party members on the Public Accounts Committee opposed this idea when it was brought forward before. As I have laid out, a lot has changed since then. The government has written down the investment since that time. Public and private companies have done the same thing. I know that the third party has supported the idea in the past and so has the independent member, who is about to get kicked off the committee when we debate that motion.

Some Hon. Member: (Inaudible)

Mr. McRobb: Good point. Maybe the government will adjourn debate on its own motion again. There's hope for you yet, John.

Now, I hope the third party will support this motion today. Let's hope the Yukon Party can get past the partisan politics, the position taken in the past, and allow the Public Accounts Committee to do the job it's supposed to do.

I see that some members across the way find this amusing. But you know, it's very important to allow these committees to do their work. If the government controls the committees, what does that say about our democracy? If the government wants to stymie a committee that wants to investigate the financial affairs of the Yukon government, and can succeed, what does that say about our democracy? Well, on a list of world countries, Mr. Speaker, I'd say it puts us down there with the banana republics, and we ought to be ashamed of it. The Premier doesn't have to treat us like a banana republic. He can stand up and do what's right for Yukoners, and say: Let democracy prevail.

Some Hon. Member: (Inaudible)

Point of order

Speaker: The Hon. Premier, on a point of order.

Hon. Mr. Fentie: Would that be Chiquita, or another brand?

Speaker's ruling

Speaker: From the Chair's perspective, there is no point of order, simply a dispute among members. However, Member for Kluane, your rhetoric is going to lead to discord. Please just be careful with your rhetoric. You have the floor.

Mr. McRobb: All right, Mr. Speaker. It was refreshing to hear from the top banana.

Speaker: Again, there is no point of order.

The Member for Kluane has the floor.

Mr. McRobb: Now, I was going to conclude, and we can hear more from the Premier, but I've been handed some more notes and I've been informed that it's imperative that these become part of *Hansard*. So, please, everybody, you will have to bear with me for a few more minutes.

Now, let's start with the Desjardins financial group. Let's take a look at their writedowns. They reported a loss in the fourth quarter of \$476 million. Wow. That's nearly a half-billion dollar loss. Now this was before dividends, because of writedowns of its commercial paper holdings and investment losses.

Some Hon. Member: (Inaudible)

Mr. McRobb: Well, that's true. At least Desjardins financial group had the courage to report it; they didn't sweep it under the carpet. Its writedown for asset-backed commercial paper increased to 41 percent from 30 percent as of April 30. I wonder how much the Yukon government's writedown is going to increase. I guess we'll have to wait for Hallowe'en for the answer to that.

Now the total direct and indirect impact of ABCP and some structured guaranteed capital products was \$1.1 billion for the year, or \$831 million after tax.

Here's another one: ATB Financial — Alberta Treasury Branch — saw earnings evaporate in the last quarter as a Crown corporation was hit hard by last year's ABCP debacle. That's a Crown corporation.

You know, Mr. Speaker, that is something else the Public Accounts Committee would be able to find out: to the extent our Crowns have invested — if any extent at all — into questionable investments. But no, for reasons already put on record, it wasn't allowed.

This Edmonton-based financial institution said recently that it lost nearly \$86 million in the third quarter, ended December 31, 2008, because of a \$140-million increase in potential losses on ABCP.

Let's reference the Caisse loss in 2008 — it's a big one — \$12.8 billion: a portfolio of that amount in asset-backed commercial paper which was written down by a further \$3.8 billion last year. Overall, the Caisse's ABCP program is now valued at only \$7.2 billion, or 57 cents on each dollar of face value. That's quite a loss, and it raises a question: how can there be such a differential between what these huge monetary institu-

tions write down and what's written down by the Yukon government?

I guess we'll have to wait until next fall to find out.

If you're a pessimist, you'd argue that this valuation is generous. When ABCP that has been restructured in a Caisse-backed rescue finally starts to trade, bond desks will tell you that the new notes will change hands at around 30 cents on the dollar — another big loss. The exact price will reflect the quality of the underlying assets owned by investors — and ABCP is not created equal — and the sophistication of the seller.

As it gets rolling, the ABCP market promises to be ugly — or inefficient, to use a less loaded description — which is why banks hung up in the ABCP mess are advising clients to sit tight on the paper. But if this debt is in fact trading at 30 cents on the dollar, the Caisse is down far more than advertised.

From Marketwire, on December 19 of last year: Stratagem Capital Corporation today warned that it may have to write off the balance of its ABCP at year-end. The company owns ABCP with a face value of approximately \$6.4 million. Management had estimated the fair value of the company's ABCP holdings to be \$1.24 million at September 30, 2008, but a few months later, at the end of the past calendar year, an additional impairment of \$10.2 million was recorded on ABCP, based on the estimated fair value at year-end, which took into account information available at Canfor, related to a specific holding of ABCP. It assumed a high likelihood of success for the proposed ABCP restructuring plan. The book value at the end of the past calendar year reflected the impact of a weaker Canadian dollar and the U.S. dollar-denominated ABCP. No changes to fair value resulted from the completion of the restructuring plan after year-end.

While this is quite interesting — and I could go on — I would like to hear the government's response.

Speaker: Are you prepared for the question?

Some Hon. Members: Disagree.

Some Hon. Members: Agree.

Speaker: I believe that the nays have it. I declare the motion defeated.

Motion No. 220 negatived

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): Committee of the Whole will now come to order. The matter before the Committee is Bill No. 15, *First Appropriation Act, 2009-10*, Department of Community Services. Do members wish to take a brief recess?

All Hon. Members: Agreed.

Chair: Committee of the Whole will recess for 10 minutes.

Recess

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

Bill No. 15 — *First Appropriation Act, 2009-10* — continued

Department of Community Services — *continued*

Chair: The matter before the Committee is Bill No. 15, *First Appropriation Act, 2009-10*, Department of Community Services, Vote 51. We will now continue with general debate.

Hon. Mr. Lang: I would like to review some of the important presentations here in this year's budget. The total budget for Community Services is \$1,224.8 million in this budget. It breaks down to \$87.8 million for communities and community infrastructure.

These are important figures, Mr. Chair. There is \$24.5 million for Protective Services and the integration of Emergency Medical Services, another important thing the department does, and \$4.6 million in Consumer Services, Corporate Affairs, Building Safety, Labour Services and Motor Vehicles. Mr. Chair, you can see that the Department of Community Services has a diversified responsibility inside government.

The \$87.8 million that we are investing in communities and community infrastructure include initiatives that will encourage, strengthen and enable local government in Yukon and serve to promote health and safety in unincorporated communities throughout the Yukon through community infrastructure. This is demonstrated through the \$14.4 million allocated that will go directly to Yukon municipalities through the comprehensive municipal grant funding. That is an increase that this government put on the table over the next period of time.

This is also demonstrated through our key investments in potable water infrastructure and treatment system upgrades in Yukon communities, including Carcross, Teslin, Ross River, Marsh Lake and Haines Junction, and with the Carcross-Tagish First Nation and the Champagne-Aishihik First Nations. The budget provides for key investments in sewage treatment and disposal projects, including the construction of the Carmacks waste-water treatment facilities — again, a very important piece of infrastructure for our communities.

The department budget also provides for an investment in Yukon's solid-waste management.

This government is showing leadership in the development of future best practices for solid waste in the territory — again, a debate that has been going on in the House over the last two weeks.

The Department of Community Services is also continuing to provide significant investment in the Carcross and Whitehorse waterfronts, another investment that this government is committed to. We are investing in infrastructure upgrades in the extension of Hamilton Boulevard, another need that was shown to us and we, of course, are addressing it. This budget will also establish partnerships with Yukon communities and

the volunteer sector; provide a Yukon taxing authority with current, accurate and credible property assessments; establish general property tax rates for all areas outside municipalities; provide continued investment in the domestic well program and the rural electrical and telephone program — another very, very successful program put out there by this government — and provide continued investment in sport and recreation, and our community libraries.

Mr. Chair, the Community Services budget also enables communities and people to protect themselves from the threat of wildfires, structural fires and other emergencies or disasters through the provision of integrated emergency medical services. There's \$24.5 million budgeted for fire suppression, emergency measures, fire management — including FireSmart — emergency medical services, and structural fire protection through the fire marshal's office — another large investment in all communities throughout the territory.

This is funding that will support communities and of course volunteers who provide emergency medical, ambulance and medevac services throughout the territory, promote and foster emergency preparedness and Emergency Measures Organization services — again, another investment — support health, safety and protection through fire prevention and protection and protect communities, families and individuals, property and other community values from wildland fire.

We are also investing \$4.6 million in initiatives that serve to protect and enhance the public interest in professional and commercial activities. These are initiatives that ensure compliance with minimum standards for employment for wages and working conditions in order to establish a fair and equitable work environment for the Yukon labour force.

The budget will help the department to protect public safety through driver and vehicle programs. It will provide community education opportunities through our public library program and bilingual inquiry services to the public and to the Yukon government departments. The budget supports health, safety and protection to the public through programs such as the application of the minimum building, electrical and mechanical codes.

Community Services provides a wide range of services to Yukoners, and this is a budget that maximized benefits to Yukon citizens through their communities. This is a budget that shows this government's commitment to infrastructure, clean drinking water, waste-water treatment, land development, sports and recreation, integrated emergency services for municipal and unincorporated communities.

In other words, we're working very solidly with our communities and have certainly put the resources together for this year's budget to address these issues. A very large budget — \$122 million is being invested on the ground in our communities. As you see, these investments are broken down, as I read in my opening remarks, and of course the emphasis is on communities and the well-being of those communities and working with the questions of the day. We have been talking about issues around the solid-waste issue and, as I said to the member from Old Crow, the question about solid waste is front and centre to this government's responsibility and we are certainly

resourcing it so we can get the proper information, so we can make the proper decision at the government level to improve the situation in all of our communities.

We have to remember, Mr. Chair, that the government of the day represents all of the communities in the territory. When we do a solid-waste study it encompasses the whole territory. As I said this afternoon, Mr. Chair, when we got through this program to a point, we made a corporate decision that we couldn't do an overall study of our solid-waste issue without incorporating the municipalities, which added another eight landfills — of course, Mr. Chair, the larger landfills individually probably in the territory. In doing that, we had to put more resources on the table to answer the questions that the study would be asking.

In that, we have a draft footprint overview that is going to be available to the public. We have also commissioned a mission review of all of our dump sites so that we understand, independent of the footprint, what these emissions are doing in the area, so that we can make a corporate decision not only on the solid-waste sites but also on the emission question on these sites. A lot of individuals out there have different opinions about it. I am looking forward to the professional level of advice that we will be getting from this report.

Now, Mr. Chair, we have also talked extensively about the public part of this. The public part of this in the consultation is very important. Without a buy-in from our communities, we are not going to resolve the issue. That is part of this study. What I'm saying today is that we have a draft report in front of us at the moment. We will be looking at it. It will be made open to the public. We have commissioned the emissions study and we are going out to talk to communities so we can work with them on this issue. There isn't a community in the territory that I travelled to that didn't have a question about solid waste and how we, as a government, are going to manage it in the future. Even in the municipalities, the solid-waste sites are becoming almost unmanageable for small jurisdictions to manage. They have got huge questions. Through our study, we are going to be looking at the municipality.

In looking at other issues in the department — we talked today about the resources that are coming to us in partnership with Canada in an investment in infrastructure.

I pointed out to the member on how that will unfold across the timeline. Again, it is public participation. Of course, First Nations will be a part of that consultation. Out of that consultation there will be decisions on how these investments will move forward.

Mr. Chair, it is money that Ottawa has seen fit to resource us. It is an agreement — a seven-year agreement. As I remind the members opposite, it's over a seven-year period. We are into our second year. It is roughly \$25 million to \$30 million a year.

It is a success when we go to the public and put these plans together on infrastructure. I would like to thank the Premier for his negotiations on the Building Canada fund to make sure that solid waste would be part and parcel of that investment. That was brought up by the Premier of Yukon because of what he

saw out in the communities and the necessity to start looking at the big picture of solid waste in the territory.

Certainly, the communities now are looking at sharing in the gas tax, which again, as I read off yesterday in the House here, is substantial over the life of the investment. The City of Whitehorse, which of course would be the larger benefactor of that agreement, will see investments between \$40 million and \$50 million. That is money that the community can put to work on infrastructure, on improving their communities.

All First Nations — again, as I read into the record yesterday — will be participating in the gas tax. I look at the figures, and it's money that can be spent on their needs, on infrastructure — and by the way, Mr. Chair, the First Nations need that kind of investment. They need those resources to do exactly what this gas tax is set out to do. So again, another investment in the territory, and hopefully looking at more — the need that's out there, but also the needs of our infrastructure, whether it's water, solid waste, or waste water, that we solve some of these issues.

The Member for Vuntut Gwitchin was talking today about the solid waste in that community. The Premier stood up and said yes, but we also have a bigger issue, which is, first, the fuel storage, not only from the First Nation government, but also ourselves as the highway department. Those have to be addressed. Those are not environmentally acceptable in today's Yukon. They might have been 20 years ago, but it isn't acceptable today. This government is going to work with the First Nation to solve those issues, plus the solid waste will unfold this summer, and a plan will be put together on how we, as a government, or Yukoners, invest in our solid waste and manage it into the future. So this is good news.

I'd like to thank the staff — all of the individuals who work in the department — for doing the good work they do. This is a large budget, this is a large commitment to Yukon, and I look forward to debating it here in the House today.

Mr. Cardiff: Well, I'm sure that the *Hansard* staff is thrilled. Not only can the minister not remember what we were discussing 23 hours and 40 minutes ago — the questions that were put on the record — but he didn't even take the opportunity to read the Blues and find out what questions were asked.

So I'll ask him one more time. I'll even, with the indulgence of the Legislature, read them directly from the Blues.

There are three questions I had yesterday. The minister started to answer the first one which was about modernized drivers' licences, and in fact, he went on at length about modernized drivers' licences for some time.

But the other two questions that he still hasn't answered are whether or not the Department of Community Services motor vehicles branch is working on changes to assist the City of Whitehorse in enforcing the handicap parking spaces here in the Yukon. The other one that I asked the minister was about whether or not they were looking at making any changes to the *Motor Vehicles Act* with regard to mandatory helmet use on ATVs.

Those were the questions I asked the minister yesterday and was expecting him to answer today when he got on his

feet, instead of listening to him go over the budget one more time. I will give him an opportunity to answer those questions.

Hon. Mr. Lang: The motor vehicles branch is shared between us and Highways and Public Works, so I can address this as the Minister of Highways and Public Works, not as the Minister of Community Services.

We will be looking this fall at the *Motor Vehicles Act* to work with the city on the issue of handicap parking. We have been approached and we are going to do the work it takes to bring it forward this fall to give that assurance to the city. That answers that question.

At that point we always review what we are going to do with the *Motor Vehicles Act*. The Yukon has looked at many responses to safety and some of the options. We would enable municipalities and local authorities to enact regulations and bylaws to apply to off-road vehicles. The member opposite is talking about off-road vehicles. I live outside of town and I see what goes on. They are no longer licensed because in the legal sense of the vehicle they are not built or constructed for public roads. It says it right on either skidoo or four-wheeler. The manufacturer does not recommend it to be used on public roads.

That was brought to our attention by an RCMP officer three or four years ago who arrived in one of the licensing bureaus and asked to license a vehicle, which we did in the past, and then he brought this up, and said "How can you license something that the manufacturer says right on it is not equipped to run on public roads?" So that question had to be addressed. Legally speaking, we discontinued the licensing process because of that issue.

So we have done our work, and we certainly are open to dialogue on safety, because that's part and parcel of why we're here in the House and why we're government. Certainly we'd look at other avenues to make sure the municipalities or ourselves make sure that these off-road tools are safe for the individuals who are on them.

I understand the question, because driving home in the winter I see the youth of our community on those things. I'm not quite sure they're old enough to be handling something that passes me in the ditch. I'm travelling at 60 kilometres per hour and these things go by me; they're obviously going faster than I'm going. I would be very nervous if I were a parent and I had put my children on those motorized vehicles. They are dangerous, and there is an issue about liability.

They certainly aren't allowed on our highway systems, but the Yukon and the north is built around four-wheelers and Skidoos. We've come to use them as a tool, not only for us to travel on, in some of the communities, but also as a recreational vehicle and also as a tool for getting out into the back country. All of these things are being used, and those ATVs and skidoos are being used for that.

But I do want to bring up that parents have to be aware of the situation they put their children in — the skidoos and ATVs today are very, very powerful. They're not what they were 15 or 20 years ago. They can go at great speeds, and they can be very, very dangerous. We've seen incidents in Lower Post, where two young people in the community were killed on a

skidoo. It was an accident that happened, and two young people died. It was an accident that, if any of us were involved in — vehicle-wise, it was traumatic. It was a traumatic thing to happen in the community. But that was an incident that happened with individuals who were young people and going too fast on the skidoo and were obviously not paying attention.

So there is a lot of responsibility for the safety of the individuals who drive these. Again, in answer to the member opposite, we are looking at different angles and different ways we can do this — working with municipalities, working with local authorities to see what we can do on the safety issue of helmets on these items. I look forward to standing up in the House and reporting back on how that dialogue goes in our communities.

I am aware of the importance of the safety factor. Again, Mr. Chair, I have to remind the member opposite that Community Services is responsible for licensing and registering things, and Highways and Public Works does the rest and covers the *Motor Vehicles Act*. It is out of Community Services, but I am aware of the situation because I live it. I live in a rural part of Whitehorse and I see it every day. It does concern me as a citizen and as a parent.

My children are older so that is not as big an issue as it would be with young kids and young families. I do say in the House today that people have to be responsible.

Mr. Cardiff: I appreciate the minister's answer. The issue about licensing is interesting because if the minister will note, in many communities including Whitehorse, many of these vehicles are being driven on the highway. It seems strange that we're allowing unlicensed vehicles regardless. Does this mean that we're going to ban these vehicles from the road? I don't think the Member for Vuntut Gwitchin is going to be very impressed, or any of the other MLAs from rural communities. In a lot of rural communities, this is the mode of transportation that is used to get around — snow machines in the wintertime. I don't know of many communities where you can go, other than maybe in downtown Whitehorse, where you don't see snow machines very often. I know in a lot of smaller communities, you'll see snow machines parked outside of grocery stores, at the gas station and restaurants.

It was only a few weeks ago that I was out in Haines Junction, and the Minister of Tourism and Culture was there too, in Haines Junction for the Kwaday Dan Ts'inchí symposium, and there were skidoos on the streets in Haines Junction. It's a common occurrence. It's my understanding that there are insurance implications as well — or I would think there are, because a lot of these machines are being driven on public streets and highways, and they have to have liability insurance. If they're involved in an accident, they have to have liability insurance. One of the requirements, I would have thought, would have been that they had to be able to be licensed. So I'm not sure how we have unlicensed vehicles. I thought that was a requirement of the *Motor Vehicles Act*, that in order to have a vehicle on the road, it had to have a licence; it had to be registered and licensed. I wasn't aware that we had made changes to the *Motor Vehicles Act*, to that effect.

With regard to the helmet issue, it is a matter of public safety and it goes to the same. There is a requirement right now

for individuals who are riding motorcycles to wear a helmet in the Yukon, but if you are riding an ATV or a skidoo on a public highway, you are not required. That's my understanding.

I agree with the minister. I drive home on the same highway that the minister does. It is quite shocking when you are driving home. If the minister is doing 60 kilometres an hour on the Alaska Highway, I would suggest that he is probably holding up traffic, because I believe the speed limit is 90 kilometres an hour. I regularly do 90 kilometres an hour on the Alaska Highway and I am shocked because, yes, there are young people who —

Some Hon. Member: (Inaudible)

Mr. Cardiff: I won't say what the Member for Vuntut Gwitchin just told me.

I regularly do 90 kilometres an hour on the Alaska Highway, which is the speed limit, and I have been passed by young people on skidoos in the ditch. It is amazing. How do you enforce something like that? I don't know. But we do need to come to grips with it.

As I said earlier, it was thought that seat belt laws weren't enforceable. Yes, they're not enforceable everywhere, but people gradually get the message that wearing a helmet is mandatory. They understand that when they're riding a motorcycle on the streets, and there is no reason why, if the law were changed to include ATVs and snow machines, that people wouldn't get the drift. They would understand that it is against the law. There could be some enforcement, and we could make a difference.

The minister talked about young people in — I don't know if it was Upper Liard or Lower Post. But there are too many examples of young people, whether riding snow machines or ATVs without helmets, without adequate protection and without adequate training.

The Member for Laberge will remember this letter. This letter is not quite a year old — when the Member for Lake Laberge was the Minister of Health and Social Services. There was a letter from the Canadian Paediatric Society. This person was shocked to hear about the high number of ATV-related deaths and injuries in the Yukon over the last two years. She was disappointed in the government's refusal to consider making helmets mandatory and that there is no legislation to regulate ATV use by children and adolescents.

I know that it is a touchy subject. I know that it's another one of those things like the *Young Worker Protection Act*, where it's a little controversial, but I am asking the minister to consider, at this point in time, at the very least, mandatory helmet use for ATVs and snow machines, because it's a matter of public safety and it's a matter of the safety of our children.

It's not just children I see out there riding around without helmets. There are lots of adults riding without helmets as well.

I believe that the question has some validity. I'm interested in what the minister's response is about having unlicensed vehicles. To the best of my knowledge, in order to operate a vehicle on a public highway, you need to have that vehicle registered and licensed. It's astounding that we're not doing that, and I don't recall any changes being made to the *Motor Vehicles Act* to that effect.

Seeing the time, I move that we report progress.

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

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 the Committee of the Whole?

Chair's report

Mr. Nordick: Mr. Speaker, Committee of the Whole has considered Bill No. 15, *First Appropriation Act, 2009-10*, and directed me to report progress on it.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

The House adjourned at 5:30 p.m.

The following document was filed April 8, 2009:

09-1-88

Land development protocol agreement (signed on May 25, 2006) between the Government of Yukon and the City of Whitehorse (Kenyon)