

**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, October 29, 2009 — 1:00 p.m.**

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

Prayers

INTRODUCTION OF PAGES

Speaker: Members, it gives me great pleasure to announce the following students who will be serving the House as legislative pages for the 2009 fall sitting. They are Linnea Blum, Claire Lindsey, Meaghan O'Connor, Odette Rivard and Mikeala Shaw from F.H. Collins Secondary School, and Elizabeth Magill-Schalko, Ashley Renwick and Zain Syed from Vanier Catholic Secondary School.

Today we have with us Zain Syed and Elizabeth Magill-Schalko. I would ask all members to welcome them to this House at this time.

Applause

Withdrawal of motions

Speaker: The Chair wishes to inform the House of changes that have been made to the Order Paper. The following motions have been removed from the Order Paper because they are outdated: Motion No. 11 and Motion No. 704, standing in the name of the Leader of the Official Opposition; Motion No. 111 and Motion No. 605, standing in the name of the Member for McIntyre-Takhini; Motion No. 67, standing in the name of the Member for Klondike; Motion No. 777 and Motion No. 798, standing in the name of the Member for Mount Lorne; Motion No. 378, standing in the name of the Leader of the Third Party; Motion No. 668, Motion No. 698, Motion No. 801 and Motion No. 806, standing in the name of the Member for Mayo-Tatchun.

The following motions have been removed from the Order Paper, as the action requested in the motion has been fulfilled: Motion No. 10, standing in the name of the Leader of the Official Opposition; Motion No. 32, standing in the name of the Member for Kluane; Motion No. 171 and Motion No. 351, standing in the name of the Member for Klondike; Motion No. 249 and Motion No. 807, standing in the name of the Member for Mount Lorne; Motion No. 24 and Motion No. 301, standing in the name of the Member for Porter Creek South.

Motion No. 194, Motion No. 357, and Motion No. 709, standing in the name of the Member for Lake Laberge, have been removed from the Order Paper as the member is no longer a member of the Executive Council. Motion No. 242, standing in the name of the Member for McIntyre-Takhini, has been removed from the Order Paper as it refers to remarks made by a member who is no longer a member of the Executive Council. Motion No. 128, standing in the name of the Member for Porter Creek South, has been removed from the Order Paper as it relates to a bill that is no longer on the Order Paper. Motion No. 602, standing in the name of the Member for Kluane, has been removed from the Order Paper at the member's request.

Finally, Bill No. 102, standing in the name of the Member for Porter Creek South, has been removed from the Order Paper as it is similar to Bill No. 71, which passed this House during the 2009 spring sitting.

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of Women's History Month

Hon. Ms. Horne: Mr. Speaker, I rise on behalf of all members to pay tribute to October as Women's History Month. As the minister responsible for the Women's Directorate, I take great pride in rising to pay tribute to the women of the Yukon Territory. Every year, the Women's Directorate honours Yukon women by highlighting their social, economic and political contributions to the territory.

This year, the Women's Directorate celebrates the 35th anniversary of the Yukon Aboriginal Women's Council and its predecessor, the Yukon Indian Women's Association. In 1974, a territory-wide general meeting brought women representatives from all Yukon First Nation communities. The agenda included education, welfare assistance, discrimination, arts and crafts and Indian women's status, especially for those who had married non-Indians.

After the founding conference, women immediately got public recognition for denouncing the sale of cheap, imported Indian crafts from Hong Kong and Japan. They also denounced the use of Indian burial grounds as tourist attractions by the government and other agencies.

The sign that you still see at the bottom of Two Mile Hill, stating "This cemetery is not a tourist attraction," was placed there by YIWA members in October 1978. YIWA women were also involved in leadership training, education, and national lobbying through the National Committee for Indian Rights for Indian Women and the Native Women's Association of Canada.

Some YIWA members sought or obtained executive positions on those two national bodies, including Edi Bohmer, Marion Sheldon, Margaret Thomson and Jean Gleason. YIWA women were instrumental in establishing the Yukon Women's Transition Home Society, or Kaushee's Place, in March 1980, to provide counselling, referral and mediation services to women and children — a service that continues to this day.

This year marks the 17th anniversary of Women's History Month. This annual national celebration is linked to Persons Day, celebrated annually on October 18. Persons Day celebrates the accomplishments of the Famous Five: Nellie McClung, Henrietta Muir Edwards, Irene Parlby, Emily Murphy and Louise McKinney. In 1929, they brought their fight for women's equality all the way to the Privy Council in England. Through their determination, the Famous Five achieved the right for Canadian women to serve in the Senate and opened the doors for all women to participate in Canada's public life.

Günilschish, Mr. Speaker.

In recognition of Breast Cancer Awareness Month

Hon. Mr. Hart: It gives me great pleasure on behalf of the House to draw the attention of this House to the fact that October is Breast Cancer Awareness Month.

We see much fundraising for and awareness of this serious health issue throughout the year. There was the Run for Mom in May of this year and just this month, for example, the Mardi-Bras event also raised awareness and much-needed funds to support women fighting breast cancer.

Breast cancer is something that affects many individuals in the Yukon. Some of these people have breast cancer and others are their family and friends. My thoughts today are particularly with the women who are battling this disease. I can never fully understand what they are going through, but I can say without hesitation that I know their journey is unique to each of them.

As Minister of Health and Social Services, I am certain that our medical caregivers — doctors, nurses, physios and others — work with their hearts as well as their training and expertise to provide the best care possible.

Many people share their experiences, both medical and emotional, with friends as well as their families. I can appreciate that this is an important part of healing, not just for the individuals, but for our community as well.

We can read all the literature provided, but still not truly come to appreciate the road ahead until we hear from those who are travelling on it.

This is both a month of celebration and reflection. I am pleased that we have a medical system that is responsive, but I want to extend my deepest sympathies to the families and friends of those who have passed away, and to those who are struggling as we speak, I wish you great strength.

With that, Mr. Speaker, I conclude my remarks and again commend Breast Cancer Awareness Month to this Legislature.

In recognition of World Polio Day

Mr. Mitchell: I rise today on behalf of all members of the Assembly to pay tribute to World Polio Day, October 24.

Polio, or poliomyelitis, is a highly infectious disease caused by a virus that mainly affects young children under five years of age. One in 200 infections leads to irreversible paralysis, usually in the legs. Even though polio cases have decreased by 99 percent since 1988, globally in 2009 there are still approximately 1,198 cases of polio.

Le 24 octobre, les Rotary clubs du monde entier ont célébré la Journée mondiale contre la polio. Ce jour marqua également le 95^e anniversaire de la naissance de Jonas Salk, le premier à mettre au point un vaccin sûr et efficace contre la polio.

Rotary International declared October 24, 2009, World Polio Day to spotlight its efforts to stamp out polio worldwide. In 1985, Rotary International joined the World Health Organization and committed to the eradication of polio. At that time, even though polio had been eliminated in the United States and Canada, 350,000 children elsewhere in the world contracted the disease annually. In the past 10 years alone, Rotarians in Alaska and the Yukon have contributed \$680,000 to achieve the dream of a polio-free world. These Rotarians have also traveled to such places as India and Nigeria to help local people with national immunization days. Worldwide, Rotarians have

contributed \$800 million since getting involved in the polio eradication program.

There is no cure for polio; it can only be prevented. We must vaccinate millions of the world's most vulnerable children and end the needless suffering wrought by this disease. A polio vaccine given multiple times can protect a child for life. The prevention of this disease — a polio vaccine — has existed since 1955. There is no excuse for a single child to suffer the effects of polio in 2009 — 54 years later. As long as a single child remains infected with polio, children in all countries are at risk of contracting the disease.

The polio virus can easily be imported into a polio-free country and can spread rapidly among unimmunized populations. In Canada, about 11 percent of our population hasn't received a polio vaccination, and that figure puts Canada in danger of a future outbreak. World Polio Day raises the awareness that polio is still a challenge in many other countries, and we must all work together on the fight for the eradication of polio and help make the world polio free.

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

In recognition of Yukon Library Week

Hon. Mr. Lang: I rise today to pay tribute to Library Week in Yukon and to celebrate the 50th anniversary of publicly operated libraries in the Yukon. Libraries have been growing and changing with our history since volunteers first organized reading rooms in tents during the gold rush. Today in the Yukon there are 15 publicly operated libraries with trained staff and free high-speed internet in our communities. Yukoners enjoy free access to literature and information from our past and present and from all around the world.

As we look toward the future, we appreciate how far we have come and how much Yukon libraries have changed and grown and the excellent services our community libraries offer to Yukoners today. During Library Week open house earlier this week, I had the honour of revealing the future of the Whitehorse Public Library, which is our largest community library and headquarters for Yukon's public library system.

In the year 2012, Whitehorse Public Library will move to the new space in the Kwanlin Dun First Nation cultural centre, now under construction on the Whitehorse waterfront. This is exciting news for all Yukoners. Locating the Whitehorse Public Library in the Kwanlin Dun First Nation cultural centre is a natural fit. We look forward to the opportunities for joint programming in a venue being built to celebrate the sharing of culture and traditions. It is good news for the public and staff who can look forward to a larger, brighter library in a very scenic and prime location. In all seasons, tourists and Yukoners will enjoy panoramic views of the Yukon River and the Whitehorse waterfront from the library's second floor windows. The cultural centre and library will help to enhance business, tourism and cultural opportunities on the Whitehorse waterfront and ensure that the waterfront becomes a main attraction and natural gathering place. With the space for Whitehorse Public Library being custom built by Kwanlin Dun First Nation with input from Yukon, the new location will provide Yukoners with a wonderful venue for years to come. In addition to a large collection of books, our focus on community services is why

we plan to relocate and enhance when the library moves to the Kwanlin Dun First Nation cultural centre in 2012.

Mr. Speaker, this government understands how important library services are to the well-being of all Yukon people, and I invite you to join me in paying tribute to our skilled library staff, readers, learners, volunteers, and partners, who contribute to Yukon's public libraries in literacy and to our vision of a better quality of life for all.

Thank you, Mr. Speaker.

Speaker: Are there any further tributes?

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Ms. Taylor: Mr. Speaker, I would ask all members of the Legislature to join with me in extending a warm welcome to the Mayor of Whitehorse, Mayor Bev Buckway, and congratulations on your recent re-election.

Applause

Mr. Mitchell: I would also like to ask all members of the Assembly to extend a warm welcome to recently re-elected Councillor Dave Stockdale, on his 10th election to city council.

Applause

Mr. Hardy: Mr. Speaker, I've actually got a question: Why, Dave, why?

I would like all members to help me welcome the new Leader of the NDP, Elizabeth Hanson.

Applause

Mr. Cathers: Mr. Speaker, I'd like to ask all members to join me in welcoming constituents to the gallery today, Karl and Jenny Gruber, Wayne McManaman, Peter Wojtowicz, Mark Prins, and I would also like to welcome the executive director of the Youth of Today Society, Vicki Durrant.

Applause

Speaker: Are there any further introductions of visitors?

TABLING RETURNS AND DOCUMENTS

Speaker: Under tabling returns and documents, the Chair has for tabling the Conflict of Interest Commission's Annual Report for the period ending March 31, 2009. This report was distributed to the Members of the Legislative Assembly and to the media in September.

The Chair also has for tabling the annual reports of the Ombudsman and Information and Privacy Commissioner for 2008.

Further, the Chair has for tabling a report of the Clerk of the Legislative Assembly on the absence of members from sittings of the Legislative Assembly and its committees, dated October 29, 2009.

Are there further documents for tabling?

Hon. Mr. Fentie: I have for tabling the Public Accounts for fiscal year 2008-09.

I also have for tabling a copy of the northern housing trust funding agreements between the Government of Yukon and each respective Yukon First Nation.

Mr. McRobb: I have for tabling two documents related to the government's negotiations to privatize the Yukon Energy Corporation.

Speaker: Are there any further documents for tabling? Are there any reports of committees?

REPORTS OF COMMITTEES

Hon. Ms. Taylor: I have for tabling the ninth and tenth reports of the Standing Committee on Appointments to Major Government Boards and Committees.

Speaker: Are there any further reports of committees? Are there any petitions? Are there any bills to be introduced?

INTRODUCTION OF BILLS

Bill No. 16: Introduction and First Reading

Hon. Mr. Fentie: I move that Bill No. 16, entitled *Fourth Appropriation Act, 2008-09*, be now introduced and read a first time.

Speaker: It has been moved by the Hon. Premier that Bill No. 16, entitled *Fourth Appropriation Act, 2008-09*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 16 agreed to

Bill No. 17: Introduction and First Reading

Hon. Mr. Fentie: I move that Bill No. 17, entitled *Second Appropriation Act, 2009-2010*, be now introduced and read a first time.

Speaker: It has been moved by the Hon. Premier that Bill No. 17, entitled *Second Appropriation Act, 2009-2010*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 17 agreed to

Bill No. 73: Introduction and First Reading

Hon. Mr. Hart: I move that Bill No. 73, entitled *Act to Amend the Registered Nurses Profession Act*, be now introduced and read a first time.

Speaker: It has been moved by the Minister of Health and Social Services that Bill No. 73, entitled *Act to Amend the Registered Nurses Profession Act*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 73 agreed to

Bill No. 75: Introduction and First Reading

Hon. Ms. Horne: I move that Bill No. 75, entitled *Second Miscellaneous Statute Law Amendment Act, 2009*, be now introduced and read a first time.

Speaker: It has been moved by the Minister of Justice that Bill No. 75, entitled *Second Miscellaneous Statute Law Amendment Act, 2009*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 75 agreed to

Bill No. 76: Introduction and First Reading

Hon. Mr. Lang: I move that Bill No. 76, entitled *Act to Amend the Motor Vehicles Act*, be now introduced and read a first time.

Speaker: It has been moved by the Minister of Community Services that Bill No. 76, entitled *Act to Amend the Motor Vehicles Act*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 76 agreed to

Bill No. 77: Introduction and First Reading

Hon. Mr. Hart: I move that Bill No. 77, entitled *Act to Amend the Public Health and Safety Act*, be now introduced and read a first time.

Speaker: It has been moved by the Minister of Health and Social Services that Bill No. 77, entitled *Act to Amend the Public Health and Safety Act*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 77 agreed to

Bill No. 78: Introduction and First Reading

Hon. Mr. Fentie: I move that Bill No. 78, entitled *Act to Amend the Elections Act*, be now introduced and read a first time.

Speaker: It has been moved by the Hon. Premier that Bill No. 78, entitled *Act to Amend the Elections Act*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 78 agreed to

Bill No. 79: Introduction and First Reading

Hon. Mr. Lang: I move that Bill No. 79, entitled *Act to Amend the Medical Profession Act*, be now introduced and read a first time.

Speaker: It has been moved by the Minister of Community Services that Bill No. 79, entitled *Act to Amend the Medical Profession Act*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 79 agreed to

Bill No. 80: Introduction and First Reading

Hon. Mr. Lang: I move that Bill No. 80, entitled *Act to Amend the Access to Information and Protection of Privacy Act and Health Act*, be now introduced and read a first time.

Speaker: It has been moved by the Minister of Highways and Public Works that Bill No. 80, entitled *Act to Amend the Access to Information and Protection of Privacy Act and Health Act*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 80 agreed to

Speaker: Are there further bills for introduction? Hearing none, are there notices of motion?

NOTICES OF MOTION

Hon. Ms. Taylor: I give notice of the following motion:

THAT this House urges one member of the Official Opposition caucus, one member of the Third Party caucus and the Independent member to accept the Yukon government's invitation to attend the climate leaders summit at COP15 in Copenhagen, Denmark, as observers from December 13 to 20, 2009.

Hon. Ms. Horne: I give notice of the following motion:

THAT this House urges the Government of Yukon to explore the concept of a multidisciplinary approach to dealing with the complex needs of chronic substance abusers.

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

THAT this House urges the Public Accounts Committee to exercise its rights and its obligation by calling officials as witnesses from the Department of Energy, Mines and Resources and the Yukon Development Corporation to appear before the Committee to answer questions on discussions with ATCO and efforts to develop an improved approach to managing electricity generation and distribution in Yukon.

I give notice of the following motion:

THAT a select committee on safe operation and use of off-road vehicles be established;

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

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

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

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

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

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

I also give notice of the following motion:

THAT a select committee on the prohibition of discharging a firearm within a road corridor be established;

THAT the membership of the committee be comprised of equal representation from the government caucus, the Official

Opposition caucus, the Third Party caucus and include the Independent member;

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

THAT the committee conduct public consultations for the purpose of receiving the views and opinions of Yukon residents and prepare a report making recommendations regarding public safety for prohibiting the discharge of a firearm within a road corridor;

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

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

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

I also give notice of the following motion:

THAT this House urges the Government of Yukon to introduce amendments to the *Motor Vehicles Act* to prohibit the use of hand-held cellphones and other similar electronic devices while driving or operating motor vehicles on a highway, except as provided for by law.

I also give notice of the following motion:

THAT his House urges the Government of Canada to work in a trilateral partnership with the Government of Yukon and Yukon First Nation governments to implement the Northern Economic Development Agency in Yukon in accordance with the following principles:

(1) all matters with respect to the agency will be dealt with on government-to-government basis between Canada, Yukon and Yukon First Nation governments;

(2) the Yukon Final and Self-Government Agreements are to be honoured in every respect without derogation of First Nation rights and responsibilities under these agreements;

(3) the agency's implementation and the delivery of northern economic development programming will not absolve Canada of its economic obligations under the Yukon Final and Self-Government Agreements, or affect Yukon First Nations' on-going access to other current or new federal government programs and services;

(4) the implementation of the agency needs to be responsive to the unique circumstances and strategic priorities of Yukon with programming that is flexible and able to invest in a range of initiatives, including people, enterprises, economic infrastructure, research, promotion and planning;

(5) the agency's decision-making process regarding projects in the Yukon needs to be collaborative with Yukon and Yukon First Nation governments, and be implemented in a way that reflects unique social, economic and political environments of Yukon;

(6) the decision-making and administration of the agency's Yukon-specific program should be based in Yukon and staffed by resident employees who are familiar with the operations and

economies of the territory, including an appropriate cultural focus;

(7) Yukon First Nation traditional knowledge and accepted customary practices will be applied to projects where appropriate;

(8) in implementing the agency in Yukon, Indian and Northern Affairs Canada, the Government of Yukon and Yukon First Nations agree that investments will be incremental to base budgets and that existing programs and responsibilities will not be offloaded to this new program;

(9) the agency will use an application and evaluation process that reasonably assures access to Yukon-specific funds administered by the agency by Yukon First Nation development corporations and companies and by First Nation citizen community-based entrepreneurs;

(10) an accountability and performance measurement framework will be developed to assess the effectiveness of the economic development activities of the agency;

(11) in the administration of this program, the agency needs to recognize that:

(a) the Government of Yukon and Yukon First Nations have roles, responsibilities and expertise in economic development in Yukon;

(b) a partnership approach at the strategic planning and operational levels will be used to ensure a collaborative approach to achieve our shared objectives; and

(c) the agency will complement and not duplicate programs provided by other partners; and

(12) program delivery by the agency will add to the investment in Yukon's economy and not limit the obligations of the federal government to provide access and allow the participation of Yukon residents to existing federal programs.

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

THAT the Standing Committee on Rules, Elections and Privileges examine the Standing Orders of the Yukon Legislative Assembly that determine the roster for Opposition Private Members' Business on Wednesdays, and report to this House its recommendations for changes to those Standing Orders that would permit Independent members to be included in that roster.

I give notice of the following motion:

THAT this House recognizes that the Porcupine caribou herd is of special relevance to the community of Old Crow as identified in the *Porcupine Caribou Management Agreement*, and the leadership role the Vuntut Gwitchin First Nation is taking to conserve the herd and its habitat; and

THAT this House urges the Government of Yukon to support a leaders summit being hosted by the Vuntut Gwitchin government to discuss and consider the conservation of the Porcupine caribou herd.

I give notice of the following motion:

THAT this House urges the Government of Yukon to explore additional measures to address the concerns of victims of crime, including the following:

- (1) developing a victims bill of rights that ensures all victims are treated with courtesy, compassion and respect;
- (2) ensuring that victims receive information about the investigation, prosecution and sentencing decisions regarding criminal offences that concern them;
- (3) having officials employed in the criminal justice system consider the rights and views of the victims when making decisions about a particular case;
- (4) exploring innovative programming options to address the needs of victims, especially women, children, youth and people who have FASD;
- (5) developing a comprehensive focused training plan to address the needs of existing victim services workers and to support initiatives that will allow further development of community-based resources, particularly in rural Yukon communities; and
- (6) consulting with Yukoners regarding the development of a victims of crime act.

I give notice of the following motion:

THAT this House urges the Government of Yukon to work with Kaushee's Place to address the need for second-stage housing.

I give notice of the following motion:

THAT this House urges the Government of Yukon to explore and bring forward civil forfeiture legislation that would allow the government to seize the proceeds of criminal activities.

I give notice of the following motion:

THAT this House urges the Government of Yukon to amend the *Motor Vehicles Act* and its appropriate regulations to lower the allowable blood alcohol level when driving from .08 to .05.

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

THAT this House has lost confidence in the Premier and in his capacity to govern.

I give notice of the following motion:

THAT this House urges the Government of Yukon to implement without further delay a comprehensive strategy to reduce poverty and homelessness in the Yukon, that this strategy be developed in consultation with the Yukon Anti-Poverty Coalition and its member non-governmental organizations, and that this strategy address the underlying determinants of poverty, including:

- (1) substandard, unstable and unaffordable housing;
- (2) insufficient education and job skills among many Yukoners;
- (3) inadequate support for the challenges faced by the working poor;

- (4) inadequate support for the challenges faced by many people with disabilities;
- (5) non-existent residential treatment options for mental health patients.

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

THAT this House urges the Yukon government to uphold the promise it made three years ago and, without further delay, work with all elected members to develop legislative reforms for application in this Assembly to allow each and every member to work more productively in serving the public.

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

THAT this House urges the Yukon Party government to immediately conduct public consultations to examine the public safety issue of using hand-held cellular phones and other devices while driving a motor vehicle on a Yukon highway.

I give notice of the following motion:

THAT this House establish an independent, non-partisan commission on Yukon aboriginal language protection;

THAT the commission be comprised of four Yukon residents — one to be appointed by the Premier, one to be appointed by the Leader of the Official Opposition, one to be appointed by the Leader of the Third Party, and a non-voting chair to be appointed by the Standing Committee on Appointments to Major Government Boards and Committees;

THAT the commission receive the views and opinions of Yukoners, interested groups and stakeholders on legislative amendments to Yukon's *Languages Act* that include granting rights in respect of, or providing services in any Yukon aboriginal language in addition to the rights and services provided in the act, as well as other matters;

THAT the commission shall develop terms of reference before receiving the views and opinions of Yukon residents;

THAT the *Languages Act* be referred to the commission;

THAT the decisions by the commission require majority support by members of the commission;

THAT the commission report to the Legislative Assembly no later than two years after its establishment:

(1) its findings relating to public opinion for the protection of Yukon aboriginal languages; and

(2) its recommendations regarding what form legislation implementing changes recommended by the commission should take;

THAT in the event the Legislative Assembly is not sitting at the time the commission is prepared to report, the chair of the commission shall forward copies of the report to all members of the Legislative Assembly and thereafter make the report public;

THAT the Speaker of the Legislative Assembly shall table the report in the Legislative Assembly on the first sitting day following the release of the report;

THAT during its review of public opinion on legislative options for Yukon aboriginal language protection, the commission shall be empowered:

(1) to invite officials from the Government of Yukon, the Government of Nunavut, the Government of the Northwest Territories, the Government of Canada and Yukon First Nations to appear as witnesses;

(2) to invite such other persons as it deems necessary to appear as witnesses on technical matters;

(3) to invite a designate of the Yukon Native Language Centre to appear as a witness;

(4) to hold public hearings, meetings with individuals, focus groups and town-hall type meetings;

(5) to print such papers and evidence as may be ordered by it; and

THAT the Commissioners shall be paid a daily honorarium;

THAT the Chair shall receive an additional honorarium; and

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

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

THAT this House amend the *Access to Information and Protection of Privacy Act* (ATIPP) and any other relevant acts as required to ensure that the following corporations are subject to ATIPP:

(1) Yukon Hospital Corporation;

(2) Yukon Workers' Compensation Health and Safety Board; and

(3) Yukon Energy Corporation.

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

THAT this House urges the Yukon government to establish a select committee on the *Landlord and Tenant Act*;

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

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

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

(a) changes to the regulations made pursuant to the act,

(b) substantive amendments to the act, or

(c) the introduction by the government of a new act;

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

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

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

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

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

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

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

THAT this House urges the Yukon government as part of its social-inclusion initiative to host a major summit in Whitehorse in early 2010, similar in structure and scope to the Yukon Substance Abuse Summit of 2005, to bring together all levels of government, including federal, territorial, First Nation, municipal, as well as non-government organizations, the private sector, people living in poverty and acknowledged experts in the field for a focused discussion to examine effective strategies to respond to poverty and other factors, such as inadequate housing, education and employment, that exclude people from participating in healthy and productive living.

I give notice of the following motion:

THAT a select committee on Bill No. 108, *Legislative Renewal Act*, be established;

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

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

THAT the committee report to the House its findings and recommendations no later than the 2010 fall sitting of the Legislative Assembly;

THAT the government introduce in the House legislation no later than the 2010 fall sitting of the Legislative Assembly;

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

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

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

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

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

THAT this House urges the Premier to respect the principle of ministerial accountability and the fundamental principles of the Westminster system of democracy by immediately end-

ing his practice of giving orders to departments behind the back of the ministers responsible.

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

QUESTION PERIOD

Question re: Yukon Energy Corporation/ATCO

Mr. Mitchell: Last spring, the Premier told this House repeatedly that the government had not engaged in any discussions to privatize the Yukon Energy Corporation. He told the House on April 27: “No, we’re not involved in any process to privatize any public corporation in the Yukon, whether it be energy, hospitals or whatever the case may be.”

Shortly after the Legislature rose, the chair of the board of the Yukon Energy Corporation and three board members resigned because the Premier had, in fact, been trying to privatize the Yukon Energy Corporation. At the end of August, the Premier’s right-hand man, the Member for Lake Laberge, resigned as well, citing the Premier’s secret negotiations to privatize the Yukon Energy Corporation.

Why did the Premier say there were no negotiations to privatize the Yukon Energy Corporation when, in fact, there were?

Hon. Mr. Fentie: Well, the reason is that because, in fact, there weren’t. Privatization is not on and, in fact, the government’s position all along has been that what we do must remain within the context of a public utility. What the government is actually focused on is meeting the challenges we face when it comes to supplying and providing affordable, reliable energy to Yukoners.

Let’s look at an example. Could our Energy Corporation, on its own, complete the first phase of the Mayo B project by extending the transmission line from Carmacks to Pelly, removing a community from diesel generation and, in addition, partnering with the mine site to add the mine site on to hydro versus using diesel and creating even more of a carbon footprint in the Yukon? No, it could not. It could only do it in a partnership with industry and this government.

What we seek is partnerships that will meet the objective, and this would remain a public utility.

Mr. Mitchell: What this Premier is saying differs from the documents that have been tabled. When the MLA for Lake Laberge quit on the Premier this summer, he had some interesting things to say. He said, while the cause of this breaking point relates to the ATCO scandal, it is not about electricity; it is about integrity. The Premier was a lot more involved in the discussions with ATCO than he had indicated and the government did, in fact, consider the sale of public assets and privatization. It is indeed about integrity. Nobody believes the Premier’s denials — not the chair of the board, not the three members who resigned, certainly not the Member for Lake Laberge, who now sits on this side of the House.

Hundreds of Yukoners we heard from this summer don’t believe the Premier and, in case there’s any doubt, I don’t believe the Premier either.

Will the Premier admit the obvious and confirm there were negotiations to privatize the Yukon Energy Corporation and that he in fact participated and directed those negotiations?

Hon. Mr. Fentie: If I were to admit such a thing, I would be misinforming this House. There were no such things in terms of negotiations for privatizing anything. What there was, were discussions of partnership. In fact, discussions with ATCO have gone on for years. That’s not new.

I take no issue with people interpreting things and forming their own opinions. Those opinions and the conclusions they draw are for reasons that are theirs and theirs alone. We will still not in any way, shape or form stand down from our responsibility to deliver reliable, affordable energy to Yukoners.

The member opposite, the Leader of the Official Opposition, may not believe that but, again, that’s his choice for whatever reasons he has for making that choice.

Mr. Mitchell: We can agree on one thing between me and the Premier: we certainly don’t want to mislead the House, but we’re not talking about opinions — we’re talking about facts and it’s a fact that negotiations took place and the Premier not only participated but led them.

Over the summer months, Yukoners heard two conflicting accounts of what was going on in talks with ATCO. The Premier denied they had even occurred. He was contradicted by the former chair of the board, by former board members, by the now former Minister of Energy, Mines and Resources, by the joint position paper that was made public on June 25. The paper confirms the Premier was involved in the negotiations, even to the point of directing how long the term of the president of the organization should be.

The evidence is overwhelming: the Premier was in the middle of selling out our energy future to a private company, and we have the written documents to prove it. The denials don’t hold up.

Will the Premier finally admit the sale of public hydro assets was on the table and that he personally was part of the negotiations?

Hon. Mr. Fentie: You know, the documents the member may have — which I don’t have before me — but the documents I was privy to through briefings demonstrate clearly what the government’s position was: no privatization, no sale of assets, must remain a public utility. Any entity in partnership we create must also be Yukon-based.

We went further: no loss of jobs.

However, all that has been lost in this ever-evolving misinformation process. So what the government has done in the context of the public interest is taken the step to allow for this to go before the Public Accounts Committee. The member opposite has every opportunity now to present the facts as he sees them in the context of the committee. We’ll let the committee conclude its work, present its findings to this House, because the Yukon public deserves the facts and, more importantly, so do the employees of the Yukon Energy Corporation.

Mr. Mitchell: Well, Mr. Speaker —

Speaker: Order please. Allow the Speaker to introduce you, please. Leader of the Official Opposition, you have the next question.

Thank you.

Question re: Yukon Energy Corporation/ATCO

Mr. Mitchell: Mr. Speaker, it's not so simple. It can't be that now the Premier wants us to all sit back and wait for PAC to meet, when for so long they did everything to stop it. We will exercise our right to ask questions of the ministers opposite in this House.

Now the Premier has insisted he was not in negotiations to privatize the Energy Corporation. No one believes that claim. Not even some of the members sitting beside him and behind him today. The proof is overwhelming, but he still refuses to admit that our public hydro assets were on the table. When the MLA for Lake Laberge resigned — the former minister of Energy, Mines and Resources — he cited the increasing centralization of power in the corner office. This is an example of that happening. The Premier had no mandate from the public to be privatizing Yukoners' Energy Corporation. He had no mandate to sell the Whitehorse dam to ATCO. That's exactly what he was trying to do and he got caught. Who gave the Premier the right to mortgage our energy future?

Hon. Mr. Fentie: Well, Mr. Speaker, I guess the member opposite obviously — after many calls for the Public Accounts Committee to go to work — has now suddenly taken a different approach with respect to that committee.

Mr. Speaker, the member mentions the Whitehorse dam being for sale. There's nothing of the sort. I think everybody on this side of the House, and all those involved in scoping out discussions with ATCO, know that to be the fact. That's why I think, Mr. Speaker, the Public Accounts Committee should do its work.

If the members opposite are unable to accept the facts as they are, then let them do the work — the Public Accounts Committee, along with the government's side and witnesses that come before the committee — and we'll get to the facts. The Yukon public deserves the facts and so do the employees of the Energy Corporation. This is an unfortunate circumstance, and the government side is going to do what it can to make sure that the public and the employees of the corporation are well aware of what transpired. The problem remains: we are still faced with the challenge of delivering affordable, reliable energy to Yukoners.

Mr. Mitchell: Mr. Speaker, the Premier knows full well what happened when the Public Accounts Committee tried to call for investigations into asset-backed commercial paper or call meetings to look into the Yukon Energy Corporation. Yukoners demand answers now. They're not looking for further delay until sometime next year. We need to question the ministers, not just the officials; they are two different processes. Now, governments are supposed to be accountable to the people who elect them. When you're working in the best interests of the public, there should be no need to conduct secret negotiations behind people's backs. The Premier had no mandate from Yukoners to start down this road. The government found out this summer, Yukoners are strong supporters of a publicly owned Energy Corporation. They want it to stay in public hands. Why did the Premier engage in these secret negotiations

without any mandate from the public? Why were Yukoners kept out of the loop?

Hon. Mr. Fentie: Well, once again, Mr. Speaker, engaging in negotiations is something that was not transpiring. If the member wants some clarification for that, he's obviously not going to accept what the government side has been saying. So the member can do his job, with the Public Accounts Committee, and he will bear witness to the facts. And that is the process the government intends to embark on.

We feel very strongly that the Yukon public should no longer be subjected to misinformation. And, Mr. Speaker, the Yukon Energy Corporation employees should no longer be subjected to misinformation. Obviously there needs to be a process embarked upon by this Assembly and its committee to get to the facts of the matter so the public has been made aware. Mr. Speaker, the member opposite can continue on in whatever manner he'd like. The Yukon government will continue on with its job and that is to deal with the energy issue and challenges that this territory faces today and into the future.

Mr. Mitchell: Well, Mr. Speaker, we'll keep up with our job on this side of the House of holding this Premier accountable. Mr. Speaker, this is about integrity; it's about trust. Yukoners are looking for a government that they can trust. For almost a year, the Premier did engage in secret negotiations to privatize the Energy Corporation; he spent months denying it. He lost the chair of the Energy Corporation over it. He lost his Minister of Energy, Mines and Resources over it. He has lost the trust of Yukoners over it and he thinks it's just their opinion.

From his corner office, the Premier started down this road without even asking Yukoners if this is something that they wanted to look at. It's supposed to be the other way around, Mr. Speaker. The most disappointing part of the entire episode is that the Premier's actions have been endorsed by the silence of his colleagues. They have stood by him and praised him; they're in this together.

What mandate did the Premier and this government have to mortgage Yukoners' energy future?

Hon. Mr. Fentie: I know the member has great difficulty in accepting facts, but if he would look at the evidence, he would see "mortgaging the future" is not happening. Building the future is happening. What does he call the partnership with Canada — Canada is investing \$71 million in Yukon's energy future in partnership with the Yukon government and its Energy Corporation. I don't call that mortgaging the future, selling our assets, privatizing our corporation. I call that building Yukon's energy future, building up the Yukon Energy Corporation's capacity and assets and delivering what we must deliver to the Yukon public — reliable, affordable, greener energy for their use and this territory's future.

Question re: Yukon Energy Corporation board members

Mr. Cardiff: Back in April, the Premier was asked if he was involved in any discussions in privatizing, in any way, shape or form, the Yukon Energy Corporation. He said, "No, we're not involved in any process to privatize any public corporation in the Yukon."

Now of course we all know the story from there: secret meetings with ATCO, resignations of the chair of YEC and YDC, three other board members, a Cabinet minister walked and now the Premier has filled four vacancies on the board of YDC.

Can the Premier shed light on the process that he used to solicit potential board members and why the government chose not to go public with a call for nominees?

Hon. Mr. Fentie: I think it's clear. Under the circumstances we wanted a functioning board to contribute positively and constructively to the Energy Corporation.

The process used was the normal process. Names came forward, expressions of interest came forward, the government conducted itself and the business it's required and obligated to do to appoint the people to boards and committees. I can tell you, Mr. Speaker, there was another interesting scenario that evolved in this process: certain disciplines came forward that will contribute very constructively and positively to the board — disciplines like accounting, engineering and geology. These are all very positive steps toward strengthening and enhancing our corporation's ability to deliver on that very important goal and objective of affordable, reliable energy for Yukoners.

Mr. Cardiff: Considering all the controversy and confusion this year around Yukon Energy Corporation, I would have expected these appointments would have been handled with more care to ensure the process at least seemed to be fair and as open and transparent as possible, but there was no public call to fill these vacancies — no advertising, no organizations were contacted. I wonder how many other qualified Yukoners would have put their name forward to sit on the Yukon Development Corporation Board if they had been given the opportunity.

Why were there only four applicants to fill the four vacancies? Was it because the Premier chose a by-invitation-only process?

Hon. Mr. Fentie: Actually no, there were no invitations. Again, I say the government followed the process it must and it's obligated to, and that is to make appointments. If the members opposite take issue with the process, I would remind the member that the committee, as established, is a political committee. It is a committee that makes recommendations and the members opposite, who are members of that committee, could have made recommendations. I understand, as the process evolved, the names were presented — not just for the Energy Corporation but also for the Workers' Compensation Health and Safety Board. Discussions took place, recommendations came forward, government did its job and made the appointments.

Mr. Cardiff: I'm not going to go there. The members on the government side of the House who are on that committee all know what happened at that meeting. I'm not questioning the qualifications of the nominees. I think they're amply qualified, but there were only four nominees to recommend for four positions. Three of them came with private sector experience, which the minister has outlined; one came with government experience; but there wasn't one woman; there were no nominees with a background in either labour or the environ-

mental movement, or any other sector of society. Given the challenges that the Yukon Development Corporation and the Energy Corporation are facing, I think it's important that some of those views are represented as well.

It's not surprising that the nominees who are presented do not reflect a broader cross-section of Yukon society, because there was no public process to solicit for the candidates. Why —

Speaker: Order. Ask the question.

Mr. Cardiff: Why did the Premier choose to exclude the Yukon public from participating in what could have been a fair and open process?

Hon. Mr. Fentie: Mr. Speaker, I'm sure the Member for Mount Lorne does not mean it when he suggests that there are no women represented on the board. I think we have to reflect on the fact that there were board members who did not quit because they had a different opinion. Those board members include three First Nation appointments, one of which is a woman. There is a very good representation of the cross-section of the Yukon public on the Yukon Development Corporation Board, as there is on many other boards.

I would remind the member at the meeting the committee attended, there was one name that came forward for the Yukon Workers' Compensation Health and Safety Board. These are processes that we follow and we meet our obligations by making those appointments, Mr. Speaker. I must remind the member that there is a woman on the board — a First Nation woman — who is making a significant contribution to the energy future of the Yukon and the activities and the operations of the Yukon Energy Corporation, as all members continue to do, and we thank them for that.

Question re: Yukon Energy Corporation/ATCO

Mr. Hardy: I am not going to rehash history. The Leader of the Official Opposition wants to go over what happened during the spring and the summer and that is very legitimate in the Legislative Assembly, but I am more interested in hearing what is happening today because, from my perspective, Mr. Speaker, I think there are still ongoing negotiations happening. I believe that there are many outstanding issues that need to be settled with the Yukon Energy Corporation, with private sector involvement, with IPPs, with this whole Mayo B dam and how he financed it.

We do know what the territorial government has negotiated with the federal government — they have announced it at least 100 times as \$71 million. My question: is the Premier in any discussions at this time with anyone regarding our energy assets? If so, will he tell us who those people may be?

Hon. Mr. Fentie: Yes, I can tell the member opposite: with our corporation. Our corporation — and I will just repeat, at the risk of being repetitive: the government is not, has not, will not entertain privatization of our public utility and our Energy Corporation. The members opposite have an opportunity to express their views, to challenge witnesses before the Public Accounts Committee, to get to the facts as they want or obviously appear to want to do, and the government side has offered that.

We do, though, have an obligation to Canada. I would remind the members opposite that the green energy infrastructure fund is a 50-cent dollar fund. The government is working with its corporation to ensure that we honour our commitment to that partnership with Canada.

Mr. Hardy: A couple of points here, Mr. Speaker. The question that I asked was if he was in discussion with anyone regarding our energy assets. He said the corporation. So I am assuming that he means very clearly that he is in no discussion with any other corporation, individual, group, business, or international organization about the future of our energy. I would like to get that corrected.

Secondly, it's really nice to hear the Public Accounts Committee is up and running again — or it's going to be up and running. It's a pox on all of the people who were sitting on the Public Accounts Committee for not keeping that committee running — both sides — and I was ashamed of that, period. So it's nice to hear that's happening again.

But I would like to give the Premier an opportunity this afternoon to level with the Yukon public and state exactly what the plans are to do with the Yukon Energy Corporation, now that a new chair and three new directors have been hand-picked — the people have a right to know.

So the question is this: will the Premier tell us, yes or no, if he still plans to reduce local control over our energy assets by letting a private company come in and develop, run and even own more of them.

And I'm not talking —

Speaker: You're done.

Hon. Mr. Fentie: You know — how can I go about this? I think the member is referring to independent power production. I can assure the member that that is not a mechanism for privatization. What it is, is the government ensuring there is a policy in place so that independent power producers can put power on the public utilities grid to assist this territory in meeting that objective of providing affordable and reliable energy to Yukoners. And we want to go further. We want to be able to provide greener energy. We want to reduce our carbon footprint, as the Minister of Environment's climate change strategy obligates us to do.

Everything we do with our Energy Corporation and our energy future, by the way, Mr. Speaker, is vested in the Yukon government's energy strategy. That's the blueprint we are following. It includes governance and restructure at the board level, and it includes the accountability to the shareholder which, in this case, is the Yukon public.

Mr. Speaker, we are doing — at least I believe we are — exactly what the Third Party member wants done in this territory.

Mr. Hardy: Well, the minister mentioned green energy. Well, it doesn't take a degree in math to figure out that the Mayo B project, though it can be considered a green energy project, is not giving us very much return for the amount of money being spent on it. I believe it is five megawatts.

I believe if we invested \$160 million in wind, solar, hydro and micro hydro, we would get a far greater amount of energy contributing back into this territory throughout all the commu-

nities, not only the ones on the grid. We could be putting windmills up in Old Crow. We could be putting solar panels up in Ross River. We could be going to every single community and putting independent power owned by the people of this territory — green power — into the communities, that doesn't have to be attached to a grid. I don't think the return is that great.

My question is, very simply: are we going to see in the future a greater role for the private sector, including independent power producers, public/private partnerships and multinationals like ATCO, in the generation, transmission and distribution of our energy assets?

Hon. Mr. Fentie: Mr. Speaker, I share what the member from the Third Party has just expressed — those communities off the grid are one of our challenges in providing reliable, affordable energy. Let me share with the member opposite this issue about what we are getting out of investing in Mayo B.

The problem and the challenge is that, by projection from the Yukon Energy Corporation itself, by 2012, there will be an increased supply issue and challenge for Yukon Energy Corporation of some 25 percent. Without additional renewable energy like Mayo B and the investment we are making in partnership with Canada, the Yukon Energy Corporation would be faced with millions of dollars in increased diesel cost, Mr. Speaker. I can assure the member that, when you do the math, the investment in Mayo B will save the Yukon Energy Corporation and the Yukon ratepayer significantly. It will reduce our carbon footprint by thousands of tonnes of CO₂, it connects the WAF grid, and that is something that should have been connected years and years ago.

Now, IPP and net metering are all instruments that are intended to help those outlying communities and individuals even to participate in meeting that very important objective — the production and supply of reliable affordable energy to Yukoners.

Question re: Yukon Energy Corporation/ATCO

Mr. Mitchell: Mr. Speaker, we have more questions for the Premier. Starting in 2008, the Yukon government began spending money on the Premier's plan to privatize the Yukon Energy Corporation. There were at least four contracts that were let and taxpayers shelled out \$275,000 to lawyers and consultants. Over the summer, we filed access to information requests to try to allow the public to see what they got for their money. Those requests were denied by the government.

The Premier says that he runs an open and accountable government. Here is an opportunity for the Premier to prove this is in fact the case. Will the Premier release the four contracts and the work that was done by the consultants?

Hon. Mr. Fentie: Mr. Speaker, my first response to the member opposite is that he should read ATIPP legislation — that would be a good starting point.

Second, Mr. Speaker, the government — these elected representatives — do not make decisions and choices on ATIPP information; that's not our place. If the member is inferring that we interfered with that process, I challenge the member to provide such evidence. This is not something the government did. The decision and choice about what is released and what is not

is done through due process that has no involvement of elected people.

Mr. Mitchell: The government can always choose to release documents if it wants to.

Yukoners want to see the documents for themselves so they can make up their own minds. The Premier told the House in the spring: "We're not involved in any process to privatize any public corporation in the Yukon, whether it be energy, hospitals or whatever the case may be." In fact, the Premier had been in negotiations with ATCO for months. These kinds of contradictions do not inspire confidence in Yukoners. At the end of the day, Yukoners know who has been straight with them.

We'll give the Premier another chance. We're looking for four contracts and the work done by the lawyers and consultants. There is no good reason to refuse to release those documents. Will the Premier do the right thing and allow the public to see what we paid almost \$275,000 for?

Hon. Mr. Fentie: You know, Mr. Speaker, I'm just totally overwhelmed that the Leader of the Official Opposition is now giving me another chance. But I can tell the member opposite that a great place for the member to fulfill his desire and demand is to attend the Public Accounts Committee process. That is what the government is doing. We intend to make sure that the Yukon public has the information in the appropriate manner. We intend to do that because that's what the Yukon public deserves. They don't deserve these processes that have been going on over the last number of months. They deserve the facts and the government intends to make sure they get the facts.

I will repeat again: the member's question or comment in his preamble was about discussions of privatization. There have never been discussions by this government or direction to anyone in government to privatize our Energy Corporation.

Mr. Mitchell: The Public Accounts Committee is a committee of this Assembly. It's not a committee for the government to suggest we use and then withdraw at their choice, when it suits them or doesn't suit them. It's not for the government to have members saying, "No, we won't attend meetings," and then later say, "Yes, we will," at their choice.

The Premier has told the House in the spring that we're not involved in any process to privatize any public corporation in the Yukon. In fact, the Premier had been in negotiations with ATCO for months.

These kinds of contradictions don't inspire confidence in Yukoners. At the end of the day, Yukoners want answers.

Again, will the Premier release the four contracts and the work that was done by the consultants — yes or no? It's very simple.

Hon. Mr. Fentie: Speaking of contradictions, I believe it was the Leader of the Official Opposition who actually quit the Public Accounts Committee.

Let me share with the member opposite what the government is doing and what this Assembly — as the member correctly points out, this Assembly is the institution that is the creating body of the Public Accounts Committee. What the government side intends to do is make this Assembly work

better. That's what the public is saying. The public is demanding that their elected people do the job they were elected to do through this institution. That's what we've tabled today in the business of the House. That is the public's business. If the Leader of the Official Opposition wants to participate or not, that would be his choice. The government will proceed with its obligations in the public interest.

Speaker: The time for Question Period has now elapsed.

Some Hon. Member: Question of privilege, Mr. Speaker.

Speaker: Leader of the Official Opposition, on a question of privilege.

Question of privilege

Mr. Mitchell: I rise today on a question of privilege in response to comments made by the Premier during the spring sitting. The question relates to events that occurred in the Assembly on April 27, 2009. Information that only became public at a later date has demonstrated the Member for Watson Lake intentionally misled the Assembly on that day. I'm raising the question now because it is the earliest opportunity to address the issue in this Assembly.

On April 27, 2009, the MLA for Watson Lake told the House in response to a question from the floor, "No, we're not involved in any process to privatize any public corporation in the Yukon, whether it be energy, hospitals or whatever the case may be." *Hansard*, April 27, 2009.

Over the summer months, it has become clear that, contrary to what the Premier told the House, the Government of Yukon was in fact engaged in negotiations to privatize the Yukon Energy Corporation and had been since October 2008. We believe the Premier's denial that day was a deliberate attempt to mislead the Legislature and the public and, as a result, the Premier should be held in contempt of the House.

I would like to highlight several points for you to consider in making your ruling, Mr. Speaker. In October 2008, the government received a so-called unsolicited bid from ATCO regarding the future of energy in the territory. That document, regardless of whether it was unsolicited or not, kicked off months of extensive negotiations between the Government of Yukon and ATCO.

Those negotiations continued for several months throughout the winter and spring. We know for certain they were ongoing when the Premier made his statements in the Legislature this spring. The Yukon Energy Corporation Board learned about the Premier's secret ATCO talks in December. The Premier handed Yukon Energy Corporation President David Morrison a three-page proposal from ATCO early that month, according to the former chair of the Yukon Energy Corporation Board.

The former chair then shared it with the rest of the board. On Wednesday, July 8, the former chair of the board held a news conference where he recounted a meeting held on December 8, 2008, in the Cabinet offices, and it was at that meeting a privatization agenda was discussed.

Over the summer months, the former chair outlined in detail the talks that went on over a period of several months. The former chair said privatization talks were on, and we take his word for it.

When the MLA for Lake Laberge resigned from Cabinet on August 28, 2009, he made similar statements. He said, "As many have suspected, the Premier lied to the public and to MLAs about his involvement in discussions with ATCO and about what was on the table. The Premier was a lot more involved in the discussions with ATCO than he has indicated, and the government did in fact consider sale of public hydro assets and privatization. It was not until after the resignations of four board members from YEC that government indicated it would not consider any outcomes that led to privatization."

To be clear, those discussions took place between October 2008 and the summer of 2009 and cover the period when the Premier made his statements in this House. The former minister said privatization talks were on and we take his word for it.

The Premier said, "No, we are not involved in any process to privatize any public corporation in the Yukon." In August 2009, the Liberal caucus filed access to information requests to the Executive Council Office and Department of Energy, Mines and Resources. They were denied in accordance with Section 17(1)(e) of the ATIPP act which states, "A public body may refuse to disclose to an applicant information the disclosure of which could reasonably be expected to harm the financial or economic interests of a public body or the Government of the Yukon or the ability of that Government to manage the economy, including the following information.

"(e) information about negotiations carried on by or for a public body or the Government of the Yukon."

The Department of Energy, Mines and Resources, in responding to these access requests, admitted the government was in negotiations to privatize the Yukon Energy Corporation and we will take their word for it.

On August 11 the Premier held a news conference to try to explain some of the events that had transpired with regard to ATCO. He only stayed a few minutes and then left officials to explain his actions. This is how one of the officials described what went on with ATCO, "We got into this negotiation, we were looking at financial numbers, we were looking at lots of stuff."

As part of these negotiations, officials representing the Premier travelled to Calgary six times over a seven-month period for meetings with ATCO. The Premier claims that these meetings were not negotiations. We don't believe that and neither do most Yukoners. Officials in the government admitted there were negotiations — and we'll take their word for it.

Finally, a joint position paper arising from a negotiating session between Yukon and ATCO on May 12 in Calgary was made public this summer. The position paper outlines the creation of a new Yukon-based full-capability energy organization entitled OPCO. Page 6 of the paper contains this statement, "ATCO indicated that the president would be from within the ATCO organization and would have a term for a minimum period of time — five years was mentioned. ATCO notes that the Premier told Nancy Southern that longer would be better."

Nancy Southern is the president of ATCO. The joint position paper is a public document that outlines in great detail what was on the table, and there is no doubt it was the privatization of our energy future and our Energy Corporation.

This is the most solid evidence that government was, in fact, in negotiations with ATCO and is proof that the Premier was not only aware of the negotiations, he was personally involved in the negotiations. The Premier's denials do not hold water. He has been contradicted by the former chair of the board, the former Minister of Energy, Mines and Resources, his own officials and officials who handle access to information requests.

The joint position paper confirms that privatization was on the table and that the Premier was involved. We would urge the Premier to admit that the government was, in fact, in negotiations and that privatization was on the table when this issue was raised in April and that he indeed intentionally misled the House at the time.

Mr. Speaker, I would urge you to rule on the question of privilege and contempt for the Legislature that I am raising. Thank you.

Speaker: Are there any further comments?

Hon. Ms. Taylor: We on the government side do not believe there has been a breach of privilege. Rather, the motion that was put on the Order Paper earlier this afternoon by the Member for Klondike, I believe it was, proposes to put the entire matter of discussions with ATCO before the Public Accounts Committee.

We on this side of the House therefore are of the opinion that the Public Accounts Committee is thereby the proper forum to address the issue that the member has raised here this afternoon.

Thank you.

Mr. Hardy: This is interesting. I didn't realize this was going to be brought forward. I would have appreciated a little bit of a heads-up around it so I could have prepared some statements, considering that it starts off referencing a question I did ask. That was the question that was asked April 29?

Some Hon. Member: (Inaudible)

Mr. Hardy: April 27. Thank you very much, Leader of the Official Opposition. At that time — as was correctly pointed out — I did ask about the privatization of Yukon Energy Corporation because we had heard some concern expressed through people that there were these kinds of discussions happening.

As was so clearly outlined by the Leader of the Official Opposition, what happened after that was the denial and then the story as it unfolds. I just want to put on record just very simply — whatever the outcome of this, it's an important decision to be made. However, I want to put it on record that I am very, very pleased that the Public Accounts Committee is going to have a free and open hand to investigate the Yukon Energy Corporation/Yukon Development Corporation actions as well as the actions of ministers and the Premier himself and that all

witnesses will be called and, if they don't want to come, they will be subpoenaed. I think that's extremely important.

The other point I want to make though is that there is no opportunity for the Third Party to participate in the Public Accounts Committee at this present time. It's extremely important that we bring forward a motion within the next few days to ensure that the Third Party has a seat at the Public Accounts Committee once again so they can participate in this kind of investigation and discussion by the Public Accounts Committee.

Speaker's statement

Speaker: Is there any further discussion on the question of privilege?

Hearing none, with regard to the question of privilege, first, honourable members, there was terminology used that the Chair allowed the Leader of the Official Opposition to use that — in any other context — would be clearly out of order. We're not starting a precedent here today, I just want all members to understand that; however, the member had to use those types of adjectives to express his question of privilege. I understand and respect that, but those types of terminology won't be used in this House in the future.

Secondly, the Chair will take the question of privilege under advisement and will report back to this House.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

Hon. Ms. Taylor: I move that the House do now adjourn.

Speaker: It is moved by the Government House Leader that the House do now adjourn.

Motion agreed to

Speaker: This House now stands adjourned until 1:00 p.m. Monday.

The House adjourned at 2:25 p.m.

The following Sessional Papers were tabled October 29, 2009:

09-1-127

Conflict of Interest Commission Annual Report for the period from April 1, 2008 to March 31, 2009 (Speaker Staffen)

09-1-128

Ombudsman 2008 Annual Report (Speaker Staffen)

09-1-129

Information and Privacy Commissioner 2008 Annual Report (Speaker Staffen)

09-1-130

Absence of Members from Sitzings of the Legislative Assembly and its Committees: Report of the Clerk of the Legislative Assembly (dated October 29, 2009) (Speaker Staffen)

09-1-131

Public Accounts 2008-2009 of the Government of Yukon for the year ended March 31, 2009 (Fentie)

09-1-132

Appointments to Major Government Boards and Committees, Standing Committee on: Ninth Report (dated June 8, 2009) (Taylor)

09-1-133

Appointments to Major Government Boards and Committees, Standing Committee on: Tenth Report (dated September 3, 2009) (Taylor)

The following documents were filed October 29, 2009:

09-1-100

Northern Housing Trust Funding Agreement between Yukon Government and the Liard First Nation (Fentie)

09-1-101

Northern Housing Trust Funding Agreement between Yukon Government and the First Nation of Na-Cho Nyäk Dun (Fentie)

09-1-102

Northern Housing Trust Funding Agreement between Yukon Government and the Kwanlin Dun First Nation (Fentie)

09-1-103

Northern Housing Trust Funding Agreement between Yukon Government and the Selkirk First Nation (Fentie)

09-1-104

Northern Housing Trust Funding Agreement between Yukon Government and the Little Salmon / Carmacks First Nation (Fentie)

09-1-105

Northern Housing Trust Funding Agreement between Yukon Government and the Ta'an Kwäch'än Council (Fentie)

09-1-106

Northern Housing Trust Funding Agreement between Yukon Government and the Kluane First Nation (Fentie)

09-1-107

Northern Housing Trust Funding Agreement between Yukon Government and the Champagne and Aishihik First Nations (Fentie)

09-1-108

Northern Housing Trust Funding Agreement between Yukon Government and the White River First Nation (Fentie)

09-1-109

Northern Housing Trust Funding Agreement between Yukon Government and the Vuntut Gwitch'in First Nation (Fentie)

09-1-110

Northern Housing Trust Funding Agreement between Yukon Government and the Ross River Dena Council (Fentie)

09-1-111

Northern Housing Trust Funding Agreement between Yukon Government and the Carcross Tagish First Nation (Fentie)

09-1-112

Northern Housing Trust Funding Agreement between Yukon Government and the Teslin Tlingit Council (Fentie)

09-1-113

Northern Housing Trust Funding Agreement between Yukon Government and the Tr'ondëk Hwëch'in First Nation (Fentie)

09-1-114

Yukon Electrical Company Limited: An Unsolicited proposal to the Yukon Territorial Government (dated October, 2008) (McRobb)

09-1-115

Joint Position Paper arising from a May 12, 2009 meeting between Yukon and ATCO (McRobb)