

**Yukon Legislative Assembly
Whitehorse, Yukon
Monday, November 9, 2009 — 1:00 p.m.**

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

Prayers

Withdrawal of motions

Speaker: The Chair wishes to inform the House of a change that has been made to the Order Paper. Motion No. 863, standing in the name of the Member for Klondike, has been removed from the Order Paper as it is outdated.

DAILY ROUTINE

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

TRIBUTES

In remembrance of Robert Finlay Munroe

Speaker: It is both a sad duty and an honour to deliver a tribute on behalf of myself and all of the Members of the Legislative Assembly in remembrance of Robert Finlay Munroe.

Among his many talents, Bob Munroe was a skilled welder. Early in his career he spent some time working in the finest of Yukon traditions, on the gold dredges near Dawson. While Bob spent some years Outside, Yukon remained his true home, calling him back north again and again. In 1997, the year following his retirement, Bob returned to the Yukon — this time for good. In June 2000, Bob accepted the appointment as the Deputy Sergeant-at-Arms for the Legislative Assembly for the remainder of the 2000 spring sitting. Bob agreed to continue to serve in this capacity — which he did with distinction — through the end of March of the following year. It was particularly fitting that Bob be appointed to this position, because he had a true love of politics and the Assembly, which was not only evident before the appointment, but which continued after as he had already spent a great deal of his time in the visitors gallery.

In November 1998, two and a half years before Bob's appointment, the former Member for Riverdale South rose in the House to say it was her pleasure to introduce a constituent — Robert Munroe — who "has graced us with his presence virtually every day since we were first elected in the Legislature," in late 1996. In May 2003, two years after Bob completed his service as Deputy Sergeant-at-Arms, the Member for Kluane rose to introduce "a Yukon senior who had frequently visited the gallery for many days of this sitting and previous sittings. When I asked Bob Munroe why he comes down here to watch the proceedings, he explained that it is better than watching afternoon TV. Well, Mr. Speaker, I'm not sure what that says about afternoon TV, but would the members please join me in welcoming Bob Munroe to the gallery."

As a new Speaker in 2003, I would often seek Bob's advice. Over a cup of coffee after Question Period his advice was always invaluable. I understand that one of the proudest mo-

ments of Bob's life came in 2005 when he saw his sister, Geraldine Van Bibber, sworn in as Commissioner of the Yukon.

On behalf of the Members of the Legislative Assembly, I offer sincere condolences to Bob's family, his children — Malcolm Munroe and Tanya Fryer — his grandchildren, nieces, nephews, and his sisters — Heather Klassen, Carol Pearce and the Hon. Geraldine Van Bibber.

It is our honour today, members, to welcome Bob's sister, Geraldine Van Bibber, and his nephew, Dean Klassen, and Dean's wife Laini. Welcome to the House today, folks. Bob will be missed by his many friends, family and acquaintances. I can truly say it was a privilege to have known Mr. Bob Munroe.

In recognition of Hockey Canada Week

Hon. Mr. Hart: It gives me great pleasure to rise on behalf of the House to pay tribute to a sport and pastime that helps to define what it means to be a Canadian — and that's not a Molson. Whether you play hockey, your kids play hockey or you enjoy watching it, hockey brings us together as Canadians. For many families in the Yukon, the start of the hockey season signals the start of months of planning days and weekends around the hockey schedule.

Local arenas become a focal point for our communities. Friendships are renewed and new ones are made. It's difficult to sum up in words the benefits of being involved in hockey. This season is especially significant for all of our aspiring athletes, volunteers and fans as we look forward to the greatest show on earth during the 2010 Olympic Games in British Columbia.

Hockey is a unifying theme and force in Canada. Hockey Canada Week aims to build on the game's ability to bring families and communities together and to teach players of all ages important values and life lessons. Minor hockey associations are the heart of Hockey Canada. They are only as strong as the volunteers who give their time, and they sure they put on an amazing show of common purpose across this nation.

Last year, nearly 600,000 Canadians from coast to coast to coast registered to play hockey. About four million Canadians are involved in the effort to keep the game alive and the majority are volunteers who do everything from installing and maintaining the ice, transporting children to the arena, coaching and officiating, and at the end of the day, turning off the lights in the arena. Year in and year out, the commitment of these volunteers gives our children a safe and friendly environment to play the game they love.

Au Yukon, nous avons la chance d'avoir les meilleurs bénévoles du pays; grâce à eux, le hockey est bien vivant chez nous, tout comme dans le reste du Canada. Le gouvernement est fier d'appuyer le hockey mineur ainsi que bien d'autres sports en offrant une aide financière pour la formation des entraîneurs et des officiels, et en fournissant aux athlètes des occasions de se perfectionner et de participer à des épreuves sportives.

In the Yukon, we are fortunate to have the greatest volunteers in the country. Through them, the hockey spirit is alive and well in the Yukon, just as it is elsewhere in Canada. As a

government, we are proud to support minor hockey and many other sports by funding coaches and officials training and by providing our athletes with training and competition opportunities.

Please join me in celebrating our national sport during this year's Hockey Canada Week from November 8 to 15.

In recognition of Yukon Farmer of the Year

Hon. Mr. Lang: I pay tribute on behalf of the House to the Yukon Farmer of the Year. Today I rise to pay tribute to Yukon's 2009 Farmer of the Year. This year's worthy recipients are Grant Dowdell and Karen Digby. They are recognized and much admired for their contribution to Yukon's agricultural sector and through that contribution to everyday life for those in their local community of Dawson City.

Grant and Karen's three-acre farm is located about eight miles upstream from Dawson on a small island and produces a variety of vegetables, herbs and bedding plants. The much-sought-after products of Grant and Karen's hard work can be found at Dawson's Saturday markets on the waterfront and in the local grocery stores and restaurants that proudly advertise the farm's produce. During the summer, bouquets of their farm's flowers grace many of the historic buildings, hotels and homes in Dawson City.

The farm continues to impress and inspire others with an interest in Yukon agriculture, while Grant and Karen are held up as two of the best examples of farmers supplying a local market in Yukon. In addition, Grant and Karen have provided the Growers of Organic Food Yukon with a test plot for the organization's five-year legume study and generously host the technicians while they are working there.

Mr. Speaker, it is clear that Grant and Karen are devoted to the work of their farm and through that hard work are enriching the lives of those in their local community. I offer this tribute to commend Grant and Karen for the contribution they are making to Yukon's agriculture.

I also pay tribute to the whole of Yukon's agricultural sector and its importance in the lives of Yukoners, from our dinner plate to our décor.

Thank you very much.

Speaker: Are there any further tributes?
Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Fentie: I'd ask the House to please join me in making welcome Yukon's Commissioner, Ms. Geraldine Van Bibber, and I believe representatives from the Munroe family. Welcome all of you.

Applause

Speaker: In addition to that, Hon. Premier, the Chair would like to thank all the House Leaders for allowing the Speaker to send a written letter to the Commissioner because, as the members know full well, the Commissioner never comes into the House without an invitation — so I'd like to thank the House Leaders for allowing the Speaker to have that privilege.

Thank you.

Are there returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Mr. McRobb: Thank you, Mr. Speaker. I have some documents for tabling.

Speaker: Are there any other returns or documents for tabling?

Are there reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motion?

NOTICES OF MOTION

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

THAT it is the opinion of this House that the chair of the Standing Committee on Public Accounts should convene a meeting as soon as possible to discuss the scheduling of business and the items to be discussed by the committee.

I give notice of the following motion:

THAT this House urges the Government of Yukon to make it a priority to introduce substantive amendments, including establishing minimum working ages and limiting the hours of work for young workers, to the *Workers' Compensation Health and Safety Act*, the *Occupational Health and Safety Act* and the *Employment Standards Act*, to ensure that the most vulnerable members of the workforce are better protected from job-related injuries and fatalities.

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

THAT this House urges the Canadian Broadcasting Corporation, the Yukon government and the City of Whitehorse to recognize the important service CBC Radio's AM transmission provides to Yukoners in remote areas beyond the range of current and proposed FM service, including advising them of current events, keeping them informed during power outages, and providing potentially vital information to them during natural and civil emergencies by:

(1) supporting the continuation of AM transmission beyond the three years currently allowed by the CBC's broadcast licence and land lease;

(2) working together to seek a permanent location for a new AM transmitter; and

(3) seeking the necessary financial support and regulatory approval to ensure AM transmission continues to be there for Yukon citizens for the foreseeable future.

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

QUESTION PERIOD

Question re: Peel watershed land use plan

Mr. Mitchell: Mr. Speaker, the Minister of Environment is expected to know about what goes on in her depart-

ment. She is expected to guide and direct her department. She should definitely know if someone else is in charge. The Department of Environment was asked by the Peel land use planning commission to make recommendations on how the Peel watershed should be managed. The commission wanted information from the department's experts on wildlife and conservation. Unfortunately, the commission didn't get it because the Premier made an irate call to the department and told them to water down their recommendations.

In the end, the commission didn't get the information from the experts; they got the opinion of the Premier. This kind of a political interference in a neutral process is completely unacceptable and it has happened on this minister's watch. Did the minister know that the Premier was interfering in her department?

Hon. Mr. Fentie: Mr. Speaker, first I must say that it is another example by the Leader of the Official Opposition of a confused interpretation of the events. The government has been clear all along. In the land use planning process, we must adhere to and follow the *Umbrella Final Agreement*, and that is exactly what we've done in this process.

We as a government, along with First Nation governments, await the commission's work and the tabling of its draft plan or final draft sometime near the year-end.

Mr. Mitchell: What's confused is the Premier's recollection of his telephone calls.

The Department of Environment was forced to change its recommendations to pacify this angry, interfering Premier. He made an agitated call directly to senior Environment officials. The Premier didn't like what was happening in a neutral, arm's-length process, so he decided to play outside the rules — something Yukoners are getting used to from this government.

In doing so, he compromised the integrity of a planning process that has consumed years of effort and millions of dollars. More pertinent to this minister, however, is the fact that the Premier seemed to bypass her entirely, leaving her out of the loop of what was going on in her own department. He apparently didn't talk to her; he gave his irate directions directly to Environment officials.

Could the minister please tell us who runs the Department of Environment? Is it the Environment minister or is it the Premier?

Hon. Mr. Fentie: Obviously, the Leader of the Official Opposition puts no credence in a factual response by officials from the department. I would wonder if the member opposite, the Leader of the Official Opposition, is questioning that factual response that was put on the public record. Furthermore, if the member would like, I'll provide him with a copy of the roles and responsibilities as it pertains to government — that is the Executive Council, Cabinet, Premier's office, ministers and so on. This government follows that guideline.

Mr. Mitchell: Well, Mr. Speaker, we could certainly save some salaries, couldn't we?

We put credence in what the officials do, especially in what they were trying to do. The Peel land use planning commission never got the information they deserved from the De-

partment of Environment. The Premier's angry phone call and his interference made sure of that. This has put the integrity of the entire planning process into question. The planning commission has said, "We find it very disquieting because we've been operating on good faith with the government."

The Tourism Industry Association said, "This process is flawed to the point where Yukoners' best interests aren't being protected and that's wrong."

The Canadian Parks and Wilderness Society said, "Technical points made by experts in their fields should not be vetted through a political process." They went on to say, "That the government is interfering in a way that emasculates it is shocking."

This political interference has put this entire planning process into question and Yukoners know it. The minister is still responsible for what goes on in her department and we want to know: how is she going to fix this?

Hon. Mr. Fentie: Mr. Speaker, for the member's convenience and for his clarity on the matter, I would point out that governments are involved in the process and have to be.

It is clearly outlined in the *Umbrella Final Agreement*, and that's what we follow when it comes to land use planning.

Secondly, it's this government that has actually concluded the first ever land use plan in the Yukon since the first four land claims were signed off. We're very pleased about that. Thirdly, what's in question here is the Leader of the Official Opposition's view of the officials presenting a factual accounting of the matter and putting that factual accounting on the public record. Is the Leader of the Official Opposition questioning the credibility and integrity of officials who go public with the facts?

Question re: Peel watershed land use plan

Mr. Mitchell: On the same matter, we're still not sure how the Minister of Environment handles her department. We're not sure if she agrees with the Premier, having cut out four-fifths of the department's recommendations to the Peel land use planning commission. Let's remember that the commission asked her department for information on its areas of expertise: conservation and the environment.

The Peel watershed is an area of unique and vast economic, wilderness and cultural value to all Yukoners, and the land use planning commission needs the best information available to manage it for all Yukoners, today and in the future. We know the commission did not get the best information from the minister's department. This opens the question of just how much political pressure influences arm's-length decision-making in the Yukon.

Could the minister tell us, is political interference from the Premier normal practice in her department?

Hon. Mr. Fentie: First, the member has just said the planning commission never got the information it would require to do its work. I question the member's inferences. We know the member has recently utilized a paraphrase from a report by a media outlet as a direct quote. We know the member has dates wrong in his presentations here in the House. We know the member has taken correspondence from the Ombudsman as it relates to the Workers' Compensation Health and

Safety Board and conveniently omitted the Ombudsman's response on the matter, so we have to question the member's assertions.

There has been no interference; clearly the government is responsible to ensure that all its departments are following the obligations we must follow when it comes to land use planning under the *Umbrella Final Agreement*. That has been the case; it still is the case; and it will continue to be the case.

We await the commission's final draft plan to be tabled sometime near the year-end.

Mr. Mitchell: It's time for this government and this Premier to take the blinders off. When the Peel land use planning commission was set up, it was supposed to be independent of political interference. In fact, the government refused to comment on its proceedings before it issued its final report for fear of tainting the process. Well, now we know that not every member of this government was willing to stay hands off on the process. As a result, the Department of Environment was forced to give incomplete information to the commission. The commission never got the complete report the Department of Environment wrote for it. After they found out that they had only received one fifth of what Environment had wanted to say, the commission said, "We're dismayed, and we're deeply disappointed that we haven't gotten these views and we'd really appreciate receiving them."

Will the minister fulfill her responsibilities for her department and make sure the commission gets all the information it needs to do the best job for Yukoners?

Hon. Ms. Taylor: Mr. Speaker, I'd just like to put on the public record that this Department of Environment works very hard to protect and to preserve areas of significant importance to all Yukoners and it is this government that is actually working to do just that. In fact, it's this government that is embarking upon several land use planning exercises to protect and preserve specific areas throughout the Yukon as mandated under the *Umbrella Final Agreement* and the final agreements themselves.

For five years plus, the Department of Environment — and I might add, the Department of Tourism and Culture and many other departments — has contributed feedback and input, technical analysis to the land use planning process.

The member opposite should know full well how that in fact works. For many years, the Department of Environment will continue to do its good work providing the good analysis and the technical information required for the land use planning commission to do its work, which is independent and which we respect and certainly hold great integrity to.

Mr. Mitchell: Well, Mr. Speaker, now that the minister is finally on her feet, perhaps she will actually try answering the question.

Mr. Speaker, Yukoners throughout the territory are enraged and disgusted with this Yukon Party government's behaviour. Yukoners were told to put their trust in an independent process that would make recommendations for the best interest of Yukoners and not just for the powerful few. They were told to trust in the planning process, that it would have the resources, information and support it needs to do the best possi-

ble job for Yukoners. That trust was broken, Mr. Speaker, when the Premier made an angry phone call to the Department of Environment and told them what to say and what not to say.

This isn't the first time Yukoners have seen the Premier meddling in his ministers' departments. It isn't the first time he has gone behind their backs to put his own agenda in place. This is just another example of corner-office democracy. Will the Environment minister tell us: how often does the Premier interfere in her department or does she even know?

Hon. Ms. Taylor: What I will inform the Leader of the Official Opposition of is that this Premier and all of these colleagues surrounding me are in fact very supportive of the Department of Environment. In fact, as a result, we have been very pleased to be able to launch the climate change action plan and a new climate change secretariat. We've been able to launch a new site-assessment remediation unit to assess and remediate all of the Yukon government contaminated sites. We've launched a new animal health program, in partnership with the respective departments responsible. We have also been able to launch the Climate Change Research Centre of Excellence, the mandate of which contains a climate change adaptation.

We're working on a water management framework with all the respective departments. We are working to enhance community recycling initiatives, for which we have more than doubled the funding. We have launched the solid-waste action plan, as of a week ago, in response to Yukoners. We have increased the collection of wildlife and habitat information through completion of wildlife surveys, and the list goes on.

So what, in fact, this Premier has interfered with is working in collaboration with our respective departments and members.

Question re: Workplace safety for youth

Mr. Cardiff: We've had a chance to look over the code of conduct for young and new workers that is to take effect in January. According to the president of the Yukon Workers' Compensation Health and Safety Board, it represents the first step in addressing the woeful lack of protection for young workers in the Yukon. As first steps go, it's hard to see we're moving forward.

The background document to this code that goes out to employers and comes with the code of practice, says that the code of practice does not represent new legislation or regulation, nor does it result in new responsibilities for employers and supervisors.

What does the minister think? Is the code of conduct which has no new powers, no new rights, no new responsibilities, and no real teeth, a step forward in terms of protecting young workers?

Hon. Mr. Hart: The Yukon Workers' Compensation Health and Safety Board takes issue with the young workers' safety very seriously and it has for some time. The Yukon Workers' Compensation Health and Safety Board, along with the Employment Standards Board, took consultation out to the public, as per Motion No. 542, and sought the information from the general public with regard to young workers' safety.

Three issues they brought forth for consultation included the following: to work together within an existing framework of authority to appropriately address the general consensus — in other words, what people generally thought; to work together to ensure adequate training, orientation and supervision for young workers; and to conduct a review within five years to assess the effectiveness of any regulations resulting from the consultation and to consider whether additional steps have to be taken.

Mr. Cardiff: Mr. Speaker, we know that there are lots of people, including labour, who want to see age restrictions on certain industries, and so do we. It was perhaps the most important part of the *Young Worker Protection Act* which we introduced last year. The president of the Workers' Compensation Health and Safety Board said there was agreement on minimum ages for certain industries in retail, food retail, food service, construction, forest industry, manufacturing, working at heights or working alone, drilling, working in saw mills and many more. There is agreement on those things and there is consensus. The question is, why is there no action?

Hon. Mr. Hart: For the member opposite, the code of practice outlining the employers' responsibility for the orientation, training and supervision of young workers was the number one issue on the docket for the Yukon Workers' Compensation Health and Safety Board. It was something that was indicated during the consultation. We put together that subject and ensured it so that it prepared all employers and employees, and it will come into effect on January 1 of this year.

If the member opposite wants to pull off the information — the president also indicated that they will be going out on these other issues where we have a consensus with regard to the minimum ages and working with the Employment Standards Board to make changes in the regulation to reflect the ages in those specific industries.

Mr. Cardiff: In 2008, five young workers under the age of 15 were injured on the job; 77 young workers between the ages of 15 and 19 were injured on the job. Right now, employers in the Yukon can hire anyone of any age to work. The only exception is the regulation regarding employing children and young people in the mining industry.

There was a diversity of opinion heard at the consultation on young worker protection that the minister referred to. In statements in the media about the code of conduct, the president of the Yukon Workers' Compensation Health and Safety Board said, "We are trying to start where there is consensus."

But seeking consensus is not the same as leading. Will the government show leadership, make the tough decisions necessary to prevent young workers' injuries and deaths on the job and stop dragging their feet?

Hon. Mr. Hart: For all young workers out there, we are going to do what's right to ensure the safety of young workers within the workplace. We're going to follow through with our commitment to make adjustments through regulation in specific areas as they relate to young workers in the workplace, and we intend to do so.

Question re: Hospital staff residence

Mr. Cardiff: Anyone walking around the Legislative Assembly will no doubt see the new structure being built on the other side of the river. When completed, this facility will provide residences for visiting nurses and physicians. Despite repeated questions, the government and the Hospital Corporation have not been forthcoming with information about the financing arrangements for this project and how it's going to be paid for.

Can the Minister of Highways and Public Works confirm that the government is negotiating — or has negotiated — a lease agreement with the Yukon Hospital Corporation for the use of this facility?

Hon. Mr. Hart: With regard to the new facility being built across the way, that facility is being constructed under the watchful eye of the Whitehorse General Hospital and its board. Through them, they are building that facility for the enhancement of services for its residents and specialists coming up to the north.

Mr. Cardiff: The Minister of Highways and Public Works and the Minister of Health and Social Services both ducked the question. We know there is a lease deal in the works between Property Management, Health and Social Services and the Hospital Corporation. The government changed the direction of this project. At first, Highways and Public Works had responsibility for the building, then the government gave control of the construction and the financing to the Hospital Corporation. The deal looks like this: the corporation builds the project and the government and the taxpayers are going to lease space for government operations.

The public has a right to know how much lease space is going to cost. Can the minister share with the public the terms of any lease agreements related to the new buildings — the length of the lease, the amount of space they're leasing, what the space leased will be used for and how much it's going to cost Yukon taxpayers?

Hon. Mr. Hart: With regard to the new facility across the way, we in the government, under Health and Social Services, are already providing a lease. We do that now. With regard to the new facility, we'll be utilizing the lease, as we are now, paying in relation to rental space to take up a lease in the new building with regard to Health and Social Services and its departments.

Mr. Cardiff: Back in February 2007, the Auditor General released a report that was highly critical of the way this government makes decisions about acquiring space for its operations. She found that there was no overall strategy for acquiring office space and no adequate cost benefit analysis to support decisions to lease, buy or build.

How does the minister justify that this new lease agreement for the new building on Hospital Road represents good value for taxpayers' dollars?

Hon. Mr. Hart: For the member opposite, as I stated, we are already paying lease space — currently, right now — and for this particular new facility we'll be paying the lease space at the same rate that we are now. In addition, we will be

looking at and adding to a legacy in the Yukon of a brand new facility with the expected lifespan of 45 to 50 years.

Question re: Yukon Energy Corporation Protection Act, Bill No. 110

Mr. McRobb: It's important for all of us to fulfill our responsibility to correct the record when necessary and ensure statements made in this Legislature are factual. In this regard, I refer to *Hansard* from Thursday, November 5, 2009. The former Energy, Mines and Resources minister said, "In regard to Bill No. 110 — *Yukon Energy Corporation Protection Act*, I guess it is — while the member presented the bill with all the right intentions, he seems to have forgotten to brief anyone on it ..."

However, his statement is incorrect, as proven by documents I tabled earlier today, which includes a letter to the Premier. A briefing was offered on this bill, but the government side chose to ignore the offer. Would the Premier now correct the record and acknowledge that his caucus was offered a briefing on this bill?

Hon. Mr. Fentie: It is with the greatest of respect that the government side extends its utmost appreciation to the Member for Kluane for the offer, but I think we've also pointed out that this bill is now in process. It will be dealt with in Justice, as it should be, to ensure that all matters conform and that peripheral legislation that may or may not be impacted is assessed and dealt with. It is being forwarded to the Yukon Development Corporation Board, a very important part of this, and their analysis is critical. Their report back can only enhance the process as we proceed in meeting a common objective — that of maintaining a public utility in the Yukon and, of course, privatization is not on.

Mr. McRobb: The Premier neglected to answer the question. It was a very simple question and instead, he talked about the process of the bill. He gave his version of what he thinks is happening pertaining to the bill's process.

My question was specifically about a statement put on the record by the former minister of Yukon Energy Corporation, where he denied there was a briefing and he pointed out that we didn't hold a briefing. Mr. Speaker, the documents tabled today prove the Premier himself received a letter in which we offered a briefing. There was no response from this government to take up that offer.

Will the Premier — I'll give him one more opportunity: will he correct the record?

Hon. Mr. Fentie: Well, you know, we're getting used to the Official Opposition offering one more opportunity to the government side. You know, we're overwhelmed with appreciation. However, I would point to the member opposite that regardless of what interpretation the member may have, it's this member who said the government has shut down democracy, invoked closure on the member's bill, stopped any process on the bill — he goes on and on and on. The government has been trying to express to the Member for Kluane that, indeed, that's not the case at all, although we accept the member is confused in his interpretation of what has transpired — and the bill proceeds.

I can't for a moment imagine for what purpose the Member for Kluane is even asking the question.

Question re: Yukon Energy Corporation/ATCO

Mr. McRobb: I have a question for the Premier about certain events related to this government's plans to privatize the Yukon Energy Corporation. At a meeting in December 2008, the minister responsible for the Yukon Energy Corporation offered to resign after he found out the Premier was negotiating behind his back without his knowledge. Shortly afterward, the Premier removed him from the portfolio. It's interesting to note that his replacement lasted only until August before he did the honourable thing and actually resigned.

One week ago today in this House, the former minister, the Member for Porter Creek North, denied the discussions ever happened. "None of it is true," he emphasized.

Can the Premier explain why this House was told the meeting never happened when, in fact, it did?

Hon. Mr. Fentie: The government side is aware of a detailed briefing provided the Official Opposition on Friday, including a presentation of a chronological log of dates and times, who was attending on any particular date and time, and what the discussions entailed. The members also received a very clear accounting by officials on what transpired. These were factual accountings for the members opposite in the briefing.

I'm sure the member opposite is again confused. In the chronological log, I don't think a December 8 date exists, although I would stand corrected — I don't have the log before me.

Mr. McRobb: At stake here is the integrity and honour of this House, talking about statements made in it. Former board members said they met with the former minister in December 2008. After the meeting, they said the former minister offered to resign. Departmental officials have now confirmed the meeting did take place and the former minister was in attendance; yet he stood in this House a week ago and stated the discussions never happened, none of it is true. This is simply another example of how only the government is right and everybody else is wrong.

I know Yukoners would love to hear more from the former minister, and the Premier has the responsibility to respond to the public on this matter and correct the record. In the face of the evidence, will the Premier now confirm the meeting did take place?

Hon. Mr. Fentie: Mr. Speaker, on Friday of last week, officials from Energy, Mines and Resources made a very detailed presentation to the Official Opposition including dates and times of meetings. That certainly confirms it all.

I would caution the Member for Kluane on making these types of assertions. The government side, in keeping with our commitment to make this Assembly work better, will not take the time to list the long list of examples of where erroneous statements are being made, all addressing the confusion of interpretation by the Official Opposition. For example, I'm sure the members opposite cannot dispute the fact that the briefing they received Friday clearly demonstrates there was no privati-

zation. Again, for what purpose would the member even be asking the question?

There is more, much more, that refutes many of the statements that were being made on the floor of this House over the last number of days. That's the purpose of the briefing: to help clear up the confusion of the Official Opposition.

Mr. McRobb: It's about correcting the record and pointing out that statements made by the government side's ministers are incorrect. One of the former board members is very concerned about the minister's denials. He feels the former minister has accused him of lying. The former board member repeated in a media interview last week that the meeting did in fact occur and the minister at the time offered to resign. Energy, Mines and Resources officials have released information that directly contradicts the former minister's version of events. The former minister denied the discussions ever happened and said, "None of it is true." The Premier now refuses to set the record straight.

Again, Mr. Speaker, this is about integrity and honour. Will the Premier stand up and confirm that the former minister did offer to resign following that meeting?

Hon. Mr. Fentie: The detailed briefing for the members opposite was intended to set the record straight for the Official Opposition — to clear up the matter for the Official Opposition. The member has just stated this is about integrity. Surely, Mr. Speaker, the Member for Kluane is not putting in question the credibility and integrity of those officials who took the time to present the facts to the members opposite. I would hope that is not the case.

Virtually everything that the Official Opposition has put on the floor of the House today, which was obviously a confused interpretation of fact, has been cleared up for them in a very detailed briefing on Friday. Of course, the officials made every effort to ensure that they addressed the members' questions, provided them with the facts and clearly pointed out for the members opposite that privatization wasn't happening and the selling of assets wasn't happening. There was a long list of questions the members brought forward, and all of them were answered.

It does point to the fact that concepts were being discussed, proposed models were being discussed, but nothing hard and fast — no agreements reached, no privatization. I hope the members accept the integrity and credibility of officials who made that briefing.

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

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 73 — *Act to Amend the Registered Nurses Profession Act: Second Reading — adjourned debate*

Clerk: Second reading, Bill No. 73, standing in the name of the Hon. Mr. Hart; adjourned debate, the Hon. Mr. Lang.

Hon. Mr. Lang: As we move into second reading of Bill No. 73, I'd like to start my discussion by complimenting the department on the work they've done on modernizing our health facilities here in the territory, and also the individuals who work in the Health department.

Nurse practitioners are a very important part of the infrastructure of our rural medical facilities throughout the Yukon, and we have to modernize as we move forward to recognize the nurse practitioner in the position, to make sure they're covered by the wage structure that's due them, as well as by the recognition of the time they spend in the field.

In a community like Whitehorse where we have the facilities we have here in Whitehorse — our hospital and other medical facilities — we don't understand the work nurse practitioners do in the field. The field, to them, is a very work-intensive career because, for one thing, these individuals are put into communities to supply nursing. Of course, a nurse practitioner goes the extra mile in the sense that they have a lot more responsibility and, by the way, a lot more training to work within the community. We all know that in these communities there is not a resident doctor, so the practitioner makes the medical calls and does medical procedures that an ordinary nurse in an urban setting would not do.

Certainly, these nurse practitioners are working in the field and they work — not only set hours — 24 hours a day and on call. So it's a very intense period of time. Most of our nurse practitioners come for a set period of time and they're rotated because of that intensity and because of the workload they have. They are moved around or they have periods of quiet time where they go back to their home communities or have a rest period in between assignments.

The assignments are places like Ross River, Pelly — all these communities need the kind of expertise that these individuals supply. This Bill No. 73 recognizes the fact that there are nurse practitioners and they do have qualifications that are a bit stronger than the ordinary nurses have. Through this bill, not only that will be recognized, but the time spent being a practitioner will be recognized.

At this point, if nurse practitioners go into the field and work, their time spent in the Yukon is not credited to their credentials. With not recognizing that, we don't have the wherewithal to recognize the time they spend here on their credentials. This means to the individual practitioner that they have an issue with recognizing the work they've done in the field here. To get these individuals, we in turn have to put this in place so that they can have their work recognized here for future employment. This is very important.

Of course, as we look at Bill No. 73, it is entitled, *Act to Amend Registered Nurses Profession Act*. As part of the commitment, the health human resource strategy objective has been to facilitate improved supply, retention and development of the health care workforce, including nurse practitioners, into the Yukon health care system as one of the achievements of this strategy. In other words, the department has been working on this for awhile.

As a jurisdiction or as a community, the Yukon has had fairly — if you were to look at other jurisdictions — we com-

pliment the department on how aggressively they've gone to work to fill the appointments we need in the territory, as well as thank the individuals here who are working in the health field to deliver the health care that we, as Yukoners, expect and hope for when we meet these individuals in a situation for health reasons.

Nurse practitioners are registered nurses with advanced professional knowledge, skills and judgement. In other words, they are registered nurses and, in turn, they have another component to their education, which is advanced professional knowledge, skills and judgement, which is important.

Prior to this bill, there was no legislative authority in the Yukon for these professionals to practise to their full scope or to retain their licensing in other jurisdictions. Again, I'm repeating myself in that respect, but that is what it boils down to. We have to have this legislation in place so these individuals can retain their licensing not only here, but in other jurisdictions. It's very important for them.

The bill reflects a step-by-step collaboration with the Yukon Registered Nurses Association, the regulatory body in the Yukon for registered nurses.

At the outset of this initiative, our objectives were to: (1) develop a scope of practice for nurse practitioners, (2) create a process in which specific nurse practitioners' activities would be authorized, and (3) include other administrative changes, as identified by the YRNA.

In July 2008, a discussion paper on the scope of the practice and role of nurse practitioners and other administrative changes to the act was released as the first part of a comprehensive consultation process in which the public and stakeholders were provided an opportunity to comment. This past winter, the second part of the consultation was completed, rounding out the second part of the consultation process. Both phases provided us with valuable feedback and comments, many of which have been incorporated into the bill before us today.

Of course, I'd like to thank all those who took the time to provide their thoughts and recommendations. There was a consensus from consultation that we adequately captured the scope of practice of nurse practitioners. Yukon nurse practitioners will be authorized within their scope of professional knowledge, skills and judgement as follows: to make a diagnosis identifying a disease, disorder or condition; to communicate a diagnosis; to order and interpret specific screening and diagnostic tests; select, recommend, supply, prescribe and monitor the effectiveness of specific drugs. This is very, very important. It gives the nurse practitioner guidelines of where their profession starts and finishes.

We also heard that there were improvements to the legislation that would further protect the safety of the public through compelling employers to report when they have reasonable grounds to believe that a registered nurse's practice is a danger to the public. Section 22(1) of the act enshrines this principle.

We've got to remember that most of these nurse practitioners are working by themselves in the field, meaning in smaller communities. Not only are they working on a regular basis, as I said before, but 8:00 to 5:00 doesn't exist for them. They are there 24 hours a day. They do all the things a nurse would be

expected to do and also be there in the off-hours when emergencies arise.

The process for authorized nurse practitioner activities will be a two-step process.

First an expert multidisciplinary committee composed of physicians, pharmacists and nurses, created through regulation, will be tasked to review literature and research to recommend to the YRNA Board of Directors regarding the specific activity of nurse practitioners. The board will then submit to Commissioner in Executive Council the activities performed by nurse practitioners to be established by regulation. The administrative amendments included are further aimed at ensuring Yukoners continue to receive a quality health care by ensuring YRNA has the tools and mechanism to function optimally in their capacity to ensure public safety by regulating the nurse professionals. This is highlighted in the amendment to section 32 which now states that the discipline hearing be held in public unless there are reasons to show that it would be inappropriate. Another key administrative amendment is in section 24.1, "Complaint resolution by consent". This is a practice integrated by many regulatory bodies across Canada as a highly effective tool for resolving a complaint within a reasonable time period and with often stricter dispositions than hearings by disciplinary committees.

Mr. Speaker, we will be going through these various sections in more detail as we work our way through the bill. I look forward to discussing this bill and answering specific questions.

In other words, Mr. Speaker, this bill is just a modernization of what we do in the medical world in the territory, and I look forward to questions in Committee, as we move forward in the House, moving this bill forward.

Thank you, Mr. Speaker.

Mr. Cathers: I'll be very brief in second reading here on the *Act to Amend the Registered Nurses Profession Act*. I'm very pleased to see this legislation tabled. It's a very important step in updating this legislation, particularly with regard to recognizing nurse practitioners. This has been underway for quite some time and is necessary to bring Yukon's health care system and registration provisions in line with the rest of the country, allow us to recruit people we need very much for positions, such as the community nurse positions, areas where those with nurse practitioner training are very much desired, as the current generation of nurses retire — as many are within the health care system — due to the baby-boomers reaching a certain age.

That training that is necessary in those areas is something that without the legislation being changed and the regulations being updated to fully allow nurse practitioners to practise within their scope of practice, the Yukon was at a tremendous disadvantage in trying to attract these people as they would come here for I believe it was two years, after which they would lose their certification in the rest of the country if they stayed here too long, because they were not practising within that full scope of practice.

So that is a very key change in this legislation, and there are — as the Minister of Community Services outlined — a

number of other areas that reflect the necessary changes to modernize this legislation. I would just like to thank the Minister of Community Services, the Department of Health and Social Services and the Department of Justice for the work that their staff put into developing this legislation. I know there were many hours put in by many people. As well, I thank the Yukon Registered Nurses Association, the Yukon Medical Association and other health professionals who contributed to the development of this legislation and who consulted on these areas. Changing scope of practice is contentious, but changing it to allow for nurse practitioners — I think most will agree — is vital to moving the Yukon's health care system forward and meeting the needs currently and in years to come.

With that, Mr. Speaker, I note again that this is a good piece of legislation and commend it to the House.

Hon. Mr. Rouble: It's my honour and pleasure to rise today in support of Bill No. 73, *Act to Amend the Registered Nurses Profession Act*.

Mr. Speaker, as we are all aware in this Assembly, the health care system in the Yukon is of the utmost importance to many Yukoners. Our health care system and the services that it provides — not only here in Whitehorse, but throughout the communities — provides assistance to Yukoners during all facets of their lives, from the day that they're born to the day that they pass on to the world hereafter.

We in the Yukon Party government have made significant strides in the issue of health care in the territory. We've seen the development of hospitals in our rural communities, as well as expansion of services here in the Whitehorse General Hospital. There's significant work being done with the Hospital Corporation also to provide assistance to visiting professionals and to concentrate some of the services provided.

Indeed, when a recent pollster asked Yukoners where health care listed on their number of issues, it wasn't.

Health care wasn't one they were significantly worried about because they have been seeing so many significant steps going forward with the increasing number of doctors, increasing number of nurses and increasing number of services.

This is just one more step in the implementation of the health human resource strategy, which looks at having the appropriate medical professional in the appropriate place in our community. We've taken steps additionally through our education system to prepare Yukoners for Yukon opportunities.

Members in the Assembly will remember that just last year we announced the launch of the licensed practical nurse program at Yukon College. This is a program at Yukon College, with the Bow Valley Community College out of Alberta, to prepare Yukoners for this very important role of being a licensed practical nurse. This two-year program at Yukon College will prepare people for all of the modern, up-to-date, enhanced capabilities of being a licensed practical nurse.

When we took a look at the program that was there and the different roles and functions that licensed practical nurses would have throughout Whitehorse, throughout our rural communities and throughout the territory, we realized that we were preparing people for a broader scope than was currently being

provided for under the *Registered Nurses Profession Act*. Now we are recognizing the importance of their education, their knowledge and commitment to their profession and expanding the scope of services to be consistent with what these people are capable of doing.

Additionally, this will serve a significant need of many people in our communities, where we do need additional health care services.

We're taking significant actions not only with bricks-and-mortar type of infrastructure, but also with different programming, with preparing people for the opportunities here in the territory. I must say I am very proud that Yukon College is providing a licensed practical nurse program and preparing Yukon students to take over these very important jobs in our community. We're also taking the responsible step to change the legislation so it is in keeping with what their scope of training actually prepares them for.

What will this mean for Yukoners? It will mean additional health care opportunities and, therefore, better health care opportunities, and likely provide better health care opportunities in their own community, where we can provide licensed practical nurses with access to our nursing stations and our rural hospitals.

This legislation has been worked on very closely with the Yukon Registered Nurses Association. I appreciate some of the comments coming from members opposite earlier today, of "Don't always worry about consensus but just lead."

I am pleased to see that this is a situation where we were able to take the lead on recognizing this very important issue and then working with our partners to achieve consensus on things like establishing a method for the scope of practice, looking at how different activities can be authorized — so how different licensed practical nurses, once they are practising, can have their scope of activities that they are able to participate in expanded. I believe this will be done with a broader committee that will include representatives of the Yukon Registered Nurses Association, doctors and pharmacists, and that they will have the ability to call other medical professions such as X-ray technicians. I'm not the Minister of Health and Social Services so please excuse me if I don't have the whole list of other professions that they would be able to consult with on an expert basis in order to provide additional feedback on how to expand the scope of practice available for licensed practical nurses.

We are working in very close collaboration with this professional organization to ensure that the appropriate scope of practice is put into place, to ensure that there are opportunities for growth in the future and also to work with them to ensure that there are appropriate safeguards in the system. By that, I mean that we would be working to protect the safety and security of Yukoners by creating a process where the Yukon Registered Nurses Association will be able to look at either complaints or issues that are raised with them about inappropriate services being provided, whatever they may be, and then allowing the Yukon Registered Nurses Association, in conjunction with others, to look at disciplinary matters. Again, we want to safely expand the scope of services that licensed practical nurses are able to provide, but at the same time ensure that

there are appropriate safeguards in place to protect, safety, security and health of Yukon patients.

This is a very proactive step, one that we are taking throughout all aspects of health care, taking a look at what is the best way of providing the service, what is the best allocation of some of our human resource assets — the people we have on the ground — their licence, their skills and their background. How can we expand the knowledge base here in the territory? By that, again, I'll mention the licensed practical nurse program offered through Yukon College which will prepare Yukoners for these types of Yukon opportunities. Additionally, how will we work with our professional organizations such as the Yukon Registered Nurses Association in order to satisfy the needs of their membership, while we're serving the needs of Yukon people and their health care concerns?

This is a very proactive piece of legislation. I'm hearing support from at least one member of the opposition. I would like to hear from others to find out if they, too, support this type of progressive action being taken by the government.

Hon. Ms. Taylor: I am very pleased to be able to say a few words to second reading of Bill No. 73. As has already been articulated, this has been some time in coming. A tremendous amount of work has been undertaken by the Department of Health and Social Services, the minister, previous ministers, as well as the nurses. In particular, credit is to be given to the Yukon Registered Nurses Association.

Having been born and raised in the Yukon and, in particular, having been born and raised in the Town of Watson Lake, I recall having had the opportunity to be born in the Watson Lake hospital.

You know, at that time, the hospital was housed in what I believe is now the home to the Watson Lake Signpost Seniors. It was not a very large building — in fact, I seem to recall — according to my mother — there were two rooms, one for administration and one room for everything else. Luckily there was room available for me to be born on that particular day in December a few years back, but it does show how modern medicine, hospitals and our health care system have really evolved over the years. Of course, we now have a higher number of health care professionals than we have ever had in Yukon's history, but with that we've also seen our population grow significantly. Just over the last several years we've seen an additional 5,000 people plus move to the territory who have chosen to make the territory their home. As a result, there are pressures, there are new needs to be met and, of course, is most important to all of us as citizens of Canada — is that of health care. We have been able to have the luxury of being able to meet a number of those needs over the last few years — thanks in part to the territorial health access fund, which was negotiated between the three premiers of the three northern territories. You will recall it wasn't that long ago when a new health care arrangement was to be negotiated; however, that arrangement was just not in northerners' favour, which precipitated the walking out on the Prime Minister of Canada of the day.

The good news was that a new agreement was struck, and what came out was a new territorial health access fund, which

has resulted in an infusion of millions of dollars that have gone toward a human health care resource strategy to oversee the priorities of health care needs of Yukoners territory-wide.

We've been able to benefit significantly over the years. We have been able to utilize many of those funds for providing incentives for providing new medical practices in the territory. We have been able to arrange for a number of medical bursaries, available to Yukon students, who have utilized those bursaries. Those are Yukoners who have chosen to make the Yukon their home and have chosen to come back to the Yukon after they have studied and after they have taken the necessary education requirements to fulfill their professions.

The health access fund has also provided us with the opportunity to expand the scope of medicine, one of which we are talking about here today. Really, the objective of this piece of legislation that is on the floor today is to recognize nurse practitioners within the health care field. To allow our nurses to register as nurse practitioners provides a mechanism that enables them to operate within their full scope of practice.

I heard on the doorsteps in my own constituency of Whitehorse West nurses raising concerns about not having a competitive field in the Yukon — that is nurses who were coming up from Alberta, for example. They were only able to practice for so long, because they weren't able to exercise their full scope of practice. These changes will really enable that full scope to be found. It will enable nurse practitioners to be recognized in their full entity as other jurisdictions do. It also enables, of course, our own Yukon nurse practitioners to exercise their full scope of practice so that if they did wish to practise in other jurisdictions, they could carry that with them and they would be able to be recognized fully.

Those are just a couple of examples that come to mind that have been raised over the last couple years since the last territorial election by constituents who have urged the Government of Yukon to certainly get on with the job of recognizing this particular profession. You know it all stems from the *Health Professions Act* that was enacted and passed on the floor of the Legislature here not too many years ago. I remember being part of that debate. It is really necessary to recognize that statute, because it was from there that other professions were able to be recognized and regulated whether that was under regulation or under legislation. We are talking about legislation in this particular instance.

Another field that comes to mind — it was just recently in the news and we've just recently announced it as well — is the regulation of psychiatric nurses under the *Health Professions Act*, and it's just another example of how we are working to modernize. We're working to ensure that medical health care professionals are recognized in their full scope, but also that they're able to be given the protection to practice in their full scope, and Yukoners in turn are also given full protection by exercising the professionals' authority as well.

So again, I'm very pleased that these amendments are coming forward to enhance public safety by ensuring we have similar standards to other jurisdictions south of us in terms of reporting on health practice concerns as those adopted for nurses in general.

I believe we are the only jurisdiction that doesn't have a mechanism to regulate nurse practitioners, so inclusion of this particular class of registered nurses again enables and expands health care system options for us. It provides us with that flexibility throughout the territory, particularly in rural Yukon, where we have seen the flourishing of nurse practitioners being established. It permits nurse practitioners to maintain their licensing in another jurisdiction, as I mentioned before, which also makes us more competitive and more attractive in terms of being able to retain and attract new health care professionals to our respective communities. This is being reflected, in turn, in the amendments, or the proposed changes, that are before us to the complaints and appeals provisions.

I don't want to go on at great length because a lot of what I was going to say has already been said, but I wanted to extend my heartfelt thanks to all those professionals in the health care field, in particular to our nurses, and to the nurse practitioners. Many of my friends, many of my constituents, are nurse practitioners, and I have a great amount of respect for the work they do. It is because of their work that we're able to reside here, in our communities, that we're able to also continue to be an attractive place to not only do business but to reside here and raise our own families.

I know my family in particular is very appreciative of the health care system. Particularly when we look around the circumstances that we find ourselves in today with new issues emerging such as H1N1, we're having to rely on our practitioners at large and we're having to ask more of them within their scope of practice. Again, these changes do recognize them as a separate entity and enable them to exercise their full authority within their recognized scope.

Thank you very much, and I thank the Department of Health and Social Services. I thank the nurses themselves and the Yukon Registered Nurses Association for contributing to the consultation. There have been a good couple of years throughout the Yukon of discussions and dialogue with registered nurses.

I thank them for all their recommendations, for identifying challenges and concerns and for enabling us the opportunity to ensure that this legislation coming forward is effective. It also helps us grow our population of health care professionals.

Thank you.

Hon. Mr. Fentie: Mr. Speaker, always during second reading, members of the House are afforded the opportunity to put on record their clear views and thoughts on matters that have been brought before the House. In this particular legislation, I think it is clear that it is another example of the government's effort in working with the Yukon Registered Nurses Association, other medical professionals and indeed stakeholders to enhance the health care system. That is meeting the main objective of ensuring Yukoners have comparable access to health care services that other Canadians enjoy access to or have access to.

This bill has two main objectives. It is to establish a process that will allow for registration and regulation of registered nurses who have additional education and/or experience that

can be used effectively in Yukon's health care system to meet that objective of comparable services and who are able to undertake advanced nursing activities. I want to emphasize: advanced nursing activities.

This is especially important for rural Yukon, where it is difficult in some cases to recruit and retain doctors in some communities. It also ensures that administrative changes that are necessary will be in place to deal with such matters as registration, discipline and the resolution of complaints.

It also develops a scope for nurse practitioners that is very important. It creates a process whereby specific nurse practitioner activities can and would be authorized, and other administrative changes as identified by YRNA. It also has a consultation process involved that resulted in a consensus that allows for such things as nurse practitioners being authorized to make a diagnosis identifying a disease, disorder or condition; communicate the diagnosis; order and interpret specified screening and diagnostic tests; and, of course, select and recommend supplies prescribed and monitor the effectiveness of any specified medication.

As you go through the bill, it's clear that, albeit brief in its overall content, it certainly targets the main objectives and is another tool for the Yukon to enhance its health care system overall.

We want to continue to focus on recruitment and retention. I'm sure, led by the Minister of Health and Social Services, who was instrumental in bringing this work forward, the minister and the department now have even another tool to exercise what they need to do to allow us to continue to increase and improve upon our recruitment of medical professionals — in this case, in the nursing area — and retain those very important medical professionals.

All in all, I thank the members of the House for their contribution. As I said in the beginning of my response, second reading speeches are an important part of the fundamental purpose of this Assembly. It's important that all members take part, put on record their thoughts, their views, make their contribution. There is great value in that, especially in making this Assembly work better.

So with that, of course the government is pleased that we were able to conclude the process, bring forward the bill, and now that allows us to utilize this bill — along with many, many other tools, mechanisms, regulations, legislation and processes — to continue to improve upon and enhance Yukoners' ability to access comparable health care services that they deserve.

Thank you.

Mr. Nordick: It gives me great pleasure to rise and speak to Bill No. 73, *Act to Amend the Registered Nurses Profession Act*.

Mr. Speaker, my colleagues and I believe in being proactive in improving health care for all Yukoners. There are endless examples of how we are proactive in this regard. This bill does exactly that; it helps improve health care for all Yukoners, in communities, in the city, and throughout the territory.

We need to continue to provide the tools necessary for our professionals to provide the health care we all deserve; this bill

does exactly that. I'd like to thank the Minister of Health and Social Services for bringing this bill forward. I'd like to thank the staff of Health and Social Services for constructing this bill.

Mr. Speaker, since he was quite concise in his comments, I will keep my comments quite short on this bill. I would like to take this opportunity to acknowledge and thank the nurses in my riding, the Klondike, for the exceptional work they do in Dawson City for our friends, our families, and they also help to make our communities a better place to live and work. They provide a valuable service to all of us — Yukoners and visitors alike. They work tirelessly with the other health care providers in my community. So thanks to all the nurses, our doctors and the EMS staff in my community.

Mr. Speaker, we all have, at one time or another, the unfortunate situation where we experience the great work the health care providers provide for us. Mr. Speaker, my wife and I had the great pleasure recently to use the services provided by the maternity ward of the Whitehorse General Hospital. I would like to thank the nurses and staff for making our time and our experience exceptional. I am completely amazed at how compassionate and professional they were to me and my family. My thanks to each and every one of you, and thanks again to our doctors and nurses in Dawson City.

I am pleased to be able to build on the exceptional health care currently provided throughout the territory by the nurses and doctors in my community of Dawson City in partnering with the Yukon Hospital Corporation and, with their leadership, we will see improved and expanded health care in my community when the Dawson City hospital is complete.

Thank you, Mr. Speaker, and once again, thanks to all the members for supporting this bill.

Speaker: If the member speaks, he will close debate. Does any other member wish to be heard?

Hon. Mr. Hart: I, too, would like to thank all those who have spoken with regard to this bill and thank them for their comments. I look forward to any further questions they may have when we go through it line by line in Committee of the Whole. With regard to the *Act to Amend the Registered Nurses Profession Act*, Health Canada provided funding to the Canadian Nurses Association to develop a framework for a nurse practitioner back in 2004. In between 2004 and 2006, the template for a nurse practitioner was developed. Basically, the practitioner was defined as follows, "Nurse practitioners are registered nurses with additional education, preparation and experience who possess and demonstrate competencies to autonomously diagnose, order and interpret diagnostic tests, prescribe pharmaceuticals and perform specific procedures within their legislated scope of practice."

Legislative amendment is needed in Yukon to create a class of nurse practitioners and define the process to grant the nurse practitioners authority to diagnose or to test, prescribe drugs and treatments, which will be consistent with provisions of legislation in other jurisdictions. Nurse practitioners will be regulated under the authority of the *Registered Nurses Profession Act*, which was enacted in 1992. Nurse practitioners are

members of the nursing profession and appropriately fall within the regulatory framework of registered nurses.

The scope of practice for NPs must be established through the *Registered Nurses Profession Act* and the NPs' functions require more specific legislative authority than the current authority provided for registered nurses. NPs in each of the 12 Canadian jurisdictions with NP legislation are authorized in legislation to perform at least the following functions: diagnose a disease, disorder or condition; order and interpret diagnostic and screening tests; and prescribe drugs and treatment.

Legislation in many jurisdictions enables NPs to perform other functions as well. It is proposed that the Yukon NPs be authorized within their scope of professional nursing knowledge, skills and judgement to make a diagnosis identifying a disease, disorder or condition; communicate a diagnosis; order and interpret specific screening and diagnostic tests; select, recommend, supply, prescribe and monitor the effectiveness of specified drugs and treatments; perform other procedures authorized by the regulations. Again, these regulations will be prepared and done by the Yukon Registered Nurses Association.

As many of my colleagues have stated, it allows some of our practising NPs already here in the Yukon to work at their capacity. They can use the skills and knowledge that they already possess from obtaining their nurse practitioner certification in another jurisdiction, for example, and practise here in the Yukon. More importantly, it allows them to maintain their status as an NP and ensure that they will, of course, then stay in the Yukon.

One of the major factors with the NP legislation is that rural residents will receive increased services from these individuals and therefore there will be increased medical facilities in our rural areas. It brings us into line with the other jurisdictions and, as I said, it allows NPs to maintain their credits and their professional medical status.

It enables us to recruit individuals to fill positions. Some of our retired nurses are coming up in the next couple of years. More importantly, we can fill the vacancies in our rural areas with these very valuable professionals and take advantage of all of their skills.

It's very important that this legislation goes through. It will enable us to modernize our legislation and bring us more in line with other jurisdictions. In the end, it will provide excellent medical care for all Yukoners. I thank the members opposite and look forward to further debate in Committee of the Whole.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Hart: Agree.
Hon. Mr. Rouble: Agree.
Hon. Mr. Lang: Agree.
Hon. Ms. Horne: Agree.
Mr. Edzerza: Agree.
Mr. Nordick: Agree.
Mr. Mitchell: Agree.
Mr. McRobb: Agree.
Mr. Inverarity: Agree.
Mr. Cardiff: Agree.
Mr. Cathers: Agree.

Clerk: Mr. Speaker, the results are 13 yeas, nil nays.

Speaker: The yeas have it. I declare the motion carried.

Motion for second reading of Bill No. 73 agreed to

Bill No. 75 — Second Miscellaneous Statute Law Amendment Act, 2009 — Second Reading

Clerk: Second reading, Bill No. 75, standing in the name of the Hon. Ms. Horne.

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

Hon. Ms. Horne: I am here today to present the second reading of the *Second Miscellaneous Statute Law Amendment Act, 2009*. This act corrects inadvertent errors in several statutes. This set of amendments does not make substantive changes to the statutes. This legislation makes technical corrections to the following acts: correcting a reference to a department in the *Assessment and Taxation Act*; correcting a minor boundary error in the *Electoral District Boundaries Act*; correcting a reference to the Minister of Community Services in the *Environment Act*; correcting an omission in the *Government Organization Act* which was a result of an accidental deletion of section 9 during the last consolidation of statutes; correcting the *Historic Resources Act* so that it refers correctly to the director of cultural services and ensures that the position is vested with delegation powers under subsection 7(9); updating the *Home Owners Grant Act* to refer to the Department of Community Services by its current name; correcting a reference to an offence under the *Occupational Health and Safety Act* mentioned in another part of that act.

There is a clarification in the *Retirement Plan Beneficiaries Act* that is a result of a subsequent change to the federal *Income Tax Act*. The change causes the *Retirement Plan Beneficiaries Act* to match the new wording. There is a change in the *Seniors Property Tax Deferral Act* replacing the term “deputy minister” with the term “deputy head.” There is a change to the *Wildlife Act* in sections 131 and 132 that deal with the hunting of animals by conservation officers for research purposes. The change adds the words “or trap” in the sections so that conservation officers can also use this method to gather wildlife for research or for the purpose of wildlife management.

There are a number of changes to the *Young Persons Offences Act* that were not made when the new federal *Youth Criminal Justice Act* came into force. These changes include matching certain definitions, replacing references to other acts, clarifying relationships and sentencing procedures established under the federal act but not updated in the *Young Persons Offences Act*, adds new definitions from the federal act and updates the disclosure procedures to match the new federal act.

Mr. Speaker, these are housekeeping amendments. These errors are very minor, but the public expects that the government will keep its statutes in good order. These changes to the act will do just that. The correction of errors and legislation enables greater clarity in Yukon laws. The last *Miscellaneous Statute Law Amendment Act* was passed in spring 2009.

Thank you, Mr. Speaker.

Mr. Inverarity: I rise today on behalf of the Official Opposition to lend our support to these minor changes that are being made under these acts that are being reviewed at the present moment in time. I do thank the minister very much for actually going through them in some detail, explaining them, so that we have a little clearer description of exactly what the ramifications of these amendments are. I probably wouldn't have to mention that if we had received a briefing on this. I understand they were going to have someone sometime next week, so I'm not sure how relevant that would be at that point in time. But it does bring up the constant complaint that we have where we end up in the second reading discussing acts that we've had no briefings on and we don't fully understand what impact they have.

Just as a point of clarification, it wouldn't hurt for the government to look at how they actually present these bill changes in the future. While I understand they may perhaps need to be in this kind of form, perhaps, we would also like to see them accompanied with perhaps some of the previous — like what they're actually replacing. When you get things like “deleted this” or “deleted that” or whatever, it makes it difficult. We physically have to go through every single one of these acts to try to see what the implication is and if it's significant or not, just so that we get our due diligence done.

As I said, the minister has done an excellent job today in going through the changes. As such, I would say that we will lend our support to this and commend the minister for bringing it forward.

Mr. Cardiff: We recognize that a lot of what is in Bill No. 75, *Second Miscellaneous Statute Law Amendment Act, 2009*, is housekeeping and editorial changes on a number of pieces of legislation.

We are also looking forward to briefings on some of the specific sections of the bill, specifically around the *Wildlife Act* and the *Young Persons Offences Act*. We'd like to have some clarification about what some of the changes imply and what they mean in the overall context of the act they're amending. We understand they are minor legislative amendments but we want to understand the implications. We look forward to get-

ting that information and asking further questions in Committee of the Whole.

Hon. Mr. Fentie: In listening to the response from the Member for Porter Creek South, respectfully I have to point out that second reading is very simply handled. I understand they didn't get a briefing on the bill, per se, but they will have the briefing in due course in preparation for Committee of the Whole debate, should the members have any detailed issues they would like to delve into.

Surely the members opposite could put together a second reading response based on the explanatory note they will find on the very first page of the bill they have in their possession.

I think we have to make sure that, in the context of making this Assembly work better, we point these things out to the members opposite.

Furthermore, I want to make the point, from the government's perspective, that this bill we've tabled, the *Second Miscellaneous Statute Law Amendment Act*, is a clear example of why we're going through the process we are with the Member for Kluane's bill — I think it's Bill No. 110 — on the privatization question. The number of corrections in this bill are examples of what can happen when a thorough analysis of bills, such as the Member for Kluane's bill being brought forward to this Assembly, isn't done. A thorough analysis must be done to ensure any of these other peripheral impacts are addressed up front. That's the process we're in.

Unfortunately, the Official Opposition and the member take the view that, somehow, the government has evoked closure and the government has stopped the bill, and so on and so forth, but in the context of cooperation and working in a very productive manner, the government side wants to point out why certain things must be done, and the number of corrections in this bill brought before this House is a clear example of why we're going through the process we are.

I hope that helps the members opposite — the Official Opposition. We on the government side are working very diligently to clear up that confusion and the interpretation issues. We'll continue to do that and, on this bill, once again, we've demonstrated a very productive point. The explanatory note — regardless of briefing or otherwise, for a second reading response — is more than appropriate for the members opposite to put something together and contribute productively and constructively to the proceedings of this Assembly, making it work better.

Mr. Mitchell: I'll be brief. I think I would be remiss if I didn't take the opportunity to point out to the Premier and contrast the different scenarios he's describing for Bill No. 75 versus Bill No. 110. For example, in Bill No. 73, the bill that we just concluded, I believe every member took an opportunity at second reading to put some thoughts on the record about that bill and, no doubt, there will be a number of people who may speak to this bill, the *Second Miscellaneous Statute Law Amendment Act, 2009*.

I think that the Member for Kluane was pointing out, to which the Premier was referring, that unfortunately with Bill

No. 110, we didn't have an opportunity to hear what the Member for Lake Laberge would say at second reading, what the Member for Mount Lorne would say at second reading, what the Member for Whitehorse Centre would say at second reading and what the other members of the Liberal caucus would say at second reading and what the other members of the government caucus would say at second reading. As the Premier points out, second reading is an opportunity just to point out an overview of thoughts on a bill. If after that, when it goes to Committee there is a need to send it to officials for further work, then I'm sure that could have been amicably agreed to. I think the concern was that we never got to hear what one of the political parties represented in the House as well as an Independent had to say on the matter. That might have helped the officials in their work if that is indeed what is happening.

As far as this bill is concerned, I just want to add to what the Member for Porter Creek South said. We would also like to thank the officials for the work they do in compiling the various errata and things that change with different legislation such as changing from "Community and transportation Services" to "Community Services". It is perhaps, sometimes, tedious work, but they do it well.

Thank you.

Motion for second reading of Bill No. 75 agreed to

Bill No. 76 — Act to Amend the Motor Vehicles Act: Second Reading

Clerk: Second reading, Bill No. 76, standing in the name of the Hon. Mr. Lang.

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

Hon. Mr. Lang: It is my pleasure to rise in the House today to speak to the proposed amendment to the *Motor Vehicles Act*. The purpose of the amendments is to enable municipalities to address enforcement and driver behaviour. Amending the existing legislation is in keeping with the Yukon government's commitments to promote safer communities and provide good governance. The *Motor Vehicles Act* is a law that primarily addresses public safety by ensuring vehicles and operators conform to legal requirements while travelling on Yukon highways.

Two specific amendments are being brought forward at the request of the City of Whitehorse and the Association of Yukon Communities. AYC passed a resolution at their annual general meeting in the spring of 2009 requesting that the Yukon government move forward on these amendments.

The amendments are enabling clauses that will allow municipalities to enforce parking requirements on private property and to regulate off-road vehicle use within municipal boundaries. The act changes simply allow the municipalities to pass bylaws to address parking issues, in private parking lots and off-road vehicles used in municipal boundaries. Enforcing parking requirements in private parking lots could include ensuring designated parking for handicapped persons and that

people with small children are respected. It also includes enforcing signage respecting private parking, fire lanes, no parking and other similar signage in retail, condominiums and other similar private parking lots.

The proposed amendment is written in a way that enables the municipalities to make bylaws to enforce compliance with different types of signage respecting parking on private properties within municipal boundaries. The proposed amendment dealing with the use of off-road vehicles in municipal boundaries is intended to encompass all types of off-road vehicles including ATVs, skidoos, motorcycles and other similar forms of motorized transport. The amendment does not restrict the municipalities to write bylaws respecting the use of off-road vehicles to greenbelt areas only. The amendment gives municipalities the authority to regulate the use of these types of vehicles within municipal boundaries. As a law of general application, the *Motor Vehicles Act* applies to all individuals in the same way. The proposed amendments provide authority to municipal governments to draft bylaws to enforce certain matters. Municipalities will need to pass the appropriate bylaws to provide for enforcement.

The municipal bylaw-making process requires public consultation as the bylaw moves through three readings before being adopted by the municipal council. The operation of a motor vehicle is regulated through legislation similar to the Yukon *Motor Vehicles Act* in all provinces and territorial jurisdictions. It is an area of provincial law that is always changing and evolving in response to technological improvements and changing societal expectations. Making periodic amendments to the law is common practice in most jurisdictions in order to ensure the legislation is kept up to date.

I wish to thank all the staff in my department, the Department of Community Services, and legislative counsel on the development of these amendments. I look forward to the debate on this legislation in this House, and I respectfully request your consideration of the merits of the amendments to the *Motor Vehicles Act*.

Thank you, Mr. Speaker.

Mr. Inverarity: I find the explanation the minister has given in this regard has been fairly thorough. I would have to say that, in addition to this, we did have an extensive briefing from the City of Whitehorse, actually, regarding their need to have this put into place. They were one of the prime movers of trying to get some of these regulations changed at the territorial level. To put it bluntly, they had some issues around some of the public parking spots in town that were set aside for handicapped parking. I was absolutely amazed at the types of confrontations where individuals who were handicapped were being — I would say — assaulted by individuals verbally, in terms of asking them to free up space for handicapped people.

Without a doubt, I would say that we on this side, in terms of the Official Opposition, support these amendments to the *Motor Vehicles Act* and look forward to seeing some of these issues around the handicapped parking in town being addressed. The nice thing about this, as the minister has alluded to already, is that the uptake on this is really at the municipal

level. We're just enabling them to be able to put rules and regulations in place. I think that's important.

I'd also like to thank the officials who put this together. It's fairly succinct, and I look forward to Committee debate on it, in addition.

Mr. Cardiff: It's great to be here and to be able to discuss in second reading Bill No. 76, *Act to Amend the Motor Vehicles Act*. I'll try to be brief.

I thank the minister for his explanation, and we too had the opportunity to be briefed by the City of Whitehorse on what the changes mean. We can support the direction that we're going in here.

Specifically around the ability to regulate the operation of off-road vehicles within municipal boundaries, however, I can understand this and I think there is some merit to it.

However, I think that the territorial government — the Yukon government — is abrogating some of its responsibility. One of the ministers — I won't say which one — raises his eyebrows and he knows where I'm going to go. It's not unlike what we were talking about in Question Period today. It's about protecting young people. If members on that side of the House can't see that protecting the lives, the health and the safety of young people is valuable, then we're going to differ.

It comes around licensing of ATVs and snowmobiles. It comes around requirements to wear helmets. We've asked for these changes. I recognize that the Member for Klondike has brought forward a motion to form a select committee to look into regulating the use of off-road vehicles, including ATVs and snowmobiles. There comes a point where you have to show leadership and you have to be willing to make tough decisions in order to protect people.

We've seen all too often too many instances of young people — and not just young people. There have been deaths of young people; there have been severe injuries of people. In fact, there was a death earlier this year involving an ATV. It could be argued that not only was it an ATV accident; it could also be argued that it was a workplace accident. Was that person wearing a helmet? I don't know. But we all know that if you ride a motorcycle on the highways and the byways of Yukon, you must wear a helmet.

I cannot understand why the government refuses to bring in legislation that would require the use of helmets when riding ATVs and snowmobiles. It's just like seat belt legislation. It's proven to save lives and to prevent injuries.

Quite frankly, I don't think we need a select committee to go out and find that out. We may need a select committee to go out and find out whether Yukoners are amenable, and partially I guess it's about public education. There was resistance to seat belt legislation. Now it's just standard practice. Most people get in a vehicle and put on their seat belt. When people get on a motorcycle, they put on a helmet. When people get on an ATV — because the law doesn't require it — it's not there and a lot of people don't do it.

Consequently, we've seen many instances where Yukoners — and not just Yukoners, but people across Canada have been injured or killed. There are other jurisdictions and there is leg-

islation available. I'd be more than willing to assist the Member for Klondike if he wants, in that consultation. I'm sure he can find the legislation from other jurisdictions that show just what's being done in other jurisdictions with regard to registering, licensing, requiring insurance and requiring the use of helmets when riding ATVs and snowmobiles.

I feel that we have missed an opportunity here to improve the lives of Yukoners, to do things that would help protect Yukoners young and old who enjoy ATVing and snowmobiling as recreation, and in some instances for work. If it is for work, it is required, but if it's for recreation, it isn't.

Really the only caveat I have on supporting this legislation is that we have missed an opportunity to make things much better for Yukoners. I wish they would have brought that forward. Maybe municipalities will have bylaws that will require the use of helmets, but that would be piecemeal, depending in which municipality you're actually living and operating an ATV or a snowmobile.

I feel that Yukoners shouldn't just be protected and we shouldn't have to rely on municipal governments to provide for the health and safety of Yukoners. I think we should be thankful they're willing participate in the enforcement of laws and to help enforce them. If they would participate and help enforce a helmet law that was territory-wide, that would solve and resolve some of the issues and questions that members on the government side had about enforcement. How do you enforce it? Obviously the City of Whitehorse and Association of Yukon Communities and other municipalities are willing and want to participate and want to enforce laws and regulate the use of ATVs in their communities, but we still missed the opportunity to have legislation territory-wide that would address this issue.

I don't have much more to say. I will have a few questions when we get to Committee of the Whole and I look forward to asking the minister those questions. Perhaps he can explain why we haven't gone and taken that extra step to protect Yukoners.

Hon. Mr. Fentie: First, I want to extend our appreciation for the hard work, once again, by the department and the minister. Amendments to the *Motor Vehicles Act* are a common practice and are happening on a periodic basis — actually quite regularly. It has been a practice in the Yukon that that is the case. I think the amendments before us are positive ones, ones that are needed. I'd like to delve a little bit into the issue with which the Member for Mount Lorne has expressed concern.

Any time we are discussing and/or considering the issue of safe use and operation of any motorized vehicle, that is certainly in the public interest. The Member for Klondike has brought forward a motion to this Assembly in that regard. However, we on the government side think there should be a public process with this. We believe that can only strengthen what will be brought forward to this Assembly.

I can tell the Member for Mount Lorne that there are those in the opposition benches fundamentally opposed to regulating ATV use, and we have to ensure, as we go forward in a public way, that they express those views. After due consideration and the work necessary, this House will be able to address, debate

and pass further amendments to the *Motor Vehicles Act* that may impact many areas — not just ATV use, but other areas that are required.

It is an ongoing process, past practice and continuing practice, and it's very common. It's an ongoing process of amending the *Motor Vehicles Act*. I'm sure that will continue, but the government just wanted to make those points. We look forward to the process we'll embark upon as a representative body through a select committee for this Assembly in bringing forward amendments in the area of ATV use and other off-road vehicle use, as required. Once the public process is done, opposition members who fundamentally oppose regulating ATV use can present their views and explain their position, and we will go forward from there.

Mr. Nordick: I rise today to speak in support of Bill No. 76, *Act to Amend the Motor Vehicles Act*. This bill enables municipalities to address enforcement and driver behaviour. Why is this legislation being brought forward at this time, Mr. Speaker? People may ask that. Well, we are bringing this forward because it was requested to be brought forward by the Association of Yukon Communities when they passed a resolution at the general meeting in the spring of 2009. This will allow municipalities to enforce parking on private properties and regulate off-road vehicle use within the municipal boundaries. It allows bylaws to be passed by municipalities. I know everybody is aware that when municipalities pass bylaws they have to consult with their constituents, so that is part of the process also.

Mr. Speaker, we have all been in parking lots where we see individuals parked in spots that are specifically there for a purpose and they may not match that purpose — I guess that is a nice polite way of saying that they are parking in a spot that should have been left for a handicapped person. This bill allows for the enforcement of parking requirements on private lots, which include handicapped persons, people with small children and those kinds of things — and all signage in this respect could be respected, or should be respected. The proposed amendment is written in a way that enables the municipalities to make bylaws to enforce compliance with different types of signage respecting parking on private property within municipal boundaries.

The use of off-road vehicles in municipal boundaries encompasses all off-road vehicles. The amendment does not restrict the municipality to write bylaws respecting use of off-road vehicles to greenbelt areas only. The amendment gives municipalities the authority to regulate the use of these types of vehicles within the boundaries.

With regard to the previous comments made by the member opposite, I do support helmets being used by individuals throughout the territory on ATVs and snow machines. I believe most of my friends believe that also, but I want to confirm that. We want to go through the due diligence, go through the public process on this to hear what all Yukoners have to say. That is what we do — we do consult with Yukoners.

Mr. Mitchell: I'm going to be very brief in speaking to this, the *Act to Amend the Motor Vehicles Act*. I just want to say that I've had numerous conversations with people with disabilities, with representatives of associations that assist people with disabilities, and with the executive director of Challenge. Quite frankly, they have related to me what I can only describe as real horror stories of pulling up and not having a parking spot available to them because it is located on one of the big box store parking lots, where the city currently didn't have the ability to enforce any such bylaw because they're not able to have the bylaws without this legislation.

Indeed, in one case, one individual related to me having words with a fellow Yukoner, who had pulled into that spot and explaining — "Why are you using it?" You know, he just pulled a pickup in and jumped out. And this person does require the use of a wheelchair. The citizen turned to him and said, "I'm enforcing my rights to park wherever the heck I please, and that includes here."

Now, I think those citizens are in the vast minority. We know that most Yukoners do everything they can to assist others, not to put stumbling blocks in their way. But unfortunately, if you are someone who requires the use of a wheelchair or the use of walking canes or hand braces for whatever reason — be it from an accident or from some illness that has affected your ability to walk or your mobility — that is a real problem. Because of that, I am very pleased that we're passing this legislation; it likely won't impact most communities, if any, other than the City of Whitehorse, but it has become necessary in the City of Whitehorse. We're a large enough city now. I guess there's that anonymity that allows people to think they can sometimes be inconsiderate of others. Even if it's only a few people doing it, it has a large impact on the lives of those who require special consideration of spots that are closer to businesses and offices that happen to be located on private property in commercial plazas.

I, for one, am very pleased that we are passing this legislation and I think it's long overdue.

Mr. McRobb: I, too, will be very brief. I would just like to acknowledge a letter received from the Mayor of the Village of Haines Junction requesting support for the amendments brought forward by the Highways and Public Works department. The two items specifically set out in the letter include (a), the regulation of use of disabled parking spots on private parking lots within municipal boundaries; and (b), the regulation of off-road vehicle use within municipal boundaries. Mr. Speaker, I am assuming those components have been adequately incorporated into the act and, if they have, I will be supporting this bill.

Hon. Ms. Taylor: Thank you, Mr. Speaker, and I thank the members opposite as well, as well as members on the government side, for their support for this bill.

In response to requests from the City of Whitehorse and, of course, in response to requests coming from the Association of Yukon Communities and a number of other municipalities, as represented through the Association of Yukon Communities,

this bill does, in fact, respond to a couple of those issues that have been raised over the last couple of years.

I can recall just recently, about a year ago, when I was at the annual general meeting of the Copper Ridge Community Association. There was a bylaw officer representing the City of Whitehorse at the meeting, specifically making concerns known to the neighbourhood association about giving municipalities the enabling capacity to effect enforcement when it comes to off-road vehicles within municipal boundaries.

This does tend to come up from time to time with constituents and resident stakeholders throughout the territory. As has already been said, as off-road vehicles continue to evolve, the desires of Yukoners evolve in enabling access to areas. It also brings up the issue of safety standards and the issue of where vehicles are to continue to go and not go. These issues will continue to be top-of-mind for many Yukoners.

This piece of legislation pertains to giving municipal governments the ability to place restrictions, or to be able to regulate off-road vehicles in a manner that is consistent through their own public processes, as defined through residents who applied before the municipality. I think that the second issue that this bill also makes reference to is enforcing parking requirements on private parking lots. It could include ensuring designated parking for handicapped persons. It could also apply to persons with small children, that those desires or needs are respected as well. I certainly can concur, having family and friends in those very situations. I do commend these amendments to the bill, and I am also pleased to just take the opportunity as well to speak in support of those private members' motions that have been raised here by our government private members in regard to looking at regulation and cellphone use and all that goes with that.

Again, when we talk about evolution and safety and standards, as well, the private member's motion, when it comes to looking at a regulation of off-road vehicles, in terms of safety standards, licensing and so forth, these are all issues that have been brought top-of-mind, and I think these are all issues that deserve a great public debate about what does take place in other jurisdictions and to look at case law as well. That continues to evolve.

I think there was a recent case in Manitoba, for example, which referred to off-road vehicles. There was, I believe, an accident which resulted in significant damage to an individual, and which resulted in damages being seen before the courts. All of these issues — I think it's very timely. These issues will continue to evolve, but I think that the time is right to have that debate — that discussion with residents and with associations. I think it will be a good one at that. Of course we'll get to that motion in due time.

In terms of these particular amendments, I do support them wholeheartedly. I want to thank my constituents and those who have raised this with me over the last year — the members of the Copper Ridge Community Association as well. I thank them for raising these matters. Also, thank you to the City of Whitehorse bylaw enforcement crew. They do have a tough job, but I think they do the best they can given the resources they have. I know, having worked alongside or with them on

issues of importance to individuals in my own riding, they are asked to oversee the enforcement of a wide variety of things, and this is but one additional area of importance. I am pleased that we will be able to see this thing through so that they will be given those additional tools to enhance their capacity.

I thank you, Mr. Speaker, and I look forward to hearing other members.

Hon. Ms. Horne: It is indeed my pleasure to rise in the House today to speak to the proposed amendments to the *Motor Vehicles Act*. The purpose of the amendments is to enable municipalities to address enforcement and driver behaviour. As the minister has already outlined, the *Motor Vehicles Act* is focused on public safety by ensuring vehicles and operators conform to legal requirements while travelling on Yukon highways. As he also noted, two specific amendments are being brought forward at the request of the City of Whitehorse and the Association of Yukon Communities. The amendments are enabling clauses that will allow rural and urban municipalities to enforce parking requirements on private properties and to regulate off-road vehicle use within municipal boundaries.

I know Teslin has made some changes in handicapped parking at public buildings, and this amendment will be welcomed by them. The act changes simply allow the municipalities to pass bylaws to address parking issues in private parking lots and off-road vehicle use in municipal boundaries. I won't go into the specific changes as my colleague has already done that in his second reading speech and I am sure he will go over it again in Committee of the Whole.

I do want to say, however, that I appreciate the trajectory of responsibility in which we give local communities greater control over their local areas. As an MLA who represents two communities with municipal governments, I believe that empowering local communities to make meaningful decisions over local priorities is a good move. I also agree with the enhanced safety requirements in the use of an ATV, but as the Member for Klondike has stated, this government's inclusion priorities — this would go out for consultation for all Yukoners to have a voice in the matter.

Thank you, Mr. Speaker.

Hon. Mr. Rouble: Mr. Speaker, I'm pleased to rise today in order to speak to the *Act to Amend the Motor Vehicles Act*. There are a couple points I'd like to touch on here, those concerning the responsive manner in which the department responded to the issue and the appropriateness of working with Yukon communities. We are all aware of a variety of different opinions about the use of ATVs throughout the territory.

Indeed, there is a significant difference between how ATVs are used in Yukon's rural communities as opposed to here in Whitehorse or in other established municipalities.

In my own riding of the Southern Lakes where there are no established municipalities — while there are several different communities, there are no municipalities recognized under the *Municipal Act*. In my riding, we have local advisory councils; we also have the Carcross-Tagish First Nation as a significant land and property owner and also as a significant order of gov-

ernment, with the powers under its self-governing agreement. We also have the laws of general application, whether they be the *Motor Vehicles Act* or other pieces of Yukon legislation.

In the communities of Carcross, Tagish and Marsh Lake, ATVs and snow machines are often used very differently. They're used to go to the mail box, they're used to go to the store, they're used to visit the neighbours, and they're used to go on different trail rides. They're used sometimes appropriately on the streets and sometimes inappropriately. Like any other tool out there, sometimes people don't use their ATVs in the manner that we would all like them to use them. Perhaps they are driving too fast, they are driving in an erratic or possibly dangerous manner, or doing what many people do on ATVs.

I do have a situation where, while I do support this piece of legislation, it will not have a significant impact on the Southern Lakes, as they're not municipalities in which to enforce the legislation. I do believe this is a good step forward for Yukon municipalities to have the authority and the appropriateness to develop their own unique community solutions. I would expect that the approach in Whitehorse will be different from the approach in Dawson City. It will be different in Watson Lake and different in some of our other communities. I believe that it is best when the local communities get involved and establish bylaws that meet the community's requirements and situations.

I also wanted to mention the responsiveness of the Department of Highways and Public Works in working with the affected stakeholders in this — working with the Association of Yukon Communities, with communities specifically and directly, and also in Whitehorse's case, of working with many of the retailers or businesses that would likely be affected by changes in these bylaws — specifically the changes that would allow the municipality to provide for parking enforcement on private property. We've heard the case several times now as to why this should be supported, and I certainly support that as well.

I will also draw to the Speaker's attention that we will not be able to do that in the beautiful Southern Lakes because there is no municipality to enforce that or to create that change in legislation.

While I do stand here in support of this legislation — I think it will be a good piece of legislation that will have broad effect and appeal throughout many Yukon communities — I do also have to caution that it will not have a significant impact in the riding of the Southern Lakes, where we will continue to work with our local advisory councils, the Department of Community Services, the Department of Highways and Public Works, the Department of Energy, Mines and Resources, and First Nations that have territory in that area, which includes Carcross-Tagish First Nation, Kwanlin Dun First Nation and I believe the Ta'an Kwäch'an Council.

We will need to find ways, in the Southern Lakes, of addressing these solutions and these issues. There is a case now in Carcross with the Carcross beachfront, where many community members feel very strongly that ATVs should not be used on that beach area. They feel that preventing ATVs from travelling on that area would enhance the safety of children and families

who are using the area and that it would have the effect of reducing negative impacts on the environment.

Unfortunately, we won't be able to turn to a piece of legislation like this in order to remedy that situation. Instead, there has been commitment from the minister involved to work with the First Nation and the local advisory council to identify a community-based solution for this, one that of course will respect the differing of opinions and thoughts on this.

I want to raise for the minister's attention that there are some of these issues and concerns outside of municipalities and that it will be incumbent on the Government of Yukon to work with the other affected stakeholders, citizens and orders of government in order to find appropriate solutions to address the needs of citizens outside of municipalities.

Mr. Speaker, I appreciate the work that the Department of Highways and Public Works has done on this issue. Their work in consulting with the Association of Yukon Communities and the affected municipalities, as well as its work in discussing the issue with stakeholders, whether they be retail establishments or the special interest groups that deal with many of these people, whether they be a snowmobile association or the Persons with Disabilities Advisory Committee, Safer Communities Whitehorse, Yukon Council on Disability, or many of the other organizations out there that work with people affected by these situations.

I do commend it to the Assembly and I would encourage all members to support the legislation. I would also encourage the ministers responsible to take appropriate action to help address many of these same problems in our rural areas that aren't affected by municipalities.

Mr. Edzerza: I rise today in support of Bill No. 76, and I would like to thank the minister and all the staff involved who put this amendment together.

It is rather unfortunate that some citizens choose not to respect signs put in place for parking and use of off-road vehicles. I know that, like others who spoke before me, the handicapped parking has become something that has been severely disrespected with regard to those handicap signs. I know of an example where one individual stopped me with his wheelchair and said that I would never believe what was just said to them by someone who was parked in a handicap parking space. He continued to tell me about the altercation he had with a citizen who was not in need of a handicap parking space. He said the individual went so far as to verbally abuse him and tell him that he has as much right to park close to the Wal-Mart store as anyone else.

So, it only takes a few individuals who show a lack of respect for the signs to force government and municipalities to start developing legislation and finding ways to enforce the signage that's already in place. So, again, it only takes a few. It can make it very difficult for all citizens in the territory. I wholeheartedly believe that it's a very good idea to have parking spaces reserved for disabled citizens so they don't have to wheel their wheelchair from 100 yards out in the parking lot.

I also want to talk just a little bit about the misuse of off-road vehicles because, again, abuse of respect for others on

highways and clowning around with off-road vehicles sometimes makes it necessary to, like I said earlier, bring in more legislation to regulate it. It's only the select few who choose not to respect others on the highway.

One of the issues I'd like to point out here is that nowadays it's not like it was 30 years ago, when your off-road machines might have been able to travel 30 miles an hour. We now have off-road vehicles that can probably travel as fast as 80 or 90 miles an hour. So, having that increase in speed, there obviously comes a lot more responsibility for operating that machine.

I could tell of a situation going up the Fish Lake Road — we're still within city limits. I was going home one afternoon, and I heard this god-awful scream, whining noise and two ski-doos, one on each side, passed me at the same time, one on either side of my vehicle.

Needless to say, it really almost caused me to have a heart attack just from the sudden appearance of them. Again, they were travelling at a phenomenal speed — they passed me like I wasn't even moving. Again, people — a certain select few — wanting to not respect the power of these machines and doing things like this make it almost a necessity to start putting legislation and bylaws in place that can be enforced, and rightfully so. It is a little bit too late to worry about legislation or municipal bylaws after an individual is mowed down.

I can tell the House of another incident when I was travelling on the main Alaska Highway between the Kopper King and the traffic lights on Hamilton Boulevard, where it crosses the highway. Some youngster pulled out in front of me on the highway, did a catwalk on his four-wheeler and just sped off in front of me.

What instantly crossed my mind after having to slam the brakes on — because he came out of nowhere — I was thinking, "Now if that young fellow had fallen off that four-wheeler or lost control of it, there would be absolutely no way that I could avoid running right over top of this youngster."

So again, it's the select few. I think the parents have a very big responsibility here to start using more discretion on the age they allow the young people to travel and to quit buying them these souped-up four-wheelers.

I know I could go on probably for a lot longer talking about all the different incidences that I've seen over the years and how important it is to be able to enforce bylaws or to even develop them. I do support this bill. I thank the minister and all the staff who provided these amendments here today.

Hon. Mr. Hart: I'm very pleased to get up today to speak to this bill. With regard to this, I think we've already heard several stories from my colleagues here, as well as those across the way, on just how the parking situation is being abused by, in some cases, a few people — but it's still being abused — and the ability of the municipality to monitor in a situation.

I'm very pleased, Mr. Speaker, to see how fast, quite frankly, Community Services was able to respond to the request from the Association of Yukon Communities made during the spring with regard to these two motions, and bring them

forth for legislation here this fall. I commend the staff and officials of Community Services for preparing this and getting it to us for this fall.

With regard to dealing with parking, I think we've had our own personal experiences with regard to people parking in designated parking spots who don't have the appropriate signage on their vehicles so they can. I think the Leader of the Official Opposition referred to a case from the director of Challenge.

I believe I was also in a parking lot where the executive director was there waiting to park his vehicle in a spot and it was taken up by somebody else who didn't have a disability card on his vehicle. He was — how can I say this? — less than amicable toward Rick when he was asked why he was parking in that spot. Heated discussion arose, I might add — very heated — and the individual just walked away. He left his vehicle there and walked away — and here's a gentleman in his wheelchair trying to get into his spot.

Anyway, I think we've all provided a quick story about that process and I think this legislation does allow for the municipality to put this into place and work on it. You know, the second amendment is to deal with ATVs, skidoos and the like. I know many of us talked about ATVs and skidoos, but part of the aspect for me in my riding is we've had a situation where we've had four-by-fours running up on the trails that people use for running. They are winding around in the back there, digging up the ground.

I made a complaint on behalf of several constituents to the City of Whitehorse and they put big rocks at the entrance ways to where these four-by-fours were entering. Well, that worked for about two weeks, Mr. Speaker, and then the city found that they were either driving around the big rocks or they just put the winch on them and pulled the rocks out of the way.

I believe that this legislation will be very valuable to enable the city to enforce that situation and deal with actual four-by-fours that are up on our trails destroying them for those people who actually walk or run on the trails. I think it is a very important change to the act that will allow the municipalities to change their bylaws to enforce situations like that. It is a very easy item for the city to make their bylaw change and to allow their bylaw officers to enforce it.

The Member for Mount Lorne talked about protective gear and such and made it sound like we on this side of the House don't seem to care about the safety of young people. I want to assure the Member for Mount Lorne that we have the utmost care for the individuals under 16, with the government's issue of dealing with their safety.

For many, many years, the issue of helmets — I mean, I'm going to go on record indicating that I'm in favour of a helmet for sure. I think the Member for Klondike has indicated that he wants to go out and find out what other issues need to be brought forth to ensure the safety of all people when it comes to driving off-road vehicles and where they can drive them.

I know that I have personally had a situation where a young individual was driving an ATV and made a mistake, and it cost him his life. He was only 17 years old. Again, speed and the inability to control the vehicle were the problems, and he wasn't wearing a helmet.

Mr. Speaker, I believe that a helmet is a very important safety item. It's not the end-all or the be-all, but at least it's an attempt. I think it's an important one. I know it's one that Doctor Hanley supports and I know that it's one that I support. I look forward to the results of that issue when they come forth from the review. As the Premier stated, we make amendments to the act on an ongoing basis, and I anticipate amendments will come forth from that also.

Thank you very much.

Speaker: If the honourable member speaks, he will close debate. Does any other member wish to be heard?

Hon. Mr. Lang: In closing, I would like to thank all the members, opposition and government side. Obviously there is support for this amendment. I look forward to working with them in Committee of the Whole. Certainly we've discussed many issues this afternoon on second reading that pertain to the *Motor Vehicles Act* and why we're making these changes. Certainly it is — like the Member for McIntyre-Takhini mentioned — only a few who make these kinds of new legislation necessary, because we have to understand that the municipalities do have the management on the ground for issues like this, and we should give them the tools so they can do the job they need to do.

Again, Mr. Speaker, I look forward to Committee of the Whole, and I thank all the members in the House for the hard work and the debate we've had this afternoon.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, would you please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Hart: Agree.

Hon. Mr. Rouble: Agree.

Hon. Mr. Lang: Agree.

Hon. Ms. Horne: Agree.

Mr. Edzerza: Agree.

Mr. Nordick: Agree.

Mr. Mitchell: Agree.

Mr. McRobb: Agree.

Mr. Inverarity: Agree.

Mr. Cardiff: Agree.

Mr. Cathers: Agree.

Clerk: Mr. Speaker, the results are 13 yea, nil nay.

Speaker: The yeas have it. I declare the motion carried.

Motion for second reading of Bill No. 76 agreed to

Bill No. 79 — Act to Amend the Medical Profession**Act: Second Reading**

Clerk: Second reading, Bill No. 79, standing in the name of the Hon. Mr. Lang.

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

Hon. Mr. Lang: It is my pleasure to introduce Bill No. 79, *Act to Amend the Medical Profession Act*, for the Legislature's consideration. The *Medical Profession Act* provides for the registration and regulation of physicians practising medicine in Yukon. Amendments to the act are proposed to enable the Yukon Medical Council and the government registrar of medical practitioners to manage current medical professional issues related to licensing, registration, education, professional development and discipline.

The bill's main purpose is to provide a thorough and proper combination of management tools to both the Yukon Medical Council and the government's registrar of medical practitioners to do their primary task of ensuring that Yukon has the best available medical practitioners serving Yukoners. Yukon physicians and the public have been consulted about the proposed amendments. The Yukon Medical Council was instrumental in identifying a number of the proposed changes and fully supports the amendments. Consultation feedback from the individual members of the Yukon Medical Association indicated strong support for all proposed amendments. Other medical association regulatory bodies in other jurisdictions, as well as national bodies, are supportive as the changes will bring Yukon legislation more in line with legislation in the rest of Canada. During public consultation, no public comments were received. This was not unexpected, as there has been very little public controversy in Yukon over physicians' competence or disciplinary actions. Proposed amendments to the act are intended to keep the act current and meet Yukoners' expectations that government has and will continue to employ the best regulatory and management practices in maintaining quality medical care for Yukoners.

If patients do have complaints, we want them to be able to contact the Yukon Medical Council and the government registrar with the confidence that these regulations have all the tools they need to properly address the situation. Such tools may include authorizing regulators to require physicians to undergo more training and develop further expertise.

The amendments proposed will enhance regulation of Yukon's medical profession by the Yukon Medical Council and the registrar of medical practitioners for the benefit of the public. Amending the act and keeping it current with best practices across Canada is part of the Yukon government's continued effort to ensure that medical services are of the highest standard and to enhance these medical services whenever possible.

I trust that all members of this House will support the proposed amendments that continue to uphold the tradition of ensuring the best available medical practitioners for Yukoners. I look forward to your questions and to your support.

Mr. McRobb: Let me start off by saying, as is the case with every other bill brought before this House in this sitting — with the exception of this year's supplementary budget — there have been no briefings provided on any of those bills. And here we are, having to give our second reading speeches in the absence of a briefing. Now, the briefings are set up to start soon and into the days ahead, but one has to wonder why the government side didn't coordinate the scheduling of the briefings before the government side called the bills forward for discussion.

Now, the changes mentioned in the bill are the result of consultations, and the consultations were announced in April 2008. The *Medical Profession Act* governs the registration and licensing of physicians respecting their education and qualifications, professional conduct, discipline and offences, and professional corporations.

Another aspect of this bill is that it restructures the licensing system for medical practitioners and creates different categories of licences for different needs, such as short-term emergencies.

In the absence of the briefing, Mr. Speaker, I don't really have any other comments, but I do have a few questions I would like to put on the record at this time and look forward to the minister responding to these questions when he closes second reading on this bill.

One: Are these changes supported by the Yukon Medical Association?

Two: Are these changes supported by the Yukon Medical Council?

Three: Are there any financial implications for the Government of Yukon?

It would be appreciated if those three questions could be answered by the minister this afternoon.

Thank you.

Mr. Edzerza: I rise today in support of Bill No. 79, *Act to Amend the Medical Profession Act*. I do recognize that we do live quite far from some of the big major health facilities throughout Canada, like Vancouver General, University Hospital in Edmonton, and others.

From time to time, it could be very possible that a specific surgeon would have to be called in to perform an operation on someone who is in the Yukon. There are probably a number of reasons why that could be necessary: for example, if an individual were in such a condition that they could not travel, could not fly or take any other means of transportation, and the operation would be of a life-saving emergency. This bill enables individuals to come in and perform those operations.

The changes proposed in this bill will modernize the legislation and improve public safety. In going through the bill, I noticed that the main purpose is to improve and update the language of the legislation, clarify the role of the Medical Council,

restructure the licensing system by creating new categories of licence and make administrative and technical improvements such as allowing admission requirements to be set out in regulation rather than the act.

So when you look at all those different headings, it is quite understandable why one would want to bring these amendments forward.

Having said that, Mr. Speaker, I know that there will be a few questions that will be asked of the minister in Committee of the Whole and I look forward to being a part of and hearing the debate that is going to take place with questions that could arise out of this bill.

Thank you, Mr. Speaker.

Hon. Mr. Rouble: Mr. Speaker, it is my honour and pleasure to rise to speak to the *Act to Amend the Medical Profession Act*. I am caught a bit off guard by the Member for Kluane's comments though regarding the necessity for a briefing prior to second reading.

As a long-standing member of this Assembly, I am very aware that he is familiar with the rules and order for debate. Indeed, our Standing Orders do spell out the whole purpose and intent of second reading, and that the purpose of a second reading debate on a motion is to be limited to the object of the bill at hand, the expediency with which it is being brought forward, the principles and merits of the bill, or the alternative methods of obtaining its purpose.

He has asked some specific questions in his response to this, which will certainly be covered more in debate. But I wish he had been giving some more careful consideration to the comments coming from the minister when the bill was first tabled, where the minister stated, "Yukon physicians and the public have been consulted about the proposed amendments. The Yukon Medical Council was instrumental in identifying a number of the proposed changes and fully supports these amendments."

The minister also went on to say, "Consultation feedback from individual members of the Yukon Medical Association indicated strong support for all of the proposed amendments." To me, that addresses several of the questions that came forward.

We do have a situation where information was provided, but members opposite for some reason chose not to listen and then asked for more information to be provided that has already been tabled. Unfortunately, this happens far too often in our Assembly where a member opposite might ask a question, the information is provided, it's not to the member opposite's liking, and the members opposite then decry that they haven't received any information.

Well, no, Mr. Speaker, the information was provided, but perhaps for some reason it didn't suit the purposes that the member was asking the question for. That's incredibly frustrating from this side of the Assembly, where day after day the members ask questions and day after day we provide additional information, provide briefings, or provide the opportunities to sit down with departmental officials.

Again, I know this isn't something that's consistent among all members in the opposition. I do know that the members of the New Democratic Party have asked for and received information, while at the same time the information was offered to the other party and they chose not to even attend a briefing. We do have a situation that is quite frustrating where members stand up and provide information, and members opposite then criticize and say they didn't hear the information or the minister didn't answer the question.

Clearly, the information was provided during the minister's speech that did a great job of addressing the objects of the bill, the expediency with which it was being brought forward, the principles and the merits of the bill. Really, I guess it is up to other members to identify alternative ways that the outcomes of the bill could be achieved. Those are the options that we can discuss.

We have discussed numerous times in this Assembly that some of the objectives that people wish to see can be achieved by doing something other than passing a law. There are methods of changing people's behaviour or changing practice in our community that can be accomplished either through education, additional information campaigns and different practices that don't require the enacting of a piece of legislation.

In fact, we have seen that quite a bit in this Assembly, where opposition members have put forward very prescriptive changes to legislation that do limit the flexibility of individuals or the government to respond to situations.

On this, I'm reminded of a case where there was a motion put forward by the Liberal Party, some time ago, wanting to change the wording from a "may" to a "shall", and that certainly would have detrimental effects on the people involved. They felt that providing the word "shall" offered greater certainty, but it certainly limited people to the one method that they felt should be used.

I know this outside of the piece of legislation that we're debating right now, but it is in this time of debate when we should be talking about principles and objectives, what we hope to accomplish by the legislation, and how we expect this legislation will benefit the lives of Yukoners.

This piece of legislation is another step in ensuring that Yukon's medical system is responsive to the needs of Yukoners. It's another step of working with all our stakeholders, again, to ensure that their needs, as well as Yukoners' in general, are met. It's a way of ensuring that our legislation is updated to meet the changing world situation and national situations that we find ourselves in. It is a further demonstration of the government's ongoing commitment to work with partners and stakeholders in the different field the legislation is affecting. And it will have the ultimate benefit of ensuring the best available medical professionals are able to assist Yukoners in their time of need.

I appreciate that the members will be looking forward to a further briefing on the specific sections of the act, but if they can again discuss the purpose and intent and identify whether they agree with this or not, or identify if they see other options as to how to address that, that's another way that we can make

our Assembly more productive and work to do the people's business.

So, Mr. Speaker, I commend this piece of legislation to our Assembly. I would encourage all members to put their comments forward on it, to tell if they are in support of these objectives or not or, if they see an alternative way of addressing this situation, please share that as well because this is certainly the time for it.

Hon. Ms. Horne: I would also like to speak for a few moments about these amendments. As Yukoners know, we committed in the last campaign to improve the quality of Yukoners' lives by improving the medical services available in Yukon. Toward that goal, we committed to implement a strategy for recruitment and retention of doctors and other health care professionals that includes the following: family physician incentive program for new graduates that provides financial assistance to physicians who recently graduated from medical school in exchange for years of service in Yukon, which could amount to \$50,000 over a period of five years; medical education bursary that provides Yukon students attending medical school with \$10,000 in assistance per year and, after graduation, if they enter medical residency in a Yukon family practice, they will be eligible to receive \$15,000 per year; nursing education bursary that provides \$5,000 per year and doubles the number of applicants; health profession education bursary that provides \$5,000 per year for Yukoners training for health professions, including pharmacy, occupational therapy, speech language pathology and audiology, medical laboratory, medical radiology, dietetics and nutrition, and licensed practical nursing; nurse mentoring program to help new nurses learn from experienced professionals, especially in gaining greater knowledge of challenges faced in rural communities and other issues specific to Yukon; social worker mentoring program to provide greater continuity in sharing of knowledge between experienced professionals and new graduates; work with members of the health care community on a pilot project to establish a collaborative care medical practice to help meet the health care needs of Yukon families; work with the federal government to expedite the immigration of health care and other professionals into the territory.

What these platform items have in common with the bill before us today is a common theme of improving the quality of care available to Yukoners. Some of these amendments include making it possible for doctors to come to the Yukon to perform immediate and urgent surgery or to assist in short-term health emergencies. In other words, Mr. Speaker, we are working to ensure that, in an emergency situation, red tape does not prevent Yukoners from getting the care they need, while at the same time maintaining our commitment to provide Yukoners with quality and competent care.

The amendments have the approval of the Yukon Medical Council, Health and Social Services, Yukon physicians and stakeholder groups, as well as other provincial and territorial regulatory bodies. These amendments were also made available to the public for their comment. The amendments will contribute to high standards of medical practice in Yukon, for in-

stance, by enabling the Medical Council to require applicants or registrants to complete continuing professional development programs when needed.

Mr. Speaker, these amendments will definitely improve the quality and care available to Yukoners in the event of a short-term health emergency.

Thank you, Mr. Speaker.

Mr. Cathers: I will be very brief in speaking to the proposed amendments here today. As the Minister of Justice just noted, this work is certainly complementary to the efforts that have been undertaken in the health human resource strategy and efforts across the spectrum of government, as well, with regard to improving access to health care.

One thing that should be noted for the House today, I believe, is that the *Medical Profession Act* amendment, the *Registered Nurses Profession Act*, the *Public Health and Safety Act* amendment all had some linkages to them. There was tremendous work going on within a number of departments, particularly within Health and Social Services, the Department of Community Services and the Department of Justice, related to developing these pieces of legislation.

There were certain provisions that related to things such as emergency licensing, which are currently included in the *Public Health and Safety Act*, that potentially could have been included in other pieces of legislation. There was certainly tremendous consideration by officials and by others involved, such as health care professionals, in the development of this legislation. There was tremendous consideration by all involved of what the appropriate way of proceeding was with regard to the legislative packages.

I think, properly, these three pieces of legislation should be regarded as part of one significant package in modernizing the health care legislation. There was certainly a tremendous amount of work, as I said, involved by a number of officials and by health care professionals themselves, in contributing to the development of the modernization of this legislation.

These changes are important to ensure that our legislation meets the needs of Yukon today, that it reflects changing practices within the health care field, and that it provides the appropriate structure to enable that and to enable the government and the Yukon Medical Council to effectively and appropriately manage the situation around registration of physicians.

With that being said, I want to again thank all the officials, the Yukon Medical Council, the Yukon Medical Association and other health care professionals who contributed to the development of not only the *Medical Profession Act*, but also the *Registered Nurses Profession Act* and the *Public Health and Safety Act*. I commend this legislation to the House.

Mr. Cardiff: With pleasure, I join the debate on the *Act to Amend the Medical Profession Act*, Bill No. 79. I've read the explanatory notes and I've heard what has been said here in second reading speeches. I do have a few questions that the minister can choose to answer, or I'll wait and receive the answers either in the technical briefing or in Committee of the Whole. I'd like to get them on record.

My understanding of this is the act puts in place a licensing system for medical practitioners with separate registers for different categories. I believe they're listed in here. There's a medical register, a medical specialist register, a limited family practice register. I believe there are about eight or nine of them.

There are a few pieces of legislation that govern the medical profession. There's the *Health Professions Act*, there's obviously the *Medical Profession Act*, there's the *Registered Nurses Profession Act*, the *Public Health and Safety Act* — we've dealt with some of those in this sitting already. We would like to know whether or not this act actually affects health professionals like nurse practitioners. Does it affect chiropractors, dentists, optometrists — any of those other medical professions? We'd like to know whether or not all members of the Yukon Medical Council are registered physicians.

There was one section in here I was reading through, and it comes under consequential indictable offences. It talks a little bit about indictable offences and whether or not a person would be entitled to be registered. There's a reference to — this is on page 12 — and I believe in this act it would be section 15, but it's section 22(3) of the act itself that I'm referencing here. It says that registration of a person shall not be refused and a person shall not be removed from a register under this section on account of a conviction for a political offence. I'm wondering if the minister could give us a definition of a medical offence.

At first blush, I've just had an opportunity to briefly look at the bill. I am sure that when we get into Committee of the Whole that we'll look forward to receiving answers to the questions we've asked today. We may have some other questions to ask the minister.

Thank you very much.

Hon. Ms. Taylor: Mr. Speaker, I first want to just leave off where the Member for Kluane was referring to lack of briefings here. I just want to put it on the public record, again, for the member opposite and I believe it was only the Member for Kluane who has raised this issue, but we have done our utmost to schedule briefings in a timely and methodical manner. As I mentioned last week, for the first time we have offered briefings for each of the departments as referred to in the supplementary budget. We are proceeding with those. In fact, I think those briefings will be concluding fairly shortly. I just wanted to put that on the public record again. We are providing briefings and there are briefings scheduled. Again, should members opposite, including the Member for Kluane, wish to have briefings on Friday or wish to have an additional third briefing on the days of business, then we would be more than pleased to accommodate that. They would just have to ask, and we'll work with them to make it happen. So, I just wanted to put that on the public record.

Mr. Speaker, I'm very pleased to speak to second reading of the *Medical Profession Act* — the amendments. As has already been articulated earlier today, there are a number of pieces of key legislation having to do with the health professions and the evolution of our health care system. This is but one of three pieces of legislation that have come forward, and it is legislation that has taken a fair degree of time because of the

necessity to consult appropriately with stakeholders in a meaningful and respectful manner.

The amendments do have the approval of the Yukon Medical Council. They do have, of course, the approval of the physicians and the stakeholder groups, as well as the other provincial and territorial regulatory bodies. There was a great amount of consultation done in the public domain, and it has taken a bit of time to prepare the legislation and certainly to get it right. That's what does happen.

While I would have liked to have seen these amendments come forward earlier, it's important that we do it appropriately, we do it meaningfully and that we do garner the approval and the appropriate language to reflect the intent of the proposed legislation.

You know, the appropriate intent of the legislation all comes down to updating and modernizing this legislation, improving and updating the language. Its intent also is to clarify the role of the Yukon Medical Council. It also references restructuring the licensing system. I know the Member for Mount Lorne just raised a question as to whether or not we were creating a new system; it's actually restructuring the licensing system so that the classification of our Yukon physicians is much clearer. The bill also makes a number of administrative/technical improvements of a housekeeping nature, and it also allows the registration requirements to be established in regulation rather than in the act. Again, this is not unlike what we just discussed with the *Registered Nurses Profession Act*, so that requirements can be changed more readily in response to evolving standards in the country.

A key piece pertaining to changes to this legislation will really improve our ability to respond to short-term health emergencies that fall outside the provisions of the *Public Health and Safety Act* through establishing an emergency register. It's important to note that the Department of Health and Social Services did work very closely with the Department of Community Services and the Department of Justice in ensuring that there was no duplication of efforts, that in fact both pieces of legislation complement one another and that they make the delivery of health care much more efficient and certainly much more effective. So, an example of such a change being made would be bringing in a surgeon for a patient requiring immediate surgery, but who may be unable to travel for a number of reasons.

So all the amendments will contribute to a high standard of medical practice in the Yukon, and an example of that is enabling the Medical Council to require applicants or registrants to complete continuing professional development programs when and if required, and these are but one small example.

I am very pleased to be able to support this legislation. I would just like to also extend my thanks and support to the many department officials who were involved in this and the many stakeholders, including the Yukon Medical Council itself, as well as Yukon physicians and stakeholders who were consulted. I thank them for their input and their timely response and ability to see this piece of legislation come to fruition.

Thank you.

Hon. Mr. Fentie: I thank the members opposite and all members of the House for their input. Once again the government, in bringing forward the public's business, is certainly emphasizing what is in the public interest. Any time that you can improve and enhance health care in our territory that is in keeping with that commitment — I think it is pretty clear that the bill's main purpose is to provide a thorough and proper combination of tools for both the council and the government's registrar of medical practitioners.

This is to ensure the primary task of delivering the best possible available medical services to Yukoners, by improving the ability of those who are taking on that responsibility of delivering those services. Also, it's very important that we recognize that the changes bring Yukon — in terms of its legislation — more in line with legislation across the rest of Canada. Harmonizing the medical field in Canada, given the fact that this is a public health care system, can only improve our ability to not only deliver health care here but, with the synergies involved help us access required health care systems outside of our territory, such as the arrangements we have with British Columbia and Alberta.

It's important too that patients who may have complaints have an appropriate process to register those complaints and have the confidence that they will be properly addressed again. This can only enhance and improve our health care system. Ensuring that we are meeting the highest standards possible, amendments such as this will continue, I'm sure, from now and into the future.

This is not a situation or an area that is static. It will be forever worked on, and our efforts will be constantly focused on trying to improve our health care system, and there are many factors for that.

But all in all, it's another piece of legislation, in conjunction and in consort with what has already been discussed and debated so far in second reading here today in the Assembly, all geared to and targeted to improve the health care system for Yukoners by essentially improving the tools and the abilities of those who deliver health care — those medical professionals, whom we thank greatly for choosing to come here and apply their skills.

Thank you, Mr. Speaker. With that, I commend the bill to the House.

Mr. Nordick: It gives me great pleasure to rise and speak to Bill No. 79, *Act to Amend the Medical Profession Act*. Health and Social Services has worked with Community Services to develop amendments to the *Medical Profession Act*. We believe that the amendments being brought forward will contribute to ensuring quality medical care in the Yukon. The amendments have the approval of the Yukon Medical Council, Health and Social Services, Yukon physicians and stakeholder groups, as well as other provincial and territorial regulatory bodies.

The public was consulted about the amendments. Recently a group of special licensed family physicians in Whitehorse made a request for extensions of the current five-year period during which a special licence can be held. This is a complex

issue that will require a coordinated response. Health and Social Services is working together with Community Services and the Yukon Medical Council to develop a solution that is appropriate to the Yukon within the context of Canadian standards.

The solution will be reflected in the regulations developed under the act, which will establish the requirements for registration in each class or register under the act. The request demonstrates the value of setting registration requirements in regulation so that they can be changed in response to changing circumstances and national standards.

The amendments will improve our ability to respond to short-term health emergencies that fall outside the provisions of the *Public Health and Safety Act* by establishing an emergency registrar. An example would be bringing in a surgeon for a patient requiring immediate surgery but who is unable to travel. The amendments will contribute to high standards of medical practice in the Yukon — for instance, by enabling the Medical Council to require applicants or registrants to complete continuing professional development programs when needed. Mr. Speaker, the Department of Health and Social Services supports these amendments.

Once again, the amendments will improve and update the language of the legislation. They will clarify the role of the Medical Council and they will restructure the licensing system so that classification of physicians is clearer. It will also make administrative and technical improvements and allow for registration requirements to be established in regulation rather than in the act so that the requirements can be changed more readily in response to evolving standards in the country.

Thank you, Mr. Speaker.

Speaker: If the honourable member now speaks, he will close debate. Does any other member wish to be heard?

Hon. Mr. Lang: In closing, I would like to thank the opposition and the members of the government caucus for all the input they have had this afternoon on second reading. Of course, the Member for Mount Lorne and his questions to me on second reading — we will be addressing a lot of those questions in Committee of the Whole and I look forward to it at the time. At that point, we will have some expertise here with me so that we make sure that any answers that are given by me, the minister, are on a professional level, and of course we look forward to that in the House as we move forward on this bill.

So, again, Mr. Speaker, I thank you, and thank the House for the work they've done this afternoon.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Ms. Taylor: Agree.
Hon. Mr. Rouble: Agree.
Hon. Mr. Lang: Agree.
Hon. Ms. Horne: Agree.
Mr. Edzerza: Agree.
Mr. Nordick: Agree.
Mr. Mitchell: Agree.
Mr. McRobb: Agree.
Mr. Inverarity: Agree.
Mr. Cardiff: Agree.
Mr. Cathers: Agree.

Clerk: Mr. Speaker, the results are 12 yeas, nil nays.

Speaker: The yeas have it. I declare the motion carried.

Motion for second reading of Bill No. 79 agreed to

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Nordick): Order please. Committee of the Whole will now come to order.

The matter before the Committee is Bill No. 17, *Second Appropriation Act, 2009-10*.

Do members wish a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 17 — *Second Appropriation Act, 2009-10*

Chair: The matter before the Committee is Bill No. 17, *Second Appropriation Act, 2009-10*. We will now proceed with general debate.

Hon. Mr. Fentie: Once again, Mr. Chair, I am pleased to introduce to Committee of the Whole, Bill No. 17, *Second Appropriation Act, 2009-10*, along with the accompanying *Supplementary Estimates No. 1* for the 2009-10 fiscal year.

Mr. Chair, as I detailed in the second reading speech, this supplementary budget for 2009-10, the first supplementary estimates, achieves a balance between providing significant investments on behalf of Yukoners while maintaining sound principles for financial management.

The first supplementary estimates for 2009-10 provide an additional \$68.6 million in total expenditure authority, increasing total projected spending for 2009-10 to \$1,071,000,000, of which \$284 million will be directed toward capital investment.

This in particular is very important, Mr. Chair, because it's part of our obligation nationally in keeping with Canada's economic action plan and the collaborative approach that the provinces, territories and the federal government have been taking. This is but one example of Yukon meeting that objective.

As noted, this supplementary provides for \$68.6 million increased spending, specifically additional operation and maintenance requirements of just over \$24.9 million, and additional capital requirements of approximately \$43.6 million.

Our government continues to deliver a healthy financial position. Everything considered, the tabling of the first supplementary estimates for 2009-10 reflect the projected annual surplus of \$222,000 and a net financial position of \$92.7 million, with an accumulated surplus of some \$547 million.

Mr. Chair, this sets Yukon apart as one of the few jurisdictions in Canada that can maintain, on the level of our population and all other factors considered, this type of financial position. It is because we have been committed over our mandate to prudent fiscal management, that we are able to act upon a unique opportunity that is not afforded in many other jurisdictions — for example, our sister territories. We are able to significantly increase spending and investments on behalf of Yukoners, while maintaining a surplus position.

Mr. Chair, I would like to reiterate the supplementary estimates and talk briefly about additional expenditure authority in several key areas that are of importance to Yukoners. I am sure members and all Yukoners will appreciate the significance of this. Our financial framework remains strong and I assure Yukoners that our government remains committed to managing and directing the Yukon government's finances in a disciplined, responsible and indeed, strategic manner. Mr. Chair, the supplementary estimates provide significant increased investment to our territory, as needed.

Many of the significant expenditure initiatives we are highlighting during a second reading speech and today in Committee and through further debate. In the interest of time, I will not get into those details; however, my colleagues will, of course, be pleased to discuss these initiatives in great detail during department-by-department and line-by-line debate.

We on the government side are indeed proud of the additional investments our government is making through this supplementary estimate. Moreover, I am extremely proud of our government's success in providing the significant investments on behalf of Yukoners, while maintaining our commitment to prudent financial management. Of course, a great deal of the credit goes to the Department of Finance and the financial team we have in government.

Our position remaining strong will, of course, provide further opportunities for the government to deal with future challenges through significant investments and other expenditures that meet the public interest and the public need. This, of course, as always, is on behalf of all Yukoners.

I am confident that this supplementary estimate speaks for itself in addressing those needs, and I look forward to the opportunity to discuss with members opposite in the days ahead the value of the investments made with this supplementary, the investments made in the past, and of course, meeting the chal-

lenges of the future and continuing to provide a clear direction and a path forward.

I would be very pleased, Mr. Chair, to address any member's questions of a general nature in general debate and look forward to moving the debate on Bill No. 17 through Committee in a department-by-department, line-by-line debate.

Mr. Mitchell: Thank you, Mr. Chair, and I think I will violate all the rules — and you can rule me out of order if you so choose — just to welcome you back to the Assembly and pass on our heartiest congratulations on your recent expansion from a family of two to a family of three. I just wanted to put on the record the birth of your baby daughter this past week.

I want to thank the officials from the Department of Finance for the briefing that we had last week on this budget. We do appreciate them answering our questions to the best of their ability. We, too, look forward to debating various aspects of this budget and, later on, drilling down into the departments.

I would point out that the Premier, on the one hand, talks about the increase in the O&M and capital requests totalling \$68.6 million. On the other hand, he talks about the projected surplus of \$222,000 but there are, of course, projected lapses — year-end estimated lapses — of \$64.478 million and, without those lapses, there would be no surplus. It is certainly fortuitous to say the least — the projection being exactly that amount to leave that small projected surplus. If it was only \$300,000 less in projected lapses, there would be no surplus at all. We still note that, because of how we deal with expenditures — particularly capital expenditures using the accrual method of accounting and only writing down or amortizing a portion of the capital expenditures in each year — there is that surplus.

Certainly, we are spending more money than is coming in.

One of the questions, of course, that we would have for the Premier would be, over time, not knowing how much longer these one-time monies are coming in, just how sustainable that is when we have net expenditures that are totalling \$1,071,858,000, the total revenue — after recoveries and transfers, being \$964,611,000. We are spending the money a little faster than it's coming in, and that is why we're also seeing the net financial resources at end of year now projected to be \$92,775,000, including that portion of the \$36.3 million that has not been adjusted and which also cannot be accessed.

We have many questions but I would like to start in general debate by asking the Finance minister, who fortuitously is also the minister responsible for the Yukon Energy Corporation and the Yukon Development Corporation, some questions regarding the events of the past year and the events that have become known since early June of last year with the resignation of the chair and three other members of the board of the Yukon Development Corporation and the Yukon Energy Corporation.

The Premier has referred recently to the briefing that we finally received Friday last that we asked for several months ago in the summer. Certainly it was very helpful for the officials to provide us with the compendium of timeline of meetings and conference calls on ATCO discussions, which does outline to the best of the officials' ability — and I think they've

worked hard to produce it from their notes — all the meetings that took place that the officials were attending, and we do thank them for that.

It notes date, time and the event in a brief form, such as meeting with the Premier regarding ATCO proposal or telephone call on ATCO proposal — no real depth as to the nature of what went on in these six or seven word descriptions when there's an eight-hour meeting or an all-day meeting, described as ATCO and YTG discussions in Calgary, for example — and the location.

We do have a lot of questions regarding this and starting off, the questions would be about the Premier's role particularly in it.

I know the Premier has made many references to Public Accounts Committee, which he is suddenly again enamored of. But there are many things that we can only find out from the Premier himself. Certainly there is the letter that the Premier tabled last week dated November 7, 2008, addressed to Ms. Nancy Southern, president and chief executive officer of the ATCO Group. That letter is dated November 7. The oft referred to, unsolicited proposal is dated simply October 2008. It has no detailed date within it from the Yukon Electrical Company Ltd., which is, of course, the local arm of ATCO that is involved as one of our electrical utilities in Yukon.

Since this letter refers to an opportunity to meet the previous week — so some time around the end of October — we are wondering if the Premier could tell us now approximately how many times he did meet with Ms. Southern during that period from receipt of the unsolicited offer to the time when he wrote this letter and how many of those meetings were in person.

We would also like to know how many telephone calls he had, not only during that period of time, but on a go-forward basis during the six months leading up to mid-June 2009, or the eight months, I guess, leading up to mid-June 2009, when the discussion and negotiations were suspended after they became public. For example, in the telephone discussion that's referred to in one of the documents that became public and which have now been provided as clean copies during the briefing, we are wondering: in that proposal, there is reference to the projected term of the president of the joint company, referred to in that description of a proposal as "Opco" — and 50-50 by ATCO and Yukon.

We know the Premier says these are only discussion papers, but in that paper, in the summary prepared by his officials, there's a note here that says — and I will read from a footnote in that document which has previously been tabled in this Assembly — ATCO related that in an April telephone call between the Premier and Nancy Southern, the Premier asked ATCO to consider making Whitehorse a northern base for a wider set of investments and they discussed water infrastructure, waste management and specific forms of housing. Elsewhere in the document, there is reference to the fact that the proposed term of the president would be perhaps five years, and it says here that 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 noted that the Premier told Nancy Southern that longer would be better.

The Premier appears to have been negotiating the term of the president of what was then being looked at as a new operating company, combining both ATCO and YEC — referred to in this document as Opco. It certainly sounds like a negotiation.

Now, that certainly sounds like a negotiation — just like any negotiation that one would see in any political arena when somebody suggests a term of office and somebody else says, “No, I would propose a longer term.” They would appear to be negotiating that.

Similarly, we’re wondering — since the Premier is interested in being so forthcoming in this new approach to this issue; that started only a couple of weeks ago — we still don’t have all these other documents we’ve been asking for, which put the meat on the bones of these negotiations: the option papers developed by government departments; the ATCO three-page document, dated approximately three weeks before the December 8 to 10 period, when the board members were meeting and also, I think, on December 10. It has now been indicated by this timeline a meeting with the Premier in the corner office, and then also meeting in the Cabinet office with the Premier and the former minister responsible for — the Member for Porter Creek North — Yukon Energy Corporation and Yukon Development Corporation, who seems to have forgotten that the meeting took place.

But the officials have indicated that that minister was present, along with the former Minister of Energy, Mines and Resources, who has publicly had much to say about those meetings.

We’re wondering if we could get more details about this. The ATCO three-page document that was referred to by former chair Mr. Phelps publicly in July would be helpful and the confidentiality agreement between ATCO and the Government of Yukon that relates to negotiations with ATCO — and the reason we call it that is because in August of this past year, we filed an access to information request, several of them, to the Executive Council Office and the Department of Energy, Mines and Resources. Those requests were denied in accordance with section 17(1)(e) of the ATIPPA 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.”

So we would ask, if there were no negotiations, why did officials use this particular clause to refuse to provide access to the documents that we were requesting, based on it being about negotiations?

We know that the Premier will insist again and again that these were only discussions and not negotiations; however, we can’t seem to square that or many other statements the Premier has made, such as his statements in, I think, July of this year that he hadn’t even briefed his caucus colleagues on this yet. He hadn’t even had a briefing on the outcome of all the work

done by officials and yet, early on in the process, on November 7, he writes to Ms. Southern, saying, “Thank you for the opportunity to meet with you last week to discuss Yukon’s electricity options. I have discussed your proposal for partnering on a new entity for electrical generation, transmission and distribution in Yukon with the Government of Yukon caucus and have full approval to proceed.”

I know the Premier is going to say, “Well, Cabinet has to provide the final approval,” and we know that Cabinet does have to finally approve changes such as this. However, the Premier, in his capacity as Premier, is indicating to the CEO of this company, of ATCO, that he has discussed the proposal for partnering on a new entity — a new entity for electrical generation, transmission and distribution, and that would indicate that someone — or something, rather — some company or entity other than simply Yukon Energy Corporation would be involved in electrical generation, transmission and distribution. Clearly it would involve ATCO, since he’s writing to ATCO, and then he indicates he has discussed it with the Government of Yukon caucus and that they have given full approval to proceed.

He then talks about needing to resolve a couple of internal issues, moving forward to detailed negotiations, and he indicates which officials will take the lead. This is the Premier; it’s not the Minister of Energy, Mines and Resources or the former Minister of Energy, Mines and Resources, or the former minister for the Yukon Energy Corporation/Yukon Development Corporation. It’s the Premier, who seems to have embarked on a process where he is indicating to the head of a large company — the ATCO Group — that he has discussed this with the government caucus and is looking to proceed.

Now, it should be fairly obvious to anyone and it has certainly become obvious to the public after the revelations of the former chair and board members that, if the Premier has put his authority behind proceeding and if he has indicated that the government caucus has provided their approval to proceed, since the governing caucus includes all members who sit in Cabinet and, at the time, the one private member, it is obvious that, at the end of the day, after whatever the Premier was negotiating in these phone calls — that he is going to no doubt tell us about — with the CEO of ATCO, then it would not be a very large step to get that Cabinet approval, since who is going to say no? Who would say no to the Premier when he has undertaken to do this and then has indicated that he has full approval from the government caucus to proceed? So those are some of our initial questions regarding this.

We know it’s pertinent to what happened this summer, and it’s certainly pertinent to the budget, which has increased expenditures from the Yukon Development Corporation. We look forward to the Premier explaining just what was going on in the corner office and in his phone calls, however frequent they were, from October 2008 until mid-June 2009, when there was a sudden halt called to this process because it had become public.

Hon. Mr. Fentie: I thank the member opposite for his view, opinion and interpretation of matters. I think we have already established on a number of occasions in this and past

sittings, the challenge the Leader of the Official Opposition has with facts. That's no secret to anyone. Let's just look at a recent example. We can bring *Hansard* before the members and table the exact excerpts from *Hansard* verbatim. The member did stand on the floor and reference the fact that a paraphrase in the media was a direct — and the member attributed it as a direct quote to myself. That's an example.

I'm going to try to be very constructive. The government has provided all information up to this point in time that we can make available. We've had officials take their valuable time from their work on behalf of Yukoners to try to clear up the member opposite's confusion on matters and interpretations.

Mr. Chair, the Leader of the Official Opposition has somehow confused concepts with actual initiatives, and somehow confused proposals — proposed models — with agreements. He has even gotten dates mixed up — and the government side is to try to respond to the member opposite?

Let's go to the briefing. Let's be very clear on one thing: the officials presented to the member opposite an exact, concise accounting of the discussions that took place with ATCO. They were clear with the member opposite. There was no negotiating mandate. They even provided the member with what I would call a very good example of the function of departments and government in dealing with discussions — scoping-out discussions, exploratory discussions — and they used the example of devolution. There were years and years and years of exploratory discussions before an actual Cabinet submission was crafted and a mandate sanctioned by Cabinet for related departments to proceed with devolution. It's no different in this case. The whole point of the exercise was based on a proposal that came forward from a corporate entity. By the way, Mr. Chair, this government will stand firm on encouraging and fostering private sector investment in this territory today and beyond. In doing so, we have every expectation we will be in receipt of proposals — I'm hoping many proposals, Mr. Chair.

In this case, a proposal comes forward from a corporate citizen, one who has been in the Yukon for a long, long time. It's no different from discussions that have been ongoing for years. I know the member ignores those facts, but I think by convenience.

These discussions have been ongoing because it's all about meeting the objective of an affordable, reliable energy supply to Yukoners, by being efficient in doing so and to ensure cost effectiveness. These aren't new discussions. The problem is that for the Yukon, they've never resulted in anything.

Now I want to make a point here. This member keeps referring to "the board". Well, the member should then be well aware that for a sale of all or substantially all of the Yukon Energy Corporation's assets, there must be board approval. One of the reasons why we think the Public Accounts Committee is going to conduct a very valuable exercise to help the member opposite and others, I'm sure, on the side opposite, is to clear up these matters for them. The only way that that could change — that very important area of board approval for sale of all or substantially all of Yukon Energy Corporation's assets — let me remind this House and that member that this member has made accusations of privatization. Only by board approval

— and the only way that can change is by a policy directive to the board to allow for that sale.

I challenge that member to find any such policy directive anywhere in government, by Cabinet minute or any other instrument. There is no such thing. This government has followed the law, the act that governs this particular area, and other instruments that are in place. We worked through the board.

There has been an accusation of secrecy. This member has espoused that on many occasions. Well, the member has just received a briefing that demonstrates that the corporation itself has provided the very same proposal as soon as was possible to engage the corporation in these discussions. The members had a briefing that outlines the number of individuals representing the corporation and the department involved in the discussion. The department has been clear with the members opposite. This was not a negotiation, because there was no mandate to negotiate anything. But they were also very clear with the member opposite that the said document the member keeps referring to had never been approved by government, nor had it ever been shared with government. The joint position paper that was tabled by the member opposite is nothing more than a summary of discussions to date, a working document — a summary of those exploratory discussions.

I think we should delve into this a little further because the member has now mentioned ATIPP and the reference to ATIPP, as I am to understand or I guess would assume, is somehow the government has interfered in that process. Let me remind the member opposite that that process has nothing to do with elected members of this House — be they in government or otherwise. This is something we cannot involve ourselves in and of course never will.

Step by step what the member puts on record is challengeable. It serves no purpose. There was a three-step process presented to the member opposite by the officials, and one can only wonder whether the officials actually spent good time in the briefing to the members opposite. We hear constantly that they haven't had a briefing, therefore they can't do their work, yet when they're given a detailed briefing they completely ignore the facts of the briefing, in a matter of convenience, and continue on with the same confused approach in addressing the issues.

There was a three-step process. To get to any negotiation, the scoping-out discussions were intended to frame the possibility of a negotiating mandate being provided. I would remind the member opposite that another step involved was partnership. I am sure the members opposite are very supportive of the Yukon energy strategy, and the Yukon energy strategy is quite explicit and emphasizes in many areas the need for partnerships.

Now why is that, Mr. Chair? Well, let's look at some recent examples.

Can the Yukon Energy Corporation on its own provide the necessary fiscal investment to meet infrastructure needs and supply needs in today's Yukon? The answer is no. The proof is all around us, Mr. Chair. The Yukon Energy Corporation could not, without the partnership of the Yukon government, and

indeed, a corporate entity, build the first phase of connecting our Whitehorse/Aishihik/Faro grid from Carmacks to Pelly. They needed a partnership and that is what this discussion included — the possibility of partnership; the possibility of partnership to invest in Yukon's future energy infrastructure needs.

I'm sure the members opposite don't take issue with forming partnerships because, if they do, they should put that on the public record — explain their position in this matter. Is it confusion or are the members opposite actually opposing the option of Yukon being able to foster partnership to meet the public interest and the future needs of our territory?

Now, Mr. Chair, I could go on at great length and have every intention of doing so through the course of debate, but I think the members opposite have a major challenge before them. The facts are as they are and the members can't make the facts something else.

So I'm hoping that they will come to their senses and recognize what the officials provided them on Friday of last week, in terms of helping to clear up their confusion, or the only conclusion we can all draw is they are now putting in question the credibility and the integrity of officials in the Department of Energy, Mines and Resources.

Seeing the time, Mr. Chair, I move that you report progress.

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

Motion agreed to

Hon. Ms. Taylor: I move that the Speaker do now resume the Chair.

Chair: It has been moved by Ms. Taylor that the Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Mr. Nordick: Mr. Speaker, Committee of the Whole has considered Bill No. 17, entitled *Second Appropriation Act, 2009-10*, and directed me to report progress.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

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

Motion agreed to

Speaker: The House now stands adjourned until 1:00 p.m. tomorrow.

The House adjourned at 5:30 p.m.

The following documents were filed November 9, 2009:

09-1-121

ATCO Discussions: Timeline of meetings and conference calls for the period of November 2, 2008 to January 21, 2009
(McRobb)

09-1-122

Bill No. 110, Yukon Energy Corporation Protection Act: letters (dated October 1, 2009) from Gary McRobb, MLA Kluane to the Hon. Dennis Fentie, Minister responsible for the Yukon Energy Corporation, John Edzerza, MLA, McIntyre-Takhini, Todd Hardy, YEC Critic – NDP Caucus, and David Morrison, President, Yukon Energy Corporation (McRobb)