

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Thursday, September 30, 2010 — 1:00 p.m.**

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

*Prayers*

**DAILY ROUTINE**

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

Tributes.

**TRIBUTES**

**In recognition of United Way Month**

**Hon. Mr. Hart:** I rise in the House today to pay tribute to the generous men and women of the Yukon. Every year Yukoners dig deep into their pockets to support the United Way's fundraising campaign and its effort to support Yukoners in need. Like many Yukoners, many government workers support the United Way's fundraising efforts by regularly donating a portion of their paycheck as a charitable donation.

I'm particularly proud that the Yukon government workers have adopted the United Way breakfast as theirs. They organize the breakfast and collect all the donations for the baskets that are then auctioned off. Last year the breakfast alone raised more than \$25,000 in donations. Over the past 14 years Yukoners have donated \$1 million plus to the United Way campaign. This is money that stays in the Yukon for projects and initiatives to assist families, children and youth, people living with disabilities, people affected by poverty and people suffering the effects of alcohol and drug abuse.

The United Way campaign always brings out the best and most generous feelings in Yukoners. I invite all members of this House to attend the United Way breakfast tomorrow morning and place a generous bid on one of the many wonderful offerings.

**Mr. Mitchell:** I rise today on behalf of the Official Opposition and the Third Party to pay tribute to United Way Month.

La mission de l'United Way du Canada est d'améliorer les vies et d'établir la communauté en engageant des individus et en mobilisant l'action collective. Depuis 1995, l'United Way Yukon avait réuni l'argent pour des charités locales et des groupes de communauté se concentrant sur fournir l'aide aux enfants, à la jeunesse et aux familles de Yukon.

United Way of Canada's mission is to improve lives and build community by engaging individuals and mobilizing collective action. Since 1995, United Way Yukon has been raising money for local charities and community groups focusing on providing assistance to Yukon children, youth and families.

Through your generous donations, United Way Yukon is able to provide financial support to a range of valuable projects delivered in communities throughout the Yukon. Fundraising occurs throughout the year, and with the annual United Way

Breakfast, and with generous individual donations and payroll deductions, United Way Yukon is able to give back to Yukon.

We encourage everyone to take time, bring your family and join your fellow Yukoners for the annual United Way Breakfast tomorrow morning starting at 6:30 a.m. at the Yukon Convention Centre.

Nous voudrions remercier les nombreux volontaires, organismes, commanditaires de corporation et Yukoners individuel qui soutiennent l'United Way Yukon et offrent à leur tour un coup de main à l'autre Yukoners dans le besoin.

We would like to thank the many volunteers, organizations, corporate sponsors and individual Yukoners who support United Way Yukon and in turn offer a helping hand to other Yukoners in need.

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

**In recognition of International Day of Older Persons**

**Hon. Mr. Hart:** I rise in the House today to pay tribute to the International Day of Older Persons. In 1999, the United Nations set aside October 1, as a day to take note of the current state of elders in our society. This year the UN theme is "Long-life Development for Older Persons".

In 2007, the World Health Organization predicted that the number of older persons in the world would nearly quadruple over the next 50 years. At that time, they identified one in every 10 persons as a senior citizen.

By 2050, one in every five will be an older person. Here at home, we are keenly aware of the changing demographics within the Yukon and across the country. At present, 15 percent of the Yukon population is over the age of 60, and we expect a dramatic increase in that number over the coming years. We plan to be ready to accommodate these increasing needs, and to that end the Department of Health and Social Services organized an Aging Well Expo in Whitehorse last spring. It attracted over 180 participants and explored topics such as driving, dementia, housing and social isolation.

A federal-provincial-territorial meeting with the ministers responsible for seniors in July discussed issues of transportation, financial security and safety, among other subjects. Based on the information gathered at the Yukon expo and through continuing consultation with individuals and stakeholders and with the support of THAF funding, Yukon is developing a seniors healthy strategy that will help us focus on our aging well.

In the meantime, we can continue to support our seniors in tangible ways. The pioneer utility grant is the universal program that assists eligible seniors over the age of 65 to remain in their homes. Over the 2009-10 winter, 1,462 Yukon seniors received almost \$950 apiece. As well, low-income seniors received an income supplement — started in 2009 — which was doubled from the maximum of \$100 to \$200. In addition, we continue to support seniors by funding the Yukon Council of Seniors to run their senior information centre and we fund the Line of Life program, which allows seniors to remain in their home with a greater sense of security and safety.

Seniors are one of our greatest resources and it is important for us that they be protected. Thank you.

**Mr. Mitchell:** I rise today on behalf of the Official Opposition and the Third Party to pay tribute to International Day of Older Persons.

The United Nations General Assembly designated October 1, the International Day of Older Persons. This is a day to focus on and recognize the vital contributions and achievements that our seniors and elders have made to create a better society.

We have reached an important crossroads, the closing of one millennium and the beginning of another. In the next 50 years, the number of older persons will nearly quadruple, growing from 600 million worldwide today to almost 2 billion senior citizens. Today, one in every 10 persons is 60 years or older. By 2050, one in every five will be an older person, and by 2150, one-third of the people in the world are expected to be 60 years of age or older.

The world is changing as it ages. Our seniors and elders have been witness to these changes, and they should also be its beneficiaries. We must take good care of our elderly; this will keep them with us and allow us to benefit from their experience for much longer. We must find better ways to provide economic support for our growing number of seniors, through sustainable pension programs and social protection measures. It is our turn to take care of them.

Nos aînés ont aidé à construire et développer le Canada de la mer à la mer à la mer. Ils ont combattu des guerres dans les terres étrangères pour protéger nos droits et libertés et les droits de d'autres; ils ont vécu par la Grande Dépression, les sécheresses expérimentées et beaucoup d'autres difficultés en développant le Canada.

Our seniors and elders helped to build and develop Canada from sea to sea to sea. They fought wars in foreign lands to protect our rights and freedoms and the rights of others; they lived through the Great Depression, experienced droughts and many other hardships in developing Canada.

As Yukoners we are very proud of our seniors and elders. Our seniors are very active. They are also very involved in their community through their volunteering and mentoring. They have a wealth of knowledge, traditions and history to offer, and without them we would not be where we are today.

Il est avec le plus grand respect que nous vous saluons non seulement ce votre jour indiqué mais chaque jour. Merci de votre vision et esprit de lancement.

It is with the greatest respect we salute you, not only on this your designated day but each and every day.

Thank you for your vision and pioneering spirit.

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

**Speaker:** Are there any further tributes?

Introduction of visitors.

Returns or documents for tabling.

Reports of committees.

Petitions.

## PETITIONS

### Petition No. 13 — response

**Hon. Mr. Lang:** I rise today to respond to Petition No. 13, presented by the Member for Vuntut Gwitchin on May

19, 2010. This petition asks the Legislative Assembly to support and bring about the necessary legislation, policies and programs recommended by the Trails Only Yukon Association, TOYA, consisting of designated trails in the Yukon's wilderness, ATV legislation and effective enforcement, and, of course, education. I would like to thank the individuals who, by signing this petition, expressed their concern about off-road vehicle use in the Yukon.

In November 2009, the Yukon Legislative Assembly set up an all-party committee to ask Yukoners what they think about the safe operation and use of off-road vehicles in the territory. The committee released an on-line and mail-out survey to all Yukon households and will accept completed surveys or written submissions until October 31, 2010. As well, the committee will accommodate requests for meetings in the communities. The committee will consider the responses before making a recommendation to the Legislative Assembly about the laws that apply to safety and use of off-road vehicles.

Our government believes that this is an important issue; however, we want to make sure that we do it right and proceed in the appropriate manner. We will wait until the Select Committee on the Safe Operation and Use of Off-road Vehicles has completed its work.

In the meantime, I invite all Yukoners to check the Legislative Assembly Office's website and the link to the Select Committee on the Safe Operation and Use of Off-road Vehicles opinion survey at [www.legassembly.gov.yk.ca](http://www.legassembly.gov.yk.ca) for further information and the on-line survey. I urge all Yukoners, if they have not done so already, to fill out the on-line survey. Thank you.

**Speaker:** Are there any petitions to be presented? Any notices of motion?

## NOTICES OF MOTION

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

THAT this House urges the Yukon government to support the construction and operation of facilities with supported living specifically for adults affected by fetal alcohol spectrum disorder, in order to provide:

- (1) the protection and security to assist them in their day-to-day living;
- (2) counselling and practical advice for them, their families and friends;
- (3) a source of public education about FASD; and
- (4) a healthy alternative to incarceration or living on the streets.

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

THAT this House urges the Yukon government to build on major steps it has taken since 2002 to prevent fetal alcohol spectrum disorder, identify people in need of support and assist those living with the condition, which include:

- (1) implementation of its five-step FASD action plan;
- (2) significant new contributions to NGO partners that assist in prevention, identification and support, such as Fetal Al-

cohol Spectrum Society Yukon, the Child Development Centre, Many Rivers Counselling and Support Services, Skookum Jim Friendship Centre, Options for Independence, Challenge, Youth of Today Society, Learning Disabilities Association Yukon, the Outreach Van, the Victoria Faulkner Women's Centre and Yukon Learn; and

(3) government initiatives including the new family supports for children with disabilities program, the increase to annual mental health funding by over \$1 million, targeting new support toward 'dual-diagnosed' clients who have both mental health and alcohol problems, reopening the Sarah Steele Building, the healthy families program and numerous health promotion campaigns;

by maintaining its financial support for those NGOs and programs, and working with experts in the field to identify new actions to facilitate the goal of ensuring the Yukon remains one of the world leaders in taking action to effectively deal with the problem of FASD.

**Speaker:** Are there further notices of motion?

Is there a ministerial statement?

This then brings us to Question Period.

## QUESTION PERIOD

### Question re: Yukon Hospital Corporation funding

**Mr. Mitchell:** I have a question for the Minister of Health and Social Services about his role in the massive borrowing spree that is underway at the Yukon Hospital Corporation. The government has spent the savings account down to almost nothing and at the same time has been racking up massive debt on its credit card through the Crown corporations. This will be the Premier's legacy: massive debt and interest payments for years to come. The other members of the government will also be asked to explain this when the next election occurs, because they are all in this together. They have all backed the Premier.

The chair of the hospital board told Yukoners last week he needs to borrow another \$50 million to expand the emergency room at Whitehorse General Hospital. Has the government actually approved this request from the Hospital Corporation?

**Hon. Mr. Fentie:** We're compelled to refute some of the statements by the Leader of the Liberal Party. The Leader of the Liberal Party continues to inform Yukoners in an erroneous manner about the financial situation of the Yukon Territory. Does the member not recognize the significance that the Yukon is one of only two jurisdictions in Canada that does not have net debt? Does the member not recognize that it was a Yukon Party government that created a savings account? The fortunate part of having created that savings account is that we can address the needs and emerging issues on behalf of Yukoners.

Now, to suggest that investing, by whatever means, in hospitals in rural Yukon is somehow inconsistent with sound financial practices — I challenge the member to explain to those rural Yukon citizens why they should be treated differently from other citizens when it comes to accessing health care. I would encourage the member to look at the programs and ser-

vices the Yukon Hospital Corporation will be providing the residents of rural Yukon, in a manner consistent with access to comparable services, and that's why we have a savings account to address those issues.

**Mr. Mitchell:** In order to keep the record clear, Finance officials told us this week that Yukon has not had net debt since 1993, so I don't see what this has to do with the Premier's tenure in office. Last summer, the Government of Canada quietly approved a major increase in the borrowing limit of the Government of Yukon. It used to be \$138 million, and it was increased to \$300 million. Since that increase was granted, the Yukon Party has been racing to borrow and it is now fast approaching the \$300-million limit. A large part of the debt has been approved by the Minister of Health and Social Services. Two new hospitals and the new residence in Whitehorse account for \$67 million. Another \$50 million for the emergency room will put the minister well over \$100 million in debt. Add in existing debt and the \$100 million at the Development Corporation, and we're approaching our new limit already. Talk about mortgaging the future. All this borrowing has been undertaken with no down payment whatsoever. It's all credit, all debt — all for Yukoners to pay off for years to come. Has the government approved the request from the chair of the Hospital Corporation to borrow another \$50 million for the emergency room expansion?

**Hon. Mr. Fentie:** What we've approved, obviously, is what the Hospital Corporation is undertaking to deliver within its full mandate — health care to the Yukon's citizens. I think we have to make the point that the Liberals in this House oppose access to health care for Yukon citizens. By whatever means, the Yukon government will take care of the needs of Yukon people. That's why we created a savings account. That's why we have doubled the fiscal capacity of the Yukon Territory. That's why we negotiated an agreement with the federal government that is fair on behalf of our citizens when it comes to health care. Many of the statements the member is making on the floor of this House will be challenged by the Yukon public when it comes to the member providing the factual evidence that backs up those wild statements.

**Mr. Mitchell:** It's absolutely outrageous for this Premier to assert that we oppose health care for Yukoners. I'm not going to lower the bar and get down there with the Premier on this. We'll try and keep it to a question of what's going on. The Government of Yukon didn't even bother to tell Yukoners it received an increase in its borrowing limit from Ottawa. It just went out and started borrowing in a mad rush to get to the new limit. It's a reckless approach.

Were Yukoners asked if they wanted to run up close to \$300 million in new debt? No. The Premier and his Cabinet just went ahead and did it — no consultation before embarking on the biggest borrowing spree in Yukon's history. This is why Yukoners no longer trust this government. This government has lost the trust of Yukoners. Will the Minister of Health or the Finance minister, since he likes to answer the questions, confirm the borrowing under their authority is now or soon will be over \$100 million for health care alone?

**Hon. Mr. Fentie:** Well, I guess the simple way to respond is that the Liberal leader is wrong on all accounts. If the member is talking about where the bar is set, I think we have to focus on the fact that the Liberals voted against health care for Yukoners and they cannot escape that fact. They have opposed the delivery of health care in meeting the needs of Yukoners. The Yukon Party government has a much different view when it comes to caring for our citizens. But let's look at some final-balance facts. The last time in the Yukon Territory that there was actually a final-balance deficit was under the last Liberal shortest lived regime in this territory, and these are audited facts and figures. These are figures from public accounts. Since then, to the year ending March 31, 2009, this Yukon Party government has brought in \$150 million more than it has expended.

We have created a savings account and, in regard to health care, we're meeting the health care needs of Yukoners, against the wishes and position of the Liberal Party. They don't care about Yukoners; it is about trust.

**Question re: Old Crow student travel**

**Mr. Elias:** For as long as I can remember, high school students from Old Crow must leave their families, their culture, their traditional foods and their lifestyles every September to attend high school in Whitehorse. This year there are 15 students from Old Crow attending high schools in our capital city. Old Crow students spend a total of nine and a half months away from home during one school year. This is a substantial amount of time for a teenager to be away from home.

The Vuntut Gwitchin education support worker for Whitehorse put it well when she said, "I cannot imagine what it must be like for a parent to put their child on a plane and send them off for three years because there's no high school in Old Crow, and how painful that must be for the whole family. Those parents are trusting the education system with their most precious gift."

Will the Minister of Education commit the funding necessary to ensure that the high school students from Old Crow can travel back home for Thanksgiving and Easter every year?

**Hon. Mr. Rouble:** We in the Department of Education take the trust that Yukon parents have put into our hands very seriously, whether it's the children who come from Old Crow or Whitehorse, or in all schools throughout the territory. We've taken steps to change curriculum to make it more engaging for students across the territory.

In the member's riding of Old Crow we've worked with the Vuntut Gwitchin First Nation and put in place a land-based experiential education program. At this time we do not have a full range of high school courses in the Chief Zzeh Gittlit School. We are looking at expanding the distance courses that we have throughout the territory.

Mr. Speaker, the member opposite has contacted me on this issue. I'll take a look at it. I will try to come up with a policy that is fair to all Yukon students and treats them all the same, regardless of what community they are coming from to come to school here in Whitehorse.

**Mr. Elias:** On average, over the past eight years, our community of Old Crow has had 16 high school students drop

out of the education system. All my constituents are asking for right now is for the minister to get the students home during Thanksgiving and Easter. That's an additional 10 to 12 days at home with their families during the school year. Quoting from one letter I received on Monday from a parent from Old Crow, she said, "This is my daughter's first year out in Whitehorse and she called me at home and said, 'Mom, I want to come home. I'm only 14 and I can't do this alone.'"

Will the minister commit today on the floor of the House to support the students, their families and the community of Old Crow and ensure the students at least get to travel home during Thanksgiving and Easter?

**Hon. Mr. Rouble:** This government and the Department of Education recognizes the significance challenges that the Yukon students make during transitions, and one of those transitions for many of our rural students is coming into Whitehorse or another community to attend high school. Again, I will endeavour to review this policy. We do have to ensure that this is consistent and applied to all Yukon students. It can't just be for one community. I said I'd take a look at it, and we'll endeavor to do so. I'm not making any commitments on the floor of the Assembly here to make the changes the member is looking for. We certainly have to look at all the budget implications of this, and we know how the Liberals have already felt about the expenditures of this government.

**Mr. Elias:** I'll ask the Premier the next question, then — because when Thanksgiving and Easter come along, the only kids in the dorm are from Old Crow. The loneliness, culture shock, peer pressures, transitioning difficulties, homesickness that the students face is not going to go away. But the Premier can ease the pressure with some help from his government.

We want all these kids to succeed in their education. Here's a possible solution for the Premier to consider, and that's arranging for an annual financial contribution agreement so that the Yukon government travel budget for the students from Old Crow can be managed directly by the Vuntut Gwitchin Education department so that they can fully utilize their longstanding relationship with Air North, Yukon's airline, and negotiate their own rates and make sure that the kids get home during these tough times.

Will the Premier commit to ensuring that funding is available every year and provide the opportunity for the students from Old Crow who are attending school in Whitehorse to travel home during Thanksgiving and Easter breaks?

**Hon. Mr. Rouble:** Sometimes it's a real shame that our microphones don't always catch all the comments coming, especially the comments coming from the opposition. Just as I was wrapping up my comments, a member from the Official Opposition said, "Don't politicize the issue." We take the education of Yukon citizens very seriously. We'll work with our teachers, our administrators, First Nations, the community education coordinators, all folks in our community to really help each student become the best they can be. We recognize that there are challenges with transitions. We recognize that there are challenges for students who come into Whitehorse from rural communities. We've worked with the Council of Yukon

First Nations and with individual First Nations on some of these initiatives. We'll continue to look at this.

I appreciate the constructive comment coming from the Member for Vuntut Gwitchin about looking at partners for this one. If he'd like to discuss this more, I'm certainly available to do so.

#### **Question re: Peel watershed claims staking**

**Mr. Cardiff:** Many people believe this government made a big mistake when it failed to act on a request by the Peel Watershed Planning Commission to put a moratorium on mineral staking in the region at the start of the land use planning process. As a result, many thousands of new claims — some of which people have described as nuisance claims — were staked there since the planning process started back in 2004.

In a relatively short period of time, the number of claims in this area jumped from under 2,000 to more than 12,000. My question is simple. Will the Minister of Energy, Mines and Resources tell us whether he learned any lessons from this experience?

**Hon. Mr. Rouble:** Some of the lessons that we're learning in Yukon are that responsible resource development has significant positive outcomes for Yukoners, that we now have 600 people employed in hardrock mining opportunities, and we're expecting more than \$150 million be spent this year in the territory on exploration and mining development.

A lesson that we're learning is that we can do these mines in an environmentally responsible manner. We are working with others to develop the resources that we have here in the territory. We've all seen the increases in gold prices and base metal prices, and that has caused a flurry of activity throughout the territory. We will continue to work with industry; we'll work with environmental organizations; we'll work with the Yukon First Nations, to ensure that we promote responsible resource extraction here in the territory, and that it has significant positive benefits for all Yukoners.

**Mr. Cardiff:** Unfortunately, the minister seems to be a slow learner. I'd hoped to hear him say that he wants to avoid repeating that same mistake in other regional land use planning processes. I had hoped to hear him say that he had instructed his officials to develop a policy to address this problem in the future. I had hoped to hear him say that he wants to do everything that he can to avoid exposing the Yukon government and the citizens of the Yukon to potential, future, legal actions for financial compensation from mineral exploration and extraction companies. Why is the minister so slow to develop a policy? This issue is sure to keep coming up in other regional land use planning processes.

#### **Unparliamentary language**

**Speaker:** Using terminology like "slow learner" is inappropriate for this House. The Leader of the Third Party knows that, and I ask the honorable member not to do that again.

The Minister of Energy, Mines and Resources, has the floor.

**Hon. Mr. Rouble:** Mr. Speaker, I think what we're hearing here is the NDP's underlying philosophy on this — that we should put a moratorium on all development in the territory until any and all planning is done and that we should prohibit staking anywhere in the territory until a land planning exercise is done.

Mr. Speaker, we're not going to do that. We're going to work with industry. We're going to work with the strong environmental regulations, the assessment processes that we have in place to ensure that we have responsible development.

Are we going to look at protecting areas of the Yukon? Of course, Mr. Speaker, we only have to look at the amount of area protected in Yukon already. We're only second to B.C. in the percentage of land mass under protection. At the same time, we're encouraging balanced, responsible mineral development. It's having significant economic benefits to Yukoners. We have hundreds of people employed; it's affecting really all areas of our economy. We expect to see about \$150 million in economic activity this year in the mining sector and this is having a positive impact on all Yukoners.

**Mr. Cardiff:** It's unfortunate that the minister doesn't understand the NDP position on this. It's about certainty for Yukoners, and it's about certainty for the industry. In March of this year, the minister compounded a problem created by his predecessors' lack of action. He issued a relief order giving companies with about-to-expire claims in the Peel watershed a free ride for one year at the public's expense. This week, the Chamber of Mines threatened the Yukon government and the citizens of Yukon with legal action for financial compensation if their ability to access their claims is jeopardized in any way by the final Peel plan. The chamber says, and I quote: "It is not credible to assume that the more than 30 individual prospectors and mining and exploration companies with an interest in the Peel will just walk away from their investments." Will the minister now admit that his actions and his predecessors' lack of action have needlessly exposed the Yukon government and Yukon citizens to the possibility of court action by the holders of those claims — something this government seems to like to do.

**Hon. Mr. Rouble:** The NDP talk about certainty. We certainly saw this under previous NDP governments. We certainly saw the amount spent in the territory for exploration and mining dip to, I believe, about \$6 million, prior to the Yukon Party being elected. We saw the devastating impact that that had on our community and our economy.

The Yukon Party government went to work; we went to work on putting in place practices and processes to encourage responsible resource extraction, and we've certainly taken a balanced approach on this.

Yes, in the Peel planning area we've withdrawn the area from staking. We've also recognized the impact that that would have on those in the mining industry and those claim holders. They do have a right to access their claim and follow the current regulations that are around them. We also recognize the significant impediments that they would have in gaining capital investment because of the questions being raised around the Peel area.

Yes, we did grant relief for a year for those claims that were expiring. It's a balanced approach, Mr. Speaker. We've withdrawn it from staking, provided some assistance to the mining industry, and we can see how the benefits are coming. We're now one of the most attractive jurisdictions in the world. We're bringing in investment. We saw this just last night with other foreign companies investing in Yukon. Other people have faith in the Yukon, I have faith in the Yukon, and the Yukon Party has faith in the Yukon.

**Question re: Yukon College campus, Pelly Crossing**

**Mr. Fairclough:** I have a question for the Minister of Education about the cost overruns for the campus construction in Pelly Crossing. This government has experienced cost overruns from time to time and is able to cover the extra expenses from their savings account. This government has a cost overrun so it cuts money from the Department of Education's O&M budget. That's not good government, but it's certainly typical of this one.

Will the minister tell us what programs in the Department of Education will be affected by this budget cut?

**Hon. Mr. Rouble:** The programs that will be affected include the delivery of Yukon College programs and services in Pelly Crossing. These are tremendous programs; these will benefit the member who is asking the questions from now on.

There were no program cuts. Members know enough about Yukon's budgeting process to realize that, during the course of a year's activity, we have projects that come in underbudget; we have projects that are delayed for a variety of reasons. Rather than lapsing those resources, we've transferred the additional resources to Yukon College to help them construct this incredible new facility, which will provide programming opportunities and increase the educational opportunities for the people in Pelly for years to come. This is a good-news story.

**Mr. Fairclough:** The Education minister can spin it any way he wants, and we've come to expect that in this House. The fact is the Minister of Education has cut \$150,000 from the Department of Education's O&M budget, and we want to know what the impact of that is going to be — simple.

The money has been earmarked for labour market services, which includes women in trades and the youth in employment program. Now, this money is supposed to provide educational programs and services for Yukoners. \$150,000 has been chopped from there. What is the minister going to do about the people who are affected by this program cut?

**Hon. Mr. Rouble:** This government is very proud of the efforts that we put into these initiatives, whether it's Yukon Women in Trades and Technology or whether it's Skills Canada Yukon. We only have to look at the incredible success that Skills Canada Yukon has had, not only on the national stage, but on the international stage. We're also seeing the impact that's having with the increased number of apprentices throughout the territory.

I think it's a pretty prudent move, when looking at educational programming, to invest in Yukon College campus in Pelly Crossing, in the member opposite's riding. This is a good investment that Yukon College is making, that Yukon is making, and that Canada is making.

**Mr. Fairclough:** Why didn't the minister take it from the savings account, Mr. Speaker? Unfortunately, Yukon doesn't have much of a savings account these days, and the Yukon Party is resorting to cutting the education budget to make up for it. The Yukon Party has been looking for ways over the past few years to bolster the bank account and have found that Yukoners have no appetite for selling off public assets like the Energy Corporation, so they found another way to make up for the overspending and over cost — they cut some services from the Department of Education's O&M budget. That's a fact. It was told to us by department officials. What other budget cuts are being contemplated?

**Hon. Mr. Rouble:** This government is proud of the initiatives being developed in Education. We're proud of the ability to work with the federal government and Yukon College to provide new community campus facilities in Pelly Crossing and Dawson. This is a good-news story.

We're proud of the work that we're doing with Yukon Women in Trades and Technology and Skills Canada and other groups. These are having benefits not only here in Whitehorse but throughout the territory. We're continuing to see increased investments in Education; we're continuing to see increased opportunities, whether through the training trust funds, the labour market development agreements or the labour market agreements. We're pleased to see the outcomes of the investments that Yukon is making in the student grant to help Yukon students attend universities and come back and use their knowledge here in our community.

We'll get through the budget and look at all the numbers. The member opposite will then appreciate the growth and the success we're seeing in education throughout the territory.

**Question re: Yukon College campus, Pelly Crossing**

**Mr. Inverarity:** Yesterday the Minister of Education blamed Yukon College for underestimating the construction cost of Pelly campus. Clearly, the estimates for the Pelly campus construction were lowballed and those estimates were not provided by the college. The website for Highways and Public Works shows a public tender for construction of the Pelly Crossing campus.

Will the Minister of Highways and Public Works confirm that the estimates were developed by his department?

**Hon. Mr. Rouble:** This government has invested in education and will continue to do so. The proposal for a new campus at Pelly Crossing was submitted by Yukon College and was approved under the Canada-Yukon knowledge infrastructure fund. The proposal was for Yukon College to plan, design and construct the campus, as approved, by March 31, 2011. Yukon provided half of the resources that the college was looking for; Canada provided the other half.

Once the project was going into the development stage, Yukon College was working with the Property Management Agency. The tenders came in higher than originally expected by Yukon College and the Government of Yukon came to the table — came to the table with additional resources because we believe in this project; we believe in investing in Pelly Crossing, and I hope members opposite support us in this investment too.

**Mr. Inverarity:** The government seriously dropped the ball on this one. The Pelly campus construction bid came in significantly more expensive than the estimates, and the government is scrambling to cover the extra cost. They won't admit responsibility for creating their own problem; they just want to blame someone else. Why is the government unwilling to accept responsibility for this?

**Hon. Mr. Rouble:** We'll certainly accept the responsibility and take the credit for constructing another Yukon College campus in addition to the expansion of Ayamdigut facilities, in addition to the expansion of the degree programs, in addition to changing the legislation that will allow Yukon College to confer degrees to people. You're darn right we'll take credit for that and we'll accept the responsibility for that.

When we talk about expanding programming — we look at the School of Visual Arts. We'll take credit and responsibility for that. When we look at the increasing rates of people attending Yukon College, yes, we'll take responsibility for that too. We'll even take responsibility for investing in the Member for Mayo-Tatchun's riding once again and building another school in that member's riding. Now, if he wants to take credit, he needs to take responsibility and vote for the budget that's allocating the resources to do just that.

**Question re: Yukon Hospital Corporation board remuneration**

**Mr. McRobb:** I have more questions on the continuing saga of how this government went out of its way to allow its campaign manager to keep its overpayments when everybody else, such as public employees, are all required to repay any overpayments.

The reason for having to continue this line of questioning is this government's refusal to respond in kind to simple, clear questions.

Yesterday we asked for the government to provide specific key information regarding the overpayments by the end of this week. The key information sought includes the number of meetings billed for, the amount of those billings and so on. The Premier responded by saying that information is already in the public domain.

So can the Premier be more precise? Where in the public domain can this key information be found?

**Hon. Mr. Fentie:** Now that the Member for Kluane has established such a positive and constructive relationship with the board of trustees, why doesn't he ask them? The saga does continue. The member talks about clear questions? The Member for Kluane has never asked a clear question. The member has made a lot of inferences.

I feel sorry for the Liberals on this one because, once again, they've alienated a large number of Yukon citizens.

**Mr. McRobb:** This is the same Premier who proclaimed that the buck stops at his desk. I apologize for him to all Yukoners. The buck apparently doesn't stop at his desk; the buck gets passed at his desk.

Now why is this Premier refusing to identify where in the public domain this key information can be found? Where is it? At the Casa Loma? Is that what he means by public domain? Mr. Speaker, a hallmark of good governance is openness, ac-

countability and honesty. Is it any wonder that the public has lost trust in this Yukon Party government? Now the Premier said on record yesterday that this specific key information was in the public domain. Yet, today, he is unable to identify where it can be found. The public expects more from his government than to be sent on a fishing expedition for red herrings. Will the Premier back up his rhetoric or is this just more evidence that he'll say whatever is politically expedient?

**Speaker:** Thank you. The Hon. Premier, please.

**Hon. Mr. Fentie:** Where to begin. Mr. Speaker, I think what's obvious here is that the Member for Kluane is on a fishing expedition. The Member for Kluane has demonstrated time and time and time again how little regard he has for hard-working Yukoners. Mr. Speaker, this is really a troubling situation when the Liberals, who profess to be leaders, who profess to be the party of trust with Yukoners — and these are their actions, this is how they back up on those commitments to the Yukon public, by alienating citizens of the Yukon Territory who are dedicating themselves to work on behalf of Yukoners.

Let's look at what the board of trustees will deliver to the Yukon public. They will be delivering stabilization, observation and monitoring services in hospitals; convalescent care; respite care; palliative care; acute medical detoxification; acute mental health intervention; First Nation health program; laboratory in-patient and outpatient; medical imaging in-patient and outpatient; in-patient pharmacy; dietetic counselling; therapies — they are worth every nickel they get.

**Mr. McRobb:** It's no wonder Yukoners have identified good governance as their top issue and the Yukon Party as their bottom choice. The Premier may be able to wiggle off the hook in here but not in the court of public opinion. The Premier has had his chances to fess up, yet he chose not to, so the final supplementary is directed to the Health minister, who is responsible for the Yukon Hospital Corporation and its board chair. Matters such as these are usually dealt with by the minister responsible. It is extremely rare for the Premier to intrude into such administrative matters.

Of course, the public has connected the dots and doesn't like what it sees. This matter smacks of political favouritism, so what did the Health minister do? Did he put up any resistance to the Premier's orders? Or did he remain silent as he and his colleagues have grown accustomed to?

**Hon. Mr. Fentie:** This matter smacks of total disregard for those Yukoners who are providing a great service to the citizens of this territory, unlike the Liberals in this House who provide no service, who vote against these programs and health care services that Yukoners are receiving from the Hospital Corporation.

When it comes to the court of public opinion, the Liberals will be judged and they will be judged on the fact that they continually — continually — single out Yukoners because of some imaginary, so-called sinister plot that has no relevance to the Yukon Territory today. The Liberals may feel confident standing in this House voicing all these wild accusations, but I'll guarantee you, out there in the public, in a campaign, they've got a big problem.

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

## ORDERS OF THE DAY

### GOVERNMENT BILLS

#### **Bill No. 92: *Act to Amend the Income Tax Act (2010)* — Second Reading — *continued***

**Clerk:** Second reading, Bill No. 92, standing in the name of the Hon. Mr. Fentie; adjourned debate.

**Hon. Mr. Kenyon:** It gives me great pleasure to comment on this and a few other things because the members opposite have made the point, several times, that second reading really is about philosophy, and I've got to admit that there are a few philosophical challenges here.

From what we've heard in the last few moments, one member said, and I quote: "There's almost nothing left in the savings account." \$30 million is almost nothing? Maybe he should be the Finance minister then. His ability to do addition and such, and the understanding of simple arithmetic is of concern. The other quote from the same minister: "There's not much of a savings account." Again, he considers tens of millions of dollars as being "almost nothing", "not much"? Just kind of scary on that.

The one member opposite, a few moments ago, made a good point. He said most governments understand that there are occasional cost overruns and they have to deal with that. The one that immediately comes to mind, of course, is the Mayo-Dawson transmission line that was budgeted at \$17 million and under the very careful, watchful eye of the Liberal government, it ballooned to \$42 million, and then it cost \$3 million to settle lawsuits out of court — very, very good fiscal planning.

The member opposite was so impressed with that, he sought out to join the Liberal Party. He liked that approach so much. This is a party — the Liberal Party — who want the keys to the bus. They don't even know where the bus is parked. We on this side are extremely concerned about that.

When you look at some of the approaches — Bill No. 92, again, addresses the lowering of taxes to Yukon citizens. We do this in an environment where almost \$150 million and possibly, when the dust settles this year, more than \$150 million in exploration — approaching a record, I believe. Compare that to \$6 million under the very careful, watchful eye of the previous Liberal government — good work, I say.

Now, when you look at some of the things — and I have to go back to some of our concerns that we have on this side of the House, about the philosophical approach, which is what the opposition says we are really debating today. I have to go back to looking at ways to approach serving the Yukon people.

There is a savings account. The savings account was put in while we had almost a doubling — in fact I think it's more than a doubling of the fiscal capacity of the budget. Let's put it in raw terms: the budget has better than doubled under the Yukon Party government. We did that without increasing taxes, with one exception — the tobacco tax, which members opposite approved of; we all did. With that one exception, we have not

raised taxes; we've not increased fees; we've not done anything. But when doing that, we've doubled the budget, doubled the fiscal capacity of the Yukon. I would suggest this is good fiscal management, not missing a budgeted item by "budgeted 17, settled out at 45" — do the math. I'll leave that with the members opposite. Maybe simple subtraction is something they can handle. They've done very well with subtraction over the years, I should point out — almost two, years — 22 months — the shortest-lived majority government in the history of the entire Commonwealth of Nations. It's worldwide. You have to really be trying to do that.

When we had accomplished this, we increased childcare contributions by 100 percent over a year to improve childcare staff wages. In October 2008 there was an increase of 30 percent to the operators for wages. This was in addition to the 30 percent in August 2007 and another 40 percent in July 2008. The increase was an increase to the base of \$5 million to \$10.3 million when everything settles in 2012.

Now, the Liberals are constantly saying, "You're tapping the savings account," although they don't seem to recognize that tens of billions is a significant amount of money. We've done that, and we've accomplished these things within the childcare contributions. Is that something that they would cut? As the Leader of the Liberal Party has said, they would do everything in their power once that budget was set to hit that target. Now, the implication to that would be that they are not going to recognize a demonstrated need — something that is really necessary to do. They leave no stump unturned to criticize and to comment on what they don't like. I'd kind of like to know what they do like.

We have a record — we have increased childcare contributions. We created the women's equality fund in 2007 to provide three-year sustainable funding for women's organizations.

In 2010 it was renewed and enhanced for another three years. Now, the ceiling for requests per year has increased to \$50,000, from \$35,000, and the yearly allocation has risen to \$300,000. Is this something that they would have cut? Is this something that they don't think we should have perhaps tried to support? In 2007, childcare funding increased by that \$5 million over five years. Again, is this something that they wouldn't have gone near and wouldn't have done? It would be much more evolved if they would tell us what they would do. How would they change it? This is what people have to judge on. People have to judge and say, "Gee, if I supported the Liberals next time, I like the idea that they say about such and such, about doing this or doing that." Well, they haven't said what they'd do. All they've said — in fact, they haven't really said what they wouldn't do, either. They're critical all over the map. As I mentioned yesterday, you can listen to the morning news and pretty well tell what the questions are going to be in the House. They have no ingenuity. It's a very tired opposition when it gets to the point that the CBC writes their questions. I couldn't hear what the Member for Mayo-Tatchun is saying off-microphone over there. I hope that at some point he has the wherewithal to stand up and actually put his comments on record and not sit there and mutter in the distance.



You have to go back and look at what people would do and what their record was. Right now, the only Liberal Party record people have to look at is the U-Haul economy — 10 or 12 percent of the population leaving. As the Minister of Justice said, “Teary little eyes in the back window, as cars went down the highway.”

Knocking on doors in the election of 2002, people who were single-parent families, because the other partner had left the territory to get work so they could continue to live in the Yukon — they wanted to be here; they liked the environment; they liked the people; they liked the services; but they couldn’t find work. We’ve gained that population back. We’ve actually gained another 10 or 15 percent on top of that. We’ve done it while creating a \$100-million-odd savings account, which allows that savings account to go up and down.

But the Leader of the Liberal Party says, “No, you can’t go near that savings account.” I think, most of us, if our car broke down, would go into our savings account to get it on the road again. Unfortunately, the Liberal Party position is — no, let the car sit there broken until we make the money — “Let’s find a cheap place to rent and live there until we have the amount of money to write a cheque, cash, for a new house, because taking out a mortgage isn’t reasonable.”

I’d love to say that I don’t know any real estate agents who would agree with that, but I don’t know all of them, so maybe there is. This is a party — the Liberal Party — that is still on the fence on the application of leeches. They won’t come up with a sound proposal. They won’t come up with something that says, “This is what we stand for.” We know what they don’t stand for. They don’t stand for anything that promotes better education. When the Department of Education has a cost overrun in one place but has the money available because other funds are available within the department, the member opposite tries to make it look like we’re cutting programs. We didn’t cut any programs. There is always a flex within that budget, and the member opposite agreed. He said himself a few minutes ago that any government would understand that there are ups and downs and would understand that there are cost overruns. I don’t understand how \$17 million went to \$42 million and closer to \$45 million when the dust settled. Again, you’ve got to be trying to do that badly, but maybe they weren’t trying. Maybe it was just the way it happened, and that’s somewhat sad. Again, that’s the track record that they are going to have to deal with.

There has been criticism across the way. One of the comments yesterday was again from the same member who made the comment that there was a demonstrated need and I think the quotation was, “I’ve seen in my own little community of Carmacks how the Yukon Housing Corporation has gotten rid of several of the units.” Well, they were about ready to fall down. He ignores that. “They sold off some of them for a pretty low price...” I don’t know what the sale was, it’s not mine to know and I really don’t care. “...and nothing is being built there — nothing.”

Unfortunately, we didn’t do his research. He has got to get out more and visit Yukon, visit his riding, visit other parts of Yukon, because the Yukon Housing Corporation is planning to

replace four social housing units using funding from Canada’s economic action plan. In the spring of 2010, we did tender the sale and removal of four decommissioned social housing units and the sites are now vacant and ready for site development and foundations. Somehow the member —

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

#### Point of order

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

**Mr. McRobb:** On a point of order, Mr. Speaker. Your previous rulings have indicated that when debating bills such as this *Act to Amend the Income Tax Act (2010)*, the members must keep their comments focused on the matter at hand or at least connect their comments when they do stray. I have heard no connections. This is merely an attack dialogue — another one — from this minister.

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

**Hon. Mr. Kenyon:** On the point of order, the members opposite have made it very clear in this House in the last few days that second reading debate is on philosophy. That’s exactly what we’re describing and discussing — the philosophy of spending money — and a tax bill — the *Act to Amend the Income Tax Act (2010)* — has something to do with spending money, so the member opposite can’t have it both ways.

#### Speaker’s ruling

**Speaker:** From the Chair’s perspective, there is no point of order. The Chair has allowed a wide range in second reading debate, and I think every member should recognize that. I think, from looking at my speaking list here, most every member has exercised that principle, so carry on, Minister of Economic Development.

**Hon. Mr. Kenyon:** Again, we are planning to replace four social housing units using funding from Canada’s economic action plan. In the spring of 2010, the Yukon Housing Corporation tendered the sale and removal of four decommissioned social housing units, and the sites are now vacant and ready for site development and foundations. Somehow what the Liberal Party sees is the vacant lots. They’re not looking forward in terms of what’s going to go on those lots. Either they’re not admitting it, they’re not aware of it, they didn’t bother to ask — phones seem to still work in this building most days — and the e-mail is working fine.

Nobody has asked, so I’m assuming they’ve done their good research. The four new units proposed for Carmacks will replace the units that have been removed. Again, I have to encourage the Member for Mayo-Tatchun to at least have the common courtesy to stand up and say his comments on-microphone and not be nattering in the distance with nobody able to hear him.

The four new units proposed for Carmacks will replace the units that have been removed, and they won’t be in that increase. The member opposite has an argument there, but of course he completely missed that argument. We are replacing the four that are gone.

We will be building up to 16 houses to replace existing old double-wide trailers throughout the Yukon. The Yukon Housing Corporation proposes to initially target 12 houses as follows: Ross River, four; Carmacks, four; Teslin, two; and Dawson City, two. If additional economic stimulus funds are available, up to four more houses can be built, and this will be evaluated in the coming months.

Tenders will be issued in 2011 for construction starting in the spring and each single-family house is approximately 1,200 to 1,300 square feet, with three bedrooms. The cost of construction will vary from location to location.

For instance, Carmacks, one would expect, would likely be less than Ross River because of the economies of distance, travel and this sort of thing. So depending on bids received, it may be cost-prohibitive to construct in some locations. We understand that — but up to 16 at this point and certainly four in Carmacks will be built.

I encourage the member opposite to go back and look at those vacant lots and imagine the homes that will be built there, now that he is aware of that — or at best get someone to take a picture of the vacant lot and send it to him; that would work as well.

There is one Yukon Housing Corporation staff unit that is currently decommissioned and requires almost \$50,000 worth of work to be done. The funds really aren't available. What the Yukon Housing Corporation has done — and I think they have done a marvellous job — is to look at all the social and staff housing and categorized them, with "1" being in excellent shape, "2", "3", "4" being probably not worth fixing up. At the moment in that area, this is one of those units that it probably isn't worthwhile trying to fix up.

But at the moment all current staff housing needs have been met in that community. Energy, Mines and Resources has a local hire housed there, but my information at the moment is that we're well looked after in that community.

Again, I encourage the member opposite to get out more and actually make that discovery. Now, some of the background on that: the 2004 social housing evaluation recommended replacement of 41 social housing units throughout the Yukon. Some of those units were stick-built houses and the Yukon Housing Corporation has invested in repairs to six of them to extend their usability.

Of the 35 remaining identified units, many are double-wide trailers close to 40 years old; I believe something like 55 or 60 percent of those are 40 years old. We actually found one that, I think, is well over 50 years old. The social housing management plan confirmed that these would be beyond economic repair. Some of the units are out of service, boarded up, because Yukon Housing Corporation cannot justify spending further money to repair them. It's cheaper to replace them and that's what we're doing in Carmacks.

So out of that, for the members opposite, on the July 28, 2010, the Yukon Housing Corporation received project implementation-phase approval and funding in the amount of \$5,887,000, of which 100 percent is recoverable from Canada's economic stimulus funding.

So that gives you an idea of some of the information that gets put out there that is confused. There are words that I would love to use but, of course, I can't.

Another good one is water supply. Members opposite have been making comments that this government doesn't support water supply and water-supply provision to communities. That doesn't hold up to the water test. Marsh Lake water treatment plant, completed; Takhini North, new water mains and hydrants and new water services, completed; Champagne and Aishihik First Nations insulated water main extension, completed; Watson Lake pumphouse upgrade and new well, completed; Keno water treatment plant upgrades, pre-engineering, completed; Tagish water treatment plant upgrades, pre-engineering, completed; Selkirk First Nation piped water system — this is in Pelly Crossing — completed, and there are some issues that are being addressed by the Selkirk First Nation; Teslin arsenic treatment upgrades, construction and well drilling is underway.

I can keep going on with the list; I'm less than halfway through. We have no trouble in dealing with reality here. Reality is how it is; we can back it up. That's one thing I was told when first elected and appointed to this position, that the opposition can really say anything they want. On this side of the House, we have to justify it. We have to be accurate. We have to put information out there that is absolutely factual. The Liberal Party want the keys to bus; they don't even know where it's parked.

**Mr. McRobb:** I'm pleased to speak to *Act to Amend the Income Tax Act (2010)*. For someone who has just tuned in, in the last half hour or so, they might be confused just what the topic for debate this afternoon actually is. Certainly, the *Act to Amend the Income Tax Act (2010)* is what we're discussing today.

As pointed out by our party leader and other members of my caucus, we will be supporting this piece of legislation in second reading, even though the government didn't provide us with an opportunity to have a briefing on this bill before it was called to the floor for debate.

Now, it's also good to see this government responding to our repeated calls over the years for this type of action. I think it's a good thing for Yukoners. It will leave more money in their pockets, generally speaking.

Given the current state of affairs where this government has mortgaged their future, one knows they will need more money in their pockets in order to pay their taxes in the future and ensure the government's budgets are balanced, especially given the precarious situation we find ourselves in today with regard to the high level of debt that future Yukoners must repay.

I look forward to discussion in Committee. There's no need to join in lowering the bar and getting into the partisan bickering that we heard from the previous speaker. Let's keep it on the high road and debate the government's business. That's what this is in front of us. Let's hope for some constructive debate from members.

**Hon. Mr. Hart:** It's my pleasure today to speak to Bill No. 92, *Act to Amend the Income Tax Act (2010)*. I will be reasonably brief today. The primary purpose of the bill is two-fold. First, the corporate income tax small business deduction limit is increased from \$400,000 to \$500,000 and will be harmonized with the federal amount on an ongoing basis. This means that small business corporations will pay less tax than they otherwise would.

Secondly, the personal income tax dividend tax credit is amended to ensure future changes to the federal *Income Tax Act* do not have unintended consequences for the Yukon income taxpayer and the territorial treasury. This change will leave more money in the pockets of individual taxpayers, as the member opposite indicated — money that can be put back into the economy and the community and also money that can be set aside for families to ensure they can continue the great experiences they're having living here in the Yukon, in one of the more beautiful places in Canada.

This bill also includes a significant number of consequential amendments that include changing references to sections of the federal *Income Tax Act* as a result of the federal legislation actions and changes to terminology that is currently outdated. These changes have no effect on taxpayers and are merely housekeeping in nature.

In "Imagining Tomorrow", this government has stated it would provide business with tax incentives to promote economic growth and not to increase income taxes. In keeping with this commitment, we are constantly monitoring the changing political and economic environment in Canada and adjusting our tax policies to stay competitive and offer a Yukon advantage. This is evidenced by the fact that this is our ninth income tax amendment during our two mandates, all of which have resulted in lower tax burdens for families and individuals and/or businesses. The reduced tax burden is a direct result of our successful efforts to grow the local economy.

Now, when we first came into power, the state of the economy was the big question. In fact, it was the people of the Yukon who voted us in — to get us to help them to stabilize the economy here in the Yukon. I'm proud to say that this government has completed that task. In addition, the population of the Yukon has grown some 25 percent since this government has taken office. With that growth obviously comes pressure on things like housing, things like our health care system, our social network and all the items that come with the increased economic demand.

I'm also proud to say, Mr. Speaker, that this government has risen to many of those challenges and met them to ensure that, with the economy, we are looking after the social basket to ensure those least able will be looked after.

Returning to the first two substantive changes, the small business deduction limit has increased from \$400,000 to \$500,000 and will be harmonized with the federal tax to carry on. The small business deduction limit is a threshold amount of income, where a small business is taxed at a lower corporate rate of a mere four percent.

The harmonization with the federal act simplifies the tax return process for small business but, more importantly, it

leaves more money in the hands of small business — money that can be used to grow the Yukon economy. There are several — in fact, many small businesses will be able to take advantage of this particular tax rendition. I'm sure the member opposite will agree to that. A small business is not just the one person. A small business may have three or four employees, and all will take advantage of this particular situation.

The second substantive change involves changes to the dividend tax credit provision. The dividend tax credit is a simple concept in principle but, as one can see in the act, has some degree of complexity in its practice. I believe the fact of it being somewhat complex was brought up by some members of the opposition during their review of the act.

In principle, the credit is designed to integrate the corporate and personal parts of the *Income Tax Act*. For example, \$1 earned by a corporation will be taxed at a corporate rate. If after-tax income is then transferred to a shareholder, it is taxed again at the appropriate marginal personal tax rate for the individual. In effect, the dollar is taxed twice. The credit is intended to compensate the individual for taxes already incurred at the corporate level on that \$1 of income.

As I mentioned, in practice the application has some degree of complexity. The federal government has legislated a series of changes to the federal corporate tax rates and corresponding federal dividend tax credits. These federal changes are being phased in by 2012.

Given the current wording of the Yukon *Income Tax Act*, these federal changes would automatically create unintended consequences for Yukon taxpayers if we do not address it in this bill. The unintended consequences would cause, by 2012, Yukon taxpayers in all tax brackets to pay more tax in the form of income.

Mr. Speaker, dividend income is an important source of income for a large number of Yukoners. Approximately 3,200 Yukoners have dividend income. About two thirds of those Yukoners are in the bottom two income tax brackets and a majority is in the 40 to 60 years of age bracket. Clearly, the dividends are an important source of income for all Yukoners but particularly for those approaching the latter part of their working years and careers. We have no intention of increasing the tax burden on Yukoners and with this bill we plan to forego any unplanned windfall.

The formula in this bill has the effect of dynamically adjusting our dividend tax credit to any future changes in the federal tax act preventing future unintended consequences as indicated.

Mr. Speaker, if this legislation is not passed, the mechanism in the current *Income Tax Act* would result in Yukon government taxing corporate and personal income roughly \$460,000 more in taxes on dividends than they would on similar amounts of income from other sources. Finally, this government is proud to once again further reduce the tax burden on Yukoners and to once again put more money back in the pockets of taxpayers. Thank you.

**Mr. Nordick:** It gives me great pleasure to rise today to debate Bill No. 92, an *Act to Amend the Income Tax Act*

(2010). A platform commitment that this Yukon Party government had was to decrease taxes and to have no tax increases. Other jurisdictions across Canada have increased taxes or have contemplated increasing taxes. Yet this is the ninth income tax amendment that our government has implemented. Even the federal Liberal Party in the last election promoted a carbon tax. We spoke out against the proposed federal tax. This government even debated a motion on the floor of this Assembly to remove the GST on home heating fuel.

This Yukon Party government believes in lowering taxes and creating an environment where industry can succeed. All we have to do is travel the Yukon, look around and we get to see how our philosophy has succeeded, how this territory is a success story across North America, across the world.

How do you increase tax revenue while decreasing taxes? You build schools in rural Yukon. You build hospitals in rural Yukon. You build schools in urban Yukon. You make it attractive for citizens to come to the territory to work. You make it attractive for industry to succeed. You do not make it attractive by not building hospitals, by not building schools. We are making it attractive for industry to make it their home in the Yukon. You increase your taxpayers and you increase the number of people working and living here. That is how you increase taxes, not by increasing the tax paid.

When I think back to around 2002 when our tax base — the number of people living in this territory — was decreasing dramatically under the former Liberal government's watch, how did that affect the territory? It affected the territory negatively. We've done the opposite. We've brought people to the territory; we've brought industry to the territory.

In this bill, the personal income tax dividend tax credit is amended to ensure future changes to federal income tax do not have unintended consequences for the Yukon income taxpayer and the territorial treasury. This change will leave more money in individual taxpayers' pockets, money that can be put back into the economy.

A significant number of Yukoners have dividend tax income — approximately 3,200 Yukoners. The small business deduction limit is increased from \$400,000 to \$500,000 and will be harmonized with the federal amounts on an ongoing, forward basis.

The harmonization with the federal act simplifies the tax return process for small businesses but, more importantly, it leaves more money in the small businesses' hands.

My philosophy — the Yukon Party philosophy — is increasing the wealth of our citizens. You don't do that by taxing them more; you do that by creating an economy where you can work more, where you can live healthier, enjoy your life, enjoy your family and friends. You don't enjoy your family and friends when they all leave, like they did under the former Liberal government. You enjoy your family and friends when they can come back home and come to work. You enjoy your family and friends when they can get health care services closer to home.

How do you attract doctors, nurses, teachers, industry to a community when you don't have education facilities, when you don't have health care facilities? We are building health care

facilities and educational facilities throughout the Yukon to encourage more people to make the Yukon home. While doing all that, as I said earlier, we made nine amendments to the territorial *Income Tax Act* to put more money back into Yukoners' hands.

**Mr. Cathers:** I'm pleased to rise briefly here today in debate on Bill No. 92, *Act to Amend the Income Tax Act (2010)* and note that I am very pleased, both with the federal action to reduce taxes on small business by increasing the small business deduction limit and the actions related to the dividend tax credit.

I commend the Yukon government for taking the appropriate action to ensure that we don't end up with the unintended consequence of people paying more taxes due to conflict in the taxation levels of the Yukon legislation and the federal legislation.

So, again, I commend the federal government for taking action in this area and I'm pleased that the Yukon government has taken the appropriate step in tabling this legislation. I will be supporting this bill.

**Hon. Mr. Lang:** Today I would like to comment on this second reading of Bill No. 92, an *Act to Amend the Income Tax Act (2010)*. It's again another move by this government, in conjunction with some of the changes on the federal level, to put more money back into the community, into individuals' pockets, so they can benefit from these kinds of tax reductions.

Of course, this act is twofold. First, a corporate income tax small business deduction limit is increased from \$400,000 to \$500,000 and will be harmonized with the federal amount on a go-forward basis. This is very important and puts more money into the small businesses and into the business community, where it's very much needed. This will mean the business corporation will pay less tax than they otherwise would, which is again good news for the corporations.

The second part of this is the personal income tax dividend tax credit, which is amended to ensure future changes to the federal *Income Tax Act* do not have unintended consequences for Yukon taxpayers and the territorial treasury. This change will leave more money in the individual taxpayers' pockets, money that can be put back into Yukon's economy.

This bill also includes a significant number of consequential amendments that include changes to references to sections of the federal *Income Tax Act* as a result of federal legislative action, and changes to the terminology that is outdated. This again is a modernized process that is being done by the federal government. These changes have no effect on taxpayers and are strictly of housekeeping nature.

If we were to look at what we have done as a government as we've gone forward over the last period of time — approximately eight years now that we were first elected to work within the territory as the government we are today — we've seen a change in eight years and I'm sure the individuals in the House here and also the general public understand that the last eight years have been very progressive and very dynamic.

We as government or we as members of the House tend to listen to all the negativity in the House. In fact when you go outside these walls, there are very positive things happening in the territory. The day-in and day-out discussions we have over different decisions made by the government, whether it's health care or expanding access to education — as the Minister of Education has been talking about today — this is all about Yukoners and a better life for Yukoners.

Of course any time we can work with the federal government to lower the tax burden on our citizens, this government will certainly do the hard work it takes to do it because the money that we save the taxpayers in the territory goes directly to our economy as people spend and people go out.

As the Health minister was just mentioning, in over eight years our population has risen by 25 percent. That's huge and that benefits our economy too. You can see that if you're looking at real estate; you can see that when you go to Dawson City with the excitement that's there with the potential of the mining that's being done around there. The price of gold has helped, but we have more people on the ground in the territory than we had eight years ago.

Some of the relief that this government has put in place in the sense of encouraging our youth to come back to the territory — I was counting the number of second-generation Yukoners who are practising medicine in the Yukon. There are roughly five second-generation Yukoners today — young medical individuals in the territory today — who are practising medicine in the territory — second-generation Yukoners come home. We've put some benefit packages together to make that financially feasible for them to do it.

It's quite a compliment to our small community to have that kind of return from our fellow Yukoners, second- and third-generation Yukoners, who are now practising medicine in our communities. Whether it's in Watson Lake, or Whitehorse, this is good news for the territory.

When we attract our medical students, or youth, back into our community, we don't have to worry about whether they like the community; they come here because they do like it. With the jobs and the opportunities today in the territory, it certainly is not a hard decision for them to make.

So as we move forward with this bill, *Act to Amend the Income Tax Act (2010)*, this again is another thing that this government is doing. This government has made a vast amount of investment. The discussion about who can manage the money better, and where is the money, and all the shell games that the members of the opposition play in the House here I hope that when we leave here — the House itself — that all that negativity will get behind us.

### Unparliamentary language

**Speaker:** I believe the terminology “shell game” in association with debate in this House has been ruled out of order in the past, so I just ask the honorable member to respect that. The Member for Porter Creek Centre has the floor.

**Hon. Mr. Lang:** Certainly I'll respect your decision.

As we move forward over the next 20 days of the sitting and talk about the supplementary that's coming up and all the

good news that's in it and look forward to passing it so we can get the good work of government done, the benefits from that will flow into the economy of the territory and strengthen the departments as we move forward.

I had an interesting trip — when we look at how we invest our resources or the money — I talked with and spent time with Yukoners, whether it was on the Dempster Highway with the resources we put there, or in Dawson City, with all the resources we're putting in there. It has made a massive improvement to the city — and the Pelly bridge, construction on roadwork, all those investments where we as a government have put our priority and put the resources.

As we move through with this amendment — and the opposition has said they agree with this Bill No. 92 — it's good news for Yukon. I compliment the members opposite for their support of this because it puts money back into Yukoners' pockets.

I want to remind the Yukon — not the Yukon as the House, but Yukoners out in the communities and also in the City of Whitehorse — that the Yukon government's responsibility is to work for them. Since the election of the Yukon Party in December of 2002, we certainly have increased the resources the territorial government has to invest in the territory.

In the City of Whitehorse, whether it's taking care of our seniors, putting programs together for individuals who need government assistance, whether it's the social net that we have for less fortunate individuals, we look forward to working in the territory as our population and the strength of the community grow.

Last night they had a very successful announcement to make. Another corporate investor in the territory came to the territory and made a commitment to invest in our great territory. Yukon Zinc has shipped its first ore. That's going as we speak. The last time I was in contact with them, they were looking for 150 more employees — 150 more employees — and that means we have roughly 600 people working in the hardrock industry in the territory.

In 2002, Mr. Speaker, we had none. The opportunity here in the hardrock end of mining was not there. We've got Alexco opening up, so it's good news for the territory and good news for the different regions of the territory.

I look forward to see those positive changes that will happen over the next couple of years.

So, Mr. Speaker, as we move forward with the debate this afternoon, I see that there are a couple more individuals here who have an opportunity to discuss Bill No. 92, but I just remind the House that this government certainly has come a long way in the commitments they made in 2002. First of all was the question about the economy, and of course that has certainly proved to be successful on every level. I look forward to the next period of time as we can improve the general life of Yukoners throughout the territory. I look forward to the expanded hospital facilities. We debated them day in and day out in the House here.

Somehow, the opposition is very negative on health care at home. They feel their decisions are that health care at home means “Come to Whitehorse.” We don't believe in that as a

party. We believe there should be health care at home — that means that a place like Dawson City has earned the right to have that kind of care at home — “at home” meaning Dawson City. Replacing the Watson Lake hospital — we’ve had that discussion. In their conversation, the opposition talks about the Watson Lake hospital as a new hospital like Dawson City is when, in fact, it’s a replacement hospital. They have 40 employees there today. Those employees have been working in the hospital for the last 35 years.

We look forward to the modern hospitals that are being built in Dawson City and Watson Lake. By the way, health care at home — the Liberals voted against that.

I think the people of Dawson City and Watson Lake will be very impressed with their health care, and their health care will be at home — not in Whitehorse, not in Vancouver, not in Regina; it will be at home. For the people of Dawson City and Watson Lake, it is not unreasonable for them to think they could have an operating hospital in their community to service the surrounding area.

This government’s going to do it, Mr. Speaker. And regardless of the negativity from the opposition on this issue, to the people of the Yukon in our outlying areas, as much as possible, we’re going to bring home care. We’re going to have health care at their home, Mr. Speaker. Dawson City deserves that. Dawson City is going to get it from this government. Watson Lake is going to have a replaced, modern facility. Those individuals who work there today and who have been working there over the last 20 or 30 years, will be able to go into that facility and supply health care at the home of the people of Watson Lake. This government made a commitment to do that; this government will do it. Regardless of what the Liberals say in this House, when you go to Dawson City, they want health care at home. Dawson City wants a hospital, and Dawson City deserves a hospital. Watson Lake Hospital has to be replaced, regardless of what government is in. The structure itself — its life is over. It has to be replaced.

So we’re looking forward to those commitments. This afternoon, in closing, I look forward to the vote on Bill No. 92 and look forward to the support of the House on this bill. Thank you.

**Hon. Mr. Edzerza:** I believe the changes to this bill will provide an incentive for the average citizen in the Yukon to look at starting a business versus working for someone else. The changes provide businesses with tax incentives, adjust tax policies to stay competitive and lower tax burdens for both families and business.

I will give some examples of this government’s cooperation with First Nations, who can benefit from this amendment to this bill. For example, First Nations economic development training: in partnership with INAC, the Tr’ondëk Hwëch’in, Dana Naye Ventures, and the Yukon Indian Development Corporation, the Yukon government Department of Economic Development is developing and implementing a long-term economic development training program to support Yukon First Nations economic development. The program is funded through INAC’s community support service program.

The Yukon government’s Department of Economic Development will see the provisions of training and support, including, but not limited to, advice to economic development practitioners, skills training, familiarization tours to projects to see how First Nations have successfully taken advantage of economic ventures linked to mining and urban housing projects and capacity development for organizations involved in economic development. Again, this initiative will, in fact, enhance the possibilities for First Nations to get involved with business.

Resource planning — Economic Development has supported Carcross-Tagish First Nation in planning for the potential to develop destination resort on CTFN lands. A due diligence process was completed with provisions, direction to leadership on next steps to realizing partnerships, and financing for projects — again, another endeavour that can, in fact, give First Nations the incentive to start getting into business.

Joint development benefits agreement — in 2005, the Yukon government Department of Energy, Mines and Resources and the Vuntut Gwitchin First Nation concluded a benefits agreement with Devon Energy. In 2008, Energy, Mines and Resources, Vuntut Gwitchin and Na Cho Nyäk Dun concluded a benefit agreement with Northern Cross (Yukon) Limited for both summer and winter drilling programs along the Dempster Highway. Again, this bill can complement anyone who may, through these training programs, decide to go into actually buying a drill and doing the drilling.

We also, along the Dempster Corridor strategic economic development plan — in August 2006, the Vuntut Gwitchin, the Tr’ondëk Hwëch’in and Na Cho Nyäk Dun First Nation and the Yukon government, who signed the northern Yukon economic development partnership agreement in July 2004, furthered the partnership by jointly agreeing to the development of a plan for the Dempster corridor that will promote economic development in a sustainable and culturally sensitive manner in the traditional territories of the three First Nations. Again, this is another example of what this government did to promote and foster the incentive for First Nations to actually go into small business.

The funding to support economic development for First Nations relating to mining industry opportunities — these examples include funding the Carmacks Development Corporation and the Selkirk First Nation to attend the Canadian Aboriginal Minerals Association and the mineral exploration roundup conferences, the Liard First Nation Development Corporation to host the Mining Opportunities Conference, and for numerous development corporations to assess opportunities arising from mining industry, exploration, and development. I also attended that roundup in Vancouver, and talked to some of the First Nation people who were there, whom I remember stating to me that this was a real eye-opener — “It gives me ideas of how I should maybe buy a loader and get involved with contract work for mines.” So, again, this is a good example of the very amendments this bill can support.

Then we have another example of the First Nation of Na Cho Nyäk Dun skill inventory. In 2009, Economic Development assisted the First Nation of Na Cho Nyäk Dun to survey all residents in its traditional territory about their skills and

business activities and experience. The project compiles a digital database that the First Nation of Na Cho Nyäk Dun can use to create an on-line database of this information to help the First Nation and regional community members with employment and business development. Again, this bill, with these amendments, can encourage people in this First Nation to start looking at ways of starting up a business. Also, again, with the First Nation of Na Cho Nyäk Dun — Economic Development has provided the First Nation with support to properly liaise with Yukon Energy Corporation's Mayo B project.

The Regional Economic Development branch, REDB, has also provided the First Nation with support to engage a consultant to seek investment opportunities and scope the business and employment opportunities of the Mayo B project. Once again, the amendment here can encourage individuals in several of the First Nations throughout the Yukon Territory to start getting involved with business, because I believe, like everyone else, a lot of the First Nations that are looking at business have to do their homework and the amount of taxes that are paid and involved with that will be a part of a final decision whether one will get involved with business or not. I look forward to voting on this bill. Thank you, Mr. Speaker.

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

**Hon. Mr. Fentie:** Once again, Mr. Speaker, I want to extend to all members in the House our appreciation from the government side for their input and comments on another reduction in taxes for Yukoners.

Just briefly to recap — we have long been a government that recognizes that small business in Yukon is a cornerstone of diversity in our economy. We have been working diligently to ensure that the taxation regime applied to small business in Yukon is one that allows Yukon small businesses to be competitive, to be profitable and to be able to reinvest back into Yukon, because that will in itself create stimulus jobs and other residual benefits to the Yukon Territory.

So this bill, again, accentuates small business and its ability to be an integral part of the Yukon economy.

We must always be conscious of our compatibility with federal taxation regimes, because there's a lot of interaction between the Yukon government and the federal government when it comes to taxation. We must make sure, firstly, that Yukoners and Yukon small business are getting what other small businesses across the country are receiving. Furthermore, we must make sure that Yukon is getting its fair share of our overall input into the federal revenue stream. In our instance, of course, that is to a large degree measured by taxation.

Further to that the second amendment, which is an amendment to be compatible with federal taxation measures, is the dividend tax credit. What is very important to note in this regard is that there are approximately 3,200 Yukoners who actually have dividend income. More importantly, the majority of them are in the range of 40- to 60-year old Yukoners. I think one can see that this is a critical amendment to ensure that those Yukoners who are in an older age group, who in many

instances may be using dividend income to either supplement their pension or be a contributing factor to their retirement, are not penalized unnecessarily. Again, we are very pleased to be able to bring this forward.

I'm sure that the Liberal opposition in this House will have a very difficult time finding a way to oppose these amendments to the Yukon *Income Tax Act*, but one can never know when one considers some of these statements made by our esteemed colleagues across the floor.

I want to close by thanking our Department of Finance officials once again for their dedicated hard work to make sure that Yukoners are receiving the just benefits and due they so deserve. Thank you. I look forward to the vote.

**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. Kenyon:** Agree.

**Hon. Mr. Rouble:** Agree.

**Hon. Mr. Lang:** Agree.

**Hon. Ms. Horne:** Agree.

**Hon. Mr. Edzerza:** Agree.

**Mr. Nordick:** Agree.

**Mr. Mitchell:** Agree.

**Mr. McRobb:** Agree.

**Mr. Elias:** Agree.

**Mr. Fairclough:** Agree.

**Mr. Inverarity:** Agree.

**Mr. Cardiff:** Agree.

**Mr. Cathers:** Agree.

**Clerk:** The results are 16 yea, nil nay.

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

*Motion for second reading of Bill No. 92 agreed to*

#### **Bill No. 91: Second Act to Amend the Motor Vehicles Act, 2010 — Second Reading**

**Clerk:** Second reading, Bill No. 91, standing in the name of the Hon. Mr. Lang.

**Hon. Mr. Lang:** I move that Bill No. 91, entitled *Second Act to Amend the Motor Vehicles Act, 2010*, be now read a second time.

**Speaker:** It has been moved by the Minister of Community Services that Bill No. 91, entitled *Second Act to Amend the Motor Vehicles Act, 2010*, be now read a second time.

**Hon. Mr. Lang:** I'm very pleased to rise today to introduce Bill No. 91, *Second Act to Amend the Motor Vehicles Act, 2010*.

Driver distraction comes in any form that will take the driver's attention from the road. Distractions vary from the use of electronic devices, such as using a cellphone or a GPS, to many other conventional distractions that take attention away from driving for only a second. Distractions can have dire consequences for drivers, passengers and pedestrians.

Responsible drivers prepare themselves for their trip in order to ensure 100 percent attention be given to driving. Statistics show that distracted drivers are up to four times more likely to be involved in a crash. Statistics also show that many crashes resulting from driver distraction generally end in serious injury and/or death.

With today's technology making our lives easier, using electronic hand-held devices while driving is putting all of us at risk. Nearly 80 percent of crashes and 65 percent of near crashes are the result of a distracted driver. One of the most commonly recognized driver distractions is cellphone use. Many individuals report that they talk or text while driving at least once in a while.

Mr. Speaker, my colleague, Mr. Nordick, introduced a motion last December to amend the *Motor Vehicles Act* and address the use of cellphones and other electronic devices while driving. This motion was debated and passed by this House on December 2 and included a requirement that public consultation occur before developing the legislation.

The department engaged the public by sending out a household survey asking Yukoners' opinions on distracted-driving issues. The distracted driver survey was mailed out to all Yukon households in July 2010. We received over 1,600 responses.

Once the consultation was complete, departmental officials used the survey results, as well as research from other jurisdictions, to develop the distracted drivers legislation. The survey results from the summer consultation provided good representation from both rural and Whitehorse residents. Twenty-four percent of respondents resided in rural Yukon and 76 percent resided in the City of Whitehorse. This is comparable to the 2009 statistics that state that 25 percent of Yukon's population resides outside of Whitehorse, while 75 percent resides within the City of Whitehorse itself.

We found no significant difference of opinion between rural and Whitehorse residents. We also received a representation of responses by gender. Forty-one percent of the respondents were male, while 59 percent were female. When asked if Yukoners think driver distractions were acceptable, 98 percent of the respondents believed texting is not acceptable and should be banned; 94 percent of the respondents believed the use of electronic hand-held devices while driving is unacceptable, while 87 percent of the respondents believed talking on a cellphone while driving is also unacceptable.

When asked if the RCMP should be allowed to charge drivers who are caught using electronic devices when driving, 97 percent of the respondents replied yes.

It is clear that Yukoners want to see this legislation put in place. I am proud to stand here today holding this bill. I know that this legislation is desired by Yukoners. The majority of the respondents believe the use of most electronic devices is unac-

ceptable while driving. The use of all cellphones and other distractions while driving appear to be of a concern to all Yukoners, no matter where they reside.

After reviewing similar legislation from provinces and territories, our government focused the legislation on the high-risk behaviours with the use of electronic hand-held devices. For the purpose of this legislation, electronic hand-held devices include cellphones, texting devices and all other devices used for gaming, web browsing and managing personal schedules.

Taking into account what we heard back from Yukoners and jurisdictional research, this government intends to:

(a) ban the use of hand-held devices, unless drivers are safely parked, with the exception of specific users, such as police and emergency responders and others engaged in public health, safety and security activities; (b) permit the use of specific hand-held devices such as CB radios and radio dispatch equipment when they are used in carrying out commercial or public health safety and security activities; (c) to be consistent with the laws of other Canadian provinces and allow licensed drivers to use hand-free devices, which are important for business and commercial travellers who must drive regularly between jurisdictions; (d) prohibit the use of hand-free devices by holders of graduated drivers' licences. Younger, inexperienced drivers under 20 years old have the highest proportion of distraction related fatal crashes in Canada.

Drivers between the ages of 16 and 19 are more likely to engage in dangerous driving habits, such as talking or texting, on cellphones.

Our objective with this legislation is to reduce driver distraction by prohibiting the most risky behaviour, which is the use of electronic devices while operating a motor vehicle. The legislation allows for further changes to regulation, should a need arise to allow or ban other groups of people from using specific electronic devices while driving.

In addition to legislation, the Department of Highways and Public Works will launch a public education campaign to promote safe driving practices as part of our distracted driving communications strategy. Many drivers simply do not realize the dangers of taking their eyes and minds off the road and their hands off the wheel. The public campaign will include a focus on many other behaviours that Yukoners described in the survey so that we all have a better understanding of the risks of distracted driving.

I'm proud to say that this legislation is in keeping with our government's commitment to promote safer communities and provide good governance. As electronic devices continue to invade our daily lives, it's important to address these issues now. I also stress that it is important for parents to start providing a good example for their children by showing them that it is not safe to text or talk on their phone while driving.

Lastly, I want to remind Yukoners that we can't legislate our way through the distracted driving issues. Yukoners need to take responsibility for their actions behind the wheel. Common sense and personal responsibility are a major part of the solution to reduce driver distraction. It's up to each and every one of us to make sure we pay attention to the road.



I will also take this opportunity to thank the department of officials and the Department of Highways and Public Works, and, of course, the Department of Justice, who have worked on this project, as well as all Yukoners who took the time to share their opinions with us during the consultation. Thank you.

**Mr. Elias:** It's also a pleasure to rise and discuss Bill No. 91, *Second Act to Amend the Motor Vehicles Act, 2010*, on the floor of the Assembly today. You know, strict laws against hand-held cellphone use during driving are necessary to save lives. Over the years, paying close attention to this issue and listening to Yukoners, I want to thank Yukoners for making their voices heard through letters, through communication, through e-mails, letters to the editor, letters to government, letters to our caucus. The list is long, and I am pleased that the Yukon Party government has listened to Yukoners and has acted to make our Yukon roads safer. I must say that the dangers of distracted driving have been recognized by dozens of jurisdictions nationally and globally.

You know, out of the 52 countries I believe that I've researched, 47 of them have some jurisdiction within their countries that have banned or restricted the use of cellphones while driving. I'm pleased to stand on the floor of the House today and speak to this. I am a believer in this type of legislation. I think that dialing and texting are the most dangerous activities. Research has proven that texting especially is 23 times more likely to cause an accident. Young drivers are particularly likely to get hurt as a result of using a cellphone while driving. The research is conclusive, and I think that this piece of legislation adequately addresses the public safety concerns that are on our Yukon roadways. Again, there are jurisdictions that don't have this type of legislation and unfortunately the casualties are mounting around our country as a result of cellphone use while driving. I've said many times in the public and on the floor that I don't want any Yukoners to be added to those statistics.

I want to thank the minister for tabling this legislation, and I remain convinced that using a cellphone while driving is a major distraction; therefore, it's a public safety issue, and it should be addressed by the government. Thank you to the minister and to the Department of Highways and Public Works and Justice officials, and to the 1,600 Yukoners who responded to the survey. This is going to bode well for our territory, I believe. It is a necessary piece of legislation that is going to save lives. In other jurisdictions like, I believe, Quebec and Nova Scotia, they've actually put penalties right inside their legislation — first, second, and third offences. I don't see that in this piece of legislation, so I will be asking further questions of the minister with regard to that. In Nova Scotia, for your first offence, they hand out a \$165 ticket, and for the second and third offences, it's a \$220 fine, and a \$335 fine, respectively. After that, you can get your licence revoked. Those are the types of penalties that exist in other jurisdictions. It's also important to note that insurance companies are now looking at "at-fault collisions" and whether or not the at-fault person was actually using a hand-held device while driving.

That also has been taken into consideration now by insurance companies in our country. So, again, I thank Yukoners for

their work in making their views and issues and concerns about the dangers of talking on a cellphone while driving. This is their legislation. They've spoken and it's good to see that the Yukon Party government has reacted. I would just like to thank the Speaker for the time to speak on this legislation. Thank you.

**Hon. Ms. Horne:** I also would like to note that these changes today are the result of the improvements that this government has made to our communications network. Cellphones are now more widely used in Yukon, not only in Whitehorse, but they're used in all our rural communities. In 2002, we pledged, in conjunction with the private sector, to work to ensure the Yukon has access to up-to-date information and telecommunication systems. In 2006, we committed, in conjunction with the private sector, to work to ensure Yukon has access to up-to-date information and telecommunication systems, including cellular telephone service to all major communities, as well as Marsh Lake and Lake Laberge. I am so pleased that we have delivered on the platform commitment to have a modern and reliable telecommunications network that enables us to interact with family, friends and business. It is an efficient, dependable system that connects residents with each other and enables the exchange of goods and supplies with neighbouring jurisdictions.

Through our work on the Internet and cellular telephone systems we have made major improvements to our system so that we can have a modern, reliable telecommunications network. Given the frequency of my trips and the distances involved on the highway, especially when I travel to Faro and Ross River, I am very happy that we have provided cellular telephone systems across the Yukon, especially in the winter. I feel much safer knowing that I can make a call on my cellphone if I have automobile issues. I also appreciate the convenience of having a cellphone with me where I can be reached while I'm in my riding. I never cease to be amazed at how frequently I find myself using my cellphone and my Blackberry.

Years ago, cellphones were big, bulky, heavy and cumbersome affairs that required a suitcase or a very strong back to lug them around. Now they are smaller than a deck of cards. I watch many of the younger generation using them almost constantly. When they aren't talking, they are texting or surfing the Web. It's now hard to imagine a life without them. Of course, the reality is that not only are cellphones far more convenient, they are also far, far more prevalent than they were 20 years ago or even 10 years ago — five years ago. The downside to that accessibility and convenience is that they are more accessible and more apt to be used when they shouldn't be used. Phones are designed with ringers to get our attention when we have an incoming call, voicemail or text. It is hard not to reach for the phone when we are driving, especially if we are expecting an important call. My phone will play a different ringtone so I know when the caller is one of my family members.

Driver distractions come in any form that will take the driver's attention from the road. Distractions have devastating effects for drivers, passengers and pedestrians. Any distraction

is devastating. Leaning across the car — we can't legislate common sense.

But we have many deaths that are caused by all forms of distraction: leaning across the car; we have to remember to forego the bagel with cream cheese, the coffee; putting our makeup on in the car. Statistics show that many crashes result from the driver's distraction and they end in serious injury or death. But one of the most commonly recognized distractions is cellphone use.

I am very pleased that our Member for Klondike introduced this motion last December to amend the *Motor Vehicles Act* and address the use of cellphones and other electronic devices while driving. It's important to note that all the studies — this is fairly new — are still not really complete. There are varying stages, from the young drivers to the older drivers — the percentage of distraction that those age groups get and the analysis combining studies of reaction time in the older drivers to the young drivers. These studies are still ongoing, but this is a very pressing issue that we must address now. I'm very pleased that we have this legislation going forward.

Many companies have instituted bans on cellphone use by their employers while driving. Currently, our knowledge of cellphone impacts is limited because it was never mandatory prior that it be reported to the police, or that the police record when a cellphone was in use. So as the years go by, and the cellphones are used more often, our studies will be more relevant.

Again, I thank the department for their hard work in getting the consultation out to the communities. I am very pleased to see the response we had. The response from rural Yukon is no different. I do thank the department for their hard work, and I recommend this bill to this House. Thank you.

**Hon. Mr. Kenyon:** I'd like to make a few comments on this bill. It was certainly recommended unanimously by this House that we process something to this effect. As with anything, there are always a few good points, bad points, confusing points, and not everything is totally as it seems, but sometimes you still have to sort of react.

There are some changes built into this. For instance, graduated driver's licence holders shouldn't be able to use even the hands-free devices just because of the fact that they are still distracted. If the motor vehicle is parked — and that should be specified in there because, for instance, under the liquor laws if you've had something to drink, whether the car is moving or not is completely immaterial. So that should be specified in there and it is. If a user is permitted in carrying out powers, duties, functions — because all of the things that are involved in this, from cab drivers to police, fire, ambulance, et cetera — you have to have the ability to look at what is referred to as prescribed activities.

Why are some of these a little more vague in the legislation? Unfortunately, the reality of legislation is that when you have to go back and change something in legislation, then you have to really go through and do a huge amount of work. But with regulations, you can always go through and change it a little bit more quickly.

I do stand corrected. There was one dissenting vote — the Member for Lake Laberge at the time voted against the motion. So, with that correction, I do apologize to the House.

Again, there are things to look at here. It is getting more common across the country and across North America to really deal with this issue. For instance, all Canadian jurisdictions do allow for hands-free devices. It is important to harmonize the laws. You really have to look at individual as well as commercial traffic, as I mentioned before — especially as you cross territorial-provincial boundaries — all sorts of crazy things. Banning hands-free use would have created a law that is different from other Canadian provinces. Really, it behooves us to keep that fairly consistent. It could be very confusing with travellers and commercial transport operators. Now, the way around that, of course, is to do what we do in some other cases by putting up signs as you enter the jurisdiction explaining what the law is in the Yukon.

That came up the other day in a question by the Member for Lake Laberge who wondered about putting signs up in his riding. Of course, the one sign has been there for a long time, but as it was pointed out by the relevant minister, the minister responsible for Highways and Public Works, reading that sign would become a distraction. So we again have the problem here that putting up the sign that you can't use the cellphone, in a certain way, would become a distraction. I think most Yukoners want to find it acceptable and that our law be in line with all the rest. We wanted, as I mentioned, to write a law in such a way that allows for future changes and regulation. That is very important. I urge people to keep that in mind when they read the act, and realize that a lot isn't said in there. That has been done very intentionally, and it gives us much better flexibility.

The other thing is that technology is changing very quickly. Technology that we take for granted today didn't exist years — sometimes months — ago. Everything has to be done in such a way that allows that technology to evolve. Things that maybe were permitted or prohibited — they may not exist now; they may exist tomorrow. We just don't know. Something could come on the market that would change everything, and we'd be right back here debating much the same thing.

We need to look at some of the wired devices, such as CBs and two-way radios. I think most jurisdictions allow that, and it is allowed here. We have to leave the ability to prohibit some devices such as laptop computers. I'm sure there is somebody out there laughing and asking, "Who in their right mind would use a laptop computer?" Believe me, it has happened and it is happening.

In the years that I was privileged to work with the RCMP as an auxiliary, I can think of a number of different cases. One was a car that was all over the road and when the member stopped that car it was a woman coming in from Marsh Lake — the beautiful Southern Lakes — and she was decorating a cake as she was coming past the airport and needless to say all over the road. She didn't seem to think that this was a big problem. We had another one just driving wildly up Two Mile Hill and when stopped was roughhousing and playing with his dog. Are there other distractions? Yes. Frankly, Mr. Speaker, can you legislate against stupidity? The answer clearly is no.

You've got to have a reasonable approach on a lot of these things, because just when you think something is completely tied up, somebody will find a way to get around it.

Bluetooth technology now is such that you can communicate verbally with the phone and through the radio or through the phone itself or whatever. Still, Bluetooth technology is still fairly new. It's evolving and not all vehicles have it. There will be — and I think are — devices already on the market that would allow you to tie your cellphone to the radio. That's a good thing. We really do have to look at public safety and enforcement of the aspects of the operation of motor vehicles. It just makes sense. With a lot of these things, I mean, you could look at the whole issue of simple distraction. You know, what's going to distract a driver?

As I say, I've been given a couple examples of the sillier ones. When you really think of it, have you been distracted by your pet? Have you been distracted by your kids? Your spouse? At what point — changing a CD in the stereo system on a car — it's nice to be able to plug your iPod into the more up-to-date vehicles and use your iPod, but at some point you've got to look at it and turn it on and figure out what you're doing and choose the music. There are distractions all over the place. While we can't address those in such a wide range, we can leave the regulations open to a wider interpretation in the future. We can certainly look at the cellphone issue.

I agree with what one of the members opposite has said — that most Yukoners probably want this, and I think that most do. It was brought most dramatically to my attention a couple of days ago when on Main Street in Whitehorse I watched a fellow on a cellphone who almost went to the wrong parked truck, finally found the right truck, got in it, started it and started to back out, just as the truck next to him was also starting to back out. I should point out that the driver in the second vehicle was also on a cellphone. So once they figured out who they were going to allow to go first, the first fellow puts it again in reverse and backs out, just about taking out a car coming up on the parking spot. That individual was on a cellphone. Once they worked that out, he pulled away and, because of the cellphone, went rather wide into the other lane and just about nailed head on — what's that? — a fourth driver on a cellphone. I just stood there shaking my head. I think this is a good example of why something does need to be done. Certainly, I would support the legislation. I hope the members opposite — the entire opposition — supports it, including the Member for Lake Laberge, and that it passes this House unanimously. Thank you.

**Mr. Inverarity:** I'm not going to speak long on this particular bill this afternoon — Bill No. 91, *Second Act to Amend the Motor Vehicles Act, 2010*. I think that it's a fine time to come forward, and it's too bad that a year ago the current government wasn't particularly interested in doing anything regarding cellphone legislation. But, thanks to the Member for Klondike bringing forward the motion a year ago, it seems to have moved forward rather quickly, as legislation goes.

I guess the area that I'd just like to speak to, and was a little bit concerned about when there was discussion about bringing forward this amendment, was how it would affect emergency operators, emergency equipment operators and in particular amateur radio operators, actually. I know that when there was some discussion, my phone immediately rang and people were saying, "Well, does this mean I'm not going to be able to use my amateur radio while I'm in the vehicle? It's used for emergency use and it's used for communications. It's not really a hands-free device, as most of them are connected to a radio and have been used for a long, long time."

I've been assured now that through this act they will also be exempt for using the radio equipment, if I'm not mistaken. I wouldn't mind the minister just reconfirming that, if they have an opportunity to speak to it a little bit later. That's my understanding, and so I am pleased to see that amateur radio operators will, in fact, be exempt from using their emergency radio equipment that they use in their vehicles.

Other than that, I would say that it's time to move forward with this, and perhaps we can put this second reading to bed and we can move on with other business, as we will be supporting it.

**Mr. Nordick:** It gives me great pleasure to speak to the bill at hand today, as I stated on December 2, 2009, during a debate on Motion No. 836, which read: "THAT this House urges the Government of Yukon to introduce amendments to the *Motor Vehicles Act* to prohibit the use of hand-held cell phones and other similar electronic devices while driving or operating a motor vehicle on a highway, except as provided for by law."

The debate on December 2, 2009 went on at great length. Almost all members of this Assembly spoke at great length to that motion. Just to put on the record a few of the comments that I said during that motion debate — one of them I said was that, with this motion, it was obvious to all that distraction while driving is a major concern to everyone. Hand-held cellphones and other similar electronic devices may create a situation where the driver of a vehicle, if they're using such a device, could be putting fellow citizens' health at risk — not only themselves, but passengers and other unsuspecting citizens.

The issue has been raised around the world and, in many countries, cellphone use is banned while driving a vehicle. Provinces and territories are moving in this direction. I also went on to say that one of the issues that needs to be considered, which was captured in the motion and is now included in this legislation, is except where provided for by law. I continued on speaking on this initiative by stating the next step: there needs to be public consultation on the proposed amendments.

We went out for public consultation on this amendment and when we asked Yukoners what they thought about distractions while driving and the use of hand-held cellphones, 98 percent of Yukoners believe that texting is not acceptable and should be banned. That's 98 percent of the responders that believe that; 94 percent of the respondents believe that the use of electronic hand-held devices while driving is unacceptable, while 87 percent of the respondents believe talking on a cell-

phone while driving is unacceptable. Through the consultation period, it was derived that that was uniform across the territory — rural and urban.

As I stated during the motion debate, along with the other members on December 2, 2009, we need to go out and consult. I also went on to say that the debate that day would increase the discussions in the Yukon on safety and how distractions while driving could cause harm.

The motion debate we had on December 2 created a summer full of debate and — for the last three-quarters of the year — a discussion in the public about distracted driving. I believe that through public consultation, public discussion, that we are able to save lives. That alone, makes the cooperation that this House had, on that date, to support this motion, worthwhile. That motion and this legislation will increase public awareness of this safety issue, and it will contribute to prevent accidents.

Later on in the motion debate on December 2, 2009, the Member for Vuntut Gwitchin stated, “I’ve been working on this throughout the summer, talking to Yukoners, and in my opinion, when the public consultation is complete, Yukoners will be in favour of amending the *Motor Vehicles Act* to prohibit the use of hand-held cell phone and other similar electronic devices while driving or operating a motor vehicle on a Yukon highway, except as provided for by law. Again, I support this motion and look forward to hearing what other members have to say.” That was a quote from *Hansard* from December 2, 2009, from the member of Vuntut Gwitchin. I am bringing this motion debate that we had on December 2 to the forefront so Yukoners understand and realize that this Assembly, this Yukon Party government, works with all parties.

We worked with the Liberal Official Opposition, the Yukon NDP, and the Independent, to move legislation forward. This is just another example how this Assembly as a whole directs and dictates what legislation we bring forward. On that motion debate, on that date, the Member for Kluane said, and I’ll quote from *Hansard*: “I fully understand the reasons for this law. For instance, I saw an accident myself last February while driving on a highway and I’m not sure of the reason, but it simply cannot be explained other than a serious driver distraction at the time.” He went on to say, “We’ve heard other members allude to the dangers of cellphone use and texting while driving. I don’t wish to repeat those accounts, but it’s something some of us have done and probably every person who has done it has realized how dangerous it can be.”

This is an education campaign we have launched, not only through the debate on the motion, but also through the consultation over the last three-quarters of the year and now this legislation. The Member from Kluane went on to say, as mentioned, “I agree with the intent of this motion ...”

Then the Member for Kluane put a very useful amendment to the motion. He wanted written in the motion that we consult before introducing legislation, which we all accepted. It was unanimously passed, because we were going to consult before any amendments were put forward. That is what this Yukon Party government does. I do find it is kind of intriguing — actually I don’t, because the Liberals do this on a continual basis. The Member for Porter Creek South said today, “Why did it

take so long?” It just makes me laugh. Why did it take so long? On December 2, they were saying, “Take longer; you need to take longer. You got to go out and consult. Take your time. Consult.” And now they say, “Why did it take so long?” Speaking of flip-flopping — just unbelievable.

But I digress, because this is a proof of how this Assembly does work together. Even though we do change our minds, in the end we work together. Mr. Speaker, this Assembly directed us to go out and consult with Yukoners. We did. The amendment passed: 15 yea; nil nay. Everybody that was present on that date voted for the amendment.

I know not everybody voted positively for the amended motion, but everybody agreed on the amendment to consult.

On that day, the Member for Mount Lorne went on to speak to the amended motion, and he said, “We will support the motion as amended. We look forward to hearing the views of Yukoners on this and coming up with a piece of legislation that protects Yukoners, but shows balance when taking into consideration some of these other factors.”

The NDP supported the motion; the NDP endorsed what this Assembly was directing the Yukon Party to do — go out and talk to Yukoners and bring legislation forward.

The Leader of the Liberal Party, the Member for Copperbelt, said, “I think this is good that we move forward. I hope that the government can find the resources to effect the consultation in a timely manner.” We did exactly that; we went out and consulted with Yukoners — even though the Member for Porter Creek South asked why it took so long. It was because we were consulting with Yukoners.

When we asked Yukoners what they thought about distractions and which ones were unacceptable, 98 percent of the respondents believed that texting was not acceptable and should be banned; 94 percent of the respondents believed that use of electronic hand-held devices while driving was unacceptable, while 87 percent of the respondents believed talking on a cellphone while driving was unacceptable.

On December 2, 2009, this Assembly, with 14 yea, one nay, directed, as a whole, as a team working together — as the members opposite like to say, “We’re all in it together” — all of us in this Assembly — almost all of us, I have to clarify that — said, “Please go out to Yukoners and bring forward legislation.” We did that as a group for anti-smoking legislation and now we’ve also done it as a group on this legislation. I’d like to thank the Leader of the Official Opposition and his colleagues for supporting and bringing this forward with us. It is good to prove to Yukoners that we do work together, not just once in awhile, but on a quite regular basis. I’d also like to thank the member from the NDP for his support and his caucus’ support on this legislation.

Once again, I’d like to end today by saying thank you to Yukoners; we do work together on initiatives that they feel are important. Thank you, Mr. Speaker.

**Mr. Cardiff:** I’ll be brief. The previous speaker, the Member for Klondike, who introduced the motion, suggesting that we do this, indicated earlier that I supported the motion. I do support the motion. I supported the motion as amended.

Over the summer, I had the opportunity to talk to many people — not necessarily by choice — about this matter, but many people approached me about the distracted driving survey. Quite frankly, the people who spoke to me were disappointed. They were disappointed in their politicians, because we lacked the courage to do something like this without going out and asking first. I guess there are some people out there who expect that politicians will actually show some courage — that would be the appropriate word — to do things that may be a little controversial, not to get too wrapped up in being afraid or fearing that there might be some negative repercussion. There were many people who told me that this is a no-brainer — this piece of legislation that's in front of us today.

I will support the legislation. I'm pleased to support the legislation. What I find unfortunate is that it has taken a long time. A courageous move might have been to introduce it a year ago, as opposed to debating a motion about it, but we probably could have introduced this in the spring sitting at the very least, but I will support it. I think that it's long overdue. It's going to be a wake-up call. The public is going to have a steep learning curve and that includes probably every member of this Legislative Assembly in developing new practices when they're driving their vehicles — not answering the phone, pulling over, parking safely or having a hands-free device.

After that debate we had last December, a constituent brought to my attention the tragic loss of a young person here in Whitehorse. The person who ran into her, ran a traffic control device while using her cell phone. It is an important issue. The public has told me over the course of the summer that this is a no-brainer, so it seems almost pointless to have a long discussion about this, but it seems that this is what we're doing today. I think all we have to do is indicate our support and then we can get on with other pressing business as well. So, thank you, those are all the comments I have for today.

**Hon. Ms. Taylor:** I would like to lend my heartfelt support for this bill that has come forward. I'd like to thank the Minister of Community Services for bringing it forward. I would like to especially thank the department officials for really taking on this initiative.

It is true that many of the jurisdictions in this country have adopted legislation similar to this; others have not. We are, in fact, the first, I believe, in some time — I should say, with the exception of other jurisdictions, such as British Columbia, which has brought forward legislation. But it certainly is coming along here.

There has been a great deal already stated on the floor of the Legislature here today, but the one thing I did want to express — and there are number of points I did want to raise here — is the fact that technology continues to evolve. It's rapidly changing. I look back to the days when I was growing up in the Yukon. When I was a child, seatbelts were not necessarily enforced. It was there. You didn't necessarily have to use it. It wasn't really enforced. Likewise, carseats for children — I don't even remember having a carseat. Of course, these days, it's of utmost importance. I would never even think of leaving

the driveway without having my son, my five and a half year old, in the carseat.

There are specific standards pertinent to those car seats I was duly reminded of at a clinic, as part of the five-year old health fair. Our *Motor Vehicles Act*, for example, is quite stringent when it comes to safety for children.

These are things we have to constantly be reminded of — that things do change as years go on. Likewise it wasn't that long ago when we were talking about anti-smoking legislation. Back in the day, I had parents who both smoked, and it was just a fact of life — smoking in vehicles, as long as the windows were rolled down. It was not necessarily viewed as a hazard. It wasn't promoted as a hazard. But, of course, since then, we have learned there are significant costs — health costs and life costs.

Drinking and driving — we've seen standards becoming much more constrained over the years — the standards that are used across the country, both at the federal Criminal Code level and the provincial/territorial level.

Now, here we are talking about cellphones and hand-held electronic devices. When we talk about electronic devices — I mean, back in my day, when I was growing up, there was no such thing as a cellphone, never mind iPod or satellite radio. There was no such thing as having DVD players in your vehicle. These days, on the longer trips up north to see family members, that is something that we do defer to from time to time. It's a good distraction, although we're talking about anti-distraction here, and I'm talking about the passenger in the back seat — just to be very clear. I, myself, have never watched a DVD while driving. I think that's why we're here — to remind us all that there are times when it's very difficult to legislate. I want to say the word. I will probably be ruled out of order, Mr. Speaker, but perhaps “good behaviour” — I'll leave it at that. So I'm very pleased to see this bill come forward. Again, I thank the officials for doing the homework, for looking to other jurisdictions and for incorporating the flexibility within the provisions of the legislation to look at changes coming as technology continues to evolve.

You know, I've got to say that I was in a vehicle not very long ago and it was brand new, hot off the manufacturing line. It wasn't here, it was someplace other than the Yukon, but this vehicle had the ability to — it had automatic controls in regard to coming up to a stop sign, for example, or coming up to a stoplight and there was a vehicle in front of you — if you were to take your foot off the accelerator pedal — the vehicle automatically would unilaterally slow down for you, so that you were only within a prescribed distance from the car in front of you. Likewise, when you were in a double lane and another vehicle was about to pass you, or just within that blindside, that blind corner, coming up from behind you and just about to pass you, on the side mirrors a light would go on and indicate that there is a vehicle coming and the light would go off when the vehicle had safely passed you

The technology that is coming out is incredible. I'm not sure if I agree with that or not; I think it puts a lot of onus on our technology today. I still think you should be aware when you're driving that there are vehicles in front of you and pass-

ing you, and to use common sense and not let a machine do that for you.

It's another indication of technology and how it continues to evolve. It is exciting, but I think this legislation prescribes that flexibility for the ongoing technology that may need to be regulated down the road. We will be able to do that by way of regulation and so forth. I thank the officials for that.

I also thank the officials for the consultation they conducted. I know there has been a lot of criticism launched here about who said what and who didn't do what but, at the end of the day, the Assembly did vote to go forward with consultation. I actually support that, because of the fact that it gave me time to raise that on the doorstep during the summer months, asking constituents, "By the way, have you received in your mailbox a copy of the questionnaire? Are you familiar with this initiative, this consultation that's currently underway?"

It gave me the opportunity to have that open dialogue with constituents. You know, there wasn't one individual I came across on the doorstep who said, "No. Absolutely not. I'm opposed to this proposed legislation coming forward." In fact, individuals were very supportive of this legislation.

They had questions, however — whether or not Bluetooth could be used, whether or not they could use the hands-free technology that would enable them to have conversations in the vehicles. So, those were all very good. I encouraged them all to submit their questionnaire, call up the department if they had any specific questions or they wanted to talk about something specific. I also raised with the department some of the feedback I received at the door.

I thank my constituents for being forthright with me, for being open and for also submitting their questionnaires. Surprisingly, sometimes we engage in these consultations — and there are many consultations going on all at once, because that's the busy Yukon that we live in — but most I talked to had heard of it. They had seen the questionnaire; they had already put it in the mail within a couple of days. It just shows how engaged Yukoners are when it comes to this issue.

There are many examples of near-misses and also tragedies — fatalities — resulting from the use of these devices while driving, whether it's texting or talking on the phone, and so forth. I'll admit it: in the past, I've talked on the Blackberry or the cellphone, and it is dangerous. There was one occasion that reminded me that it's not a wise way to go, so I refrained from that action and have for some time.

I think that it will take an education campaign. I'm also very pleased to hear that the department will be promoting an education campaign for the public prior to it taking effect next spring. I think that's very important. I know I've raised the question: why are we waiting until this date for it to take effect? It's important that we educate Yukoners, that they're fully informed of the provisions, of what is and isn't acceptable, and to just remind Yukoners of the safety provisions associated with this.

I wanted to just make reference to talking to a lot of young people — earlier this spring I was invited to come before the social justice class at Porter Creek Secondary School. The Member for Porter Creek South was also asked to attend. We

were asked to talk about issues of importance and this is one issue I raised with the class, because it's another change.

Back when I went to school, both elementary and secondary and even into university, cellphones just weren't around. I guess that dates me but it also speaks to the issue of rapidly evolving technology. Nowadays you see the widespread use of cellular devices, Blackberrys and all of that.

I know that in many schools they are banned, unless it's for emergencies. It was interesting to hear directly from the students of that particular class and their thoughts on the legislation. They had a lot of questions but, by and large, they agreed that texting while driving is not the way to go. They recognize that, and I think it's really key to educate our young individuals in the schools and at home, because that's where the changes are effected the most. It's almost like recycling and composting and promoting those very good practices. Once it's started within the school or at an early age, it carries on throughout the family.

I would encourage that much of the education be done within our schools. I'm sure the minister can elaborate on that, as we go forward with this bill.

I am pleased to see that there is provision for the hands-free allowance — for example, Bluetooth and other technologies. That's a good thing. I heard that from a lot of constituents in that regard.

I'm pleased to hear that there will be exception for emergency responders, for the RCMP and others, permitting CB radios, for example — radio dispatch for those who are in that line of work — of course, looking at the high-risk behaviours, which is what this bill really targets. I don't have too much more to add other than I think that this is a good piece of legislation. I'm pleased to hear that all members — at least, I think all members of the Assembly — I haven't heard from the Independent member yet — but hopefully all member of the Assembly will be voting in favour of this legislation. It is just another example of what can be achieved when we all work together on things that are of great importance to Yukoners. Thank you.

**Mr. Mitchell:** Well, it actually is a pleasure today to stand here and speak at second reading of Bill No. 91, the *Second Act to Amend the Motor Vehicles Act, 2010* — particularly because we are discussing a safety issue here.

First of all, I want to thank all members on all sides for their comments so far this afternoon. I've enjoyed listening to the debate, because it has been one of the — unfortunately — rare debates, which has avoided partisan bickering that we're too often accused of falling into in this Chamber. I think every member who has spoken to this bill has added something to the discussion, and I thank them for that. I would like to, first of all, thank the government for introducing this legislation, department officials for working on it, and I would like to thank the Member for Vuntut Gwitchin for first raising this issue within our caucus and the minister in August of 2009 for the motion in this House. That's not to take Liberal credit for this idea, because I think it's something that all sides were doing. It's to thank the Member for Vuntut Gwitchin for doing what a

good MLA should do in bringing forward an idea for us to consider. I know members on the other side, no doubt, have done the same thing within their caucuses.

I did listen to the Member for Mount Lorne criticizing us for not having the courage to simply take action, and I want to respectfully disagree. I thought, personally, like he did, well this is sort of a no-brainer, I agree, but the fact is that consultation is a good thing. It's not just consultation on whether we should do something, but on how we should do it. For example, I've read many articles over the past couple of years on this issue. In some jurisdictions, there has been research that says that it is just as unsafe to use a hand-free device, to use a Bluetooth device, as it is to be just talking with a hand-held device. Other articles have said opposite. I think it's a legitimate issue to ask Yukoners whether they think all uses should be banned or it should be required to be hands-free. Is it hands-free on a speaker phone or should it be Bluetooth? There are other issues that have come up and they are addressed in this bill. For example, emergency workers who need to use radio communications, ham radio operators who, when we have a breakdown in our communication systems, may be the only method we have of communicating with each other that there's an accident ahead, calling for help or there's a road closure due to a forest fire having leaped the road or a washout. There's a reason to discuss each and every aspect of this issue.

I would have liked to have seen the consultation that was done address a few more of those issues. Some of it seems sort of obvious. Should you watch movies while driving? The Member for Whitehorse West indicated she doesn't do that, but obviously her young child can do it in the backseat. That's not a problem.

I would have liked to have seen more focus on the hands-free Bluetooth and the ham radio type issues, but I can appreciate what the Member for Mount Lorne felt, that it was obvious to him, but what's obvious to one of us is not necessarily obvious to others. There are many issues about which we may get up in the morning and say, "That's self-evident," while other Yukoners don't think so, so I don't think it's something you should not ask Yukoners about.

We've heard from Yukoners. I have heard from a few Yukoners who are not happy about it, but the vast majority see this as a safety issue. I would have to start by saying mea culpa, because I know I've almost cut people off in the past, because I was responding to or initiating a cellphone call. I don't do that anymore; I know we can't use props, but I bought one of these little devices. It fits in the palm of your hand and it's a life-saver.

To be honest, I feel a little silly every time I stick it in my ear, because it sort of feels like I'm trying to be some sort of big-city stockbroker or something. I have an older vehicle. It's not built into my vehicle, so that's how I dealt with it. If that had been banned, I would have said, well, I don't need that any more either.

I just want to say that I think this is an example of good legislation that comes from all sides of this House working cooperatively together. I think that the suggestion that we consult came from the opposition side and, as I said, that's a good

suggestion. I'm glad we're moving forward with this now. As the Member for Whitehorse West said, there was a time when you didn't need carseats, there was a time when you could drive with open alcohol in a vehicle in Yukon, and seatbelts didn't used to be mandatory. We learned from past mistakes.

I know when we had small children, when we flew Outside to visit family, we had to insist that they purchase carseats, because back then you couldn't just take those with you on the plane. We said, "We aren't going with you, because it's the life of our child at stake."

Yet I grew up in an era when we used to have little stick-on steering wheels that we could put in the back seat to pretend we were driving. God knows what would have happened if there had ever been accident. I don't think those things were very safe.

So, again, I want to thank the officials for getting the job done on behalf of all of us. I'll thank the minister for bringing this legislation forward and I will be voting for it.

**Hon. Mr. Edzerza:** The traditional way for making decisions on a lot of things that affect people within the community is to seek understanding of what it is you're going to deal with. I'm kind of pleased to speak to Bill No. 91 today, *Second Act to Amend the Motor Vehicles Act, 2010*.

Some of the information I'm going to refer to comes from the International Conference on Distracted Driving, Toronto, Ontario, October 2 to 5, 2005. A lot of this stuff is referenced from Leo Tasca, who is a PhD and road safety program officer, Road User Safety division of the Ontario Ministry of Transportation. A lot of what was discussed at this conference is quite relevant to understanding what we're talking about here today.

For example, what is attention? Attention is our ability to focus on a task. Focusing requires the allocation of limited information-processing resources and there are three levels of attention.

One, selective: trying to attend to one task and ignoring information not relevant to that task. An example is a left turn on a busy six-lane urban street during amber phase. Then there's divided attention: attending to more than one task at a time and mediating information. An example is lane-keeping on a divided highway and free-flow conditions while turning a radio on. Then there's the automatic — this is a low-attention demand — driving on low volume: a two-lane rural road while listening to a CD. Drivers' expectations regarding demands of driving tasks at hand will determine the level of attention allocated to the task.

Then we would talk about attention along with driving safely. Drivers must often perform complex information-processing tasks in a split second, including detecting objects in the traffic environment; identifying them; assessing their speed, direction and intention; considering appropriate responses; evaluating own ability to respond; responding; and evaluating own response. The quantity and quality of information available to the driver are a function of his/her level of attention to the primary driving task.

We talk about primary and secondary tasks. Primary driving tasks: examples of those are steering, accelerating, braking,

speed choice, lane choice, maneuvering in traffic, navigation to destination, communicating with road users and scanning for hazards. Secondary or extra driving tasks: everything else drivers have been seen or reported doing while driving.

Drivers seem to be determined to complete secondary tasks once they are initiated.

Primary and secondary tasks: again, some examples of secondary tasks are distractions, and they include eating and drinking, grooming, using and adjusting in-vehicle entertainment devices, conversation with passengers, tending to a child and pets, smoking, cellphone use and related conversations, use of other wireless communication devices, and note taking.

Not all distractions involve secondary tasks initiated by the driver. They can be events, objects, activities, or people, both inside and outside the vehicle. Sometimes it's hard not to look or react.

And then we go to another area, which is known as situational awareness. Situational awareness is a key concept in human factors that may help us to better understand attention and, more importantly, define driver distractions. Situational awareness is knowing what is going on around you in the traffic environment. There are three components to this: perceiving clues, ranging from obvious to subtle, from the traffic environment; understanding these clues and what these clues mean; and using this information to forecast future events in the traffic environment. Situational awareness. These three components all require that the driver be aware of space — how far vehicles and road users are from their vehicle — and time — how soon an event will likely occur. Good situational awareness is necessary to make good decisions and perform well, but it may not be enough. We should think of situational awareness, decision-making and performance as occurring in a continuous cycle, each affecting the other. Carrying on with situational awareness, decision-making and performance all depend on factors which include a driver's: (1) training; (2) experience and expectation; (3) personality; (4) cognitive ability, and; (5) physical ability.

Situational awareness, decision-making and performance also depend on other key factors, such as vehicle capabilities and immediate road environment. Sources of driver distractions — there was some analyzed data from the National Highway Traffic Safety Administration's Crashworthiness Data System. From 1995 through 1999, a total of 32,303 vehicles involved in crashes was attributed to driver distraction. It doesn't take a rocket scientist, I would guess, to know that when you're not watching the road and you're doing other things, you really do increase the potential for yourself or someone else to be seriously hurt or killed. Distracted driving is a growing problem on our roads today. Anything that takes your eyes off the road or that takes away from your attention to your surroundings increases your risk of being involved in a collision.

Combined with other risk behaviours, such as speeding or alcohol impairment, distracted drivers can have deadly consequences.

In 2003, 20 percent of Yukon households were using cellphones. In 2007, over 50 percent of Yukon households had cellphones. The risk of being involved in a collision while us-

ing a cellphone is four times higher than when a cellphone is not being used. Twenty-six percent of drivers make or take cellphone calls while driving; 12 percent read maps; and 8 percent perform personal grooming. You can only pay attention to one thing at a time. Multi-tasking involves shifting attention back and forth between tasks. Driving deserves everyone's full attention when behind the wheel. A lot of us don't even realize exactly what kind of situation we are in when we're driving a 2,000-pound vehicle 120 kilometres an hour down the road and trying to text. I mean, people just don't think like that — they just do it. If you drive when you are unable to give all of your attention to your driving, you're putting your passengers and others at risk.

Remember that it is your individual responsibility to make good decisions. The only one that can make the decision not to text is the one who is driving; it's up to the individual. If you choose to do it, it's very possible that you will have a head-on collision and kill a whole family or someone else's family. Or, you could run over somebody walking along the road. So it's always best to pull over if your cellphone is ringing, or if you are going to use the cellphone. I know, from my personal experience, right now I'm trying to make that a priority for myself. When my phone rings, either I don't answer it, or I pull over and answer it. I think each one has the responsibility to talk to their children and their grandchildren. It's time to start educating the young people right now. I know, from personal experience again, I have disciplined my grand-daughter for texting while she's driving, explaining how dangerous it really is.

Amazingly, some people still think they can do it all — drive a vehicle travelling at 40 feet per second through town while sending a text message to their friend. We all know that text messaging requires as much attention as driving. I know it takes me 10 minutes to do a one-line text, and yet I can see my grandchild does one out of the whole screen in about two seconds. Even if that's just for seconds at a time, the texting can create an accident. You can travel a long way into a danger while you're reviewing your text message. It's one of the stupidest things you can do while driving. I'd like to close just by quoting from something from Leo Tasca from 2005 when he said, "Keep your eyes on the road, keep your hands upon the wheel and an appropriate focus on your driving." Thank you.

**Hon. Mr. Fentie:** Mr. Speaker, the first point I would like to make is the shining example of this House and its members working collectively collaborating on an initiative that indeed is not only problematic, but important to the safety of the travelling Yukon public.

First I want to say that in Yukon the use of hand-held electronic devices has been a practice that has gone on for decades. I say that because in industries like transportation, highways in the Yukon in many instances — if you're not driving the Alaska Highway but on our secondary roads like Nahanni Range Road, Robert Campbell Highway, South and North Canol and the list goes on — it is extremely dangerous to not have radio traffic, which is a hand-held electronic device, to report positions on highways and other problems that may arise on the



road. Without having that ability, the danger to the travelling public increases exponentially.

Truckers, for example, in the Yukon for years have been talking on a hand-held electronic device, whether it is CB radio or VHF radio hand-held electronic devices or other means of interlink communication. They have been reporting to each other virtually kilometre by kilometre, including meetings with other traffic like tourists or other vehicles that may be on the same road so that all are aware. So although it seems to be quite simple, legislating or amending the *Motor Vehicles Act* to address what is new in that context in terms of hand-held electronic device, that being cellphones, it is really quite complicated in ensuring that we are not, in trying to address the safety of the travelling public, in one instance, reducing the safety of the travelling public in another.

The consultation that was conducted helped provide some insight into that, I'm sure, but I must say that from the officials' perspective in trying to deal with this issue, it was not easy, and it indeed was very complicated trying to find the balance. Of course, much of this now will be dealt with through regulation and it's important that we ensure that what we do there is going to maintain the integrity of what it is we are intending to do.

If you look at what is transpiring now across the country, this issue is becoming even more and more complicated. It now includes the issue of whether hands-free is safe or is it not safe? The debate rages on. The members of this House, I'm sure, are all very well aware of that, and recognize that our work may not be done. As it sits today, we have taken a very positive step toward addressing an issue that is clearly an issue that compromises the safety of the travelling public and others. But we still have to recognize that all matters, such as amending legislation in one area is not bullet-proof, and we have to ensure that we maintain a clear focus on what it is we are attempting to do.

Furthermore, there are issues out there about why we consult. Well, I reflect back on the debate in this Assembly.

We did so because, again, in a spirit of cooperation, an amendment came forward that only made sense. We did get some criticism in that regard. Of course, in many instances, the purveyors of criticism are merely those who have an innate desire — an overwhelming desire — to provide their opinion to the public, whether it be correct or otherwise. But I think we have done the right thing. We have to commend the members of this House for doing what they did. We could have got ourselves in a situation where the results that we've achieved to date could have been delayed. The consequence of that might not have been all that positive, should the wrong thing or things have happened here in the Yukon.

For those who have looked at this on the basis of distracted driving, I think we have to better understand what we're trying to achieve and define as "distracted driving" because, in many instances, those who operate vehicles, of whatever configuration, do multiple things at the same time. That is to say that we have to recognize that there are many in the professional area of operating vehicles and equipment who do multi-task while they operate and drive said equipment and/or vehicle.

The issue of methodology that was chosen was intended to address — to the extent possible — the issue of engaging the

public, but at the same time being expeditious in our process, so as to get to at least this juncture. The result of course is the amendments brought forward by the Minister of Highways and Public Works to the *Motor Vehicles Act*. If we want to delve into why graduated drivers' licences would not be exempt, I don't think we have to discuss in great detail the fact that individuals who hold a graduated driver's licence are really actually very new to operating a vehicle and should focus on that versus other matters.

There is great need to ensure that exemptions incorporate many who are earning a living from operating equipment and/or vehicles.

Back to the point about the debate continuing, I want to reference a recent article of August 2010, in *Maclean's* magazine that states: "Cellphone bans aren't making the roads any safer." I question that statement because we have to recognize that there are many other issues that reflect safety or unsafe practices on our highways while operating vehicles and equipment. I think what it does speak to is the issue that there are more problems, obviously, in the area of operating a vehicle when it comes to public safety and the safety of others. Essentially, we have to also understand that in licensing people to operate vehicles, there is an entrenched view that this is a right, when in fact operating a vehicle is a privilege, so one must be conscious of that when dealing with the public.

For some of us who are getting on in years, we recognize that we have the medical issue that we've got to get through, depending on classification of licence. Sometimes that's on a 12-month rotation, where a full medical exam is required. Of course, eyesight is also critical to this, because there are instances where those who may have conditions that are attributable to issues of being able to drive a vehicle safely don't even know that they have those conditions until a full eye exam is done. That's part of what we must also recognize — that those who have a driver's licence should also — and this is more of an issue for the public in the context of educating the public — be conscious that we all have a responsibility to ensure that physically, in all aspects of what's required for driving, we are confident and comfortable that we do not have conditions that may adversely affect one's ability.

Mr. Speaker, in the context of cooperation and collaboration in the House — I thought I heard a bit of a snicker from the Member for Kluane. My, my, my — bit of a snicker from the Member for Kluane. Obviously, the Member for Kluane probably doesn't agree with me, but that's not unusual, because we've never agreed on anything in some 15 years of being in the political arena. So, I find it a little humorous. I'm not sure what the Member for Kluane finds humorous, but we have to reflect on the issue of collaboration and cooperation. Today, we have experienced some of that and it warms the cockles of my heart, Mr. Speaker — that the Liberal caucus would stand and support the government. I do find great humor in the Member for Kluane's off-microphone comment that we're all in it together when we voted unanimously to support the Minister of Finance's amendment to the *Income Tax Act* to put money back into Yukoners' pockets. That is a great reason to applaud our-

selves for this tremendous spirit of cooperation as it evolves in this House each and every day that we sit.

Now we are having a pretty open and robust debate, so let me delve into some of those off-microphone comments. You know, it is unfortunate that the Liberal caucus simply cannot decipher what a financial statement actually says. This is important because they have to be accountable and open to Yukoners, as they expect the government to be, and ensure that they articulate to Yukoners, factually, what a financial statement is. That is very critical. I will now attempt to assist the Liberal caucus. One should not say to Yukoners that the government is simply going broke and has spent the savings account into nothing, because we have to look at what that financial statement actually says.

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

### Point of order

**Speaker:** On a point of order, Leader of the Official Opposition.

**Mr. Mitchell:** I would just ask the Speaker to rule on whether the honourable member, under Standing Order 19(b)(i), is speaking to matters other than the question under discussion because it would appear we are ranging far off the road dealing with this Highways and Public Works bill.

**Speaker:** On the point of order, Hon. Premier.

**Hon. Mr. Fentie:** Oh no — there will be a direct link to budgeting with these amendments. It's very important that we recognize that.

**Speaker:** Anybody else want in on the point of order? Minister of Economic Development.

**Hon. Mr. Kenyon:** On a point of order, I believe in a previous session and earlier today it was pointed out that on second reading, discussion is wide ranging and philosophical. The member can't have it both ways. It's a philosophical discussion or it isn't. The Chair has already ruled on that.

**Mr. McRobb:** Since we're all in it together, I'll add a few points. One of them is, I think in the Premier's defence, what he was doing was giving a case example of how one could be distracted such as texting while driving. His comments went off the road and into the ditch. We're talking about the cellphone bill, not some financial —

### Speaker's ruling

**Speaker:** Order please. The Chair has given a lot of latitude in this point of order, and I appreciate the strategic advice from all members. It was enlightening, to say the least; however, there is no point of order. Hon. Premier, you still have the floor.

**Hon. Mr. Fentie:** As I was saying, as we're trying to rescue the Liberal caucus from the ditch, on deciphering and understanding financial statements, I want to put in context what the financial statement says.

First, if the Liberals suggest to Yukoners that the Yukon is broke, that is in fact an error. It's important because, being open and accountable, one would recognize that that is simply not a statement you would make.

Let me reflect on some of the accounting measures that create variances during the course of a fiscal year. The Liberals maintain that we've got to the position we're in, fiscally, at a period 5 variance, Mr. Speaker — not after final balance duly audited by the Auditor General, but a period 5 variance that it's all about spending money. Let me reflect on what it really is. It is an accounting direction by the Auditor General for the Building Canada fund. It is the result of revotes that are revoted into the coming fiscal year or next fiscal year from a previous fiscal year. It is the result — and this is important — of the effect of change of tangible capital assets. During the course of the fiscal year, more health care access to physicians and travel outside the Yukon was necessary, and also, the collective bargaining agreement is included, and we do have a responsibility to meet our obligations under the agreements we entered into with our employees.

That said, the reason we can handle all these variances during the course of the fiscal year, including amendments like this that will have a direct impact on the Department of Highways and Public Works, is because we have a savings account. We have options, we have fiscally managed the Yukon finances to the point where we are standing virtually alone in the country — virtually alone in the country in the financial position we are in, relative to the size of our population.

I know I've used up a lot of time in articulating this issue, but if the Liberals want to ever take charge of the public purse, they must at least understand the very basic fundamentals of a financial statement. Thank you.

**Mr. McRobb:** Well, I'll start by saying I'll agree with most speakers here this afternoon. There have been a lot of good comments put on the record. I will refrain from repeating much of what was said, especially the statistics. There are a few points the Premier mentioned that I would even agree with and certainly I appreciate it — everyone is entitled to their own opinion — but there is one factual error that does need correcting.

He mentioned his 15 years in the political arena when in fact today happens to be the 14<sup>th</sup> anniversary. He is a year ahead and, I would add, the odds are long that he will see 15. That'll be up to the voters of the Yukon. Thank you for the anniversary greetings. Now on a moment of levity when the Premier was speaking previously, I thought he was going to offer to buy us all a round at the Casa Loma. I was very disappointed not to hear such an offer made.

Anyway, Mr. Speaker, a few other points the Premier made I would agree with. One of them is that it must have been very difficult for officials to deal with this bill because there are varying degrees of applicability throughout Yukon and varying degrees of driver ability. There are varying circumstances of road conditions; there's urban versus community; there's varying degrees of vehicles and there's varying degrees of electronic devices. I am not sure if anybody else heard it; I didn't hear anybody else mention it, but on CBC *As It Happens*, there was a very interesting interview.

The upshot was basically that, in the jurisdictions that have introduced cellphone legislation, there's a new statistic that is

emerging. There is a higher degree of accidents because people are now forced to hide their cellphones because it is illegal. Therefore their attention and their gaze are farther from the road than what it otherwise might have been. I think what the government should do to properly fulfill its responsibility is introduce an effective educational campaign to ensure that drivers are aware of the dangers and are aware of the new laws. Unless drivers are informed of the new circumstances, there will be a lot of people breaking the law. Just look out on the streets today, on the highways in the Yukon today, and you'll find that in a lot of cases half or more of the drivers are using these devices while driving.

There's an increasing trend in their use. A few years ago, hardly anyone was using a cellphone while driving. It's going to take a lot of education and shifts in how these drivers think and behave in order for them to abide by the law. This creates a conundrum with respect to law enforcement. What's going to happen? If drivers aren't educated and don't make the necessary transitions, just what portion of the territory's population will be ticketed? This needs to be addressed.

It also raises the other demographic of visitors to the territory. What about our European travellers who fly in and rent vehicles? How will they be informed of the new laws? What about motorists from outside the territory who may enter the territory through Watson Lake, the Skagway Road, Haines Road or Top of the World Highway? Will there be signs at the entrances to the territory, like there are making people aware that radar detectors are not allowed in the territory?

So there's a lot more to this than just passing a bill, and of course one of the unmentioned significant areas is development of the regulations. This is where this bill before us will be translated into the nitty-gritty details that the law enforcers will have to follow.

For instance, just looking at the bill, I noticed it said "if such a device is held in a position where it's able to be used". That's pretty well any position possible, if it's in your hand. There is new evidence that indicates that hands-free devices are no safer. So this whole situation is problematic. I believe we are doing the right thing because we have to deal with the issue, in general, for the entire population — today's drivers and tomorrow's drivers, as well as protecting people who aren't driving.

We've heard a lot of accounts of pedestrians who were threatened, and even hit, by motor vehicle operators using cellphones. There are passengers in vehicles. I heard one account from the Member for Porter Creek North about drivers backing out on Main Street. I was talking to a constituent the other day who compared Main Street with the open highway when there's nobody coming for miles, and there's a huge difference. The law doesn't reflect that difference. Will the regulations reflect that difference? I doubt it. There's nothing in the law.

The minister said you can't legislate against stupidity; I would use a similar example, but opposite: you can't legislate common sense either. A lot of these situations do involve common sense, but if it's in black and white and the law enforcement people are there to uphold the law, what are they going to do? Just like the *Smoke-free Places Act*. One of the main con-

cerns I had was, when there are two adults who both smoke in a vehicle, neither one of them are allowed to light up. We've got a lot of international highway traffic through the territory — truck drivers, such as Lyndon Transport. To me it just seemed completely ridiculous and, at the time, I proposed an amendment that was defeated.

It's incumbent upon us all to ensure the legislation and the law is the best possible, that it is practical, that it is workable and enforceable and will avoid people out there disrespecting the law and becoming criminals.

I could go on but, as mentioned, I'm going to be brief this afternoon and I know there are still some other speakers. If I end my contribution now they will have time to talk, so thank you.

**Hon. Mr. Rouble:** It's an honour and pleasure to rise in the Assembly today as the representative of the beautiful Southern Lakes to debate and discuss the bill that is before us. I certainly applaud the objective of this type of legislation — that being to increase the safety and security of the travelling public here in the territory.

The intent of this legislation is to prevent accidents from happening, to prevent damage to people and to prevent damage to property. I must add, though, that I do find it frustrating to put forward a piece of legislation requiring people to drive with appropriate care and attention. I think that driving with appropriate care and attention is incumbent upon everyone who gets behind the wheel.

As we've heard, there are numerous different things that can distract one while driving, whether it's changing a radio station, eating, or having a conversation. Actually I've watched people drive down the road while they were reading, in some places.

We can't always encourage people to demonstrate the appropriate behaviour so, in some instances, we try to single out the offending behaviours and legislate against them. What this bill and this consultation and this dialogue have done is increase the awareness of people about the issues regarding distracted driving.

Hopefully, it's encouraging people to have not just common sense on this, but good sense — the sense to say, "I've got to focus on driving. I can't answer the phone. I can't carry on a conversation. I don't need to change the radio station. I've got to focus on the matter at hand."

We do live in a very challenging, diverse territory. There are different issues between driving in rush hour — or "rush minute" traffic — in Whitehorse and the long stretches on some of Yukon's emptier highways. There are differences in driving in the summer months at 10:00 at night when it's bright out and there's very little traffic. And there are very different scenarios when we're driving — well, in inclement weather like we had last week or driving through a snowstorm. We can't always drive the same way. We have to be responsive to the conditions and the environment around us. We have to respect that. We have to give the situation the appropriate amount of care and attention that the situation deserves. Some of the

changes in technology have been discussed, too, that are coming forward that may impact on this.

Cellular telephones and texting, in and of themselves, are fairly new and emerging technologies. I expect that in the next five, 10 or 15 years we'll have different technology. When those situations come up, we will once again have to remind people to drive with the appropriate amount of care and attention, and the law will respond.

That's one of the things about legislation — law is often of an evolving nature. We see it here in our Assembly, where we bring forward different pieces of legislation that are some years old and need to be changed to reflect modern practices. There are other pieces of legislation, though, that are more enabling and aren't as prescriptive and don't need to be rescrutinized on an annual or regular basis.

It's my hope that we can continue to develop more of the enabling type of legislation, rather than prescriptive legislation that responds to specific situations. That being said, I'm certainly going to support the piece of legislation that is before us.

We've heard from Yukoners that they want to see this type of legislation, and the consultation process that we went through was a healthy one. Adding the consultation might cause more time to be taken, but we usually make better decisions after it and come up with better legislation. Yes, there are instances where we can respond rather quickly and create legislation. We're often criticized if we do that — that we haven't consulted — and then in other situations where we do consult, well, we're criticized that we've consulted and it has taken too long. I think we can sometimes live with the criticism that it took a little bit longer. But sometimes it takes as long as it needs to, and there are times where we need to have the debates with Yukoners about the issues before us because it certainly wasn't unanimous on this one. I had constituents who spoke against this — that they wanted to see people take the responsibility for their own actions. They felt that if they made a decision to use a cellphone that they should be liable for the ramifications of that. They felt that when they were alone on the highway — and given they represent a rural riding, citizens do spend a lot of time on the highway — they felt that they wanted the opportunity to use their cellphone while driving in a safe manner. The legislation before us does address opportunities for people to do just that. It will mean a bit of a change of behaviour. It means now, instead of pulling out the cellphone and flipping it open and trying to dial the number while driving down the highway, that they'll take a moment and think and say, "Maybe I'll be better off pulling over and having this conversation on the side of the road."

I know from my personal perspective that that's something that I've made more of a habit in the last year.

Additionally, this also allows for the use of hands-free devices. I have one of those in my car, where the phone is voice activated, I can tell it to call home and I will then be connected with my home telephone number and can carry on a conversation then. It doesn't mean that I have obviated, or lessened, any of the sense of responsibility that I have for driving with due care and attention. Just because I'm doing what's legal doesn't

lessen my responsibility to stay focused on the matter at hand, and that's driving down the road in a safe manner.

We have been able to accommodate many of the concerns out there — whether it's for people wanting to use a hands-free device or our emergency responders or some of our other highway professionals, if I can use that as a term. I hope that the Department of Highways and Public Works will continue the campaign it has undertaken recently to encourage people to drive with the appropriate care and attention and to remind people that there are things other than talking on a cellphone that they shouldn't be doing while driving.

I would expect that we're all guilty of that at sometime or another — whether it's trying to open a brand new CD jewel case or eating or trying to change the time on the clock in the vehicle. There are other things — other things and other habits — that we need to change in order to provide additional care and attention and, ultimately, to reduce the number of accidents we have on our highways.

I applaud the Department of Highways and Public Works for creating that awareness campaign, reminding Yukoners that they do need to make some changes and we will all be safer because of them.

This has been a challenging piece of legislation to put together, as members have noted. The regulations will be an important aspect, as will the enforcement with the challenges our police officers face — the leniency or the manner with which they enforce the law on our roads.

There are other folks who have additional points they'd like to make. I would again like to thank all the Yukoners who provided their input on this and raised awareness of the issue. I'd like to thank the department staff, whether it was Community Services or Justice, for putting this together and working with the consultation process.

I look forward to seeing the changes on Yukon's highways because of this legislation. I look forward to seeing a reduced number of accidents, of people injured, of vehicles damaged. I look forward to seeing the benefits that we hope will come out of this legislation because, when that happens, it will make Yukon's highways a safer place to travel. Thank you.

**Mr. Cathers:** I'll begin on a lighter note by noting, following comments from some of the previous speakers, that I hope that neither the Premier nor the Leader of the Official Opposition are reading financial statements while driving. Perhaps that should be an addition to the bill — and also with an apology to the Member for McIntyre-Takhini that, while he was taking a fair bit of time to explain what attention was, I must confess that mine did wander.

This is a very serious piece of legislation that we're dealing with here today. I think that first of all there has been some debate about whether consultation should have occurred at all. What I would note with this is — as I noted last fall — that I think there is a need to take some time to look at this.

There is no question from my perspective of whether legislation needed to be improved to address the issue of distracted driving. The question that I had — and frankly still do — is to what extent such legislation should target cellphones specifi-

cally and to what extent it should focus on other electronic matters or the issue of distraction generally.

What the public consultation provides each and every one of us with is a sense of what the public opinion is. As a number of members have alluded to, the science on these issues is debated. There are differing studies showing different things. There are some, including the American National Safety Council, that have called for an all-out ban on using mobile phones while driving, following studies that show hands-free phones pose as much danger as held-held ones or, conversely, one can interpret that to say that a hand-held device poses as little danger as a hands-free phone.

Again, as a number of members noted, there are different types of areas where one may be driving. Both the Member for Kluane and the Member for Southern Lakes noted comments they've heard from constituents, questioning whether outside of Whitehorse, when one is on the highway, there is a need to prevent someone from talking on a hand-held phone. I've heard similar things from constituents but, of course, that one can be argued from either direction.

The Minister of Justice also noted that the cellphone technology is relatively new and some of these other electronic devices newer still, so the studies and science on this are limited and, in some cases, contradictory. Many of the statistics from the research I have seen are based primarily on urban areas, which leave the Yukon in a situation where we do not have much specific to our type of driving. Clearly there are some commonalities in any type of driving, but there is obviously a significant difference between driving in traffic on the 401 and driving on the Alaska Highway.

I also found it interesting that the University of North Carolina did a study of highway safety, following accidents that reported the sources of distractions for drivers, and found that outside persons, objects or events related to 29.4 percent of the crashes. Adjusting the radio, CD or cassettes related to 11.4 percent of the crashes; other occupants account for 10.9 percent and cellphones only 1.5 percent.

So again, I do have some questions about whether the legislation here today is too targeted — related to certain devices versus dealing more generally with other issues. But that being said, the feedback that I have heard from constituents and in fact certainly the results of the survey are indicative that most Yukoners want to see us target that specific behavior. We did not, unfortunately, because of the consultation, really get information on how broad citizens wish this to extend this — or at least not that I have seen. With that in mind, I would note to the Minister of Community Services that I would sincerely appreciate receiving a report on what the results of the survey were. The minister did provide some of that information verbally, which I appreciated, but I think that, considering over 15,000 people took the time to respond on this issue, I would like to know how they responded to each of questions listed on the distracted driving survey.

I would hope that all of the other members of the Assembly would feel, as I do, as MLAs, considering what a significant portion of the population commented, we should take the

time to read the report of what the responses were to each of the questions.

I will be supporting this legislation. I think that, generally, it takes a step in the right direction. Since we have taken the step of listening to what Yukoners are saying, though some of the science on this is not clear, what we are left with is the common sense question and the question of public opinion. Certainly on some of the questions here, it is quite clear. The response on texting — I found interesting the remarks that the Member for Kluane made regarding a report on unintended consequences of legislation banning texting. I would say, with credit to the member that that is a point that certainly should be kept in mind — what are the unintended consequences of any of the legislation we pass. Personally, I feel that texting should, indeed, be prohibited. The statistics that the Minister of Community Services gave suggest that 98 percent of Yukoners feel the same way.

I have heard from constituents and other Yukoners who admit to texting while driving, but I have yet to hear from anyone who thinks you ought to be allowed to do so.

I do have some concern with the legislation. I think that the provisions related to regulations — I recognize in fairness to those drafting it that the intention was to ensure that the legislation is flexible to accommodate new technologies. I do have some concern that in some areas it may be a little too flexible and open to a future Cabinet who take a bit of an overzealous view in dealing with matters and do something that the Yukon citizens may not want to see, without the review of this Legislative Assembly having taken place first. The question that this could potentially in future involve is whether steps are taken to prohibit someone touching a CD player, listening to a CD player and whether a GPS can be interacted with — whether that be with someone's hands or through hands-free devices related to it, or even viewing that GPS device or whether it goes to the extent that someone cannot even listen to an iPod — and in this case I'm meaning through the speakers of the vehicle, not through earbuds, which clearly block the sound of emergency vehicles, or whether things such as satellite radio would even be prohibited. I'm not suggesting in this case that I think this is the intention of this legislation, of members of the government now, or officials within the government. But by providing within legislation a sufficient range of powers and ability to make regulations both broad and specific to encompass all possible new technologies that might emerge, we risk getting into the situation where the power is, in fact, open to being — no doubt with good intention — taken a step too far, overzealously.

So I would prefer that some provisions, in fact, required coming back to the Legislative Assembly in the future. I doubt there's a willingness to amend the legislation. I think that despite that concern on my part, it is, generally speaking, a positive step forward. The time, of course, is short this afternoon, and there are other members, I believe, who have not spoken to this yet, though —

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

**Mr. Cathers:** Yes, thank you for that confirmation.

Since other members, I'm sure, wish to speak to this, I will wrap up my comments.

I would again note that, as I say, the question of how far a future Cabinet could go in passing regulations that may not have the support of Yukon citizens is a concern for me, in how broad the provisions of regulatory powers have been granted by this proposed legislation, particularly since, as several members noted, there are questions now being debated about whether hands-free devices are safer, whether they in fact, in some cases, can make things more dangerous, according to some studies, because people are not as likely to be familiar with them. There becomes a question of the respective safety, not of using a hands-free device versus dialing manually, but the fact that most cellphones now come with a button that allows you to press it and voice dial. Those are a number of things that, again, statistics and studies have not really addressed because some of these technologies are new and evolving.

To that end, I think I have covered most of my points. As I say, I have reservations related to this, but the fact that we have public opinion on this addresses a key question in my mind. If the science is not clear and public opinion is, then we certainly, by listening to the people we're elected to represent, should take very seriously their opinion. I do note, with regard to what one member had noted, that some have said, "Well, why have you taken so long? You should simply do this already." Any time the public consensus begins to reach a point where the majority want significant change, there will be some who feel that it should have happened already. It is important, though, that in going down these roads, we take into account what everyone says, not just those who have the loudest voices. That is the job of MLAs when we are making a decision based, in any significant part, on public opinion. We need to provide the opportunity for the public to express that opinion and to alert all of the citizens that we are, in fact, seeking that public opinion.

That has been done in this case so, again, I would reiterate my request that the results of the survey — the report on what the response to all of the questions were on the distracted driving survey be tabled and presented to all members of this Assembly, so we can review it prior to passing this legislation. Again, although it's not a perfect piece of legislation, this seems to be a step in the direction that most Yukoners would like to go.

**Hon. Mr. Hart:** It gives me great pleasure to rise today to speak to Bill No. 91, *Second Act to Amend the Motor Vehicles Act, 2010*. Many of my colleagues and the members opposite have spoken with regard to this act, and many have expressed voting in favour of the act. I appreciate their comments. I also appreciate the concerns some of the individuals have brought up. Although we have indicated that it is not a simple task, many things had to be taken into consideration with regard to dealing with the hand-held devices. We've come a long way when it comes to dealing with technology here in the Yukon.

In fact, I can remember when I was the Minister of Highways and Public Works, where having the technology of radio was very important, especially for one of our employees who

was stuck on the Dempster Highway in the middle of winter and who had become lost for almost a day. It was just because we were able to contact this individual by radio that enabled us to send assistance from the Northwest Territories in order to get him out of the situation he was into, especially given the weather at that time, which was around minus 20, minus 30 below.

So, as indicated by the minister and members opposite, it's important that we deal with the ham radio operators — our staff, for example, who require radio when they're travelling abroad — and that's what we're dealing with. It's very important that we deal with this and ensure we have safety for our individuals who are travelling, especially in the rural areas.

Now, many members here have talked about what it will be, as far as the effect it's going to have on their constituents. I have also received comments from constituents — although I must say about three to one in favour of the legislation. I would attribute that mainly to the fact that I'm in an urban area versus some of the other MLAs who are in rural areas.

In essence, the common theme from my constituents and those expressing an opinion on this particular act, the majority have been in favour of instituting some regulations to restrict the use of hand-held electronics while driving. We've seen incidents right here in Whitehorse — unfortunate instances, I might add — where individuals have suffered death because of the use of a hand-held instrument. So we have information and stats right here at home that indicate that there is a need for us to consider this particular legislation.

I know the Independent member has some concerns with regard to the science of it all, but there are many jurisdictions throughout Canada, throughout the United States and throughout the rest of the world, that already have this legislation in place and are utilizing it right now.

I think one of my colleagues also stated that it wasn't that long ago that you could drive in the Yukon and drink alcoholic beverages, and you didn't have to wear a seatbelt, but things have changed, again mainly for the safety of other Yukoners who are coming up the highway and aren't drinking and are wearing a seatbelt. Those are one of the main reasons for change that was being introduced for seatbelts, as well as for prohibiting alcohol while driving, especially here in the Yukon.

In fact, when I first came to the Yukon that law was still in effect, so it wasn't really that long ago.

I think the other issue is that I, for example, happen to have an older vehicle; it doesn't require a seatbelt. Let me tell you, there's no way I could run a phone and steer that thing on a highway all in one motion. The technology for that vehicle is just not like it is today; you need both hands on the wheel and you've got to know where you're going. Although the technology is moving along fast now, the vehicles that we were driving in the past weren't up with the same technology that we have today.

I think it's very feasible for us to allow for some flexibility because, a year from now, Ford or GM or Chrysler, one of those companies — it could be Lexus, it could be anybody — will come up with some sort of radio. You can park a car without getting in it now. Sooner or later, one of these guys is going

to come up with an issue to roll it, so they don't have to touch it.

I think it's important that we have it; I think it's a law that allows it. The Minister of Community Services has gone out; the consultation process has indicated that it's overwhelming, that people are supporting the changes in the act. I think it would behoove us to move forward on these changes and to respect the opinion of the substantial number of people who responded to our survey and our consultation process.

As mentioned by all my colleagues in the House, everyone has indicated they are in support of this legislation, although some have made some concerns with regard to some specific issues on the use. I think the Minister of Community Services, in his final address, will address some of these issues and provide some confidence to the members opposite that we will be in position to address most, if not all, of the concerns being raised.

So I look forward to seeing these changes; I look forward to ensuring that, when I drive down the highway, I don't have to worry about a gentleman with a phone in his hand, an A&W burger in the other hand, trying to steer the vehicle — which I happened to see, Mr. Speaker, on the Alaska Highway.

I must say I was very shocked. The vehicle wasn't all over the place. I know it was an A&W burger, because I could see the sign and it was there. Again, that's definitely being distracted, regardless whether he has the technology to keep that vehicle on the road or not. I think the issue of being distracted as a driver has been mentioned by everyone here. It doesn't take but a second or two to look the wrong way — left or right — and things could change very quickly. For some of us older people who are driving, like me, every once in a while, it takes a little longer — maybe three seconds. It's important that we keep our eyes on the road, we keep our hands on the wheel and we concentrate on what we're doing, which is driving in a safe manner to ensure that not only is it a safe situation for us, but it's going to be a safe situation for all other Yukoners we're cruising with, whether driving on the Alaska Highway or any other secondary road within the Yukon. Thank you.

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

## INTRODUCTION OF VISITORS

**Mr. Cardiff:** On a point of order, I'd like to ask all Members of the Legislative Assembly to join me in welcoming a constituent from Dawson City, Henderson Corner, Roberta Humberstone, who is currently in Whitehorse attending the FASD conference and trying to resolve some issues with Yukon Housing Corporation and the home repair program.

*Applause*

**Mr. Fairclough:** I'll try to be short in my comments, as I think it's desirable for all of us to get to a vote on this bill before the end of the day. I'm hoping that is to take place. I too would like to thank the Member for Klondike for bringing this motion for debate in the House on December 2 of last year. It was an issue that was raised in this House and we were hoping that perhaps this was a direction the government would have

taken a lot sooner. I think that's why people have said it should have been done before, because in that time we have lost a couple of lives on our roads because of the use of cellphones. As of June 2009, this was not a direction of the Yukon government. They had no intentions of bringing forward any amendments at that time, according to the Highways and Public Works minister in a letter.

I'm glad that things moved quickly and that officials have worked hard in bringing it forward to the floor of this Legislature. I know it was a pretty big issue. All kinds of concerns were raised. That's why we made the amendments to at least go out and do some public consultation. Recently, others have made their concerns known to us about operating other vehicles like boats and so on that you now need licences to do. Although we don't have cellphone services all over the territory, this has become a bit of an issue and, like the Premier said, down the road we would probably make amendments — make adjustments again — to the *Motor Vehicles Act*.

I also wanted to mention that in the spring of 2009 there was a program on TV — I think it was W5. They were talking about the use of cellphones and how it impairs your driving. It was interesting to see, because one of the younger people said, "I can text very well — very quickly — and it doesn't affect my driving at all."

So they put it to the test and put up a course that is similar to our roadways, things like backing up in a road with pylons and such, and so off they went. Almost every pylon was knocked over. At the end of this course, the guy said, "I'm totally amazed at how badly I drove while I was texting." It was a good example of what really takes place on our roadways today. It is very distracting and you can't pay attention. Particularly, I heard the Premier say that as you get older your eyesight disappears. The letters on the phones aren't as big as they should be, and people have a lot of trouble even seeing.

We, on this side of the House, support this bill. I hope that we can come to a vote on it — and I know that time is running out here. I've got lots to say on this, but we support it, and hopefully we can get it passed today.

**Hon. Mr. Lang:** I'd like to thank the House for the support they've shown on this bill this afternoon. One thing I'd like to correct is that it was the Department of Highways and Public Works that shepherded this through the program. It's their responsibility, so as Minister of Community Services and Department of Highways, it was the Department of Highways and Public Works. I would like to thank all of them.

So thank you for this afternoon and the dialogue we've had.

**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. Kenyon:** Agree.

**Hon. Mr. Rouble:** Agree.

**Hon. Mr. Lang:** Agree.

**Hon. Ms. Horne:** Agree.

**Hon. Mr. Edzerza:** Agree.

**Mr. Nordick:** Agree.

**Mr. Mitchell:** Agree.

**Mr. McRobb:** Agree.

**Mr. Elias:** Agree.

**Mr. Fairclough:** Agree.

**Mr. Inverarity:** Agree.

**Mr. Cardiff:** Agree.

**Mr. Cathers:** Agree.

**Clerk:** Mr. Speaker, the results are 16 yea, nil nay.

**Speaker:** The ayes have it. I declare the motion carried.

*Motion for second reading of Bill No. 91 agreed to*

**Speaker:** The time being 5:30 pm, this House now stands adjourned till 1:00 p.m. Monday.

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