

**Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, October 19, 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 National School Safety Week

Hon. Mr. Rouble: Mr. Speaker, I rise in this House today to honour National School Safety Week, October 17 to 23.

This year's safety theme is cyber bullying. Cyber bullying is defined as harmful actions intended to embarrass or slander another individual via electronic media.

Our youth enjoy some of the highest levels of Internet connectivity, and they are in constant communication with one another and are progressively becoming more wireless and mobile. Unfortunately, some of these young people engage in cyber bullying — behaviour such as sending mean text messages, posts, photos and videos, spreading malicious rumours on-line and creating mean websites of social networking groups.

Cyber bullies are often faceless, anonymous and it is often harder to identify and stop a person bullying on-line than in our off-line realm or in the real world.

Thus, cyber bullying can be more insidious because victims cannot easily escape from their tormentors. Yukon is at the forefront in preventing cyber bullying at school through media education, Internet use guidelines and filters. However, on-line harassment outside of school hours can have in-school impact the next day. The impacts of cyber bullying are long-lasting and can lead to drastic outcomes.

More information about cyber bullying and comprehensive resources to deal with this important and ongoing issue have been available in Yukon schools for over 12 years due to the Department of Education's technology-assisted learning unit. The Yukon education student network, YESNET, has many links to Internet safety resources for students, parents and educators, including specific classroom resources to counter cyber bullying.

The information and communication technology curriculum starts in kindergarten and is designed to give students the skills they must possess to critically analyze on-line content, to assess the risks of entering into social networking environments, and to understand and practice ethical, responsible on-line behaviour.

In honour of National School Safety Week, I encourage parents, guardians, teachers and students to use these resources and have a serious discussion about cyber bullying — how to

prevent it, what to do with if it happens to you or your child and how to help others. Thank you, Mr. Speaker.

Speaker: Are there any further tributes?
Introduction of visitors.
Returns or documents for tabling.
Reports of committees.
Are there any petitions?
Introduction of bills.
Notices of motion.

NOTICES OF MOTION

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

THAT this House urges the Yukon government not to politically interfere in the day-to-day operations of the following independent corporations, commissions and board, as advocated by the Liberal Official Opposition:

- (1) the Yukon Hospital Corporation;
- (2) the Yukon Development Corporation;
- (3) the Yukon Energy Corporation;
- (4) the Yukon Housing Corporation;
- (5) the Yukon Workers' Compensation Health and Safety

Board;

- (6) the Yukon Liquor Corporation; and
- (7) the Yukon Lottery Commission.

Mr. McRobb: I give notice of the following motion:
THAT this House urges the Government of Yukon to understand the principle that money cannot buy trust.

Mr. Fairclough: I give notice of the following motion:
THAT this House urges the Minister of Education to read all minutes of the Yukon College Board of Governors in a timely manner in order to be fully apprised of the items which may require the minister's attention, including:

- (1) budget constraints;
- (2) programming constraints; and
- (3) policy constraints.

Mr. Cardiff: I give notice of the following motion:
THAT this House urges the Yukon government to immediately table a housing adequacy report and a housing and poverty indicators report completed earlier this year, as they contain detailed statistical information, including a survey of Yukoners, needed to make informed policy decisions to address the territory's housing needs.

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

QUESTION PERIOD

Question re: Yukon Housing Corporation mortgage portfolio

Mr. McRobb: We continue to hear concerns from Yukoners about this government's interference with the Yukon

Housing Corporation, so we're simply not going to let sleeping dogs lie. This minister responsible for the Yukon Housing Corporation must be held to public account for statements he has made in this House.

For instance, he has repeatedly stated that he does not directly interfere with the operations of this corporation. The hard evidence has proven him wrong again. I'll send over to him the Housing Corporation's minutes from April 21 and 22, 2008, which in part state: "Two clients have approached YHC regarding interim financing. The minister has requested that the board consider the approval of interim financing through existing programs for these industrial lots."

How does the minister reconcile his statements with this evidence of direct interference?

Hon. Mr. Kenyon: I'm just receiving this document, and I believe he said "YEC", which has nothing to do with the motion at hand. It would be unrealistic for a government minister not to occasionally ask the board to consider things, but when they consider them, I don't even see the minutes. I haven't seen these minutes before. It's a board decision; it has nothing to do with us.

Mr. McRobb: How many times has this government challenged us to table the evidence? Well, once again we've tabled the evidence and, once again, this minister is proven wrong.

The evidence clearly proves this minister wanted the Housing Corporation to approve two loans for industrial development, which is direct interference into the operations of this independent, arm's-length corporation. And that's not all; there's more. The board minutes further state, "These requests will impact YHC's vote authority and YHC will have to go back to Management Board for more vote authority."

Mr. Speaker, the corporation realized it didn't have the budget to deal with this minister without approaching Management Board for the funds required to fulfill his order. Again, how does the minister reconcile his statements with this evidence of direct interference?

Hon. Mr. Kenyon: For the member opposite, let's review what he has said so far. The Liberals have said they would interfere, that they would directly interfere. Now they've said they wouldn't ask the corporation to consider things. What exactly would a Liberal government do?

I'm not very clear on this, but it would appear that they would keep their finger in the pot and they would stir it constantly. They wouldn't make recommendations; they would control it, and that's not something that we're prepared to do.

Mr. McRobb: Mr. Speaker, this is a minister? Some open and accountable government this is. This is all about trust. The hard evidence proves this minister interfered with this independent, arm's-length corporation. What makes this discovery so timely is the fact that it follows the minister's own repeated statements on record that he doesn't interfere in the operations of this corporation.

Well, well, well, Mr. Speaker. As they say, "What goes around, comes around."

The minister claims he doesn't interfere with the Housing Corporation's funding programs, yet he wanted the Housing

Corporation to approve loans they could not afford. Will the minister now correct the record and admit he directly interfered with the operations of this independent corporation or does he remain in denial?

Hon. Mr. Kenyon: If the member would refer to other parts of the document, it also states that funds would come from the home ownership/first mortgage program with the pay-out process — and I'm reading directly from this — "being initiated by a request from Habitat for Humanity to Yukon Housing Corporation."

Is the member opposite implying now that Habitat for Humanity is interfering with the board? It is appropriate for members of the public, a minister, even a Liberal critic to come to the board with a suggestion and ask them to consider something.

But I do have to go back to *Hansard* of a couple of days ago and I read a quote from this Liberal member: "I have seen where the Deputy Minister of Executive Council Office comes into the executive offices with an ATIPP request and asks for political guidance about which sections should be blanked out and which sections returned."

This is in direct violation of the law, Mr. Speaker. I ask the Liberal member to explain himself on that one.

Question re: Yukon Housing Corporation mortgage portfolio

Mr. McRobb: Let's be clear about this matter. The evidence now before this House has proven this Housing minister did in fact interfere with the operations of the independent, arm's-length Housing Corporation, despite his repeated testimony to the contrary. It's no wonder people have lost trust in this government.

Let me cite another example from YHC's board meeting minutes from April 28, 2009: "The government has indicated that they are not receptive to putting more funding into mortgage financing. They would prefer to see the money transferred to the Home Repair Program."

This evidence proves the Yukon Party government gave absolute direction to the corporation's board of directors, something this minister said would never happen. Who gave this direction? Was it the Housing minister or the Premier?

Hon. Mr. Kenyon: Actually I believe it was the Housing Corporation talking among themselves. It would appear that the members opposite, who clearly have accused a deputy minister of an illegal act, now try to look at the evidence on the table and conclude that this was an absolute direction. It was a request for them to consider. Requests were also made by the Habitat for Humanity group.

Is the member opposite, the Liberal member, suggesting that they, too, made absolute direction?

Mr. McRobb: The issue is about trust. The minister says one thing, the board of directors minutes say another. The minister has denied any direct interference into the operations of the Housing Corporation. In fact, he has chastised members on this side of the House for wanting to do that and previous governments for doing that, but he has repeatedly said he would not do it and this Yukon Party government doesn't do it, and now the evidence on the floor indicates the contrary is true.

Further to the minutes of April 28, the president, based on direction received from the government, is requesting that the remaining balances in first mortgage and green home programs be transferred to home repair programs. Who should the public believe — this minister or the board of directors?

Hon. Mr. Kenyon: The public should certainly trust the Yukon Housing Corporation Board of Directors and their president, who is giving them direction. There is discussion at all times about suggestions or requesting the board to look at things. That's reasonable. The government does it; Habitat for Humanity does it; even the Liberal critic could do it, if he would get involved.

The board is an independent board. The Liberals have said over and over that they would absolutely control and keep their finger in every single thing. They forgot the Yukon College the other day in their litany of motions. I'm glad to see that the member opposite included that this time and indicated that they would then put their finger into the college board of directors. Are there any parts of this government that the Liberals wouldn't try to control? I think there are a lot of people out there right now who are very nervous.

Mr. McRobb: Yesterday this minister said nobody should interfere with this independent corporation. Today he's saying everybody should interfere with it. The evidence is overwhelming. The evidence clearly proves this government directly interfered with the operations of the independent, arm's-length Housing Corporation. This evidence is from the Housing Corporation itself. The evidence is the record from the corporation's own board meetings. Yet the minister continues to deny the statements from his own board of directors. The facts are on the table. Yukoners' mortgages were on the auction block. The Housing Corporation was in dire financial straits. Yet this minister was personally ordering the corporation to approve loans it couldn't afford — case closed. The minister can't have it both ways. Who should Yukoners believe — this minister or the dedicated board members?

Hon. Mr. Kenyon: We've gone from asking them to look at something and making suggestions that things might be an option and having them examine that and had Management Board Secretariat — we've now gotten down to "ordered". I would like to table and send across to the member opposite the Yukon Liberal candidate's code of conduct, which the member signed during the last election, to act in an ethical manner, and I would hope that he does. And I hope he explains his comments in this House the other day that he has personally seen a sitting deputy minister go against the *Access to Information and Protection of Privacy Act* and commit an illegal act. The member makes that accusation in the sanctity of this House and cannot be held accountable to those listening. I invite him to come outside and make those accusations because I think he will get a very different reaction.

Question re: *Legislative Renewal Act*

Mr. Cardiff: A year ago this November 4, the House unanimously passed a motion to create a Select Committee on Bill No. 108, the New Democratic Party's *Legislative Renewal Act*. This bill was near and dear to my late colleague, the Member for Whitehorse Centre. He felt passionately that there are

many things we can do as legislators to make our political system more accountable, more transparent, and more democratic.

Does the Premier remain committed to seeing this important initiative completed by the 2011 fall sitting of the Legislature?

Hon. Mr. Fentie: Mr. Speaker, I, too, share the view of the member of the Third Party in what has transpired in regard to a private member's bill. Of course, we also have to look at the amount of work that is being undertaken now by all-party committees in terms of the *Landlord and Tenant Act*, the issues of safe use of ATVs, possible policy development in the Yukon, and of course, electoral reform, as Bill No. 108 speaks to. That is, indeed, another undertaking.

We remain committed, but I must submit to the House and to the member of the Third Party that, under the workload that we are all dealing with — especially those all-party committees — and given the time we have between now and the fall sitting, given the many challenges we face in encouraging the Liberal members of these committees to actually participate, we can only hope that we can meet the timelines as envisioned by our past colleague, the former Member for Whitehorse Centre.

Mr. Cardiff: Let's not imagine what can't be done; let's imagine what can be done and roll up our sleeves and get to it. There's a prime example right there of why we need legislative renewal, not electoral reform, as the Premier has it mixed up.

Much of the work of this committee is about restoring the public's trust in our political system. It's about making changes to address the feelings of cynicism and skepticism we see growing among members of the public. The deadline is fast approaching so let's imagine what we can do. There is a lot of work to be done and it will take a great deal of effort, so let's get started. It's a major initiative and the clock is ticking.

When will the Premier name a government member to this committee, as the members on this side of the House have done?

Hon. Mr. Fentie: I couldn't agree more with the member of the Third Party. I apologize to the House if I referred to electoral reform when I meant legislative renewal. We certainly are experiencing many reasons why. Mr. Speaker, we have incidents where we have experienced the Leader of the Liberal Party accuse members of the Workers' Compensation Health and Safety Board of breaking the law in referring to the correspondence from the Ombudsman, conveniently omitting the section from the Ombudsman in said correspondence that referred to the fact that it was not the case.

In fact, the citizen involved on the board was so irate, he accosted the Leader of the Liberal Party right outside the doors of this Legislature.

We've experienced where the Member for Klune Googled a public servant because that public servant chose to exercise his right of freedom of speech. I'm citing examples on why legislative reform is a must, but it has to start right here with the members of the House. I can only encourage the Liberal members, as we continue to work on establishing this all-party committee, to act accordingly and live up to the elements of their so-called contract with Yukoners and ethical standards.

Mr. Cardiff: The Premier didn't answer the question. It's another example of why we really need legislative renewal. Select committees are working hard to modernize the *Landlord and Tenant Act* and prepare recommendations on the safe operation and use of off-road vehicles. I'm hoping the Select Committee on Whistle-blower Protection, which was created three and a half years ago, will report its findings and recommendations to the House during this sitting. Yukoners want to see us practise good governance. They want to see us working together, not pointing fingers back and forth at each other. They want to see less confrontation. They want to see more collaboration.

When will the Premier appoint a member of his caucus to this committee so it can begin the important work on behalf of Yukoners and report on time?

Hon. Mr. Fentie: Of course, Mr. Speaker, as soon as possible, but as I referenced for the member of the Third Party, the all-party committees are doing a tremendous amount of work, and we are also sensitive to the fact that the member is alone and we will make every effort to work with the member opposite, as we did the other day with their suggestion and request when they came to my office. We worked very closely with the Third Party on that motion. That's the type of work we intend to continue to do, but that includes all of us in the House.

I can hear a lot of comments and kibitzing off microphone. That is another example of legislative renewal requirements. The Liberals like to talk a lot off microphone, because they are not held accountable and are not answerable to the public when they do so.

Mr. Speaker, I can cite many examples here of the need for legislative renewal, and it starts with the Liberal Party, of course. The Yukon Party government makes every effort to live up to its requirement of the station of office. In all likelihood, Mr. Speaker, that's why we were the first government returned to office in this territory in 17 years.

It is about ethical standards and trust in getting the job done by living up to the commitment you make to the public.

Question re: Lake Laberge zoning

Mr. Cathers: Mr. Speaker, I have tried to be constructive in talking to the Minister of Energy, Mines and Resources about Takhini Hot Springs Ltd.'s application to change zoning regulations. Unfortunately, the minister has chosen to brush aside legitimate public concerns and repeatedly makes statements that are factually incorrect. He seems to be arguing that my constituents aren't smart enough to understand the legalities of this file. My constituents who oppose the application include business owners, teachers, lawyers, people with expertise in land planning, real estate agents, government employees, and the list goes on.

Some have been involved in local planning for more than a decade, including developing the area plan and zoning regulations. They want to see the report on public consultation regarding this application. So I will ask the minister again: will he agree to publicly release that report?

Hon. Mr. Rouble: The plan and zoning regulations currently in place for this area allow for an extremely large

variety of commercial and ecotourism activities, things like an RV park, hotels, restaurants, recreation facilities, guest cabins, et cetera. The company currently has the legal ability to significantly expand and develop the properties as they exist. The existing zoning legally allows up to 24 residences to be located with no further rezoning.

The application received does not propose any new uses not otherwise allowed under the current zoning. It also does not establish any new development rights beyond what is already legally entitled to be considered. The proposal under review would actually reduce the number of potential residences from 24 to 20, along with improving the level of development controls and ensuring a large buffer area that would not otherwise exist if developed under current zoning. There were minutes that were taken at the two meetings that were held on this; I will endeavour to provide copies of those minutes to the member opposite.

Mr. Cathers: I'm glad to see that we're at least making a little progress with the minister here. What I would point out to the minister and remind him, again — considering the statements he just made — that a few of the reasons my constituents think government may be showing favouritism to this corporation include statements he has made in the House. The minister claimed Takhini Hot Springs Ltd. already has the right to subdivide into 12 lots and develop 24 residential housing units. That is wrong, and a senior Land Planning official confirmed it was wrong.

The minister claimed the corporation has a right to build condos when in fact, as I demonstrated to him yesterday, the zoning regulations don't even allow them to build a duplex. Either the minister has received incorrect information, or he's choosing to ignore the facts and dismiss serious public concerns.

I'm glad he has agreed to release the minutes of the meetings now. Will he also agree to release the report on public consultation and, if not, what is he afraid of letting the public see?

Hon. Mr. Rouble: I'm not sure where the member opposite thinks I get the information that I table on the floor of the Assembly here, but I can assure him that this is the best and most accurate advice coming from the Department of Energy, Mines and Resources and its officials. There is a certain significant discrepancy with the information the department is providing, the advice the department is providing and the comments coming from the member opposite. We also need to recognize that the large lots the member feels cannot be subdivided can, in fact, be subdivided into 10 hectare lots and that cannot be refused. Topography constraints, even if they exist, are the developers' responsibility and not an overriding factor to refuse an application. The legal rights of the property owner must be respected.

Mr. Cathers: I'm pleased, again, that we're making at least a little bit of progress with the minister, but what the minister is missing here is the fact — a number of facts here — that over 120 of my constituents are opposed to Takhini Hot Springs Ltd.'s application to change the zoning regulations. Contrary to what the minister has said, unless government

changes the rules, the corporation cannot develop condos. I tabled the regulations for the minister yesterday — or the two relevant sheets, rather. The minister has stood in the House several times and sounded like he is singing from the applicant's song sheet. He has dismissed the opinions of residents —

Speaker's statement

Speaker: The honourable member is personalizing this debate. Because he only gets one question, I tend to maybe allow certain things to happen that I normally wouldn't. Please keep that in mind. Don't personalize this debate.

The Member for Lake Laberge still has the floor.

Mr. Cathers: Thank you, Mr. Speaker.

To me, the minister's comments sound very dismissive of the opinions of residents, including people with expertise in land planning, lawyers and real estate agents. It sounds like he is ignoring the facts, ignoring the advice of officials, ignoring the public, and has already decided to make a decision in favour of the corporation. I hope this is not the case, but it is what my constituents fear may be happening. I'm glad he has finally agreed to release the minutes on public consultation. Will he agree to release the analysis, including these numbers he is coming up with suggesting subdivisibility? They are contrary to what officials have said before.

Hon. Mr. Rouble: Mr. Speaker, we have gone through this issue a couple of times now. I provided the best advice from the Department of Energy, Mines and Resources on this one. I provided the advice of officials. When I get that advice from officials, I take it seriously. It's not something you simply hide away in a desk.

There is one question on this file that hasn't been answered, and that is, if this was as straightforward an issue as the member opposite purports it to be, if this was a blatant cut-and-dried issue, then why didn't he address it when he was the minister? Why didn't he give it the closure he wants to see put to it? Why didn't he address this, as he had the responsibility to do, when he was the minister responsible?

Question re: Student information system

Mr. Fairclough: The Education minister told us last fall that, when it comes to tracking our students' success in school, he said, "If a program isn't having the desired outcomes, then we need to change it and find something else." He was fielding questions about the Auditor General's finding that his department misled Yukoners on the graduation rates and failed to track Yukon students.

The minister said the Yukon student information system had been purchased to fix that problem. That system isn't working and now the Yukon Teachers Association has filed a grievance over it. Why was the Yukon Teachers Association not consulted before the purchase of this program?

Hon. Mr. Rouble: Mr. Speaker, having the appropriate data to make decisions is important to this government. We have discussed that a number of times. We have also discussed the findings of the Auditor General's report, which indicated that the Government of Yukon, the Department of Education

and all involved had to do a better job of keeping track of the information about our students' performances.

Also, Mr. Speaker, we were faced with a situation where the previous electronic data-gathering system that we were using was no longer being supported. We went to work with the information that we had at our hands. We looked at the other systems that other jurisdictions in Canada were using — for example, British Columbia and others. We looked at what some of our other partners in the western/northern curriculum protocol were using. We found that the B.C. system — which we have incorporated into Yukon — was one of the best systems for us to use.

Yes, there have been some glitches with a computer program. We can accept that. We will have to work through these, because it is important to collect the data that we have. It is important to use that and it is important to use the information to make all our programs better in the long run.

Mr. Fairclough: Mr. Speaker, the minister was unable to answer the question.

Now this program was flawed from the beginning. The government bought it wholesale from B.C., where teachers said that the system crashed without warning, that it ran so slowly it couldn't be used, that the information got lost or distorted. Yet this Yukon Party government spent \$665,000 on the system. A year and a half ago, the Yukon Teachers Association brought forward many of the same concerns, and guess what? The government ignored them. Now the YTA has filed a grievance over the program, so why didn't the minister listen to the experts — the teachers — when they raised serious concerns about this tracking system?

Hon. Mr. Rouble: The member opposite's figures are incorrect on this matter. That's a highly inflated figure that doesn't reflect the actual costs involved with this. We've made a commitment to collect appropriate data, to use that data and to provide those results so that we can report back to Yukoners about the state of Yukon's education system. The members opposite were very critical of this government during the Auditor General's report, and now when we're acting upon this, again they're critical. I guess that's the situation in opposition. Regardless of the situation, they feel they have a duty to oppose, even when there's a good measure going in place.

This program has been introduced into Yukon schools. We're not seeing the challenges that are being reported in other jurisdictions. That's the information I've received on this. We're going to continue to work with teachers, with all affected by this, to ensure we continue to use a system that will meet the needs of Yukon.

Question re: Government/media relations

Mr. Mitchell: I have questions for the Premier on what we'll call his "media relations strategy". Every Friday morning, the Premier appears on a local radio station for a discussion about Yukon issues and politics. The leaders of other political parties do the same thing on separate days. It's an opportunity for the leader of each party to talk about issues that are on the minds of Yukoners.

The Premier obviously isn't enjoying his weekly interview. Recently he asked the radio station to arrange for a dif-

ferent host, even threatening not to appear each week if they didn't agree to his demands. We know the Premier is used to having his way at the Cabinet table, and now he wants to extend that control to media interviews as well.

Why did the Premier's office make this request?

Hon. Mr. Fentie: I see the Liberal leader is really running out of any policy material. He's now representing the media in this House. The fact of the matter is, we have spent many years on this particular program and have accommodated it to the best of our ability always.

I believe there has been occasion when others have filled in for me if I wasn't available. I think, last week, the request was to come in and pre-tape it, which is not unusual. I've done that before. Of course, always, consideration must be made on scheduling and whatever matters happen to be pressing at the time. We have no problem in dealing with the media. In fact, we see the media as one source and opportunity to communicate with our public, but certainly not the only one.

Mr. Mitchell: We know the request was made and we know the radio station refused, so the Premier should quit trying to deny it happened. The media didn't give in to the pressure from the government. There's a fundamental principle at stake here. It's called "freedom of the press". The media must be free of government control and interventions of this type. The Premier seems to have a problem with that principle.

This government is well known for blaming the messenger — in this case, the media. Does the Premier believe it is in Yukoners' best interests for the corner office to dictate who reports on what and what questions the media is allowed to ask?

Hon. Mr. Fentie: Actually, I think it would be very appropriate to ask the media what issues they want to talk about. One would want to be informed when responding, especially to the public, because it is our duty and responsibility to make sure the public is informed and is informed correctly — not misinformed, as we experience on a daily basis here by the Liberals in this attempt to try to have the public take a view that simply isn't the reality of today's Yukon.

As far as this so-called "freedom of the press issue", the member has gone totally over the top. There is no such thing as this government challenging freedom of the press, unlike the Liberals who challenge individuals' rights to freedom speech.

Mr. Mitchell: So much for open and accountable government, Mr. Speaker.

The Premier sets the tone, and the rest of the government follows his lead. They're all in it together. The most common quote from this government in most media stories is, "The minister refused to comment." Another common answer is, "The minister was unavailable for comment."

It's all about control — trying to control the message, trying to control who gets access and, last week, even trying to control who interviews the Premier. It's an attitude that's rooted in the Premier's corner office, and it runs right through how this government treats the media and others who challenge them.

Why did the Premier think he could dictate to a private radio station who was allowed to ask this Premier questions?

Hon. Mr. Fentie: Well, Mr. Speaker, we don't dictate anything to any media outlet; quite the contrary, Mr. Speaker.

You know, leadership is about making decisions and leading. I don't know if that has anything to do with control. I have never experienced that, Mr. Speaker.

The Liberals think things are funny, and that brings this question to mind: if they think that government and leadership is a laughing matter, how do they expect to convince Yukoners that they would be a logical choice to lead this territory? They are nothing of the sort. They go after officials; they go after Yukoners; they make inferences that hard-working Yukoners who serve on a board of trustees are somehow involved in friendship or close companionship or partners in a criminal organization. The list goes on, Mr. Speaker. It is all about trust. They are in it together, and I don't think Yukoners will entrust their future in the hands of the likes of the Liberals.

Speaker: The time for Question Period has now elapsed.

Notice of opposition private members' business

Mr. McRobb: Pursuant to Standing Order 14.2(3), I would like to identify the item standing in the name of the Official Opposition to be called on Wednesday, October 20, 2010. It is Motion No. 1123, standing in the name of the Member for Copperbelt.

Mr. Cardiff: Pursuant to Standing Order 14.2(3), I would like to identify the item standing in the name of the Third Party to be called on Wednesday, October, 20, 2010. It is Motion No. 122, standing in the name of the Member for Mount Lorne.

Speaker: We'll now proceed to Orders of the Day.

ORDERS OF THE DAY

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Nordick): Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 22, *Second Appropriation Act, 2010-11*. We will now continue with general debate on the Yukon Housing Corporation, Vote 18. Do members wish a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 22 — Second Appropriation Act, 2010-11 — continued

Chair: The matter before the Committee is Bill No. 22, Vote 18, Yukon Housing Corporation. We'll now continue with general debate.

Yukon Housing Corporation — continued

Mr. Cardiff: I'm pleased once again to be here today to discuss Bill No. 22, Vote 18, Yukon Housing Corporation. I'd like to thank the minister and the officials for the responses provided yesterday to the many questions that I asked. I have a few more questions. I'm going to pick up where we left off but I'd like to put it in the context of some of the things that the minister mentioned yesterday.

We were talking about the home repair program and the need for accountability for the monies that are spent annually through this program by the Housing Corporation — some \$2.5 million to \$3 million annually. The minister stated yesterday that the payments are based on value — in other words, the value of the work that was done, what the client has seen done and what the contractor has done. All of this goes together based on inspection by the Housing Corporation technical officers. In response to questions I asked, he also said that there are subsidies available for low-income people, so there are all sorts of capabilities in here. That's generally the progress of application review, eligibility, specifications and quotes.

There is a home inspection in there and there is a requirement to bring it up to code. Once the work is done, there is an inspection to make sure the work was done. We don't want to be lending the money and then find out the work was never actually put out.

To pick up where I left off yesterday, I was asking the minister — basically what I'm suggesting or what I'm asking the minister is to ensure that there's some sort of a mechanism whereby, before they release the final funds on a project, there is that technical inspection that he was talking about yesterday. He is saying that that's what happens — that the work has been completed, that the work is up to standard and meets the code requirements, that the materials used are in fact approved materials and that they weren't of a substandard quality. The reason why I'm asking this question is because we have had a number of people come into our office who have concerns about the quality of the work and work that hasn't been completed, and yet the funds have been released by the Yukon Housing Corporation to the contractors, regardless of whether or not — I guess where I want to go with this too — I have asked the question but I want to give it just a little more context. Several years ago — and it appears to be continuing — the Department of Energy, Mines and Resources — is the concept of project champions, contracting with individuals, engineers — it could be lawyers, it could be whomever — with individuals to assist companies through the regulatory process, to ensure that their projects are up to standard and have a good, sound business plan that can be completed.

Likewise — and the minister would know this — the Department of Economic Development works with businesses and their clients much in the same way, to help them put their business plans together and help them run their businesses. They give them advice about how to run their businesses and how to proceed.

That's what I am hoping the corporation is doing with their clients when it comes to these home repair loans because many of these individuals don't have the expertise. They know there are problems with their homes — that they may be leaky or the windows may not be correct or the heating system or the plumbing system isn't working or is leaky or whatever — but they don't have the technical expertise to know whether or not the work has been done appropriately. More than that, a lot of them won't have any experience in contracting, basically, and managing a project like that.

It is about accountability. Just for the minister, once more, what I'm looking for is the assurance that there is a mechanism before the release of funds to ensure these projects are complete, that the work is up to standard and the materials are of the quality necessary to complete the job.

Hon. Mr. Kenyon: I think the member opposite is a little confused on what I explained, so let me go through again, very slowly, what the process is.

First of all, these are audited by the Auditor General of Canada every year, so obviously the —

Some Hon. Member: (Inaudible)

Hon. Mr. Kenyon: I'm sorry, Mr. Chair. Perhaps the member opposite wants to regain the floor and ask a question. Or would he prefer that I answer this one?

It is audited every year by the Auditor General. Those reports are always available. The inspection may be done in larger projects by Yukon Housing Corporation technical officers. More often than not, too, with the more modest projects, the inspections are done by the organization of responsibility — in other words, the building inspector. The building inspector comes in and looks at it and that would be the authority having jurisdiction, either the Whitehorse building inspector or a Yukon territorial building inspector. These people are trained; they are good; they know what they are doing and we encourage people at every point to get in touch with the building inspectors and to work with the building inspectors on everything.

As I mentioned yesterday, the materials and such are the homeowner's responsibility. Again, I would suggest that talking to a building inspector about the quality of the materials would be a very wise thing. I may be one of the only people in the territory who rather likes dealing with the building inspectors. I found them very, very helpful over the years. I highly recommend that people get them involved. It's when you don't get them involved and you start out in an adversarial situation that you are going to get that back, as some of the members opposite have discovered.

The Yukon Housing Corporation staff does meet with the homeowner and the contractor, if that's appropriate, to discuss any problems, but the materials and the performance of that is the responsibility of the homeowner. They should have a con-

tract. The homeowners should have a contract with the contractors, and the Housing Corporation encourages people if they're unsure of this to contact a lawyer — their lawyer, or a lawyer, or at least the Law Line — and go over that contract to make sure that it is accomplishing what they need to do.

At that point, once the work is done and receipts come back to the Yukon Housing Corporation and the homeowner is happy with the work and the project — and we always encourage them to meet with the Yukon Housing Corporation's technical officers to work out any problems on that — the cheque for payment is then made out to the homeowner or, with the homeowner's consent, the homeowner and the contractor jointly, except both must sign. In other words, if the homeowner isn't happy with the work, then don't sign the cheque. That's fairly straightforward. There is a liability issue. The liability, of course, is as soon as the Yukon Housing Corporation recommends one contractor over another, or starts getting more directly involved, then there becomes a liability issue and I suspect that could go on and on in terms of legal discussions.

So we encourage people to work with the Housing Corporation to work out what the contract is, what they want and approve the materials. That can be as detailed or as simplistic as possible. Again, it is audited every year by the Office of the Auditor General.

Is there a possibility at some point for there to be some concern over that? Yes, there is. Again, for the member opposite, I'm not prepared to get on the floor of this House and talk about individual items. What we're talking about is the overall plan — in other words, the projects that require permits must have the proper permits; they must be done to code. If the project doesn't require a permit and, in some cases — maybe some repairs to a deck or something like that — a building permit isn't required, although I suspect that even that does — then people should sit down with the Housing Corporation's technical officers. They should go over what's going to be done; they should look at the performance and the contract; talk to a lawyer if they're nervous or if there is a large sum of money involved, or both; and, in the end, the cheque is made out to the homeowner or, with the homeowner's consent, the homeowner and the contractor jointly.

It is the requirement of the homeowner to consent to making that cheque to both them and the contractor. Now, I'm talking about Housing Corporation policy; I'm not talking about some of the federal policies. Yes, there have been some difficulties that I'm aware of where the federal policy can issue cheques in different ways. I'm not that familiar with it; I really don't want to speak to it because it's not within the purview of the Housing Corporation.

If there are complaints, there is a Yukon Housing Corporation appeal bylaw. I believe it's on-line — if it isn't, I'm happy to send a copy over to the member — and a Yukon Housing Corporation appeal committee of the board. That's a subset of the board. They are an independent body. We don't interfere with them. I don't see minutes of their meetings, either. The Liberals have stated in the House that they would interfere — that's their prerogative, but it's certainly not something we're prepared to do.

Warranty should be included in the contract. Again, it's how good is that contract? Homeowners need to be protected for potential of product failure. Nothing is absolute. Even a stonemason can make a mistake and there can be errors in that. I'm more used to dealing with the biological variable, and there are no guarantees for that, but there should be a definite warranty within that contract and that should be negotiated. That only makes reasonable sense.

Mr. Cardiff: I am not sure if the minister is refuting what he said yesterday, because he said once the work is done, there is an inspection to make sure that the work was done. Yet he is saying that it is the homeowner's responsibility to ensure that. What I am saying is that there are individuals out there who need assistance and that is part of what the corporation's job is — to assist clients with this program. The minister talked about the federal program, which has nothing to do with the home repair loan program, which is in Vote 18. I am not referring in any way, shape or form to a federal program.

Now the minister also said just now that it's audited by the Auditor General. Well, I don't think the Auditor General is auditing individual projects for \$30,000. I don't think they get down to that level of detail and go and inspect to make sure that the money was spent appropriately. But he also said that the appropriate inspection tool is the building inspector, whether it be the City of Whitehorse or building inspections through the Yukon government, but those building inspectors are not responsible for the loan program; Yukon Housing Corporation is responsible for the loan program, and that's why what I am saying — and the minister has indicated that there is an inspection to make sure that the work is done; that there is an inspection by their technical officers at the Yukon Housing Corporation.

And I am pleased to find out that there is an appeal bylaw and an appeal committee and I will look on the website, or have my staff look on the website, to find that — if we can't find it then we will take the minister up on his offer. The minister also talked about encouraging the clients to have a contract and to contact their lawyers, or a lawyer, or the Law Line. I'm not sure if that's an eligible expense under the home repair program, but maybe the minister could clarify that.

The other thing the minister put on record is that they are responsible for taking out the permit. As well as the questions I have put on the record, I would like to know if the corporation requires proof of a building permit or a plumbing permit or an electrical permit, depending on what the project is. For the minister's information, yes, you do need a permit to build a deck, depending on the size. You need a permit to make changes to your plumbing or your electrical system. If you're making changes to your building, yes, you need to pull a permit.

The Housing Corporation should be checking to make sure that those appropriate permits have been taken out before the work even starts — and especially before the money is released.

I have asked the minister a number of questions about this issue, and I've indicated there have been problems and, in some instances, it's my understanding that clients have actually tried to obtain their files on these issues and have had difficulty do-

ing that. Unfortunately, they're left with little option but to use the access to information and protection of privacy process in order to obtain their own files and all the paperwork that goes with them.

For the minister, once again, what kind of technical assistance is provided to these clients about contracts with the contractors, given that they're ultimately responsible for the program and the money? Is there a requirement for Yukon Housing Corporation to see a copy of those permits? Also, what kind of technical advice and assistance is provided to clients? As I said earlier, other departments assist clients with their business or their operations with putting together proposals and ensure that work is done.

What I'm looking for is, what level of assistance does the Housing Corporation provide clients of this program to ensure that they're actually getting value for their dollar? It is actually value for dollar for the Housing Corporation too, and it's improving the housing stock in the Yukon. That's an issue that the Auditor General has raised as well.

Hon. Mr. Kenyon: To try to answer a few of the member's favourite questions there — my apologies if I missed one or two of them. I have to remind the member opposite that most people hire lawyers when they buy a house. This isn't a foreign concept to talk to a lawyer. All of the jokes aside, sometimes you need the legal advice. If the home loan or repair loan or anything else is of any size or if you're unsure of some of the things, then, by all means, that should be done. I don't believe that there is an eligibility for legal advice in the home repair program. I can check on that and get back if I'm wrong but my impression is that isn't quite the way it is.

Now again, the member opposite is confusing a few things here. The authority having jurisdiction — that is sort of the buzzword on this. For instance, if you are building a deck, the member opposite is quite correct that, among many other things, you would require a building permit. Minor repairs to a deck may not. But that is up to the authority having jurisdiction; it's not up to the Housing Corporation.

Whether or not building permits are issued — that's all based on specifications. Could someone come in and start a project without talking to a building inspector? He probably could. I think of a cartoon in the Whitehorse building inspection office of a couple of guys up on the roof working and the car pulling up in front and the caption says, "Build it and they will come." I think the advice from the building inspectors is usually very, very good. I really respect the amount of information and the amount of details and data and everything else there.

Again the member opposite is crossing into questions of liability. The Yukon Housing Corporation has the contract with the homeowner, which is called a "loan." The homeowner themselves have the contract with the contractor and that is called a "contract", and that is what they really have to do.

It is the responsibility of the homeowner to put that contract together and to make it clear what the warranty is. I think most people, as we've talked about before in the House — toasters. A \$20 toaster comes with a warranty; why shouldn't a \$35,000 project, or a \$30,000 project or, in the case of someone

with a disability, a \$50,000 project? These are all the responsibility of the homeowner themselves.

In terms of the specifications, the building permits and everything else, that's all with that authority having jurisdiction. The Yukon Housing Corporation, I don't think, has the responsibility to sit there and say, "Yes, this requires a permit," or "No, that does not require a permit." That's what building inspectors do, and I would encourage people to talk to building inspectors about the project before they come in to talk to the Yukon Housing Corporation, which is in a good position to give technical information. Even if you're simply building a house, you have your mortgage with the bank, or cash — whatever, and you have no contact or business with the Yukon Housing Corporation, I would recommend coming in and talking to the technical officers because we have some good expertise there available to us as Yukoners to really go through and get the information on the materials and everything else.

Again, this is all gone over by the Office of the Auditor General. The member opposite says he doubts that the Auditor General goes into individual files — he's wrong. They may select a percentage of random files in an area but, yes, that audit does go through individual files. They catch things that should be caught. We have no problem with that, and the Auditor General makes good recommendations.

Again, to recap, we have a contract through the Yukon Housing Corporation, which is called a "loan". The homeowner has the contract with the contractor, which should have a warranty. A contract of any size should be on the advice of a lawyer, and it should include a clear understanding with the authority having jurisdiction — the building inspector — as to what permits are needed and what permits will have to be closed when the work is inspected by the building inspector. Shoddy workmanship that is not up to code, obviously, they won't sign off on, and that will affect the payout.

Again, for the member opposite, there is no force to get a contract. If someone wants to go through this without a contract, that's their prerogative, but, boy, I sure wouldn't recommend it.

At the end of the day, the cheque is made out once the work is complete, the receipts come in and the homeowner indicates that it has been done to their satisfaction.

The cheque is made out to the homeowner. With the homeowner's written request, the cheque can be made out to both the homeowner and the contractor jointly, but both jointly must sign.

Mr. Cardiff: I'm going to ask the minister a simple one here. Yesterday he said, "There is a home inspection in there and there is a requirement to bring it up to code. Once the work is done, there is an inspection to make sure the work was done. We don't want to be loaning somebody the money and then find out the work was never actually put out." Does he stand by that statement today?

Hon. Mr. Kenyon: That is the standard operating procedure for the Yukon Housing Corporation. But again, in some cases, the inspection might be through an electrical inspector or plumbing inspector. Small projects may not require building permits and might have to be looked at more carefully, but the

standard operating procedure of the corporation is that work is to be done to code. That's one of the government's big challenges too. It's easy for the public to say, "Well, there's a building here," — I'll give an example of 207 Alexander, the old one.

It's easy to say, "Well, the building is still in pretty good shape. We could do a little bit of work and fix it up." As soon as we start on that, it has to be to code, which the member opposite, a tradesman, knows. Bringing it up to code may be much more than simply bringing it up to what most people would consider useful.

But the standard operating procedure — again, even in that case, the electrical code and the electrical inspection is done by a fully qualified electrical inspector. The standard operating procedure of the Housing Corporation is to make sure the work was done by whatever inspection method.

The thing that I do have to point out on that is that if the client is unsure about that — about any of this — to please call the office of the Yukon Housing Corporation program office or program delivery office and discuss it. If they are not happy, as I mentioned before, there is an appeal mechanism.

I am not qualified to inspect an electrical thing. An electrical inspector may look at an installation and say, "Yes, that is up to code and it's acceptable," but still not be the exact quality that the homeowner wants. That goes back to the contract. I don't know — coming at one point from down south, it was possible to use aluminum wires. That possibly is to code. I sure wouldn't do it. As a homeowner, I wouldn't want someone to do it, but if I didn't put it in the contract, guess what I might find when I get home that night?

Again, it goes back to good, well-negotiated contracts. If that involves a lawyer — fine. If you're doing work that involves any of the building inspectors, by all means, involve them. I think you would be quite surprised at how much help they can be.

Mr. Cardiff: I thank the minister for that answer. I'm not sure whether we are entirely clear yet or not. I've asked this question before, and the minister hasn't really given a comprehensive answer to it. When the bank lends money for somebody to build a house — and I'm sure, under the owner-build program, the lender would want to know that the appropriate permits have been applied for and issued. So, on the home repair program, is it a requirement to provide copies of the building permits to the Yukon Housing Corporation for the project that the monies are being applied for?

Hon. Mr. Kenyon: For the member opposite, I'm not 100 percent sure. I will be happy to, again, include that in the technical briefing that I offered yesterday and explain that in more detail. Normally, again, the minister doesn't get involved in the real technical end of things.

Mr. Cardiff: I'm loath to go down this road any further, because I know that there's a lot to cover, but I want to go back to a couple of other things that the minister talked about yesterday.

I thank him for the answers he has provided to the questions about the home repair loans. I can assure him that we will be in touch with the Housing Corporation and his office regard-

ing some of the issues, now that we have a better understanding, I think, of exactly how this works.

Yesterday in relation to a question about housing stock, the minister talked about a matrix — classifying various housing units from 1 to 4, with "1" being a very good unit, deserving of input and helping things along; "2", it needs a little bit more work; "3", it's starting to get "iffy"; and "4", it's simply not worth putting more money into it; it's simply not going to get a return. I'd like to ask the minister if he can provide a copy of that matrix — we would like to see what it's based on — and provide a breakdown of the housing stock. I'm assuming that the housing stock has been evaluated, so, we could get a listing of the number of units, possibly the location of those units and, of course, we are particularly interested in the location of the units that would be in categories 3 and 4. Could the minister provide that?

Hon. Mr. Kenyon: Actually, there are a couple of subsets in there, so there are actually six breakdowns in that. Again, the member is getting into the technical end of checklists, quality of appliances and all the rest of things included in that. I would include that in the technical briefing and invite him to attend that. I am sure that staff will be very pleased to go over all that information and give him a breakdown on these areas.

Mr. Cardiff: Boy, the technical briefing is starting to get almost as long as the debate on Vote 18, but we can probably accept that and look forward to getting that information. As the minister knows, things are very busy and our schedules are full, but I will have my staff look at the calendar and see when we can make arrangements to attend a technical briefing, because it sounds like it's going to take a bit of time.

I would like to also go back a little bit more to the questions yesterday about mortgages — the home financing loans. The minister basically said in *Hansard* yesterday that if each client in arrears is able to address the underlying issues that resulted in the situation of arrears, then medium- and long-term arrears can be minimized.

I'd like to know what the definition of short-, medium- and long-term arrears is. What are the time frames?

Hon. Mr. Kenyon: For the member opposite, "short-term arrears" appears to be up to 30 days, "mid-term arrears" is 31 to 60 days, and "long-term arrears" is 61 to 90 days or beyond 90.

Mr. Cardiff: I thank the minister for that answer. Can the minister provide a little bit more detail on how program-delivery staff supports clients to put a home up on the market for sale in the event that that's where it ends up going, where they can't make the payments and there is no solution?

I can't remember exactly how the minister put it yesterday, but it was kind of as a last resort, he said.

Hon. Mr. Kenyon: When we're talking about the technical briefings, it generally isn't our intention to overwhelm the member; however, the information is detailed and I do want to make sure he has access to the most detailed information. If he would contact the program officers over there through their director's office, I would suggest the week of November 15. The House would be finished and it would be a

time to set something up at his convenience. If that's not convenient, then by all means make the same phone call and suggest other times.

In terms of working with clients, the program officers would work with clients to look at all their individual needs and benefits on an individual basis. That's the thing to stress there. Beyond that, again, we then get into individual cases, and I'm not prepared to discuss those at this time on the floor of this House.

Mr. Cardiff: Yesterday the minister talked about the main guiding principles of the corporation's program delivery. So I am assuming that is about the policies and procedures. I am assuming that they are public documents. I am wondering if he can provide copies of the policies and the procedures in those guiding principles for the mortgage financing loans and the owner-build loans.

Hon. Mr. Kenyon: Yes, the document is called *Ar-rears Management Guidelines*. We will check and see if that is on-line. If it is, we will let the member know where. If not, we will be happy to provide it.

Mr. Cardiff: I thank the minister for that. This definitely assists us when we are working with individuals who come to our office, seeking our assistance in dealing with concerns they have regarding these programs and problems they're experiencing.

It's always good to have a clear understanding. So I think that yesterday and today we've gained a better understanding and some information. I'm sure that we'll find out more during the technical briefing.

I do have a couple more questions of a bit of a general nature, I guess. I realize the minister isn't responsible for this area — but the Yukon Housing Corporation has a vested interest in this, in that it has an interest in housing Yukoners. It's kind of part of the mandate to ensure that there are housing options for Yukoners, whether it be social housing or income geared to rent, and it's working with many groups and individuals and contractors. There is a responsibility for staff housing as well.

One of the things that's driving the cost of housing — especially making housing affordable — is the price of land. I know the ministers who are responsible for land development and selling land are listening. I'm wondering if the Housing Corporation has entered into any discussions regarding this area. It seems to me that the Housing Corporation would have an interest in ensuring that land was not only available — and part of the problem has been a chronic shortage of building lots available, especially in the City of Whitehorse. The other problem — or part of it — is due to the market and the way the land is priced. It is based on market value and makes housing less affordable. It not only makes it less affordable for those looking to enter the housing market, it makes it less affordable for those who are seeking to build rental accommodations, because they expect a return on their investment. If the price of land is based on market value as opposed to development costs, then it drives the costs up and makes it less affordable.

As the minister knows, there are a number of civil society or non-government organizations out there that are trying desperately to provide housing for groups of people who are hard

to house — who have physical or mental disabilities, who have problems with addictions or who have medical conditions. This, in turn, makes it more difficult for them to obtain land on which to build their projects.

This is where the corporation could assist some of its clients, some of the applicants who are seeking to apply for funds, seek funding from foundations or from the Housing Corporation or both, in order to advance some of these projects. The Housing Corporation could talk with the Minister of Community Services during the limited *Municipal Act* review and ensure there are provisions in the *Municipal Act* that would allow municipalities to actually provide land and do things like waive property taxes, waive development fees or levies and allow for financial incentives. Communities have a vested interest in this, and it would help make some of these projects just a little more viable. It would make it easier to get them through.

There is no doubt in my mind that they are going to be successful, but it would make the road just a little bit easier to go down if some of these things were in place. Communities and municipal governments do have an interest in ensuring there is affordable, adequate housing provided for everyone, and especially those who are particularly hard to house.

That's basically my take on the land issue and how Yukon Housing Corporation could make a positive contribution to affordable housing by talking with the Minister of Community Services, talking with the other ministers involved in land development and land sales, so we can ensure the price of land is affordable. That's part of what's driving up the cost of housing here in the Yukon.

I'd like to ask the minister if he could tell me what work the Housing Corporation is doing on that front.

Hon. Mr. Kenyon: Yes, there are a number of different things in there that I would like to comment on and correct the record on a few things. I would agree with the member opposite that the cost of land is high. I wish it were lower; it isn't. The cost of developing is what the developer — be that government or private — has to get back. The nice thing about the government, of course, is we are not in a position to ask for a profit on it; it's just recovering costs.

First of all, I have to put right up front that the Yukon Housing Corporation has nothing to do with establishing the cost of lots. It has nothing to do with us, and it has nothing to do with the Housing Corporation in terms of even developing it. In Whitehorse, for instance, the City of Whitehorse develops its official community plan. It develops its own layout and then it is Community Services that develops that land that the City of Whitehorse has identified. So it's difficult to say, "Well, gee, Yukon government isn't developing land." We develop what we are given. If we are not given it, it's a little hard to develop it, which maybe explains one thing — why there have been some housing developments outside of the city limits, because at least it is easier to deal with.

We are not responsible for the land development; that is Community Services. The Yukon Housing Corporation only does the paperwork once the sale is out and occurs.

If the member has questions involving how sales are accomplished, that's fair game. In terms of the rest, I would have

to refer him to Community Services or even perhaps to City of Whitehorse or individual municipalities. We can make some projections and develop land and everything, but the only project, to my knowledge, that has been done was the 1998 Mountainview Place mobile home park. That was done under an NDP government. Of course, for the first few years on that, it was a terrible failure. It has filled up now and it has turned into actually rather a community up there — and all sold. There are no available lots per se. At the time, it was a good idea that just didn't get traction at all.

In terms of directly assisting — we have provided directed assistance to groups like Kaushee's Place, Options for Independence Society, Dawson City Women's Shelter and others. I'm very happy to be able to be in a position to do that. When the member wants to talk about the cost of land and how it should be lower, he'll find nothing but agreement over here, but we can't turn around and say, "Mr. Developer, you have to take a loss on this," or "We're going to develop this area and we're going to take an x-million dollar loss on this to make ..." Our mandate is to protect investments and Yukoners and their tax dollars.

So breaking even is a good thing on that, but it is becoming very difficult. When you look at the cost of providing water, sewer, and electrical services, and paving, curbs, and landscaping, and on, and on, the money adds up very quickly. Unfortunate? I agree, but unfortunately it is quite true.

Mr. Cardiff: The minister didn't tell me anything I didn't know; I know that Yukon Housing Corporation isn't responsible for land development or the pricing of land, but what I am saying is they should have an interest in it because people who are looking to get into the housing market — which the Housing Corporation, I believe, should have an interest in — are having to pay market value for land development, whether they're buying it from the City of Whitehorse or for the Yukon government.

I've heard this from individuals who — I don't want to implicate anybody, but all I would like to say is that individuals who have concerns about this have spoken to me about the cost of land, how it affects the Housing Corporation and how it affects our society. There was a policy decision made by the government to move from development cost to market value, and that does affect the Housing Corporation and the clients of the corporation.

The minister talked about this yesterday and maybe we're going to talk a little bit longer today about this, because this is where the Housing Corporation — and it sounds like the government requested this — had difficulties with the surveys out at Mount Sima.

The Housing Corporation basically backstopped people who bought lots from the government with surveys that weren't adequate, and the bank wouldn't lend people money to build their homes — owner-build loans — and in the end it was the Housing Corporation that ended up providing the money for those individuals because they couldn't get a mortgage anywhere else. We certainly hope this doesn't happen again because, if it does happen again and the minister asks the Housing Corporation to provide mortgages on some other land devel-

opment where a survey or some other problem occurs and the banks won't finance it, then the precedent has been set. Technically, the corporation could be at risk.

I am not going down the same road that other members are going down on this one. I am legitimately concerned for the corporation and for the taxpayers of the Yukon on this. I know I have rolled something else into this question — so there are two questions here. One is about the Housing Corporation's interest in seeing affordable land developed with prices that are based on development cost as opposed to market value and provisions that would perhaps make it more affordable for non-government organizations that are trying to fill a need, to fill those gaps the Auditor General was talking about. They're investing a lot of sweat equity in this, trying to fill a need that government isn't right now.

I was suggesting that perhaps the minister responsible for the Housing Corporation, together with the board, could go to the Minister of Community Services or the Minister of Energy, Mines and Resources, or meet with the municipalities, to try to find a way to solve this problem of land affordability.

The second question I've rolled into this is the fact that there has been a precedent set, where land developments haven't gone quite the way they were expected and there have been problems that caused the need for the Housing Corporation to step in and fill the gap where the banks were unwilling to. It's nice the corporation did that for those individuals — I would hope they would step in and fill the gap and backstop some mortgages for the Northern City Supportive Housing Coalition, or the Second Opinion Society, or the Anti-Poverty Coalition or any of the other groups out there that are trying to fill those housing gaps for those who are hard to house.

The precedent has been set here now where, if the banks won't do it, the Housing Corporation will — or at least that is what it appears. That's the excuse, or that's the reason the minister gave me the other day for how the Housing Corporation ended up in a cash flow problem and that the three options were considered.

Does the minister agree that the precedent has been set, and is there the possibility that the Housing Corporation may be required to step in, given that the precedent has been set?

Hon. Mr. Kenyon: It wasn't Mount Sima; it was Whitehorse Copper, but that's a moot point perhaps.

There are a number of issues here. Again, I have no difficulty with what the member is saying, in terms of land being very expensive. Food is very expensive. Clothes are very expensive. That's not anything we can do anything about, unfortunately. It requires a magic wand. While the Member for Vuntut Gwitchin is sitting there tsk-ing and laughing, perhaps he has a magic wand. I would love to have him meet with me sometime and demonstrate how to use it. We on this side don't have such a magic wand. We just don't — and we don't interfere with boards, as the members opposite and the Member for Vuntut Gwitchin has requested me to do in the past.

When you look at all of these things — again, Yukon Housing Corporation has nothing to do with the cost of land. Any time that you lend a dollar — if you lend anything, there is a risk. Risk management is certainly a part of that. That's

specified with the Office of the Auditor General, who concluded quite strongly that we did a good job of managing risk.

Once that land had sold, there was a problem that Yukoners had, and the Housing Corporation Board of Directors rose to the occasion to try to deal with that situation. Does that set a precedent? That's something that future governments are going to have to look at. I would suggest that it really doesn't. It was dealing with an individual situation. It wasn't a policy decision. It was just a very bad situation and it had nothing to do with the cost of land.

The land was sold, done, complete and gone. When that whole issue came up — my understanding is that it is still in the court, so I can't get into that discussion. The price of land was established before.

Now, on a case-by-case basis, what the member opposite is talking about — and perhaps he is going to the flood relief programs. The flood relief programs were based on individual, case-by-case basis. Some had private insurance; some did not. Some had damage that was a direct result of something that they did, and most had damage based on something that they had no control over. So, again, it has to be on a case-by-case basis, and that does not set a precedent either.

I go back again to the 1998 project, the Mountainview mobile home park, done under an NDP government. It was a reasonable attempt to make affordable housing available. The problem is that it didn't sell, and those lots remained unsold for many, many years. Some of them now, I suspect, are clients under Housing Corporation mortgage programs, and these were probably some of the people who might have had an interest in moving their mortgages over to a less expensive interest rate or to moving it over to an institution, even at the same price, or perhaps even at a larger price, allowing them to take advantage of lines of credit and various programs that the Yukon Housing Corporation does not get into.

Again, to summarize this, Yukon Housing Corporation is not responsible for land development, other departments are. I encourage the member to bring that up as he seems to be knowledgeable of that fact. Maybe that's where he should be bringing the question up because the Housing Corporation has no involvement in development of land, per se, other than managing the paperwork and such at the end of the day once everything is done.

It was with the end-of-the-day paperwork that the problem came up at Whitehorse Copper. Price of land has already been set; the lots were sold. Doing things differently up to that point would not have made a big difference. What did make the difference was the good work of the Yukon Housing Corporation Board of Directors who looked at the corner that these purchasers had unfortunately been painted into, and rose to the occasion. It caused problems down the road but it provided the opportunity for a lot of Yukoners to get their home under construction and work on the things that I'm sure they were dreaming about or whatever.

The member opposite's colleague, years ago, brought up a very good point in the House. I do have to point this out. He was right in the sense that, if you look at some of the houses that are being developed, they are massive, they are castles. In

developing those, perhaps the developer or the builder or whatever is building something to sell and they can make more money on that, but they are creating something when you build a \$400,000 or \$500,000 home; that's not affordable. I agree.

The overall line of question kind of has me wondering. Is the member opposite suggesting a subsidy program for land? Is this something the NDP wants to look into, that the government would subsidize other programs into something that would allow the land to be more affordable? I don't criticize that but I do ask the question again that I always ask: what other programs would the member opposite cut in order to come up with the funds to do that? Health, education, maybe a road that he doesn't think should be built? Where would the money come for such a subsidy?

Mr. Cardiff: Well, I'm going to try and wrap this up here pretty quickly, but boy oh boy, remind me not to ask the minister two questions at the same time. Sometimes, I have to admit, the questions I ask are rather difficult to answer, especially when I ask two questions at a time.

The minister made the statement that they don't make a profit on the land. That's the difference that the minister obviously doesn't understand about selling land at market value as opposed to the development cost. If development cost is below the market value, then somebody is making a profit. If it's the government that's selling the land, then they are making a profit. Prior to this government, land was sold at development cost. It was this government that decided to change that and move it to market value, which has caused — and because of the shortage of land availability or the shortage of serviced lots.

The government did have responsibility for this area, for developing land. I am not suggesting that the Housing Corporation really has a whole lot to do with or control over this issue but they have a bit of a stake in it, because they represent clients through the mortgage portfolio and the other programs that they have. All I was suggesting was to talk to the appropriate ministers, to have a discussion with them about how to make the plan more affordable.

I also suggested that they talk to the Minister of Community Services about the *Municipal Act* review and putting some things in there that would assist municipalities in taking positive actions to move forward some of these housing projects — supportive housing projects in particular — that would fill identified needs in our community.

I'm going to attempt to wrap this up. I do have one other question in relation to the Whitehorse Abbeyfield project — actually, there is another question, but I'll ask this question first.

The seniors management housing fund — I see there has been money taken from the seniors housing management fund to go toward the Abbeyfield project. I'd like to know a couple of things. It looks like close to \$2 million from the seniors housing management fund is going toward the Abbeyfield project. I'd like to know what the total cost of the project is; whether the \$1.94 million is the total contribution from the seniors housing management fund; and how much money is coming from the federal government and how much money the territorial government is putting into that.

I do actually have one more question.

Hon. Mr. Kenyon: The Abbeyfield project: the land has been selected — to give the member opposite as much information as I can at this time — on Fourth Avenue, near the river. We've consolidated the lots. Yukon Housing Corporation is working with Yukon Electrical to accomplish the necessary power line work on the site this fall. I believe that is complete. Geotechnical work is complete and design is being undertaken over the winter so the building construction can be tendered this spring.

Yukon Housing Corporation will be holding an information session later this fall to determine interest of non-governmental organizations in operating the facility. The seniors building will include up to 12 bed-sitting rooms, each with a private bathroom and shared common spaces, consisting of a kitchen, dining room and living room. Some designs that I have seen could include storage, et cetera. It will be built to Yukon Housing Corporation's SuperGreen energy standards and its accommodating home standards for a barrier-free environment. I'll come back to that in a minute.

Obviously there's construction also underway on other seniors buildings with a totally different concept — 12 units in Watson Lake, eight units in Teslin, six in Faro and, of course, the 30 units on the waterfront.

Many elderly people, who are otherwise healthy, suffer from loneliness and insecurity and, as a result, need care, companionship, and practical support in their daily lives. Abbeyfield housing is designed to address these needs. It is not assisted living for medical assistance or anything like that. Abbeyfield houses were first established in England in 1956 and there are now over 1,100 Abbeyfield houses in 14 countries. The first Abbeyfield house was established in 1987 in Sidney, British Columbia and there are now over 30 throughout Canada, the majority of which are in British Columbia.

The Abbeyfield concept provides seniors with a private area of their own, within the companionship of a shared household. Each building provides modified independent living suites with no kitchen, plus common areas, including lounges, dining room, kitchen, recreation area, laundry room, et cetera. I should point out that the kitchen is open — the ones that I have seen — and is available for people to make their own breakfast and then there are provided lunches and dinners. The nutritional meals are prepared by a house coordinator who may live on-site and is also responsible for looking after everyday needs of the residents. There is no provision for acute or long-term care requirements; this is not a medical facility.

Now, in other jurisdictions such as British Columbia and Ontario, the monthly cost of residence is in the \$1,500 to \$1,800 range, and generally that includes rental accommodation, three meals a day, snacks, utilities, cable TV, et cetera.

The project is estimated to cost \$2.6 million — \$1.94 million coming from the seniors housing management fund and then a further \$.66 million from the Canada Mortgage and Housing Corporation, bringing the total up to \$2.6 million. It is the largest project that we are undertaking with this sort of structure, and most of it is financed within the Yukon government.

I want to go back for a moment here to the Member for Mount Lorne's previous comments. We do not have any control over the price of land. I wish we did. What we can do is promote the so-called "SuperGreen" standards to reduce the cost of operating the home. While the cost of the land and the cost of building may still be high, at least the cost of operating is low.

One of the buildings that we put up in the Watson Lake area — I don't have the figure in front of me, but it seems to me it was something like \$117 a month in the dead of winter to heat the house. We joke about it being heated by a cat. It would appear that if the cat has a friend, they are going to have to open up the windows.

Also, the Yukon Housing Corporation offers a self-help course on managing the construction of a new home. That course is offered in the Whitehorse area. It could be offered in communities on a demand basis. It will save money. It's not for everyone, but if a homeowner is in a position to work as a general contractor and coordinate the trades — again, contracts and everything else — that's part of that self-help course. I would encourage people who have an interest to contact the Housing Corporation and get involved in that. I have not taken it, but I know people who have and it's an excellent course.

I hope this gives the member a bit of an overview of what he is asking about.

Mr. Cardiff: I thank the minister for that. I read that briefing note too, actually, so I was quite familiar with the concept. I was wondering about the funding for the project. Can the minister tell us how much money is left?

I know the person who formerly stood where I am standing today will appreciate this question. Can the minister tell us what the balance is in the seniors housing management fund?

Hon. Mr. Kenyon: I'm really pleased the member opposite has the briefing note. That leaves me questioning why he's asking the question, but I'll read the part of the briefing note that he maybe didn't get to.

The project is estimated to cost \$2.6 million, with \$360,000 from economic stimulus and the majority of funding from the seniors housing management fund. At present, the seniors housing management fund stands at \$3.609 million.

Mr. Cardiff: It was the last figure I was looking for that he didn't provide in the previous answer. It was \$3.6 million in the fund? Thank you. The minister is nodding.

There is one other issue I would just like an update on at this point. Very recently we became aware of the situation in Dawson City with the Korbo Apartments and the fuel spill. Has there been any further information about how much fuel was spilled? Do we know how long the fuel has been spilling into the ground, and is it going to be contained?

I am wondering about what kind of exposure the Housing Corporation has on this issue. I am not sure whether they have insurance to cover this or if this is a self-funded liability that they are going to have to absorb.

Hon. Mr. Kenyon: Information up to date as of yesterday afternoon: I can confirm that it was discovered in mid-September that the consumption of heating fuel for the 13-suite building in Dawson referred to as "Korbo Apartments" was

inconsistent and required further investigation. There was no indication of any leak in the outside, above-ground fuel tank or the buried fuel line going into the building. I have a bit of caution there to homeowners who should be watching fuel consumption and this sort of thing.

Now there is a buried fuel line running from the outside tank to a day tank inside the building, so this was the next most probable place for a leak. The line was immediately shut off and replaced with a new line. The old line was then dug up and the leak found at an elbow in the line. Yukon Housing Corporation informed the Department of Environment immediately of the incident and advised them what action was being taken. The City of Dawson was also advised. Pumping of the fuel and the sump began on Thursday, September 29.

It's very fortunate, actually, that a drain tile around the perimeter of the building leading to the sump is in place. It appeared that the fuel was going into the sump from the drain tile, so the contents of the sump were pumped into storage containers until there was only fuel floating on top of the sump. Fuel has been skimmed off the top as it comes into the sump and put into containers for proper disposal. The Yukon Housing Corporation has hired an environmental consultant who has the expertise to deal with fuel spills in accordance with Department of Environment regulations and requirements. The consultant was on-site in Dawson on Monday, October 4.

The consultant has dug three monitoring wells near the building and some fuel is being skimmed off the surface of those wells several times a day. It has been determined that the fuel spill will have no negative effect on the Dawson water system and precautions have been taken to mitigate any potential fuel getting into the city sewer system. That's all being monitored.

The consultant has also drilled a number of test holes around the perimeter of the property to determine if the fuel has migrated off the property. The initial indication is that there is no fuel outside of the property. That will be confirmed by testing the drill samples around the perimeter of the property. It appears that any fuel that has leaked under the building has been contained within the drain tile and any permafrost around the outside of the building. So, thank you, permafrost, in this case.

There have been no disruptions for the tenants in the building. The Department of Environment is satisfied with the mitigation work being done by the Yukon Housing Corporation through the environmental consultant. The Yukon Housing Corporation will continue to do what is necessary to minimize the effects of the leak and continue to monitor and remove any fuel in the sump or in monitoring wells as long as necessary.

It appears that most of the fuel has been recovered since the contractors are only having to skim small amounts of fuel from the top of the sump and the wells for — approximately — last week, really.

Once the tests are back — and they aren't back yet — the actual size of the fuel plume will be determined with a good degree of accuracy and any appropriate action will be taken to satisfy the requirements of the Department of Environment.

The Yukon Housing Corporation took action very quickly and has thereby minimized the spread of the fuel and the environmental effects of the leak, so the corporation is on it. They were on it quickly. People are on-site and are determining the extent of the leak and the numbers that the member opposite is asking for. I don't know those numbers at this point in time, because there is still work ongoing.

Mr. Cardiff: I thank the minister for the answer, and I'm pleased that the action was taken as quickly as it was.

The minister didn't answer the part about whether there was insurance. Was this covered by insurance the corporation has or does it have to be absorbed? I'm wondering what the potential exposure is. Do they have an idea of what that is? I would also like to know what the status of that building is going to be following the construction of the new building, which was well underway when I was in Dawson City about a month ago, or a little over a month ago.

I had one other question and it slipped my mind, so I'll await the minister's answer and try later.

Hon. Mr. Kenyon: It is an ongoing investigation, so we're still trying to determine exactly what we're dealing with. There is a possibility under Canada's economic action plan to deal with spills; it's not insurance per se, but it is a pot of money, so to speak, to tap, but that is all being looked at as we speak and in future days. I can't give any direct answers right now because we're still developing the answers and the response to that.

We have been very lucky with the containment. I think of the presence of the sumps and the piping and drain pipes around the facility and the location of Dawson's infamous permafrost, so hopefully it works in our favour on this. Everything looks like it is at the moment. We await the word of our consultants before we make a determination of where the funding is going to come for that remediation.

I believe there was one part of the question on that about the future of Korbo. We can't determine that at this point in time. Like 207 Alexander, it makes sense to get the new facility built and then make the determination on what is in there. We know it has a lot of problems, but we do not know exactly what is there and what could be done for it. We are a little focused right now on building \$50-million worth of housing construction across the territory, but we will get to that once the existing tenants move out of it.

Mr. Cardiff: The final question for the minister is in this regard and in this department in Committee of the Whole. Were there any negative impacts on the health and safety of tenants in the building with regard to the oil spill? I'm just thinking about fumes getting into the building through fresh-air intakes and I wanted to ensure the health and safety of the tenants was being taken into consideration and is not of concern.

Hon. Mr. Kenyon: The member opposite missed what I was trying to put on the floor a moment ago. There have been no disruptions for the tenants in the building. We would take that very seriously. To our knowledge, there have been no reported cases of anyone suffering discomfort of health or safety. The testing is part of what the environmental consultant is doing and, so far to date, other than the fact we obviously have to

clean up the spill, it appears we're in good shape in terms of that and the people are well looked after. They're well-monitored and they can see the consultant working every day there, so I think we would know about it if there was a potential problem.

Chair: Is there any further general debate?

Mr. Fairclough: I do have a couple of short questions for the minister responsible for the Yukon Housing Corporation. In his remarks earlier in the sitting, the minister talked about a number of units that were sold off in the community of Carmacks. I believe four units were sold to private people. They were removed off the lots. I was just wondering why those units were not replaced this year. The minister said they'd be in the budget next year, but why weren't they replaced this summer? They were removed and sold off the lots early in the summer and they had plenty of time to build those units.

Hon. Mr. Kenyon: There's a good story in that, and that's a good question. The Yukon Housing Corporation 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 this fall — four in Ross River, four in Carmacks, two in Teslin and two in Dawson City.

If there are additional economic stimulus funds available then up to four more could be built, for a total of 16. The tenders could be issued in 2011 for construction starting in the spring, and each single family house will be approximately 1,200 to 1,300 square feet with three bedrooms, and will be built to Yukon Housing Corporation's SuperGreen energy standards, and its accommodating home standards for a barrier-free environment.

Construction costs will vary depending on the location. Carmacks is likely to be less expensive, for instance, than Ross River, with the economies of distance and transportation. Depending on bids received, it might be cost prohibitive to construct in some locations. In Carmacks, the contracts were awarded to remove four decommissioned until earlier this year. This work is complete and building sites are cleaned up. They're ready for new construction. They will be tendered out in the very near future and new units will be built on that site. The ones that were sold off, as the member put it, were buildings that had fallen in the worst category of our classification system. It's simply not worthwhile to put money into them to repair; it would have been just a complete waste of money.

Mr. Fairclough: I've watched those units go to different parts of the community and, with some interest, I thought perhaps the government would have replaced them.

I have talked with a Yukon Housing Corporation representative in the community of Carmacks and there is a waiting list in that community. There is some concern that even parents with children are housed in one- or two-bedroom units. There is a demand in that community. It's fairly busy, with the economic development taking place — the mining and so on around that community. There's a lot of interest in seeing those units built. The minister assured us that those contracts would be let in 2011. I know the community of Carmacks and the

residents appreciate that. I just wanted to relay that message to the minister.

I was fortunate to meet with some of the board members when they were in the community of Carmacks two or three weeks ago — maybe longer. They met with the First Nation and discussed ways to make improvements to their units. I believe they were even there yesterday — I might be wrong — meeting with the First Nation and looking at some of their condemned units, particularly those with mould problems, to see how Yukon Housing Corporation could help out the First Nation in ways to renovate and bring these units up to healthy standards.

Is that the case? Is this a bit of a new direction, or is it a working relationship with the First Nation? I am just wondering whether or not there is a new direction the Housing Corporation is taking to address mould issues in their own units and helping communities out in addressing theirs and how they are going about that. I think it is of interest to many people around the territory.

Hon. Mr. Kenyon: I will try to answer that in two parts. The 2004 social housing evaluation recommended replacement of 41 social housing units throughout the Yukon, and these were the houses that were in this "not equitable to repair" category. Some of the units were stick-built houses, and Yukon Housing Corporation has invested in repairs to six units, extending their usability a bit.

Of the 35 remaining identified units, many are double-wide trailers close to 40 years old. There were much different standards when they were built and not energy efficient at all. The social housing management plan confirmed that these are beyond economic repair. Some of these units are out of service and boarded up. The member opposite has said some have been sold off and moved. True, because the Housing Corporation cannot justify spending further money on them. It just makes no sense.

What the Yukon Housing Corporation Board of Directors has determined is that — and I think it's a very wise decision — I think most people would think that spending \$50 million on housing would be relatively simple. It isn't, because if you tender out \$50 million and find that the bids come in low and you have money left over at the end of the day, and clearly the federal government has said you will lose it in March 2011, that would be a disaster and certainly worthy of criticism.

On the other hand, if you tender the \$50 million and the bids come in high and the work exceeds the budget on that, that too, of course, would be subject to criticism. What the board did was keep it slightly under the \$50 million with the option to build these houses in the communities.

As I mentioned: Ross River, four; Carmacks, four; Teslin, two; Dawson City, two; and up to four more could be built if the money is available. Into February or March, we'll have a better idea of exactly what money is left in those funds and we will be able to determine then the number of houses and utilize the funds this way.

We have discussed this in detail — or the Housing Corporation people have discussed this; and I have discussed it with Canada Mortgage and Housing Corporation, CMHC. As long

as the money is committed and we are committing to build these, they're happy to let the funding go beyond March 2011. We've done some pretty good work with them.

In terms of the other question, we do assist Little Salmon Carmacks First Nation and other First Nations on a case-by-case basis. We can't fund them; that's a federal responsibility. I would agree, before the member gets up, that it's woefully inadequate, but while we can't legally put funds into it, what we can do, for instance, is the Community and Industry Partnering branch I just mentioned a moment ago, where there are courses available for acting as your own general contractor, et cetera — these sorts of things can be put on for individuals wanting to build a house; they can be put on for First Nations.

We have actively encouraged and supported a variety of programs and conferences involving First Nations. There are a lot of things that the corporation could do. There are a lot of things that are restricted by the mandate and that becomes a problem. Mould is a special problem up here. We are very well aware of that. The air-quality problems of that are massive. Certainly the mould, air quality, energy efficiencies — again, what the corporation did some time ago — and it was rather interesting — was to allow — I think it was free, actually — energy audits of the house. So what we did was look at a graph and said, okay, for various types of construction — 2 by 4; 2 by 6; 2 by 6 enhanced where you do a 2 by 6 in your thing and have 1 by 2s over it for wiring — and SuperGreen. By doing the energy audits, we did two things. First of all, we accomplished getting people access to federal programs, because some of the federal programs were somewhat limited and they required energy audits before and after. Who would spend \$500 or \$600 on an energy audit to access \$1,000 and then do another energy audit at the end of the day?

They would spend \$1,000 to get \$1,000. Your federal government at work. This gave individual homeowners a chance to take a look at this energy audit and then, on their own, access any assistance the Yukon Housing Corporation can provide.

We have also helped individual First Nations to complete these audits on their homes, and that helps them create a management plan. Again, you've got a management plan. You need a business case. You need to know what the problem is.

Getting back to this audit, it gave us some pretty credible data: clusters of heating costs graphed against the type of construction, graphed in a third way against the square footage of the house. I could pretty well tell you that if you have 2 by 6 conventional construction and you have an 1,800-square-foot house, this is where you are on the graph, and this is roughly what the average person in that range is paying.

A lot of interesting data came out of that. With the threat, basically, of increased fuel costs, people on very low incomes would probably be taken care of by a variety of programs.

Very wealthy people, well, they weren't as concerned about it. But it was the big group in the middle of people who would have to negotiate a mortgage, and they would have to have their mortgage come due, and suddenly when the bank or lending agency comes in and starts saying, "Okay, what can you afford, Mr. or Mrs. So-and-so? Here's what your income is. Here's what the disposable income should be. We allow a

30-percent debt ratio, and here's what you owe on your house," and part of that factor is what it is going to cost to maintain that house. That cost of maintenance with the increased cost of fuel has just skyrocketed. So you could get people in the middle who would go back to renegotiate a mortgage and find that they can't afford to get one and, in that sense, lose their home. This was a real threat.

The energy audits helped immensely; we got the data, we got the plans, and this was also made available to First Nations to get them to create a management plan. The other thing is — and this goes back a couple years now, but for about 18 months — we had funds available for a variety of things such as redoing windows, increased insulation, better insulation on the outside, and a whole range of programs.

The problem with that is that many of these programs weren't available to First Nation because of the structure. They weren't available because technically and legally, does that individual own that house? We offered to some of the First Nations that if they would take responsibility and do it as a First Nation group, there were ways around this. We laid that out, but before any discussions could occur, no one picked up the ball and no one jumped in on it, for perhaps very good reasons, I don't know. Anyway, that gives a bit of a better thing. If courses like this thing on building your own home is of value to First Nations, we'd be happy to put it on.

Mr. Fairclough: I haven't heard that from the First Nation, but I will talk with some of them to ensure that there are ways around in accessing this money even though the units are owned by the First Nation. Those units that were sold in Carmacks to private people and moved on to their own lots — has the corporation provided any program funding for them to fix up their units, or were they disqualified because they were basically condemned units in the eyes of the corporation?

Hon. Mr. Kenyon: I don't have that data at hand; I don't know. There may be an individual case but, again, I don't think the floor of this Assembly is the place to get into individual cases.

Mr. Fairclough: I just wanted to know because, as the minister said, they were no longer feasible to fix up, if that would disqualify anyone from coming forward and accessing programs.

Yukon Housing Corporation has one unit in the community of Carmacks that's boarded up right now — physically boarded up. There are boards on the windows and doors and so on. I believe a little bit of a water accident happened there, but that unit cannot be used right now. I'm wondering why that unit is just sitting there and not being fixed up and renovated and available for people to rent.

Hon. Mr. Kenyon: The units that the member opposite is talking about — Yukon Housing Corporation deemed them "not equitable" to fix up. What we do not know, of course, is if somebody wants to put in sweat equity, family or extended family or someone and friends wants to do all of the work for free — maybe it is equitable for someone; I don't know. Other than that, we don't have any information on that. I'm not comfortable getting into individual cases, but we can

certainly check on that information. If there is something to share, we would be happy to try to share it.

Mr. Fairclough: I thank the minister for that. If that unit could even be renovated this winter — there is a waiting list and the people are wanting to get into some of these units, because it is one of the bigger units that the corporation owns in that community.

I made a suggestion to some of the Yukon Housing board members with regard to the units that could be built next year. There is a bit of a concern and an issue with contracts that could come forward quite high, because there is a standard that Yukon Housing Corporation put out there — the SuperGreen standard for homes. I think that it could be a good thing for the Housing Corporation to work with the First Nation and partner with them in some way to build these units. Have a project manager on this and share building techniques with them so they too could look at how these SuperGreen homes are built, what to watch for and so on.

It was a suggestion I made. I'm making it to the minister. Perhaps he could work closely with the First Nation on these four units. It's not a whole lot of houses. There are only four. Could he or the corporation sit down and talk with the First Nation to see what they can come with. This is about information sharing and moving into a new age of SuperGreen homes, so it would be of great interest to the First Nation, also.

Hon. Mr. Kenyon: The member opposite refers to a number of things in here — for instance, the so-called Yukon asset construction agreement, YACA. There have been projects in Ingram subdivision, the new subdivision in Whitehorse and Takhini — Takhini North specifically.

Many of these contracts are public tenders. They're public contracts and they are out to everyone, but through YACA, what we have seen Kwanlin Dun produce, for instance in the Ingram subdivision, is second to nothing I've ever seen. It's an incredible place. Part of this is not only to provide the economic stimulus but also to provide capacity building. That particular project involved Challenge, for instance. It was brilliantly handled and we want to promote that project as it goes through.

Again, a lot of these projects are due to public tender. The other thing is just the availability. Again, I find myself apologizing for the hot economy. I really don't want to slow it down any, but that's a problem. I know of one project, where a quote from one subcontractor went from \$2,000 to \$10,000 in the matter of a couple of days, the attitude being, "If you're dumb enough to pay it, we'll go ahead and do the work."

It has become a problem in some of the construction industry because of the availability of people. That availability is magnified in terms of the smaller communities, which is a result of YACA. This will provide the Kwanlin Dun First Nation with the expertise and hopefully they will then be able to go out and work with communities, with other First Nations, either to build or to more actively train. It's a good project. Anyway, I'll leave it there.

Mr. Fairclough: I hope the minister can pass that on to the Housing Corporation — if there's an interest in working with the First Nation in that manner. I thank the minister for his

answers — straightforward. It's good information to pass on to the community.

The minister said there are a number of units that they're basically getting rid of and replacing, and I expect that all of the double-wide trailers are going to be gone and more SuperGreen homes are going to be put in their place.

I have another issue, and it keeps coming back to me. I've relayed it to the minister in the past — I don't believe last year or the year before — but it's about gravesites and the fact that about four of the double-wide Yukon Housing Corporation units in Carmacks have been built on gravesites. I know people live in those homes. They have these stories that keep coming back to us.

I am wondering if perhaps in removing and replacing these units in the future — these double-wide trailers — that the minister could take that into consideration and work with the First Nation a bit more to look at ways to address that issue. I know that it's a tough one; lots of information regarding gravesites has been lost as the years go by and so on, but there are units that have been identified and I know the local housing manager could point them out. I just ask if the minister could do that.

Hon. Mr. Kenyon: I am happy to pass on information. I can only speak for the past number of years where, to my knowledge, there have been no issues or complaints for a lot of those years, but I'll pass that information along.

Also, just to correct the member, which I am sure was a slip of the tongue, we're not replacing all of the double-wides but just the ones that desperately need it. We have to work within the funds we have. I would love to replace them all, but that's just not in the cards.

Hon. Mr. Fentie: Mr. Chair, I would like to engage just briefly with the minister in a matter of clarity to see if we can at least get on the record here this afternoon while the corporation is up for debate — some issues surrounding, once again, a confused approach by the Member for Kluane in attempts to decipher minutes of meetings.

I first want to refer to the fact that the Yukon Housing Corporation and its board functions on a piece of legislation. Obviously, what gives force and effect to the board falls out of that legislation.

Secondly, of course, the board conducts its business based on rules that they are required to follow. There is also an issue of responsibility, obligation and liability that rests with board members that we always must be very conscious of.

So to the point: the issue of information being presented to any agency, department or corporation, as it flows from the public making contact with MLAs and/or ministers — in fact, I just heard the Member for Mayo-Tatchun reference the fact that he provides the minister information that comes from constituents that is passed on then to the appropriate department, corporation and/or agency.

In the instance of the Member for Kluane's confused approach to trying to decipher minutes, we get into this scenario of the independence of the board. This is a matter to try to clear up, because we want the public to be fully aware and understand fully the roles and responsibilities.

It is the duty and responsibility of all MLAs, when approached by any member of the public, to pass on issues, information and requests as they come forward. In doing so, in the instance of the Yukon Housing Corporation, the board and corporation would then review, if need be, any such information that is passed on. But always we must adhere strictly to the issue that is required when it comes to the independence of the board, especially with Crown corporations.

I'd like to just ask the minister a question regarding that matter, so the minister could put on the record information that would hopefully help provide clarity and, in doing so, help the Member for Kluane in his confused approach of trying to decipher minutes.

I would go further to express that all boards, following the appropriate rules where required, will keep a record of their meetings by way of minutes, should those minutes need to be accessed at some point in the future. But the relative issue here is independence of the board. Could the minister provide the House a brief dissertation on how that process works?

Hon. Mr. Kenyon: For the record, the Yukon Housing Corporation Board of Directors is independent. They report through a minister to the Legislative Assembly. The minister — any member of the public — can make recommendations or requests. That's only reasonable. But it's the board's decision as to whether or not to develop it. We get letters all the time that are, for instance, "Would you kindly look into this matter as soon as possible, as time is of the essence, given that Mr. So-and-so currently lives in a camper that is not suitable for —" these are things that are simply passed on to the board. Why don't members write those letters to the chair of the board or to the president of the corporation? It would be much more relevant and it would be much quicker to get that done.

For the Member for Kluane to imply that we should interfere, that we should get involved with the boards by putting motions on the floor of this House that ministers should read minutes — of course, they forgot Yukon College until we pointed that out to them and they corrected that today. We certainly thank them for getting that motion back on and indicating that they would meddle with the Yukon College too.

This government doesn't involve itself with meddling. I know the Member for Kluane believes very strongly and very deeply that he should meddle, but I am bothered very much of course — going back to a couple of days previously in *Hansard* — and I quote from the Member for Kluane: "I have seen where the Deputy Minister of Executive Council Office comes into the executive offices with an ATIPP request and asks for political guidance about which sections should be blanked out and which sections returned."

This is a direct accusation of an illegal act between a sitting Deputy Minister of Executive Council and a New Democratic Premier of the day. If I were in the New Democratic Party, or the new Leader of the New Democratic Party, I would be questioning that very, very seriously. The only way that Member for Kluane could have seen something like this happen in the executive offices — and that's exactly what he says: "...comes into executive offices..." was when he was upstairs, and that was during the NDP rule. So I do invite him to explain

that. Perhaps he misspoke in the heat of the moment. Perhaps, to use the allegory of Inspector Clouseau, he was gathering information.

Chair's statement

Chair: Order please. Using that terminology is not in order. Mr. Kenyon, please continue.

Hon. Mr. Kenyon: Mr. Chair, on the point of order?

Chair: No, please continue.

Hon. Mr. Kenyon: I will leave it at that. But I do invite the Member for Kluane to try to explain his comments in the House and explain in more detail why a Liberal member feels so strongly that Liberals should interfere with government boards and committees. He has made that very clear. The Liberal leader has made that very clear. He, too, would meddle with boards and committees. I would like an explanation on that. Thank you.

Mr. Fairclough: Mr. Chair, we were doing really well here with the minister until the Premier got up. I would like to thank the minister for his answers to my questions. It is good information to take back to the riding.

If there is any further information the minister feels would help us out in providing to our constituents, feel free to send it our way.

Mr. Chair, we in the Liberal Party do not feel and have not said that we would interfere in any boards and committees. I just want to make that clear. I know the members opposite keep bringing it up, but it's not the case at all.

I thank the minister for his answers.

Chair: Any further general debate? Seeing none, we'll proceed line by line on Vote 18, Yukon Housing Corporation.

On Operation and Maintenance Expenditures

On Gross Expenditures

Gross Expenditures in the amount of \$143,000 agreed to

Total Operation and Maintenance Expenditures in the amount of \$143,000 agreed to

On Capital Expenditures

On Repair and Upgrade

On Home Repair Loans/Programs

Home Repair Loans/Programs in the amount of \$2,091,000 agreed to

On 2009 Yukon Flood Relief Program

2009 Yukon Flood Relief Program in the amount of \$47,000 agreed to

On 2009 Zircon Lane Flood Relief Program

2009 Zircon Lane Flood Relief Program in the amount of \$144,000 agreed to

On Home Repair Enhancement Loans

Home Repair Enhancement Loans in the amount of \$60,000 agreed to

On Home Ownership

On Mortgage Financing Loans

Mortgage Financing Loans in the amount of \$14,000 agreed to

On Owner Build Loans

Owner Build Loans in the amount of \$130,000 agreed to

On Industry and Community Partnering

On Joint Venture Loans

Mr. Fairclough: I'll just ask the minister to provide some details on that.

Hon. Mr. Kenyon: For the member opposite, that is money that's carried over from the previous year and revoted for work that was not completed in that fiscal year.

Chair: Is there any further debate on that line?

Joint Venture Loans in the amount of \$288,000 agreed to

On Social Housing

On Affordable Housing Economic Stimulus Initiative — Social Housing Renovation and Rehabilitation

Affordable Housing Economic Stimulus Initiative — Social Housing Renovation and Rehabilitation in the amount of \$1,359,000 agreed to

On Affordable Housing Economic Stimulus Initiative — Watson Lake Seniors' Complex

Affordable Housing Economic Stimulus Initiative — Watson Lake Seniors' Complex in the amount of \$90,000 agreed to

On Affordable Housing Economic Stimulus Initiative — Affordable Family Focused Housing

Affordable Housing Economic Stimulus Initiative — Affordable Family Focused Housing in the amount of \$1,532,000 agreed to

On Affordable Housing Economic Stimulus Initiative — Whitehorse Abbeyfield

Affordable Housing Economic Stimulus Initiative — Whitehorse Abbeyfield in the amount of \$930,000 agreed to

On Affordable Housing Economic Stimulus Initiative — Faro Seniors' Facility

Affordable Housing Economic Stimulus Initiative — Faro Seniors' Facility in the amount of \$380,000 agreed to

On Affordable Housing Economic Stimulus Initiative — 207 Alexander Street Replacement

Affordable Housing Economic Stimulus Initiative — 207 Alexander Street Replacement in the amount of \$750,000 agreed to

On Affordable Housing Economic Stimulus Initiative — Dawson Korbo Apartments

Affordable Housing Economic Stimulus Initiative — Dawson Korbo Apartments Replacement in the amount of \$403,000 agreed to

On Affordable Housing Economic Stimulus Initiative — Ingram Six-Unit Townhouse

Affordable Housing Economic Stimulus Initiative — Ingram Six-Unit Townhouse in the amount of \$500,000 agreed to

On Affordable Housing Economic Stimulus Initiative — Unallocated/Double Wide Replacements

Affordable Housing Economic Stimulus Initiative — Unallocated/Double Wide Replacements in the amount of \$70,000 agreed to

On Central Services

On Office Furniture, Equipment, Systems and Space

Office Furniture, Equipment, Systems and Space in the amount of \$30,000 agreed to

Total Capital Expenditures in the amount of \$8,818,000 agreed to

Chair: Any questions under revenues?

On Recoveries

Recoveries cleared

Yukon Housing Corporation agreed to

Hon. Ms. Taylor: I move that we report progress.

Chair: It has been moved by Ms. Taylor that Committee of the Whole report progress, do members agree?

Motion agreed to

Chair: Committee will now consider Bill No. 91. Do members wish a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 91: Second Act to Amend the Motor Vehicles Act, 2010

Chair: The matter before the Committee is Bill No. 91, *Second Act to Amend the Motor Vehicles Act, 2010*.

Hon. Mr. Lang: Thank you, Mr. Chair. I am pleased to be moving Bill No. 91 into debate and look forward to the support of this House in passing this legislation. Before doing so, however, I would like to take this opportunity to address a couple of items raised by my colleagues across the floor during the second reading of this bill.

The Member for Lake Laberge mentioned a need to clarify what devices would be permitted and which ones would be prohibited. Generally, hands-free devices will be permitted and hand-held devices will be prohibited. Details on this will be set out in regulations under the act.

The Member for Vuntut Gwitchin asked about penalties under the proposed law and noted that a few provinces have penalties in their laws. Our government intends to provide for penalties in the form of a summary conviction ticket similar to other traffic tickets. This will be done in the regulations. In addition, we will include demerit points for people who use electronic devices contrary to the law. Again, this will be done in regulations under the *Motor Vehicles Act*, as is done with demerit points for other offences, such as speeding or running a red light.

The Member for Porter Creek South asked about the use of radio equipment. We will be providing for the use of CBs and two-way radios through the regulations.

In response to the Member for Kluane, who pointed to the dangers of people who continue to use these devices, but who now must try to hide them while driving due to these laws, I would respond that the law cannot legislate everything. People must be educated regarding the risks they are taking in trying to multi-task while driving. The police must also be willing to enforce this law, and they have publicly indicated they support the proposed amendments and will be enforcing them.

Visitors and commercial transport operators must also abide by the law. Our law is very similar to the law found in other Canadian jurisdictions. Highways and Public Works publishes a pamphlet called *Driving Yukon Highways* each year, which can be used to inform visitors of this new law.

As the Member for Southern Lakes noted in second reading, we have been able to accommodate many of the concerns out there — whether it's for hands-free devices or emergency responders or commercial drivers and visitors. This bill represents an attempt to reduce risky behaviour that we know raises the chances of having an accident with the reality that many people do need to use various electronic devices in the course of their work.

Of course, pulling over and stopping is always the best course of action when wanting to make a call while driving. It is also the best course of action when doing any number of other things which may take our attention away from the road. The Department of Highways and Public Works will be running an education campaign to encourage all Yukoners to reduce distraction while driving and to focus on the road at all times.

In conclusion, I hope this information addresses the members' questions and concerns and we can now look forward to moving this bill through Committee. Once the bill passes third reading, the Department of Highways and Public Works will proceed with developing regulations, and the act and regulations will both come into effect on April 1, 2011. Thank you, Mr. Chair.

Mr. Inverarity: I would like to open my comments by first thanking the officials for coming here this afternoon. It is always a pleasure to see them. I know they have put a fair bit of work into this particular act. I think we can probably get through it without too much problem. I do have a couple of questions, and I will move into those so that we can progress along fairly quickly.

I would like to start with having the minister just explain the process by which novice drivers move through the ability to use cellular phones and electronic devices. Seeing that we have one here today, maybe that will help clarify things. Thank you.

Hon. Mr. Lang: Individuals in the graduated driver's licensing program are not allowed to use any device during that probation period of time. If in fact they are found to be using devices, then they go back to square one with their program. So there is a penalty to be paid for people who are in the graduated driver's licensing program.

Mr. Inverarity: Just so that I'm clear on this, because the minister mentioned CB radios and two-way equipment — would it be feasible that if a CB radio were in a vehicle that a minor could use that during this probationary time, or does it exclude all electronic equipment? Or will that be addressed in regulations?

Hon. Mr. Lang: Yes, it will be addressed in regulation, but graduated people who are working under a graduated driver's licence will not be allowed to use any of these devices while they are under that program.

Mr. Inverarity: I assume that the member again is referring to electronic devices as defined, which means cellular

telephone equipment or other devices that include a telephone function, a device that is capable of transmitting and receiving electronic mail or other text-based messages. The items that I am referring to don't do either of those as near as I can tell and would not actually fall under this — so the status quo would remain the same then?

Hon. Mr. Lang: Could he repeat the question, please? We didn't quite get the line of questioning.

Mr. Inverarity: The issue here is CB radios, two-way equipment — I'm thinking amateur radio, for example, is another type of two-way equipment — but also trucker radios would probably fall into that area. The question here is that it's not defined as an electronic device, as defined by the act, and so I'm assuming that all of that equipment is outside of this act and so is not defined. So, in fact, a youth could use an amateur radio if they were qualified to use during that probationary period.

Hon. Mr. Lang: That's not the intent. The intent is that if you're in the graduated driver's program you're not allowed to use any device. If you pull over to the side of the road and stop, then that's a different issue.

As far as the intent of what we're doing here today, drivers under the graduated licence program will be restricted from using any device in a moving vehicle.

Mr. Inverarity: I'm a little concerned. I'll move on from that one. I assume I've made my point. It still goes back to 210.1(1)(b), which describes a prescribed electronic device. I have some concerns about acts that have such a broad description in them. I would like to know if the minister has a list of other proscribed electronic devices that will probably be included in the regulations, at his fingertips. I realize the regulations have not actually — well, maybe they have been written and we just haven't seen them — but could the minister just identify if he has a list of other prescribed electronic devices that will be in the regulations?

Hon. Mr. Lang: Permitted devices in the regulations will cover those hard-wired to a vehicle, simple push-to-talk function — for example, CB radios.

Mr. Inverarity: In the “for example,” could you also include amateur radios so that it's specifically clear? I get a lot of questions about that specific area. I don't need an answer, but if they could, it would make the act clearer. I know that as I have mentioned before, I am getting a lot of questions, being an amateur radio operator myself.

I would like to draw your attention to section 123.1: “The Commissioner in Executive Council may make regulations in respect of the use of electronic devices while operating motor vehicles on highways, including regulations.” Could the minister describe what a highway is?

Hon. Mr. Lang: I guess to be clear on that issue, “a highway” is defined in the *Motor Vehicles Act*.

Mr. Inverarity: Not having a copy of the *Motor Vehicles Act* at my fingertips — which may lead to another question of whether or not we could have electronic equipment in the House, but we won't go there this afternoon — does the minister have a copy so that he could read the definition of “a highway”? I could get into a lot more detail here. Here's my con-

cern: that the definition of a highway does not include Second Avenue, a rural street in Carmacks, for example — or does it include all of those things that don't have numbers in front of them, from a road point of view?

Hon. Mr. Lang: We don't have the *Motor Vehicles Act* here now, but the officials tell me that Second Avenue, a street in Carmacks and these other roads are covered by that, so this would encompass all of that.

Mr. Inverarity: The ATV select committee has already run into this particular issue — the definition of “a road”. My understanding is that a lot of the ATV or mining roads are actually considered roads and I am wondering whether or not they would be included in this regulation. For example, if I'm sitting on the top of the access road to Mount Berdoe— the road going up to the microwave site or whatever — is it considered ticketable under this act if I choose to use my cellphone in that area. I know the intent is to try to cover a broad range, but because of this other issue that has cropped up in this select committee, I would just like to make sure that we're on the record here clarifying “roads” and “highways” and the use of electronic devices.

Hon. Mr. Lang: I could commit to send him a copy of the *Motor Vehicles Act*. I could have that sent over in the next couple of days so he could go through it.

I am comfortable that the department has done their work. This will be an improvement on what's happening on our roads today. This is a safety issue, as we all know. Part of this commitment the department has made is an education component and that will flow out of what we're talking about today and will certainly educate Yukoners on the use of these devices on our highways.

Oh, he has the copy, Mr. Chair. I thought that was top secret. Anyway, while he's browsing through the *Motor Vehicles Act*, I'll sit down and answer any other questions he has.

Mr. Elias: I have a few questions for the minister as well. They're mostly clarification questions. I'd also like to thank the minister and all the department officials for working on this piece of legislation. I think what my colleague from Porter Creek South was trying to get at — and I'll get into it — was what level of enforcement are we looking at? What agencies are able to enforce the motor vehicle legislation? Is it city bylaw enforcement officers? Is it conservation officers on the back roads?

Is it parks officers? Is it environment officers? Is it all of the above? Does this constitute reasonable and probable cause? Because, believe it or not, while hiking up the Scout Lake Road — and I think it was the Coal Lake Road — I saw with my own eyes, somebody flying down the hill, talking on a cellphone as soon as they got into range. Does that constitute a contravention of this piece of legislation? What about my own riding, where the majority of motorized transportation around town is with all-terrain vehicles, and that includes the Old Crow Mountain Road and the subdivision road? Is that in contravention of this piece of legislation, when they're not designated as a highway under the *Motor Vehicles Act*? That's what the question basically is.

Hon. Mr. Lang: The RCMP would be the agency that would monitor this and police these actions. This would happen in any of our communities. The municipal services would fall under that too, as would speeding and other infractions under the *Motor Vehicles Act*.

Mr. Elias: I thank the minister for that answer. In the explanatory note at the beginning of the piece of legislation, it mentions — in second reading, I believe it was the Minister of Education who mentioned that he found himself pulling over on the side of the road to deal with phone calls and things like that. That might become more and more the norm.

On the second bullet, it states: “Any driver can use any device if the driver has safely and lawfully parked their vehicle”. Is that at the discretion of the RCMP officer? Who determines whether or not someone has parked safely on a Yukon highway? There seems to be a bit of discretion there depending on the type of road, such as single lane, gravel road, downtown, community road, off the side of the travel portion of the road — that kind of thing.

Is that going to be defined in regulation or is it defined somewhere else?

Hon. Mr. Lang: In addressing the member opposite, that would be the call of the officer at the time on a safety issue. They are trained and equipped to make those kinds of calls. Certainly we would encourage anybody in any situation using communication devices in a modern vehicle to pull over safely, do their business and get back into the traffic because of the safety issue.

Mr. Elias: I did have some questions with regard to the definitions of “motor vehicle” and “highway” but I understand that, from what the minister has said, those definitions will come from the *Motor Vehicles Act* itself and the present regulations.

As technology increases and the amount of cellphone coverage increases throughout the territory, I have actually seen — I think it was a truck — where you do not necessarily need a cellphone in your hand, but you still have to touch a screen. You have to look at a screen and touch a screen. It's not necessarily a hand-held device, but it could be viewed as equally distracting.

I was just wondering if the legislation was broad enough to encompass that type of issue as well. As the vehicles get better and better and communication gets better and better, people will still have to look at a screen and touch the screen to dial or whatever. Is this legislation able to cover that broad range of technological expansion?

Hon. Mr. Lang: I thank the member for the question. Certainly it would be — it's covered under the bill. In the act it says: “operating any function of the electronic device”. In other words, that would be covered. I also appreciate the modernization of equipment as we move forward in years ahead of us, as we see the difference between vehicles today and, of course, vehicles five years ago. There is a great change in technology. So we have to keep abreast of that. I think that from an enforcement point of view, as we move forward with this kind of legislation, you'll find the education component of it will be

very helpful because people will become more and more aware of the danger of doing just that — distractions while driving.

There are long lists of distractions while driving, but people are concerned about this. I've had many conversations on the importance of this legislation to address this issue.

Mr. Elias: It's good to hear that the minister is going to start a vigorous education program and then begin with enforcement. With regard to enforcement, as I mentioned earlier in my second reading comments about Bill No. 91, is that in some jurisdictions — I think Nova Scotia and Quebec — I referenced in my second reading speeches about some provinces having a three-strikes-you're-out type of policy.

During the Yukon public consultation process the department embarked on, were penalties a part of the consultation process? I know the minister mentioned the demerit point system and summary conviction tickets being given out.

Was there any sort of price range, in terms of a \$100 fine for the first offence, a \$200 fine for the second offence and for the third offence, you get a 24-hour suspension — that type of idea? Was there a concept with regard to the penalties that will be developed in the regulations?

Hon. Mr. Lang: I'd like to address the question the Member for Vuntut Gwitchin just asked about the penalties, and he asked that during second reading. Under the proposed law — it was noted that a few provinces have penalties in their laws — our government intends to provide for penalties in the form of summary conviction tickets, similar to other traffic tickets. This will be done in the regulations.

In addition, we will include demerit points for people who use electronic devices, contrary to the law. Again, this will be done in regulations under the *Motor Vehicles Act*, as is done with demerit points for other offences, such as speeding or running a red light. In the regulations, as we put these penalties forward, we would take a look at other jurisdictions and what they're doing, and also look at our fine system to see how best to service this, but there would be a fine involved. The fine would come out of the regulations, and it would come from the research we'll do throughout Canada and also our own fine system to come up with a monetary penalty for doing just that.

Mr. Elias: I'm not sure if the minister answered this already. I might have missed it during the course of discussion. Does the minister have a definition for a "prescribed permitted user"?

Hon. Mr. Lang: That would be brought out through the regulations, and that would be worked on as we put the regulations together.

Chair: Any further general debate? Seeing none, we'll proceed clause by clause on Bill No. 91.

On Clause 1

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Mr. Elias: Why was April 1, 2011, a target date for the act to come into application in the territory? Was there a reason? Was that from public consultation?

Hon. Mr. Lang: We have done a public consultation. In addressing the member opposite, there is an education component to this as this unfolds. Also, we have to work on the regulations. So it gives us a timeline that the department is comfortable with and I am really insistent that there is an education component to this so that people are aware of it so it is not sprung on our communities without the education component.

Clause 5 agreed to

On Title

Title agreed to

Hon. Mr. Lang: I move that Bill No. 91, entitled *Second Act to Amend the Motor Vehicles Act, 2010*, be reported without amendment.

Chair: It has been moved by Minister Lang that Bill No. 91, entitled *Second Act to Amend the Motor Vehicles Act, 2010*, be reported without amendment.

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

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

Chair's report

Mr. Nordick: Committee of the Whole has considered Bill No. 22, *Second Appropriation Act, 2010-11*, and directed me to report progress. Also, Committee of the Whole has considered *Bill No. 91, Second Act to Amend the Motor Vehicles Act, 2010* and directed me to report it without amendment.

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

All Hon. Members: Agreed.

Speaker: I declare the report carried.
Government bills.

GOVERNMENT BILLS

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

Clerk: Third 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 third time and do pass.

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 third time and do pass.

Hon. Mr. Lang: I would like to thank the House and I would like to thank the members opposite for their support on this bill. It's very important for our community and I look forward to having this go through the House this afternoon.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. 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.

Clerk: Mr. Speaker, the results are 15 yea, nil nay.

Motion for third reading of Bill No. 91 agreed to

Speaker: I declare that Bill No. 91 has passed this House.

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Nordick): Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 22, *Second Appropriation Act, 2010-11*. We will now continue with general debate on Vote 8, Department of Justice. Do members wish a 10-minute recess?

All Hon. Members: Agree.

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

Recess

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

Bill No. 22 — *Second Appropriation Act, 2010-11* — continued

Chair: The matter before the Committee is Bill No. 22, *Second Appropriation Act, 2010-11*. We'll now proceed with general debate on Vote 8, Department of Justice.

Department of Justice — continued

Chair: Ms. Horne, you have about 10 minutes left.

Hon. Ms. Horne: I have already covered much of this information in my second reading comments and my introductory comments to our Committee of the Whole discussion last week. Unfortunately, I ran out of time so I would like to summarize my comments from Tuesday and then carry on with the rest of my speech.

I would also like to thank those who work in the justice system for all the good work they do every day of the year.

As I noted, the department is asking for \$1,419,000 for supplementary operation and maintenance budget expenditures and \$131,000 supplementary capital expenditures, which are offset by an additional \$200,000 in recoveries.

This government recognizes the immense cost on the justice system that has been necessary to appropriately manage offenders who suffer from FASD. Our government committed to deal with FASD. We committed to continue to implement the five-step FASD action plan, which includes supporting people and families with FASD through a wide range of services. FASD is one of those challenges that doesn't go away if we ignore it. We recognize that it is a terrible scourge that we need to address. Our government remains fully committed to addressing it.

I know that my colleague, the Minister of Health and Social Services, has been diligently working with his counterparts in health. This government recognizes the immense cost to appropriately manage offenders that suffer from fetal alcohol spectrum disorder. Last week my Justice minister colleagues from across Canada discussed FASD at the FPT meetings in Vancouver. It is on the agenda because Yukon asked for it to be there.

We entered into a project funding agreement with Justice Canada for \$60,000 to fund the Incidence of FASD Project. The purpose of this project is to identify the partners and to work on the methodology and projected plan to carry out research. This cost is 100-percent recoverable from Justice Canada. The government is also committed to modernizing Yukon's human rights framework in order to bring its processes and legislation up to national standards. The government is asking for \$66,000 for the *Human Rights Act* modernization project to continue the research component, analysis, and consultation leading to revision of the *Human Rights Act*. I would also like to address some of the important work we are doing in correctional services.

We are all aware that this government has moved forward in replacing the Whitehorse Correctional Centre. The new correctional centre is on budget and on schedule. We committed to implement the corrections action plan that includes measures to address the construction of a new correctional facility to re-

place the Whitehorse Correctional Centre. We committed and we delivered.

We also committed to work with First Nation governments, communities and NGOs and others to provide access to land-based camps and treatment centres for inmates at the Whitehorse Correctional Centre and offenders supervised in the community. While this particular aspect is under the purview of Health and Social Services, I can assure that we have been working very hard on this file, in support of the work Health and Social Services is doing. We are also working diligently on implementing the *Corrections Act, 2009*, which was passed in May of last year.

Many items in this supplementary budget will speak to the work we are doing to prepare staff for the historic move. Our corrections officers are now being trained to perform direct offender supervision. What we don't want is another building that is a correctional centre in name only. We want inmates interacting with our correctional officers.

We want the inmates learning healthy, appropriate behaviours and skills from our correctional officers. The only way that is going to happen is if our correctional officers are actively engaging with the inmates through direct supervision. We are therefore committing \$134,000 to complete direct supervision training.

As I mentioned earlier, we are asking for a revote of \$27,000 to continue to support our independent adjudicators at the correctional facility. This government has also approved \$89,000 to complete production of the materials such as the Principles of the *Corrections Act* posters, National Parole pamphlets, a staff handbook and an inmate handbook.

Last year this government took a major step forward in providing the Northern Institute of Social Justice. It was created to address two broad challenges: the recruitment, development and retention of a qualified workforce to deliver programs and services with a social justice related component from entry to senior levels, and also to develop relevant and accessible training to enter the workforce or further develop careers.

To further fund the needs of the institute, we are asking for a revote of \$208,000. We are aware that the different departments within this government have common clients. We are working to find ways to work better, to work closer, for the benefit of our common clients. We have therefore asked for a revote of \$9,000 to provide funding for the facilitation of a workshop on the findings of the common client research project.

Further to this, the Department of Justice is asking this House for approval for a project funding agreement with Public Safety Canada for \$61,000 to fund the common client research project consultation and further research to identify the number and extent of the common client. This cost is 100-percent recoverable from Justice Canada.

Last year we unveiled our *Victims of Crime Strategy*. This five-part strategy is designed to acknowledge, formalize and strengthen the government's existing services, confirm and explore new and emerging initiatives, including legislative op-

tions, and established mechanisms to work with others to examine new supports for victims of crime.

This strategy focuses on strengthening the focus on the needs of victims of crime, with an emphasis on addressing violence against women.

With this strategy in mind, we are asking for a revote of \$61,000. The Department of Justice is requesting a project funding agreement with Justice Canada for \$10,000 to fund the Victims of Crime Awareness Week. This funding will be used to develop and print public education materials and organize the activities around Victims of Crime Awareness Week. This cost is also recoverable from Justice Canada.

Finally, in capital expenditures, we are asking for a revote of \$19,000 from the Canadian Centre for Justice Statistics to assist the Department of Justice to conduct a study of Nova Scotia's Justice enterprise information network system. This project is critical to modernizing the information processes for the department as it moves forward and is also 100-percent recoverable.

We are asking for a revote of \$54,000 to continue work on the Justice enterprise information network system that will replace the court registry information system. Personal panic alarm locators consist of a screen, showing the exact location of each corrections officer at any given time.

This concludes my budget description to the House today. I would again like to take this opportunity to thank the dedicated staff within the Department of Justice and the RCMP for the fine work they are doing as we continue to move forward in building healthy relationships and peaceful communities in Yukon. Günilshish.

Mr. Inverarity: Starting off here, I'd like to thank the department officials who have come here this afternoon to partake in this review of the Department of Justice supplementary. I always look forward to these little sessions, although I've been out of this area as a critic for the last little while, but I've been looking forward to getting back in and getting my feet a little bit wet with regard to the Department of Justice.

As you know, in the early stages of the sitting, I was happy to play some significant roles, particularly in the development of the human rights legislation that has taken off again. The department is, as I understand it, doing a review of the other recommendations that came out of the Select Committee on Human Rights.

I'm not going to spend a lot of time talking this afternoon. I'm not sure when we might have an opportunity to get back into the Justice debate, and I do have some questions for the minister, so I think I'll probably dive right into it.

There are a few housekeeping questions — to get them over with and get them on the record. With regard to the Whitehorse Correctional Centre, could the minister give us a brief update as to the number of inmates and a breakdown of the types of inmates — males, females, violent criminals, those people who are awaiting trial and are in remand — and other information she may have from a statistical point of view?

Hon. Ms. Horne: In response to the member opposite, the inmate count on September 13, 2010, was 69 — 43 in remand and 26 sentenced. The average inmate count for 2009-10

was 77 — 46 in remand and 31 sentenced. The average inmate count for the past three years was 67 — 40 in remand and 27 sentenced. On September 13, 2010, 72 percent of inmates self-identified as being of First Nation ancestry.

The average percentage of self-identified First Nation people over the past three years was 75 percent. On this same date, 10 percent of inmates were female. The average percentage of female inmates over the past three years was 12 percent of the total.

On September 13 — the same date — there were 586 clients supervised in the community. The average number of clients per year for the past three years is 492.

The main categories of supervision: probation, 277; bail, 221; and conditional sentence, 36. I think that answers the questions asked.

Mr. Inverarity: I'm just trying to get some information in terms of numbers to see what's going on. While we're in that area, perhaps the minister could also tell us about the Adult Resource Centre and the number of clients who might be there. I wouldn't mind some information, a little bit about the building — how old the building is and how it's going. Let's stay with that and we'll come back to these other questions in a minute.

Hon. Ms. Horne: On the ARC — the Adult Resource Centre — Justice has renewed its contribution agreement with Adult Resource Centre. The new contribution agreement covers the current fiscal year and will ensure service for 13 clients. The remaining beds are contracted to Correctional Services Canada and Health and Social Services.

Contribution agreement renewal included budgeting exercises, development of a more sustainable staff model, examination and revision of policies, specific deliveries and commitments to staff training. Only low-risk offenders, bail clients and offenders who are transitioning back into the community are qualified to stay at the ARC.

Referrals to the ARC are closely scrutinized by the Whitehorse Correctional Centre and offender supervision services to ensure the individual is appropriate for the residence. This is to ensure that the individual is appropriate for the residence and is pursuing an achievable case management plan. The Salvation Army has very high corporate standards for running a halfway house, and they are working diligently to ensure the safety of the site, their staff, and the clients that reside there.

Since 2007, the Department of Justice has spent \$1.95 million through the contribution agreement with the ARC. The breakdown is: 2007-08, \$411,000; 2008-09, \$421,000; 2009-10, \$452,000; and 2010-11, \$704,000.

The ARC was placed under new management in August, 2009. They just recently did training and violence prevention programming.

Mr. Inverarity: I would like to thank the minister for that update on the Adult Resource Centre.

The reason why I am kind of curious about it over time is that there seems to be some issues around — I guess there is no easy way to say this — infestation of mice inside the building. I understand they have been trying for a long time to clean this particular problem up. Within the resource centre it still seems

to be an issue. I think that it should be something that should be looked at. Perhaps the next time the minister gets up, she can identify whether or not that information is correct.

With regard to the Adult Resource Centre — I am going to gang a couple of these questions together here, Mr. Chair — perhaps she could explain — I know that she will probably go into some great depth on this one — what some of the programming is that takes place in the Adult Resource Centre. She had indicated that these are generally not violent individuals, but I would be kind of curious as to the types of programs that are being offered for the types of individuals. If she has some information regarding the number of clients, for example, and what its total capacity is, and things along those lines, it would be excellent if she could provide that information.

My understanding is it used to be run by the Salvation Army. She had indicated in her notes that it might be under some new management or there might be a new contract out there. While we're at it, I'm not sure if there's a breakdown at the Adult Resource Centre between males and females or if they're all males — I'm not 100-percent certain myself. Seeing the time, I'd like to report progress.

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

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

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

Chair's report

Mr. Nordick: Committee of the Whole has considered Bill No. 22, *Second Appropriation Act, 2010-11*, and directed me to report progress on it.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

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

Motion agreed to

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

The House adjourned at 5:27 p.m.