

**Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, November 9, 2010 — 1:00 p.m.**

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

Prayers

In recognition of Remembrance Day

Speaker: Before the House proceeds with the Daily Routine, I'd ask all members to remain standing, please. We'll take a few moments to honour those who have served and continue to serve in the Canadian Armed Forces.

Thursday, November 11 is Remembrance Day. Remembrance Day marks the end of Veterans Week and is a time for Yukoners and other Canadians to honour the men and women who have defended Canada during times of war and brought peace to troubled parts of the world.

The freedoms we cherish exist largely because of the sacrifices made by these brave individuals. At this time of the year we wear poppies. We pause for two minutes of silent tribute and attend ceremonies to honour their memory.

As this is the last sitting day before Remembrance Day, it is appropriate for members to observe a moment of silence. I would ask that everyone present reflect on the extraordinary sacrifices of those Canadians who have served and continue to serve in times of war and turmoil.

We'll have a moment of silence, please.

Moment of silence observed

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of the Gala de la francophonie and all nominees

Hon. Mr. Hart: Mr. Speaker, I rise today to pay tribute to our vibrant Yukon francophone community and to acknowledge a very important celebration for its members — the 16th Gala de la francophonie — which will be held at the Yukon Arts Centre this Friday.

Every year, the francophone organizations get together to present nine awards in different fields of activities to members of the community who have distinguished themselves for their remarkable contributions to the development of the francophonie.

On Friday, November 12, nine persons or groups will be receiving awards named after the French-speaking pioneers. I am proud to say the French Language Services Directorate is the official sponsor of the Binet-Dugas award for excellence for providing French language services. The other awards cover the clientele and fields of culture and communication, education, volunteer engagement, health, small business, volunteer youth, women and parents.

The Gala de la francophonie will also feature music, theatre and other talents from the francophone community.

In this International Year of the Youth, many francophone youth will be on stage to honour their language and their culture. Congratulations to all the nominees, and keep up the good work.

Bravo à l'Association franco-yukonnaise pour sa contribution inestimable au tissu social, économique et culturel du Yukon.

Le Gala de la francophonie est l'occasion parfaite de reconnaître plusieurs personnes dont l'action et le dévouement contribuent au dynamisme et à l'épanouissement de la communauté franco-yukonnaise.

En cette année 2010 où nous célébrons l'Année internationale de la jeunesse, le Yukon se réjouit d'abriter une communauté francophone fière, forte et dynamique, enracinée au territoire depuis plus de 150 ans où le leadership de la jeunesse est prometteur.

Tous mes souhaits de succès pour ce 16^e Gala de la francophonie!

In recognition of francophone youth of Canada and 20th North and West Franco-Canadian Youth Parliament

Hon. Mr. Hart: I rise to pay tribute to the youth sector of the l'Association franco-yukonnaise, AFY, which is host to the 20th North and West Franco-Canadian Youth Parliament this weekend. In this International Year of Youth, our young French-speaking residents make us proud.

The francophone youth parliament is a political simulation activity that brings together some 40 young leaders from northern and western Canada's French-speaking communities. It is a non-partisan pretend parliament which takes place over three days. Its aim is to enable young Canadians 16 to 25 years of age to learn more about our parliamentary system while developing public speaking skills. Participants will also benefit from the opportunity to meet and exchange ideas with other young francophones. It is the third time that this event takes place in the Yukon, the last time being in 2004. We are proud to have the opportunity to share our culture with our guests, to showcase the Yukon's spirit and its beauty.

Le gouvernement du Yukon estime que la francophonie occupe une grande place dans la culture, l'économie et le tissu social du Canada et se réjouit du leadership de l'Association franco-yukonnaise dans le dossier jeunesse.

Cet événement important sera une expérience formatrice tant au niveau du leadership que du développement communautaire francophone pour tous les participants.

All the best to tomorrow's leaders.

Merci, M. le Président.

In recognition of participation of HMCS Whitehorse in Remembrance Day ceremonies

Mr. Inverarity: I rise today on behalf of all members of this House in recognition of the participation of the *HMCS Whitehorse* in Remembrance Day ceremonies and Veterans Day. It is a fitting tribute to Canada's naval centennial to have

representation from *HMCS Whitehorse* and have them participate in Remembrance Day ceremonies.

I would like to introduce at this time, with your indulgence, Mr. Speaker, Lieutenant-Commander Fedoruk, Chief Petty Officer Second Class Nicole Phippard, Leading Seaman Kenny Yen and Able Seaman Julia Alonzo, who are in the House this afternoon — if all members could give them a hand.

Applause

They're all from *HMCS Whitehorse*. I would like to mention that Petty Officer Second Class Nicole Phippard is also a former resident of Whitehorse. It's good to have her back. Lieutenant-Commander Fedoruk will make a presentation and participate in ceremonies of remembrance at Porter Creek Secondary School tomorrow. Additional presentations at the other three schools will be made by fellow crewmen. Commander and crew will have a sourdough pancake breakfast, hosted by the ship's mom, former Senator Ione Christensen, who is also in the House today — welcome.

As Yukoners, we are proud to be affiliated with the *HMCS Whitehorse*. It is the second warship to proudly carry that name. The ship was commissioned on April 17, 1998 in a Esquimalt and serves proudly as part of Canada's Pacific fleet. The crew members of the *HMCS Whitehorse* are great ambassadors for our city and join in many Yukon events whenever possible. We would like to thank Lieutenant-Commander Fedoruk and the crew for joining us here today and for joining Yukoners in ceremonies honouring veterans for their sacrifices for our freedoms. We congratulate the Canadian Navy on 100 years of excellent service. We also thank all who have served and are serving for their commitment and dedication of service and heroism. May God look after our ships and all those who sail them. Thank you.

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

INTRODUCTION OF VISITORS

Hon. Ms. Horne: I also would like to acknowledge Ione Christensen of FASSY in the gallery today. Welcome. And I would also like to acknowledge members of the Human Rights Commission and the board of adjudication: we have Juanita Wood, Fia Jampolsky and her son, Joie Quarton, and Barb Evans.

Applause

Speaker: Are there any further introductions of visitors?

Speaker's ruling re tabling a draft committee report

Prior to calling for the tabling of returns and documents, the Chair will rule on an event that occurred yesterday. Yesterday, during tabling of returns and documents, the Member for Mount Lorne and the Member for Mayo-Tatchun tabled a document entitled *Minority Report on Whistle-Blower Protection*. Both members are members of the Select Committee on Whistle-Blower Protection, and the report they tabled is a draft report that is currently before the committee. It is, therefore, the committee's report.

Standing Order 49(1) says, "A report from a Committee shall be signed by the Chair, on behalf of the Committee, and shall be presented to the Assembly by the Chair or by another member of the Committee authorized by the Chair or the Committee."

The Standing Orders do not provide for members of the committee to present a minority report.

The document tabled by the Member for Mount Lorne and the Member for Mayo-Tatchun does not meet the criteria of the Standing Orders and this tabling is, therefore, not in order. The document shall not be entered into the working papers of the Assembly and will be returned to the Member for Mount Lorne and the Member for Mayo-Tatchun.

TABLING RETURNS AND DOCUMENTS

Speaker: Are there any returns or documents for tabling?

Hon. Mr. Rouble: Mr. Speaker, pursuant to section 5(h) of the *Education Act*, I have for tabling the 2009-10 annual report of the Yukon Department of Education.

Hon. Mr. Edzerza: I have for tabling the *Environment Act* audit.

Hon. Ms. Horne: I have for tabling the Crime Prevention and Victims Services Trust Fund annual report for 2008-09. I also have for tabling the Crime Prevention and Victims Services Trust Fund annual report for 2009-10.

Hon. Ms. Taylor: I have for tabling the annual report 2009-10 for the Yukon Public Service Labour Relations Board, as well as the annual report for 2009-10 for the Yukon Teachers Labour Relations Board, as well as the annual report 2009-10 for the Yukon Heritage Resources Board.

Hon. Mr. Fentie: I have for tabling today both the Yukon Development Corporation 2009 annual report and the Yukon Energy Corporation 2009 annual report.

Hon. Mr. Hart: I have for tabling the Yukon Hospital Corporation 2009-10 annual report.

Hon. Mr. Kenyon: I have for tabling the April 1, 2009 through March 31, 2010 Yukon Liquor Corporation annual report.

Mr. Cathers: I have for tabling a legal opinion regarding Takhini Hot Springs Ltd.'s ability to subdivide and develop residences, including their ability to consolidate residences.

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

REPORTS OF COMMITTEES

Mr. Nordick: I have for presentation the report of the Select Committee on the *Landlord and Tenant Act* signed by

the NDP Member for Mount Lorne, the Liberal Member for Vuntut Gwitchin and the Yukon Party Member for Klondike.

Speaker: Are there any further reports of committees? Petitions.

PETITIONS

Petition No. 14 — received

Clerk: Mr. Speaker and honourable members of the Assembly, I have had the honour to review the petition, being Petition No. 14 of the First Session of the 32nd Legislative Assembly, as presented by the Member for Lake Laberge on November 8, 2010. The petition meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

Speaker: Petition No. 14 is accordingly deemed to be read and received.

Are there any other petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motion?

NOTICES OF MOTION

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

THAT this House urges the Government of Yukon to cease and desist its stalling of the important work done by select committees of the Yukon Legislative Assembly.

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

THAT this House urges the Government of Yukon to respond to the increased number of students at the Whitehorse Elementary School by allocating additional staff as required.

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

THAT this House urges the Government of Yukon to show leadership through the Department of Education and the Department of Justice to address the serious issue of organized fight nights in Yukon schools.

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

THAT this House urges the Yukon government to express support for changes in the Veterans Charter to reflect the honourable service of Canada's sons and daughters, specifically to:

- (1) end the widows tax on survivors;
- (2) end the lump sum payment for new veterans;
- (3) provide security through lifetime pensions commensurate with the injury sustained;
- (4) end the clawback on pensions;
- (5) treat Agent Orange victims fairly; and
- (6) give compassionate care to veterans who suffer psychologically from service for their country.

I also give notice of the following motion:

THAT this House urges the Government of Canada to live up to its obligation to withdraw all troops from Afghanistan in 2011 as promised and not to support an unjust and undeclared war through the pretense of training Afghan troops.

I also give notice of the following motion:

THAT this House urges the Yukon government to investigate and address issues of legislative discrimination against persons aged 60 to 65 based on marital status, as recommended by the Health and Social Services Council, particularly where there is no access to benefits by those who are 60 unless they have a spouse who is 65.

I also give notice of the following motion:

THAT this House urges the Yukon government to move quickly on building an electronic health record system, as recommended by the Health and Social Services Council, beginning with a pharmacy system in order to

(1) allow pharmacists and other medical professionals to share prescription and other health information across the territory;

(2) track the misuse of certain prescriptions; and

(3) enable physicians to access their patients' accurate medical history.

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

THAT it is the opinion of this House that the legal opinion regarding Takhini Hot Springs Limited tabled by the Member for Lake Laberge demonstrates several legal reasons why the corporation is not able to subdivide into as many lots as it claims, is not able to develop multiple residential housing, and is not able to develop condominiums, including bare-land condos, unless Cabinet approves a change to zoning regulations.

I also give notice of the following motion:

THAT this House urges the Yukon government to respect the wishes of Yukoners living in the Hot Springs Road area by:

(1) rejecting the application by Takhini Hot Springs Limited to change the zoning regulations for their property; and

(2) enforcing existing legislation and regulations which prevent the corporation from:

a) subdividing into nearly as many lots as the corporation claims it can subdivide its property into;

b) building multiple-unit residential housing; and

c) developing condominiums, including bare-land condominiums.

INTRODUCTION OF VISITORS

Hon. Ms. Horne: I would further like to introduce Heather MacFadgen who is the executive director of the Human Rights Commission, and I would also like to introduce Deana Lemke, secretary to panel of adjudicators, and Lynn Pigage, intake officer for the Human Rights Commission. Welcome.

Applause

Speaker: Is there a statement by a minister? This then brings us to Question Period.

QUESTION PERIOD**Question re: Homeless shelter**

Mr. Mitchell: Mr. Speaker, one of the most important issues facing downtown residents is homelessness. Unfortunately, those residents have gone through an entire sitting of this House without their own MLA to speak for them on this issue.

The members of this House recently debated a motion urging this government to support the collective efforts that are going on right now to reduce and ultimately eliminate homelessness in Yukon. It was one of those rare issues that we all seemed to agree on — more needs to be done. During the debate there were a number of recommendations put forward that the government could act upon. As winter sets in, what new steps is the government taking to address homelessness?

Hon. Mr. Hart: For the member opposite, I thank him for the question. There were several pieces of discussion with regard to homelessness during the debate on this issue several times throughout this session. We have indicated to the members opposite that we are working with officials on dealing with homelessness throughout the Yukon and, in particular, here in Whitehorse.

Mr. Mitchell: Mr. Speaker, this issue has been around for a long time. This government has had plenty of time to move beyond the basics. Numerous community organizations, old and new, have approached this government to support actions to reduce and eradicate homelessness. Those organizations continue to push forward and we want to ensure that their efforts are not in vain.

We understand that this is a complex issue. Government has a leadership role to play, and we will continue to urge this government to step up to that responsibility. Recommendations have been put forward to help this government achieve workable solutions, which include these community organizations that are trying to make a difference.

Will action be taken now or will downtown residents have to wait until the spring budget?

Hon. Mr. Hart: For the member opposite, as indicated, we are working on the solution with many of our stakeholders involved in handling homelessness issues for all Yukoners throughout the Yukon and specifically here in Whitehorse. We have been working very closely with all of those stakeholders in trying to come up with a solution to dealing with homelessness for all individuals here in Yukon.

Mr. Mitchell: Mr. Speaker, there is an expectation that this government should take the issue of homelessness at least as seriously as it takes the other issues that need to be addressed.

This issue was brought forward a few weeks ago by the Liberal caucus in an effort to push this government into action. The government followed up a week later with their own motion, urging themselves to develop a homeless shelter in downtown Whitehorse.

Winter is coming; another season has come and gone; yet there is still no permanent homeless shelter, but there are still many homeless people who desperately need one.

This government has talked extensively about how important this issue is, but we still await action. When will the government act on its own advice, as was stated in Motion No. 1217, and develop and build a homeless shelter in downtown Whitehorse?

Hon. Mr. Hart: As indicated, we are looking at the development of a homeless facility in downtown Whitehorse, as per our motion. That is something we are currently doing. As indicated previously, we are also in discussions with officials on developing something that will handle the situation and address the homeless situation for Yukoners.

Question re: Youth homelessness

Mr. Mitchell: Similar question, same minister — we've asked the Health minister several times during this sitting about what this Yukon Party government is doing to address youth homelessness. Each time the response has been vague and non-committal and full of temporary solutions. On October 27, I asked the Health minister a specific question about at-risk youth and he didn't even go so far as to mention youth in his response.

The issue of housing at-risk youth is one that this Yukon Party government has had eight years to address. Here is yet another major issue on which this government has failed to take concrete action. We have asked before, and we'll ask again. Is the government prepared to commit to building a dedicated, permanent youth shelter?

Hon. Mr. Hart: Mr. Speaker, as indicated previously on this situation in the House here, we are working on dealing with the homeless issue throughout the Yukon for all individuals who are homeless. We are dealing with the stakeholders of all groups who provide assistance in dealing with those individuals who are homeless. We will continue to do so in the event that we can achieve and provide something to assist those who are homeless.

Mr. Mitchell: Mr. Speaker, it's unacceptable that youth at risk have to go through intake at the detox centre in order to receive temporary shelter. This is not the proper way to look after at-risk youth, and the employees at the Sarah Steele Building know this.

According to one study, 98 percent of people surveyed felt that there was a need for a youth shelter in Whitehorse, and 87 percent felt that this shelter should have a downtown location. Mr. Speaker, there is still no elected MLA for Whitehorse Centre to raise this issue. The Yukon Party recently mailed out a survey to downtown residents and asked residents to tell them their issues.

Can the Health and Social Services minister tell us if youth homelessness and at-risk youth were flagged as major concerns by downtown residents, and what is this government going to do to address this issue on a more permanent basis?

Hon. Mr. Hart: For the member opposite, as I've stated previously on this situation, we are dealing with all of our stakeholders involved in dealing with issues of homelessness for all individuals, including youth. We anticipate that as we finish following up with the reports and dealing with our social inclusion strategy that we will be able to come forth and deal with the situation of homelessness for all Yukoners.

Mr. Mitchell: I think the Health and Social Services minister has told me five times so far today that they're dealing with it, but the issues remain unresolved.

Now, Yukoners living in Whitehorse Centre have been denied representation in this House for the duration of this sitting and do not have a representative of their own choosing to advocate on this issue, so we will do so. We know that a former Yukon Party candidate from Whitehorse Centre was a big proponent of issues related to at-risk youth and she has tried to address the issue of a youth shelter, but this Yukon Party government has been unwilling to do so. Will the Yukon Party's candidate for this riding in the upcoming election be championing this cause as well?

Hon. Mr. Hart: I thank the member opposite for his campaign speech here for the Liberal Party. On behalf of all Yukoners, though, as I've stated previously, we are working through our social inclusion strategy to develop an initiative that will address homelessness for all Yukoners.

Question re: Green economy

Mr. Cardiff: What is the state of the Earth today? The global economy is in shambles; the promise of financial reform in the wake of the meltdown has been empty. There has been little movement globally to stave off catastrophic climate change. Our economies are as oil-addicted as ever as we race toward peak oil. Without change, without a massive transition toward a new economy in harmony with Mother Earth, our future on our planet will be truly grim.

This is the defining challenge that confronts all Earth's people, whether it's in Carmacks, Cairo or Canberra. We must transition to an economic system that is in harmony with our planet. How will the people of the Yukon be a part of that great transition, Mr. Premier?

Hon. Mr. Fentie: I think all individuals in the world are experiencing and sharing some of the very difficult challenges that we face today globally. As far as the member's question, it has been for some time now — I can say with great confidence — that the Yukon has been focused on the issues specific to climate change. The member asked how.

Well, obviously, one of the areas that's very important for the Yukon is the climate change strategy, the *Climate Change Action Plan*, the cold climate innovation cluster, the emerging of the green economy, using our very fine institution — the Yukon College — in ways that we can further enhance those things.

Let me remind the member also that the economies around the world struggle regardless if they are emerging into addressing the member's question as he relayed it, or just trying to survive economically as they are today. The one thing that we can say here in Canada is that we've managed to fare reasonably well during this major global economic downturn and the Yukon, specifically, fared even better. It's one of the bright spots in North America.

Mr. Cardiff: Mr. Speaker, that may be, but sooner or later the roosters come home to roost, and we will see just how well we are doing.

The great transition requires that we build a truly local, low-carbon, sustainable economy and we're very far from

achieving this. Yesterday the government announced more junkets to China in order to attract more foreign capital for the mining sector. This government wants to see more of our raw materials shipped halfway across the world to feed the industrial processes of the world's largest polluter.

We are giving our resources away so cheaply. We are not looking at how we manage these resources sustainably and with maximum local benefits, which ironically is what China does when foreign investors come knocking at its door. How will we transition toward managing our mineral wealth in a truly sustainable way?

Hon. Mr. Fentie: The Third Party member should be very careful about talking about Yukon's resources, because if you follow the logic of the NDP's policies and their vision for the Yukon, you couldn't even give them away, never mind attract investment to develop them. We've come a long way in addressing the economic problems that we faced as recently as 2002. We want to continue that very positive trend. It's a well-managed growth. As far as the member opposite's view of how we regulate and manage this type of economic investment and growth, let's look to things like YESAA. Let's look to devolution and what we've taken on in terms of the *Quartz Mining Act*, the land use act, the *Waters Act*. There is a litany of mechanisms — legal, regulatory and policy-wise — that ensure that we are managing and developing our resources in a very, very responsible way.

That's why the Yukon today is such an attractive place. It is consistent in its application of policies. It has a treasure trove of resource wealth. It has a government that believes in responsible development, and we are certainly making our headway in the world global economy.

Mr. Cardiff: How about we look at the fact that there are skilled Yukoners out there who can't get jobs on some of these megaprojects that the government is touting. The greatest source of carbon emissions in the Yukon is the transportation industry. Much of this comes from trucking food from down south. Our food system is built on wasting huge amounts of fossil fuels and catering to individual customer desires to eat whatever, whenever. Yesterday we celebrated Yukon's farmer of the year. We all need to be farmers in the future, and we should all be farmers of the year. Local food security for the Yukon is a far and distant goal, but we must get there, because the status quo is not an option. We must work toward a future when all the food we consume in the Yukon will be grown or raised in the Yukon in our backyards, in our forests, in our community greenhouses, and in our pothole lakes. How will we transition toward creating the local food security and food self-sufficiency that the planetary crisis demands?

Hon. Mr. Rouble: Yesterday we saw a shining example of what the member opposite is speaking. Yesterday in our Assembly, and earlier last weekend, the Yukon Agricultural Association honoured a Yukoner for her work in the agricultural industry. We're seeing people establishing greenhouses in communities, not just in Whitehorse, but also in the community of Old Crow, as we discussed yesterday.

The Government of Yukon, through the Growing Forward initiative, is working with Yukon's farmers and people in the

agriculture industry to support, grow, develop and nurture this industry.

Yes, it's great to see people find organic strawberries in their grocery store in February, but we really do need to increase the amount of locally grown products we have here in the territory. I know people enjoyed shopping at the Fireweed Market this past summer, where they had the opportunity to buy locally grown potatoes, produce and cheeses. Through the work with the mobile abattoir, we're also working at expanding the poultry and beef industries here in the territory.

We take seriously the issue of agriculture in the territory. We're taking steps and working with our farmers and people in the industry to continue to grow it, to increase Yukon's own home-grown food resources.

Question re: Rural domestic well program

Mr. Cathers: The rural well program was established in 2004 after a group of my constituents suggested the government create a program similar to the rural electrification program to help people drill and hook up water wells for their homes.

As the Minister of Community Services noted during second reading this fall, the program has been very successful and has assisted about 140 Yukon families. It provides loans and security that loans will be repaid. YTG is not able to make it available inside municipalities unless it reaches an agreement with municipal governments; past attempts to do that were not successful.

Earlier this year, I met with the city council and senior administration to discuss possible solutions and, following that, wrote to the minister who responded positively and indicated officials from his department would follow up with city officials.

Since the minister's letter, have officials yet had any meetings to try to reach an agreement to allow Whitehorse residents to access the rural well program?

Hon. Mr. Lang: In addressing the member opposite, the issue inside municipalities and the well program — we have had meetings internally and through the department with the municipality. We haven't been successful at resolving the issue about how it would work inside the municipality.

Mr. Cathers: As the minister certainly knows very well, this is not a simple issue; there are many complexities to it. Based on my discussions with city councillors and senior managers this year, I also believe that an agreement can be reached between the two governments to allow Whitehorse residents to access the rural well program. The minister has indicated that there hasn't been any significant progress at this point in time. Can he tell me whether or not any meetings are scheduled, and if not, will he commit to directing his officials to follow up with the city and again schedule the meetings on this issue to try and reach an agreement?

Hon. Mr. Lang: I remind the member opposite that it involves all municipalities in the territory, so the taxation situation is a municipal obligation or responsibility. Certainly, we do work with our municipalities to bring these programs forward, but if they're not positive on participating, it's their decision.

Mr. Cathers: The rural well program has been very successful and it has helped many of my constituents and other Yukon families. It helps provide safe, affordable drinking water and is also in keeping with the principles in the climate change action strategy, as it reduces the carbon footprint caused by reliance on water delivery.

The minister again has indicated that there are challenges with this and I'm certainly well aware of this, but in conclusion, I would again ask him to commit to having officials from Community Services work with the City of Whitehorse and with other municipalities to try and reach an agreement.

I gave him a few suggestions in my letter from April this year. Will he please commit to ensuring that officials again engage with the city and try to reach an agreement?

Hon. Mr. Lang: The department works with municipalities all the time on many issues, and this is just one of the issues that we discuss. We certainly will be working with our municipalities and certainly look forward to the working relationship we have. As far as the well program is concerned, we haven't been successful.

Question re: Peel Watershed land use plan

Mr. Elias: The Peel Watershed Planning Commission was formed six years ago to determine what levels of sustainable development and protection were appropriate for that region. Many milestones have been passed since — like consultations, reports, revisions, and public submissions — but one of the most important is coming up shortly. Last January, all parties agreed on a timeline for responding to the recommended Peel plan; they committed that this would happen by December 2010, or sooner if possible. Will the government meet this December 31 deadline?

Hon. Mr. Rouble: I'm reminded that it isn't government in the singular sense, it's governments in the plural, as there are a number of different governments involved in this very important activity.

The Member for Vuntut Gwitchin is very aware of the process laid out in the *Umbrella Final Agreement* and the land claims agreements that deal with the issue of land use planning. We're certainly in that process with the Peel watershed area. We have gone through the timelines on a number of different occasions; we've laid out the process; we've tabled letters; we've tabled schedules. Members opposite have received that. Yes, the governments will continue to do the work that has been laid out before them and the Yukon government will certainly play a very important role in that, as will the other orders of government involved. We will work to continue through the plan, as we have committed to doing.

Mr. Elias: The commission recommended that the region be granted high levels of environmental protection, and the joint letter setting out the deadlines for responding to that plan was signed by the Environment minister's predecessor. Despite this, he has been publicly silent when it comes to advocating for the Peel and for his department's concerns.

The government promised a response to the recommended plan by December 2010. That's only a few weeks away. Will the Environment minister finally let Yukoners know if he will accept the commission's recommendations, or will the Yukon

Party government reject or modify the *Peel Watershed Regional Land Use Plan*?

Hon. Mr. Rouble: As we've said on a number of occasions, we will continue to work with the other orders of government involved in this process to conclude the process. We have certainly heard from the Liberal Party that they would like to see 80 percent of this area protected from human activity. We've heard from the NDP. They would like to see 100 percent of the area protected from human activity. The Government of Yukon will continue to work through the process that has been outlined in the *Umbrella Final Agreement* under chapter 11. There are a number of processes to go through. Members are aware of that. We've certainly gone through the schedules here previously. We will continue to work through that process and we work toward concluding this, as we did in the north Yukon where this government was the only government to ever conclude a Yukon land use plan.

Mr. Elias: There were other governments involved in that one too. Yukoners have had a lot to say about the Peel, even while the Yukon Party government has remained silent. Let's see. About 1,000 public submissions were made to the Peel Commission. Most of the First Nations directly affected by the Peel have stated their position. Multiple industry groups have spoken up about their interest in the Peel.

The Yukon government, which controls 97 percent of the land, has remained silent while every important planning milestone has been passed. The silent one is this Yukon Party government, and Yukoners deserve to know where their government stands on this very important environmental issue.

What is the Environment minister going to do about the Peel?

Hon. Mr. Edzerza: Mr. Speaker, this government is not about to preclude anything that has to do with land use planning of the Peel. If other governments want to do this, that's their choice. If other citizens in this territory want to do that, that's their choice. But there is definitely a process that must be honoured and followed by the government of the day and that is what this government intends to do. Thank you.

Question re: Arctic drilling

Mr. Elias: Some estimates see the Arctic containing as much as one-third of the world's oil supply. Canada, Russia, China, Sweden, Norway and the United States all have their eyes on this resource. It's essential that we take precautions to protect our pristine marine and wilderness areas that are home to hundreds of species of birds, fish and wildlife and also to ensure sustainable economic development is in the forefront. Yukoners deserve to be directly involved in the stewardship of our northern tidewaters.

I've asked this before and I'll ask it again: has the Minister of Environment contacted the big oil companies to ensure they will be coming to this territory to consult Yukoners about this important issue?

Hon. Mr. Edzerza: No.

Mr. Elias: Wow, that's a demonstration of leadership.

Yukoners want to be heard before companies like British Petroleum, Shell and Imperial Oil come to this country — which have more money than the Government of Canada. Be

careful — to the Environment minister — very careful, before they start drilling off our Yukoners' north coast. We have Herschel Island up there; Ivvavik National Park could be heavily affected; and this stuff is taking place in the Beaufort Sea.

Last week the Minister of Energy, Mines and Resources stated several times that this Yukon Party government has been working with the federal government on this issue. Why is the minister allowing the federal government to take the lead on this issue, when other jurisdictions are ensuring their citizens have the opportunity to submit their testimony directly to the big oil companies?

Hon. Mr. Rouble: The Government of Yukon responds actively to its responsibilities. The issue in the Arctic Ocean is one the Government of Yukon is very involved in. The Government of Yukon has an arrangement and a memorandum of understanding with the federal government committing both parties to work together on these issues. We continue to do that.

The National Energy Board is the federal agency that has conducted a review on offshore drilling; they have opened the door to all Canadians to participate. If there are people who wish to submit comments to that from coast to coast — because this is an issue that affects all Canadians — I would certainly encourage them to do so. We will continue to work with the National Energy Board to ensure that Yukon's environmental issues are addressed, that our regulatory issues are addressed, and that we have economic development opportunities into the future.

Mr. Elias: I guess they just don't answer the question. To achieve our Yukon stewardship in the Beaufort Sea and the Arctic Ocean, the challenge is to balance the interests, rights, and responsibilities across our Canadian Arctic as well as beyond sovereign jurisdictions. There exists a dichotomy of rights and responsibilities in the Arctic Ocean as established by the law of the sea, and Yukoners want to have a say in the path that is taken to strengthen Arctic security in supporting sustainable economic development and the protection of the environment in the Beaufort Sea and Arctic Ocean.

Does the Environment minister really believe that leaving all the decisions on Arctic drilling to his federal Conservative colleagues is in the best interests of today's Yukoner?

Hon. Mr. Rouble: We are committed to working with the federal government, which has outlined the Beaufort regional environmental assessment strategy. The member opposite hasn't referred to the recent announcement of a marine national park in the area, which also addresses many of the concerns. Also, I have to mention that it was the previous Liberal government that signed the devolution agreement that also drew the boundaries on the map. I think a bit more work should have gone into that one, Mr. Speaker, so that Yukoners could have been assured that we have a greater role to play in the Arctic Ocean because it is going to become a broader issue to the entire world, to the global trade issues.

Government of Yukon's Energy, Mines and Resources is in regular contact with the National Energy Board and others on this issue. It's an issue with which we're working very closely. It's an issue where Government of Yukon will con-

tinue to work to ensure that our economic opportunities are protected, that our environment is protected and that we see opportunities for the involvement of Yukoners.

Question re: Youth homelessness

Mr. Cardiff: Today I'd like to ask the Minister of Health and Social Services to think about a young man called, Joey. He's a First Nation youth from Dawson City, but he spent the last four years in Whitehorse since he quit school at 15.

The first few years, Joey was able to live with relatives, but basically they got tired of feeding him. There weren't any jobs for youth his age and lack of experience, so a friend showed him how to get involved in the drug scene and how to sell drugs to other youngsters. It helped to pay his way and he and four other youths rented an apartment. At first it was fun. There were lots of parties, lots of girls. Then, at the coldest time of winter, they were all evicted. What would the minister advise young Joey to do?

Hon. Mr. Hart: Young Joey should have looked at our Individual Learning Centre when he was out of that process to look at assisting him in developing his skills for future employment — future gainful employment so he could avoid the situation the member opposite just referred to.

Mr. Cardiff: Some nights, Joey found friends who had a spare couch to let him sleep on and sometimes they would even feed him. Those were the times when he had drugs and alcohol to share. Other nights, he slept with two other boys in a structure made of old boxes and tin that was hidden in the trees off a road in Porter Creek. It had some blankets that someone had found in a dump. When an older relative bumped into him and ask him why he didn't look for work, he laughed. His clothes were dirty, his hair was matted, his eyes were blotchy and he was sleepy all the time. No employer would take him seriously, he knew. One night at 10 p.m., it got to minus 30 and Joey knew he couldn't stay outdoors any longer. If the minister had seen Joey, what advice would he have?

Hon. Mr. Hart: There are several programs available for individuals such as the member opposite indicated. We have a situation where we could provide assistance to enable the individual to get emergency shelter for the evening, as the member opposite indicated on the one night of minus 30 below. We could provide service through Skookum Jim and then also provide emergency shelter for that individual. We also have services available for individuals through social assistance that can be provided on an emergency basis to assist those individuals. We also have services available under the drug addiction process to assist individuals, that ensure treatment for those individuals.

Mr. Cardiff: Well, it just so happens that a taxi driver Joey knew said, "All you have to do is phone Skookies, and they find you a warm place to sleep and maybe even something to eat." But he didn't have a phone. So he stopped a few people and asked to use their cellphones. When he finally did get through to Skookies, he was told to meet the outreach worker at the Sarah Steele Building at the detox doorway.

When he got there, a woman who was very drunk was throwing up and being carried to the door by the RCMP. He

was told by detox staff at the door that he had to stay outdoors and wait for the outreach worker.

The next 15 minutes were the coldest Joey had ever felt in his life. When he got inside, the workers searched through his jacket and his pants pockets and then gave him a breathalyzer test. He was finally warm.

Will the minister tell us if he thinks what Joey experienced is the best practice for treating homeless youth?

Hon. Mr. Hart: I find it surprising that the member opposite would come through with this questioning, especially after we provided the member opposite a view of the whole process. He's just utilizing all that information as per what he just demonstrated here in the House.

I believe this gentleman should have a look at all the services that are available for all the individuals in the Yukon who are homeless, not just the individual he's purporting to make out here in the House — this theoretical individual — and I look forward to providing the member opposite with a very good strategy in the future with regard to homelessness in Yukon.

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

ORDERS OF THE DAY

GOVERNMENT MOTIONS

Motion No. 1236

Clerk: Motion No. 1236, standing in the name of Mr. Fentie.

Speaker: It is moved by the Hon. Premier THAT the following Address be presented to the Commissioner of Yukon:

MAY IT PLEASE THE COMMISSIONER:

WHEREAS section 35 of the *Ombudsman Act* states:

35(1) Subject to subsection (2), this act shall continue in force for a period of five years from the day on which it came into force, and no longer.

(2) If at any time while this act is in force, an address is presented to the Commissioner by the Legislative Assembly praying that this act should be continued in force for a further period, not in any case exceeding five years, from the time at which it would otherwise expire and the Commissioner in Executive Council so orders, this act shall continue in force for that further period.

AND WHEREAS the *Ombudsman Act* came into force on July 1, 1996 and, pursuant to Order in Council 2001/04, was continued in force from July 1, 2001 to June 30, 2006; and, pursuant to Order in Council 2006/27 was continued in force from July 1, 2006 to June 30, 2011,

AND WHEREAS the Members of the Yukon Legislative Assembly believe it to be in the public interest to take action in a timely way respecting the continuance of the *Ombudsman Act*,

NOW THEREFORE this Legislative Assembly prays that the *Ombudsman Act* should be continued in force for a further period, being from July 1, 2011 to June 30, 2013.

Hon. Mr. Fentie: I know this is somewhat of a lengthy way to address the issue before the Assembly, as the Ombudsman is an instrument of this Assembly and has a direct relationship to the Members' Services Board, which is a representative board or body of members of this House. We need to ensure that, given the act has a sunset clause in it — the *Ombudsman Act* itself — that we do not experience a situation where the sunset clause of the act would be exercised in a manner that we do not want to see happen.

Therefore, it is my understanding that the Members' Services Board has come forward with this recommendation, which gives rise to this motion. The recommendation is to address the sunset clause in the *Ombudsman Act* by providing a further period or extension for the Ombudsman's function from July 1, 2011 to June 30, 2013.

I would hope that future Members' Services Board discussions around this area can give us better insights into maybe a longer term solution. It has been past practice that we have dealt with this on a five-year extension basis. I know the Ombudsman herself has made representations to the Members' Services Board and has made representations to our respective caucuses. So at this instance, in this time, the Members' Services Board has acted responsibly and in accordance with what we the Assembly must do.

I offer this amendment on this motion to the House for its support so that we can address this very important issue with respect to the sunset clause of the *Ombudsman Act* itself.

Mr. Mitchell: I thank the Premier for his motion and his opening remarks to it.

This was, as the Premier indicated, agreed to by all members of the Members' Services Board in order to continue the timeline, continue this act to June 30, 2013, in order to give the present session — the 32nd Legislative Assembly — or the ensuing Legislative Assembly sufficient time to address this legislation in all its aspects in a more thorough manner, and to make sure the timing thereof will not in any way be impacted by the election cycle we are currently in. We support this and think it's the best way to address this issue at this time.

Mr. Cardiff: I, too, would like to thank the Premier for bringing this motion forward and for his comments and the comments of the Leader of the Official Opposition. The comments are well-made; they are correct. This was agreed to at the Members' Services Board. I'm pleased to hear the Premier, especially, say today that there needs to be a permanent solution and that Members' Services Board needs to look at the changes that have been proposed, that we need to find a way where we don't have to deal with the sunset clause every five years.

It's very important — I know from my own perspective, as a Member of the Legislative Assembly and on behalf of my staff, that we appreciate the work the Ombudsman does in assisting us. The people we see on a day-to-day basis who are coming to us for assistance with the problems they have — when we direct them to the Ombudsman's office, they get service and they do find solutions to a large number of problems.

So it is a very valuable, necessary service and instrument of this Legislative Assembly. We need to take it very seriously and we need to address all of the other issues, not just the timeline, but all of the other issues with regard to the Ombudsman. We will be supporting the motion.

Mr. Cathers: I'll be very brief. I think the Leader of the Third Party did an excellent job of summing up the fact that this is a very important function and service. The Ombudsman is something that Yukon citizens very much need and it is important legislation. Because of the nature of the act, this is a housekeeping function that must occur until such point in time as perhaps the act may be amended to eliminate the sunset clause. So I will be supporting this motion.

Motion No. 1236 agreed to

Motion No. 1237

Clerk: Motion No. 1237, standing in the name of the Hon. Ms. Horne.

Speaker: It is moved by the Minister of Justice:

THAT the Yukon Legislative Assembly, pursuant to section 17(1) of the *Human Rights Act*, does appoint Fia Jampolsky and Juanita Wood as members of the Yukon Human Rights Commission for terms of three years effective December 10, 2010.

Hon. Ms. Horne: It does give me great pleasure to rise today in the House and recommend the appointments of Fia Jampolsky and Juanita Wood as members of the Human Rights Commission, as mandated under subsection 17(1) of the *Human Rights Act* for a term of three years effective December 10, 2010.

Fia Jampolsky has a degree in political science and Canadian studies from the University of Alberta and a law degree from the University of Calgary. She moved to Yukon in 1996 as a young articling student and fell in love with the Yukon, and has been practising here ever since. Ms. Jampolsky has worked at Legal Aid for over 10 years, seeking justice for underprivileged individuals in criminal, family and child-protection law.

She moved to the law firm of Cabott & Cabott in February of 2010 to assist residential school survivors advance independent assessment claims under the settlement agreement. Ms. Jampolsky has been very involved with efforts to improve the lives of individuals who suffer from FASD, serving on the board of FASSY from 2004 to 2010. With the generous assistance of the Yukon Law Foundation, she is presently conducting research on the intersection between FASD victims and offenders within the criminal justice system. Ms. Jampolsky will bring her extensive experience in First Nation justice issues and a strong commitment to human rights to the commission.

Mr. Speaker, Juanita Wood has lived in Yukon for over 31 years and has raised two children here. She has past board experience, is an avid outdoors enthusiast and is an active volunteer at the Marsh Lake community centre. She holds a business administration diploma from Yukon College and is currently

working full-time as a facility and program support manager at the Yukon Liquor Corporation.

At this time, I would also like to acknowledge and thank Melissa Atkinson, who has been chair of the commission for the last six years.

Mr. Inverarity: I'd like to rise today also to endorse Fia Jampolsky and Juanita Wood, who have been selected to sit on the Human Rights Commission for a term of three years. We on this side will be supporting the motion put forward here today. I would also like to thank Melissa Atkinson for her years of service on the board, as I would like to thank all those other members who have served for a long time on the Human Rights Commission and are retiring. We look forward to seeing a term of three years for these new members.

Mr. Cardiff: I'd like to thank the minister and the Member for Porter Creek South for the words today on this motion. We will be supporting the candidates and I, too, would like to thank — especially Melissa Atkinson, for her six years of service — all those individuals.

This is another important board and instrument of this Legislative Assembly that does good service for all Yukoners. We need to thank all the individuals who have been on the commission, those who are remaining with the commission, those who are putting forward their names to sit on the commission and those who were unsuccessful and didn't have their names accepted this time. The fact that there's interest in participating on something so important says a lot about the community we live in, and I would encourage all those people to continue to maintain that interest and stay involved in human rights issues.

Mr. Cathers: I will rise briefly here just to again note that this is a standard matter we must deal with before the Assembly — the appointments to the commission.

I would like to thank those who are retiring from the commission and thank both those whose names have been recommended in the motion and all others who put their names forward. This has gone through the process, gone through the Standing Committee on Appointments to Major Government Boards and Committees, the process followed, and a decision made on the members to be recommended. I thank the minister for that. So I will wish Ms. Jampolsky and Ms. Wood well in their service over the next three years. I thank them for putting their names forward and I will be supporting the motion.

Motion No. 1237 agreed to

Motion No. 1238

Clerk: Motion No. 1238, standing in the name of the Hon. Ms. Horne.

Speaker: It is moved by the Minister of Justice

THAT the Yukon Legislative Assembly, pursuant to section 22(2) of the *Human Rights Act*, does appoint Joie Quarton as chief adjudicator to the panel of adjudicators for a term of three years effective December 10, 2010.

Hon. Ms. Horne: It again gives me great pleasure to recommend the appointment of Joie Quarton as chief adjudica-

tor to the panel of adjudicators as mandated under the *Human Rights Act*, section 22(2), for a term of three years effective December 10, 2010.

Joie Quarton received her Bachelor of Law from the University of Victoria in 1989 and has worked for 20 years in the area of alternative dispute resolution. She has extensive experience as a lawyer, mediator and arbitrator in adjudication and conflict resolution. She has chaired several tribunals in the past and acted as counsel in a number of human rights matters for both the commission and for respondents. I believe that Joie Quarton is amply qualified to sit as chief adjudicator and her extensive past experience in conflict resolution and commitment to human rights issues will be valuable assets to the panel of adjudicators. I would also like to acknowledge the past experience of Barb Evans, the outgoing chief adjudicator. She has served three terms. She has given exemplary service and her work has been very much appreciated. I am proud to ask the Legislative Assembly for unanimous assent to appoint this highly qualified and respected citizen, Joie Quarton, to the Yukon panel of adjudicators.

Mr. Inverarity: I rise today to thank the minister for bringing this motion forward to appoint Joie Quarton for the chief adjudicator's position. We'll be supporting this motion this afternoon. I don't think I need to say too much else, other than I would also like to thank Barb Evans for the almost 10 years she has served on the panel of adjudicators. She has done an excellent job and I know she'll be missed on the panel, but we all move forward.

Mr. Cardiff: The minister outlined very well the qualifications of the candidate whose name has been put forward. I also believe the panel of adjudicators plays a very important role in the human rights process and would again like to thank all people who put their name forward, those who accepted appointments and those who have served in the past.

I would like to take the opportunity to thank Barb Evans for her service for the past 10 years too, and look forward to seeing human rights education and the human rights process become more a part of the fabric of our Yukon society.

Mr. Cathers: First of all I'd like to thank the Minister of Justice for consulting with me, as well as with other members, on the appointment of the chief adjudicator. I would like to thank Barb Evans for her service in the past as chief adjudicator and both thank Ms. Quarton for putting her name forward and wish her well in this appointment. I will be supporting this appointment and, as a number of other members have said, I would also like to thank not only past members who have served in these positions, but all who put their names forward.

Motion No. 1238 agreed to

INTRODUCTION OF VISITORS

Mr. Inverarity: I'd like to take this opportunity, for all members of the House, to introduce Ron McFadyen, who is in the gallery today. Ron, as you know, is a long-time Yukoner.

Applause

Motion No. 1239

Clerk: Motion No. 1239, standing in the name of the Hon. Ms. Horne.

Speaker: It has been moved by the Minister of Justice THAT the Yukon Legislative Assembly, pursuant to section 22(2) of the *Human Rights Act*, does appoint Kim Cholette as a member of the panel of adjudicators for a term of three years effective December 10, 2010.

Hon. Ms. Horne: It gives me great pleasure to recommend the appointment of Kim Cholette as a member to the panel of adjudicators, as mandated under the *Human Rights Act*, section 22(2) for a term of three years, effective December 10, 2010. Kim Cholette has a degree in General Studies from Simon Fraser University, a masters in Business Administration from the University of Cape Breton, and is currently working on a Graduate Law degree in Administrative and Constitutional Law at York University.

In 2006, after working for several years with the B.C. government, she accepted a position as a director of regional economic development in the Yukon Department of Economic Development. Most recently, she was appointed as disciplinary hearing adjudicator with the Yukon Department of Justice within the Whitehorse Correctional Centre. She possesses a strong grounding in principles of natural justice and the rules of procedural fairness and their application in the review process.

Ms. Cholette is also a coroner in this jurisdiction, a process that relies heavily on administrative fairness procedures relating to death investigation and inquests.

In addition, Ms. Cholette is fully bilingual and can work in both official languages. Ms. Cholette's extensive background in administrative law and strong commitment to human rights will be valuable assets to the panel of adjudicators. I believe that Kim Cholette is amply qualified to sit as a member of the panel of adjudicators. Her extensive experience in the area of administrative law will be a great asset to the panel.

I am proud to ask the Legislature for unanimous assent to appoint this highly qualified and respected citizen of Yukon to the panel. I would also like to take this opportunity on behalf of the government and the people of Yukon to once again thank all the members of the panel of adjudicators and the Human Rights Commission for their fine work on our behalf.

The members continually demonstrate a high level of commitment, integrity and professionalism in their work and I am confident that, with the appointments of the members today, the panel of adjudicators and Human Rights Commission will continue to serve Yukon in the same exemplary fashion.

Mr. Inverarity: I rise today to also lend my voice to support this motion, Motion No. 1239, for Kim Cholette to be appointed to the panel of adjudicators. I think the Minister has done an excellent job of explaining her background and her qualifications for this job. I'd also like to take this opportunity to actually thank not just all the members who have served both on the Yukon Human Rights Commission and on the Human Rights Panel of Adjudicators, but in a broader sense I think it's important that we thank all Yukoners who stand up to be

counted by putting their names forward on any boards or commissions or panels that we have within this Legislative Assembly. I think they all deserve to be recognized for the effort that they put in, usually with little or no payment or thanks, in some cases. So, there's an opportunity here today to thank all those who have and will continue to do in the future. I'd like to lend my voice to that.

Mr. Cardiff: I, too, will be supporting the motion to appoint Kim Cholette to the panel of adjudicators. As indicated previously, the minister has outlined the qualifications and the background of the individual very well. We will support that nomination through this motion and say thank you once again to all of those involved with human rights issues. I thank the minister for bringing these motions forward before the end of the sitting.

Mr. Cathers: I will also be supporting the motion. I would like to thank the Minister of Justice for consulting with me and other members on this appointment. Again, I wish Ms. Cholette success in this appointment and thank her for putting her name forward and all others who have volunteered for these positions. Thank you.

Motion No. 1239 agreed to

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 that the House resolve into Committee of the Whole.

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

The matter before the Committee is Bill No. 92, *Act to Amend the Income Tax Act (2010)*. 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. 92: Act to Amend the Income Tax Act (2010)

Chair: The matter before the Committee is Bill No. 92, *Act to Amend the Income Tax Act (2010)*.

Hon. Mr. Fentie: It is indeed my pleasure to speak to the Legislature about Bill No. 92, *Act to Amend the Income Tax Act (2010)*.

Of course my remarks in second reading explain the purpose of this bill in some detail, so I need not delve into too

much detail about the act itself. I would hope that the Official Opposition does not presume this amendment to the *Income Tax Act* — putting more money back into Yukoners' pockets — as another spending spree and might somehow be connected to an election of some sort. These are very disturbing positions that the Liberals are taking.

Of course, the corporate income tax small business deduction is limited to the threshold amount of income where a small business is taxed at the lower corporate tax rate of four percent. In this bill, the small business deduction limit is increased from \$400,000 annually to \$500,000 annually and will be harmonized with the federal amount on a go-forward basis.

The harmonization with the federal act simplifies the tax return process — always something we should strive for, considering the complexity of some of the tax mechanisms that Canadians and small businesses work through. This is important because for small business, it leaves more money in small business — money that can be used to grow the business and in turn, grow the economy, creating jobs and benefits for Yukoners.

Since the Yukon Party came into power, this deduction limit has increased from \$200,000 to the proposed \$500,000. This is a significant 150-percent increase in eight years. We can do these types of initiatives. We can make these types of amendments, putting more money back into Yukoners' pockets because of sound fiscal management and the creation of a savings account. This, of course, is undoubtedly a clear sign of commitment to our small business and overall business community.

The second substantive change relates to the personal income tax dividend tax credit and this amendment leaves more money in individual taxpayers' pockets — money that can be put back into the economy. The dividend tax credit is simply a mechanism to avoid double taxation, as a dollar of income is taxed at the corporate level and then, after taxed, the remaining amount is passed to its shareholders. The federal government, in budget 2005, and modified in budget 2007, legislated a series of changes to the federal corporate tax rates and the corresponding federal dividend tax credit.

These federal changes are being phased in by the year 2012. Given the current wording of the Yukon *Income Tax Act*, these federal changes would automatically create — something we wanted to avert or avoid — an unintended consequence for Yukon taxpayers if they are not addressed by the amendments and the bill before the House. The unintended consequence would cause, by 2010, Yukon taxpayers in all tax brackets to pay more tax on this form of income and, of course, it only makes sense that we wanted to avoid that situation on behalf of Yukoners.

Dividends are an important source of income for Yukoners, but particularly for those approaching the latter part of their working years, so there is an area of our population, or of our overall Yukon constituency, that we have to be very mindful of — that is those, especially seniors, who are living on investment income, and we want to ensure that needless taxation of that income is avoided.

That means we have, with the tabling of these amendments, no intention of increasing the tax burden.

The treatment of dividends in the current act is based on the premise that Yukon corporate tax rates are set at a constant portion of federal rates. However, this is not the case. The proposed formula in this bill has the effect of adjusting our dividend tax credit to any future changes in the federal tax act resulting in the maintenance of appropriate taxation of dividend income. As members I'm sure are aware, our *Income Tax Act*, along with most other jurisdictions, generally mirrors the federal *Income Tax Act*. This bill also includes a significant number of consequential amendments that have no effect on taxpayers and are of a housekeeping nature.

Finally, this government, the Yukon Party government, is proud of its impact on the local economy. A prosperous economy leads to lower tax burdens on Yukoners, and we are delivering on that very principle.

Mr. Mitchell: Well, I'm pleased to rise today to speak to Bill No. 92, an *Act to Amend the Income Tax Act (2010)*. The Premier spoke of unintended consequences. I guess one unintended consequence of debating these bills is that one has to listen to the Premier's political barbs in doing so, even if there isn't much of a hook to do so — but we'll let those slip by. We'll let those slip by because we don't think he's hooking any fish here today.

We can support this legislation, as we said in second reading, just to put the Premier's mind at ease, since he seemed concerned about it. Of course we are supportive of this legislation. We support harmonizing with what the Government of Canada is doing by increasing the \$400,000 threshold for small businesses to enjoy the four-percent rate to \$500,000. Indeed, small business is the backbone of our economy. Often in here we're talking about what the government is doing or what the government should do or what the government isn't doing but, all along for those of us who have spent most of our lives in the private sector — and that certainly includes me and, other than the last 15 years, it includes the Premier — we know the importance of small business and that the vast number of people who are employed in the private sector are employed by small business not big business, and we want to be supportive of that.

We have no quarrel with doing so. I will ask the Premier if he can comment when he's next on his feet as to what the actual cost of that change is in terms of the tax revenue that will be impacted and whether or not there are any implications for the next budget — the spring budget. Maybe the Premier will even enlighten us as to when that budget might be forthcoming.

As for the second aspect that the Premier spoke to, the fact of trying to avoid the unintended consequence of double taxation — of taxing funds first at the corporate level and then again taxing the dividends so that by the time dividends accrue to shareholders, the money has been taxed twice. This has for a long time been a concern by all governments, but more importantly by the shareholders of corporations who are subject to double taxation. We think it's a positive thing to avoid taxing the same dollar twice, so we're supportive of that. When we get into clause-by-clause debate — if we do debate the bill at that level — I do have a couple of questions for the Finance minis-

ter. I know with the help of officials we'll be able to get those answered.

Other than that, as I said at second reading, we think this is good legislation and we'll be supporting it.

Hon. Mr. Fentie: The announcement of this very amendment, or the very bill before the House that amends our tax act, clearly articulated what it would mean in tax saving for Yukon's taxpayers — it's approximately \$490,000. Of course, that in itself is a significant return to the Yukon public in the context of small business and, once again, we can do these things because we have the fiscal capacity to undertake these types of measures. As I pointed out moments ago, we've been on a path of continued focus on our taxation regime, our tax regimes in the Yukon, so that they're more compatible to especially reducing the amount of tax Yukoners pay so that Yukoners are more capable of investing back in the Yukon, which they certainly are doing today, given the dramatic increase in private sector investment here in the Yukon.

Oh, and the budget, as always — the main estimates — there is a long, very complicated and detailed process that is, at this time — we call it the budget cycle for the next fiscal year — underway.

Mr. Mitchell: Does the Premier have figures on, by raising the threshold, just how many businesses, how many corporate entities that are paying tax within Yukon in total are affected or captured by this?

Hon. Mr. Fentie: On both counts, given the amendments before us — just let me first expand a bit on the fact that as we continued our trend of focusing on our tax regime, this would be our ninth change in our tax regime since taking office that all resulted in putting more money back in Yukoners' pockets.

As far as the dividend tax credit — and I will preface my response with the word "approximately", because that's what we have — it will impact approximately 3,200 Yukon taxpayers. The small business threshold increase for the small business community — which will be applicable to the four-percent rate calculation — is approximately 50 small businesses.

Mr. Mitchell: Just to clarify a point, let me ask this a different way: raising the threshold from \$400,000 to \$500,000 — would that capture an additional 50 small businesses, or is it the sum total of 50? To save the Premier from getting back on his feet, I'll just say the Premier is indicating the total number of small businesses that would be captured is approximately 50. Thank you.

I'm not going to ask additional questions now. I have a couple that I might ask when we get to some sections, if we do it by line, but we have a lot of legislation in front of us this afternoon and very little time, so I'm going to let the Leader of the Third Party ask some questions because I know he has some prepared.

Mr. Cardiff: I am pleased today to rise to speak to Bill No. 92, *Act to Amend the Income Tax Act (2010)*. I thank the Minister of Finance for bringing this forward. I'd like to thank at this time the officials who provided a very thorough briefing on this bill, and the fact that it avoids the double taxation of corporate dividends and that it also raises the threshold for

small businesses at the four-percent rate from \$400,000 to \$500,000 and for providing the information about just who that actually affects.

The Leader of the Official Opposition asked a couple of questions and the answers that were provided were adequate. In total, it is going to be 50 businesses that are affected by this change. I'm just wondering how many new businesses are captured by this change?

If it's 50 in total, how many new businesses does this change capture?

Hon. Mr. Fentie: Well, given the range from \$400,000 to \$500,000 — the department did not spend time trying to decipher which businesses were within that range. They took a view of a total contingent of small business in the Yukon that would be impacted positively by the amendment, so I can't tell the House how many businesses were in the range. It captures most of the small business in the Yukon — the existing businesses that are in the Yukon. As to how many new ones, we don't have that information. That's the best I can do for the member, other than running around out there trying to find the new ones.

Mr. Cardiff: I just thought that the change would have captured a number of businesses that didn't previously enjoy this benefit, and I thought that number might be available.

The Premier is quite right that there are a number of individuals shall we say in their twilight years — those who are either preparing to retire or who have retired, who are relying on dividends through their investments, and it's kind of evident by the fact that two-thirds of the 3,200 individuals who actually received dividends are in the bottom two tax brackets. That was the information that was provided. Those tax brackets break out at \$82,000 and \$41,000, as we were told. I would be interested to know if a further breakdown is available of how many — it said two-thirds of those 3,200 individuals are in the bottom two tax brackets — are in the bottom tax bracket. Is that information available?

Hon. Mr. Fentie: I assume the member has asked how many individuals are below \$41,000. I don't have that information nor does the department, but in total, of all the individuals impacted, two-thirds are below the \$87,000 threshold.

Mr. Cardiff: I'm getting around to where we want to be on this. The other piece of this is that there are changes in this act — I just want the minister to confirm that we won't end up seeing these changes coming forward again. The legislation — the *Income Tax Act* that we have in the Yukon — will just automatically follow these federal changes that are made, so we probably won't be seeing these types of changes again in the future. Is that correct?

Hon. Mr. Fentie: In most cases, yes, that's true. In these two particular cases, however, they were static and these amendments now allow them to be part of that overall evolving process in mirroring the federal statute.

Mr. Cardiff: Are there any other foreseen amendments that might be coming in the future because of changes to the federal legislation, or does this capture all of them?

Hon. Mr. Fentie: To date, we've captured all that is necessary. We do not have any concrete evidence there will be

further changes coming, although we can't predict sometimes that things like titles of bills might change, for whatever reason but, in the foreseeable future, we don't have any indication of further changes coming down the road.

I will also inform the House that we as a government will continue to monitor and look into our overall tax regime to continue to find ways to make it more beneficial to Yukoners, because we're a government that, by philosophy, believes the lower the taxation that we can provide, the better the return will be from the private sector, in terms of their role and how they participate in the economy and the economic and social well-being of our territory.

Mr. Cardiff: Well, I hope to be encouraged by what the Premier just said. The Premier and the Finance minister also stated earlier that this is the ninth change in the eight years that they've governed, so I want to take the Premier back four years because he said he's looking for some ideas about how to improve the tax system here in the Yukon. I want to go back four years to 2006 and the discussion that we had about this time of the year. It might have been a little bit later because I know the House went in a little later. That was an election year and there were changes to the *Income Tax Act* at that time as well that mirrored changes to the federal tax laws.

I won't get into a lot of what was said back then, but I do want to go on record as saying that I'm extremely disappointed that the suggestions that I had at that time haven't been acted on. Specifically, there were changes back then that affected the low-income family tax credit. The suggestion at the time was that the threshold was, from my perspective, too low, and that the changes that were being proposed weren't adequate. There were some changes to the basic personal amount, as far as the exemption goes, for income tax at that time. When you did the arithmetic on it, it didn't really provide low-income people — those who were earning \$30,000 or below — much of a wage increase. If you did the arithmetic, it was going to give low income earners an additional \$36 a year. That's a real economic stimulus to our economy when you think about it.

But if you think about it practically, if that threshold were raised even further, it would provide those Yukoners with even more opportunity to be part of the economic stimulus that this territory needs. I'm hopeful that now that we've dealt with nine change to the *Income Tax Act*, the Premier and the Minister of Finance will have a little bit more time to think about changes to the tax regime and to think about tax reform in this territory before the spring sitting so that we can see real changes that are going to affect real working people and real working families who are at the lower end of the income scale.

The Premier knows who I am talking about. A lot of the changes are targeted at the upper- and middle-class income levels, but what we see on a regular basis in this country and in this territory is a growing gap between the rich and the poor.

The tax regime is one of the tools that governments have to address societal issues. I'm not sure if this will be part of the social inclusion strategy, but I hope it is discussed, because a lot of those people who are working at minimum-wage jobs, often working at two or three minimum-wage jobs, who are having difficulty putting food on the table for their children,

sending them off to school, going to work, coming home, making sure they're fed again and going back to work, having a difficult time with things like childcare — those are the people we really should be looking at making changes to the tax system for.

There are real examples, and some of them are pensioners. There are examples of pensioners who aren't taxed adequately at source on their pension, for starters; who may have some dividend income; who may be working part-time to supplement their income, because their pensions aren't enough and, at the end of the year, they end up having to pay income tax on what would be considered by most people to be a very small income, something they can barely survive on.

So there are a number of people in our community here in the Yukon who need to see real changes — and it can be through the *Income Tax Act*. There are initiatives in other jurisdictions — I mentioned some of this during my second reading speech — through the implementation of something like a guaranteed annual income. That could be done through amendments to the *Income Tax Act* to ensure that people actually have a living wage. There are other changes. I asked the Minister of Community Services last Thursday about raising the minimum wage to actually make it a living wage, and the minister chose to ignore that question and not answer it.

But that's to be expected, I guess, because it didn't seem to be an important issue to the Minister of Community Services at the time. The Legislature is rising this afternoon; I know that we all have busy schedules and things to do: families to look after, select committees to participate on, going out and listening to Yukoners about their views and opinions on the wide variety of issues, but I hope that the Premier has time in his schedule to work with his officials, to look at real ways. It may be raising that threshold for the low-income family tax credit, just like I asked him four years ago to look at. Will he commit to looking at that now?

Hon. Mr. Fentie: Well, you know, I'm really sorry that the member from the Third Party is disappointed. All things considered, maybe the member should be disappointed because much of what we do results in budgetary items which the Third Party, along with the Liberals, have continually and consistently opposed by their voting record. Let me go over some of the initiatives that the Yukon Party government has undertaken in dealing with this specific area within the Yukon population.

The member referenced the low-income family tax credit. Well, it was this government that amended the legislation to ensure that the federal universal child benefit was not — I repeat, "was not" — included as income for low-income family tax credit calculation. That's an obvious outcome: those low income families retained those monies.

It was this government, when it comes to the Yukon child tax benefit — look at the overall increase of 53 percent on the child tax benefit. But specific to low income families, when you look at the receipt of the full benefit, this was increased by 20 percent. Low-income families receive this benefit monthly here in Yukon. Unlike the low-income family tax credit, they

do not need to wait until the end of the year to receive the monies.

That's another real example of what the government has done. Here's another real example: 25-percent increase in childcare subsidies. The maximum amount received was certainly a welcome increase in that particular area. That's a real initiative and another real increase in helping those out there in Yukon that the Member of the Third Party referenced.

The Yukon seniors income supplement — this was doubled by this government and we are the very first government — again, this is another budgetary item that, by the voting record, the Third Party, the NDP, and the Liberals opposed — to index this benefit for inflation, realizing that those on fixed income — and this is certainly one of the areas the member is referencing — who have less of an ability to cope with the effects of inflation — are not affected.

Let's go on. Another real initiative — increased the pioneer utility grant by 10 percent and also, subsequently, indexed that to the consumer price index.

The territorial supplementary allowance for persons with disabilities and seniors receiving social assistance was increased by 100 percent, Mr. Chair — another budgetary item opposed by the members opposite. Even the kids recreation fund was increased dramatically by this government — somewhere around 200 percent. Of course, we want our children to participate in positive activities. This is but one initiative or mechanism that helps that out.

The increase of foster parent funding by 17 percent, also indexed to CPI and social assistance reform — we are a government, unlike the NDP — probably the first government in years and years in this territory to actually address social assistance rates and proceed with social assistance reform.

So I've briefly covered a number of the areas — real areas, where real people — real Yukoners have received assistance by the Yukon Party government. For the most part, these initiatives are all budgetary items; all have been opposed by the opposition benches in this House. We have the evidence of that by their voting record.

Mr. Cardiff: I thank the minister for providing us with that list of Yukon Party accomplishments, but I would encourage the minister not to stop there. I think most members of this Legislative Assembly know full well why members on this side oppose the budgets in general on a regular basis. The Premier, when he was formerly on this side of the House, I don't think ever voted for a budget proposed by the government that was on that side of the House. I would also note that he voted for budgets that were put forward by New Democratic governments previously, as well, and supported them.

He knows full well that this member and this party would support a lot of those initiatives, but there are other initiatives contained within the budgetary documents we find hard to support. It's largely those ones that help create that gap between the rich and the poor.

So I'm not going to say that this government has done absolutely nothing — and I didn't say that. If the Premier heard that, then he heard me wrong. I appreciate what has been done. It was the first initiative about the child tax credit. That's one

of the ones we were dealing with, I believe, in 2006, so that it isn't clawed back. But at that time, there were still people out there who were struggling. If the Premier would walk down the street to Tim Hortons — or maybe even a little further down the street — he would meet people who are struggling still. Go into some of the small businesses. I support this harmonization and I support what it is that the government is trying to do; all I'm asking them to do is to make a commitment to try to do a little bit more for those who are most in need.

A lot of those initiatives that the Premier talked about were supported in this Legislative Assembly through the words of members on this side of the House. I know from myself and my former colleagues, we supported many of those initiatives over the past eight years. We thought they were good ideas. What I'm asking the Premier to do, now that everybody is going to have a little bit of time, is to go back to his office, go down on the street and to ask people how they're doing. Are they struggling? How many jobs are they working at? How much income tax are they paying? Could they use an extra — instead of \$36 a year, maybe an extra \$36 a month? That would help stimulate the economy.

We talk about unintended consequences. Well, there are a lot of unintended consequences related to our tax regime that are happening today in the Yukon. Part of it is the way that this government is managing projects.

There is a lot of work taking place in this territory right now where people are paying income tax in other jurisdictions and the reason for that is because of the way that the projects have been brought forward. I thank the minister and the Premier and the Yukon Energy Corporation for arranging a tour of the Mayo B project for me, and I look forward to going back there in the spring to see what progress has been made because it's a massive project; it's a huge project; it's millions and millions and millions of dollars. Unfortunately, the unintended consequence is that there's not a whole lot of income tax being paid by Yukoners on that project. A lot of that income tax is going to be paid in other jurisdictions because a lot of those guys are going to go home and they're going to be at home on December 31, 2010, because the project is going to be shut down, and that's where they're going to file their income tax. They made thousands and thousands and thousands of dollars; they were working long shifts, seven days a week, doing a great job as near as I could tell.

It would have been nice to have been able to ask the Yukon Energy Corporation some questions about it in the fall sitting, but we didn't get that opportunity.

All that income tax is going south. I can go back to the question I asked in the Legislative Assembly today about the transitional economy and the fact we're not managing our projects and our resources sustainably. We're bringing skilled labour from other jurisdictions to work here in the territory and pay income tax, and that's Yukon taxpayers' dollars. It's either Yukon taxpayers' dollars, Canadian taxpayers' dollars or money the Yukon taxpayers are borrowing.

So there's an unintended consequence — a foregone tax revenue. The bill before us — we're not losing any money; we're just foregoing a tax increase. So it's not like we're losing

any money really, but we're also foregoing a lot of tax that could be collected by bringing skilled labour into this territory to work on our projects and then sending them home to pay their income taxes.

The problem that I have with that is that we should be supporting, like other jurisdictions do, our skilled labour force, ensuring that they get jobs at Mayo B and at the Wolverine mine and on some of these other large projects — even the correctional facility, where there are large numbers of skilled workers. We need to do better for the people who are here in the territory. There are people I have spoken to who have attempted to get work on the Mayo B project who are basically told, "Sorry, we don't have room for you. We have people coming from down south."

I appreciate the work that is being provided to Yukoners there. There are some companies who are working on that project, but we could do a lot better.

As I indicated during Question Period in my question, in other jurisdictions like China, it's a given that they maximize local benefits, that there are training opportunities, that technology is shared, that there is the ability to learn and exchange that new technology and there's a benefit left here for Yukoners.

The Premier has a bit of a puzzled look on his face about this, but the reality is that's an unintended consequence. Another unintended consequence is the fact that, as I was saying earlier, there are still people living here in the Yukon who make minimal. It's about the cost of living. It does cost more to live here; it does cost more to heat your house; it does cost more to get that firewood; it costs more to eat; it costs more to do just about anything; it costs more to buy your clothes than it does in a lot of other southern jurisdictions.

It's about a living wage and raising the minimum wage and then providing those people who are at that lower income level the opportunity to earn that income without being unduly taxed at it. The benefit to Yukoners is that money does go around in the economy. What I'm looking for is a commitment from the Premier. There are kind of two questions rolled into that: how do we maximize benefits of these projects so that we're not seeing that exodus of tax revenue from the territory? And will he take a look at instruments within the income tax regime that can provide further assistance to those who are low-income earners — some of them working at two or three jobs, making minimum wage, part-time workers — to assist them with the struggles in raising their family, putting a little bit more money in their pockets so that it goes around in those small businesses that are benefiting from the changes that we're making today. Again, I support the changes, but I'm looking for a commitment from the minister to try to do a little bit more for those most in need.

Hon. Mr. Fentie: I guess the best way to respond is to begin by making the point that the Yukon Party government and the NDP's philosophies are totally different. I think it's critical that we understand that. I share the member's concern about those in need in Yukon. I have provided the member — and there's a lot more that can be presented to the member, but it has nothing to do with the two amendments we were talking

about on Bill No. 92. If the member wants to engage with the Minister of Health and Social Services, the Minister of Justice, the Minister of Education and the Minister of Economic Development, the member will be inundated with initiatives that are addressing all the areas that he referred to.

Secondly, let me point out that when the member refers to skilled labour, past governments' total lack of understanding of the Yukon's economic needs and the complete lack of any plan for the Yukon economy resulted in skilled labour — Yukoners — leaving the territory.

Today, we have a record-high population from those days. We were around 29,000; today we're pushing 35,000 in this territory. Many of those skilled Yukoners are back.

I'll also make sure I talk to the subcontractors on many of these projects — including Mayo B — to inform them that the NDP in this House actually believe that they have found some tax-free port outside of the territory and are shipping all our tax dollars off to who knows where — the Cayman Islands.

Mr. Chair, this is not a responsible approach for any politician, any public representative, to take, because in the criticism of the government, the NDP, the member of the Third Party, is criticizing hardworking Yukoners across this territory who are involved in projects. He's criticizing the joint venture between First Nations like Kwanlin Dun and Dominion Contracting, who are building a jail right now — a multi-service facility. They are doing that, Mr. Chair.

He is criticizing the spinoff results of that because of the Yukon asset construction agreements that are required, which even have more Kwanlin Dun First Nation and local contractors working.

Here's another example: the joint venture of the company that did the inter-tie of the Whitehorse-Aishihik-Faro grid on both phases. That was a joint venture with a number of First Nations. I don't know how much more "Yukon" we can get.

Furthermore, this territory today needs hundreds of workers — hundred of workers, Mr. Chair. There aren't Yukoners available in today's Yukon population who can fill that demand; therefore, we are into initiatives like the Yukon mine training initiative; all our apprenticeship programs are fully subscribed, like never before; our community training trust funds are being utilized to the maximum; and the list goes on.

The Yukon is now touted — when you look at the Fraser Institute's report — as the fourth most attractive place for investment in the world — in the world. The Conference Board of Canada has deemed Yukon as one of the only jurisdictions, save and except Prince Edward Island, that, during one of the most significant global recessions since the Depression of the 1930s — the Yukon is one of the only places in Canada that experienced real economic growth and goes on to say by forecast that the Yukon will continue to outdistance the national average of real economic growth. In fact, the statistics show that Canada, as a nation, and all other jurisdictions now have actually had economic shrinkage. The Yukon has had growth.

We have a vastly strengthened social safety net in the Yukon Territory today. The only reason is not this, but I will put this reason on the floor — the Yukon Party government has doubled the fiscal capacity of the Yukon Territory and all the

member has to look at is the increase in investment in social programming, social services — the first government, as I said earlier, that actually sat down and addressed the issue of social assistance.

The NDP never did that in all the years they were in office — and the list goes on. The member's question, I presume, in cutting through all of this, is: is the Yukon Party government going to continue to look at measures in our tax regime to help Yukoners? Yes, all-inclusive — those in need. I'm not sure that the member is addressing this appropriately by starting to put Yukon citizens in classes — I know the Yukon Party government isn't doing that. Yukoners are Yukoners, and the government is obligated to provide the same level of attention to all Yukoners, which we are doing. So, is the government going to continue to look at ways through our tax regime that are more effective, provide more benefit to Yukoners, and are all-inclusive? Yes, we are. Is the government going to continue to look at ways to attract investment to the territory? Yes, the government will. Is the government going to continue to provide policy and the overall climate or environment for the private sector to have confidence in the Yukon as a place to park their investment? Yes we will.

By the way, the result of that today is that hundreds of millions of dollars are being invested by the private sector in today's Yukon. Now, just one area of our economy — the mining sector — is now investing to levels of approximately \$600 million. That's half of what the total Yukon territorial budget is, and that's just one sector at play in today's Yukon economy. I don't know why the Third Party ignores the list of what we have provided to those who require assistance. In fact, when we look at our overall list of investments and initiatives and programs that would be placed in the context of the social agenda, they are a hundred-plus in terms of the count of all those initiatives and it includes housing, it includes the educational issues, it includes training, it includes assistance, it includes food and shelter, it includes all facets of their health care needs, it includes their need for heat in the winter and the list goes on.

In closing, the Yukon Party government is more than confident and very prepared to stand before the Yukon public and promote — not necessarily defend — all that we have done. The difference between us and the opposition benches is we can articulate to the Yukon public what our plan is going forward into the future. This by virtue of the fact that the budget documents before the opposition benches clearly demonstrate a multi-year fiscal framework and a multi-year capital plan of investments and projects across the territory. By the way, that's derived from a lot of input from the stakeholders out there who are involved in government capital investment.

We are prepared to go before the public on all these matters and would encourage the NDP to do the same and, instead of empty criticism, provide the Yukon public an indication of exactly how the NDP would meet all these challenges going forward; how the NDP would deal with what is today in the Yukon a billion-dollar budget. Back in the days of NDP and Liberal governments, it was \$400 million plus.

There have been dramatic changes in the Yukon — dramatic changes for the positive, not the negative. The benefits

accruing to Yukoners today are real. They are solid and they are spread across the territory throughout the population.

Mr. Cardiff: This is a debate that I'm sure we'll have an opportunity to have again at another time. But I think the minister knows full well that I wasn't talking about income tax being shipped to the Grand Cayman Islands, for starters. He knows full well that most of these individuals reside in southern provinces and pay their taxes in southern provinces.

When the Premier wants to talk about the largest workforce, are all of those people in that workforce Yukon citizens? How many of them are working for companies with their bases in other provinces?

The Premier doesn't understand this, but when I'm approached by skilled tradespeople who can't get a job because there are — and I asked these questions when I was on the site. There are contractors on the site from Yukon. There are individuals. There were even a few local people — if you want to call it local — from the Mayo/Elsa/Keno area who had received employment. But the majority of workers came from Vancouver, Alberta and points south. They work a shift and they have what are called turnarounds so that they can go home to where they live.

This does affect our income tax system, because that is tax that's foregone by income that's earned here in the Yukon and tax that's paid in other provinces — if the minister doesn't understand that, my apologies. What I'm hearing from some skilled tradespeople is that they can't get a job on that site because there's somebody coming back from their turnaround.

I just want to provide that explanation to the minister on that. I know he put a lot on the record. I don't want to delay this bill any further. There are unintended consequences, though, to the economic activity and those can be seen through that growing gap between those who are most in need and those who have a substantial income. If you look at other jurisdictions — I tried to make these arguments in the budget second reading speech about unintended consequences of some of this economic activity. It's not just the income taxes that, in some instances, get paid in southern jurisdictions, but the increased cost through the need to provide more to social programs — and the Premier's already on the record about increasing social assistance; that's a good thing, but we want to get people off social assistance. There are some unintended consequences of this economic activity — whether it's through addictions or crime — that costs Yukon citizens their tax dollars through the need to provide more of their services.

So we have to find a balance, and it is about priorities and all we're saying is it needs to be managed in a different way. I'm asking the Premier to think about things, when he considers further amendments to the *Income Tax Act*, that it has to provide benefits to all Yukoners — you have to think about all Yukoners. All I'm saying is that you need to think about those who are most in need; consider things like guaranteed annual incomes; a living wage as opposed to a minimum wage, where we're now just about right at the bottom of the pile when it comes to minimum wage.

A living wage would be more adequate. When he talks about tying things to the consumer price index, the minimum

wage is a prime example. When we changed the minimum wage, we were close to the top of the heap; now, even though it's tied to the consumer price index, we're just about at the bottom of the pile. Those are economic actions this government could take to try to assist those most in need.

I'm going to stand down now, because I know the Premier doesn't want to continue this conversation here today and there is much other business to be done. I will be supporting Bill No. 92, but I would encourage the Premier to consider what I've said today, maybe take a look back at 2006 to the conversation we had then, think about some of those things we talked about and give them due consideration. Thank you.

Chair: Is there any further general debate?

Seeing none, we will proceed clause by clause in Bill No. 92.

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

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Clause 9 agreed to

On Clause 10

Clause 10 agreed to

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Clause 11 agreed to

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Clause 14 agreed to

On Clause 15

Clause 15 agreed to

On Clause 16

Clause 16 agreed to

On Clause 17

Clause 17 agreed to

On Clause 18

Clause 18 agreed to

On Clause 19

Clause 19 agreed to

On Clause 20

Clause 20 agreed to

On Clause 21

Clause 21 agreed to

On Clause 22

Clause 22 agreed to

On Clause 23

Clause 23 agreed to

On Clause 24

Clause 24 agreed to

On Title

Title agreed to

Hon. Mr. Fentie: I move that Bill No. 92, entitled *Act to Amend the Income Tax Act (2010)*, be reported without amendment.

Chair: It has been moved by Mr. Fentie that Bill No. 92, *Act to Amend the Income Tax (2010)*, be reported without amendment.

Motion agreed to

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

Recess

Chair: Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 86, *Act to Amend the Business Corporations Act*.

Bill No. 86: *Act to Amend the Business Corporations Act*

Hon. Mr. Lang: I'm pleased to rise today to speak to Bill No. 86, *Act to Amend the Business Corporations Act*. Bill No. 86 is one of five bills in the business legislation reform project which are: (1) Bill No. 86, *Act to Amend the Business Corporations Act*; (2) Bill No. 87, *Securities Transfer Act*; (3) Bill No. 88, *Act to Amend the Partnership and Business Names Act*; (4) Bill No. 89, *Act to Amend the Societies Act*; and (5) Bill No. 90, *Act to Amend the Cooperative Associations Act*.

The business legislation reform project began about two years ago. The need for the project was partly due to the national security harmonization initiative, but also because we were in agreement with local business lawyers that our business legislation required modernization. Other Canadian jurisdictions have updated the business legislation over the past few years, but Yukon has not. It became very clear that Yukon must modernize its business legislation in order to maintain our position as a business-friendly environment.

The goals of the business reform project are as follows: modernize Yukon business-related legislation; recognize modern business practices; and simplify procedures to reduce the administrative burden for existing and new corporate entities. These changes will ensure that Yukon is current with the rest of Canada in its business law structure and that we will continue to be an attractive jurisdiction to incorporate new businesses now and into the future.

Bill No. 86, the *Act to Amend the Business Corporations Act*, is the business legislation reform project flagship legislation. We refer to it as "the flagship bill" because it generates complementary and consequential amendments to three other amended bills and the creation of one new act. The *Act to Amend the Business Corporations Act* is also the largest and

most comprehensive and most complex of the five business bill we have tabled in this legislative sitting. Frankly, it is probably the most technical bill we have seen tabled in this Legislature in quite some time.

I thought it might be helpful to provide a bit of history about business law and the *Business Corporations Act*. A corporation is an institution that is granted a charter, recognizing it as a separate legal entity that has its own privileges and liabilities that are distinct from those of its shareholders, directors and officers. Corporations exist as products of corporate law. Their rules balance the interest of their directors and officers who manage and operate the corporation.

Shareholders provide credit to the corporation and the general public who may do business with the corporation. For example, an important feature of business corporation is limited liability. What this means is that if a corporation fails for any reason, its shareholders may stand to lose their investment, but they will not be further liable for debts that remain owing to the corporation's creditors. Corporations are generally managed by directors forming a sort of management team of a specific corporation. These directors have certain duties to the corporation and this, among other things, means they cannot place themselves in a position where their duties to act in the best interest of the corporation conflicts with their personal interests. These duties are very important and very necessary principles of business law and were important considerations in preparing the amendments contained in this bill.

The existing Yukon *Business Corporations Act* was established in the early 1980s and is substantially unchanged since then. A current act enables and regulates the creation or incorporation of local Yukon business corporations and the registration of corporations which have been created in other jurisdictions which are also operating in Yukon.

It sets out the processes for creating a corporation, its management, dissolution and revival, any amalgamation or transfer into other jurisdictions, and any fundamental changes to a corporation's constitution. As noted earlier, business legislation in many other Canadian jurisdictions, including the federal *Canada Business Act* has been modernized. Our *Business Corporations Act* is almost unchanged since the early 1980s and clearly required updating as well.

This bill, the *Act to Amend the Business Corporations Act*, provides more flexibility for managing a corporation, while still affording protection to shareholders and consumers. It will also contribute to the creation of a more inviting economic climate for new business registrations in Yukon.

The changes to the *Business Corporations Act* are numerous and highly technical, but I shall attempt to summarize them into three themes.

The first theme is related to corporate governance. Generally, these changes are aimed at modernizing the act and including measures to facilitate communication by making all forms of modern communication technically available for use by corporations; enhance the effectiveness of audit requirements by ensuring that responsibilities for the audit process are clear and ensuring that all stakeholders are informed about audit issues and results; modernize financial structures and trans-

actions by adopting modern accounting standards and practices and by adopting modern, standard requirements regarding financial prerequisites to specific transactions; improve record-keeping by clarifying what records must be kept and where and also provide flexibility regarding the location of the records office, subject to accessibility through electronic means if located outside of Yukon; clarify management decision-making processes, responsibilities and liabilities by removing uncertainties regarding directors' and officers' duties and providing opportunities for directors where such opportunities can be assessed without negative effect to the corporation; balance privacy concerns with public access to information by limiting access to shareholder information regarding private companies but assuring access to this information for public companies; regulate foreign entities carrying on business in Yukon by ensuring that they are registered, operated and regulated under the appropriate statute; clearly address shareholder rights and remedies by ensuring that shareholders have clear options for input into corporate matters.

They also have the option, if they disagree with corporate changes, of exiting the company and receiving the value of their shares before the disputed change took effect; and address corporate reorganization by increasing the options available to corporations while maintaining the protection of the public and the shareholders.

The second theme has to do with securities transfer law. More specifically, we are deleting most of part 6 of the existing *Business Corporations Act*, which addresses security certificates, registers and transfers because these matters will now be covered by the new *Securities Transfer Act*. We have also made changes to the terms and definitions in other parts of the *Business Corporations Act* so they are consistent with those contained in the new *Securities Transfer Act*. These new terms and definitions are also used in the other three amending bills to again ensure consistency in our business legislation.

These amendments will not result in any change in business practices related to securities transfer. They simply move the clauses from the *Business Corporations Act* to the appropriate act — the *Securities Transfer Act*. The new *Securities Transfer Act* will address matters formerly governed by part 6 of the *Business Corporations Act*. It will confirm modern business and electronic practices that are already occurring in a 21st century security business environment.

The third theme can be called housekeeping amendments. These changes are correcting errors and omissions in the existing act; updating the terminology to reflect our modern business age, such as explicitly setting out that the provisions of the Yukon *Electronic Commerce Act* apply to this legislation; and to ensure consistency with the other four business bills. Removing provisions through functions are more appropriately now addressed in the new securities act, allowing rules around business names and penalties to be specified in regulations rather than fixed in the act, which is consistent with the modern legislation draft; and clarifying various administrative procedures, including those involved in the registrar so that the very processes are clearly set out for the benefit of the shareholders.

For example, the new section 2.2 more clearly describes the process under which the registrar may dissolve a corporation.

A balanced approach of interests of business, shareholders and the public has been taken with this bill and the other bills as well.

Now, before the Committee commences clause-by-clause review, I again recognize the team of Community Services and Justice officials who have worked together on this project since the spring of 2008, and the local business lawyers who participated in its development. The work before us today is excellent.

The amendments that form the *Act to Amend the Business Corporations Act*, in combination with amendments to other acts, will improve the existing regulatory framework through modernization. This will enable Yukon to remain an attractive jurisdiction in which to register and operate business entities. We are confident that the provisions of the *Act to Amend the Business Corporations Act* will better serve the organizations governed by business-related legislation and those who deal with these organizations.

I thank you for your attention. I look forward to constructive dialogue on Bill No. 86, as we take an important step forward to modernize the framework of our business legislation and to demonstrate that Yukon is open for business.

Mr. Elias: I want to thank the minister for the history of the piece of legislation we have before us today, as well as the multitude of information that was put on the floor in first and second reading. I do want to also recognize the lawyers and the Department of Community Services staff, because I read through this document with my limited experience with the drafting of legislation.

The minister did say that this was a very large, comprehensive, complex and technical process. I think that was an understatement looking at this 131-page document. But I do stand on the floor today in support of this legislation.

I do have some questions with regard to the security transfers and why it was felt necessary to remove that from section 6 of the old act — those kinds of things — understanding that there are basically five pieces of legislation that we have to deal with today. Again, we will be supporting those pieces of legislation and making our Yukon jurisdiction attractive to business and open for business. I guess I have very little to say as our Leader of the Official Opposition did go into some great detail in his first reading speech with regard to support for this piece of legislation. If we can just move on and proceed, I look forward to getting some questions asked as to the concept of removing section 6 and creating a whole new act and how that was beneficial to the business community in our territory.

I thank again the minister for his in-depth discussion about this flagship bill and going through the other statutes that it is going to be complementary to, that we'll be dealing with today. I just want to commend the monumental task it must have been for the lawyers, officials and staff to actually deal with this piece of legislation clause by clause. Again, I have very little to say. We will be supporting this piece of legislation and I look forward to the minister's comments with my one specific question.

Hon. Mr. Lang: I guess the question is, what is the relationship between the proposed *Securities Transfer Act* and the amendments to the *Business Corporations Act*? The proposed *Securities Transfer Act* recognizes modern electronic methods of holding and transferring securities and is uniform legislation that mirrors rules applicable in almost all other provinces and territories. In other words, this modernization is something that we're obliged to do because of our fellow provinces and territories.

It is part of a national initiative to harmonize security legislation across Canada, in which Yukon is a full participant. The STA will codify many practices that are currently occurring in the modern security marketplace. The existing BCA provisions in this regard are antiquated and deal only with paper certificates and certain securities — for example, debt instruments — to be issued by corporations. This part of the current BCA will be deleted and its function replaced by the STA. Hopefully that answered the gentleman's question.

Mr. Elias: I thank the minister for his comments with regard to the new securities transfer piece of legislation. About the updates in terminology, in the definitions section, there are a lot of updates in terminology. I recognize the history of this piece of legislation.

Were there any major updates in the definitions or terminology that were considered to be a show-stopper or of paramount nature in this piece of legislation as it was compared to the rest of our jurisdictions in Canada?

Hon. Mr. Lang: For the member opposite, I remind the member opposite that we're looking at a document from the 1980s, so there is a lot of modernization, but I would say to the gentleman across that there is no show-stopper in this. This is just a process of modernizing changes. Again, I have to remind the member opposite that a lot of this updating has to do with the rest of Canada, as we fall into lockstep with Canada itself. A lot of this modernization is directed toward that, so it's not anything that's unusual. Of course, being an older piece of legislation — since 1980 — there was obviously modernization that was needed.

Mr. Elias: In the briefing that was provided a few weeks back, there was a bullet that recognized the clarification and decision-making and responsibilities with regard to liabilities of management. I'm fairly aware of many self-governing Yukon First Nations who are setting up various business trusts to look after their financial compensation package from the federal government.

I was just wondering if this new piece of legislation is going to impact the way that those trusts are defined in our territory. I'll tell you, there are huge differences between the Vuntut Gwichin First Nation and how they set up their business trusts and their compensation trusts and how they look after those needs for their constituents as opposed to the Teslin Tlingit Council. I was just wondering if this piece of legislation does in any way affect the way that the First Nations have structured the protection of their investments as well as doing business in the territory. I understand that they're quite unique in our country of Canada and I was just wondering if this piece of legislation was looked at in that type of filter, through the way that

many of the self-governing First Nations are setting up their business trusts throughout the territory. Could the minister let me know about that?

Hon. Mr. Lang: In addressing the member opposite, there's nothing in this that I have been told would reflect negatively on what the member opposite is talking about: trust and other things like this. This is not something that I would be concerned with.

Things won't be changing, so it's not going to impede First Nations from building trusts or doing whatever they have to do to manage their resources and protect or make sure they have representation from their citizenry in managing that.

Chair: Is there any further general debate?

Seeing none, we will proceed clause by clause on Bill No. 86.

Mr. Elias: I would request the unanimous consent of the Committee to deem all clauses and the title of Bill No. 86, *Act to Amend the Business Corporations Act*, read and agreed to

Unanimous consent re deeming all clauses and title of Bill No. 86 read and agreed to

Chair: Unanimous consent of the Committee has been requested to deem all clauses and the title of Bill No. 86, *Act to Amend the Business Corporations Act*, read and agreed to. Are you agreed?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 1 to 201 deemed read and agreed to

On Title

Title agreed to

Hon. Mr. Lang: Mr. Chair, I move that Bill No. 86, entitled *Act to Amend the Business Corporations Act*, be reported without amendment.

Chair: It has been moved by Mr. Lang that Bill No. 86, entitled *Act to Amend the Business Corporations Act*, be reported without amendment. Do members agree?

Motion agreed to

Bill No. 87: Securities Transfer Act

Chair: Committee of the Whole will now proceed to Bill No. 87, *Securities Transfer Act*.

Hon. Mr. Lang: I am pleased to rise to speak to Bill No. 87, the proposed *Securities Transfer Act*. Bill No. 87, the *Securities Transfer Act*, is the second of the five bills tabled around business legislation reform. This act is part of a national security harmonization agreement to which Yukon is a party. It is almost identical to similar legislation in other Canadian jurisdictions. The *Securities Transfer Act* is property transfer law. It governs the holding and transfer of property rights and all types of investment securities, whether issued by a corporation or any other entity.

More specifically, this legislation defines and classifies different types of interests in securities; sets out rules governing how these interests may be acquired and transferred; sets out how different parties may obtain control and priority over these interests; sets out obligations, warrants and restrictions that apply to security issues and parties holding interests in

securities; and, lastly, it provides rules governing the conflict of laws, seizure of securities, enforceability of contracts and evidence in legal proceedings.

This act also makes a distinction between the "direct" and "indirect" holding system. It may be helpful for me to explain these different systems and terms at this time. An investor is a direct holder of securities if the securities have been issued directly to that person by the issuer. For example, persons who have physical possession of share certificates issued by a corporation and who are registered in the records of the corporation are those which the bill calls "direct holders".

These direct holders may own uncertificated or certificated securities. I have just given an example of certificated securities because there is a paper version of the security.

An uncertificated share is where there is no physical share certificate, but the shareholder is registered as such in the records of the issuing corporation. An uncertificated share is a more common circumstance in our modern electronic age. So basically, we are talking about paper records versus electronic records.

Now I will explain an indirect holding system. An investor in the indirect holding system is not registered on the books of the issuer and does not physically hold a security certificate. Instead, they hold securities through an account with a clearing house, security dealer or other intermediary. Such investors don't own a security, but rather a security entitlement. An example of an indirect holding would be shares in a mutual fund. The purpose of the new *Securities Transfer Act* is not to change the manner in which securities are issued, held or transferred, but to clarify the relationship among various parties involved in holding and transferring securities.

The act is intended to produce the same functional outcomes as current law and practice. It will help to improve uniformity and predictability in the above-noted relationship, ensuring effective operation of the indirect holding system. The act also clearly sets out the regulations and rules that govern these relationships and confirms in law the very common practice of the issuance of uncertificated securities. Its goal is to provide clarity and certainty, especially in multi-jurisdictional and electronic transactions.

The *Securities Transfer Act* also includes consequential amendments to: (1) the *Personal Property Security Act*, which allows lenders and sellers to secure payment of a debt and establish priority over other creditors in a debtor's personal property such as negotiable securities, stocks and bonds; (2) the *Executions Act*, which coordinates how sheriffs seize securities to satisfy court judgements. These consequential amendments will streamline the executions process; and (3) the *Choses in Action Act*, in which we need to clarify that property rights in securities are not subject to that act.

As noted above, the existing and somewhat limited securities transfer rules will be removed from the *Business Corporations Act* and placed into this proposed *Securities Transfer Act*. Doing so will harmonize the Yukon with the rest of Canada and ensure that the Yukon continues to be a commerce- and business-friendly jurisdiction.

I thank you for your attention and I look forward to further discussion about this bill.

Mr. Elias: Can the minister repeat that, please?

Mr. Chair, this is Bill No. 87, dealing with the *Securities Transfer Act* and I do recognize that, as the minister said earlier, this is a new piece of legislation as a part of eliminating section 6 from the *Business Corporations Act*. I thank him for all the information that he did put on the floor — that it is a part of a national securities harmonization agreement and that it contains a harmonized set of technical rules reflecting current national and international commercial practices.

Are we the last jurisdiction in Canada to actually have this new piece of legislation as part of this national securities harmonization agreement?

Hon. Mr. Lang: The answer to the member opposite is no; P.E.I. is behind us.

Mr. Elias: Can the minister maybe respond as to why we were one of the last jurisdictions in Canada to respond to this? Was it because of what looks like a monumental task to get all of the five pieces of legislation in order before we embarked on being included in the national securities harmonization agreement? Is that one of the reasons why we were one of the last jurisdictions in the country to create a securities transfer piece of legislation?

Hon. Mr. Lang: It was a large task that was put before us in Community Services. Roughly 24 months of work went into this. The first step was the *Securities Transfer Act* and it was just passed recently, followed by the bill we see before us today. It was a timing issue and something we had to do, and it took time to get it done.

We are tabling it today but, as I said to the member opposite, P.E.I. is still working on their bill, as we speak.

Chair: Any further general debate? Seeing none, we'll proceed clause by clause in Bill No. 87, *Securities Transfer Act*.

Mr. Elias: I request the unanimous consent of the Committee to deem all clauses and the title of Bill No. 87 read and agreed to.

Unanimous consent re deeming all clauses and title of Bill No. 87 read and agreed to

Chair: Mr. Elias has requested the unanimous consent of the Committee to deem all clauses and the title of Bill No. 87, *Securities Transfer Act*, read and agreed to. Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.
Clauses 1 to 110 deemed read and agreed to
On Title
Title agreed to

Hon. Mr. Lang: I move that Bill No. 87, entitled *Securities Transfer Act*, be reported without amendment.

Chair: It has been moved by Mr. Lang that Bill No. 87, *Securities Transfer Act*, be reported without amendment.

Motion agreed to

Bill No. 88: Act to Amend the Partnership and Business Names Act

Chair: Committee of the Whole will now consider Bill No. 88, *Act to Amend the Partnership and Business Names Act*.

Hon. Mr. Lang: I am pleased to rise to speak to Bill No. 88, *Act to Amend the Partnership and Business Names Act*. Bill No. 88, *Act to Amend the Partnership and Business Names Act*, is our third piece of business-related legislation generated as a result of the business legislation reform project.

The *Partnership and Business Names Act* governs the registration and regulation of sole proprietorships and partnerships. This amending act is driven by the proposed changes to the *Business Corporations Act* and it is proposed to align the *Partnership and Business Names Act* with those changes. As part of the business legislation reform project, this amended act seeks to use terminology clearly and consistently, remove administrative barriers, recognize the use of technology to accommodate current practices, and streamline procedures to reduce administrative burdens and cost to all stakeholders.

In proposing changes to the *Partnership and Business Names Act*, we continue to make Yukon an attractive jurisdiction in which to register and conduct business.

The substantial change proposed to the *Partnership and Business Names Act* is the new option for some professions to conduct business in the Yukon as limited liability partnerships. This is a business structure already in use in other Canadian jurisdictions. Licensed and regulated professionals, such as doctors, lawyers, and accountants, are for public safety reasons held to a legislated standard of service provision and liability, unlike other business persons. Therefore, these professions cannot take full advantage of the limited personal liability available via the standard incorporation process. For that reason, the limited liability partnership structure has evolved in other jurisdictions. This structure allows professionals to work in groups, thereby sharing some logistical costs, without each being 100-percent and personally responsible for the professional liability of all the other partners.

Our proposed amendments will now provide this flexibility to those professionals who wish to operate as limited liability partnerships while still protecting the interests of the general public. We should be very clear that in no case will a professional operating in a limited liability partnership structure be less liable to the public than if they were operating as a solo practitioner. Public protection remains paramount.

To be eligible for registration as a limited liability partnership, the partners must be practitioners of a profession governed by a Yukon law. If the professional governing legislation does not permit the profession to practice as a limited liability partnership, a regulation under the amended *Partnership and Business Names Act* can also serve to do so. Also, to appropriately protect the public, each partner must maintain a certain minimum amount of professional liability insurance.

These specific changes allowing the use of the limited liability partnership structure and the many technical changes that are complementary to the amendments to the *Business Corporations Act* will result in Yukon having a much more

modern, welcoming and functional *Partnership and Business Names Act*.

Through these amendments, we strive to contribute to a more inviting economic climate for existing and new business entities to register and operate. We also believe that the proposed changes will improve the effectiveness of Yukon's existing business regulatory framework.

I will now conclude my remarks, and I invite the Committee members to ask any questions about this bill.

INTRODUCTION OF VISITORS

Hon. Mr. Lang: Mr. Chair, can I take a moment and introduce Mayor Bev Buckway, who is joining us this afternoon? Welcome.

Applause

Chair: Is there any general debate?

Mr. Elias: Once again, thank you to the Community Services staff and the minister for his explanation of this piece of legislation. We certainly will support this type of legislation and, again, I just reflect on the largest change that was noted by the minister: the creation of a regulation for limited liability partnerships, which is common in other jurisdictions and generally preferred by professionals such as doctors, lawyers, accountants and engineers. This is definitely something that we can support on the Official Opposition side of the House.

I did have a question in one of the sections, but I believe it was answered in the minister's opening remarks. Thank you.

Chair: Is there any further general debate?

Seeing none, we will proceed clause by clause in Bill No. 88, *Act to Amend the Partnership and Business Names Act*.

Mr. Elias: I would request the unanimous consent of the Committee to deem all clauses and the title of Bill No. 88, *Act to Amend the Partnership and Business Names Act*, read and agreed to.

Unanimous consent re deeming all clauses and title of Bill No. 88 read and agreed to

Chair: Unanimous consent of the Committee has been requested to deem all clauses and the title of Bill No. 88, *Act to Amend the Partnership and Business Names Act*, read and agreed to. Are you agreed?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 1 to 19 deemed read and agreed to

On Title

Title agreed to

Hon. Mr. Lang: I move that Bill No. 88, entitled *Act to Amend the Partnership and Business Names Act*, be reported without amendment.

Chair: It has been moved by Mr. Lang that Bill No. 88, entitled *Act to Amend the Partnership and Business Names Act*, be reported without amendment.

Motion agreed to

Bill No. 89: *Act to Amend the Societies Act*

Chair: Committee of the Whole will now proceed to Bill No. 89, *Act to Amend the Societies Act*.

Hon. Mr. Lang: I am pleased to rise to speak to Bill No. 89, *Act to Amend the Societies Act*. Bill No. 89, *Act to Amend the Societies Act* is our fourth piece of legislation under the business legislation reform project. The *Societies Act* sets out the process for the creation and regulation of non-profit entities. Non-profit entities must use any funds or profits to meet the goals of the society itself.

In other words, they are not a business. Societies established under this act vary greatly in their purpose and provide an important contribution to Yukon's community, its citizens and its economy. For example, societies registered under the act work to promote sport and recreation, health and wellness, tourism, civil rights, public safety and cultural preservation. These societies are also often run by dedicated and hardworking volunteers who give of their time to support interests or issues that are important to them. In fact, there are currently 545 active societies registered in the territory. That is an incredible testament to the commitment of Yukoners and their level of community involvement.

These amending acts before us today are driven by the proposed changes to the *Business Corporations Act*, and its purpose is to align the *Societies Act* with those changes, as well as the other business bills before this Legislative Assembly. These changes will use clear and consistent technology by clarifying definitions and terms regarding the creation and regulation of societies, clarify the rules around dissolving societies, set out the options for reviving societies after they have been dissolved, and clarify, simplify and align naming requirements with those of the *Business Corporations Act*.

Proposed changes also include provisions for the registration of Outside or what are called "extra-territorial" societies under the *Societies Act*, rather than under the *Business Corporations Act*, as is currently done. An extra-territorial society is one that has been created under the legislation of another jurisdiction, but which chooses to also operate in Yukon. These extra-territorial societies will be subject to the same regulatory processes as local societies. They will also be able to offer the same services in Yukon as in their home jurisdiction without the need to change their nature and structure.

I want to be clear that this proposed amendment does not suddenly open the door to extra-territorial societies operating in Yukon. They have in fact been doing so for a great many years, but were registered under the *Business Corporations Act*. This change simply places their registration and regulatory requirements under the *Societies Act*, where they properly belong.

This proposed change also promotes the freedom of movement for businesses and organizations among Canadian jurisdictions, as provided in the *Agreement on Internal Trade* and helps to ensure that as many non-profit services are available to Yukoners as possible. The *Act to Amend the Societies Act* in combination with the amendments to the other acts that are part of the business legislation reform project, will modernize our existing business regulatory framework and, once fully implemented, the revised legislation will better serve societies and those who administer them.

These changes will also ensure that Yukon remains an attractive jurisdiction in which to register and operate. I look

forward to any questions members opposite may have regarding this bill and continuing to work together to modernize Yukon's business law environment.

Mr. Elias: As I said earlier about the *Securities Transfer Act*, this piece of legislation, the *Act to Amend the Societies Act*, was spoken to at length by our Leader of the Official Opposition. Again, we will be supporting these amendments. Our leader, back at first reading, referenced that the St. John Ambulance Society wishes to operate in the Yukon and it's going to allow societies like that to do so by being registered under the *Societies Act*. This is something that we in the Official Opposition can support and we look forward to this piece of legislation passing the House today.

Chair: Any further general debate? We'll proceed clause by clause on Bill No. 89.

Mr. Elias: I request the unanimous consent of the Committee to deem all clauses and the title of Bill No. 89, *Act to Amend the Societies Act*, read and agreed to.

Unanimous consent re deeming all clauses and title of Bill No. 89 read and agreed to

Chair: Mr. Elias has requested the unanimous consent of Committee of the Whole to deem all clauses and title of Bill No. 89, *Act to Amend the Societies Act*, read and agreed to. Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 1 to 11 deemed read and agreed to

On Title

Title agreed to

Hon. Mr. Lang: Mr. Chair, I move that Bill No. 89, entitled *Act to Amend the Societies Act*, be reported without amendment.

Chair: It has been moved by Mr. Lang that Bill No. 89, *Act to Amend the Societies Act*, be reported without amendment.

Motion agreed to

Bill No. 90: Act to Amend the Cooperative Associations Act

Chair: Committee of the Whole will now proceed to Bill No. 90, *Act to Amend the Cooperative Associations Act*.

Hon. Mr. Lang: Mr. Chair, I am pleased to rise to speak to Bill No. 90, *Act to Amend the Cooperative Associations Act*. Bill No. 90, *Act to Amend the Cooperative Associations Act*, is the last bill under our business legislative reform project.

Like the other three amended bills in this project, this act is driven by and is complementary to the proposed changes to the *Business Corporations Act*. In short, its purpose is to align the *Cooperative Associations Act* with those changes.

The existing *Cooperative Associations Act* regulates the creation and registration of cooperatives. This includes cooperatives created in Yukon and those created elsewhere that wish to do business in Yukon. The primary focus of cooperative associations — food cooperatives, for example — is to provide service to their members rather than generate corporate

profits for shareholders. Presently there are only eight registered cooperatives in Yukon.

Most of the proposed changes to the *Cooperative Associations Act* are complementary in order to maintain consistency with the *Business Corporations Act*. The changes are: resulting clear and consistent terminology by clarifying definitions and terms; set-out rules around liquidation and dissolution, which is the process of winding up or ending a cooperative; establish rules for reviving cooperatives that have previously been wound up; and clarify, simplify and align name requirements with those of the *Business Corporations Act*.

The proposed changes also include clarifying the registration process for Outside cooperatives, such as the *Cooperative Associations Act*.

Like the changes to the *Societies Act* we debated earlier, this change further promotes a freedom of movement for cooperatives among Canadian jurisdictions in the spirit of the *Agreement on Internal Trade*. This also ensures the broadest range of services possible for Yukoners.

The *Act to Amend the Cooperative Associations Act*, in combination with amendments to the other acts that are part of the business legislation reform project, will modernize the existing regulatory framework. Once fully implemented, the revised legislation will better serve cooperatives, those who administer them and those who do business with them. Mr. Chair, the *Act to Amend the Cooperative Associations Act*, is the last of five acts included in the business legislation reform project.

I wish to again thank all the people who have worked long and hard on this project, particularly the business sector of the Yukon Chapter of the Canadian Bar Association and other officials in the Department of Justice and Community Services. These dedicated professionals have worked closely together on these very technical and detailed matters to produce an excellent package of business legislation that should better serve Yukoners now and well into the future. I think we can all appreciate the tremendous effort that has gone into the preparation of this bill and the other four bills, as well.

With that, I am done with my remarks on the *Act to Amend the Cooperative Associations Act*. Thank you.

Chair: Is there any general debate on Bill No. 90? Seeing none, we will proceed clause by clause on Bill No. 90.

Mr. Elias: I request the unanimous consent of the Committee to deem all clauses and the title of Bill No. 90, *Act to Amend the Cooperative Associations Act*, read and agreed to.

Unanimous consent re deeming all clauses and title of Bill No. 90 read and agreed to

Chair: Mr. Elias has requested the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 90, *Act to Amend the Cooperative Associations Act*, read and agreed to. Are you agreed?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 1 to 10 deemed read and agreed to

On Title

Title agreed to

Hon. Mr. Lang: Mr. Chair, I move that Bill No. 90, *Act to Amend the Cooperative Associations Act*, be reported without amendment.

Chair: It has been moved by Mr. Lang that Bill No. 90, *Act to Amend the Cooperative Associations Act*, be reported without amendment.

Motion agreed to

Termination of sitting as per Standing Order 76(1)

Chair: Order please.

The time has reached 5:00 p.m. on this, the 28th day of the 2010 fall sitting. Standing Order 76(1) states: "On the sitting day that the Assembly has reached the maximum number of sitting days allocated for that Sitting pursuant to Standing Order 75, the Chair of Committee of the Whole, if the Assembly is in Committee of the Whole at the time, shall interrupt proceedings at 5:00 p.m. and, with respect to each Government Bill before Committee that the Government House Leader directs to be called, shall:

"(a) put the question on any amendment then before the Committee;

"(b) put the question, without debate or amendment, on a motion moved by a Minister that the bill, including all clauses, schedules, title and preamble, be deemed to be read and carried;

"(c) put the question on a motion moved by a Minister that the bill be reported to the Assembly; and

"(d) when all bills have been dealt with, recall the Speaker to the Chair to report on the proceedings of the Committee."

It is the duty of the Chair to now conduct the business of Committee of the Whole in the manner directed by Standing Order 76(1).

The Chair would now ask the Government House Leader to indicate the government bills now before Committee of the Whole, which should be called.

Hon. Ms. Taylor: The government directs that Bill No. 22 and Bill No. 93 be called at this time.

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

Chair: The Committee will now deal with Bill No. 22, entitled *Second Appropriation Act, 2010-11*.

The Chair will now recognize Mr. Fentie as the sponsor of Bill No. 22 for the purpose of moving a motion pursuant to Standing Order 76(1)(b).

Hon. Mr. Fentie: I move that all clauses, schedules and the title of Bill No. 22, entitled *Second Appropriation Act, 2010-11*, be deemed to be read and carried.

Chair: It has been moved by Mr. Fentie that all clauses, schedules and the title of Bill No. 22, entitled *Second Appropriation Act, 2010-11*, be deemed to be read and carried. As no debate or amendment is permitted, I shall now put the question. Are you agreed?

Motion agreed to

On Operation and Maintenance Expenditures

Total Operation and Maintenance Expenditures in the amount of \$31,508,000 agreed to

On Capital Expenditures

Total Capital Expenditures in the amount of \$33,864,000 agreed to

Clause 1 and 2 agreed to

Schedules A and B agreed to

Title agreed to

Hon. Mr. Fentie: Mr. Chair, I move that you report Bill No. 22, entitled *Second Appropriation Act, 2010-11*, without amendment.

Chair: It has been moved by Mr. Fentie that Bill No. 22, entitled *Second Appropriation Act, 2010-11*, be reported without amendment. As no debate or amendment is permitted, I shall now put the question. Are you agreed?

Motion agreed to

Bill No. 93: *Miscellaneous Statute Law Amendment Act, 2010*

Chair: The Committee will now deal with Bill No. 93, entitled *Miscellaneous Statute Law Amendment Act, 2010*.

The Chair will now recognize Ms. Horne as the sponsor of Bill No. 93, entitled *Miscellaneous Statute Law Amendment Act, 2010*, for the purpose of moving a motion pursuant to Standing Order 76(1)(b).

Hon. Ms. Horne: I move that all clauses and the title of Bill No. 93, entitled *Miscellaneous Statute Law Amendment Act, 2010*, be deemed read and agreed to.

Chair: It has been moved by Ms. Horne that all clauses and the title of Bill No. 93, entitled *Miscellaneous Statute Law Amendment Act, 2010*, be deemed read and carried. As no debate or amendment is permitted, I shall now put the question. Are you agreed?

Motion agreed to

Clauses 1 to 14 agreed to

Title agreed to

Hon. Ms. Horne: I move that Bill No. 93, entitled *Miscellaneous Statute Law Amendment Act, 2010*, be reported without amendment.

Chair: It has been moved by Ms. Horne that Bill No. 93, entitled *Miscellaneous Statute Law Amendment Act, 2010*, be reported without amendment. Are you agreed?

Motion agreed to

Chair: As all designated government bills in Committee of the Whole have now been decided upon, it is my duty to rise and report to the House.

Speaker resumes the Chair

Termination of sitting as per Standing Order 76(2)

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

Chair's report

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

Committee of the Whole has considered Bill No. 86, entitled *Act to Amend the Business Corporations Act*, and directed me to report it without amendment.

Committee of the Whole has considered Bill No. 87, entitled *Securities Transfer Act*, and directed me to report it without amendment.

Committee of the Whole has considered Bill No. 88, entitled *Act to Amend the Partnership and Business Names Act*, and directed me to report it without amendment.

Committee of the Whole has considered Bill No. 89, entitled *Act to Amend the Societies Act*, and directed me to report it without amendment.

Committee of the Whole has considered Bill No. 90, entitled *Act to Amend the Cooperative Associations Act*, and directed me to report it without amendment.

Committee of the Whole has considered Bill No. 92, entitled *Act to Amend the Income Tax Act (2010)*, and directed me to report it without amendment.

Finally, Committee of the Whole has considered Bill No. 93, entitled *Miscellaneous Statute Law Amendment 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.

Standing Order 76(2) states: "On the sitting day that the Assembly has reached the maximum number of sitting days allocated for that Sitting pursuant to Standing Order 75, the Speaker of the Assembly, when recalled to the Chair after the House has been the Committee of the Whole, shall:

"(d) with respect to each Government Bill standing on the Order Paper for Third Reading and designated to be called by the Government House Leader,

"(i) receive a motion for Third Reading and passage of the bill, and

"(ii) put the question, without debate or amendment, on that motion."

I shall, therefore, ask the Government House Leader to indicate whether Bill No. 21, Bill No. 22, Bill No. 86, Bill No. 87, Bill No. 88, Bill No. 89, Bill No. 90, Bill No. 92 and Bill No. 93 — the government bills now standing at third reading — should be called.

Hon. Ms. Taylor: Mr. Speaker, the government directs that Bill No. 21, Bill No. 22, Bill No. 86, Bill No. 87, Bill No. 88, Bill No. 89, Bill No. 90, Bill No. 92 and Bill No. 93 be called for third reading at this time.

GOVERNMENT BILLS

Bill No. 21: Third Reading — *Fourth Appropriation Act, 2009-10*

Clerk: Third reading, Bill No. 21, standing in the name of the Hon. Mr. Fentie.

Hon. Mr. Fentie: Mr. Speaker, I move that Bill No. 21, entitled *Fourth Appropriation Act, 2009-10*, be now read a third time and do pass.

Speaker: It has been moved by the Hon. Premier that Bill No. 21, entitled *Fourth Appropriation Act, 2009-10*, be

now read a third time and do pass. As no debate or amendment is permitted, I shall now put the question. Are you agreed?

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: Disagree.

Mr. McRobb: Disagree.

Mr. Elias: Disagree.

Mr. Fairclough: Disagree.

Mr. Inverarity: Disagree.

Mr. Cardiff: Disagree.

Mr. Cathers: Agree.

Chair: Mr. Speaker, the results are 10 yeas, six nays.

Speaker: The yeas have it.

Motion for third reading of Bill No. 21 agreed to

Speaker: I declare the motion carried and that Bill No. 21 has passed this House.

Bill No. 22: Third Reading — *Second Appropriation Act, 2010-11*

Clerk: Third reading, Bill No. 22, standing in the name of the Hon. Mr. Fentie.

Hon. Mr. Fentie: I move that Bill No. 22, entitled *Second Appropriation Act, 2010-11*, be now read a third time and do pass.

Speaker: It has been moved by the Hon. Premier that Bill No. 22, entitled *Second Appropriation Act, 2010-11*, be now read a third time and do pass. As no debate or amendment is permitted, I shall now put the question. Are you agreed?

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: Disagree.

Mr. McRobb: Disagree.

Mr. Elias: Disagree.

Mr. Fairclough: Disagree.

Mr. Inverarity: Disagree.

Mr. Cardiff: Disagree.

Mr. Cathers: Agree.

Clerk: Mr. Speaker, the results are 10 yea, six nay.

Speaker: The yeas have it.

Motion for third reading of Bill No. 22 agreed to

Speaker: I declare the motion carried and that Bill No. 22 has passed this House.

Bill No. 86: Third Reading — Act to Amend the Business Corporations Act

Clerk: Third reading, Bill No. 86, standing in the name of the Hon. Mr. Lang.

Hon. Mr. Lang: Mr. Speaker, I move that Bill No. 86, entitled *Act to Amend the Business Corporations Act*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Community Services that Bill No. 86, entitled *Act to Amend the Business Corporations Act*, be now read a third time and do pass. As no debate or amendment is permitted, I shall now put the question. Are you agreed?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Hart: Agree.

Hon. Mr. Kenyon: Agree.

Hon. Mr. Rouble: Agree.

Hon. Mr. Lang: Agree.

Hon. Ms. Horne: Agree.

Hon. Mr. Edzerza: Agree.

Mr. Nordick: Agree.

Mr. Mitchell: Agree.

Mr. McRobb: Agree.

Mr. Elias: Agree.

Mr. Fairclough: Agree.

Mr. Inverarity: Agree.

Mr. Cardiff: Agree.

Mr. Cathers: Agree.

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

Speaker: The yeas have it.

Motion for third reading of Bill No. 86 agreed to

Speaker: I declare the motion carried and that Bill No. 86 has passed this House.

Bill No. 87: Third Reading — Securities Transfer Act

Clerk: Third reading, Bill No. 87, standing in the name of the Hon. Mr. Lang.

Hon. Mr. Lang: Mr. Speaker, I move that Bill No. 87, entitled *Securities Transfer Act*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Community Services that Bill No. 87, entitled *Securities Transfer Act*, be now read a third time and do pass. As no debate or amendment is permitted, I shall now put the question. Are you agreed?

Motion for third reading of Bill No. 87 agreed to

Speaker: I declare the motion carried and that Bill No. 87 has passed this House.

Bill No. 88: Third Reading — Act to Amend the Partnership and Business Names Act

Clerk: Third reading, Bill No. 88, standing in the name of the Hon. Mr. Lang.

Hon. Mr. Lang: I move that Bill No. 88, entitled *Act to Amend the Partnership and Business Names Act*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Community Services that Bill No. 88, entitled *Act to Amend the Partnership and Business Names Act*, be now read a third time and do pass. As no debate or amendment is permitted, I shall now put the question. Are you agreed?

Some Hon. Members: Agreed.

Motion for third reading of Bill No. 88 agreed to

Speaker: I declare the motion carried and that Bill No. 88 has passed this House.

Bill No. 89: Third Reading — Act to Amend the Societies Act

Clerk: Third reading, Bill No. 89, standing in the name of the Hon. Mr. Lang.

Hon. Mr. Lang: I move that Bill No. 89, entitled *Act to Amend the Societies Act*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Community Services that Bill No. 89, entitled *Act to Amend the Societies Act*, be now read a third time and do pass. As no debate or amendment is permitted, I shall now put the question. Are you agreed?

Some Hon. Member: Agreed.

Motion for third reading of Bill No. 89 agreed to

Speaker: I declare the motion carried and that Bill No. 89 has passed this House.

Bill No. 90: Third Reading — Act to Amend the Cooperative Associations Act

Clerk: Third reading, Bill No. 90, standing in the name of the Hon. Mr. Lang.

Hon. Mr. Lang: I move that Bill No. 90, entitled *Act to Amend the Cooperative Associations Act*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Community Services that Bill No. 90, entitled *Act to Amend the Cooperative Associations Act*, be now read a third time and do

pass. As no debate or amendment is permitted, I shall now put the question. Are you agreed?

Some Hon. Members: Agreed.

Motion for third reading of Bill No. 90 agreed to

Speaker: I declare the motion carried and that Bill No. 90 has passed this House.

Bill No. 92: Third Reading — Act to Amend the Income Tax Act (2010)

Clerk: Third reading, Bill No. 92, standing in the name of the Hon. Mr. Fentie.

Hon. Mr. Fentie: I move that Bill No. 92, entitled *Act to Amend the Income Tax Act (2010)*, be now read a third time and do pass.

Speaker: It has been moved by the Hon. Premier that Bill No. 92, entitled *Act to Amend the Income Tax Act (2010)*, be now read a third time and do pass. As no debate or amendment is permitted, I shall now put the question. Are you agreed?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Fentie: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Hart: Agree.

Hon. Mr. Kenyon: Agree.

Hon. Mr. Rouble: Agree.

Hon. Mr. Lang: Agree.

Hon. Ms. Horne: Agree.

Hon. Mr. Edzerza: Agree.

Mr. Nordick: Agree.

Mr. Mitchell: Agree.

Mr. McRobb: Agree.

Mr. Elias: Agree.

Mr. Fairclough: Agree.

Mr. Inverarity: Agree.

Mr. Cardiff: Agree.

Mr. Cathers: Agree.

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

Motion for third reading of Bill No. 92 agreed to

Speaker: I declare the motion carried and that Bill No. 92 has passed this House.

Bill No. 93: Third Reading — Miscellaneous Statute Law Amendment Act, 2010

Clerk: Third reading, Bill No. 93, standing in the name of the Hon. Ms. Horne.

Hon. Ms. Horne: I move that Bill No. 93, entitled *Miscellaneous Statute Law Amendment Act, 2010*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Justice that Bill No. 93, entitled *Miscellaneous Statute Law Amendment Act, 2010*, be now read a third time and do pass. As no

debate or amendment is permitted, I shall now put the question. Are you agreed?

Some Hon. Members: Agreed.

Motion for third reading of Bill No. 93 agreed to

Speaker: The yeas have it. I declare the motion carried and that Bill No. 93 has passed this House.

INTRODUCTION OF VISITORS

Speaker: Members, prior to the Assent to Bills, I would like to introduce some visitors who are in our public gallery at this time. Jessica Pisarek and Oksana Borovyk are project supervisors with the Canadian-Ukraine Youth Leaders in Action program, which is being conducted under the auspices of Canada World Youth.

The group includes nine Ukrainian and nine Canadian young adults between 17 and 20 years of age who have been making Whitehorse their home since September 7, 2010 and will be here until December 7, 2010. They have been living with and learning from local host families, donating their skills to volunteer work placements, planning and assisting with community development and volunteer projects and researching community issues.

The group will then spend 13 weeks in Ukraine living and volunteering in Ostroh, working at the Ostroh Academy and National University. I would ask all members to help me in welcoming them here this afternoon.

Applause

Speaker: We are now prepared to receive the Commissioner, in her capacity as Lieutenant Governor, to grant assent to the bills which have passed this House.

Commissioner Van Bibber enters the Chamber, announced by the Sergeant-at-Arms

ASSENT TO BILLS

Commissioner: Please be seated.

Speaker: Madam Commissioner, the Assembly has, at its present session, passed certain bills to which, in the name and on behalf of the Assembly, I respectfully request your assent.

Clerk: *Fourth Appropriation Act, 2009-10; Second Appropriation Act, 2010-11; Act to Amend the Business Corporations Act; Securities Transfer Act; Act to Amend the Partnership and Business Names Act; Act to Amend the Societies Act; Act to Amend the Cooperative Associations Act; Second Act to Amend the Motor Vehicles Act, 2010; Act to Amend the Income Tax Act (2010); Miscellaneous Statute Law Amendment Act, 2010.*

Commissioner: I hereby assent to the bills as enumerated by the Clerk.

Today, I appear for the final time as Commissioner of Yukon to close the fall sitting of the Legislative Assembly. I'm going to take this opportunity to impart a few thoughts and to say a proper thanks and goodbye. You may have noticed I've changed the format today. I will readily admit I love the formal part of my position. My aides-de-camp, RMCP and military, have been so helpful and outstanding in their service to me

these past five years. Please help me welcome Staff Sergeant Major Al Hubley and Captain Tad Nicol.

Applause

I have met many people in different venues in different levels of political involvement. It is inherent in us as a people to want to discuss politics, politicians and how decisions are affecting our lives. We cannot get away from it, whether it's First Nation, municipal, federal or territorial. The commissioners, lieutenant governors and Governor General of Canada are appointed non-political positions and should remain so. It is a safeguard for this unique group, as we are instructed to encourage, warn and advise.

Each Premier interacts with their viceregal or head representative differently. Some meet monthly, some quarterly and some only when required. I believe it depends on the personalities that are in place. I personally thank my First Minister, Premier Fentie, for having an open door with my office.

During my five years I have been very busy. When asked if I liked my job, I say, "No, I don't like it — I love it." It has given me an opportunity to see the wonderful things that Yukoners do for their communities. As I come closer to the date of November 30 and my five-year mandate is completed, I have two questions asked of me almost daily: "What are you going to do next?" and "Who is the next Commissioner?" I am now saying, before anyone can ask, that I don't know.

Most do not see what is entailed when one becomes a politician or understand what a difficult choice it must be to become the face of Yukon politics, but I now know a little bit of what it feels like to forego some of your private life. I commend you and your families for your contributions.

Throughout my mandate, I made sure that I said thank you every time I closed a session, and I again say thank you on behalf of all Yukoners.

To the Clerk of the Assembly, Floyd McCormick, and Deputy Clerk, Linda Kolody, the Sergeants-at-Arms, Rudy Couture and Doris McLean, the Legislative Assembly office staff, the *Hansard* crew, and the pages, thanks to each of you. You have been so gracious to me each time I attend the House.

For those I might have missed, I express my appreciation for the support and kindness you have shown me as your Commissioner. Soon, we will welcome a new Commissioner to continue the work within this Chamber and for Yukoners. In a few days, on November 11, when we gather for Remembrance Day ceremonies throughout the territory, please take my regards to your communities on my behalf. Have a wonderful holiday season and all the best to you and your families.

Speaker: I would ask the members to remain standing.

Hon. Commissioner, on behalf of all Members of the Yukon Legislative Assembly, I want to thank you for your service to this House and to the Yukon. From our perspective, you went from Dawson's pride and joy to making all Yukoners proud of the job that you have done on our behalf. So, on behalf of all Members of the Yukon Legislative Assembly, I would like to thank you very much and say, job well done.

Applause

Commissioner leaves the Chamber

Speaker: I will now call the House to order.

As the House has reached the maximum number of days permitted for the 2010 fall sitting, as established pursuant to Standing Order 75, and the House has completed consideration of the designated legislation, it is the duty of the Chair to declare that this House now stands adjourned.

The House adjourned at 5:29 p.m.

The following Sessional Papers were tabled November 9, 2010:

10-1-185

Yukon Department of Education 2009-2010 Academic Year Annual Report (Rouble)

10-1-186

Report on the Yukon Government's Performance under the *Environmental Act*: Prepared by Government Audit Services Branch, Government of Yukon and Approved by the Audit Committee on September 8, 2010 (Edzerza)

10-1-187

Crime Prevention and Victim Services Trust Fund 2008/2009 Annual Report (Horne)

10-1-188

Crime Prevention and Victim Services Trust Fund 2009/2010 Annual Report (Horne)

10-1-189

Yukon Public Service Labour Relations Board 2009-2010 Annual Report (Taylor)

10-1-190

Yukon Teachers Labour Relations Board 2009-2010 Annual Report (Taylor)

10-1-191

Yukon Heritage Resources Board April 1, 2009 – March 31, 2010 Annual Report (Taylor)

10-1-192

Yukon Development Corporation 2009 Annual Report and Audited Financial Statements (Fentie)

10-1-193

Yukon Energy Corporation 2009 Annual Report and Audited Financial Statements (Fentie)

10-1-194

Yukon Hospital Corporation 2009-2010 Annual Report (Hart)

10-1-195

Yukon Liquor Corporation April 1, 2009 – March 31, 2010 Annual Report and Audited Financial Statements (Kenyon)

10-1-196

Landlord and Tenant Act, Select Committee on: Report (dated November 2009) (Nordick)

The following document was filed November 9, 2010:

10-1-167

Takhini Hotsprings Lots, Subdivision and Residential Development of: Legal opinion (dated November 9, 2010) from Stephen L. Walsh, Barrister and Solicitor, to Brad Cathers, MLA, Lake Laberge (Cathers)