



Yukon Legislative Assembly

Number 164

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HANSARD

Thursday, October 30, 2014 — 1:00 p.m.

Speaker: The Honourable David Laxton

YUKON LEGISLATIVE ASSEMBLY

SPEAKER — Hon. David Laxton, MLA, Porter Creek Centre

DEPUTY SPEAKER — Patti McLeod, MLA, Watson Lake

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Hon. Elaine Taylor	Whitehorse West	Deputy Premier Minister responsible for Education; Women's Directorate; French Language Services Directorate
Hon. Brad Cathers	Lake Laberge	Minister responsible for Community Services; Yukon Housing Corporation; Yukon Liquor Corporation; Yukon Lottery Commission Government House Leader
Hon. Doug Graham	Porter Creek North	Minister responsible for Health and Social Services; Yukon Workers' Compensation Health and Safety Board
Hon. Scott Kent	Riverdale North	Minister responsible for Energy, Mines and Resources; Yukon Energy Corporation; Yukon Development Corporation
Hon. Currie Dixon	Copperbelt North	Minister responsible for Economic Development; Environment; Public Service Commission
Hon. Wade Istchenko	Kluane	Minister responsible for Highways and Public Works
Hon. Mike Nixon	Porter Creek South	Minister responsible for Justice; Tourism and Culture

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Kate White	Takhini-Kopper King

Liberal Party

Sandy Silver	Leader of the Third Party Klondike
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**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, October 30, 2014 — 1:00 p.m.**

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

Prayers

Withdrawal of motions

Speaker: Before starting with the Order Paper, the Chair wishes to inform the House of a change that has been made to the Order Paper. Motion No. 711, standing in the name of the Hon. Premier, has been removed from the Order Paper as the action requested in the motion has been taken.

DAILY ROUTINE

Speaker: We will now proceed with the Order Paper. Tributes.

TRIBUTES

In recognition of Breast Cancer Awareness Month

Hon. Mr. Graham: I rise in the House today to recognize October as Breast Cancer Awareness Month. According to the BC Cancer Foundation, breast cancer is the most common cancer diagnosis in Canada for women over the age of 20 years, with one in nine women expected to develop breast cancer at some point in their life. Men also are not immune to this disease, Mr. Speaker, with an estimated 210 males this year in Canada being diagnosed.

According to the Canadian Cancer Society, both the incidence and death rate of those with breast cancer have decreased over the last 20 years. This reduction in death rates reflects the impact of screening improvements such as mammography and encouraging men and women to practice breast awareness. This means becoming familiar with the geography of our own bodies so that we can recognize changes in our breasts. It also reflects the growing awareness and willingness of women, and of the public in general, to begin to talk about things that were previously considered taboo.

While much work is being done to increase the rates of detection and treatment of breast cancer, there is still much work left to do, which is why organizations such as the Canadian Cancer Society encourage donations to help fund research to outsmart this disease. I would like to acknowledge the hard work of local organizations such as Run for Mom Yukon and the Mardi Bras. Run for Mom is a family-friendly run and walk held every Mother's Day along the Millennium Trail. The funds raised from this event stay entirely in the Yukon and have been put toward purchasing diagnostic equipment such as the digital mammography machine currently in use at the Whitehorse General Hospital.

Mardi Bras is another local fundraiser for Karen's Fund. Karen Wiederkehr was a young Yukon woman, wife and mother who died of breast cancer. She wanted her legacy to be a quiet comfortable place for cancer patients to undergo

chemo treatments. Her husband, Jack, made that wish come true with Karen's Room, a comfortable room in the Whitehorse General Hospital for patients to receive their chemotherapy treatments.

Karen's other wish was to find a way to help those women who were experiencing financial stress, while undergoing treatment for breast cancer. Mardi Bras is an evening of music, dancing and entertainment that raises money to go toward this fund. To date, Karen's Fund has supported 84 Yukon women, and this year's event raised close to \$25,000, which, in the simplest terms, means that many more Yukon women can be supported through this fund.

These examples show how community involvement can help support women and their families as they battle breast cancer. While it is encouraging to see that the incidence of breast cancer is decreasing, I am sure that every member in the House here today has known a woman diagnosed with breast cancer, which is why we continue to support organizations such as these to help fight this disease.

Ms. Stick: I too rise on behalf of the Official Opposition and the Third Party to pay tribute to Breast Cancer Awareness Month. I don't imagine that there's a single person in this House who has not been touched by breast cancer, whether it's a mother, a sister, a co-worker, a friend or a brother. We all know someone — and, yes, even men who have been diagnosed with breast cancer.

In Yukon, as in the rest of Canada, one in nine women will be diagnosed with breast cancer. The good news, however, is that fewer women are dying from breast cancer, and some of those reasons include earlier detection, regular mammography screening, advances in screening technology, and improved treatments that lead to improved cures and outcomes.

We are fortunate in Yukon to have many examples of groups of volunteers and organizations doing their part to increase awareness, to fund research, to help fund new screening technology tools and to support individuals facing breast cancer. We are a caring community and one that takes action.

I would like to recognize some of those individuals and groups, and I know that I will have missed or forgotten some, and for that I sincerely apologize because everything that is being done to raise awareness, support research, and assist individuals and their families needs to be recognized and celebrated.

Every summer we watch from the banks of the river just outside of this building as the Paddlers Abreast team pushes off to Dawson City in the Yukon River Quest. This team is made up of women who are breast cancer survivors. They train and paddle together to celebrate their survival, remember and honour friends, and show their strength and determination to keep moving forward, even under the most difficult circumstances. They've been doing this since 2001.

Many other Yukoners volunteer, participate in and have fun at the Mardi Bras, an annual fundraiser organized by women to raise money that stays in the Yukon for Karen's

Fund. This fund can be accessed by women with breast cancer in Yukon, including Atlin and Lower Post, B.C. This fund helps to ease some of the unanticipated financial costs of breast cancer treatment. This year the Mardi Bras event, Leather and Lace, raised well over \$13,000.

Every Mother's Day, many families, teams, men, women, children, even dogs, participate in the Run for Mom. The money raised at this event stays in the Yukon and assists in the purchase of better diagnostic equipment. In 2009, the new digital mammography unit was purchased for close to \$700,000, and all of that money was raised through the Run for Mom. Monies raised at the Run for Mom also go to provide information to women going for mammograms, and it helps support the Paddlers Abreast, just to name a few.

Breast cancer will touch all of us, possibly more than once. I want to thank all those volunteers who give so much of their time and their skills to raise our awareness, to raise funds, to have fun and to continue to support those individuals, their families and friends who have been diagnosed with breast cancer.

In recognition of Autism Awareness Month

Hon. Mr. Nixon: I rise in the House today on behalf of all members and as a parent of a child with autism to ask members to join me in recognizing October as Autism Awareness Month.

Autism spectrum disorder, also referred to as "ASD" or simply "autism" is a neurological disorder that causes developmental disability. Autism affects the way the brain functions, resulting in difficulties with communication and social interaction, and unusual patterns of behaviour, activities and interests.

The term "spectrum" refers to a continuum of severity or developmental impairment. For instance, this can refer to the number or type of symptoms an individual has or the age of onset. Autism affects individuals from all racial, ethnic and social backgrounds and from all income and education levels.

The cause of autism is still unknown. Research is focusing on areas such as genetics, pre- and post-natal brain development, environmental factors and viral infections. While we don't yet know the cause of autism, what we do know is that an accurate early diagnosis improves outcomes by ensuring the appropriate educational supports, treatments or interventions are established.

To help ensure an early and accurate diagnosis, Health and Social Services provides funding to the Child Development Centre, which coordinates the diagnosis of autism spectrum disorder in preschool-age children. We also offer the family supports for children with disabilities program, which provides services to children with disabilities such as autism and their families from birth to age 19.

I would like to acknowledge the work of Autism Yukon, an organization that I co-founded in raising awareness of autism. Autism Yukon plays an important role in providing information and education to families and service providers.

Lastly, I would like to recognize the professionals, the current Minister Health and Social Services and past ministers

of Health and Social Services, as well as parents and caregivers who have worked diligently over the last few years to put services in place to ensure the best possible outcome for those living with autism spectrum disorder.

Autism is a disorder that needs our attention, it needs our awareness and it needs our understanding, not only during Autism Awareness Month, but throughout the year.

In recognition of A Safe Place program

Ms. White: I rise on behalf of the NDP Official Opposition to pay tribute to A Safe Place. A safe place — it's a phrase that evokes many images and feelings. I imagine it's a phrase with more interpretations and understandings than people here in this room today.

What is safe? Is it freedom from imminent harm, protection from threats and abuse, violence and despair? Or is it something more: a right to security, to acceptance, to support and caring, to respect and dignity? What is place? Is it a physical entity like a room? Is it social standing like knowing one's place? Is it something more: a right to shelter, to a home, to community and friendship, to a sense of belonging?

When we think of a safe place, do we think of an individual feeling or a social destination? Victoria Faulkner's Women's Centre and the Yukon Status of Women's Council might argue that it's both. Since their jointly offered program, A Safe Place, was inaugurated on December 20, 2013, these women's organizations have provided a safe place for women and their children when other supportive agencies are closed or felt to be unsafe. They foster trust and provide referrals to other services, support and safety for women who have fallen through the cracks.

What may appear to be such a simple service is really so much more. A Safe Place offers a needed after-hours and weekend drop-in program provided by facilitators trained in counselling. It offers nutritious meals to women and their children, targeting women experiencing precarious housing and food insecurity in Whitehorse. It offers vulnerable women a place to gather, to develop relationships and provide much-needed social interaction for women who are isolated and who might be struggling.

A Safe Place is the spirit of advocacy and dignity. It works for social justice and change. It supports gender equity. The value of A Safe Place is clear as both a personal feeling and social destination. The number of women accessing the service has increased throughout the project's lifetime, and when program funding became scarce, Yukoners responded with resounding support, providing more than \$4,500 to keep A Safe Place up and running.

This project arose from a study on repairing the net, and that's just what it does. It is initiatives such as this — motivated by tenets of dignity and respect for all in community — that help us repair and grow. It is with no doubt that A Safe Place is as important to the individuals accessing its services as for the community to which these women and children belong.

I rise today with hope that this program is given the wings to continue. I rise with gratitude, with sincere thanks and with endless admiration for the community work that is being done through A Safe Place, as well as with the utmost respect and appreciation for the women and children it services.

Mr. Silver: I rise on behalf of the Yukon Liberal Party to also acknowledge A Safe Place.

Since last December, A Safe Place, a program run in conjunction with the Yukon Status of Women Council, Victoria Faulkner Women's Centre and the Second Opinion Society, has been helping women and children with a warm meal and a roof over their heads. What had started as a pilot project had quickly grown into a necessity for the communities. A Safe Place provides a drop-in program, after-hours and on weekends where other services are not available, and it is targeted toward women who lack stable housing, have mental health issues, or are just having a hard time providing enough food for their children and for themselves.

The program comes as a response to the Repairing the Holes in the Net, a research initiative undertaken by the Yukon Status of Women Council, which identified the need for this program. The program runs for a reasonable cost of \$6,000 a month and provides support for eight to 10 women a night.

In a perfect world, Mr. Speaker, we would not need A Safe Place, but unfortunately we do not live in a perfect world and I hope that the Victoria Faulkner Women's Centre is able to get the funding it needs to continue to support some of the community's most vulnerable. Members of the community can help the cause by donating to their crowd funding page at www.gofundme.com/bps2yo.

In recognition of Dana Meise

Ms. White: I rise on behalf on the Assembly to acknowledge the phenomenal achievement of Dana Meise. Dana is a forest technologist by trade, but an explorer and an adventurer by action. He had a dream of seeing Canada in a way that has not been done since the first peoples led the regional explorers over our vast landscape. His goal is to walk and canoe the entire length of the Trans Canada Trail. In 1992, in celebration of Canada's 125th birthday, a project was initiated and brought about the creation of one of the world's longest networks of multi-use recreational trails that, once completed, will connect Canada from coast to coast to coast.

The Trans Canada Trail will stretch nearly 24,000 kilometres from the Atlantic to the Pacific to the Arctic oceans. It will wind through every province and territory, linking Canadians in nearly 1,000 communities. The hope is to have this trail network completed in time for Canada's 150th birthday.

This trail system is made up of nearly 500 individual trails, each with unique and varied features. It is used by legions of Canadians for day trips or multi-day adventures. The trail offers countless opportunities to explore and discover the hidden gems of the Canadian landscape. It is designed to

connect our history, geography, beauty and, most of all, our communities.

No one person knows this trail and its treasures better than Dana. On May 6, 2008, Dana took his very first steps on "The Great Hike" and, for anyone who is near a computer, you should really check it out. His journey started in Cape Spear, Newfoundland, Canada's most eastern point. After countless adventures, the occasional mishap and six years of hiking, on December 17, 2013, he arrived in Clover Point, Victoria, on the coast of the Pacific Ocean. This marked the end of his east-west crossing of the Trans Canada Trail.

Dana completed the 16,500-kilometre journey across Canada, setting the record for the longest hike in the world, on the world's longest trail. As of this year, he has covered a total distance of 19,300 kilometres, or roughly 30,880,000 steps. He will complete the journey north of Tuktoyaktuk, becoming the first person to walk to all three of Canada's oceans. Dana has volunteered countless hours across the country, motivating and inspiring kids, one school classroom at a time.

This year, he was a keynote speaker for We Day in Ottawa — an organization meant to get the youth involved in community service — where he spoke in front of 16,000 kids live and to millions of others who watched the livestream around the world.

This year, *Canadian Geographic* named his journey the "expedition of the year". Since then, he has teamed up with them to share stories of everyday Canadians in Canada with their readers. Dana has been named a trail champion and featured in the *Globe and Mail* for the Trans Canada Trail and, if like me, you love the *Vinyl Cafe*, you might have heard his interview with Stuart McLean as he was presented the Arthur Award. This award recognizes outstanding Canadians who contribute to the colourful fabric of our country.

Dana has plans to share his epic journey with both a book and a film, to be released in 2017, to celebrate Canada's 150th birthday. His journey has been a dream come true. He has explored the country in a way that most of us never will, visited communities along the way, made new friends, all the while taking in all the knowledge possible and then sharing his experiences of Canada with other Canadians.

You could say that he's writing the definitive love letter to Canada, one that he hopes is a lasting contribution for the Canadians of today, tomorrow and the generations to come.

I would like to take this opportunity to welcome Dana to the Assembly. Thank you for coming.

Applause

Speaker: Introduction of visitors.

INTRODUCTION OF VISITORS

Ms. Stick: I would like to invite the House to welcome Mike Hodgson, a resident of Teslin and also one of the many people who have hosted Dana on his journey across Canada.

Applause

Speaker: Are there any returns or documents for tabling?

Are there any reports of committees?
 Are there any petitions to be presented?
 Are there any bills to be introduced?

INTRODUCTION OF BILLS

Bill No. 81: *Court Security Act* — Introduction and First Reading

Hon. Mr. Nixon: I move that Bill No. 81, entitled *Court Security Act*, be now introduced and read a first time.

Speaker: It has been moved by the Hon. Minister of Justice that Bill No. 81, entitled *Court Security Act*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 81 agreed to

Bill No. 83: *Act to Amend the Legislative Assembly Act and the Legislative Assembly Retirement Allowances Act, 2007* — Introduction and First Reading

Hon. Mr. Pasloski: I move that Bill No. 83, entitled *Act to Amend the Legislative Assembly Act and the Legislative Assembly Retirement Allowances Act, 2007*, be now introduced and read a first time.

Speaker: It has been moved by the Hon. Premier that Bill No. 83, entitled *Act to Amend the Legislative Assembly Act and the Legislative Assembly Retirement Allowances Act, 2007*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 83 agreed to

Bill No. 75: *Public Interest Disclosure of Wrongdoing Act* — Introduction and First Reading

Hon. Mr. Dixon: I move that Bill No. 75, entitled *Public Interest Disclosure of Wrongdoing Act*, be now introduced and read a first time.

Speaker: It has been moved by the minister responsible for the Public Service Commission that Bill No. 75, entitled *Public Interest Disclosure of Wrongdoing Act*, be now introduced and read a first time.

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

Speaker: Are there any further bills to be introduced?
 Are there any notices of motions?

NOTICES OF MOTIONS

Mr. Silver: I rise to give notice to the following motion:

THAT this House urges the Government of Yukon to spend the remaining northern housing trust fund dollars on affordable housing.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to work with the Victoria Faulkner Women's Centre to ensure funding for the A Safe Place program continues.

Ms. Stick: I rise to give notice of the following motion:

THAT this House urges the Government of Canada to investigate the personal and social consequences and spillover economic impacts of unaffordable childcare on Canadian families; and

THAT this House urges the Government of Canada to support affordable, high-quality childcare through a universal childcare program and recognize that:

(1) high-quality childcare spaces are scarce and have long wait-lists;

(2) over two-thirds of Canadian women with children under five years old are in the workforce;

(3) universal childcare helps parents save, reduces poverty and supports healthy families;

(4) high-quality childhood education improves success in school; and

(5) universal programs are more resilient, of higher quality and less costly to implement than means-targeted programs.

I also give notice of the following motion:

THAT the Yukon government acknowledges northern, rural and remote communities are at risk of lower sexual and reproductive health outcomes than other Canadian jurisdictions;

THAT the Yukon government recognizes access to high-quality sexual and reproductive health has a demonstrated impact on improving health and reducing health inequities;

THAT the Yukon government develops and adopts a comprehensive sexual and reproductive health strategy for the territory for the purpose of tracking health outcomes, service efficacy, and service efficiency over time and across the population;

THAT this strategy prioritizes prevention, develops strong partnerships and working relationships between government, health and community sector organizations; and

THAT interventions and services be designed, delivered and evaluated with the needs of vulnerable and marginalized populations fully considered and applied.

Speaker: Is there a statement by a minister?

This then brings us to Question Period.

QUESTION PERIOD

Question re: **First Nations/government relations**

Ms. Hanson: Yukoners ask me why this government seems so intent on alienating First Nation governments. Yukoners cannot understand why a government chooses court battles with Yukon First Nations rather than building respectful relationships. Fortunately for the Premier there is a lifeline: the Yukon Forum. The Yukon Forum, established in 2005 under the *Cooperation in Governance Act* was designed as a space to discuss and resolve issues of common concern. The Yukon Forum offers a perfect opportunity for this government to improve relations with First Nations, and yet it goes unused. The Yukon Forum was supposed to meet four times a year. Unfortunately, this Premier has only participated in one Yukon Forum since his election.

The question is: Why has the Premier given up on using the Yukon Forum, which could help improve the soured relationship his government has created with Yukon First Nation governments?

Hon. Mr. Pasloski: As I have said in this House many times, this government continues to work with all levels of government on a daily basis, making great accomplishments and moving forward items, services and programs that are important for all Yukoners.

On top of Yukon Forum, we have other methods of communicating and working with First Nations. One that was initiated by me and the First Nation chiefs is an informal meeting.

Since we agreed to an informal meeting, we've had many — five or six, I believe, since May of 2013 — where there is an opportunity to sit down on an informal basis and chat about opportunities, chat about concerns, have a conversation about specific issues and ensure that there is a forum where we can look at what opportunities exist, but also that we can have a better understanding of each other. Because that is how, Mr. Speaker, in the end, we are able to move forward on some things that before that were difficult to achieve.

Ms. Hanson: The government is fond of repeating that all is well. They get along with everyone, including First Nation governments. The trouble is that the only one buying that line is the Yukon Party. The Premier's decision to follow the federal Conservatives' marching orders with respect to YESAA demonstrates yet again that he cannot work with First Nation governments. A Premier who really and truly understood the relationships created under the UFA would use the Yukon Forum to improve relations. Instead, he chooses to ignore this opportunity and now we have First Nation governments threatening legal action to protect their rights as equal partners under the final agreements.

Why has the Premier not used the Yukon Forum to reach out to First Nation governments, rather than sending us further down a confrontational path?

Hon. Mr. Pasloski: Through the consultation process with YESAA, there were 76 recommendations that came forward — 73 of 76 recommendations were unanimously supported by all parties to the agreement. There were almost seven years of consultation. Yukon First Nations have guaranteed participation in the YESAA process; they nominate three out of seven positions on the YESA Board. Yukon only has two positions and Canada has two positions as well. If there is ever a conflict between YESAA and the final agreements, it clearly states in the YESA Act that the final agreements will prevail.

This is important legislation for all Yukoners. This isn't just about mineral development — when we want to build a recreational centre, when we want to build a water treatment plant, when we want to build any development, it involves YESAA. This is important; it affects all Yukoners and, with fair and consistent legislation across this country, it creates the opportunity for us to be competitive in the rest of the country. That means creating jobs for Yukoners and that's important for this government.

Ms. Hanson: Mr. Speaker, it gets kind of tiresome. Everybody knows there were 73 amendments agreed to. It's the surprise ones that this government and the federal government sprang on First Nations that have caused the problem. The Yukon Forum was an opportunity to work with First Nations. The mandate is to discuss issues of common concern and identify opportunities and common priorities for cooperative action and to formulate directions that the members will endeavour to reflect.

Given the clear evidence of this government's breach of the relationship with First Nation governments, you would think the Premier would realize the opportunity provided by the Yukon Forum and would jump at the chance to reach out to the governments he has alienated.

When will the Premier reach out to First Nation governments to seek a meeting of the Yukon Forum?

Hon. Mr. Pasloski: I have to again remind the members opposite in both parties that, throughout the YESAA process, the Yukon government shared all of its comments with all the parties that were at the table. In fact, there were thousands of hours of consultation. It is because — we hear heckling from the Liberal leader — a bit disappointing. We did see in Ottawa, in the Senate, the unanimous support of the YESAA amendments, and that included all of the Liberal senators.

Sadly, the Liberals in the Yukon don't see the same importance and opportunity that exists here in Yukon with this amended legislation.

Question re: *Motor Vehicles Act* amendments

Ms. Moorcroft: Earlier this week, the government introduced amendments to the *Motor Vehicles Act*. Snowmobiles are one of the types of vehicles that will be regulated when operating on Yukon highways or maintained roadways. The Trek over the Top international snowmobile run and the Alcan 200 race are annual snowmobile events that have a positive impact on the Haines Junction and Dawson City tourism industries. Many of the participants are American and are unlikely to have their snowmobile registered in Yukon.

Will the changes to the *Motor Vehicles Act* have an impact on the snowmobilers who plan to compete in the Trek over the Top or the Alcan 200 race?

Hon. Mr. Istchenko: The Yukon government is committed to taking care of the Yukon and the safety of all Yukoners and all those people who participate in any of these types of events. We know that Yukoners love to spend time outside enjoying this environment. I'm an active participant in the Alcan 200 snowmobile race. I've been around that race for 20-some years, helping organize and/or whatever.

When it comes to both specific events, the requirements that come forward from the actual event-holders are helmets and applicable safety equipment. It's required when you sign up for it.

Ms. Moorcroft: Where the race may be affected is with the amendments that deal with registration and licensing. The Trek over the Top has successfully run for more than 20 years

and is promoted by Travel Yukon. In Alaska, the Alaska Trailblazers encourages its members to sign up and join the fun, which includes two evenings of entertainment in Dawson City. The Klondike Visitors Association and the Dawson City Sled Dawgs welcome the participants and host numerous events for the riders who stay in the Dawson area for a full two days, taking part in the various activities.

Can the minister tell me: Were the organizations who plan and host events like Trek over the Top and Alcan 200 consulted about the proposed amendments to the act that will affect them, and how would the minister ensure that these events can continue to contribute to Yukon's tourism economy?

Hon. Mr. Istchenko: Mr. Speaker, these changes do not affect any of these organizations. When we consulted —

Some Hon. Member: (inaudible)

Hon. Mr. Istchenko: Exactly. I thank the member opposite for helping me with answering.

The operators who choose to ride on these trails are participating in these events, as the government believes these people are ultimately responsible for how they operate their equipment. Of course, you're going to see through this act that helmets are required for all snowmobile riders and passengers anywhere in the territory or for anyone, off-road or on-road, who are under the age of 16. These event holders have rules and regulations. They have requirements for insurance that we require on our portion of the roads when they get their road right-of-way permit and they have it listed in the requirements to enter and participate in the function.

Question re: Affordable housing

Mr. Silver: I have a question for the Premier.

Many Yukoners no longer trust the government when it comes to affordable housing, and with good reason. They have been burned by this government too often and now they have no confidence in the minister. Over the last three years, we have seen this government's lack of action result in criticism from housing advocates, the Chamber of Commerce, the Association of Yukon Communities, and several businesses as well.

We also saw the City of Whitehorse take the extraordinary step of asking for the removal of the current minister because of his unwillingness to work with them on affordable housing. In a statement yesterday, the Premier carefully avoided directly backing the minister, so I will ask him this question: Does the Premier have confidence in the housing minister?

Hon. Mr. Pasloski: We know agreement on challenging issues is not always possible, but it is our job as elected officials to solve problems and not to create new ones. Now the approach that was taken by the City this week was disappointing, because really what it does is it polarizes and it personalizes issues that are important to this territory.

Yukoners expect their leaders to work together to find solutions. Ultimately, I'm confident we will find ways to move ahead together, because all of us are working on behalf of Yukoners.

Mr. Silver: This is nothing personal. The business sector removes CEOs all the time. It's about effectiveness and it's about the best fit. Clearly the Premier believes that this minister is the best fit, so I will move on.

The minister now has yet another new plan for this money that was hatched on the eve of this Fall Sitting. At a meeting this week, the government presented his plan which is focused almost exclusively on social and not affordable housing. This summer, the Association of Yukon Communities passed a resolution urging the government to meet — and I quote: "...as a matter of urgency with the intention of resurrecting the recently abandoned northern housing trust affordable rental housing initiative, bringing much-needed housing to Whitehorse."

Why is the government abandoning the idea of using this funding for creating more affordable housing and at the same time ignoring Association of Yukon Communities' request?

Hon. Mr. Cathers: First of all, I would like to begin by noting that we have continued to work with partners in this area, including the significant work that has been done on the housing action plan that has involved multiple stakeholders, including municipal governments, First Nation governments and representatives, and representatives at Yukon segments of business communities as well as representatives of NGOs. We have established through that process a community advisory committee and a significantly larger number of people have participated in working groups and given us their ideas.

The specific consultation to which the Liberal leader refers to on Monday was in fact consultation on potential options being considered by government. The very reason that we were having that consultation is in fact to hear feedback from the community advisory committee to the housing action plan, who were all invited to that meeting, as well as from key stakeholders in the business community, as well as NGOs who had been invited to the meeting. We will consider all of the input received from those stakeholders and from governments through their designated representatives on the community advisory committee to the housing action plan.

Mr. Silver: This spring the government tried to make a big deal out of the fact that the Yukon Housing Corporation was in charge of the northern housing trust money. It was supposed to be the Yukon Housing Corporation Board that made the decision on the money and how it was going to be spent, but instead, at the last minute, the minister jumped in, made a political decision and pulled the plug.

The new plan hatched this week also puts the minister in charge of how the money will be spent — once again, cutting the arm's-length board out of the picture and marginalizing the Association of Yukon Communities as well, in one fell swoop.

Why is the government so unwilling to let the experts at the Housing Corporation make decisions on this funding?

Hon. Mr. Cathers: What the Liberal leader is not aware of or is choosing not to reflect is in fact that the options that were shared with the members of the community advisory committee to the housing action plan and stakeholders from the business sector and NGOs were options that were

developed through the board of the Housing Corporation and were presented to us and were then taken out for consultation. In fact, the Chair of the Housing Corporation Board and the president were also at the meeting with me. The board of the Housing Corporation is discussing what was heard on Monday today at a meeting that I believe may still be ongoing. It was, if memory serves, scheduled for this morning.

Contrary to what the member is asserting, the board of the Housing Corporation is very much involved in this process. The Yukon government, my colleagues and I will continue to work cooperatively with all involved, and that includes if there are areas where we can improve how we are doing things. We will certainly listen to that input and we will make decisions on that basis after listening to that feedback.

Question re: Ross River waste management

Mr. Barr: This summer, 20 dump trucks brought a convoy of waste to the Ross River waste management facility. Despite a Yukon-wide ban on the practice, much of that waste was subsequently burned. In a reply last month to my letter concerning the burning, the Minister indicated that no bids were received to manage the Ross River landfill. The people of Ross River are concerned about this situation at the landfill. We need to know what happens next. What are the concrete steps being taken to find new bids to manage the Ross River landfill and to ensure there is no more burning at the site?

Hon. Mr. Cathers: I would like to thank the member for raising this issue with me. As I noted to him in my response, the issue in fact was raised immediately with me by my colleague, the Member for Pelly-Nisutlin. The decisions and operations of the facility are dealt with at an operation level. Of course, the dumping of waste there — it was not something I was advised of, nor should I have been prior to it occurring — but when it comes to the lighting of it, in fact what staff have assured me is that the lighting was not done — the ignition of the facility, pardon me — by staff. They have assured me that they do not know who put a match to it, but that we are indeed complying with the permit requirements set out that, in fact, this government put in place to end the open burning of solid waste at all Yukon landfills.

Mr. Barr: Burning our waste belongs in the past, along with sending our recycling to the landfill. Unfortunately, we've had to do both in the last year, as Raven Recycling closed its public drop-off. On top of that, several weeks ago, we began hearing reports from Watson Lake that an increase in fees at the municipal transfer station is causing residents to take their garbage to Upper Liard, overloading their facility.

As we connect the dots, there's a disturbing lack of leadership on the part of the Minister of Community Services. It's approaching dysfunctional. Can the minister tell us why, despite no progress in finding managers for the Ross River landfill, the shuttering of Raven Recycling's public drop-off and the Watson Lake garbage two-step, Yukoners should still have confidence in this minister?

Hon. Mr. Cathers: First of all, I would like to thank my colleague, the Member for Pelly-Nisutlin for advising me that the member had his facts wrong in his previous question.

None of the Carmacks debris was burned at the Ross River facility. I thank my colleague for that information.

When it comes to municipalities choosing to set tipping fees, it is a matter that is up to the municipality. They make those decisions. This government does not intervene or supersede their authority to make those choices around tipping fees.

When it comes to the Town of Watson Lake — we have written to Watson Lake on numerous occasions. I have sat down with mayor and council. My colleague, the Member for Watson Lake, met with them, I believe, two weeks ago to discuss matters, including our interest in seeing Watson Lake become a regional landfill. We have offered both O&M and capital funding to them, and we continue to be very interested in reaching a mutually agreeable relationship with Watson Lake for that purpose.

When it comes to Raven Recycling, as I reminded the member before, I will reiterate that the request for us to more than double the diversion credit that Raven asked for and received last year — the recent request was made only last month. They asked us to increase the diversion credit from \$150 a tonne to \$330 a tonne. We remain open to considering that, along with other options but, as I stated to the member yesterday, we've asked them for a breakdown of costs, but have yet to receive it.

Mr. Barr: I'll be happy to show the photos taken at the time of the waste burning in Ross River.

More excuses from the minister, Mr. Speaker. The million-dollar question is still on the table. We've spent the better part of the week asking this government's point man on communities about waste management, about municipal relations, about getting the job done when the chorus of voices speaking out over his inaction becomes louder each day.

I would like for the Minister of Community Services to spare us the talking points. Yukoners have been asking all week long — and we just want to know: Despite the setbacks in waste diversion of this year, does the government stand by its election platform commitment to divert 50 percent of the Yukon's waste by next year? Just answer the question — yes or no.

Hon. Mr. Cathers: First of all, the member called on me to not follow the talking points. As the member should see, I'm talking here, largely without the use of notes. The member is sticking to his script, and he is much more reasonable when he is not following his script.

I appreciate the member's concern. What I will point out to the member again is that this government last year, at the joint request of Raven Recycling and the other recycling processor, implemented a diversion credit for waste diverted from landfills. In fact, that request last year was for \$150 as a combined credit, including the City of Whitehorse's portion. We did exactly what they asked for.

In September, Raven asked us to more than double that credit and has not yet provided the information they

committed to provide. We are working with the City of Whitehorse on jointly assessing options for ensuring long-term solutions that benefit Yukoners. Through the good work of my colleague, the Minister of Environment, in fact they are currently consulting on increases to the fees under the beverage container regulations and designated material regulations, which would provide increased revenues to recycling processors and community depots. I encourage all Yukoners who have not yet commented to comment on-line and provide their views in this proposal.

Question re: Teacher staffing, on-call status

Mr. Tredger: The Department of Education is set to implement a new way to manage teacher on-call scheduling in Whitehorse. Instead of having the school secretary call the teachers, a centralized system will simply work its way down a list.

This ill-conceived project is leaving many parents and educators anxious. There will no longer be a way to match the right teacher with the right classroom. A machine will assign the next teacher at the top of the list. There is no such thing as a plug-and-play teacher. Each educator has strong subjects, unique skills, age groups and preferences, and each school has relationships with the teachers it knows. Did the minister consult with the front-line staff, the Association of School Administrators and Yukon Teachers Association before deciding to implement this new system?

Hon. Ms. Taylor: This would appear to be a personnel-related matter. It's not something that I am familiar with. It's certainly something that I would endeavour to get back to the member on.

Mr. Tredger: This new plan is a solution in search of a problem. This isn't Vancouver or Toronto. There is no need to centralize a system at the expense of the ability to find the right substitute teacher for the right classroom. As it stands now, when an on-call teacher is needed, school secretaries call substitutes based on their experience with the teacher, their knowledge of the teacher's preferred subjects and their experience with the classroom in question. Why is this government trying to overrule this well-oiled system with another centralized structure? Can the minister tell this House what contingency plans and safeguards are in place to ensure that, no matter how this system performs, every classroom has a teacher?

Hon. Ms. Taylor: As per my recent response, I will endeavour to look into this situation and to consult with our department officials. It is a personnel-related matter. We certainly very much value all of our professional working staff in each of our classrooms in Yukon schools, and we will continue to improve the delivery of Yukon education in support of Yukon learners. As I mentioned, we will continue. I will certainly endeavour to make the commitment to the member opposite that we will look into the situation, but clearly I do not have that information at my fingertips.

Mr. Tredger: I know this information has been shared for school councils and I know that the minister has been attending the school council meetings.

Mr. Speaker, if this new scheme works as well as the new, improved bus schedule, there will be three teachers in one class and none in the other two.

Yukon has seen the impact of what happens when the government implements a top-down system without proper planning. The school calendar debacle and the school bus fiasco are but two examples. The minister has not consulted with the Association of School Administrators or the Yukon Teachers Association before informing school councils that they are going to roll out this automatic system.

Will the minister stop this nonsense and at least hold off implementing the new system until the Association of School Administrators, the YTA and our teachers have been given a chance for valid input?

Hon. Ms. Taylor: I know the member opposite perhaps didn't hear my responses clearly, but I will reiterate that for the member opposite. In fact, we will endeavour to look into the situation.

The member is correct — I have been attending many, if not most, of all school council meetings among our 28 respective schools. I can tell you that this issue has not been raised with me. In fact, what we are talking about during the school council meetings is the rural equity action plan and how we are working to bridge the gaps between rural schools and urban schools, partnerships with First Nations, individual alternative learning programs, student support services, student attendance, early childhood programs, literacy strategies, physical literacy programs, English language learners. We have been discussing French language programs, opportunities for post-secondary education — again, there's a lot to talk about in education and we're very much focused on improving the educational outcomes for all students, and that is what I will continue to do.

Question re: Remuneration for acting chief coroner

Ms. Moorcroft: Acting chief coroners provide important services to Yukoners, both by providing their services when investigating causes of death and by the flexibility they offer to the coroner's office. It has been brought to our attention that a former acting chief coroner has still not received payment for the services that he provided while carrying out his duties. This situation was raised with the minister over a year ago and has yet to be resolved.

Why has the minister not addressed this situation in over a year?

Hon. Mr. Nixon: I thank the member opposite for her question. She raises a good point and this is something that department officials have been looking at throughout this year. I have to say that I just had an opportunity to sit down with the coroner and get a bit of a tour of the coroner's office and the morgue. I was touched by the kind of work they provide in our community — not just Whitehorse, but with the community coroners.

I also had an opportunity to speak and spend some time at the coroners conference last weekend. The work that they do is invaluable for Yukon. This is something that we are looking

into. This is something that I hope we have a solution for fairly soon, but there will be some work that needs to be done.

Ms. Moorcroft: The minister's handling of this issue is a real shame. People accept appointments to become acting chief coroner because they want to contribute an important service to the community, and it's unfortunate that the minister has not reciprocated that goodwill. This is not limited to only one case. The minister's disregard for acting chief coroners is not only disrespectful to the work that they do, but it compromises their impartiality to conduct their duties. A key component of an independent office is that they are adequately compensated. To make acting chief coroners have to constantly petition this government for a paycheque jeopardizes the independent nature of their position.

Does the minister understand that when his government withholds pay from public office holders who must remain independent, it can appear to harm the impartiality of the office?

Hon. Mr. Nixon: I don't think the member opposite's statement is clearly representative of the facts. The current legislation that we have working now does not provide for compensation for the acting chief coroners. That's something that I have directed the Department of Justice a number of months ago to start looking at so we can move forward so that when they do that good work, they are compensated for it.

I can't wave a magic wand and go beyond the current law — the current legislation — and do things that I'm not lawfully supposed to do. As I said in my previous statement, the work of the coroners — not just the chief coroner in Whitehorse — but all community coroners throughout the territory do a tremendous service to each of their respective communities — a lot of time. Words almost don't describe what they have to deal with in their professional capacities on a daily basis. I want to thank the coroners from this government for the work they do.

Ms. Moorcroft: Mr. Speaker, I've been asking this minister for three years to examine the *Coroners Act* and regulations and bring them up to the date. He can do that if the political will is there.

This is not a small delay in payment. The acting chief coroner has not been paid for more than a year now. We have seen that this government doesn't respect the public service. They attempt to muzzle teachers, they overuse auxiliary on-call employees, they keep temporary teachers in a long-term limbo and they stand in this House and hide behind public servants, rather than be accountable to the Yukon public. But to not pay the acting chief coroners, who provide a difficult and an essential public service, is completely astonishing, even coming from this government.

When will the minister take this issue seriously and resolve it once and for all?

Hon. Mr. Nixon: I'm not even going to address the member's statements that she just made about respecting public service. I think if we go on record and look back in Hansard, we will see where the lack of respect truly comes from.

Getting back to the coroners — the issue at hand here — I have directed the Department of Justice to sit down with coroners and the stakeholders involved, to look at solutions — how we can move forward with potential amendments to legislation and ensure that people who are standing in for our chief coroner are properly and duly paid.

This is something that we're working on. Again, I just want to extend this government's thanks to the coroners throughout the territory for the very important work they do.

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

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 82: *Act to Amend the Motor Vehicles Act* — Second Reading

Clerk: Second reading, Bill No. 82, standing in the name of the Hon. Mr. Istchenko.

Hon. Mr. Istchenko: I move that Bill No. 82, entitled *Act to Amend the Motor Vehicles Act*, be now read a second time.

Speaker: It has been moved by the Minister of Highways and Public Works that Bill No. 82, entitled *Act to Amend the Motor Vehicles Act*, be now read a second time.

Hon. Mr. Istchenko: First I would like to thank all those who prepared this bill for the time and effort that they put into it and the attention to detail. It wasn't easy and they did a very good job.

I also want to specifically thank the Select Committee on the Safe Operation and Use of Off-road Vehicles for their work and research, enabling a Yukon voice in the territory-wide consultation that became the basis for these amendments.

Bill No. 82 clarifies elements of the *Motor Vehicles Act*, the MVA, that apply to off-road vehicles and snowmobiles and addresses the vast majority of the recommendations made by the Select Committee on the Safe Operation and Use of Off-road Vehicles.

In order to regulate the activities of off-road vehicles, or more commonly known as ORVs, we must first define what an ORV is. For the purpose of these amendments, an off-road vehicle is defined as a vehicle that is designed or adapted for cross-country travel and, at this point in time, includes all-terrain vehicles, utility-terrain vehicles and motorized trail bikes. These amendments to the *Motor Vehicles Act* establish ORVs and snowmobiles as a specific class or type of vehicle under the act and regulates them together.

The amendments clarify the types of ORVs that are regulated under the act and the rules that apply to ORVs and the areas where those rules apply. The amendments address such issues as registration, liability insurance, helmet use and proper age, and clarify where these rules apply. In order to establish the area where the ORV and snowmobile regulations apply, the definition of "roadway" is clarified in the act and a

new definition of “maintained roadway” is added as part of these amendments.

This new definition defines the part of the highway where the ORV and snowmobile regulations apply. Essentially, ORV and snowmobile rules apply on the roadway portion of the Yukon government maintained highways, except those highways that have been specifically exempted under the act.

The highways that have been exempted from these amendments are community roads within the communities of Burwash, Beaver Creek, Carcross, Destruction Bay, Keno City, Old Crow, Pelly Crossing, Ross River and Upper Liard. The roadway portion is the area of the road that is designed for cars and trucks, the area between the curbs or the edges of the road. For the purpose of the ORV and snowmobile regulation, the roadway also includes any pullouts or rest areas that are attached to the road but does not include the ditches or cleared rights-of-way on either side of the road.

This bill allows for family outings and supports Yukon’s tradition and a way of life by allowing our Yukoners, at a young age, to start operating off-road vehicles. This definition will allow them the opportunity to operate an ORV in the right-of-way to access any unmaintained trail along that network of roads and trails.

Under these amendments, ORVs and snowmobiles that travel on or that cross over any maintained roadway are required to be registered annually and the owners are required to carry proof of liability insurance. There are also ORVs and snowmobiles that are not operated on or that do not cross over any maintained roadway — meaning that they are operated exclusively on trails in the backcountry — that will not require registration, liability or licence of operators.

Yukoners said they didn’t want rules made for the bigger centres like Whitehorse to apply to their smaller communities like Old Crow. We have heard you loud and clear, and we have made sure that these amendments meet the needs of all our communities right across the Yukon.

We have tailored these amendments so that the ORVs and snowmobiles are not regulated inside communities on community roads. If the mayor and council of a specific community feel the need for regulations in their community, they can choose to impose their own rules on ORVs and snowmobile operation within the community.

The government committed to amending the *Motor Vehicles Act* to address off-road vehicle safety concerns and the recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles, and we have done just that. This select committee recommended that legislation and regulation governing the use of off-road vehicles be inclusive and not exclude anyone to the benefit of another. The *Motor Vehicles Act* applies equally to everyone throughout the territory.

The select committee recommended consistency throughout all legislation and regulations governing the use of off-road vehicles in the territory. These amendments are consistent with the other existing legislation to the extent possible — these select committee recommendations and the legislation governing on-road use of ORVs be provided

through amendments to the *Motor Vehicles Act*. That’s what this bill does. It amends the *Motor Vehicles Act* to include provisions for regulating off-road vehicle use.

The select committee recommended that the Yukon government’s existing policy around the registration and on-road use of ORVs be preserved in legislation. These amendments meet this recommendation with respect to operating an ORV or snowmobile on a maintained roadway. The select committee further recommended that all off-road vehicles that travel on any Yukon road be subject to registration and liability insurance and that operators be required to have a valid Yukon operator’s licence. These amendments also meet this recommendation with respect to operating on a maintained roadway.

The select committee recommended that the definition of a highway in the *Motor Vehicles Act* be clarified and that the terms “on-road” and “off-road” be defined in the act. This bill amends the definition of a highway to include the roadway portion of the highway and goes on to define the maintained roadway as being the on-road area where the regulations apply. Outside of the maintained roadway is off-road, for the purpose of the ORV regulation.

The select committee recommended helmet use at all times for everyone under the age of 16 and for everyone operating an ORV on the road. These amendments meet the select committee’s recommendation to include helmet use requirements for snowmobile or ORV operators and passengers who are riding within the defined roadway area and at all times for anyone under the age of 16.

It is a proven fact that helmets save lives and it only makes sense that helmet use is now legislated for ORV users and their passengers.

Over the years, there has been a lot of media coverage and public discussion urging government to develop legislation to address Yukoners’ concerns about the safety of ORV and snowmobile activities. We have developed these amendments to the *Motor Vehicles Act* as a first step to improving safety and reducing the risks associated with ORVs and snowmobiles.

The select committee recommended government undertake an extensive advertising campaign that focuses on safe, responsible and respectful operation, as well as environmental stewardship. Earlier in this government’s mandate, the Department of Highways and Public Works and the Department of Environment undertook an education campaign that urges ORV operators to take safety precautions when operating their machines. These precautions include the use of proper helmet and protective riding gear, proper riding techniques, and making sure that operators and their machines are visible to others using the roads and trails.

Another important and common-sense approach is to reduce operating speeds to accommodate the terrain that you are driving your ORV or snowmobile on.

The select committee recommended government encourage and support voluntary driver training for off-road vehicles and snowmobile operators. Training by a qualified instructor is important for ORV operators — I think I’ve

spoken about this in the House before, and I am a trained ORV instructor — to ensure the safe handling techniques and proper trail etiquette is being followed. This government supports this recommendation and, in fact, this advice is included in the educational flyers that we distribute to local dealerships every spring.

I cannot stress enough the importance of a rider's personal responsibility, though, in ensuring safe driving habits. I would encourage responsible riding behaviour and courtesy for your neighbours, other trail riders and for every ORV and snowmobile operator within our vast territory.

While I speak of our vast territory, I also seek out every rider's commitment to respect the environment, to stay on the designated trails and to avoid damaging Yukon's fragile landscapes. It is important to maintain the beauty that makes Yukon unique and pristine and to remember the beauty is there for ORV riders and non-ORV riders to enjoy.

In concluding, an outdoor lifestyle is important to all Yukoners, and that includes using off-road vehicles and snowmobiles for work and play. Yukon government is addressing the concerns about ORV-related safety and responsibility so that this lifestyle can continue to be enjoyed by everyone everywhere.

This bill does achieve balance throughout the territory by respecting the views of both our Whitehorse residents and our rural residents. We listen to all Yukoners, including hunters, trappers, outfitters, wilderness tourism operators, guides and recreational users. These amendments improve the safety of ORV activities and clarify the responsibility of ORV users by requiring registration, licence, liability insurance for anyone operating an ORV or snowmobile within a maintained roadway, and require youth to wear helmets at all times when riding on an ORV or snowmobile. Having consistent rules around the use of ORVs and snowmobiles allows for both motorized and non-motorized trail users to enjoy their outdoor lifestyles. This bill provides for a realistic approach that considers enforcement capability, education campaigns, self-responsibility for all Yukoners and their communities.

To that note, I would really like to thank some of the organizers. The question came up earlier in the House today from the Member for Copperbelt South about some of the activities that happen and some of these non-profit groups that organize races, activities — the Klondike Snowmobile Association and many of the local organizations go out and do this stuff. I am encouraged to see how keen they are for helmet use and for making sure that they have the right gear on. I think that's pivotal. I think it starts at home. It starts at home at a young age. I believe that this is good for all Yukoners.

Ms. Moorcroft: I rise on behalf of the Official Opposition to speak to the *Act to Amend the Motor Vehicles Act* at second reading.

The Official Opposition will be supporting this bill, although we are disturbed by the fact that there is so little substance in the amendments before us. The amendments before us are a step, as the minister said, toward regulating

snowmobiles and off-road vehicles, but this is a tiny step. I would like to thank the officials who gave us a briefing yesterday on the bill, both from the Legislative Counsel and the Department of Highways and Public Works.

The new provisions in the *Motor Vehicles Act* requiring that an operator hold a valid operator's licence and to register and insure snowmobiles and ATVs will only apply to off-road vehicles that are operated on roads, highways and maintained roads. This bill excludes any trails or roadways that are not maintained. It excludes ditches. It excludes trails. It excludes campgrounds. Managing off-road vehicles on highways and maintained roadways is only a tiny part of the overall concern that Yukoners have expressed. It's embarrassing to hear the minister say that it meets the select committee's recommendations.

I will speak more about those recommendations later and where this bill fails to respond appropriately.

These amendments do not address the need to manage ATVs in the Yukon wilderness. Certificates of registration are only required for snowmobiles and off-road vehicles when they are operated on maintained roadways. This includes licence plates. Visible licence plates are necessary and many people have advocated for that, but this government is not willing to require registration and licence plates for off-road vehicles if they are operated off a highway or maintained roadway.

Maintained roads in municipalities and in unincorporated communities are also excluded from the *Motor Vehicles Act* amendments. The City of Whitehorse has already exercised its bylaw-making authority to regulate the use of snowmobiles and off-road vehicles within city limits. Other municipalities may do the same. The Yukon Party government, however, is failing in leadership on this important matter.

During the 2011 election campaign, Trails Only Yukon Association sent letters to all candidates running, asking them four ATV-specific questions and informing them that their answers would be published. The four questions were: Should ATV use be managed in order to protect Yukon wilderness? Should new legislation and regulations be put in place to manage ATV use in the Yukon wilderness? Will you make new legislation and/or regulations to manage ATVs in Yukon wilderness a priority, if elected? If elected, will you bring forward legislation and/or regulatory changes to manage ATV use in the Yukon wilderness within your first mandate?

It is of interest to note that all candidates from all four parties answered "yes" to all four questions. All of the members elected to this Legislature answered "yes". The four specific initiatives regarding the issue of ATVs in the Yukon identified by the Trails Only Yukon Association were that: ATVs should be restricted to designated trails in the Yukon wilderness; that off-road vehicle legislation and regulations need to be created; that effective enforcement is essential, including identification of ATVs; and public education. These *Motor Vehicles Act* amendments do not fulfill the promise made by the Yukon Party prior to the last election to maintain and enhance the quality of Yukon's natural environment for

present and future generations. The Yukon Party has a failing grade in living up to its commitments.

The government has also failed to improve public safety. In these amendments, helmets are only required if the driver or passenger is under 16 years of age. According to these amendments, persons 17 years and older do not require helmets. Surely the highways minister does not believe that off-road vehicle accidents no longer occur after a person turns 17. The public and user groups have a big concern here, and I remind the minister that motorcycle drivers must wear a helmet no matter what age of driver or passenger. If a rider flips an all-terrain vehicle or a snow machine, age is no protection from head injuries. A helmet does that.

In 2011, the Canadian Medical Association passed a resolution calling for helmet laws for people riding ATVs or snowmobiles. The Yukon's chief medical officer of health said at the time that he hopes the Yukon government will toughen up helmet laws for ATV riders. Many of the off-road vehicle fatalities in Yukon have taken the lives of teenagers and teens are likely to feel indestructible and to take chances. The Canadian Medical Association and pediatricians have presented sound evidence about helmet use saving lives. I would like to ask the minister to re-think his approach, stand up for public safety and strengthen the provisions for helmet use.

Motor Vehicles is the government branch for registering vehicles. Trails Only Yukon Association is concerned that the Yukon Party government's failure to require all off-road vehicles to register and license will make it impossible to identify violators of any future legislation regarding off-road vehicles. The Yukon government has failed to listen to Yukon citizens and failed to follow the lead of the Government of British Columbia in this regard. In British Columbia, responsible off-road vehicle users are not threatened by the public safety measures that their government has taken. Yukoners agree that all-terrain vehicles should be registered and clearly identifiable.

Bill No. 82 is a minimalist piece of legislation that really does very little to improve the current situation with regard to off-road vehicles and the safety of people using all-terrain vehicles. It seems designed to make the general public think that the government is doing something about off-road vehicles, but in fact what they are doing is very limited.

Earlier today, I asked the minister about the effect of these amendments on the Alcan 200 and the Trek over the Top snowmobile races. These races are conducted on maintained roadways. The new provisions say that the operation of a snow machine on a maintained roadway will require that the snow machines are licensed, registered and insured. When we asked the officials about that in the briefing yesterday, they indicated that, yes, that interpretation was correct and that these provisions would apply. That's why I asked the minister if he had met with the organizers of the Alcan 200 and the Trek over the Top to make sure that they knew in advance and could inform any of the competitors what the effects of these new *Motor Vehicles Act* amendments would have on their event.

I also want to highlight that when the Select Committee on the Safe Operation and Use of Off-road Vehicles brought forward its recommendations, those recommendations were supported by an off-road vehicle working group that included representatives from seven organizations: the Klondike Snowmobile Association, the Trails Only Yukon Association, the Wilderness Tourism Association Yukon, the Yukon Conservation Society, the Yukon Fish and Game Association, the Yukon Off-Road Riders Association and the Yukon Fish and Wildlife Management Board.

There are recommendations that came out of that select committee that have not been addressed yet and that are not adequately addressed in these amendments before us. I'm just going to speak to those recommendations now.

Recommendation 3 said that government should undertake an extensive advertising and educational campaign to raise public awareness of any and all existing restrictions on off-road vehicle use, along with penalties and means of enforcement. Recommendation 4 was that government undertake an educational campaign that, in addition to the existing laws and regulations, focuses on the safe, responsible and respectful operation of off-road vehicles, as well as environmental stewardship. The minister spoke about having done some of that public education but, with the changes to the *Motor Vehicles Act*, there would need to be additional public education measures that explain what has been done with the amendments.

Recommendation 10 was that the government encourage and support voluntary driver training on the safe and environmentally responsible operation of all-terrain vehicles and snowmobiles. Recommendation 14 was that off-road vehicle legislation and regulations provide for the ability to mitigate environmental damage and cumulative negative impacts to sensitive wildlife and fish habitats, ensuring that legislation and/or regulations provide for the ability to restrict growth of trail networks in sensitive areas; to close trails or overused areas as necessary; to exclude off-road vehicles from specific types of land or habitats and to have certain areas designated as access routes only; that environmental and access restrictions be implemented in areas where problems exist or are developing and when not required for wildlife or environmental protection, efforts be made not to reduce access to existing use areas; that governments review penalties for environmental damage caused by any method, motorized or non-motorized means, to ensure penalties are appropriate.

The committee further recommends that government take steps to improve public awareness of these penalties and that government considers separate environmental protection legislation that targets and penalizes environmental damage rather than restricting specific users.

We know that these are very difficult and divisive matters. That does not detract from the government's responsibility to act on them. We need to see that people who operate any off-road vehicle, whether it's an all-terrain vehicle or a snow machine or a dirt bike, are doing so safely and that that is not strictly on the highways and the maintained roadways where very little of that traffic does take place.

I am disappointed in the bill. We will be supporting it. The minister has said that they have listened to the public, but I want to conclude by stating that this government has failed to listen to the many Yukon people who have been and continue to advocate for this government to act responsibly for public safety.

Mr. Silver: I rise today to speak to the *Act to Amend the Motor Vehicles Act*. I want to thank the members opposite for bringing forth this piece of legislation today, but given that it was publicly released two days ago and the opposition was only briefed on it yesterday, one has to ask how sincere this government is in debating such important pieces of legislation or if it mostly just intends on railroading this through.

I have a number of concerns that I would like to express prior to heading into Committee debate on this bill. First, was the public consulted on this? I know that there was feedback given to the select committee to support the final recommendations, but was there any key public consultation — or at least with key stakeholders — on the final amended bill? Having spoken to a couple of stakeholders in the last week, I know that they are not happy with the proposed legislation.

As well, the minister's press release states that the Select Committee on the Safe Operation and Use of Off-road Vehicles' recommendations were their basis, but how many of the recommendations actually made it into the final document is up for debate and questions here today.

I am glad to see that at least one large item was left off the recommended list and has made it into the act's amendment, albeit a watered-down version. The biggest concern for me in the amendment is the section surrounding regulation of helmet use. The amendment to the act calls for some helmet use and is mandatory for minors 16 and under and on maintained roadways, but does the government truly feel that this is enough? Fewer people are protected by the law than are not. The amended legislation identifies that motor vehicles require the need to wear helmets at all time, but unfortunately ATVs, dirt bikes, snowmobiles and all other off-road vehicles are exempt from mandatory requirements.

During the previous Legislative Assembly, the Yukon Party had been in favour of helmet laws. On March 28, 2011, former minister Archie Lang put forward the following motion: "THAT this House urges the Government of Yukon to amend legislation to make helmet use mandatory in Yukon for the operation of off-road vehicles such as all-terrain vehicles, ATVs, and of course, snowmobiles."

It is interesting how much the current incarnation of the Yukon Party, despite some of the members, no longer views this as a priority. Although it should be noted that one hold-over from the previous government has been a very vocal opponent — and indeed, the only opponent — of helmet laws.

During the previous election, Chris May from the Yukon Off-Road Riders Association asked every party at the Environment debate whether they would support implementation of a helmet law, as brought up by my colleague as well. All three parties agreed that it was time for

Yukon to implement regulations. Having heard from Trails Only Yukon Association on this piece of legislation, I know that they also feel that these changes do not do enough to prevent injuries.

People do not stop getting injured once they hit 17 years of age. In every other jurisdiction, helmets are required. In every major professional sports, reviews are being undertaken to prevent the numerous and severe results of brain and head injuries. Why is the Yukon holding out on a real and all-encompassing helmet law?

Last fall, the Government of Yukon introduced and passed Bill No. 64, *Act to Amend the Territorial Lands (Yukon) Act*. It was the other part of the government's response to the recommendations from the Select Committee on the Safe Operation and Use of Off-road Vehicles. Its purpose was two-fold: first, to give the government the authority to establish and make regulations in respect of off-road vehicle management areas when it is necessary for the protection of the ecological balance or physical characteristics of the area; and second, provide the authority for the minister to issue a temporary order restricting or prohibiting the use of off-road vehicles in certain areas, if it is necessary for the protection of the ecological balance or physical characteristics in the area.

Since the bill was passed one year ago, no regulations have actually come forward. Yukoners continue to wait for the government to implement this bill. I remind the government that it has been three and a half years since the select committee made its original recommendations. With that being said, Mr. Speaker, I look forward to debate on this further in Committee of the Whole and I hope that the minister will be able to help us out with some answers to some very pertinent questions.

Hon. Mr. Dixon: I would like to say a few words at second reading and commend the minister for bringing the bill forward. The issues that we have discussed and heard today are all very relevant and I look forward to hearing the debate undertaken in Committee of the Whole.

It is nice to hear the ringing endorsement of the parties opposite. I know that the NDP of course have indicated that they will be supporting the bill and the Liberal Party it seems, is perhaps still on the fence as usual.

I think what we have to discuss, though — some of the criticisms that have been raised by the NDP. I think what we've put forward in this bill and what the minister has put forward in this bill is an articulation of our view on how the law should look for the Yukon with regard to motor vehicles.

The question — especially in relation to this issue of helmet use — is not whether or not injuries happen to people using ORVs or snowmobiles beyond the age of 16. The question is whether or not the law should require helmet use to be in place for adults operating these vehicles. To use a real-world example, the question is: Do members think that an individual operating a trapline in rural Yukon should be required by law to wear a helmet, or should they be allowed to wear a fur hat? Should somebody going to the grocery store in

an unincorporated community be required to wear a helmet, or should they be allowed to wear a hat or ball cap or something like what you see every day in the community of Old Crow or Ross River?

These are the questions that we have to ask. The question is not: Is there a safety concern for anybody over the age of 16? The question is: Should the law require people to wear helmets everywhere in the Yukon at all times when operating these vehicles? That's the simple question for me.

We've put forward a bill here that articulates our view on this issue. It's something that received a great deal of debate throughout the process of the select committee's work a few years ago. It's something that we've discussed and that many Yukoners discuss on a very frequent basis within social circles and within NGOs and within other groups that have been listed by members today.

What we put forward is our view of things. If the NDP wishes to disagree, I'm very keen to hear why they would like to disagree and what they would suggest as remedies — likewise for the Liberal Party. It's nice to say that you have concerns and that you have a different viewpoint, but then to conclude your statements by saying you're going to support the bill anyway leaves a very ambiguous view for Yukoners to take in.

I think if the NDP wants to disagree about this and if they want to put forward a different vision, then they ought to explain it and then make it very clear to Yukoners what they think — whether or not they think a different law should be in place and, if they do, let's hear it and let's hear it for the residents of Marsh Lake, Carcross, Mayo and Tatchun — for these communities who use ORVs and snowmobiles every day as a part of their daily life.

I urge the NDP — if they have criticisms, if they have a different viewpoint — to make it very clear and make it known so that Yukoners can see whether or not the views articulated by the NDP are aligned with Yukoners'.

Ms. White: There are a couple of concerns that I'll just bring attention to right now.

The *Act to Amend the Motor Vehicles Act* that we see in front of us affects a very small portion of roadways in the Yukon. It doesn't affect trails; it doesn't affect ditches; it doesn't affect anything within municipalities, unincorporated communities or campgrounds.

It's addressing some concerns but it's certainly not taking them on a broader spectrum across the territory. I hear what the Minister of Environment has said, and he's right. There is not an easy answer, but safety isn't easy. When seatbelts became mandatory and you used to be allowed to drink and drive — but we decided that wasn't safe and it wasn't safe for the people around us.

No one says, "Well, you should be allowed to make the decision if you are going to drink and drive and get behind the wheel." It is not allowed, because it was for the greater good, for greater safety. There are great points. Can there be exceptions to rules? Can there be exceptions for people who are on traplines? Can there be exceptions in municipalities? I

don't know — that is part of the conversation. But to say that we're going to target the bare minimum of safety — so on very specific areas. So, only up to 16 years old are helmets mandatory, and 17 and beyond is all right. You only have to wear a helmet if you are on the highway, essentially, or just off the highway.

Part of the question is — the Yukon is very big with many roadways, many separate secondary roads, trails, ditches, campgrounds and many old mining roads. Someone can say, "Well, something can happen and a helmet can hinder you" — absolutely. But I would suggest that helmet usage brings greater safety to a person than not having one on. If there was the remote trapper in the middle of nowhere who was riding by himself in the dark and didn't see the tree overhanging and the helmet saved his life, I think that would be fantastic. Without a helmet, would he survive? Maybe; maybe not. The territory has made hard decisions before about safety — seat belt usage, and drinking and driving.

It's easy to be here and say that, if you don't have a different suggestion, then you are not entitled to an opinion, but I think there are a lot of case studies out there that say that, when you raise the level of safety, it's better for everyone. Can we make exceptions to rules? Absolutely. We have exceptions in all sorts of different laws. Maybe that was a way to go.

The fact that this only applies to highways and only very, very specific ones — so not anything that runs off in a side direction. It doesn't apply to trails, to ditches, to municipalities, unincorporated communities, and campgrounds where you have all sorts of people. That's the question: Why did we go so low with this? I look forward to the answers during Committee of the Whole.

Ms. Hanson: I did not intend to speak but I think it's important to reflect and echo the comments made by my colleague for Copperbelt South. There are times when you have to acknowledge that some progress is better than none at all. This government has been adamant — very, very clear — that it is not interested in meaningful legislation with respect to the recommendations that came out of the select committee so we have seen a small, grudging response. We have seen commitments made with respect to regulations and no delivery.

We have heard them tell stakeholder groups throughout this territory time and time again that, yes, we're going to do something — but no, we haven't done anything.

I know there is a tendency and a temptation of the members on the opposite side to try to polarize the issue of safety. I guess I can only say that it really concerns me when we do that. To suggest that, as we see off-road vehicles becoming more and more powerful and when we see trails that, if you had one of the less powerful vehicles and the trails and community roads that induce people to go at great speeds — we're not long talking about the simple days, the simple machines and the slow travel that governed the use of snowmobiles or off-road vehicles, ATVs.

I'll use a personal example of an observation that I made a couple years ago. When I first used to go to the Member for Vuntut Gwitchin's riding in the late 1970s, there wasn't the kind of speedway that now exists from downtown Old Crow up to the subdivision. There are now a couple roads, but there is the main road that goes up there. In the old days people walked. In the old days, people had some snowmobiles and they sort of went — bump, bump, bump — along those roads. These days, people are on ATVs and they're going at high speed. My concern and my worry is that an adult or a child in that community deserves my concern — as to the potential for injury — equally as does an adult in Whitehorse or along the Alaska Highway.

I think we need to really tone down the issues about it being really about what do we expect. At some point or another, we will stand charged with the responsibilities as members of this Legislature for what we did or did not do with respect to individual safety, because we chose to take the easy way out. We chose to say: "You know what? Don't worry."

The Minister of Health and Social Services is facing escalating costs. I would ask the Minister of Health and Social Services how many of those costs are associated with the long-term cost of dealing with quads and paraplegics, when you have a youth who is a quad or paraplegic. That's expensive — it's very expensive, to say nothing about the other aspects of the cost to that person's future.

It's unfortunate — my colleague has indicated that we support it, because we do think it's a small step. If it means that we have to wait until there's a new government in place that will actually respond in full to the committee recommendations, we're patient, but I hope that this government opposite will be listening to Yukoners and will be heedful of the potential damage that's being done on the personal level and to human beings, as well as to the environment, because of the half-hearted approach they take when they don't listen to what has been said by members of this Legislative Assembly through the select committee process, who are also reflecting the voices of Yukoners through those select committees.

I just wanted to put my comments on the record, Mr. Speaker.

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

Hon. Mr. Istchenko: I do really appreciate the comments from the members opposite — the comment from the Member for Klondike. I do look forward to going into Committee of the Whole on this bill and having some conversations back and forth. I would like to thank the Environment minister for articulating something that I probably could not have articulated so well on some of the reasons why, but I do look forward to this when we sit down and have a conversation in Committee of the Whole.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Graham: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Mr. Elias: Agree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Disagree.

Clerk: Mr. Speaker, the results are 17 yea, one nay.

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

Motion for second reading of Bill No. 82 agreed to

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Ms. McLeod): Committee of the Whole will now come to order. The matter before the Committee is general debate on Bill No. 82, *Act to Amend the Motor Vehicles Act*. Do members wish to take a brief recess?

Some Hon. Members: Agreed.

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

Recess

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

Bill No. 82: *Act to Amend the Motor Vehicles Act*

Chair: The matter before the Committee is general debate on Bill No. 82, entitled *Act to Amend the Motor Vehicles Act*.

Hon. Mr. Istchenko: I just want to welcome Vern Janz, our director of Transportation Services, and Teri Cherkewich, who is one of the legislative drafters. They worked really hard on this file, so I do want to thank them for being here and I look forward to questions from the members opposite.

Ms. Moorcroft: When we had a chance to meet with the officials yesterday to go through the provisions of the *Motor Vehicles Act* amendments in detail, we had a fairly good discussion about what this act included and what it didn't include. We haven't put that on the record in our second-reading speeches, so I wanted to start with the definitions of highways and of roadways, because that sets out where these new provisions to license and insure off-road vehicles fall.

The highways and maintained roadways are all the roads that are found in Schedule 1 of the *Highways Act*, so if somebody wants to look for that, they can go to the motor vehicles regulations on the Yukon government website, and then they can look at Schedule 1, which lists all the roads that will be captured — but there are an awful lot of roads that won't be captured.

In second reading, I did bring forward our concern that this *Act to Amend the Motor Vehicles Act* to deal with off-road vehicles is really only going to apply to on-road vehicles, because they're not bringing in licensing and registration requirements for those vehicles to be operating off-road, which is mostly where they do operate.

I would like to ask the minister to respond to why he doesn't think these amendments should bring in rules for regulating the use of off-road vehicles off highways and off roads.

Hon. Mr. Istchenko: In responding to the member opposite, there are — as she articulated, the roads are covered under our schedule 1. There are over 5,000 kilometres of those roads, but when it comes to the usage off-road, that sort of falls more under the *Territorial Lands (Yukon) Act*, and that is what regulates off-road. That was some of the discussion that we've had with the select committee. We brought some of these things forward and that's why not everything falls under one act.

Ms. Moorcroft: Does the minister agree that all-terrain vehicles should be registered and clearly identifiable?

Hon. Mr. Istchenko: When travelling on a road surface that is travelled by vehicles — absolutely I agree with that.

Ms. Moorcroft: We know that the majority of all-terrain operators, whether it is a dirt bike or a four-wheeler or a snowmobile, are responsible users, but we also know that there are people who operate off-road vehicles who have caused damage or injury. We need to respect environmental values; we need to protect public safety. Many Yukon people have come forward to say that they want to see that all-terrain vehicles are registered and clearly identifiable.

Under these provisions, will those operators who do register their vehicles get a licence plate?

Hon. Mr. Istchenko: I actually had this discussion with my deputy minister the other day about that. Licence registration and licence plates — just like a snowmobile on the roads, they will have to have a licence plate — absolutely — and again we go back to the *Territorial Lands (Yukon) Act* when it comes to the environment. Madam Chair, when I worked with the Minister of Environment on looking at some of the select committee's recommendations, a huge thing was education and I spoke to that a little bit in my opening remarks — the education campaign that we put out and that we work with.

I can attest to the fact that the organizations now — some of the local organizations that are putting some events on, whether with motorcycles or ATV events — are utilizing some of this information that we have provided for respect for the environment.

Ms. Moorcroft: Could the minister explain why he thinks that people should only have to get a licence plate if they're driving on a highway? Does he understand the public concern that if someone observes damage being done by someone driving an ATV that they may want to be able to know who that was by having a visible licence plate?

Hon. Mr. Istchenko: I reiterated this a little bit already about the *Territorial Lands (Yukon) Act* and the regulations under the *Territorial Lands (Yukon) Act* as to how, when we are off-road and in the back country with the environment — I think with that in the back country, that sort of issue should be addressed and it will be addressed when we bring the regulations forward.

Ms. Moorcroft: It is the Highways minister who is responsible for the licencing. It is not the Minister of Environment who is responsible for licencing. I'm asking this Highways minister who has brought forward amendments that say you must licence an off-road vehicle if you are going to be operating it on-road whether he would agree with licencing for off-road vehicles regardless of where they drive.

Hon. Mr. Istchenko: Under the *Territorial Lands (Yukon) Act*, there are provisions that enforce damage to the land. When it comes to licence, registration, insurance and a license plate, I believe you need those when you're on the travelling portion of the road like I articulated — not off-road.

Ms. Moorcroft: Madam Chair, I have to draw to the minister's attention that the select committee's report recommended that government consider the issues of registration, operator licensing and insurance for off-road use and that government look at how other jurisdictions have approached these issues prior to determining the best approach for Yukon.

Can the minister tell me what other jurisdictions they have looked at and how government came to the decision that this approach was going to be the best approach?

Hon. Mr. Istchenko: One of the first things I learned when I got into this job was to always ask that question to legislators, the people who help us — what are other jurisdictions doing? We looked at other jurisdictions, but if you look across the country, a lot of jurisdictions vary on what they require and what they don't require. So we took it

into consideration. We looked at the other jurisdictions and this is what we've come up with.

If the member opposite wants me to get her a breakdown of what other jurisdictions do and/or whatever, I guess I can commit to doing that.

Ms. Moorcroft: I appreciate that offer from the minister. I did ask yesterday at the briefing what other jurisdictions had in place and whether the department had looked at them. They indicated that they had, but they were unable to speak to anything other than what is in the bill. So if the minister is willing to provide opposition members with a copy of the review of other jurisdictions and what their regulatory regimes look like, I would very much appreciate that, as would the Member for Klondike.

The first two recommendations from the Select Committee on the Safe Operation and Use of Off-road Vehicles were that legislation and regulations governing the use of off-road vehicles are inclusive of all and do not exclude anyone to the advantage of another. This legislation fails to respect that recommendation. It's very selective and it doesn't include everyone.

The second recommendation is that there is consistency throughout all legislation and regulations governing the use of off-road vehicles in the territory. The minister just stated here that the *Territorial Lands (Yukon) Act* amendments deal with the issue of environmental damage and that they want to implement protection, but if there's no registration required and if the off-road vehicles are destroying habitat, or destroying sensitive environmental areas, that vehicle can't be identified if it doesn't have a licence plate.

Can the minister say how he is going to ensure that there is in fact consistency governing the use of off-road vehicles?

Hon. Mr. Istchenko: I think I sort of already answered this question. We are going to be consulting — of course, consultation on the *Territorial Lands (Yukon) Act* — and that is when some of these issues will be addressed or be brought forward and we can look at that at that time — when we develop the regulations.

Ms. Moorcroft: All right, so the minister doesn't want to speak to environmental protection from ATV use.

Does the minister think that someone should be able to identify an off-road vehicle if there has been accident or a health and safety incident?

Hon. Mr. Istchenko: Part 6 of the act is the duty of driver at the accident, written report, and able to report — so it's in the act already.

Ms. Moorcroft: The minister said that there is a duty to report. How can someone identify the off-road vehicle if it does not have a licence plate? You might fulfill your duty to report and say that it was, you know, someone wearing a yellow helmet on a black machine. That is not going to identify. A licence plate is recognized as the way to identify a vehicle, whether it is a vehicle or an off-road vehicle.

Hon. Mr. Istchenko: All rules around enforcement apply to individual acts. There are many, many other ways of recognizing a vehicle or a person or a fur hat or a pink helmet or a green snowmobile.

Ms. Moorcroft: It does occasionally happen that we have a hit and run with vehicles and I do not see how this would be any different with off-road vehicles. One of the big differences is that off-road vehicles will not be required to have licence plates. Vehicles are required to have licence plates.

Does the minister believe that health and safety should only apply on roadways? Is he not concerned about protecting safety for the operation of off-road vehicles when they are off the road?

Hon. Mr. Istchenko: Safety is of the utmost concern for this minister. Under part 8, the powers of our peace officers and officers are specifically stated in there. Stopping for peace officers, safety inspections, offences — everything is in there.

Ms. Moorcroft: The minister is not responding to these questions. Let me try asking it a different way. How can someone report an incident of an off-road vehicle causing injury if the description is a red sled or a black jacket and yellow helmet? How can that help the RCMP?

Hon. Mr. Istchenko: The question the member is asking falls under different territorial acts. This is about the *Motor Vehicles Act*. I want to bring the focus back to what we're talking about — the *Motor Vehicles Act*.

Ms. Moorcroft: I guess the minister is not concerned about the issue of having consistency between different pieces of legislation and regulation. I think he should.

I want to move on to another definition, because a number of people have contacted my office and have said that it appears that dirt bikes will not be captured. In the definition of "motor cycle", the new definition of "motor cycle" means "a two or three wheeled vehicle, other than an electric power-assisted cycle or a motorized trail bike..." So does this mean that dirt bikes are excluded, or are they included through some other mechanism?

Hon. Mr. Istchenko: Page 3, off-road vehicle means — just a short little spiel. It says an all-terrain vehicle, a utility-terrain vehicle, a motorized trail bike — so it's included.

Ms. Moorcroft: So, for a motorized trail bike, they are only going to be required to have registration and insurance if they are going to be operating on a highway or a maintained roadway. They will not be regulated like a regular motor vehicle — is that correct?

Hon. Mr. Istchenko: The member is correct.

Ms. Moorcroft: I want to ask the minister about helmet use. We had some discussion of that at second reading. I put on the record that the Canadian Medical Association, the Yukon chief medical officer of health, pediatricians and their associations, and a large segment of the general public believes that helmet use is an important safety requirement for vehicles, including off-road vehicles — many of which can go at very high speeds.

I want to ask the minister why he thought that the age of 16 would be a good cut-off age so that helmets are only required if a driver is under the age of 16. Did the minister give any consideration to making that age 19 and including

people up to the age of majority? As I said earlier today, teenagers are at high risk of injury. A number of the fatal accidents in the Yukon involving off-road vehicles have been with teenagers driving.

Why has the minister put such a low limit on who is required to use a helmet?

Hon. Mr. Istchenko: Under the licensing requirements, we just wanted to marry that because of the age of 16 — married with that.

Ms. Moorcroft: I'm not going to hold up general debate much longer on this bill. I do want to repeat that I'm very concerned that they have not given full attention to public safety. The recommendations of the select committee on off-road vehicle use have not been adequately responded to in these amendments. They are only a very small step and I'm very disappointed.

Hon. Mr. Istchenko: I just want to respond to the member opposite. I just wanted to clarify something that came up in general debate. You had asked about the Trek Over the Top and the question that had come over for me was whether they would have to have a licence, insurance and registration. I want to thank the staff for bringing this to my attention. What happens for both these events, of course — they are under Schedule 1, but under the *Motor Vehicles Act*, I sign an OIC that closes the road under the *Motor Vehicles Act* and the same thing will happen here. The road is closed. They require work on the road right-of-way permit, they require insurance, and then the other thing is it will be the same thing under the *Motor Vehicles Act*. We will issue them a one-day OIC — or two days — for the extent of their event. When it comes to the Trek Over the Top, that is the time of year when there is little traffic.

Ms. Moorcroft: I want to be sure I have understood what the minister has just said in response to the questions I had asked about the Alcan 200 and the Trek Over the Top snowmobile races in the winter. The minister has indicated that he, on an annual basis when those races are held, closes those roads by virtue of an order-in-council that closes those roads to general traffic. Then the licensing, registration and insurance requirements for operation of off-road vehicles on that public highway or maintained roadway no longer apply.

Hon. Mr. Istchenko: To make it clear, section 123.03 states: "The Commissioner in Executive Council may make regulations ...", and it says under "(d) prescribing a highway for the purpose of the definition of 'maintained highway' in section 217.01", which would be an OIC that comes forward.

Mr. Silver: I don't have very many questions — thanks to my colleague from Copperbelt South for her questions. Exactly how many of the recommendations from the select committee have now been enacted?

Hon. Mr. Istchenko: Thank you to the member opposite for the question. We're addressing some of them now, because they're under different acts and the *Act to Amend the Motor Vehicles Act* that we brought forward here today is addressing some of them, but not all of them, because

some of the other recommendations fall under the *Territorial Lands (Yukon) Act* and that will come out in the regulations.

Mr. Silver: I wanted to know a number. Does the minister have a number right now as far as how many have been actually been enacted currently?

Hon. Mr. Istchenko: At this moment, I don't have the number.

Mr. Silver: If the minister can endeavour to get those numbers for us, it would be great. He is motioning yes.

Just for a little bit of context here, why does Yukon Party no longer support Minister Lang's 2011 motion that called for mandatory helmet law?

Some Hon. Member: (inaudible)

Hon. Mr. Istchenko: Apparently the question was answered. I'll sit back down, Madam Chair.

I thank the member opposite for the question. I'm glad there's humour in the House today. It always makes for a better life and brings everybody's blood pressure down.

On this side of the House, we believe a couple of things. I think the Minister of Environment articulated it in second reading. We don't want to make a trapper a criminal. We don't want to make someone on a trapline a criminal. We don't want to make someone in Old Crow who is living a traditional lifestyle out there a criminal. It has to be fair and it has to be balanced and I believe this approach here is fair and balanced for all Yukoners. Rural, regulatory bodies in the municipalities and in the City of Whitehorse can increase, decrease — whatever they want.

Mr. Silver: Let me get this straight, then. So if that minor gets in his car and doesn't wear his seat belt, is he a criminal? I won't — I'm not even going to go — let me ask you this question. The Yukon Party government has, in the past, put motions forth saying mandatory helmet use. That has now been changed. Was this a Cabinet decision or a caucus decision to decide to change the Yukon Party's decision on this issue?

Hon. Mr. Istchenko: Of course we have this discussion at the caucus level and make decisions at the caucus level, but it's like the member opposite — he's not always agreeing with past Liberals either. We've seen this in this House many times.

Mr. Silver: The only other question is: I was wondering if the minister himself wears a helmet.

Hon. Mr. Istchenko: I have an 800 Ski-doo. Some people would probably argue that they like Polaris, Arctic Cat or Yamaha better and if they're listening in the House today that banter will go on and on forever and ever — amen. When I'm riding my 800 Ski-doo, I have a helmet on, an ABS bag, peeps, probe, shovel and I'm highly trained.

Mr. Silver: Can I ask one more question? Why does he wear this gear?

Hon. Mr. Istchenko: It's my decision and I believe that I should be able to make the decision whether I wear the gear or not, and I believe in safety.

Ms. White: How many jurisdictions in Canada have mandatory helmet use laws?

Hon. Mr. Istchenko: I brought up earlier in the House that I would endeavour to get the information. It's also public. You can gather it on the Internet to save paper.

I'll get back to the member opposite to look at what every jurisdiction — I remember reading through it and I remember us looking at it — you know, going back — so I'll commit to the member opposite to get a list of everything.

Ms. White: With the help of the officials at your side, do they have the answer as to how many jurisdictions in Canada have mandatory helmet laws?

Hon. Mr. Istchenko: No, not at this point.

Ms. White: In Canada, out of the 10 provinces and three territories, the only jurisdictions without mandatory helmet laws are Alberta and the Yukon — two out of 13. We talk about traditional lifestyles; we talk about making sure that the trapper can do what he needs to do. Well I would think that Northwest Territories and Nunavut really looked closely at that before they enacted their helmet laws.

Does the minister believe that the traditional hunters, trappers or the people collecting wood in both Nunavut and Northwest Territories are able to perform those duties while wearing helmets?

Hon. Mr. Istchenko: I'm not going to speak for the people of Northwest Territories or Nunavut today or any other jurisdiction.

Ms. White: So, when you went through this process of making the decisions on the amendments to the *Motor Vehicles Act* and we talked about helmet usage, surely when we looked across Canada and saw what other jurisdictions were doing, did the fact that 11 out of 13 have mandatory helmet-use laws play a part in the decision-making process or was that just not looked at all?

Hon. Mr. Istchenko: I think we're kind of losing focus on what we're doing here with the *Motor Vehicles Act*. We look at what other jurisdictions are doing, but as I've said before in the House, it's a balance. I don't want the trapper to be a criminal. I don't want the person in Old Crow who is running down to check their mail — I want to leave it up to the responsibility of the responsible rider when they're out there. I fully agree with safe, safe, safe, safe, safe, but it's up to the individual, I believe. We believe that under the age of 16 there is no option. Everyone should have a helmet on. But like I said, I don't want the trapper to be a criminal and I don't want that person who is driving on the streets of Mayo or Haines Junction depending on what those jurisdictions decide.

Ms. White: There are examples. I hear — loud and clear — that you don't want the trapper to be breaking the law and I understand that. So, in Manitoba, under the *Off-Road Vehicles Act* they have exceptions to the rule. Under their mandatory helmet use, it does not apply when you are using your off-road vehicle for the purpose of farming, commercial fishing, hunting or trapping. Isn't it a possibility to look at also having exceptions to those rules in Yukon so that we can guarantee the greater public safety and still allow the hunter, trapper and wood collector to be able to go without a helmet?

Hon. Mr. Istchenko: I think the answer here is we looked at what the select committee brought forward, we

looked at other jurisdictions, we looked at many things and this is what we're bringing forward in this House today and that's what we've decided on this side.

Ms. Moorcroft: Madam Chair, the minister just said that they looked at the select committee's recommendations before the government brought forward these small amendments to the *Motor Vehicles Act*. As I started out with in general debate, the first two recommendations of that select committee were that legislation and regulations governing the use of off-road vehicles should be inclusive and not exclude anyone to the advantage of another and that there should be consistency throughout the legislation and regulations. The minister is changing his tune. He's trying to argue that they're responding to the recommendations, but he's not presenting the evidence that they have. The evidence is they have not.

Why did the minister not manage to convince his Cabinet and caucus colleagues of the safety provisions that have been brought into effect in other jurisdictions being an approach that the Yukon should take?

Hon. Mr. Istchenko: I guess the answer would be: This is about treating all people equally. There are laws in place for how old you have to be to drive or to drink and there are laws in there, but when it comes to this, we on this side wanted to make sure that everyone is treated equally and it applies to everybody equally.

Ms. Moorcroft: Madam Chair, it's not treating people equally. People who are 16 and under are required to wear a helmet for their safety, but if you're over 16, you don't have to wear a helmet. I guess helmets don't protect you then? That's nonsensical. This is not consistent and this is not responding to the recommendations that were made by the select committee.

I'm disappointed that this minister wasn't able to convince his Cabinet and caucus colleagues that public safety should, in fact, apply equally.

Hon. Mr. Istchenko: I'm listening to the member opposite and I thank her for her point of view.

Ms. White: The minister's always incredibly diplomatic and I appreciate that.

Is the Motor Vehicles branch the branch that's responsible for registering all vehicles, including boats and such things?

Hon. Mr. Istchenko: Yes.

Ms. White: Under this new legislation, will that same branch be responsible for the registration and licensing of the off-road vehicles that will be used next to roadways?

Hon. Mr. Istchenko: Happy to provide the service — yes, we will.

Ms. White: Knowing that this government has made loose commitments about moving forward with off-road vehicle legislation and changes, would it not make more sense to require a blanket registration and licensing of off-road vehicles now to make it possible to identify violators in the future with future legislation? Wouldn't it make more sense to introduce it now in one step, as opposed to a graduated process throughout the years?

Hon. Mr. Istchenko: I apologize, but can the member opposite repeat the question again please?

Ms. White: Not verbatim, but I'll give it a shot.

Knowing that this government has loose commitments about off-road vehicle use and possible legislation in the future, and knowing that we are going to be asking under the current changes for certain vehicles to be registered and licensed, would it not make sense to do a blanket requirement for registration and licensing now so that future legislation that would require the identification of vehicles be easier to do?

Hon. Mr. Istchenko: Are we talking about vehicles or off-road vehicles that we are talking about in this act?

I thank the member opposite for the time that we are taking to do this here.

It will have to be forwarded and when we bring the regulation changes — once the act passes, there is still the regulation change stuff and this will have to be put into it for it to be put into force.

Ms. White: If this is an undertaking that has to happen for the changes right now to the act, does it not make sense financially to look at making this a requirement for all off-road vehicles — to have the registration and licensing now, as opposed to waiting to make those changes in the future?

Hon. Mr. Istchenko: I think what we're talking about here is the way the act is read. Like I have said before, when you are on the road surface, the requirements are there and that is what will be written into the regulations.

Ms. White: I will try to use a different selection of words. Those off-road vehicles that will be used on the side of a roadway to traverse a roadway to get on to a wilderness trail — those will require licensing and registration.

Hon. Mr. Istchenko: The way that the act is written, when you are riding on the shoulder of the road, going to a trail, you won't require a licence or registration.

Ms. White: So, to clarify — the only requirement for licensing and registration is if you plan on travelling in a linear fashion down the side of a roadway — down a maintained roadway. So, it's only if you are going to go down the side, not if you are crossing and not if you are starting and going from one point to another — so only if you are going down the roadway.

Hon. Mr. Istchenko: I think the way it was written and the way it is read is that if you are travelling on that highway surface, you need a licence, registration and insurance.

Ms. White: If someone starts a kilometre away from the trailhead and they are travelling down the side of the highway toward that trailhead, will they require licensing or registration?

Hon. Mr. Istchenko: If they are on the travelling surface of the highway, absolutely they will.

Ms. White: If they are on the shoulder of that roadway, will they require it?

Hon. Mr. Istchenko: No, Madam Chair.

Ms. White: What about crossing that roadway? They are going from one side to the other side. Will they require licensing or registration?

Hon. Mr. Istchenko: They are on the travel surface. Yes, they will.

Ms. White: I appreciate this, because I'm just trying to get my head around the visual image right now. If I'm crossing the highway and I cross on the tarmac between the bike lanes — so one side of the highway to the other side of the highway — I will require licensing and registration. If I am in the bike lane on the side of the highway, on the side of the roadway, I will not require a licence and registration.

Hon. Mr. Istchenko: I will explain the roadway. It means the part of the highway that is intended for the passenger vehicles and includes the area from the centre line to the curb or edge and any pullout, rest area or weigh station. That is the answer.

Ms. White: Just for clarification — would that not include the shoulder of the highway where you would have to pull over if you were having problems on the highway?

Hon. Mr. Istchenko: It does, yes.

Ms. White: Just for clarification, because that answer was different from the one a minute ago — you require licence and registration for the shoulder of the highway, and not just the surface?

Hon. Mr. Istchenko: Yes. She is absolutely correct.

Mr. Tredger: I have some other things to say but I just wanted to follow up on that because it tweaked something. If I am driving my truck with my snowmobile on behind and I pull over to a pullout to access a trail, and if I take my skidoo off the back of my truck and I'm in the pullout, it needs to be registered even though I am just accessing a trail from there?

Hon. Mr. Istchenko: Yes.

Mr. Tredger: I meant to speak in the earlier part. This is critically important in so many ways to me, to my family and to my constituents.

For over 40 years, people have been looking and expressing concern about the increasing use of ATVs and snowmobiles, the increasing reach of ATVs and snowmobiles. This Legislative Assembly saw fit to have a select committee look into it. All of us elected legislators responded to a questionnaire, saying that we would endorse and ensure that the recommendations of the select committee were brought into force.

We're three years into a five-year mandate. I am profoundly disappointed at the slow pace of advancement. I'm upset at the way this is going. The longer we delay working with the people and working this out, the more divisive it is. The longer we delay our efforts to bring into play the recommendations of the select committee, the more damage is being done to the environment and the more children and adults we're putting at risk. The divisiveness within our communities and between us is rising.

I live in a rural area on the river. In 1993 I bought a Bravo, and I use it to get from Pelly River Ranch across the river to my place. The Bravo is a 250-cc machine. The trails

were flat and I never used a helmet. I pulled a toque over my head. When my children got to be 10, 11, 12, they learned to drive it. Often I would have a couple of trailers behind my Bravo with people standing on the back and hanging on. The helmets of the day were cold and basically non-functional. The terrain is very flat and the machines don't go very fast. It was used as a tool; it wasn't a toy.

I wrestled sometimes with maybe getting a helmet, maybe I should insist that all three or four people who are hanging off the back have helmets, but I never did, for many of the reasons that people across the way have expressed.

But I realized, as my kids got older, and they coaxed that extra five kilometres an hour out of the machine, it wasn't something I had accounted for. Fortunately, although we tipped it a few times and the trailer tipped over, nobody tipped over when there was a tree in the way. We came close a few times.

This last summer, my daughter got a job at the Ponoka Hospital in Alberta. She is an intern. Her job was to work with young adults with head injuries. The most common — speech problems — was due to drugs. The second most common was motor vehicle and off-road vehicle accidents. She said to me: "Why don't we wear helmets?" I did not have an answer. My Bravo — I still have it, but I also have a new Tundra, and when you go like this, it has a little more response than the Bravo did. I realized that — yes — the machines are changing. Our skidoos and ATVs are changing.

I wonder why and how we decided that 16 was an age that helmets should be worn before. The statistics I've read usually go from age five to 19. The age of majority is 19, but we chose 16.

I have talked to people in our communities and trappers and maybe there is room for an exception, but I can guarantee you the size and the speed of our skidoos and our ATVs are increasing exponentially every year. I could floor my Bravo and it's not going to stand up. With some of the new ATVs — even as you go over a bump or hit the bump the wrong way, it flips. Our Health and Social Services minister should be very concerned about the costs. We as a society should be concerned about the costs. Yes — it's a hard decision — I'm in a rural community — but that's what leadership is about.

As the majority of other jurisdictions have done, will the minister take this back and enforce a helmet law with perhaps exceptions that can take into account the uniqueness of the Yukon?

But we need to start coming up with some rules around this. We need to start managing our use. It's not the 1950s. These are not toys any more.

So I would ask the minister if he will consider stepping back. We haven't had a lot of time for this. I just saw it for the first time yesterday. It's of critical importance to my area and I have a number of questions around that, but will the minister consider extending the helmet use, at the very minimum, as recommended by the Canadian Medical Association and as followed in most jurisdictions in Canada — helmet use for everyone? Make a clause with exceptions, like Manitoba and

Saskatchewan have done, but for goodness' sake, please consider it.

Hon. Mr. Istchenko: I do thank the member opposite for bringing what he just brought forward to attention. I wanted to just say a couple of things here. As did the member opposite, I grew up in a rural community and, from the time I was little, I do remember Bravos and having those machines. Unlike the member opposite, my dad would kick my butt if I wasn't wearing a helmet, and I always wore a helmet. Maybe they weren't that great back then, but that's how we grew up.

I think fundamentally this is just a little bit different. The member opposite doesn't agree. He mentioned earlier, when will we bring legislation forward; why haven't you acted? You know what? There are a lot of legislative pieces on the legislative agenda that a government has, and we are bringing it forward. Fundamentally we don't agree on a few portions of it, and that's just how it is.

Mr. Tredger: During the election, we all promised to bring forth legislation, if elected, to enact the recommendations of the select committee. Everyone here did. I have to go back to my jurisdiction, to my citizens, and say — how was a decision made? With which portions of the select committee's recommendations was it decided that we would start with? When can we expect some of the others? Was it the minister's decision to go ahead with this? Was it a Cabinet decision? Was it individuals?

Hon. Mr. Istchenko: I thank the member opposite for the question. On this side of the House, it is always a government and caucus decision to move forward on anything. I want to read what it says here in recommendation 12. When I read it, I just want you to keep in mind that we considered all other jurisdictions. We looked at lots of stuff. We listened to the recommendations. It says: "THAT, helmet use be mandatory when operating an off-road vehicle or snowmobile on-road. The Committee did not reach consensus on helmet requirements for 'off-road' use."

I think we have found a balance here. Fundamentally we are going to disagree on a couple of things in this House, but I think we have found a balance here. We are moving forward on this legislation.

Mr. Tredger: I would like to read recommendation 8: "THAT, government consider the issues of registration, operator licensing and insurance for 'off-road use' and that the government look at how other jurisdictions have approached these issues prior to determining the best approach for Yukon."

So, the select committee could not achieve consensus on helmet use. I would remind the minister that that was in 2011, I believe, and it had been discussed for many years prior to that. We are now — what is this, 2014 — three years later. A lot more information has come out and what I am hearing is that the government still has not achieved consensus on helmet use.

Hon. Mr. Istchenko: I thank the member opposite for his comments.

Mr. Tredger: I will go to the select committee's recommendation 14 and this is one where we are seeing increasing problems in my area and around the Yukon. Recommendation 14 is: "THAT, off-road vehicle legislation and regulations provide for the ability to mitigate environmental damage and cumulative negative impacts to sensitive wildlife and fish habitats. Ensure that legislation and/or regulations provide for the ability to restrict the growth of trail networks in sensitive areas, to close trails or overused areas as necessary, to exclude off-road vehicles from specific types of land or habitats, and to have certain areas designated as access routes only."

Given the increasing destruction of our wildlife habitat, can the minister tell me why that was not a priority for this government?

Hon. Mr. Istchenko: We're debating the *Motor Vehicles Act*. All that stuff falls under the *Territorial Lands (Yukon) Act* and that is dealt with in the *Territorial Lands (Yukon) Act*. Today we're debating the *Motor Vehicles Act*.

I just want to add that I'm a big proponent — I work with organizations. I know the Member for Mount Lorne-Southern Lakes is an avid user of ATVs and the outdoors. We're there whether we're playing music at a function or whether we're there marshalling a function — huge advocate for environmental stewardship — huge — and you can just see that through the education that the Department of Highways and Public Works, working with the Department of Environment, has put out and there is more to follow. There is always more to follow.

Chair: Order please. Before we continue on with the questions, would members like a brief recess?

All Hon. Members: Agreed.

Chair: Thank you. We will recess for 15 minutes.

Recess

Chair: Committee of the Whole will now come to order. We're going to resume general debate on Bill No. 82, entitled *Act to Amend the Motor Vehicles Act*.

Mr. Tredger: I guess one of the concerns I have with this legislation is, while it inconveniences a lot of ATV and snowmobile users, or causes them — I guess inconvenience isn't the word — to need to be registered and wear a helmet when they're unloading their skidoo on a pullout, in order to access a trail, it'll raise their ire and make it difficult in the future to come up with legislation that we will need to be able to identify people who are using their ATVs and machinery in our wilderness areas.

The way it's written is that, if I use a pullout to unload my skidoo to access — I drive out and use my skidoo, I use a pullout to unload, as soon as I get it off the trailer, I need a helmet for the next 10 feet to go over. It makes it very difficult for any enforcement people; it makes identification difficult. Have you thought of some of the repercussions around that?

Hon. Mr. Istchenko: I thank the member opposite for the question.

I think I've said it enough times in the House today. I just think this legislation is balanced. It's balanced for all Yukoners. We've considered — the select committee — other jurisdictions, and I think this is a balanced approach to how we regulate this.

Mr. Tredger: You keep mentioning other jurisdictions. Which other jurisdiction did you pattern this on?

Hon. Mr. Istchenko: I don't think we patterned this off anything. What I said to the member opposite is that we looked at other jurisdictions — what they do. We looked at the select committee, and this is what we are moving forward with. We're proud of what we've moving forward with.

Mr. Tredger: Which other jurisdictions in particular?

Hon. Mr. Istchenko: When it came forward, we looked at all other jurisdictions across Canada. I've said that in the House before to — I believe — the Member for Copperbelt South or Takhini-Kopper King.

Mr. Tredger: Which ones led you to think that this was a balanced view?

Hon. Mr. Istchenko: We've said on this side of the House — the government, the caucus — the government looked at all other jurisdictions and looked at the recommendations, and we figure this is a balanced approach. I've said this in the House before, and I'll say it again: it's a balanced approach for Yukoners.

Mr. Tredger: Was that supported by the Minister of Health and Social Services?

Hon. Mr. Istchenko: This government, this side of the House, caucus — I've said it more than once this afternoon — supported this, moving forward.

Mr. Tredger: When I was reading through the select committee's report, I noted that no First Nations have responded. We have a mandate to co-manage our territory with the First Nations. Can you tell me what consultations occurred with which First Nations before you came up with this?

Hon. Mr. Istchenko: I'm not exactly sure about dates and times, but there was lots of consultation done through the select committee's work. Like I said before, we're moving forward on this legislation.

Mr. Tredger: When I read the select committee's report, it appeared to me they had asked for First Nation input, but no First Nation had sent anything. To me, I wonder when you call that "consultation" — and what it means, I assume they were waiting for a government-to-government interaction. As the government responsible for this legislation, I think it would be important, for something as critical as this, to make another effort to reach out to First Nations and the First Nation governments as this will affect many of the First Nation communities that are unincorporated.

I wonder — have there been any discussions at all with the First Nations on this legislation?

Hon. Mr. Istchenko: This *Motor Vehicles Act* is talking about roadways. Like it was just passed on to me, we follow all of our obligations on the *Umbrella Final Agreement* for consultation. We always have and we always will.

Mr. Tredger: There were no direct consultations or no exchanges of information with First Nations before this was crafted?

Hon. Mr. Istchenko: I think I have already answered the question. I know the Member for Vuntut Gwitchin just informed me that he, probably like yourself, talked to a lot of constituents and First Nations, and he talked to his local First Nation. I have answered the question.

Mr. Tredger: I don't have a whole bunch more to say other than I am disappointed. If indeed you did look at other jurisdictions — and I guess 11 out of the 12 chose to go with a mandatory helmet.

You had no real discussions or government-to-government discussions; no interaction with the First Nations. This is just a very, very small step — yes it is a step. We need helmets — we need to have helmet use, but this is like saying you only have to wear your seat belt when you are in the city. You only have to wear your seat belt when you are in town, but when you are driving on the farm road you do not need it. It is nonsensical and I am very disappointed in the lack of leadership shown and the speed — particularly the speed which this government is making progress on the recommendations of the select committee. It is just that we are doing the citizens of Yukon a disservice. We are putting them in a difficult place.

Each day I see — this summer I saw five, six, seven times, big trucks with trailers and three or four ATVs from Alberta covered with mud. They said, "Oh, we are coming up here because there is more open land and no regulations here. We can go." I have seen the mess. I guess that raises one question. Are out-of-territory ATVs required to be registered? Do we accept Alberta registration? How does the minister intend to manage that?

Hon. Mr. Istchenko: Alberta residents and others will be treated exactly the same as everybody else, the way the act is read.

When the member opposite brings things forward about timely manner with legislation, it brings me to thoughts about legislation; that we are moving forward with this and how busy legislative agendas are. I listen to the members opposite quite often say, when will the members opposite change this regulation and open this act, or whatever. We have a lot of people who work within the government in the different departments — legislative writers and people who work hard on bringing this legislation forward — and they work hard so we can bring this legislation forward and get it through in a timely manner. I'm proud to say that that's what we're doing when it comes to what the select committee brought forward, but there are many other legislative items on the legislative agenda, so this does take time. I want to sincerely thank everyone in the departments who do the writing of this legislation. They put a lot of time and effort into it and they take it under their wing as their own. They're very good at their jobs.

So, Mr. Speaker, fundamentally there are a few things. I said to the member opposite, my dad made me wear a helmet when I was a kid. The member opposite didn't.

Fundamentally we're not going to agree on everything here, but I think this is a balanced approach for Yukoners, and I'm going to say it over and over again.

Mr. Tredger: I may say this over and over again too. I guess enforcement, education and identification is important. This doesn't help us identify the few — and they are a few — ATVers or snowmobilers who take advantage of our lack of regulation and who destroy our wilderness areas. They are few, but we need a way to identify them. This doesn't help us. We need some regulations around our wilderness areas because of the increasing pressure. I would ask the minister to consider that. We need a way to identify people who are using our wilderness. It's unfortunate, but there are a few — maybe five percent, maybe less, maybe more — who are abusing our wilderness areas and they're taking advantage of our lack of regulation. Unless we figure out a way to manage that, it will be like what is happening in the south where entire areas are closed off to ATV or off-road vehicle use altogether.

I remember the Kananaskis area in Alberta. I used to hike, ride my bike and spend a lot of time in that area. Now it's denoted a wilderness area and no one can get in there with their ATVs or their skidoos. That's the future we're facing if we don't manage it properly. Each year, that window of opportunity gets smaller and smaller. I know there is a lot of legislation out there and there is a lot to do. I've given you a few ideas myself. Someday you might take me up on it. But this is something we all promised.

Every member of the Legislature promised that we would enact the recommendations of the select committee during this mandate. We are three years and counting. It is time to act. This a very small step forward. I thank you for that.

Hon. Mr. Istchenko: I just thank the member opposite for his comments.

Ms. Stick: I hadn't had a lot of time to look at this legislation, but I feel as the critic for Health and Social Services that I do want to bring forward some information that I have found just sitting here this afternoon.

I want to talk about a report from the Canadian Institute for Health Information — CIHI. They are well-known across Canada. They keep statistics on all kinds of health care issues and concerns. I found an article that talks about ATVs and injuries. I just thought some of the information they have is important to share, because when I look at what's happening across Canada in other provinces and territories with regard to helmet use, I don't understand why we are not leading the pack — why we're not keeping up with other jurisdictions, but instead trail far behind. We really do.

ATVs, snow machines — sales are up. They're bigger, they're more powerful and they're faster. They require more strength to handle in many cases. They are not for young children to operate on their own. More and more they are being used for pleasure.

At one time, they really were the workhorses in the bush. They were what people used to go trapping and hunting and out on the land with. They were the workhorses. They weren't so much pleasure vehicles as they are now.

To me, it seems that we should be promoting helmet use and insisting on helmet use and, as some jurisdictions have done, make exceptions for commercial hunters, commercial trappers, fishers — you know. You can find that legislation; you can see where these exceptions are made, rather than narrowing it down to a group under the age of 16.

One of the facts that I found in looking at the CIHI report was that, between 2001-02 and 2009-10, there was an increase of 31 percent of not injuries, but hospitalizations, due to ATV injuries. So we're not talking about the person who has to go to emergency and leaves, is stitched up or has a cast; we're not talking about people who, the next day, might go and see their family doctor or go to a walk-in clinic. We're talking about people who were hospitalized for injuries on ATVS — a 31-percent increase. That is enormous, and that is an enormous cost to our health care system.

I'm not saying helmets would avoid all those hospitalizations. I'm not that naïve and I wouldn't pretend that it's otherwise. But of all those injuries, head injuries are the worst. They are the worst for these people. They are long term, they are expensive and they cost our health care system.

Again, helmets will not prevent 100 percent of head injuries, but it sure will prevent an awful lot. Helmets, I think, should be mandatory for everyone and if there needs to be exceptions, then make those. The other interesting thing in this article was that the greatest number of injuries was among young men from the age of 15 to 19. We have already said to them: "You do not need a helmet — you are good." We hope they will wear a helmet; we hope as parents that they will wear a helmet, but the highest rate of injury is that group and we have not even included them in this legislation.

Why would we not do that? To me, this is about health and safety; it is about the cost of our health care system and I do not understand why we are at the back of the pack. Why are we not up front with other territories and provinces that say: "No, you need to wear a helmet, it is mandatory." Yes, we will make exceptions. We recognize they are the workhorses for many individuals, so why? Why would we not have thought of it that way? Why would we not want to be preventing these injuries that are on the increase across Canada?

This was not just one place — this was a report done on injuries across Canada. When I talked about that 31-percent increase for hospitalizations, this did not include deaths either. That did not include the many deaths that are on the rise also, from this.

They did not include the many deaths that are on the rise also from this. I think a responsible government should make helmet laws mandatory. If you want to make exceptions, then do that, because it's costing our health care system. It's costing our young people's lives and we've cut it off at 16 when we know the most injuries occur between 15 and 19. We know that and we should know that. We hear it from insurance companies all the time when they talk about drivers. Your 16-year-old son goes to get insurance. Well, guess what? It's going to cost and it will cost until they are into their 20s.

If they don't have any accidents or caught with reckless driving or whatever, then they start to scale back the insurance, hopefully.

But we recognize that this is the riskiest behaviour and most likely to have accidents. I'm looking to the minister: Why wouldn't we consider those things when we're looking at helmet laws to protect people and to save money in our health care systems?

Hon. Mr. Istchenko: I thank the member opposite for the words that she just brought in the House. I think I reiterated this earlier, but when the select committee didn't reach a consensus on helmet requirements for off-road use and what the member opposite is sort of talking about here today, I think the approach that we looked at is a balanced approach for Yukoners. Like I said, I don't want a Canadian Ranger and his friend who are out there moving a snowmobile 20 feet off in the backcountry, cutting firewood for an elder and maybe delivering it in Aishihik, actually, or somewhere else out there — that has to be the responsibility of those people. Look at your education up front, start young with helmets like we're talking about and move forward.

But we just don't believe in making criminals of the trappers, the Canadian Ranger or the wilderness guide outfitter who is doing some trail maintenance. Fundamentally we're not going to agree on some of this stuff, but I believe this legislation is a balanced approach moving forward.

Ms. Moorcroft: I would like to follow up on the issue of the health statistics, and my colleague, the Member for Riverdale-South, just referred to a 10-year study that was done across Canada and put on the record some of the statistics from that. I wanted to also mention an Alberta study. Dr. Richard Buckley, a researcher at the University of Calgary, reported on a 10-year study of data from hospitals across Alberta — so it's only within that province — about the physical and monetary costs of all-terrain vehicle accidents. That study, which was released in 2012, found that over a 10-year span, there were 459 serious trauma cases with injuries such as broken spines, broken necks and serious head injuries. There were 79 deaths. The estimated cost to the health care system was about \$6.5 million. The study also showed that the majority of those injured or killed were men 18 to 20 years old. Did the health statistics factor into the government's decision to limit helmet use to under the age of 16? Was the minister aware of either of the studies that we've just talked about and what consideration did they give to the health implications to accidents and injuries?

Hon. Mr. Istchenko: I'm not going to comment on studies that I haven't read or studies that have been brought up in this House. We considered the select committee's recommendations. We looked at other jurisdictions and, like I said again, I believe that what we're moving and putting forward today on the floor of this House is a balanced approach, taking into consideration all Yukoners.

Ms. Moorcroft: So did the minister just confirm that he and his Cabinet did not consider the health studies that have been done about the accidents and injuries and costs of health care related to all-terrain vehicles?

Hon. Mr. Istchenko: I guess I can just reiterate my previous answer. Look at the select committee. We had lots of good conversation about the helmet use requirement. The committee even didn't reach consensus on this. Like I said, we have a balanced approach here, moving forward on this legislation.

Ms. Moorcroft: Well, we know that one member of that committee did not agree with the helmet use, and he said so in this Legislature. The fact is that helmet use does protect people from head injuries and is recommended by medical professionals, by many who see what damage can be caused if you're not wearing a helmet on an ATV while you're operating it.

But we're clearly not going to win anything there, so I just want to move on to another matter because we've had different answers on the one particular question related to the roadway, which is all that is captured in these amendments — highways and maintained roadways.

The definition of "maintained roadway" — and I'm going to quote from the act here, from the amendments to Section 1. The definition of "roadway" — "means the part of a highway that is intended for the passage of vehicles and includes (a) the area from centre line to the curb or edge, and (b) any pull out, rest area or weigh station that is contiguous with the area under paragraph (a)".

My recollection of the discussion at the briefing yesterday is that a shoulder would not be included, that it was only the travelled portion of the roadway. What I heard today in debate was the answer "no" sometimes and then the answer "yes" eventually. I just want to go back to that question and ask the minister to be clear about the definition of "roadway" being the area from centre line to the curb or edge and whether ATVs travelling on the shoulder of a road will need to have licences, registration and insurance.

Hon. Mr. Istchenko: Yes, the shoulder is within the edge, so it will apply.

Ms. Moorcroft: So the shoulder is included but the ditch is not, and the roadways on either side of the highways that are commonly used by a lot of ATV traffic will not be included in these amendments to the *Motor Vehicles Act*.

Hon. Mr. Istchenko: Yes — the non-maintained roadways.

Mr. Barr: I have just been listening today and hearing lots of new information — information such as the health studies, such as personal stories — regarding these changes in the act. I am out in the bush a lot on my snow machines — as a matter of fact, a Bravo — my 250 trusty Bravo, ATV 400, Polaris and a 570 Arctic Cat — so I can reel it back a bit and I can stay up high on the deep snow with my Bravo and go where a lot of 800s get stuck and pull them out, especially if you are not a very good rider. I have had experiences in the mountains, on trails and on lakes breaking trails and so on and so forth, with my family. As the Member for Mayo-Tatchun said, we used to take the kids and have them on a toboggan behind the machine.

I was recently out this last winter with a long-time friend of mine, who is a trapper. They are pushing 70 now, but they

spent all the winters out on the trapline and never wore a helmet. Neither the husband nor the wife wore a helmet. We were out last year. I don't wear a helmet out there either. I like my beaver-skin hat. I really identify with that. However, when I was out with my long-time friend, a trapper, and his wife who we've been out with other times with — and I don't like the fancy garb. I have my old parka, old pants, and I just rely on my skills to be out there and do what I do. I was out with this buddy, and we sat and talked about this together all the time — that that's what we do. However, the last time we went out, here he is wearing a darn helmet. It made me question something inside of me, because I am not one, really — I know change is necessary and struggle precedes change, struggle precedes growth. We as leaders have to take all things into account and sometimes make those hard decisions.

Hearing different stories and information here today, and then being out with a close friend — for the same reasons we've heard why we shouldn't have to, and leave it up to the responsibility of those individuals — who was up with the reindeer, way up north, and spent a lot of time up there over the winter. He's good. You should see him out there on a machine. He has broken trail all his life. He went off the side of his machine, and where he went off the side of his machine, he struck some ice. He got back on his machine and it just happened to be that they were flying out that afternoon to come back, and he had a headache. He went to emergency and they said, "It's a good thing you came in here because you would have died within the next 24 hours."

That's what he told me. I said, "What are you doing wearing a helmet?"

Some Hon. Member: (inaudible)

Mr. Barr: No. It's that he wasn't wearing a helmet. If he had been continuing on that expedition, he would have died. It was lucky that it was the end day. They came into town, with the headaches, went into emergency and realized, and got the x-rays and so on and so forth — they took immediate action, thanks to the health care — double sight then and he couldn't drive for awhile. What I am saying is that now he wears a helmet. That's what I'm saying.

He was very much like me. "No, I'm not wearing one — right?"

This is what I do. I know what I'm doing. I have to think about when the public — and again, it kind of goes to responsibility — we are in tough positions sometimes when maybe the public hasn't really caught up to the evidence. Thinking back to when people drank alcohol and drove all the time, the general consensus out there was that's what you do. It was commented on all the time: I drive better when I'm drunk. I've heard that response by people. I might have said it myself in my younger years.

The point I'm trying to make is that change and ways of thinking about something, as we mature, has to go along with the changes and what we've heard today with the different machines and so on and so forth.

I do, and would like to encourage the members opposite and around this legislation — I'm very much re-evaluating this for me, who, until today, hasn't been there, quite frankly.

As it states in the recommendations due to point 12 of the select committee, it is because there is not a consensus yet. Whatever we do from today, I do believe we need more of the information that we heard today out there to the public. We need a heavy education program out there that is going to educate people. For example, it was the norm to drink and drive years ago. Well, it is not today. The public has been informed and there has been education around it and we just don't do that on a regular basis. It is what is more realized today and socially acceptable and we talk loudly about social licence in many different areas, which is that socially it is unacceptable to let your friend drink and drive any more. Where a long time ago, it was whoever was not as inebriated — that person drove and that was the norm. Well, the norms are changing and we have to as leaders recognize this and make those tough decisions, when it is not popular.

We have options — just like a parent does — to allow responsibility that we have heard today and make exceptions like other jurisdictions for trappers; for people that are getting wood — whatever exceptions. We are the Yukon. We can come up with them and still have a mandatory helmet law.

I would encourage this House to rethink this. It's not too late. It's also incumbent upon us to do so, because I have said before and it was one of the greatest teachings I ever learned: When we don't know what we don't know, we can't do anything about it. When we do know what we don't know, we can. This is one of those situations. The difference is that it is a collective. It's a population that doesn't know a lot of stuff to make informed decisions that would change their mind if they did know, just like my friend. I'm very grateful he is alive today because he's a great human being and I would miss him terribly, just like I miss some of my friends who are not with me because they drove drunk and are dead today.

Hon. Mr. Istchenko: I thank the member opposite for his comments.

Ms. Moorcroft: Yesterday at the briefing with the department, I reported a couple of typographical errors within the bill. My question for the minister is: How are those dealt with? Is there the ability to just make those corrections without dealing with them in any formal way as we go through on clause by clause?

Hon. Mr. Istchenko: Yes, they have been adjusted.

Chair: Does any other member wish to speak in general debate?

We are going to move then to clause-by-clause reading of the bill.

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

Ms. Moorcroft: Could I ask the minister to just please explain this clause and the regulation-making authorities and process for Yukon government, municipalities and for unincorporated communities as it relates to the amendments to the *Motor Vehicles Act*?

Hon. Mr. Istchenko: This is only affecting the powers of the Yukon government, not the municipalities. This is just an amendment to Part 9 of the act that requires changes —

Chair: Order please. We're discussing clause 6.

Hon. Mr. Istchenko: We were.

Unanimous consent re revisiting clause 5

Chair: Do we have unanimous consent to return to clause 5?

I understand that Ms. Moorcroft requested the Committee to return to clause 5. Do we have unanimous consent?

All Hon. Members: Agreed.

Chair: Thank you.

On Clause 5 — revisited

Chair: Mr. Istchenko, would you answer the question regarding clause 5?

Hon. Mr. Istchenko: It is just a heading change and it doesn't change anything substantial.

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

Ms. Moorcroft: I hope that I'm rising at the correct place in the act to deal with my question relating to municipal powers. This is adding the division heading for municipal powers and then it's going on to dealing with powers of municipalities. The question I would like to ask the minister to answer is about the powers of municipalities to enact regulations dealing with all-terrain vehicle use. These amendments exclude municipalities and unincorporated communities. A municipality can bring in — and the City of Whitehorse has brought in — a bylaw to regulate all-terrain vehicle use.

What happens for unincorporated communities when it comes to creating regulations about all-terrain vehicle use?

Hon. Mr. Istchenko: These results apply, except where the roads are exempted in Schedule 1.

Ms. Moorcroft: Let me try restating the question to see if the minister can understand what I am getting at here. I am aware that the amendments do exclude the unincorporated communities and that there is a list of them in that section of the bill. The question that I am asking him is: How would it be possible to regulate the use of all-terrain vehicles within an unincorporated community that is presently excluded from these amendments?

Hon. Mr. Istchenko: The minister has the ability to make an order for those changes, like I spoke to earlier, so that's an order-in-council — the Commissioner in Executive Council — sorry.

Ms. Moorcroft: So, what I understood the minister to say then is that if a community such as Pelly Crossing wanted to have the use of all-terrain vehicles regulated within that community, they would have to approach the minister and ask the minister to bring forward a regulation to govern the use of off-road vehicles?

Hon. Mr. Istchenko: Yes.

Clause 10 agreed to

On Clause 11

Ms. Moorcroft: I rise to speak to this clause simply because I think it's something people are not necessarily aware of. The section that is added says that the "Driver of motor cycle is to drive in single file. Except when passing another vehicle, a driver of a motor cycle on a highway must not drive their motor cycle to the side of another vehicle that is travelling in the same direction and in the same traffic lane on that highway."

Although I think it comes later, I want to add that this also applies to bicycles. Legally, they may not travel beside each other on the highway. I just wanted to draw attention to that, because I think it's an important safety concern that should be on the record.

Mr. Barr: I would like to reiterate that — to share an experience. There are so many more cyclists coming up now, pedalling across Canada. I've been on the highway and not only double, but there were three abreast on a curve coming up on my way to Dawson.

It was very dangerous with another oncoming car. Somebody was going to get killed. I see it more and more often.

Then, as a driver of a motorcycle, as a rider for many years, I do know that there are different states and there are different places where it is legal to drive side by side, to ride side by side. It's not everywhere — same thing with helmet laws in the States — but in Canada, often what we do when we ride is that we're not side by side. It's kind of a common practice to be staggered. You may be close, but you're not totally side by side.

It is pretty much a standard, accepted practice when we're talking about a number of riders. When we have the Ride for Dad, for example, you might have 50 bikes out there at once, so a single file is quite a thing, so what we end up doing is a staggered thing. Is this going to be permitted?

Hon. Mr. Istchenko: Yes, the way the law reads — yes.

Mr. Barr: Yes, the way the law reads it is going to be okay to be staggered?

Hon. Mr. Istchenko: Correct.

Clause 11 agreed to

On Clause 12

Clause 12 agreed to

On Clause 13

Clause 13 agreed to

On Clause 14

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

Ms. Moorcroft: We did discuss this a bit yesterday at the briefing, so this new part is called "Bicycles and electric power-assisted cycles."

Can the minister explain the intent of adding electric power-assisted cycles and what rules of the road would apply to electric power-assisted cycles?

Hon. Mr. Istchenko: There is no change at all. This is just cleaning up. There is absolutely no change.

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

Ms. Moorcroft: This is part 13, snowmobiles and off-road vehicles. As it was explained to us at the briefing, this is the heart of the rules. This starts out with the definition of "maintained highway". My question to the minister is relating to the fact that community roads of Beaver Creek, Burwash Landing, Carcross, Destruction Bay, Keno City, Old Crow, Pelly Crossing, Ross River and Upper Liard are not captured in this definition and so these new rules will not apply there. Did the minister's department conduct any consultation with any of those unincorporated communities prior to bringing forward these amendments?

Hon. Mr. Istchenko: What I said earlier spoke to the balanced approach. We have the ability, if there are some concerns in these communities — they could bring it forward and we could make the changes. I spoke to that earlier.

Ms. Moorcroft: So the minister did not ask his department to contact any of the local advisory committees in any of the unincorporated communities to seek their opinion on whether they thought regulation of off-road vehicles would be appropriate in their community?

Hon. Mr. Istchenko: I am not sure if there are local advisory committees for all these communities or not but, like I said to the member before, we looked at the recommendations from the select committee where this government, or the government of the day, went out and brought these recommendations forward. Like I said, it's a balanced approach. But I also reiterated that the opportunity is there if a community or LAC wants this to be changed, the opportunity is there.

Ms. Moorcroft: The minister is referring to his approach as balanced, but it seems that it is largely uninformed in that he has not spoken with First Nations or

with the unincorporated communities, which may have views on whether all-terrain vehicles should be regulated, and how regulated — or on helmet use, for that matter.

Why does the minister think that he should wait for the unincorporated communities to indicate that they might want an action instead of approaching them ahead of time and asking them whether they would like to see the regulation of all-terrain vehicles and off-road vehicles apply in their communities?

Hon. Mr. Istchenko: I do believe I have answered that question, Madam Chair. The select committee went out and talked to Yukoners, and this is the approach we have taken, but we have made sure that, if there are any issues that arise in the future — that's good regulation that there's the ability to make changes.

Chair: Is there any further debate on clause 22?

Clause 22 agreed to

On Clause 23

Clause 23 agreed to

On Clause 24

Clause 24 agreed to

On Clause 25

Clause 25 agreed to

On Clause 26

Clause 26 agreed to

On Clause 27

Ms. Hanson: At the outset, I had said that I hadn't intended to speak and I had just raised the few concerns that I had with respect to many of the issues that have been amplified during the course of this afternoon's discussion that speak to the fact that — even accepting the minister's narrow view of the application of the recommendations of the select committee on off-road vehicles, as it pertains to the *Motor Vehicles Act*. Throughout the course of discussion this afternoon, we've heard many concerns being raised about aspects of issues that were raised during the public consultation, issues that have clearly identified that this is a piece of legislation — the amendments to the *Motor Vehicles Act* — that has gone only partway to address these issues. Then I had said, during my comments — and my colleagues have made it clear — that we feel that these matters are substantively important enough that we want to make sure that we, as legislators, demonstrate our commitment to ensuring that the issues that were discussed today do get the full scrutiny that they require. As my colleague from Mount Lorne-Southern Lakes pointed out, sometimes it takes time for people to appreciate and accept that time does change people's views.

Amendment proposed

Ms. Hanson: With that in mind, I would like to move:

THAT Bill No. 82, entitled *Act to Amend the Motor Vehicles Act*, be amended by adding the following clause after clause 26 at page 12:

“Review

27. Three years after this Act comes into force, the Government shall conduct a comprehensive review of this Act and shall submit to the Legislative Assembly, within one year after beginning the review, any amendments to the Act.”

And that the remaining clauses be renumbered accordingly.

I have copies for you, Madam Chair.

The amendment is self-explanatory. I think that it's merely putting into the legislation a provision that is common in legislation that has been passed by the Yukon Legislative Assembly previously — and in other legislative assemblies — to basically mandate this Assembly to make an obligation for us as legislators to review this legislation. Within three years, there is no doubt that there will be new facts that will come to light. Regulations do change and attitudes do change.

When I first came to the territory, the law was you could drink and drive as long as you weren't drunk. I think we need to look at aspects of the — people fought hard against the changes to the law then; you would find very few people arguing about drinking and driving. So I think there would be openness to recognizing — as members of the Official Opposition have made clear in the questions that have been pushed and the probing that they've done — that the bill has a number of weaknesses and is inadequate in a number of areas and we believe that with an opportunity for three years of experience and seeing how it works or does not work — that government should review this legislation.

With that, Madam Chair, I move that you report progress.

Chair: It has been moved by Ms. Hanson that the Chair report progress.

Some Hon. Members: Agreed.

Some Hon. Members: Disagreed.

Motion negatived

Ms. Hanson: Well, I will just continue talking then, if that's what you really want to do.

Madam Chair, there is nothing that I want to say. I am not trying to be derogatory. I am not trying to do anything that is wrong about this, but what I am saying is that we have identified some weaknesses. I think that the minister himself has identified that the bill could be a bit more robust.

I have also suggested that it is common practice and I believe it would be commonly accepted within this Legislative Assembly that there have been territorial laws commonly practiced to put in a chance for a Legislative Assembly to review the legislation to ensure that — and in three years, Madam Chair, we would hope that the balance of the recommendations of the select committee on off-road vehicles have had a chance to be reviewed and the legislative changes that the Minister of Environment and the Minister of Energy, Mines and Resources have the mandate to deal with the legislative and regulatory changes that they promised will be in place, so that we can see how the whole package fits together with respect to, overall, how we are responding to a committee that was mandated by this Legislative Assembly.

Simply said, the purpose of putting this in is to ensure that we have an opportunity and that we mandate government

to do this, so it doesn't go by the wayside. Given, quite frankly, the fact that we have bits and pieces and sometimes a siloed approach within government — so here's an opportunity to ensure that there's a review. So we're suggesting that this legislation — I'm not talking about all the legislation. We're talking about this act — it's the *Motor Vehicles Act* — being brought back in three years.

Madam Chair, I'm not sure how much longer you would like me to keep going. I'll talk for the next hour, if you'd like me to, because you know I can do it.

Chair: If you are finished with your comments, then it is appropriate for another member to rise and speak if they wish.

Ms. Hanson: So far what we've heard is that, when we've asked the ministers, other ministers have — nobody has answered, so I'm just simply putting forward my position that this should be endorsed by the Legislative Assembly and that I would look forward to the support of all members of this Legislative Assembly.

There are many aspects we haven't — we heard data today that was clearly not part of the decision-making process with respect to the cost implications of not having helmet wear mandatory. We heard that nobody has done any research with respect to how exemptions work in other jurisdictions to respect the traditional use of off-road vehicles for traditional pursuits.

There's absolutely no reason why the Yukon can't do this kind of review.

Chair: Order please.

The time being 5:30 p.m., the Chair shall now rise and report progress.

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Ms. McLeod: Mr. Speaker, Committee of the Whole has met and considered Bill No. 82, entitled *Act to Amend the Motor Vehicles Act*, and directed me to report progress.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

As the hour is 5:30 p.m., this House now stands adjourned until 1:00 p.m. Monday.

The House adjourned at 5:32 p.m.