

**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, February 24, 2011 — 1:00 p.m.**

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

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of Canada Winter Games

Hon. Mr. Lang: On behalf of the House, I'd like to pay tribute to the Canada Winter Games contingent that we have in Halifax at the moment at the Canada Winter Games. I rise today to pay tribute to the Yukon athletes, artists, coaches, managers, officials and mission staff participating in the 2011 Canada Winter Games in Halifax, Nova Scotia.

We sent a contingent of 178 team members to participate in 17 sports and the national artist program over the two weeks. This was an incredible achievement and is a direct result of the dedication, commitment and enthusiasm of our youth, their parents, coaches and sports administrators in the Yukon.

We are proud of the many successes that our athletes and artists have achieved so far at the games. Many athletes achieved personal bests and were very competitive with other athletes from across the country.

Mr. Speaker, the Canada Winter Games are not just about winning or the medals. The games are about sportsmanship. They are about teamwork. They are about team spirit. The games are about going out there and giving your very best, no matter how that may measure up on the scoreboard.

The Canada Winter Games are also about the opportunity to test your skills and to compete at an elite level.

For some of Team Yukon, winning a medal is a possibility; in fact, it is a reality thus far in these 2011 Games. And I don't mean to diminish that achievement, Mr. Speaker. It is an amazing achievement and we are very proud of those athletes.

But we are equally proud and equally supportive of all the other Yukon participants at these games and the manner in which they conduct themselves. They have put their heart and soul into their sport and represented our territory with pride and with dignity.

There are many special moments shared at these Canada Games. I'd like to give you just a few examples of some very positive Yukon experiences during the 2011 Canada Winter Games so far:

As of this morning, Emily Nishikawa, of the cross country-ski team, has won three medals — a gold, silver and bronze — and she has more races to come this week.

The Marcotte sisters, Danielle and Kylee, who won the gold medal in Team Air Pistol last week, come from the small community of Pelly Crossing

Danielle Marcotte won a gold medal in the women's individual air pistol, destroying three Canada Games records in the process.

The Yukon freestyle ski team, who had no half-pipe to train in, competed in half-pipe anyway and all placed in respectable positions with one of our skiers just missing the finals cut-off in 11th place.

Our men's hockey team beat Newfoundland and Labrador 2 to 1.

The girls curling team narrowly missed the semi-finals and finished in a very respectable fifth place.

Our boys squash team beat P.E.I. in a hard-fought 3 to 1 victory.

Also note the personal bests and tenacity of our biathlon team; and last, but certainly not least, our women's hockey team has faced some very stiff competition, but they have also learned a lot from this experience and they will use the experience well into the future.

Mr. Speaker, in closing, I would like to ask all members to rise to show their appreciation and support for these fine Yukon athletes and all of the people who support them along the way. Thank you.

Applause

In recognition of Yukon Heritage Day and Yukon Sourdough Rendezvous Festival

Hon. Ms. Horne: I rise today to pay tribute to Yukon Heritage Day and to the Yukon Sourdough Rendezvous festival. Our Heritage Day is held each year on a Friday before the last Sunday in February and coincides with the much-loved annual winter festival, the Yukon Sourdough Rendezvous. Heritage Day has been in place for Yukon government employees, teachers and students since February of 1976. We have been observing this important link to our history and shared experiences for 35 years officially.

Yukon Sourdough Rendezvous events have been happening here each February since 1945, although it was known as Yukon Carnival Week in those days. Many of the same events are still in practice today. The theme for the 2011 Yukon Sourdough Rendezvous Festival is "Celebrating Yukon's first people." I understand that throughout this year's Rendezvous festival, Yukon First Nation entertainers and artists will be showcasing their culture and their heritage. This is very exciting and allows us the occasion to observe contemporary First Nation culture, while also celebrating and remembering the heritage of all our Yukon cultures.

Heritage Day is an opportunity to celebrate Yukon's distinctive combination of built heritage, archeological and paleontological resources and First Nations' culture. In fact, the Yukon Sourdough Rendezvous Society houses their offices in the City of Whitehorse heritage building, the over 100-year-old Jenni House at Shipyards Park. Our culture and natural heritage bears witness to the people and events of Yukon's past, and it illustrates our human creativity, endurance and cultural traditions.

We offer our sincere thanks to all heritage professionals and volunteers in Yukon who work so hard to preserve, interpret and promote our rich heritage legacy for future generations

to enjoy. We also offer sincere thanks to all the organizers and volunteers of the Yukon Sourdough Rendezvous for all their hard work and enthusiasm and for keeping this Yukon tradition alive and exciting year after year.

On February 25, please celebrate with us as we recognize the importance of Heritage Day across the territory and enjoy the 2011 Yukon Sourdough Rendezvous. Thank you, Mr. Speaker. Günilschish.

Mr. Inverarity: I rise today on behalf of the Official Opposition and the NDP caucus to pay tribute to Heritage Day in the Yukon. Yukon's Heritage Day is celebrated on the last Friday of February every year and coincides with our annual winter festival known as "Yukon Sourdough Rendezvous" and showcases Yukon's diverse culture and heritage.

Heritage Day and Yukon Sourdough Rendezvous is a tradition that promotes winter travel within the Yukon and encourages outsiders to travel to Yukon to experience the 1898 era.

We celebrate our heritage with many traditional events like the flour-packing contest, log toss, axe throw, beard- and moustache-growing contest, and let's not forget the hairy-leg contest either, Mr. Speaker.

Other events include the dog-sled races, fiddle competitions, one-dog pull and the Mad/Madam Trapper events. We also offer pancake breakfasts in the AFY's sugar shack. The air show and display are also well attended, and let's not forget the Sourdough Sams and Rendezvous Queen contest. Performances by our own cancan dancers and snowshoe shufflers help to provide colour and fun at the many events. Let's all keep watch out for those Keystone Kops who are always around.

The big tent event this year includes performances by many local entertainers, singers, bands, including Klondike's legendary performer, Gillian Campbell. There's also storytelling, jigging contest, Highland dancers and the First Nation dance performed by the Ta'an Kwäch'än Dancers.

As Yukoners, we are proud of our heritage and culture and are proud to celebrate it. We encourage you and your family to join along with other Yukoners and visitors in celebrating Heritage Day and the Sourdough Rendezvous. We would like to thank all the organizers, volunteers and sponsors who work so hard each year to successfully stage our winter festival.

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

TABLING RETURNS AND DOCUMENTS

Speaker: Under tabling returns and documents, the Chair has for tabling the report of the Chief Electoral Officer of the Yukon on a by-election in the Electoral District of Whitehorse Centre on December 13, 2010.

Are there any further returns or documents for tabling?
Are there any reports of committees?
Are there any petitions?
Are there any bills to be introduced?
Are there any notices of motion?

NOTICES OF MOTION

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

THAT this House urges the Government of Yukon to contribute financially, as we have in past disasters around the world, to assist the citizens of New Zealand and all those affected by the recent earthquake in Christchurch, New Zealand.

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

THAT this House urges all members of this Assembly to strive to fulfill their respective roles, according to parliamentary tradition and in the public interest, in that government-side members should be willing to fulfill their primary role of being held accountable by providing information that is requested, and opposition-side members, including any Independent members, should be willing to fulfill their primary role of holding the government side accountable.

I also give notice of the following motion:

THAT the Select Committee on Legislative Reform shall consult Yukoners on whether members of the public want the Speaker of the Yukon Legislative Assembly to preside over members and to regulate the proceedings according to the following principles:

- (1) is seen as acting in a fair and balanced way in all deliberations and rulings;
- (2) remains impartial to political affiliation and is seen as non-partisan by all members;
- (3) recognizes the importance of neutrality in maintaining respect for the institution of the Assembly; and
- (4) acts in accordance with accepted practice in similar jurisdictions within our Commonwealth of Nations by avoiding becoming involved in partisan activities, especially during a sitting of this Assembly, such as co-hosting public meetings with government ministers, being included in caucus photos printed in government newsletters and expressing opinions on political issues through the media.

Ms. Hanson: I give notice of the following motion:

THAT this House urges the Standing Committee on Rules, Elections and Privileges to investigate and report to this House regarding the procedures of the Yukon Legislative Assembly with regard to petitions, including the acceptance of on-line petitions — e-petitions — in order to:

- (1) allow greater participation of individuals, community groups and organizations in the democratic process by raising issues of public concern in a timely and efficient manner;
- (2) make issues of public concern available to a much wider audience;
- (3) give members of the public an enhanced opportunity to gather and submit names in support of a cause; and
- (4) ensure the procedural acceptability of petitions.

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

THAT this House urges the Yukon government to appoint its member to the Select Committee on Legislative Renewal created in November 2009 in order to:

(1) improve the way the Legislative Assembly operates; and

(2) facilitate the productive, professional and respectful conduct of MLAs in their respective roles.

I also give notice of the following motion:

THAT this House urges the Government of Canada to sign the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in order to ensure that:

(1) the basic rights and freedoms of migrant workers and members of their families are upheld;

(2) migrant workers and members of their families receive due process;

(3) migrant workers and members of their families receive the right of consular protection;

(4) migrant workers and members of their families receive equality with nationals;

(5) the confiscation of identity documents of migrant workers and members of their families is prohibited;

(6) migrant workers and members of their families have the right to transfer earnings;

(7) migrant workers and members of their families have the right to information;

(8) the cultural identity of migrant workers and members of their families is respected; and

(9) the obligation to comply with local laws is enforced.

Speaker: Are there any further notices of motion?

Is there a statement by a minister?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Peel watershed land use plan

Mr. Mitchell: Mr. Speaker, the Official Opposition has been clear on its position on the Peel. We have consistently supported the recommended plan, whether we're in Yukon or in Vancouver. This government has listed off all kinds of things in the plan that they are against, but they have yet to clearly lay out what their position actually is on the future of the Peel.

We're very interested to know what the Environment minister thinks about this issue; Yukoners are as well. They want to know whether this Environment minister is looking out for Yukon on the number one environmental issue affecting our territory.

Will the Minister of Environment finally let us know what his government's position is on the Peel plan? Does it support conserving five percent of the Peel? Ten percent? Why is he so reluctant to tell us?

Hon. Mr. Rouble: Mr. Speaker, the Government of Yukon has been very clear on its position on the plan. We have provided a response to the Peel Watershed Planning Commission. That response is available on-line.

Additionally, we've gone to work with our partners in this process with the affected First Nations. We've identified our joint concerns — and there are several — and those are in con-

flict with the members opposite, who said they would have adopted the plan as presented. I guess they didn't share the same concerns the First Nations and Yukon jointly have with the proposed plans.

There have been additional responses submitted from the affected First Nations to the commission with their different perspectives on this. I think we're going through a very healthy process on this. It's one that has been outlined according to the final agreements. We have worked with the affected First Nations on the establishments of timelines; those have been agreed to by all parties and reflect the work that has to be done on this issue. We're going to continue to work together, to work with Yukoners to ensure we have a Peel plan that provides for a balanced approach and provides for direction and land use planning in this area for years to come.

Mr. Mitchell: The Peel is of great importance to Yukoners. Whatever decisions are made will deeply affect our environment for years to come, yet whenever we ask the Environment minister what his position is on the Peel, he either avoids answering the question or he lets the Energy, Mines and Resources minister answer for him.

Some Hon. Member: (Inaudible)

Point of order

Speaker: Order please. On a point of order, Member for Porter Creek North.

Hon. Mr. Kenyon: I am having some difficulty on a number here, but I believe the Standing Orders require members opposite to ask questions on government policy and procedure, and asking an opinion on an individual personal member here is out of order.

Speaker: Leader of the Official Opposition, on the point of order.

Mr. Mitchell: On the point of order, I've asked what the position is of the minister responsible for the Environment. That's a question of policy, Mr. Speaker, not a question of opinion.

Speaker's ruling

Speaker: From the Chair's perspective, it's a dispute between members.

Leader of the Official Opposition, you still have the floor.

Mr. Mitchell: Taking a position on this issue would show that this government actually has a bit of courage. We hope that the Environment minister will show this courage today by standing up and engaging in the debate. We've asked the Minister of Environment yesterday why he wasn't standing up for the environment. Once again, he felt more comfortable having his colleague answer. As with many other issues, the minister just doesn't seem to know which side he's on. When Yukoners approach the minister responsible for Environment and ask him about his position on the Peel, what does he tell them?

Hon. Mr. Rouble: Well, that was rather insulting. The Government of Yukon has been perfectly clear in the submission that has gone forward to the commission, in addition to the

areas that we are in common concurrence with Yukon First Nations who are affected by this plan.

We've put forward the following items to be considered by the commission: We have encouraged them to re-examine conservation values, non-consumptive resources uses and resource development to achieve a more balanced plan. We've encouraged them to develop options for access that reflect the varying conservation tourism and resource values throughout the region. We've asked them to simplify the proposed land management regime by re-evaluating the number of zones, consolidating some of the land-management units and removing the need for future additional sub-regional planning exercises. We've asked them to revise the plan to reflect that the parties are responsible for implementing the plan on their land, and will determine the need for plan review and amendment. Generally, we've asked them to develop a clear, high-level and streamlined document that focuses on providing long-term guidance for land and resource management.

Mr. Mitchell: I'll tell the Energy, Mines and Resources minister what's insulting in this debate. It's the lack, by deafening silence, of an advocate for the environment. That advocate could be the Environment minister. Now, I'm sure it would be more convenient for this Yukon Party government if it didn't have to take a position on the Peel, especially during an election year. As we stated yesterday, First Nations stated this week that they support a high level of protection in the Peel watershed, and the majority of Yukoners feel that there needs to be significant protective measures put in place. I didn't hear the Energy, Mines and Resources minister mentioning either of those facts.

The Peel is one of the last remaining large pieces of untouched wilderness in the world. It has been referred to as the Serengeti of North America. This government needs to remember that.

Will the Minister of Environment stand up in this House and finally tell us all what is the position of the Environment minister on the Peel?

Hon. Mr. Edzerza: Well, what is very obvious on the floor of this House is the Liberal position, and that depends on which way the wind is blowing. The Department of Energy, Mines and Resources is the Yukon government's lead on all land use planning under chapter 11 of the First Nation final agreements. Environment Yukon is staying engaged in the internal Yukon government, and external, multi-party discussions regarding the Peel watershed, ensuring that environmental perspectives are accurately reflected. Thank you.

Question re: Climate change

Mr. Elias: This Yukon Party government continues to take its orders from the federal Conservatives on the issue of climate change. The Government of Canada has been criticized around the world for its lack of progress on tackling this global issue. Our country keeps winning the Fossil of the Year Award at the COP climate change meetings, and we all know about our Yukon's unelected Senator voting down a climate change accountability bill in the Senate just days before last fall's international climate change meetings in Mexico.

Our *Climate Change Action Plan* did call on the Yukon government to act by capping greenhouse gas emissions in 2010 on its own operations. Did the government cap its emissions in its internal operations in 2010 and, if so, what was that number? I'll give the Yukon Party Environment minister, since he has had very little to say on climate change issues in our territory, the opportunity to get on his feet and respond.

Hon. Mr. Edzerza: The Climate Change Secretariat in the Yukon government is actively addressing climate change priorities for the territory, as identified in the *Climate Change Action Plan*. The Yukon government is committed to working with all partners to effectively respond to a changing climate by developing and implementing immediate and long-term solutions, and will continue to do so.

Mr. Elias: The Minister of Environment didn't even answer a simple question. It's in his own action plan, and he can't even answer that question. It appears their election pillars of a pristine environment are crumbling around them already.

It is very unfortunate that this government continues to take its direction on climate change from Ottawa instead of from Yukoners. Here's an example of the Yukon Party's climate change priority. Under this Yukon Party government, we were the last jurisdiction in our country to develop a climate change action plan.

While Yukoners see the effects of climate change all around us, we are seeing the change happen right before our eyes. The *Climate Change Action Plan* was approved in February of 2009 and it says that the government will, in two years, set a Yukon-wide emissions target. It has been two years. Has that been completed and what is that target?

Hon. Mr. Edzerza: Mr. Speaker, the Yukon government climate change activities currently underway include: securing \$585,000 in federal funding from Indian and Northern Affairs Canada to undertake adaptation projects; securing \$1.2 million from the northern strategy trust to oversee the Northern Climate ExChange community adaptation project, enabling communities to develop climate change adaptation plans. Regardless of what the opposition feel they can do to change the weather, I don't believe that they can.

Mr. Elias: I'll tell this Environment minister something: the political weather in this territory is going to change real soon. Yukoners are looking for leadership because every molecule of carbon dioxide released into our atmosphere by human activities matters. We must be cognizant of the needs of the next generation in order to avoid social despair and the feeling that there is no hope in order to avoid a social catastrophe.

In the words of Ban Ki-moon, the secretary general of the United Nations: "Nature will not wait while we negotiate..." After years of negotiating, we have not risen to the challenge and cut our greenhouse gas emissions. The window to avoid runaway climate change is closing. He said those words on December 7, 2010 in Cancun, Mexico. I'd like to hear what the Minister of Environment for the Yukon Party said in Mexico, if anything. I endorse those statements from Ban Ki-moon, wholeheartedly.

Again, for the Minister of Environment: what is he doing in the form of some real action on climate change in our territory?

Hon. Mr. Edzerza: Well, Mr. Speaker, I was actually very proud to be a Yukoner in the COP meetings. I can tell you today that the Yukon is far more advanced than most any other jurisdiction across the world, as a matter of fact, because this government has taken the energy issue, for example, 90 percent off into the reusable energies. What other country can say they did that?

This government is designing and constructing new buildings utilizing leadership in energy and energy efficient design and SuperGreen house standards.

This government is having the Yukon Housing Corporation complete 150 new housing units to SuperGreen home standards. This government budgeted \$300,000 by the Department of Highways and Public Works for energy management and efficiency in government buildings. We're also increasing youth engagement in climate change. The opposition doesn't have a leg to stand on. They just need to read the facts from this side of the House.

Question re: Energy policy

Ms. Hanson: You know, worldwide, wind energy production has doubled in the past three years. The leader, Denmark, generates 20 percent of its power needs from wind. In 2009, the NDP asked about this government's long-term vision to stop burning fossil fuels for electricity and equip our communities with renewable energy, including wind. When asked about the windmills on Haeckel Hill, the Minister of Economic Development dismissed them by saying this: "Good political decision to put it up. It looks good, but it really doesn't solve any problem." Now, with increased demand and the increased burning of expensive diesel, the Energy Corporation is in a fast-track mode and says it's now very interested in wind energy. Does the minister still stand by his statements?

Hon. Mr. Fentie: I think the Leader of the Third Party probably hasn't had time to reflect on the energy strategy of the Yukon Party government or the Yukon Utilities Board required 20-year resource plan, which has been presented by the Energy Corporation. Once the Leader of the Third Party has had time to assess those very important policy documents and planning documents and, by the way, blueprints for the energy future of Yukon, the Leader of the Third Party would clearly see that one of the priority alternative energy sources for the Energy Corporation and the territory, by way of policy of government — the Yukon Party government — is utilizing wind energy. I think that's fairly clear. It is the written word, the spoken word and the commitment.

Ms. Hanson: Now we'd like to focus on action. It seems like it has just dawned on the Energy Corporation and this government that there is a crisis coming up in generation of enough renewable energy to meet current and future demands. Now it's in fast-track mode. If only we had 20 years to plan. Well, actually we did. It was an NDP government that brought in wind technology 20 years ago. It was forward thinking; it was visionary.

Why is this government only showing an interest in wind energy in the last year of its mandate?

Hon. Mr. Fentie: At the risk of being somewhat argumentative, I want to touch on the NDP's contribution to Yukon's energy future, and some of that's still on our electrical bills with respect to Faro — thank you very much, NDP.

Now, as far as wind energy, if the Third Party leader would look into the budgetary documents, there would obviously be a consistent investment in wind energy — there's no doubt about that. But is the Leader of the Third Party actually ignoring the work and investment that has been done over the years of the Yukon Party government's time in office? Does not the \$160-million Mayo B project count for anything, a third wheel at Aishihik, tying in the Whitehorse-Aishihik-Faro grid, taking this territory's consumption of electricity to 90-percent levels by way of hydro? I think the Yukon Party government has shown clearly that it has an energy plan for Yukon's future and we are certainly standing up and meeting that commitment and that plan.

Ms. Hanson: We are talking about action, and we've heard a lot about planning, but, in fact, it's estimated that we're going to consume 20 percent more electricity in the next six or seven years. This will be caused by increased residential and industrial consumption. The Energy Corporation now says it's very interested in wind energy in meeting these demands, but a local wind expert questions the Energy Corporation's commitment to developing our wind resources, and he points to wind studies being halted — we all know about that.

The corporation still refers to the Haeckel Hill windmills as an "experiment" and last week the CEO said that the wind turbines were broken. This government gives the corporation direction through its yearly letter of expectations, and the current letter says not a word about wind. As he prepares this year's letter of expectations, will the minister be setting specific targets in terms of wind energy?

Hon. Mr. Fentie: Mr. Speaker, speaking of wind experts, the territory has heard a lot from the opposition on this issue of energy. Yet the opposition, both Liberal and NDP, fail to explain to Yukoners why they oppose investments in hydro; why they oppose investments in wind; why they oppose the 20-year resource plan; why they oppose the *Energy Strategy for Yukon* that speaks to a number of alternatives, not just wind.

Mr. Speaker, yes, indeed, it's all about wind experts and there is a lot of breeze coming out of the opposition.

Speaker's statement

Speaker: Order please. I would urge the honourable member to be careful in his descriptions because they work both ways. So just be careful of that.

Hon. Mr. Fentie: I have that expectation.

Question re: Foreign worker program

Mr. Cardiff: Yesterday, the Minister of Education and Energy, Mines and Resources signed an agreement with the federal government regarding the temporary foreign worker program.

This program has received considerable criticism over the years and, as a result, several provinces have passed legislation

or are considering legislation to better protect foreign nationals from being exploited by employers and others. What legislation can we expect from this minister to protect temporary foreign workers from fraud perpetrated by labour brokers, substandard wages and working conditions, jobs disappearing without notice, excessive rents charged by employers for substandard housing and the lack of enforcement of basic employment protections?

Hon. Mr. Rouble: Yukoners just look around and see the activity going on in the territory, and they recognize that we have to be prepared for the economic future that's ahead of us. Government of Yukon has gone to work on that. We've worked very closely with many stakeholders in our community on the labour market framework, which brought forward many different ideas about immigration, and bringing more people into the territory to respond to the economic opportunities that are here. Yes, we've gone to work with the federal government and have assumed greater responsibility. We're seeing devolution in action, where now the territory is more responsible for the immigration practices through the temporary foreign worker program than we were before.

I want members opposite and Yukoners to put their minds at ease — Yukon's legislation, our labour laws, and our *Workers' Compensation Health and Safety Act* apply to all people working here in Yukon. The people who are here, whether they're on a temporary foreign worker permit or visiting from another province, they all enjoy the same rights, privileges and benefits and protections that Yukoners so enjoy.

Mr. Cardiff: The Canadian Labour Congress report, entitled *Canada's Temporary Foreign Worker Program: Model Program - or Mistake?*, contains some very blunt criticisms of this program from across the country. I hope the minister has read this report. If he has not, I'd like to share some highlights.

It says, for example, "Tragically, workplace abuse of migrant workers continues to be widespread, and sometimes with deadly results." In 2010, Alberta's Department of Employment and Immigration inspected 407 workplaces employing migrant workers and found that 74 percent of the employers had violated the province's *Employment Standards Act* regarding pay rates and record keeping. In 2009, in Toronto, five migrant workers fell 13 storeys when the scaffolding they were working on failed. Four of those people died. That was Christmas Eve, by the way. There are troubling questions about whether or not there was health and safety.

In the absence of any Yukon legislation, what assurances can this minister give —

Speaker: Member, you are done. Thank you. Minister responsible, please.

Hon. Mr. Rouble: Government of Yukon certainly demonstrated a significant degree of confidence in managing our affairs here in the territory. That's why the federal government has seen fit to work with us on this agreement to devolve additional labour programs to the territorial government. Other examples of this include the labour market development agreement or the labour market agreement. We're making great strides in these areas and indeed, we're taking great steps to prepare Yukoners for Yukon opportunities. And where it has

been proven justifiable that we don't have local people to fill the economic opportunities that are here, and where we can't find other Canadians to fill these types of positions, yes, we need to put in place appropriate programs, such as the temporary foreign worker program, to encourage other people from other parts of the world to come to Canada. Why? To help us all achieve a greater economic prosperity.

Mr. Speaker, we do not have a two-tier system. We have the laws in Yukon that affect all in the Yukon and all are afforded the protections under our workers' compensation health and safety legislation and the other legislation that we all benefit from and take security in.

Mr. Cardiff: Well, the minister talks about more responsibility, but whether or not we're equipped to take it is questionable. The Canadian Labour Congress report goes on to say the following: "Policy-makers would be well-advised to exercise caution when viewing others' excitement in advocating for temporary rather than permanent migration policies. The Canadian experience demonstrates the consequences are far-reaching."

The New Democratic Party, like the Canadian Labour Congress, believes the temporary foreign worker program is wide open to abuses in the absence of a national framework that obligates all provinces and territories to ensure that comprehensive compliance, monitoring and enforcement systems are in place within all jurisdictions hosting migrant workers. Even the Auditor General of Canada has indicated in her review that there are some very serious shortcomings with this program. Why did the minister sign an agreement with Ottawa when there is no effective compliance, monitoring and enforcement?

Hon. Mr. Rouble: The government certainly does not share the opinion that the New Democratic Party has about the employers in this territory. To hear this line of questioning, one would have to assume that the NDP believes that all the employers in the territory are abusers, scammers, people who want to take advantage of people and put them into unsafe situations.

Is that really the position they're taking? We know the legislation that we have here in the territory. We know how it applies to people. We know the good work that Yukon Workers' Compensation Health and Safety Board do and their inspectors. We know the work that the Department of Education, with the increased staffing levels to address many of the immigration issues, are doing. We've discussed those increases in staffing in the past, and we'll probably discuss it some more in the budget that we have before us.

I am confident in Yukoners' ability to follow the law, unlike the members opposite. I'm confident in Yukoners' ability to treat people fairly and honestly. I am confident that Yukoners will benefit from increased immigration and seeing additional people from additional cultures enjoying the benefits —

Some Hon. Member: (Inaudible)

Hon. Mr. Rouble: I'm sorry, Mr. Speaker, do I have the floor or do I need to listen to the interruptions from the opposition constantly?

Speaker: Go ahead.

Hon. Mr. Rouble: Thank you. You know, it's unfortunate that when they hear things they don't like, they start making catcalls across the floor.

Question re: Government litigation

Mr. Inverarity: I'd like to follow up on some questions with the Minister of Justice from yesterday. This government has been involved in a number of court actions during its mandate. I asked the minister yesterday if she could tell us about the court costs and legal fees this government has incurred. Has the minister been able to obtain that information?

Hon. Ms. Horne: Again, I would like to correct the member opposite. It is not always the government that initiates things going to court; it happens both ways. And no, as I said yesterday, I do not have these figures.

Mr. Inverarity: Well, the minister has had a day to get the numbers together, Mr. Speaker. This government is heavy-handed when it comes to dealing with Yukoners. Fighting it out in court should be its last option, but it's the government's first choice. "Sue me if you don't like what I'm doing." That's the message that's coming from this government.

Mr. Speaker, this is a counterproductive and costly way of settling disputes. Can the minister explain to us why she prefers litigation over negotiation?

Hon. Ms. Horne: I think the member opposite is trying to make this a personal issue again. It is not the Minister of Justice who brings these issues to court. Every Yukoner has a right to take an issue to court if they so desire. I do not micro-manage my department as the members opposite would.

Question re: Fur trade

Mr. Elias: The fur industry is one of our territory's earliest major economic sectors and has always been there when we needed it. The fur trade and trapping contributes to more than \$800 million to our national economy each year. In the Yukon, trapping used to be worth about \$1 million a year. There are 347 registered trapping concessions and 22 group areas in our territory. However, trapping activity in our territory has been on a declining trajectory for the last nine years — thank you very much, Yukon Party — and the Yukon is a recognized world leader in regulating the *Agreement on International Humane Trapping Standards*.

I ask the Minister of Environment: what is he prepared to do to save our Yukon trapping industry?

Hon. Mr. Edzerza: This government is actively working constantly with the trappers association. There were some setbacks in that area, but the government is now once again engaged and things are progressing along quite well.

Mr. Elias: In other words, they've dropped the ball, Mr. Speaker. The Yukon trapping industry is worth the investment. It is an underutilized resource that provides employment and a sense of pride in our Yukon. Trapping provides additional new money in rural Yukon communities when they need it the most. The trapping industry could develop new markets, value-added products and integration with our other sectors such as tourism. Also, there's a transition of skills and knowledge from elders to youth and there's the stewardship value. Trappers are front-line conservationists and keen observers of

nature. They are often the first to recognize changes in habitat and the spread of wildlife disease or the decline in wildlife numbers.

They are our eyes and ears out there, Mr. Speaker, on the land, and that is something you can't put a value on.

Will the minister answer the call of Yukoners to help to save Yukon's oldest industry?

Hon. Mr. Edzerza: Mr. Speaker, the executive and members of the Yukon Trappers Association are working hard on the fiscal and operational recoveries of their association with efforts focused on rebuilding and restructuring the organization. The association is operating a fur depot on a limited basis for this season, including such services as providing trappers with a cash advance, fur sealing and shipping of trappers' furs.

The Yukon government has been working with the executive of the association to explore opportunities to support the trapping industry. Thank you.

Mr. Elias: With the Official Opposition side's forward-looking, solution-oriented approach, here's what the minister can do to save our trapping industry. He could announce at the upcoming Northern Furbearer Conference that he will immediately be establishing a steering committee composed of representatives of the Yukon Trappers Association, appropriate government agencies, the Yukon Fish and Wildlife Management Board and renewable resources councils.

He can ensure that a trapper education certification is offered in all Yukon schools alongside the hunter education ethics development program. He could create a reconnecting-with-the-land youth-at-risk trapping program that supports land-based accredited education. He could offer a fuel-tax rebate and a grubstake advance for Yukon trappers.

Will the Minister of Environment commit to enhancing and supporting the socio-economic benefits of our Yukon trapping industry by developing a made-in-Yukon fur program?

Hon. Mr. Edzerza: Well, this year, Environment Yukon contracted the Yukon Trappers Association to provide services, including fur sealing at the association's fur depot and renting their trapper training instructional kits. Due to current limited capacity of the association, trapper training workshops, historically delivered by the Yukon Trappers Association, are being delivered by Environment Yukon. Environment Yukon is exploring options to better support the Yukon Trappers Association, including the possibility of a contribution agreement that would provide much-needed revenues.

Speaker: The time for Question Period has now elapsed.

Point of personal privilege

Speaker: Minister of Health and Social Services, on a point of personal privilege.

Hon. Mr. Hart: I rise today on a point of personal privilege to provide clarification on a response I made yesterday in the Legislature.

In the Blues for Wednesday, February 23, I stated that: "In 1999, the number of specialist visits to the Yukon was 1,594; in 2009-10, it's 5,284 visits to the Yukon..." What I meant to say

was, in 1999, almost 1,600 patients visited or had appointments with specialists in the Yukon and the number of visits to specialists in the Yukon grew to almost 5,300 patients in 2009. This basically results in tripling the visits from specialists to the territory. Again, I apologize to the House for my error; I suspect it probably has something to do with my current condition.

Speaker: We will now proceed to Orders of the Day.

ORDERS OF THE DAY

Mr. Nordick: Mr. Speaker, 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 Acting Government House Leader that the Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Nordick): Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 23, *Third Appropriation Act, 2010-11*. We will now resume general debate in the Department of Environment.

Do members wish 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. 23: *Third Appropriation Act, 2010-11* — continued

Chair: The matter before the Committee is Bill No. 23, *Third Appropriation Act, 2010-11*. We will now resume general debate in the Department of Environment, Vote 52.

Department of Environment — continued

Hon. Mr. Edzerza: When we last left off, I was getting an extensive amount of criticism from the opposition about a lack of progress within the Environment department. For the record, I am going to review and give something to the people today that really disputes those allegations.

A major undertaking this year is a reflection of the government's commitment to clean up contaminated sites at various locations around the territory. The government's liability is for various government-owned contaminated sites, such as the Klondike River highway maintenance camp at kilometre 65 on the Dempster Highway. We will also be undertaking preparatory work this year for the cleanup of the Marwell tar pit in Whitehorse. This project is expected to take 10 years to complete, at an estimated cost of \$7 million.

One of the capital projects for the coming year is to correct the natural erosion that has been occurring at the Swan Haven

wildlife viewing site. This \$233,000 project will meet public health and safety concerns and protect the buildings and viewing platforms on the property.

We have also allocated \$252,000 for the coming year to establish a new conservation officer services office in Carmacks. We have been providing services to the Carmacks area out of our Whitehorse and Faro offices and this additional position will help our efforts to respond to human-wildlife conflicts and increase conservation officer services.

It was an important year for the conservation of the Porcupine caribou herd as northern leaders came to Whitehorse to sign their approval to the new harvest management plan. Our efforts in this area are a strong reminder that the herd is important to the people of the north. The herd is a northern and international treasure. We have a responsibility to ensure this resource is secure for future generations. As well as working closely with the parties to develop and approve the harvest management plan, we also completed an associated implementation plan.

We participated in discussions and review of the *Porcupine Caribou Management Agreement* to identify amendments that reflect modern treaties and management responsibilities. We enhanced our field monitoring of Porcupine caribou herd harvest through greater field officer presence along with a mandatory check station to ensure plan objectives are being met. We are reviewing the interim conservation measures to address management plan requirements.

With respect to wildlife management in the area of undertaking new initiatives to increase our understanding of fish and wildlife resources, one of our major achievements this past year was a first-ever *Status of Yukon Fisheries 2010* report. This document provides a wide overview of the history and current status of Yukon fisheries, identifies current issues and makes suggestions for the direction of fisheries management.

We have been working with renewable resources councils and the Yukon Fish and Wildlife Management Board during the past year to consider priority fish and wildlife issues and develop community-based fish and wildlife plans. As well as helping to develop community-based fish and wildlife plans, they will also help everyone learn more about their local areas' wildlife populations.

We have begun work with the Yukon First Nation governments to develop harvest management strategies in areas where overall harvest is considered near or above sustainable limits for moose and caribou. We will continue to work this year in partnership with the Yukon Fish and Wildlife Management Board on reviewing and updating the wolf conservation management plan. We are working with the Little Salmon-Carmacks First Nation to review the community-based fish and wildlife plan for the Little Salmon-Carmacks traditional territory and renew the plan.

We are working with the Southern Lakes Wildlife Coordinating Committee to develop a regional wildlife assessment that includes recommendations for wildlife and habitat management in the Southern Lakes area. Representatives on the coordinating committee are from the Ta'an Kwäch'än Council, the Kwanlin Dun First Nation, the Carcross-Tagish First Na-

tion, the Champagne and Aishihik First Nations, the Teslin Tlingit Council, the Taku River Tlingits, the Yukon government, the federal government and the B.C. government. Yukon wildlife preserves — in the months ahead, we will be looking at opening up the new \$1.9-million animal research and rehabilitation centre at the Yukon Wildlife Preserve.

Environment Yukon was instrumental in obtaining the CanNor funding from Ottawa for this important facility. This is a critical step for the Wildlife Preserve's operating society to obtain accreditation with the Canadian Association of Zoos and Aquariums.

We are beginning a new era in Tombstone Territorial Park, as we enter the second year of fully operating the \$2-million Tombstone Territorial Park Interpretive Centre, developed in partnership with the Tr'ondëk Hwëch'in First Nation and Holland America Line. We even took it a step further, and last year we completed over \$600,000 in new interpretive trails, parking lot and site restoration projects around a new Tombstone Interpretive Centre, which will help make this second season of operation even better than the first.

We continued our collaborative work with the Tr'ondëk Hwëch'in to deliver a training program to staff future ranger interpreters and maintenance positions. These steps were outlined in the *Tombstone Territorial Park Management Plan* that we signed with the Tr'ondëk Hwëch'in in 2009, and we will continue to provide the regulatory and enforcement framework required to oversee the Yukon's recycling program.

We completed the transfer of recycling programs to the Department of Community Services to help implement the government's *Yukon Solid Waste Action Plan*. We transferred the recycling program and the resources to support the investment of more than \$500,000 annually in recycling and waste reduction efforts in all Yukon communities.

We also completed the special financial assistance of more than \$320,000 over two years to Raven Recycling to help it maintain recycling services, despite the fall in global commodity prices.

With regard to contaminated sites, a major achievement has to be the agreement signed last summer between the governments of Canada and Yukon to clean up the Marwell tar pit in Whitehorse. This is the largest, single-source, hydrocarbon-contaminated site in Yukon. We estimate that it will cost almost \$7 million to clean up this site over the next 10 years.

We will be managing the project, and our activities for this year will include planning additional assessment through YE-SAA screening and permitting. We budgeted \$2.2 million for remediating four contaminated sites owned by the Yukon government.

The major undertaking this year is for the north Klondike Highway maintenance camp at kilometre 65.1 of the Dempster Highway.

Mr. Chair, we are also anticipating that the increased economic activities on the land will require everyone to increase their attention to their use of water and the importance of protecting Yukon's water resources. The Water Resources branch is working on a series of documents to help developers understand how their activities will affect water when carrying out

their activities. The information will help developers prepare their applications for the environmental assessment and licensing processes and outline how they can maximize their impact when working in or near water. Work is also continuing to offer a water data and information website at the end of March to give governments, the public and industry improved accessibility to data and information about Yukon water resources.

This action not only helps us to meet several of the goals outlined last August by Canada's premiers when they signed the Council of the Federation *Water Charter*, but it also meets one of the major recommendations of the government's *Climate Change Action Plan*.

With regard to climate change, this past December, we participated in the United Nations Climate Change Conference as a member of the Canadian delegation and we participated in the Climate Leaders Summit. We provided funding support to three young Yukoners to attend the UN Climate Change Conference as part of the Canadian youth delegation to ensure Yukon interests were heard in a variety of forums.

I've had a few weeks over the Christmas break to mull over what I witnessed at COP16. I came back, impressed with the process and the progress made in dealing with climate change at the global level. We know from our own experience in Yukon that progress is usually in small steps.

Expectations were far lower from COP16 than they were from the Copenhagen conference in 2009, and maybe that helped some. What I do know is that the discussions held and agreements forged at COP16 have breathed new life into the process to have all countries agree to emission targets and work together to meet them. The Cancun agreements are modest but important because they move the world forward on mitigation, emission-reduction targets, creating a new \$100-billion global green fund to help the most vulnerable developing nations, and a new technology-sharing mechanism.

The leadership shown by subnational governments, including Yukon, contributed to giving countries the confidence they needed to reach consensus on issues such as how to handle deforestation and degradation of important forests. I believe our participation helped the Government of Canada delegation develop realistic, comprehensive proposals, such as reducing Canada's overall greenhouse gas emissions to 17 percent below 2005 levels by 2020.

At the Climate Leaders Summit, I talked about the changes Yukon is experiencing and how our government is working to adapt to a changing climate. I took heart from how other provinces, states and regions are also working with their people to adapt and change harmful behaviours. The Yukon government representatives at COP16 shared and learned with provincial and territorial counterparts and with representatives from governments and organization from every corner of our world. Our climate is changing. Diplomacy, research, applied sciences and effective policy development are essential to adapt to the impacts the world is facing.

At COP16, I saw 194 countries recognize the need to reduce their greenhouse gas emissions — not all at the same speed, but all working toward the same goal. I appreciate why the journey toward a global binding agreement is a long one.

I'm energized after COP16, and encouraged that the work of our Climate Change Secretariat, guided by the government's *Climate Change Action Plan*, is already making a difference.

The Yukon government will continue to support and participate in national and international efforts and processes to address this challenge facing us all. We will share with other Yukon partners what we've learned at COP16, both formally and informally in the months to come.

Here in Yukon, we worked closely with Indian and Northern Affairs Canada to obtain funding for five key climate change projects and we provided funding for climate change adaptation projects that will help benefit Mayo, Dawson City and Whitehorse. We ensured Yukon representation and participation in national and international discussions and negotiations on climate change by being formal members of the federal/provincial/territorial working group. We continued our work with officials in the Northwest Territories and Nunavut to develop a draft pan-territorial climate change adaptation strategy. We encouraged Yukon young people from several Yukon communities to take a direct interest in climate change by hosting an annual youth forum. The Climate Change Secretariat is working on all 33 actions identified in the *Climate Change Action Plan*. Across this government, we see climate change initiatives coming from the Department of Highways and Public Works, Energy, Mines and Resources, Education, Economic Development and the Yukon Energy Corporation.

There is no doubt we as Yukon citizens have a long, long work trail ahead of us all. I'm still a very firm believer that protection of the environment rests with every citizen in this territory. The littlest things can make a big difference — simple things like, when you're out hiking, don't throw your pop can or your sandwich wrapper in the bush; when you're travelling the rivers, take responsibility. Don't dump gas in the water. When you're riding an ATV, be responsible. Don't go and terrorize fish in the streams or chase the wildlife with them. When you're in a four-by-four off the road, have respect. Don't go and dig big ruts everywhere just to have fun.

It's up to the individual. I think the government's role could probably be to put legislation in place and do the best they can to enforce it, but at the end of the day, the best solution rests with the individual.

Mr. Elias: I'd like to begin by continuing my questioning that happened today in Question Period with regard to the trapping issue in our territory and the trapping industry.

First I would like to welcome the officials from the Department of Environment to the Legislative Assembly today; I appreciate your presence here and your assistance to the minister.

The revitalization of Yukon's trapping industry is a desirable and an achievable goal. I think it's an important piece of the puzzle for the diversification of our economy. I think trapping is one of nine resource sectors in our territory that are depicted on the Yukon government Economic Development's website. The only difference that I see, though, is that this Yukon Party government will, at the drop of a hat, provide millions of taxpayers' dollars to certain sectors of those portions of our economy — i.e. the mining industry — and that's good;

that's okay. But what I don't see is balance. That's why I rose up in Question Period today and asked and advocated for — again, because this has been going on for years now, that I've been asking for some significant commitment and investment from this Yukon Party government to enhance and support our Yukon trapping industry.

This has been going on for some time now. Just this week alone, there have been Yukon trappers who are speaking out. Our Yukon renewable resources councils around the territory have spoken out. The Yukon Trappers Association has spoken out. Basically, they're saying that the Yukon government is doing little to support this valuable industry. They're seeking balance here. Today on the floor of the House, I suggested some solutions that I've researched over the years and in recent times, and that includes the bringing together of the brilliant minds around our territory.

What the minister could do — in our previous discussions about the Northern Furbearer Conference — is that he can announce the establishment of a steering committee that is composed of representatives from around our territory, representatives from various orders of government, from the Yukon Trappers Association, from the Yukon Fish and Wildlife Management Board, from renewable resources councils, with the focus of how we revitalize and enhance our trapping industry in our territory.

One of the other things that I see as important is to have that exchange between elders and youth around our territory, especially in rural Yukon, where a trapper education certification program could be built and developed and implemented in all our Yukon schools as an option for the students to take, comparable to what the department does with the hunter education and ethics development program. That could bear fruit if committed to and implemented with short-term and long-term goals.

Another thing that was pretty interesting was I came across an initiative with regard to youth at risk — I believe it was in Nunavut — what they do there is that they support the land-based accreditation through formal public education programs to get their English, their math, their social studies, their sciences, in a different way, and they use the trapping program as one of those avenues to get their accreditation through land-based experiential learning — that's what we call it here.

I can't speak enough about land-based experiential learning and how trapping can help the students achieve the departmental education goals, because I can see in my home community how that works. We're on our second year of implementing our own land-based experiential learning and I can see the difference in the kids already. This is one answer to some of the statistics that our territory has been dealing with for far too long, including but not limited to the 40-percent graduation rate of aboriginal children in our territory.

Another thing I suggested today was that the minister could have a look at a fuel tax rebate because, over my discussions with trappers over the years, this issue of the cost of fuel, especially at start-up in November, could be very useful if there was a fuel tax rebate and enhance a grubstake advance for Yukon trappers where, if they qualify — if they've been trap-

ping for some years or they've proven under a criteria of trapping and production of fur and sale of their fur, they could qualify for up to, let's say — in some jurisdictions, in the Northwest Territories, they provide up to \$1,000 of an advance.

They thus have to pay that back once they sell all their fur. Those are some of the solutions that other jurisdictions in the north use in order to diversify their economy, help out their issues with regard to maintaining a healthy, vibrant trapping industry. Those are some of the things I put on the floor of the House today. I was hoping that for the minister's response to some of those questions that I put forward in Question Period today; I thought they were forward looking and solution oriented. Again, a lot of these issues are coming directly from the trappers themselves. They are coming from industry representatives themselves.

I can go back in *Hansard* in 2006 when I was first elected to this Legislative Assembly for the riding of Vuntut Gwitchin and I was asking these questions. These are the same questions today in 2011 that trapping industry representatives are asking, trappers are asking, and so I'd like to hear a response to the main question. What is the minister prepared to do? What wheels is he prepared to start in motion to protect and stop our Yukon trapping industry from dying out? Because the trajectory for trappers is going nowhere but down.

Those statistics are on the Internet for our territory, and I would like them to be going the other way. So I will just leave that question with the minister to begin with today.

Hon. Mr. Edzerza: Mr. Chair, the main vehicle that is being utilized through the Yukon government with regard to trapping is the Yukon Trappers Association. I realize the Yukon Trappers Association had some difficulties just very recently before my taking on this position. Since that time, there has been good progress made in getting them re-established. The Yukon government right now — we're embarking upon a Northern Furbearer Conference, for example. The Northern Furbearer Conference is alternately hosted by Yukon and Alaska every three to four years and provides trappers, researchers and managers an opportunity to share information and learn from one another.

This year, Yukon is hosting the conference between April 12 and 15 in Whitehorse. It's on our website. People can learn and listen to a variety of topics that include furbearer biology, inventory, management and conservation. The first day begins with a trapper workshop with hands-on demonstrations and examples and then moves on to both oral and visual presentations for the next two days. This conference is another example of this government's continued interest and support for furbearer management, along with trapper education and engagement. The Yukon government has contributed \$17,000 to this workshop and typically partners with the Alaska and Yukon trappers associations on this sponsorship. I hope the member opposite can understand that there are a lot of contributing factors that cause the trapping industry to have a downward spiral or downward dip.

I believe one only has to listen to the news and what happens with the seals in eastern Canada and all the protests that take place and all the different actions across the world to try to

encourage other countries not to buy any furs taken by trapping. There have been issues around the kinds of traps that are used, whether they're humane or not.

It's always a challenge to try to come up with solutions that would address so many of these issues that are being raised around the world.

Mr. Elias: I didn't hear a commitment there, but I'll move on.

Over the past couple of years — and I have brought this issue up in the Legislature before with a different Environment minister — talking to Yukoners about the usefulness of single-use plastic bags in our territory. I've asked previous Environment ministers this before.

I challenged them to canvass Yukoners — to ask Yukoners and to consult Yukoners about whether or not they had a place in our territory. I understand that this is a huge — well, it could be a huge task because it has a lot to do with retail sales and stores and things like that. There are jurisdictions around — well, the world, actually, including China, Ireland, and many European countries that have taken the steps of actually taxing these plastic bags, which has been proven to significantly reduce their use, i.e. Ireland. In China, the firms that continue to make and distribute these plastic bags that are thicker than .025 millimetres thick are subject to fines and increased taxes. That has also proven to protect their environments. Then we have in our country, in northern Manitoba, the Town of Leaf Rapids, which I believe was the first municipality in Canada to actually ban these shopping bags in their city. Then we have the good corporate citizens of San Francisco stores, who have banned the use of these bags in their stores.

IKEA has also stopped offering these plastic bags in their stores in the U.S. and, I believe, now Canada. In Old Crow, the Northern Store, for, I believe, two years now has not provided these single-use plastic bags for environmental reasons and for the fact that it takes 12 million barrels of oil to manufacture 100 billion plastic bags and these — I can't use the words of — I believe it was the Mayor for Iqaluit. Anyway, these bags are very troublesome in some regions. I believe, in talking to Yukoners, that there could be an opportunity to phase in a change of behaviour in our territory as well. I'm confident we can find a solution to these bags. I get caught once in awhile carrying out 10 small items from various retail stores because I refuse to use these single-use plastic bags myself. In my past jobs working in the environmental and the resource extraction field, right from the intestinal tracts of grizzly and black bears, I saw these bags.

I see them on rivers; I've seen them in the back country; I see them blowing in the wind, and I look at those bags and I think they were just used once. I just think that if China, Ireland, Norway and Leaf Rapids, Manitoba and other places around the globe can tackle this issue, then so can we.

I guess I will ask a fairly simple question: is this Minister of Environment willing to canvass Yukoners in a very detailed and formal way — like the Minister of Community Services did with the cellphone issue — and come up with some numbers? I think that Yukoners would be willing to change their behaviour and that we would have a lot of good corporate citi-

zens that would be able to phase out the use of these plastic bags. But, again, this is not something that can be done overnight; it has to be phased in. It has to be well thought out because it has economic ramifications. So will the Minister of Environment endeavour to take on this type of initiative? Will he give the direction to his department to have a look at this issue? I just can't imagine this going on for another 20 years in our territory. I think this issue could compound its impact to the environment if nothing is done. I believe something needs to be done. I'll wait for the minister's response on that.

Hon. Mr. Edzerza: With regard to this issue from the Member for Vuntut Gwitchin, this is one area that we have worked on with the City of Whitehorse and the business community. For example, there was, a couple years back, a campaign that was orchestrated throughout the territory: a bring-your-own-bag campaign. We do support a lot of recycling depots throughout the Yukon Territory. I know for a fact that when you go shopping at most of the grocery outlets or stores in town, they always ask you if you want a bag. If you do, you pay for it, which is extra.

Again, these are all examples of trying to deter the public from using these bags and to bring their own. In most outlets you can buy a shopping bag, for example. I believe it's somewhere in the neighbourhood of \$1 or \$2. I try my best to act accordingly, but sometimes I guess it's pretty hard to teach an old dog new tricks. You get used to going to the store and walking out with your bags. I know I've bought collapsible grocery carts; I know I have bought several of these bags for shopping. Again, how do you enforce it? How do you make people go to the store and not expect the distributors to provide something to pack the groceries away with?

It probably reflects back on something I said earlier. The individual has a lot of responsibility here. We need to be able to try to discipline ourselves to realize that these plastic bags could be and are a nuisance sometimes. I know there are some stores around town that are charging 25 cents per plastic bag and it doesn't seem to infringe on the people who are buying the product. They just pay the 25 cents, so I know this is going to be probably some day down the road, an issue where maybe it'll be against the law to make these bags. Who knows? Who knows where it'll go and how serious our governments have to get to try to have people realize the importance of or the seriousness of these plastic bags? I know as a young child many years ago out in the mountains, my dad told me never to throw the Saran Wrap away after you ate a sandwich, and for years I would wonder why — what's the issue with that.

Later I was told that the animals smell the meat odor on the plastic and then they eat it, which causes a problem for the animals, so when I'm told that, it makes a lot of sense. Maybe something that can be looked at is to run an extensive campaign on some of the downfalls of manufacturing and using these plastic bags, because I would beg to differ if many people across the country even know how they're made. Thank you.

Mr. Elias: Well, the minister says who knows where it'll go, but it's going to take leadership to guide where the issue will go. It's going to take a lot more education and regula-

tion for these bags not even to be made available, but it's going to take leadership. I'll move on.

I'll ask two quick questions with regard to winter ticks. Since this issue has been going on for a number of years now, has the Department of Environment received any indication that these winter ticks have been found on any other ungulates in our territory? The other question is with regard to chronic wasting disease, which is similar to mad cow disease in cattle. What is the minister doing to ensure that chronic wasting disease does not enter our territory — that it does not spread from deer, elk or other species outside of our territory to inside our territory? It could be very devastating if that were to spread through our wildlife population. Again, the two questions — what is the minister doing to deal with chronic wasting disease entering our territory? I did recall in the briefing that this was being looked at within the department. Are they looking at regulations surrounding this issue? The other question is with regard to the winter ticks. Have any of these winter ticks been found and reported to the Department of Environment, whether it involves moose, caribou, sheep, et cetera — any of the ungulates in our territory?

Hon. Mr. Edzerza: Mr. Chair, we are working with the Yukon Fish and Wildlife Management Board, affected First Nation governments and renewable resource councils and stakeholders in managing the elk. The strategy has been to pen the elk, over several years now, to hopefully have them all in one place when the ticks do drop off. There have been cases, I believe, of some ticks on some moose in some regions. Ticks have been around for a long, long time. The department, at the present time, is monitoring things very closely with regard to ticks.

The other question about the chronic wasting disease: there is a regulation proposal under review to prohibit parts of cervus, elk, deer, caribou from being transported into Yukon from Alberta and B.C.

The chief vet is looking at putting a moratorium in place — the moratorium put in place last year that bans the import of game farm animals.

Mr. Elias: I thank the minister for his response to those questions. I'll turn the floor over to my distinguished colleague from Whitehorse Centre. I will leave my thoughts with one of the famous quotes from Mr. Johnny Abel — the late, great Johnny Abel, where he said, "I sure don't want to see our kids one or two hundred years from now reading about the caribou in storybooks and how we used to live."

Again, I'd like to thank all the Yukoners who exercised their restraint over the last nine years of downright worried days not knowing if the Porcupine caribou herd was suffering the same fate as many of the other barren ground herds were in crashing in population. You know, English words can't express how important that herd is. I express my thanks to the Yukoners, to many of the biologists in Alaska and Yukon, Northwest Territories. This issue also weighed heavy on their minds. Finally this year we got a census and 123,000 strong shows the resiliency of that herd. I thank again all of my constituents for their work on this issue over the years and everyone who participated in our territory to show our stewardship for such a

wonderful resource that we can show our future generations that we care. With that, thank you, Mr. Chair.

Hon. Mr. Edzerza: I'd just like to make a comment to what the Member for Vuntut Gwitchin just stated. I too believe that the Porcupine caribou herd is somewhat of — almost like a seventh wonder. I also stated on the floor of the Legislative Assembly before that my job as a minister is to speak on behalf of those caribou because they can't come in here and talk for themselves. It was with great happiness, I guess you might say, that the count came out as positive as it did. However, I want to also put on the record that there still has to be the discipline in place to ensure that rights are not abused in this area. I have had stories from citizens who report seeing a truck coming from across the border and going back loaded with caribou to sell.

I think one of the things that we have to respect and acknowledge is the subsistence right to hunt, but we also have to honour the traditional laws that govern your right to hunt. The First Nation people need to respect that. We need to work together. We need to not ever — ever — go to the point of believing that this herd cannot disappear, because it can. If everybody works and does their part, respecting and honouring the caribou, I see a good future for the caribou. Personally, I think they're a very beautiful animal and they deserve to be protected. I do have a lot of very close friends who live in Old Crow, and I'm aware of how important this caribou herd is, and always will be, as part of their diet. Together, I think, with everyone involved, if we continue on this path, we keep a very close eye on things and keep everybody in check, I think it's going to work out just fine.

Ms. Hanson: I will attempt to keep my questions and comments brief this afternoon. I'd like to start off by also expressing my thanks to the officials who provided a briefing for members. It's clear to me that it would be very helpful in the future to perhaps have a bit longer time for the briefing, because we might be able to cut down, particularly when we're talking about supplementaries, some of the broader ranging questions that seemed to occupy our time over the last two afternoons with respect to this department. Having said that, we all know that the Department of Environment's mandate is incredibly important to this territory.

With respect to the supplementary budget, the minister pointed out to us again that the *Supplementary Estimates No. 2, 2010-11* has \$5.116 million identified under environmental liabilities. He spoke at length about the descriptive aspects of those liabilities. I would simply ask a straightforward question: what percentage of these are recoverable expenditures and what is the source for those recoveries?

Hon. Mr. Edzerza: The only one where we have recoverables at the moment is with the Marwell tar pit. That cleanup we share with Canada. Canada is paying 70 percent of that — close to \$7 million.

Ms. Hanson: With respect to the Marwell tar pit, the minister identified in some detail the plans going forward for this. I have two aspects of a question here: how long has the Department of Environment been involved with planning around the Marwell tar pit?

The reason I ask that is because I have had numerous conversations with community individuals who indicate to me that they've been involved as volunteers and committee members with this — as he identified — hugely significant hydrocarbon pit, basically, since 2004. So I'm curious as to when the Department of Environment got actively engaged here and when did they actually put together the workplan for this initiative?

Hon. Mr. Edzerza: With regard to the previous question, I mentioned the 70 percent being covered by Canada; the other 30 percent is coming from the northern strategy.

We have been involved with the Marwell tar pit for over 10 years now.

Ms. Hanson: With respect then — so there has been 10 years of engagement, and it's not just the Government of Yukon, I presume. You do give credit to the Ta'an Kwäch'än, the City of Whitehorse and NGOs who are involved in this exercise?

Hon. Mr. Edzerza: Yes, we do.

Some Hon. Member: (Inaudible)

Chair's statement

Chair: I just want to make sure that all the member's comments are caught on record in *Hansard*. I would encourage the member to wait until recognized to speak.

Ms. Hanson: I have a final question with respect to the Marwell tar pit area. I can't wait until the day when we don't have to call it the Marwell "tar pit". Can you elaborate what are the future plans, having identified the partners who are part of this process — the Ta'an Kwäch'än, the City of Whitehorse and NGOs? Is it the intention of the Government of Yukon to work toward designation of this area as a future park?

Hon. Mr. Edzerza: The workplan on the Marwell tar pit was developed in the early 2000s, and we have been trying to get Canada to pay for the cleanup of that area, and that's why it has been drawn out as long as it has. Right now, our basic thought around this area is just to clean it up.

We have not had any kind of discussions around turning it into any kind of development of any kind at this point in time. An agreement for the assessment and remediation of this contaminated site was reached in June of 2010 between the Government of Canada and the Yukon government. The Marwell remediation project will take approximately 12 years to complete. Twelve years — that's three elections down the road. Remediation at this site will meet the restoration standards for industrial land use as set out in the contaminated sites regulations. So, the real responsibility government has taken on right now is just to try to have discussions around anything that can be developed in this area.

Ms. Hanson: I'd like to move now to the document that I'm sure the minister is familiar with in his role as a member of the Canadian Council of Ministers of the Environment, and I'm referring to the *Strategic Directions for Water: Three Year Action Plan*. I understand this was approved by the Canadian Council of Ministers of the Environment in October of 2010. I'm raising these issues because they are with respect to this past fiscal.

The vision of the Canadian Council of Ministers of the Environment with respect to water states: “Canadians have access to clean, safe and sufficient water to meet their needs in ways that also maintain the integrity of ecosystems.” There are five goals, but the first three are particularly pertinent to the questions I have this afternoon: “(1) Aquatic ecosystems are protected on a sustainable watershed basis; (2) The conservation and wise use of water is promoted; (3) Water quality and water quantity management is improved, benefiting human and ecosystem health.”

I’m sure the minister would have directed and is working with his officials with respect to the various activities that each jurisdiction is carrying out — or had indicated they would carry out with respect to implementing the strategic plan.

I’m wondering if the minister could update this House on measures to develop a pilot and revise a framework and indicators for sustainable groundwater management, guidance on groundwater monitoring, including technical review of monitoring and science, and approaches to making groundwater data easily available and augmenting existing groundwater database capabilities, including guidelines on the management of groundwater to make sure we have our approaches consistent with those across Canada.

Hon. Mr. Edzerza: Some of the concerns raised by the member opposite will obviously be part of a water strategy, and a water strategy will build on the work of the water management framework initiatives. Environment Yukon, with support from Executive Council Office and the departments of Health and Social Services, Energy, Mines and Resources, Community Services, Highways and Public Works, and Economic Development are considering at this point whether to develop a water strategy for the Yukon. If a water strategy is developed, it will include not only Yukon government departments responsible for water management, but will seek input from other government agencies with water management responsibilities and the public.

Ms. Hanson: The minister is saying that the Government of Yukon has not then signed on to the notion of establishing a three-year action plan for sustainable water planning?

Hon. Mr. Edzerza: Yes, we have signed on to that. We have completed the management framework, and now we’re just in discussion about development of a water strategy.

Ms. Hanson: The reason I raise that is because it links to a subject in the Legislature I raised recently with the minister — a question with respect to a memorandum of understanding, which he also referenced on February 22 during the course of these proceedings — a memorandum of understanding that was signed in 2006, I believe, to transfer water inspection powers from the Department of Environment to the Department of Energy, Mines and Resources. That was with respect to a particular mine, and we had indicated or heard that there was a suggestion that it might be broadened out — a broader application.

In light of the intentions of the minister in his role and linking his role to the Canadian Council of Ministers of the Environment and this very important initiative around strategic directions for water, we were looking — and I still am looking

— to determine if the minister has received an evaluation of that approach, an MOU where those responsibilities from the Environment department are being carried out by another department of the Government of Yukon. On one hand, we have the Department of Environment responsible for the stewardship of our resources and we have the Department of Energy, Mines and Resources largely responsible for the development of those very same resources. Some would say that — and one of the criticisms we all have had in the past of the federal government’s mandate and conduct of business under the old DIAND framework — it was very difficult to be both the steward and the developer within the same framework.

So the balancing and the checks and balances that go with having one very strong Minister of Environment and one strong Minister of Energy, Mines and Resources makes for a good dynamic. Our concern is that, if there isn’t that satisfactory risk assessment and risk management, then we may fall back into some of the habits and patterns of the federal management of our resources and I think that would be fairly detrimental to all of us.

So could the minister please outline whether or not there is, in fact, evaluation of this memorandum of understanding. Have there been any challenges to that? It would also be useful if he could provide a copy of this evaluation of the transfer of powers under this MOU so that we could get a sense of the minister’s future plans for ensuring the protection of Yukon’s groundwater, rivers, lakes, and watersheds as we look to speed up mine production throughout the territory.

Hon. Mr. Edzerza: Energy, Mines and Resources does all inspections for placer mines and they have always done so. On the environment side of things, we do all hardrock mines except for Minto — the reason being that EMR is already established there and they’re able to conduct those services. The Yukon government Department of Environment and Department of Energy, Mines and Resources takes a proactive, coordinated and comprehensive approach to enforcement of the *Environment Act* and *Water Act*.

Mining activities are also regulated under the *Quartz Mining Act* as part of the comprehensive regulatory regime that governs the mining sector. Environment Yukon and Energy, Mines and Resources inspectors work closely together to ensure consistency of approach and to make the best use of government’s resources. Currently, water inspectors within Environment Yukon are the lead for *Water Act* enforcement for the Alexco, Bellekeno and Yukon Zinc Wolverine quartz mining projects.

Ms. Hanson: I’d just like to ask the minister if he could respond to the aspect of the question in terms of risk management. Has there been an evaluation of this memorandum of understanding with respect to any risk and risk mitigation with respect to the powers and responsibilities he has as the Minister of Environment?

Hon. Mr. Edzerza: Yes, we do analyze and look at all comprehensive risk management, along with Energy, Mines and Resources.

Ms. Hanson: The last question on this aspect for the minister: could we get a copy of that risk management assessment?

Hon. Mr. Edzerza: We will take that under advisement.

Ms. Hanson: Mr. Chair, on Tuesday, February 22, the Member for Vuntut Gwitchin raised a couple of questions with respect to the *Environment Act*. I want to go back to that just for one moment because I think it is important.

The minister, on Tuesday, indicated that, "...in March 2009, the Department of Environment commissioned a third-party evaluation of the impact of legislative and administrative changes to the *Environment Act*." He said, "I have given the department the direction, and the department has committed to developing a workplan outlining the suggested steps for undergoing an official review and revision of the act in the future."

I think that's — from my perspective — a sort of hurry-up-and-wait approach. What I would seek from the minister now is a clear delineation of when he will give direction because it's clear that his officials are very professional and competent and have done the work they are required to do, but cannot go any further with respect to putting forward a comprehensive approach to reviewing the *Environment Act* for the Yukon until it gets — they must have ministerial direction to do that.

So when will this minister provide that direction, and what timeline has he in mind — will he establish for ensuring that there will be full public consultation, and when would we envision that beginning so that we could see the *Environment Act* of 1991, which is now 20 years ago — the *Environment Act*, as we all know, is a very profound piece of legislation and was very far-sighted at the time it was brought into effect in 1991, but 20 years have passed. We've had devolution. We've had the management responsibilities transferred to this territory. So, in light of all those changes, I think, both within government and outside of government, there is a view that it is timely to review this legislation. So can the minister — this is not a long question — simply give this House a clear indication of when he will give direction for his department to move forward with modernizing the Yukon *Environment Act*, and what is the timeline?

Hon. Mr. Edzerza: To start with, I believe it would be a fruitless exercise to start revisions to an environment act when you have 14 First Nations negotiating land claim agreements. It would be in the best interest of all to actually wait until these agreements were completed. We still have two First Nations outstanding that have not signed on to an agreement yet. It is clear that the *Environment Act* requires updating to reflect the results of devolution, the passing of the *Yukon Environmental and Socio-economic Assessment Act* and the many First Nation final agreements that have been agreed to since 1992.

The department is developing a workplan outlining the suggested steps for undergoing an official review and revision of the act in the future. I have reviewed several First Nation agreements and, yes, there's definitely a correlation there that is going to have to be looked at.

We're going to have to put it in step with those agreements. The department is developing a workplan right now to take the steps that are necessary to actually undergo an official review.

Ms. Hanson: I'm sure that the member opposite is aware that there are in fact three First Nations that have incomplete, or have not completed, will not complete land claim agreements under the current mandate. They have said that; that they will not complete them under the current mandate.

Some Hon. Member: (Inaudible)

Ms. Hanson: You said on Tuesday, and I respected the fact that the department — I think we give full credit to the department for doing just as you direct them until that point, which is to develop a workplan outlining what is necessary to engage in a review of the *Environment Act*. I would be absolutely positive that that workplan would include the kind of consultation measures that the minister outlines as being absolutely imperative with respect to consultation with Yukon First Nations, including transboundary groups. What I'm asking for, though, is a clear statement from the Yukon Party Minister of Environment of when he anticipates giving ministerial directions so that that work can move to the next step.

Hon. Mr. Edzerza: I hope the member opposite can appreciate that this is not something that can be done overnight. These things do take time, and we will deal with it in due course. It's a work in progress and, like the Yukon Party has always done — they do a thorough job when they do it. They do not just run out and implement something because somebody put pressure on them. They would look at everything and make sure that it's done properly. That's exactly what the intentions are with the review of the *Environment Act*.

Ms. Hanson: Clearly we're not going to get an answer on that one. So, Mr. Chair, in view of the very lengthy conversations that have gone on over the last — take the two days, five or six hours — I would — I'm not sure of the wording here — but request unanimous consent of the Committee to deem all lines of Vote 52 cleared or carried, as required.

Chair: Before we proceed with that, is there any further general debate? Seeing none, we will now move to line by line in Vote 52, Department of Environment.

Ms. Hanson: I would request the unanimous consent of Committee of the Whole to deem all lines of Vote 52 cleared or carried, as required.

Unanimous consent re deeming all lines in Vote 52, Department of Environment, cleared or carried

Chair: Ms. Hanson has requested the unanimous consent of Committee of the Whole to deem all lines in Vote 52, Department of Environment, cleared or carried, as required. Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

On Operation and Maintenance Expenditures

Total Operation and Maintenance Expenditures in the amount of \$5,205,000 agreed to

On Capital Expenditures

Total Capital Expenditures in the amount of \$19,000 agreed to

Department of Environment agreed to

Chair: Committee of the Whole will now proceed with the Department of Highways and Public Works. Do members wish a brief recess?

All Hon. Members: Agreed.

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

Recess

Chair: Order please. Committee of the Whole will now come to order. The matter before the Committee is Bill No. 23, *Third Appropriation Act, 2010-11*.

Department of Highways and Public Works

Chair: We will now proceed with general debate on Vote 55, Department of Highways and Public Works.

Hon. Mr. Lang: Mr. Chair, I would like to open today's discussion on the supplementary budget for Highways and Public Works by thanking the department for the work that they do on a daily basis. I would certainly like to thank all the individuals who work in the department in the communities and keep our roads safe for the travelling public, our airports open for the travelling public, and for all the work they do in the way of property management and the other parts of the department they are responsible for. They're a very hard-working group of individuals, and they're represented in each one of our communities. A big thank you from my position here in the House representing them on a daily basis when the House is sitting.

I rise today to address the Highways and Public Works spring 2010-11 supplementary budget. The Department of Highways and Public Works is a broad and highly diverse department that is responsible for connecting those within our great territory not only to each other, but also to those beyond our borders through our network of highways, bridges and airports.

The department is also responsible for information technology and management, building infrastructure, fleet vehicle services and procurement services for the government.

This department is staffed by a very capable group of people who, through hard work and efficiency are responsible, on a daily basis, for most of the territory's infrastructure as well as providing the other services previously mentioned to those of us who reside in this vast land.

Mr. Chair, it is with pleasure that I present some of the department's budget highlights.

Highways and Public Works asked for an increase in operations and maintenance in the 2010-11 supplementary budget of \$791,000 in order to cover the increased costs.

The collective agreement and the managers market were increased to align with highways and public works salaries nationwide. This amounts to \$142,000.

The emergency road repairs and traffic control for the Dempster Highway washouts last spring and our support to the Emergency Measures Organization to manage the Highway 37

fires near Cassiar last summer totalled \$429,000. Mr. Chair, I would like to take a moment here this afternoon to thank all the individuals who worked, both on the Dempster Highway situation we found ourselves in over the summer season, as well as the fire situation on the B.C. border — a job well done.

The gas and diesel for Yukon government tax adjustment for nine months impacted the 2010-11 fiscal year budget to the amount of \$165,000.

The year-round administrative support for the Whitehorse Waterfront Trolley totalled \$30,000. The maintenance of the waterfront parking lot that totalled \$25,000.

The major decreases in capital spending were the results of projects deferred to 2011-12 fiscal year and these include the upgrades to the Campbell Highway, which amounted to \$2.161 million. Added to this amount is the Building Canada fund recovery of \$1.33 million for a grand total of \$3.491 million.

Continued upgrades to the Atlin Road that amounted to \$378,000 and improvements to Otter Road at the Erik Nielsen Whitehorse International Airport in the amount of \$213,000 will provide a safer road access for airport/air carrier operations.

Mr. Chair, I would like to reiterate this department's commitment to providing safe and sustainable infrastructure to be used and enjoyed by all Yukoners.

Highways and Public Works will continue its forward movement in dealing with climate change and its impact on our roads and building infrastructure.

In the next year, we will work to improve services and continue our economic growth Yukon-wide.

I would now be pleased to answer any questions the members may have on the Highways and Public Work supplementary budget.

Mr. Inverarity: I'm pleased to stand today and respond to the minister's comments on the supplementary budget. I will say that my questions will be brief today and I think we can move through this very quickly.

First of all, again, thank you to the officials for coming this afternoon. It's always a pleasure to have you here. I know you work hard in trying to get the minister's notes ready for him and also on the budgets and just maintaining all the branches within the department.

There are some significant changes in the supplementary budget, as the minister indicated. Like all departments, it appears that the Highways and Public Works capital budget is being reduced fairly significantly. Although we have a slight increase overall, there seem to be some major reductions in some of the specific areas. A comment was made on the Campbell Highway, and perhaps I can address that question first. The minister made some comments that most of these reductions are deferrals to the next year, and I was wondering if the minister could just elaborate as to why these projects have been deferred to the next year, as to what the issues were around that, and also why — I actually showed something in the neighbourhood of about a \$5.5-million reduction on the Campbell Highway project and the minister came up with \$3.4 million. Perhaps it's just me adding up all the numbers, but

perhaps the minister could just explain why these projects are being deferred.

Hon. Mr. Lang: These deferrals are a timing issue, not only with the contract itself, but as we move forward with other contracts in the upcoming year. So this is just a timing issue in the department.

Mr. Inverarity: Even \$3.49 million is a fairly substantial deferral. It goes to perhaps some planning issues that the minister may have.

But another area of the capital spending that is affected in the supplementary budget is building overhead. The budget appears again to be cut by \$1.5 million, which is almost one-half of the \$3.3 million identified in the main estimates. I would think that \$3.3 million as a main estimate — and yet half of that is being cut. Surely that's not just a timing issue. Perhaps the minister can provide us with an explanation of what makes up this building overhead amount — what was being done with this money? As we are nearing the end of the fiscal year and the budget has been cut so dramatically, what happened that would explain that the initial estimates were so high?

Hon. Mr. Lang: I will certainly address the member opposite's question. This was an internal accounting decision and some of the expenses were put into building overhead. It's an internal thing that we've done inside the department itself. We have the internal and the external client funds transferred to the building development and building maintenance department, so it's just an internal decision made inside the government itself of how it would manage and go forward with it.

Mr. Inverarity: Just a point of clarification, if I understand the minister correctly, this amount was transferred out of building overhead and moved into another line item within this budget. Could he just identify what that transfer was?

Hon. Mr. Lang: In answering the member opposite, there was a transfer from building overhead for the renovations for building a mechanical workshop, the Mayo heat recovery, the safety and training and grounds and equipment, so that totalled \$544,000, and it was transferred.

Mr. Inverarity: If I understand correctly, the \$1.5 million was pulled out of building overhead and moved to those other line items the minister had identified? Or those were the items that were in the building? I'm just trying to determine what building overhead is and where they were actually transferred. If they were the departments you said they were transferred to, perhaps you could just repeat them so I hear.

Hon. Mr. Lang: That addresses roughly \$544,000 of the figures the member opposite was talking about. There was also \$1-million decrease due to lower project management fees from both internal and external clients, so it's a management tool. The decrease was the fees charged to internal and external clients and doing our project internally. It was a money-saving issue.

Mr. Inverarity: I'd like to thank the minister for that response. Another project that was affected by the supplementary budget was the Pelly bridge.

I believe the budget for the bridge was around \$2.5 million to begin with. Now the project funding has almost doubled.

Again, we're near the end of the fiscal year, and a chunk of money has been allocated to a project that cannot probably be finished in time. Is the bridge going to be finished by the fiscal year-end?

Can the minister provide us with some specifics on this particular item? What happened to the project? Has the money already been spent or is the funding going to be used to finish the job? Again, why double the project cost in this particular budget when there is another \$1.5 million in next year's budget for the bridge rehabilitation? So, can you finish it or is it going to be finished next year?

Hon. Mr. Lang: Addressing the issue on the Pelly bridge, the resources that were allotted for it — the project was a two-year projected and was budgeted accordingly over a two-year period. The contractor is prepared to complete all work in 2010-11. So this project is being finished, but of course the funds flow differently than if they were budgeted over two years.

Mr. Inverarity: But you have \$1.5 million in next year's budget for the bridge. Is that money that has been moved out of this current budget into next year? Or is that a different allocation? There seems to be some missing dollars there. You're spending more this year.

Hon. Mr. Lang: For this project, it has been addressed this year and certainly it will be discussed in next year's budget when Highways and Public Works is up in the House here in the coming weeks.

Mr. Inverarity: Has there been some difficulty with this whole bridge project? Has it been stopped early or are there some reasons why the budget is double?

Hon. Mr. Lang: No, I'll explain again to the member opposite. It was a two-year contract. The contractor finished it in one year so, in fact, he was finished the contract and he was paid the full amount of money for the contract. So it wasn't double; it was just that they got the resources earlier than the two-year period of time that it was booked for. It's not a doubling of any amounts of money; it's just that the contract was done 12 months ahead of time.

Mr. Inverarity: It's great to see that it was done a little early. Is the whole bridge project now completed if the contractor is finished the job, or is there still more work to be done?

Hon. Mr. Lang: I couldn't answer that right at the moment. I imagine there might be some clean up work that has to be done, but I don't have those figures at my fingertips.

Mr. Inverarity: If the minister could get back to me with that, I would appreciate it.

Moving right along, the government has had the benefit of the federal stimulus and infrastructure funding that was targeted for Highways and Public Works, or highways projects. How much of that money is going to lapse and go back to the federal government because the projects could not be completed on time?

Hon. Mr. Lang: I'd like to put on the floor that none of those resources will go back to the federal government. We are mostly ahead of schedule, but we are one of the shining lights when it comes to finishing contracts and making com-

mitments. I would say to the member opposite there will be no money going back to Ottawa.

Mr. Inverarity: I'd like to thank the minister for that response. The Whitehorse Correctional Centre is supposedly on time and on budget. At least that's what we're continually told. I believe the Department of Highways and Public Works is in charge of construction of that facility and there is some lingering confusion perhaps the minister could clear up for us.

The initial plan for the new corrections centre was developed about 10 years ago, from what I understand from department officials. The cost at that time was \$30 million to \$35 million. Since that time, it has almost doubled to \$70 million, if we include the secure assessment centre. The question that remains unanswered is around the differences between then and now.

Could he tell us what the differences are that would account for doubling the cost of the facility? Is the facility bigger than initially planned, when it was originally designed 10 years ago?

Hon. Mr. Lang: We didn't build the building they designed 10 years ago.

Mr. Inverarity: That seems to be contrary to what we were told — that the original design had been done and was set up 10 years ago — but I'll take that at face value. The issue that I have is around the differences — just a minute. The construction on the correctional facility actually started before the final designs were completed. It was a design/build function, although it was originally designed around what was the original plan and went ahead with the design/build concept. In fact, we've been told that the final design of the facility has changed continuously while the construction has been ongoing. Was this a cause for concern at all during the design/build component of building the new correctional facility?

Hon. Mr. Lang: I would like to make it clear to the House that when we were elected to office in 2002, the Liberals, as part of their platform, were building this box that they visualized to warehouse our prisoners in. Of course, the Yukoners had their vote and that plan was turfed.

Of course, this government went to work and did what had to be done. It was a complete, absolute overhaul or overview of our justice system. Out of that came the plans for the new facility, which is a combination of not only a correctional establishment, but it has a treatment centre in it, and now it has other additional assets. But as far as us building on the plans that the Liberal Party had put out in 2002 — that was soundly rejected by Yukoners. Certainly, we did the hard work to build the building that's there today.

I'll tell the House here today that it is on time and it is on budget. We're looking forward to this coming fall when it will be turned back to Justice, and they will start the hard work of commissioning that structure. So there is more work to be done.

It has certainly been a long journey. I compliment the Minister of Justice for the hard work the department did in the many, many hours of reviewing and working with our partners — First Nations, the Municipality of Whitehorse and, of course, all Yukoners — to come up with a master plan on how

we would go forward with the institution we're building there today.

I've toured it two or three times. It's getting close now to being commissioned. Certainly, we look forward to when it is commissioned because it will give a whole new meaning to our justice system with the review that was done by the Justice department. But I look forward to having the institution and having the capable staff who will be trained and working in that building. I look forward to the many years that it will serve the Yukon population, not just as a storage area as the Liberals perceived to go ahead with; it has many aspects to it and I think it certainly will be a better institution for all Yukoners that will benefit the future of the territory. So again, it wasn't the plan for a Liberal jail — it was soundly rejected by Yukoners and certainly we as a government did not build on that plan at all.

Mr. Inverarity: Well, those comments contradict what was said in the briefing that we had with the department, that the design was based on one that was 10 years old. While I appreciate the changes, nevertheless that was what was said in the briefing that we had with Highways and Public Works. There may have been a misunderstanding, but that was pretty clear to me when we asked about the design in the briefing, that the design was done and was based on one that was 10 years old.

The second question that I have with regard to this facility deals with the on-time and on-budget issue and I would like to know: have any change orders been issued for this particular facility since its construction?

Hon. Mr. Lang: When the member opposite stands up and insinuates during a briefing that members of this department said anything on the budget that we worked on, on the original Liberal plans for the Whitehorse Correctional Centre, he should be ashamed. That in fact is false and by the way, the department listens to the members opposite, so when they stand up and make false comments, the department listens.

As far as where the Whitehorse Correctional Centre is at the moment, it is on time and on budget. At no time did this government, or the department, ever plan on building on the plans the Liberal Party put out to the Yukon population. I'm speechless that that member would stand up and put that falsehood on the floor.

Mr. Inverarity: I ask the minister to go through the Blues tomorrow and see where I have said anywhere that it was the previous Liberal government plan that they had based this on. Nowhere in the Blues tomorrow will you see that reference. I really object to the insinuation that you have put on the floor here that it was our plan or any plan. I just made a comment that there was a previous plan, so don't go there.

The question I had was pretty simple: have any change orders been made to the current correction facility? It's a simple yes or no answer. If you want to go down this other line, I'm more than happy to do that.

Hon. Mr. Lang: There has only been one plan on the WCC over the last period of time. There were not two, so when the member stands on the floor here and insinuates that we built on the original plan, that is a falsehood, and when he insinuates the department, in a briefing, said that —

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Mitchell, on a point of order.

Mr. Mitchell: The honourable minister just said “that is a falsehood” and that’s clearly out of order under section 19 — accusing another member of uttering a falsehood. Mr. Chair, I would think that that should be stopped right at the beginning.

Chair: With regard to that Standing Order, the member would have to be accusing another member of knowingly misleading the House, and in this case it is not a point of order.

Hon. Mr. Lang: Who has the floor, Mr. Chair?

Some Hon. Member: (Inaudible)

Point of order

Chair: Mr. Rouble, on a point of order.

Hon. Mr. Rouble: I think members’ attention should be drawn to Standing Order 6(6), in that no member should interrupt another member unless it’s that member’s intention to raise a point of order.

I would just ask you to remind the opposition members of section six of the Standing Orders.

Chair’s ruling

Chair: Thank you for that. On that, it also currently isn’t a point of order. But I would encourage members to listen avidly while the opposite side is giving a response to a question that was asked.

Hon. Mr. Lang: Again, I’ll address the member opposite. As a representative of the Department of Highways and Public Works, my job here is to defend the department. In fact, if there are things said on the floor that aren’t factual, it’s my job to stand up and correct the statements made. So, as far as the change orders are concerned in the construction, we are on time and on budget, moving ahead with the completion of that investment.

Mr. Inverarity: Well, it’s nice to show that the minister is on time and on budget, but I believe he still hasn’t answered the question, which is a simple enough one: have there been changes done in the course of building the Whitehorse Correctional Centre that required change orders. You move a sink from here to over there. Was there a change order for those kinds of things?

That’s all; it’s simple enough.

Hon. Mr. Lang: If the member opposite is insinuating that the money amount has changed, that has not happened. We are on time and we are on budget. We do not manage the site on a daily basis, but there has been no change of the contract itself and it is on time and on budget. In fact, it’s ahead of schedule.

Mr. Inverarity: The minister has brought up the issue of money, okay, with regard to this particular question, so perhaps we should go there. He has indicated that currently they’re on time and on budget. I get the impression that there have been no changes. So at the end of this project, will there be any settlement over and above the current negotiated price for the Correctional Centre? Or is the amount that is specifically laid

out in the budget to the completion of this project it, and there will be no other changes? No other negotiations are being currently made with the contractors for issues that are under negotiation, outside of what we have talked about in terms of on time and on budget?

Hon. Mr. Lang: We’re only 80 percent done the project, so I’m not going to — at this moment we’re on time and on budget and looking forward to a speedy completion of this project. So, at the end of the day, there might be some discrepancies, but at this point we are on time and we are on budget.

Mr. Inverarity: Let the record show the minister has basically said that there may be some negotiations and we may not end up at the budgeted amount.

I’m just about finished, I think, in terms of this supplementary budget.

I do have a question regarding airports. Does the minister’s department have anything to do with the collection of — what’s the word I’m looking for? Well, it might be better if I just try — and this may not fall under the minister’s department. So if it doesn’t, then I apologize at this point. In the course of someone flying, they pay a number of fees when they travel. Some of them are fuel surcharges and some of them are Nav Canada fees. Does this fall under the Department of Highways and Public Works or is it a Community Services issue that deals with this type of fee structure?

Hon. Mr. Lang: I’ve been told it is a combination Community Services responsibility and a Department of Highways and Public Works airport issue, so there’s sort of a combination. To answer that question here this afternoon, I really don’t have all the information at my fingertips. There is a combination of both.

Mr. Inverarity: To end on this, if the minister would be so kind as to try and provide me with the guidelines or what department covers what. So, for example, if there is a fuel surcharge — well, that would go to the airline itself. Let’s say a Nav Canada fee — does any of that fund actually flow to the Government of Yukon? I’m trying to think — we don’t have an airport improvement fee here, but we’re affected by it in other jurisdictions. I’m particularly interested in what fees are collected on behalf of the Yukon government by air carriers and are reimbursed to the Government of Yukon. There may not be any, but there may be. I’m just kind of curious.

Thank you very much. That will be it for me.

Mr. Cardiff: While it’s still fresh in the minister’s memory, I’d like to continue with a couple more questions around the Whitehorse correctional facility. The information we were provided with at the briefing indicated that, to the best of their knowledge, the project is still on time and on budget. I can accept that — that that’s their belief. I think that the Member for Porter Creek South was almost there, because it’s my understanding that there are still aspects of this project that are yet to be decided and what the final costs will be and that there will be some form of negotiation.

The reason behind that is because of the way that the project is being managed; it’s a project management style where the costs — there aren’t hard costs applied to specific aspects of the building. There are tenders to do certain pieces of work

and when the scope of that work changes, or more work is required to be done, that's the subject of negotiation. What I want to ask the minister: is that the subject of negotiation between a sub-contractor and the project manager? Or is that a negotiation that takes place between the subcontractor or the contractor and the minister's staff in the Department of Highways and Public Works?

Hon. Mr. Lang: A couple of things I would like to remind the member opposite: we're just doing this project — overseeing it for the Department of Justice. So there are going to be other costs.

Once a building is done, there's going to be a cost to furnishing the building, doing all the infrastructure that has to be done to make it an active correctional institute. Those costs are going to be there. We're overseeing this for the Department of Justice. In saying that, we have a general contractor in place. He manages the subcontractors. As the department told the member opposite, at this point — now remember, we're 80 percent done on this project — I'm told by my department, the Department of Highways and Public Works, that we are on time and on budget.

I do not manage that project on a daily basis, nor do I manage it through conversations on the street. I depend on my department to tell me what is happening. They tell me that we're approximately 75 to 80 percent done on the project — our responsibility. The Department of Justice has other responsibilities, of course, and at this point we are on budget and we're a bit ahead of schedule. In saying that, we have another 20 or 25 percent of the actual construction to go forward.

There is also the added investment the RCMP and the Yukon government is putting in the building itself today. That will be another investment which will be separate from the actual contract that the general has, which is Kwanlin Dun and Dominion Construction. I'm very optimistic that this project will be done and it will be done on time. As the department says, as far as the management end of it, we're on budget at this moment. Things can change and certainly we'd like to see the thing come out at the end on budget, but when we add another \$5.5-million investment on it, that again is another question on how that will unfold.

Mr. Cardiff: The minister didn't answer the question about how this negotiation process goes. The minister shouldn't off-load the responsibility for a \$70-million project on to his staff because ultimately — as the Premier would say — the buck stops here. The minister is responsible for the administration and overseeing ultimately the \$70-million project of the correctional facility.

It was handed off to Highways and Public Works and it was handed off for good reason because they have the expertise and the people to manage construction projects; that's not something that the Department of Justice does on a regular basis. Highways and Public Works, on the other hand, does manage construction projects, large construction projects, multitudes of them — everything from building maintenance in various buildings to the construction of schools, correctional facilities, highways, bridges and all that stuff. But ultimately, the minister is responsible. That's what we're in here for and

we're here to hold the minister accountable. It's not about — all I'm asking the minister is to ask the right questions. I'm giving him the questions that he should be asking his officials. I would encourage him to ask those questions about what controls there are and what negotiations are taking place, but he's not interested in that, so I'm going to ask another more specific question.

This will all play out come next fall or next spring when the true costs actually come to light. We will be able to look back and reflect on some of the comments the minister has made here.

I would like to ask the minister specifically about the contract to the firm that was hired to do the design schematics. This contract was originally roughly in the neighbourhood of \$380,000 to \$400,000 — somewhere in that range. It's my understanding now that it's up to about \$1.8 million. So, it was an open-ended contract. It's open, I believe, until the end of March. With this new secure assessment facility — I believe the minister just said \$5.5 million — I think it was originally communicated to the public as a \$4.5-million project. So that project just went up by 20 percent. We're not sure how, but maybe he can clarify that. What I want to know is how this contract is administered.

If it started out as a \$400,000 contract and now is \$1.8 million and maybe headed to \$2 million or more, what controls are there and what is the total amount budgeted for that schematic design?

Hon. Mr. Lang: I used the \$5-million figure because of just being a figure of adding on to the other end. It's not a firm price. We have to come up here in the House and address issues about money, and there's no obligation on the opposition side to ever come up with a figure that has any basis in fact. There is an overall contract issued on the WCC. That contract is X amount of dollars. All of what the member opposite has been talking about is part and parcel of that.

I have been told my department, or the Department of Highways and Public Works — somehow the member opposite is saying that the department, when it tells me that the project is on time and on budget at this point, somehow they are factually wrong. I depend on the department — those capable individuals in the department — to give me the facts. The facts that have been said to me as minister are that they are on time and on budget.

But I remind the member opposite: we're 75 percent to 80 percent done, so I'm not going to say at the end of the day that something might not happen. At this point of the contract, we are on time and on budget. The whole amount of the resources allotted for that project, Mr. —

Some Hon. Member: (Inaudible)

Hon. Mr. Lang: Have I got the floor, Mr. Chair? I asked the question whether I had the floor or not. Have I?

Chair: Members do have the floor until they take their seat.

Hon. Mr. Lang: Well, I sat down for a decision on who had the floor.

So, Mr. Chair, the contract is on time and on budget. I certainly depend on the department to be truthful when they con-

vey answers to me. I've been working with the departments for over eight years and I find the information I get is accurate and correct. I look forward to the contract being done. We are overseeing it for the Department of Justice. There will be other costs because the costs will come in manning it and also putting the facility together so that we can receive the individuals who will be housed there.

So those costs will be, I imagine, added on at the end of the day.

Mr. Cardiff: Once again, the minister didn't answer the question. You know, I don't understand why — and if the minister doesn't have the information here, that's fine. I would appreciate receiving, by legislative return, if possible, as soon as possible, the information on the contract with Dalla-Lana Griffin Dowling Architects in Vancouver — the information regarding that contract. It started out at \$389,000 and that cost has ballooned to \$1.8 million.

The minister made some other comments. He said there will be other costs and things change, so I can't put a lot of faith in what the minister is telling me when he says things like that. I find it hard to believe what it is that he's saying and I find it even more difficult to believe anything that he says when he refuses to answer the question.

You will note that we had this conversation earlier today about the roles of members in this House. It's our job on this side — our role — to hold the government accountable. It's the government's job to be accountable and to provide information. When they refuse to provide information, it makes it harder for us to do our job.

I think the government actually thinks that's a good thing; if they can make it harder for us to do our job, it makes their job easier.

I can see we're not going to get very far. The minister can let me know if he can provide that information regarding that specific contract by legislative return. I realize he probably doesn't have it at his fingertips, but I'm sure that, given the fact that tomorrow is a holiday, he might be able to obtain it next week and make it available.

There's one other question — I just want to know if there's any money in this supplementary budget that has gone into assessing and planning what uses might be made of the old facility up there. I understand that there are provisions possibly to have it demolished; there was some talk of that.

There are some public health and safety issues regarding that building, in that at one time it was actually condemned by the fire marshal's office. So what I'd like to know is: what work is being done? Is there money in the budget? What is the amount of that money in this supplementary budget, or are there plans for money in the coming year? I'll ask that question again when we get to the mains. It's my understanding that it could be used for things like record storage, but if that's the case, it needs to be a secure facility, if it's containing records. The people that would be working in that building and accessing those records would need to be assured of their safety. So can the minister answer that question, please?

Hon. Mr. Lang: Certainly, there is an RFP out for doing exactly what the member opposite had asked about. As

far as the resources for that, we could discuss that in the mains. That would be part and parcel of next year's budget. But there is an RFP out to assess the building to see if there is further use for that building.

Mr. Cardiff: I'd like to take the opportunity, actually, at this point, to thank the officials for the briefing, because it was very informative. In fact, I believe that we probably over-extended ourselves there. I believe that was a briefing that went well past the 12:00 deadline. I appreciate the fact that the officials were more than willing to stay around and answer our questions — and there were many of them, mostly related to the mains.

I was pleased to find out that there was a decision taken to not necessarily go with the fast-track project management style that is being used at the Whitehorse correctional facility and to go with, what I guess could be termed a "design/bid/build process" as opposed to "project management."

I'm just wondering what role the minister played in that decision, if any, as they will be the ones, once again, managing a large budget project on behalf of the Department of Education this time. What role did the minister play in making that decision? What were the factors that led them to decide to go with that approach?

Hon. Mr. Lang: I'm not quite sure if the member opposite understands my responsibilities in the department. I certainly have managed many things through my career and I certainly trust the management team that is in place in the department to do the right thing for Yukoners. I have never dictated to the department on the level that the member opposite is insinuating.

Why they make decisions internally — I understand the process. The process is they do internal audits to make sure that things are running properly and they do it on a regular basis to do an assessment on projects. I don't know where the member opposite would take the minister's job, from what he has been saying on the floor today. At no point do I decide on the cleaning staff; at no time do I hire or recommend people for positions. Of course, that's done by a different department and using a different process. I do not go internal in the department on a daily basis to micromanage the department and I'm not sure I'm qualified to do that.

When the member opposite talks about the department and about the situation at the Whitehorse Correctional Centre, and somehow the department is hiding something from me as the minister, I take offence at those kinds of comments. I trust the department; I have worked with the department and the capable engineering staff we have and the individuals I meet on a daily basis who brief me on things like this. They do a stellar job for the Yukon. For me to stand up here and defend them is not a hard job.

That's who I'm standing up representing — the department. My job is to give pertinent information to the members opposite. It's not to argue about whether in fact the information I get from the department and I put on the floor is factual. I certainly respect the department to give me factual information. As far as the internal management or the internal decisions of the department, I am not on a — I don't do that on a daily ba-

sis. I respect the qualified people who are there. Certainly the decisions they make on a daily basis is backed up by professional decision-makers and I defend them from a department point of view, but also in the House here. In addressing the member opposite, no, I don't make daily decisions for the department.

Mr. Cardiff: I have a hard time believing the minister can make any decisions, to be honest with you, Mr. Chair.

Chair's statement

Chair: Order. I know the debate has been intense throughout the day, but making a direct personal comment like that is definitely out of order. I encourage the member to keep his comments positive, please.

Mr. Cardiff: The minister is once again refusing to answer the question, and on top of that, he's having difficulty in understanding the question. I'm not asking him about his roles and responsibilities as a minister. He does have a responsibility as a minister to definitely not meddle in the day-to-day affairs and I would encourage the minister, and others in this House, to go back and read my question, because at no time did I ask him whether or not he was qualified to hire a janitor or whether he was involved in hiring a janitor.

What I was asking him was whether or not he was involved in a policy decision about which method of contracting would be used. It is government policy that I'm talking about — about which method of contracting would be used on different projects. I believe that when decisions are being made about large-scale projects — \$40-, \$50-, \$60- or \$70-million projects — that the minister would have some interest in that policy and some interest in what process was being used.

If he wants to be responsible for a project like that and be held accountable here in the Legislature for a project like that, then he should pay attention to what methods are being used and what policies are being applied. That's all I was asking the minister. I wasn't asking him about hiring janitors or interfering in the day-to-day affairs. I'm talking about his role and responsibility of overseeing on a broad level, at a policy level, decisions that are being made by the department.

What I'm hearing from the minister is that he's totally unaware of what policies exist and are applied to decisions that are made about the method to administer a contract — whether it's a project management style, where you hire somebody to manage the project and not be the general contractor and take responsibility for all the subcontractors or whether it's what I termed as a "design, bid and build project". If the minister can't understand that, I'm not sure what it is he does do on a daily basis.

Can the minister tell us which policy was used and what the rationale for that decision was? He may not know what the rationale was, but he has officials who could probably tell him what rationale was used to make that decision.

Hon. Mr. Lang: The very wise Member for Mount Lorne —

Chair's statement

Chair: Order please. I just cautioned the members opposite for making a personal comment and then another personal comment came from the government member. This personalizing debate is not something that should happen in this Assembly, and I would encourage the member opposite not to do that either.

Hon. Mr. Lang: The department has many tools they work with internally to contract these many contracts out. So I leave that up to the department to work with the tools that are available to them, and I certainly don't meddle in the internal management of the department. If that's not good enough for the member opposite, so be it. The questions have been asked and they have been answered.

Mr. Cardiff: This is part of the democratic deficit that exists in this Legislative Assembly — that ministers don't come prepared to answer questions, Mr. Chair. It's unbelievable — totally unbelievable.

We'll move off from this because there's no way that we're ever going to get an answer out of this minister.

So what I'm going to do is I'm going to bring something to his attention and hopefully he can answer this question.

I raised last year, last fall, on a number of occasions with the minister when you could get him to talk to you in the hallway, when you could get him to stand still — he didn't like me asking these questions, but the questions are there with regard to the repair work that was done on the Annie Lake Road. I asked the minister several times, both through correspondence and personally in the hallway, what was happening out there. He said he would look into it and he said people have to drive the speed limit. There were several concerns raised during the work that was being done on the Annie Lake Road.

When the work began there were materials that had been pulled up — roots, stumps and boulders — that were left on the road and caused damage to vehicles.

The roadwork was then progressing and it actually looked like it was all coming together. There were some culverts being replaced. This is important to my constituents because there's only one road, for starters, in and out. It's the only road in and out, so in the event of an emergency, that's what they rely on to travel in and out of that area. It's also important to the resource industry because at the very end of that road there is a mining project that I believe is still being developed and put together, and there are, at times, large vehicles on that road.

The surface of the road — when the road finally got surfaced and graded, at first blush it looked pretty good and some water and calcium were put on it and it was compacted, but what residents told me was that it got soft fairly quickly. So it was bladed again. What happened was the crown was taken out of the road, so there was then a period where there was heavy rainfall and the road surface deteriorated and became rather full of potholes and rough.

What my constituents are telling me is it's even difficult to drive the speed limit. Not only that, but because of the washboard effect of this surface, it actually caused at least one

of my constituents I know for sure to lose control of the vehicle and it ended up in the ditch.

The reason I'm asking this question right now is because, with this supplementary budget, it has come to light that the budget for this project was initially — we knew it was \$350,000, but in this budget there's a reduction of \$159,000. The government obviously feels pretty good about that. I'm sure the minister feels pretty good about that, because there's another \$159,000 they can spend at the Whitehorse correctional facility or something like that.

The minister talks about the money not going back, but if you turn the page, you'll see that under the infrastructure stimulus fund, they are indeed turning back \$80,000 on this project. I don't know; maybe they're using that \$80,000 in the line item below on the Fish Lake and Jackson Lake roads. I have no idea what actually is happening there. The residents who live along the Annie Lake Road feel that the road surface isn't safe. We're in a period now where the road surface is frozen and it's being ploughed on a regular basis by Highways and Public Works maintenance crews — keeping the road open. They appreciate the efforts of the Department of Highways and Public Works in that area. There were a number of other issues with the way that project was handled, with regard to BST and the way that the road was ripped up and left almost impassable. What I'm seeing here is a reduction of \$159,000 on a \$355,000 project.

My initial concern last fall was that we didn't get our \$350,000 worth from the project. My concern now is that the minister "cheaped out" on the project, basically, reduced what was spent on that road, and failed to hear what it was that I was saying to him pretty much on a weekly basis when I was hearing the concerns of my constituents. Can the minister give me the rationale for reducing the budget on that project by \$159,000?

Hon. Mr. Lang: I did drive down the road when the member opposite brought it up. It was quite passable, as long as you went the speed limit — as long as on this end of the bridge — is it the Wheaton River bridge? — and then after that.

I've also gone out skidooning in the wintertime, so it's passable today. I certainly look forward to investing in all of our rural roads, Mr. Chair. We have a massive amount of capacity issues with all our roads. We did put the resources on Annie Lake Road last year. It was a contract, and I certainly look forward down the road to investing more money. I made the conscious effort to go on the road, and that's what I did. At that point, the road was quite passable.

Mr. Cardiff: Well, ultimately the minister is responsible for the safety of the travelling public. I'm glad that he inspected the road, but I would encourage him to maybe wait a few months and take another trip down that road and just see what it is actually like, come this spring.

I would encourage him also to have contingencies in his highways maintenance budget. Maybe he can find that other \$160,000 and get the \$80,000 back from the federal government to ensure that the maintenance work on that road is done

to bring it up to a standard like all the other roads in the territory.

There are many, many more questions that I would like to ask today in the supplementary budget. I really want to be conscious of our time and I would like to have further opportunities to discuss the operation and maintenance budgets and capital budgets for 2011-12, so that will be my final comment.

Hon. Mr. Lang: Thank you, Mr. Chair, and thanks to members opposite.

I remind the Member for Mount Lorne that the government is responsible for all roads in the territory and certainly we have to resource those roads to maintain them and upgrade them on a regular basis. We do that through the budget, and the budgets that we read today — the supplementary or the mains that we will be talking about in the coming weeks.

But I remind Yukoners that the member opposite voted against the \$150,000 for the Annie Lake Road. That should be very clear to Yukoners.

Mr. Inverarity: I have one last question that I think just needs some clarification regarding the Whitehorse Correctional Centre. Could the minister confirm that the new secure assessment centre is part of the original footprint of the new Correctional Centre or is it a separate footprint from it? I'm still getting conflicting information. Some people say it's still a part of the new facility and some say it's an add-on; that it has its own footings — just a clarification.

Hon. Mr. Lang: It would be an add-on to the existing new building, so it is a new structure.

Mr. Inverarity: Great. Thanks very much. With that, I'd like to thank the officials for coming in. As I say, it's always enjoyable having the officials here. Have a good afternoon.

Chair: Any further general debate?

Seeing none, we'll proceed line by line in Vote 55, Department of Highways and Public Works.

Mr. Inverarity: I'd like to request the unanimous consent of Committee of the Whole to deem all lines in Vote 55, Department of Highways and Public Works, cleared or carried, as required.

Unanimous consent re deeming all lines of Vote 55, Department of Highways and Public Works, cleared or carried

Chair: Mr. Inverarity has requested the unanimous consent of Committee of the Whole to deem all lines in Vote No. 55, Department of Highways and Public Works, cleared or carried, as required. Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

*On Operation and Maintenance Expenditures
Total Operation and Maintenance Expenditures in the amount of \$791,000 agreed to
On Capital Expenditures
Total Capital Expenditures underexpenditure in the amount of an of \$4,513,000 cleared
Department of Highways and Public Works agreed to*

Chair: Committee of the Whole will now proceed to Department of Justice. Do members wish a brief recess?

All Hon. Members: Agreed.

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

Recess

Chair: Committee of the Whole will now come to order. Prior to proceeding with Committee of the Whole, the Chair would like to revisit a ruling from earlier today.

Chair's ruling

Chair: The Chair has determined that the Minister of Highways and Public Works did use the word "falsehood" when referring to a statement by Mr. Inverarity. That term has been ruled out of order before and should not have been used.

We will now proceed with Vote 8, Department of Justice.

Department of Justice

Hon. Ms. Horne: I rise today to speak to the *Third Appropriation Act, 2010-11* on behalf of the Department of Justice. This appropriation is not particularly large, with the exception of two items, so I will be relatively brief.

As members of this House are aware, we are on time and on budget with our new correctional infrastructure project. I know that some members of this House have expressed some doubt on that score, but we are assured that this project is well-managed and continues apace. To that end, I'm pleased to remark that this supplementary budget request is asking for \$3 million to be transferred from next year's projected budget into this year because we are ahead of schedule on this project and we require the money to be voted into this year.

This project is the cornerstone of the correctional redevelopment strategic plan. When we initiated our corrections consultation in the middle of the last decade, out of that extensive consultation, we created our correctional redevelopment strategic plan. This plan included the new correctional infrastructure project that we are talking about here today, but it also contained many other elements. These have included a new regulatory environment for both corrections and for victims.

I am very pleased that this House joined our government in unanimously supporting both of these legislative initiatives. This support speaks to the thoroughness with which the staff of the Department of Justice and our consultation partners from First Nations, women's groups, other government departments and agencies and NGOs set about to create a legislative structure that will serve Yukoners for many years to come.

In addition to the regulatory structures, we have also been steadily transforming the business of corrections; whether it is having inmates do work to better their integration with community resources or to managing our inmates through the new integrated offender management model. All of these changes collectively have monumentally changed the way offenders are dealt with in our community.

In this budget, we also have \$54,000 that is fully recoverable from Canada to assist us in fully implementing our *Victims of Crime Strategy*. Our *Victims of Crime Strategy* is being

steadily implemented. Last spring, we passed in this House one of the planks of that strategy which was our new *Victims of Crime Act*, which contained a victims' bill of rights and ensures that victims' views are considered during the criminal justice process. I am pleased to report that the implementation on that bill is proceeding well, along with a strategy and that we will be proclaiming the bill and its associated regulations very shortly.

This is consistent with what we said in the House last spring when we tabled the bill. I would like to thank our staff of the Department of Justice for working so diligently to keep that project moving forward.

Mr. Chair, in this appropriation, there is a \$500,000 request for planning and preliminary work on the secure assessment centre. \$250,000 of this expenditure will be recoverable from Canada.

The mains for this year have the bulk of the expenditure for this project, but this amount will get the project started, to take advantage of the ongoing construction of the correctional infrastructure project. I will note once again for this House the difference between the secure assessment centre and proposals such as the sobering centre that the Health and Social Services minister has directed his department to come back with options for as part of the implementation of the acutely intoxicated persons report.

These two projects are distinct from one another in that they serve differing purposes. The secure assessment centre is a replacement for police cells. The secure assessment centre is being designed to deal both with persons who are being detained as part of regular police investigations, as well as offering a more humane way for holding persons who are being held either under section 175 of the *Criminal Code*, which deals with, among other things, public drunkenness or the *Yukon Liquor Act*.

Persons who are being held can often be facing a number of charges, but if they are being held primarily as a result of drunkenness, it is this type of person who often requires the most care due to their high-risk lifestyle. The secure assessment centre will be better equipped to handle this kind of client; those who are being held primarily because they are a danger to themselves or others often because of violent behaviour. The secure assessment centre will also be able to offer 24-hour medical care from the nursing staff at the Whitehorse Correctional Centre. Currently, the nursing staff of the Correctional Centre is scheduled during standard office hours on weekdays, with inmates who require medical attention outside of those hours taken to the hospital by corrections officers.

With the addition of the secure assessment centre, not only will persons being held for short periods receive better care, but so will offenders being held under a standard warrant. They will also benefit. When persons who are being held at the secure assessment centre are no longer a danger to themselves or others, they can be released and either transported back downtown to the shelter or to some other facility that will offer programming for this type of acutely intoxicated person.

Other persons who are detained as part of normal police investigations will receive a more humane service through the

secure assessment centre. If a person is admitted and in need of laundry or hasn't eaten recently, the assessment centre, through shared facilities in the Correctional Centre, will also be able to see to these basic human needs. In addition, if a person has vomited on themselves or otherwise requires bathing, the centre is equipped with showers for just this purpose. These additions will improve human dignity and hopefully lead to persons held there being more receptive to receiving programming to address their underlying issues.

We have always said that this centre is just one part of our overall solution for the problem of how to deal with acutely intoxicated persons and general improvements in police cells. We hold no illusions that we will need a secure facility to deal with intoxicated persons exhibiting violent or dangerous behaviour until such time as they are capable of being released or transported to a facility, such as a sobering centre.

The question we have to ask ourselves is: is the status quo and cells enough? No, Mr. Chair, a thoughtful and realistic approach is what is required, and through these budget items we are working toward that goal.

Mr. Chair, in this budget, there is also \$150,000 to be added to the Legal Aid Society budget for this year. The addition is due to requests by Legal Aid to increase the budget to deal with a number of large and very complex cases. From time to time, Legal Aid is required to deal with complex murder cases, or sometimes, as in this case, more than one complex murder case. Capital cases are complex by their nature because of the seriousness of the crime, as well as that the potential for life imprisonment leads to higher costs. More common offences, such as assault, basic drug offences or thefts — those costs are higher. I understand that during the opposition briefing a question was raised with regard to the breakdown between criminal and civil cases represented by Legal Aid.

In the two most recent years that we have data for, the years ending March 31, 2008 and March 31, 2009, the ratio between criminal and civil cases is approximately two to one. In 2008, there were 882 criminal cases, compared to 430 civil cases. In 2009, there were 886 criminal cases, compared to 371 civil cases. I can offer a more detailed breakdown of what these bulk numbers are made up of during the line-by-line debate, if the members require it.

There are a number of other lines that may be of interest to the House, including some amounts that are fully recoverable. We have \$9,000 for French language training that is fully recoverable from Canada for the Territorial Court. We also have \$20,000 of fully recoverable funds from Canada for a parent education program called "Communicating in Conflict". Finally, we have an additional \$14,000 for the aboriginal court-worker program for a "Train the Trainer" training session.

This represents a vast majority of the lines in this budget, and I am pleased now to be able to answer questions on these lines. Thank you.

Mr. Inverarity: I think I will be fairly brief in my questioning here this afternoon.

First of all, I am pleased to be able to respond to the minister on this supplementary budget. I believe that one of my initial questions she has already answered, which was the \$3 mil-

lion that is being added to the budget. I guess it has been indicated that it is being moved from next year back into this year. So I thank the minister for clearing up that particular issue.

Also at this time, I would like to thank the officials for coming in. It's always a pleasure to have you here. I'm looking forward to the assistance you provide for the minister.

Just a couple of things that we can clear up here as we run down the day — in the fall, the minister indicated that she thought that stage 2 of the *Human Rights Act* was going to be brought forward — this spring, actually, was the inference that I got. I was wondering what the current status is of the *Human Rights Act* and when we might actually expect it.

Hon. Ms. Horne: Given the importance of human rights, we are going to proceed carefully, thoughtfully and methodically.

In November 2009, I gave direction to the Department of Justice to undertake further research that related to improving the complaints process. Those recommendations addressed the processes and structure of the Yukon human rights system. The department consulted with key stakeholders and interested parties on the process and structure. The general public was also provided with an opportunity to comment in writing on the matters on which the consultation focused. A report on what we heard during the targeted consultation was completed and made available November 2010. The department prepared a report and recommendations, which I received. This report represents a considerable body of research on issues reflective of the perspectives that were voiced during the targeted consultation.

I have received a report, as I said, from the department officials and I have been reviewing it. After my colleagues and I discuss it further, we will then proceed with the next steps. But again, I reiterate that we are going to proceed carefully, thoughtfully and methodically to make sure that it is done correctly.

Mr. Inverarity: Has the minister considered doing what we did before with this report that she has received — perhaps forming another select committee and taking the report out for public consultation, so that we could see exactly what's in the report and perhaps gain some more insight from that consultation?

Hon. Ms. Horne: I thank the member opposite for that question. That could very well be one of the ways we will proceed after we discuss it further. We may be taking it out for further consultation.

Mr. Inverarity: I'm just curious — earlier in the sitting we tabled, or actually I believe in the last sitting we tabled a Yukon — let me clarify that: this sitting we tabled a Yukon energy protection act. My question is, has the minister actually had a chance to look at it or has she referred it to her department for review?

Hon. Ms. Horne: This is still work in progress; we are still reviewing the report.

Mr. Inverarity: Okey dokey. Earlier today I asked the minister about the legal costs the department has been incurring for action taken against the Government of Yukon and, with the officials here, I'm just wondering whether or not she has

had an opportunity to get those numbers from them and if she could provide them.

Hon. Ms. Horne: No, I haven't had any visions since the question was asked earlier, but as I said, the Department of Justice gives advice to other departments as clients. Clients are given the best advice to make appropriate decisions on how to proceed on any particular conflict.

It depends on the particular situation. To make a decision, sometimes we can settle out of court, sometimes we mediate, sometimes we have to use our legal process to have a judge clarify the law in a particular situation. As I said before, we do not initiate all court costs and, as I said earlier, every Yukoner has the right, if they are not satisfied with the results of negotiations or mediation, to take it before the courts to have a judge make the decision.

Mr. Inverarity: While I appreciate there are other members in the House who get their facts and figures by visions, I know the minister is not one of them. I would assume she would actually talk to her departmental officials to get the real numbers, not something that's coming from the netherworld.

If the minister could make a commitment to have those numbers within the next week, I would be satisfied and could move on for the next quick question, if possible.

Hon. Ms. Horne: We don't have those figures today here, because we're dealing with the supplementary. Perhaps when we get into the mains where those figures actually are, we can give you those amounts.

Mr. Inverarity: In fact, the question relates to past numbers, not future numbers. So, while I appreciate that you're projecting costs for some of these things in the future, the real issue becomes one of how much has been spent to date. Those are the real hard numbers that we're looking for. I know the minister obviously doesn't have them here today, so that may be fine. I was hoping that we could just get a commitment that they would be forthcoming from the department officials. I think at this point in time, I would like to touch a little bit on another issue, so we'll move on.

Recently, I had an opportunity to table another bill in the Legislative Assembly, which touches on her department. It's the whistle-blower legislation or the disclosure act that I had. I find that this particular bill — and I brought it up a number of times asking the minister from the Public Service Commission some questions.

It does touch on the Justice department inasmuch as they would probably have an opportunity to review this particular bill. I personally feel that the bill has a lot of merit. There are a lot of good things in it. In fact, it was largely based on the legislation from the Manitoba Legislative Assembly. Yesterday I had an opportunity to speak to somebody from the Manitoba Legislative Assembly about whether or not they were happy overall with the bill that they have introduced — and comments around it. Without getting into specifics of the "who's" and "why's" I kind of got the impression that, overall, they were satisfied with the way they had progressed with whistle-blower legislation.

I know that what we have here is a combination of what their original bill was and some amendments that they have gone through. The most significant component of the legislation that I tabled on whistle-blower legislation has to deal with the issue around whether it's just applicable to public service employees or whether or not it grows to a bigger issue and includes the general public, when they see errors or issues with regard to activities within the government.

I'm perhaps not explaining that as much as I would like to, but the real issue is that, if you have an individual who sees some misconduct on behalf of a government official and that person works outside of government and they report it to the Ombudsman, they would in fact have an opportunity to — well, they would in fact be protected in their job and by any recourse on behalf of the government taking significant action against those individuals. It's a significant change or addition to whistle-blower legislation from elsewhere in other jurisdictions, but I think that it's a worthy one to have a debate on and to have a discussion about.

I'm hoping the minister has had an opportunity to look at my bill. I'm hoping the minister has set a time to refer it to her department, because I believe this particular piece of legislation could be implemented within this sitting. It's something the minister responsible for the Public Service Commission says she supports — whistle-blower legislation — and I believe the Yukon Party as a whole had it in their mandate prior to the last election, at least on their platform. I was very encouraged by the fact that, when I tabled this, there was some support within the government.

Seeing the time, I move that we report progress.

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

Motion agreed to

Hon. Mr. Rouble: I move that the Speaker do now resume the Chair.

Chair: It has been moved by Mr. Rouble that the Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

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

Chair's report

Mr. Nordick: Committee of the Whole has considered Bill No. 23, *Third Appropriation Act, 2010-11*, and directed me to report progress on it.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

The time being 5:30 p.m., this House now stands adjourned until 1:00 p.m. Monday.

The House adjourned at 5:30 p.m.

The following Sessional Paper was tabled February 24, 2011:

11-01-203

By-election in the Electoral District of Whitehorse Centre, December 13, 2010: Report of the Chief Electoral Officer of Yukon (Speaker Staffen)