

Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, April 10, 2013 — 1:00 p.m.

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

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In remembrance of Margaret Thatcher

Hon. Mr. Pasloski: Mr. Speaker, I rise today to pay tribute to the Rt. Hon. Margaret Thatcher, baroness and former Prime Minister of Britain.

Leading her country from 1979 to 1990, she is remembered for being Britain's longest serving prime minister and as the first and the only woman to occupy that role. In fact, she is a woman of many firsts. She was the first female president of the Oxford Conservative Association in 1946. In 1950, she was the youngest person to run for election. In 1964, she was the only woman named to Cabinet.

Her conservative fiscal policy guided Britain through a time of social and economic unrest. During those tumultuous economic times, she was famously quoted as saying that the problem with socialism is that eventually you run out of other people's money.

In 1982, she led Britain in the Falklands war, bringing the Falkland Islands back under British control following the invasion by Argentina.

She was an iconic figure in her time in politics. Not only did she influence Britain, but she was a prominent player on the world stage during a period that saw the Cold War come to an end. She will be remembered for her tenacity, her iron will, her reforms to Britain's economic system and as a leader of women in politics.

Mr. Speaker, I ask that all members of this House join me in remembering and celebrating the life of Lady Margaret Thatcher.

Applause

In recognition of National Wildlife Week

Hon. Mr. Dixon: Mr. Speaker, I rise today in the House to ask my colleagues to join me in recognizing this year's National Wildlife Week, which began on Sunday, April 7 and continues until Saturday, April 13.

National Wildlife Week is a program of the Canadian Wildlife Federation to celebrate Canada's natural heritage and help support its conservation.

This year marks the 50th anniversary of *Hinterland Who's Who*, a national wildlife educational resource produced under the auspices of the Canadian Wildlife Federation.

We all have heard that distinctive loon-like music. Those 60-second television vignettes not only teach us about wildlife, but also provide an understanding of how each and every Canadian can play a part in conserving it.

For too many Canadians, that vignette is as close as they will ever get to seeing a fox, an owl, a bear or even a ground squirrel.

National Wildlife Week reminds me of how fortunate we are in Yukon to live with and among wildlife, not for a week but indeed every day. National Wildlife Week also serves as a reminder that the future of our fish and wildlife populations, the habitat and our biodiversity is a shared responsibility that crosses many boundaries. The Government of Yukon works with Yukon First Nations, renewable resource councils, communities and more when developing management plans for wildlife, for habitat and for parks.

The management plan for the Aishihik wood bison herd in southwestern Yukon released last September is part of the government's ongoing commitment to promote the sustainable use of wildlife resources. It provides a broad framework to guide management of the Aishihik wood bison herd in a manner consistent with the recovery of a species at risk while addressing local concerns and interests.

The *Yukon Wolf Conservation and Management Plan* released last May is intended to guide wolf conservation and management throughout Yukon, ensuring that the roles of wolves and their prey species are respected.

Yukon's environment and wildlife are deeply important to the lives and culture of the people of the Yukon. Healthy communities thrive in a healthy environment. The strategic goals of the Department of Environment reflect this: environmental stewardship, decisions informed by shared knowledge, strong and trusted partnerships and organizational excellence. The department is leading an important initiative that will affect wildlife in the Yukon: the public review of proposed changes to the *Animal Health Act*.

We are proposing changes in five key areas to improve government's ability to respond to potential future animal health issues in an effective manner. We are doing this because healthy wildlife populations are important for harvesting, tourism, outfitting, and the overall health of Yukon's environment. Animal diseases can have an impact on human health as well, as last week's bird flu headlines reminded us.

The proposed changes deal with the scope of the *Animal Health Act*, the role of the chief veterinary officer, compensation for losses arising from an order under the act, introduction of an appeal process, the evaluation of penalties and a few other things.

These changes would bring the act into line with similar legislation in other Canadian jurisdictions to more effectively deal with the risks to animal health and food security as well as to support public health.

In closing, I would like to recognize the Canadian Wildlife Federation which coordinates National Wildlife Week. The Canadian Wildlife Federation is dedicated to ensuring an appreciation of our natural world and a lasting legacy of healthy wildlife and habitat. Whether it's through *Hinterland Who's*

Who or beautiful posters or classroom curricula, the CWF do an excellent job of informing Canadians about the precious resource that is our wildlife.

Before I close, Mr. Speaker, I should also add a shout-out of course to the Yukon Wildlife Preserve which is open again to the public. I remind members that we are very close to the baby season at the Wildlife Preserve, which is a great time to go and see a number of baby species as they're born in the spring.

Ms. White: I rise on behalf of the Official Opposition to pay tribute to National Wildlife Week. National Wildlife Week began in recognition of the birthday of Jack Miner, a founding conservationist in Canada. The bill to commemorate National Wildlife Week was passed unanimously in the House of Commons in April 1947 and has been celebrated every year since. Jack Miner had a lifelong passion for wildlife and nature. He spent only three months in school and considered the outdoors his classroom. Miner was known as "Wild Goose Jack," and he is credited with saving the Canada goose from extinction. He established a bird sanctuary in Kingsville, Ontario — the first of its kind on the continent to provide food, shelter and protection from the hunting of migratory birds. His research on birds was used to create the original *Migratory Birds Convention Act*. The act placed restrictions on hunting for the first time in an effort to preserve waterfowl populations. Miner also worked his entire life to protect the wetlands and other wildlife habitats. Jack Miner was awarded the Order of the British Empire in 1943 for — and I quote: "the greatest achievement in conservation in the British Empire."

To create a legacy such as Miner did took an enormous amount of effort and courage. As the *Windsor Star* wrote in 1993, Miner was a pioneer who changed the attitudes of a continent against great odds. We should take this time to remember Miner's legacy in preserving our wildlife and the habitats they live in. It is too easy to forget the foresight and dedication it takes to protect our natural world for future generations.

In particular, we can honour Miner's work by fighting to preserve our current unspoiled areas, such as the Peel watershed and, as a consequence, protect the wildlife within it.

The Yukon NDP is committed to protecting the wildlife of Yukon and preserving its natural habitats.

Mr. Silver: I rise today on behalf of the Liberal caucus to pay tribute to National Wildlife Week 2013. National Wildlife Week is celebrated in all parts of the world. As the Member for Takhini-Kopper King just mentioned, in Canada the National Wildlife Week was created in memory of Jack Miner and celebrated each year on April 10 to mark his birthday.

Jack Miner spent his lifetime teaching and speaking on wildlife conservation, environmental techniques and the importance of creating sanctuaries for the protection of wildlife. There are few places left on the planet where the impact of humans has not been felt. We have explored and left our footprint on nearly every corner of the globe. As our population and needs grow, we are leaving less and less room for wildlife.

National Wildlife Week offers an opportunity to raise the awareness of the extraordinary animals that live around us and that we share our planet with, celebrate the wonderful world of wildlife and the values of having healthy habitats.

In Yukon we are truly blessed with wilderness right outside our back door. As Yukoners we share a vast land base with a wealth of wildlife.

It is only by raising awareness about our Canadian — and, in particular, Yukon — wildlife and the importance of their habitat that we can hope to protect our wildlife species and spaces. We must be diligent in our efforts to educate individuals to help instill a conservation ethic and inspire a lifelong appreciation of wildlife and the environment.

National Wildlife Week raises the awareness of our need to ensure that our wildlife populations and their habitats in the area of Canada, both on land and in water, are conserved in a sustainable manner so that they can be enjoyed by future generations. It is our responsibility to protect nature, our wildlife, their habitat and the world we share. We are each responsible for conducting our lives and businesses in a way that minimizes impact on local wildlife.

We would like to offer our congratulations to the Canadian Wildlife Federation for their 50 years of conserving and protecting our Canadian wildlife and its habitat, and a hearty thank you to our conservation officers and staff for all of their efforts to protect our wildlife. We must all strive to become better stewards of our planet, ensuring that wildlife, plant life and their habitat are protected so we can achieve a peaceful and sustainable future for generations to come. Your actions can and will make a difference.

Mr. Elias: I also rise to pay tribute to National Wildlife Week. Canadians and Yukoners in particular are very fortunate and enjoy an abundance of natural wilderness areas that are populated by many species of wildlife, many of which are on their way to our territory, as we speak, from as far away as Australia, South America and even Antarctica. Each year the Canadian Wildlife Federation sponsors a week-long celebration that encourages us to recognize this.

The event is centred on April 10 — the birthday of one of Canada's founding conservationists, Mr. Jack Miner. It's also important to recognize that today is also my mother Norma Kassi's birthday, who is a pretty good conservationist in her own right. Happy birthday, Mom.

Miner pioneered the practice of banding geese and other waterfowl to track their migratory patterns. In 1904, he established a wildlife preserve near Kingston, Ontario, that survives to this day.

The Canadian Wildlife Federation explains that National Wildlife Week is "an opportunity for Canadians to celebrate our country's natural heritage and play a supportive role in its conservation." The Canadian Wildlife Federation is encouraging us to go out and explore the bounty of our landscape by participating in a national event called Walk for Wildlife.

By walking through our wilderness areas, we will not only experience health benefits and stimulate our natural curiosity, we'll also develop a new understanding of the natural world

around us. It's an opportunity to reestablish our understanding of the fact that we share our environment with many other charismatic megafauna and small creatures, from the massive grizzly bear right down to the pesky mosquito. I encourage my colleagues and members of the public alike to pay tribute to National Wildlife Week by stepping outside into our wilderness, even just for a short while, and reconnect with the wild world around us.

In recognition of National Poetry Month

Hon. Mr. Nixon: I rise today on behalf of all members of this Assembly to pay tribute to National Poetry Month.

National Poetry Month was first inaugurated by the Academy of American Poets in 1996. Since that time schools, publishers, libraries, retail book outlets and poets across Canada and the United States have celebrated poetry for its place in literary culture.

For many, the iconic image of the poet is someone with paper and pen in hand, eyes watchful, ears listening, creative thoughts centred on the beauty of language put together in such a way as to capture a feeling, a thought and expression, or a place. For some poets, it's high drama; for others, it may be comic relief. For anyone who loves poetry and the elegance of language, it is an inherent passion that cannot be ignored and must be nurtured.

Many Yukoners have the heart of a poet. One such poet was Robert Service. Robert Service wrote what he called "popular ballads", such as *The Shooting of Dan McGrew* and *The Cremation of Sam McGee*. His first book, *Songs of a Sourdough*, captured the flavour and essence of everyday life that was commonplace in Yukon at the turn of the 20th century. He visited saloons, hiked Miles Canyon, conversed with fellow residents and listened to the stories told by the miners when they came to town.

For the poet, just as it did for Robert Service, literary inspiration can come from anywhere at any time. Of course we can't forget some of the great poems from Jack London that are so popular with our German visitors, like *Gold* and *The Klondyker's Dream*, just to name a couple. Yukon inspires poets to create work based on a unique way of life experienced here in Yukon: our colourful history, our wild places, small-town life and quirky happenings. Our poets also work with universal themes making their work appealing to local audiences and readers as well as those outside of Yukon's borders.

The Yukon has a dynamic poetry scene, with events such as the Whitehorse Poetry Festival, which is held every two years and receives \$26,000 in funding support through the arts fund.

The next Whitehorse Poetry Festival will take place this summer and will once again be the gathering place for poets and appreciative audiences to be inspired under the midnight sun. As Minister of Tourism and Culture and on behalf of this government, we are very proud to support Yukon's poets, whose work is enjoyed by people around the world.

This government has provided funds through programs such as the touring artists program and the advanced artist award. We support individual poets to create new work, learn

with their mentors, work with editors and to present their work at professional venues throughout North America. Venues as unique as the poets themselves have been used to share this wonderful art form that we are honouring here today. Last summer, Dawson audiences were treated to readings by post-modern poets who stood among historic printing presses in the old *Dawson Daily News* building.

Books, anthologies, literary journals and magazines all feature the work of our contemporary poets. Today we're very proud to honour those poets whose work resonates with readers throughout the world.

April is National Poetry Month. I encourage everyone to look for author readings, book festivals and book displays that celebrate Yukon authors and poets. By giving them our support, our world is a little brighter and our appreciation for poetry and its potential impact to evoke a feeling or emotion better understood.

Speaker: Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Nixon: It's with great pleasure that I ask all members of this Assembly to join me not only in welcoming but thanking two of the volunteers from Mothers Against Drunk Driving: Daniela Martinson, who is president, and Amanda Price, who is vice-president.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Nixon: I have for tabling the *Workers' Advocate Office 2012 Annual Report*. I also have for tabling the Yukon Law Foundation annual report, November 1, 2011 to October 31, 2012.

Speaker: Are there any reports of committees?
Are there any petitions to be presented?
Are there any bills to be introduced?
Are there any notices of motion?

NOTICES OF MOTION

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

THAT this House urges the Government of Yukon to assist Mothers Against Drunk Driving - Whitehorse to engage other governments and agencies to implement a public awareness campaign with both general awareness advertising regarding the Report Impaired Drivers program and targeted signage focused on students celebrating graduation, boaters and snowmobile operators at the Skagway and Haines summits.

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

THAT this House urges the Government of Yukon to commit \$450,000 over three years in support of advancing aboriginal women's equality.

I also give notice of the following motion:

THAT this House recognizes that the people of Nunavut continue to rely on polar bears as an essential source of subsistence, revenue and cultural pride, supports the efforts of the people of Nunavut to responsibly manage polar bears, and will continue to support the international efforts of the Government of Nunavut to oppose banning trade in polar bear parts.

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

THAT this House urges the Minister of Justice to examine the Curb the Danger and Vehicle Plate Impoundment programs that have experienced success in combating impaired driving in other jurisdictions.

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

QUESTION PERIOD

Question re: Dawson City and Watson Lake hospitals

Ms. Hanson: Mr. Speaker, yesterday the Minister of Health stated that a bonding company is now responsible for sorting out the financial management problems that continue to plague contractors owed money by Dowland, the company chosen to build the hospitals in Watson Lake and Dawson City. From his comments, one could be led to believe that everything is just fine and is being worked out. That is not the experience of contractors who tell us they have spent hundreds of thousands of dollars in legal fees trying to get paid for work done. For example, one company performed \$1.15 million worth of work for Dowland on these two projects.

An honest day's work usually results in an honest day's pay. What explanation will the minister provide to these contractors who are owed money, and will he confirm that the bonding company is able to honour the payments that Dowland already owes to subcontractors who, in good faith, worked on these projects?

Hon. Mr. Graham: Mr. Speaker, it's interesting how the member opposite uses only excerpts of what was actually said in the Legislature yesterday and usually fails to give a complete picture of what was actually said.

I said it was my understanding that that was what happened. I also said that the bonding company and the Hospital Corporation were in continuing talks and when I receive an update on what else is happening then I will inform the House at that time.

I'm not sure what the member opposite expects me to do — run out there with a cheque book and pay these contractors myself? What must be understood is there is a process that must be followed. There is a very legal process. As I said yesterday, it's extremely unfortunate that any contractors and subcontractors are being left in the lurch due to the difficulties that have befallen Dowland. Unfortunately, at this point in time, there is not a great deal that I can do about it. I promised yesterday that I would inform the House as further developments occur and I'm informed of them, and I will keep that promise.

Ms. Hanson: It is indeed extremely unfortunate, but it's not the first time we have raised issues surrounding recent major capital projects, such as the long delays and cost increases to these hospitals, and the back-and-forth of building or not building a new F.H. Collins. What kind of message do these sorts of delays, changes in plans, postponement of projects send to companies working in the construction industry — to local companies that are planning their work around schedules that get pushed back, not just a week or two, but a month or two or a year or two?

Proper capital management of projects is essential for ensuring timely, cost-effective development. With each mismanaged project, industry is less inclined to take the risk of being involved in Yukon projects.

What concrete action is the government taking to ensure that going forward — they can't rectify what has gone already — Yukon capital projects are going to be properly managed and cost-effective?

Hon. Mr. Graham: I have sat in this Legislature as these questions have arisen from time to time from members opposite, and I've heard our Minister of Highways and Public Works say that they've instituted a number of things already, such as a new procurement policy, and how their department is very aware of some of the difficulties that have occurred in the past and how they are trying to correct them. Speaking for me and the Yukon Hospital Corporation, we've had these discussions with the Hospital Corporation and, as I said before, it's extremely unfortunate that this has happened. However, the Hospital Corporation is making every effort, together with the bonding company, to alleviate the difficulties that subcontractors are experiencing at this time. When I have more information, I'll be pleased to bring it to the House.

Ms. Hanson: It is an unfortunate story that goes on. Really, at the end of the day, it's the Yukon government that's ultimately responsible for paying — all of us — for the new hospitals being built in Watson Lake and Dawson. The cost may be paid via the Hospital Corporation, but it's we, the taxpayers, who provide the funds.

As well, it is Yukon workers who lose out when those jobs are deferred or are cancelled, and it is damaging to Yukon's reputation as a safe and honest place to do business to have contractors and subcontractors left on the hook for millions of dollars in unpaid bills. Does the Premier accept responsibility for taxpayers' money that is being spent on hospitals that are overbudget and behind schedule? As Finance minister, will he provide this House with an up-to-date estimate of current outstanding liabilities for these projects?

Hon. Mr. Istchenko: I've alluded to this in the House before. I thank the member opposite for the question, but when it comes to contracting and disputes among a general or subcontractor, the government does hold funds back and it goes before the courts. This is an example that my fellow colleagues spoke about. The government doesn't meddle in court proceedings and does not get involved in disputes among separate companies.

The bonding company is responsible, and the member opposite offered, when we have some information, to get back to the House.

Question re: Renewable energy strategy

Ms. White: The Minister of Energy, Mines and Resources is not answering specific questions about renewable energy and this is a disservice to us all. I will now table the redacted wind-assessment feasibility study completed for Yukon Energy and obtained through an access-to-information request. This study showed, and I quote: “there would appear to be every justification to seriously pursue a wind generation project.” There is great potential for wind power to complement Yukon’s hydroelectric power and to be part of Yukon’s diverse and renewable energy future to displace reliance on diesel and other fossil fuels. This is great news. Even better, it fits with the government’s energy strategy. My point yesterday in listing various Yukon energy projects was to demonstrate that most, if not all, require financial support from government. Aside from demonstration solar panels on government buildings, can the minister identify any new renewable energy project that this government is supporting right now?

Hon. Mr. Cathers: Absolutely. If the member were a little more careful in her research instead of, as we saw yesterday, the member saying things in this House that are quite inaccurate and that do not reflect an understanding of history and timelines, I would point out to the member that, in fact, projects that government has looked at include Ferry Hill. There’s currently ongoing work with Champagne and Aishihik First Nations exploring the feasibility of biomass there.

Again, I remind the member opposite that, while we remain committed to pursuing renewable energy sources, we also have to look at what those sources cost. In case of specific projects, I would point out that the economics of individual projects may be different from the economics of other projects. When we are looking at projects and when we are engaging with our Crown corporations — Yukon Development Corporation and Yukon Energy Corporation — we are very much focused and have asked them to be focused on minimizing the financial risk to ratepayers and taxpayers and focusing the investments of large amounts of money on projects that are likely to succeed and are likely to fit well into the rate structure and not cause a spike in rates. Unlike the Member for Takhini-Kopper King, we believe that most Yukoners are not prepared to pay dramatic amounts of increases to their power bills simply because of a love for a specific energy source like the member’s love for wind.

Ms. White: Four years ago, with its *Energy Strategy for Yukon*, the Yukon Party government listed priority actions, and I quote: “Support the development of a wind, hydro, solar, wood or geothermal project in a diesel powered community.”

In 2009, the Yukon infrastructure plan work identified a whole host of territory-wide green energy projects, including some funding sources. What has happened to the vision of that *Energy Strategy for Yukon* and the groundwork done by departments? Yukoners are looking for the political leadership on renewable energy, but the Premier’s 2012 mandate letter to the

Minister of Energy, Mines and Resources gave renewable energy barely a nod. The future is now and it involves a shift away from fossil fuels.

How will this government increase Yukon’s renewable energy supply by 20 percent by 2020?

Hon. Mr. Cathers: Again, the member is being fairly selective with the facts that she’s bringing forward in front of the House and painting a picture that does not line up with the facts. In fact, government has partnered with others to look at the feasibility for renewable energy sources. Work has been done and investments made by Yukon Energy Corporation in exploring the feasibility of a wide range of various energy sources. That includes active work that is going on with the Champagne and Aishihik First Nations, looking at the feasibility of biomass in the area; investments that have gone on in exploring the feasibility of wind; geothermal has also been explored in the past. Significant amounts of money, in fact, have been spent in exploring various energy sources.

As I indicated to the member, what I have asked and this government has asked Yukon Development Corporation and Yukon Energy Corporation to do is to be focused when making decisions about what energy options to explore, to be mindful of how likely it is that a project would be successful in getting permits, and also consider the ultimate cost of that.

With certain types of renewable energy with certain specific projects, it may be feasible and may not cause a dramatic spike in the rates. However, simply to look to wind as the be-all and end-all and the salvation, as the Member for Takhini-Kopper King appears to do, quite simply does not work, and we do not believe most Yukoners are willing to see that much of a spike in the rates.

Speaker: Order please. The member’s time has elapsed.

Ms. White: What I’m asking for is where this government is going with renewables. It’s clear from the minister’s non-answers these last few days that he would benefit from more updated information about the feasibility of wind power as one of our diverse and renewable options in the energy mix. Local experts and their peers and colleagues from around the north have created solutions on the issues the minister has identified as concerns. There does not need to be a megawatt of backup power for every megawatt of wind power installed, and icing and other maintenance concerns are being addressed. Haeckel Hill’s wind turbine provides many lessons, including the impact of neglect on performance.

The Yukon Energy Corporation report I just tabled concluded that in an off-grid community, a wind project “... would be economic even with diesel fuel costing \$0.75 a litre.” Before dismissing the potential of wind power as part of Yukon’s diverse and renewable energy future, will the minister commit to conducting a full cost-benefit analysis of wind energy that includes up-to-date, local and international expertise and that will allow for legitimate comparisons?

Hon. Mr. Cathers: In fact, the member is just, quite simply, not well-informed about her facts. I would encourage her to look at the presentations that have been made by Yukon Energy Corporation in its rate application to the Yukon Utili-

ties Board and the Yukon Utilities Board's recent review of the rate application, where they have analyzed the corporation's expenses, including the significant amount of money that has been spent researching renewable energy opportunities. The investments have gone on and they will continue to. But, again, as I've said to the member, based on the work that has been done to date, we need to make certain decisions, and we are very mindful of the cost as a factor when new, significant projects are being included into the rate base.

Now, as I mentioned before, perhaps if we set up a wind turbine in the NDP benches, we might see a significant increase in renewable energy that would provide great electrical power through the constant circling of the wind turbine. But what I do have to point out is the fact that for wind energy we have to be very concerned about its reliability, and there has to be a backup piece —

Some Hon. Member: (Inaudible)

Hon. Mr. Cathers: Perhaps the member would rather heckle than listen. There has to be a capital asset that provides backup energy solutions. It's dangerous for the members to focus on their imaginary world, where wind and fairy dust power the economy.

Question re: Solid-waste management

Mr. Silver: In 2009, the Yukon Party government announced its *Yukon Solid Waste Action Plan*, to modernize how our landfills operate.

An important part of the plan was the creation of a solid waste advisory committee. It was established to assist in the successful implementation of the *Yukon Solid Waste Action Plan* and as an ongoing opportunity for partnerships and ideas. The committee produced one annual report and has been dormant since May 2012, when the terms of all the appointees expired and the government didn't appoint any new members.

Can the minister explain why a committee the government itself described as "ongoing" no longer exists?

Hon. Ms. Taylor: I want to point out the Government of Yukon has been doing a lot in terms of improving waste management throughout the territory. We have taken steps to ensure we continue to provide capital investments in solid-waste facilities throughout all the unincorporated communities, and we're also working collaboratively with municipal governments on short- and long-term use of their facilities.

At this particular time, we are actually working in collaboration with municipal governments through "Our Towns, Our Future", and we have convened a working group to oversee the future of waste management in the territory. A report has since come out of that group.

I had a meeting with the Association of Yukon Communities president and the two co-chairs of that working group and have since made a number of recommendations on future improvements when it comes to solid-waste management. Again, this government is proceeding on a number of fronts to reduce waste and to certainly improve how waste has improved throughout the territory.

Mr. Silver: I have no doubt that there is forward motion here, but I'm talking about a specific question. The ap-

pointment of all eight members on the Solid Waste Advisory Committee were made at the same time and ended at the same time. Their terms all expired on May 31, 2012.

On June 4, 2012, an e-mail was sent from one of the minister's employees about the timing of the next meeting. It read: "Regard to this meeting, it is confirmed that everyone's term ended on May 31, so everyone will need to be renewed before the meeting can be held. You will all be contacted for scheduling of a new time once appointments have been determined. Thanks again for your time and involvement, and we look forward to continuing on with all of the SWAC's hard work and dedication."

Shortly after this, the committee was disbanded. Can the minister explain why?

Hon. Ms. Taylor: For one thing, again, I just want to take note of the work that the Government of Yukon has been doing in collaboration with the committee and in collaboration with municipal governments throughout the territory.

In terms of focusing our operations on diversion rather than disposal, we have been installing groundwater monitoring wells at all of our respective facilities. We have established transfer stations and waste circuits at all regional sites. We've established a Yukon-wide recycling review. That work is ongoing. The *Yukon Solid Waste Action Plan* has been in place for a number of years. The Department of Community Services, in collaboration with the Department of Environment and municipal governments, is certainly taking stock of what has worked and what has not worked. We are working in collaboration — hand in hand — on a working group with respect to solid-waste improvements. We're committed to doing that, and certainly that work will help inform the future of a solid waste action committee as well.

Mr. Silver: Mr. Speaker, when the Yukon Party government announced the creation of this committee, it said that the job would be to help set priorities for improving solid-waste and recycling programs in the Yukon. It also said that it was, and I quote: "...looking forward to the advisory committee's contributions toward a modern and sustainable solid waste management system..."

Just two years later, the Yukon Party decided it was no longer interested in hearing from this committee and disbanded it. In the one annual report it did produce, the committee said, and I quote: "A number of recommendations are being developed, and, when complete, will be officially tabled with the Minister of Community Services."

Were those recommendations completed and, if so, will the minister share them with the public?

Hon. Ms. Taylor: When it comes to improving solid-waste management in the territory, we're taking a number of steps. We've moved to no open burning of household waste at all of our respective sites. We've done that. We've created a number of transfer facilities, and I have been to pretty much every single one of them in the territory. We have staffed a number of the peripheral sites in Whitehorse and electrified those areas. We have implanted standardized signage at all those areas. We have improved hazardous waste management

at all of those sites and improved recycling opportunities to increase waste diversion at those respective areas.

Again, we're also moving beyond that. We're actually working in partnership — as the member opposite has very much advocated on a number of occasions — and hand in hand with our municipal governments to discuss the gaps and the issues relating to solid-waste improvement in the Yukon, including liabilities, permitting, regulatory changes, overlap between municipal and unincorporated sites. We are very much committed to moving in the right direction. We are doing that with our municipal governments. That will help inform future steps as we move forward.

Question re: Impaired driving rates

Mr. Elias: I have a question for the Minister of Justice. Yukon has the second highest rate of impaired drivers in Canada. The fact is that our rate is three times that of the national average. In 2011, there were 327 impaired driving incidents in the Yukon, and in just one week last December, Whitehorse RCMP charged 16 people with impaired driving and suspended the licences of 17 more. Our rate is going up mostly among women, who now represent 18 percent of those charged, and it's our youngest drivers who are the most frequently impaired at the wheel. Impaired driving cases are a considerable burden on our justice system, representing 17 percent of all hearings in our territory. How will the minister begin reducing the rate of impaired driving in our territory?

Hon. Mr. Nixon: I do thank the member opposite for bringing this question forward on the floor today. It is timely, in a sense, that we have two members here from Mothers Against Drunk Driving in Whitehorse and that I tabled the motion today indicating that this government is interested in working with other governments and partners within the territory to work with Mothers Against Drunk Driving and to be able to enhance their spring campaign to prevent people from drinking and driving.

I certainly appreciate the relationship that we have with MADD Whitehorse and I know that over the last two years I have taken an entire eight-hour shift with traffic services, RCMP and with Mothers Against Drunk Drivers to do roadside safety check stops with them. I look forward to continuing the relationship that we have with MADD, with the RCMP and other community members. I think with everybody working together we can in fact work on reducing the rates of drunk driving.

Mr. Elias: I will take my time in Question Period to go over a couple of programs that are working in other jurisdictions. One is called Curb the Danger. Across Canada, police are receiving a growing number of calls from concerned citizens to report impaired drivers. Perhaps it's wise to encourage this action, even to formalize it. Edmonton police, for example, promote a tremendously successful program called Curb the Danger. Citizens are encouraged to call 911 when they witness an obviously impaired driver, but even if police don't intercept the vehicle, the registered owner receives a letter informing them that they were reported. In 2012, Edmonton police re-

ceived almost 8,000 calls. As a result almost 800 arrests were made and 175 licences were suspended.

Would the minister consider formally establishing and promoting a program similar to Curb the Danger that would actively enlist and support concerned citizens in combating impaired driving in the Yukon?

Hon. Mr. Istchenko: Again, I thank the member opposite for the question. It is timely, as the Minister of Justice spoke to earlier. This government is interested in creating safer Yukon roads. On many occasions I've — as a newly elected minister — worked with Mothers Against Drunk Driving when they launched their Christmas campaign and looked at committing our fleet vehicles to wearing the ribbon, as did the City of Whitehorse. We just had a briefing on some of the questions that were brought forward by the minister. We haven't made decisions on anything, this is just new. We're going to discuss it with our department officials and see where we can go. Just quickly, as the Highways and Public Works minister, I committed our movable signs to work with their spring campaign, so they can put them in areas and try to curb drinking and driving. I do thank the member opposite for the question. It's very important to —

Speaker: Final supplementary.

Mr. Elias: Recidivism is common among impaired drivers, even when their driving privileges have been revoked. To combat this several American states, including Minnesota and Ohio, have implemented a successful legislative program called vehicle plate impoundment. Basically, when an individual is charged with impaired driving, the licence plates on their vehicle are immediately seized and destroyed and if the person charged wishes to continue driving while under a sentence, they must place visually distinct licence plates on their vehicle that publicly identifies their crime.

This is also being implemented in the Province of Prince Edward Island. In an analysis of this, recidivism rates have dropped significantly between 20 and 25 percent. Would the minister consider introducing a legislative program like vehicle plate impoundment to help drive down rates of recidivism among Yukoners charged with impaired driving?

Hon. Mr. Nixon: This government is always interested in reviewing initiatives from other jurisdictions, so it's one I can task my officials from the Department of Justice to look into and fully brief me on the program over there.

While I'm on my feet here, I think it's equally important to thank the minister responsible for the Liquor Corporation for his and his department's work on this file. I know they show great interest in the relationship we have with MADD and with the RCMP.

Substance abuse and addictions treatment programs are also available through the Department of Health and Social Services, so again I'd like to thank the Minister of Health and Social Services for his work on that.

This government will continue to build the relationship with Mothers Against Drunk Driving. We will continue to build a relationship with the RCMP, with the City of Whitehorse, with Bylaw, with organizations such as COPS, and continue to address the rates of recidivism and work at preventing

and reducing the amount of drinking and driving that does occur here in the territory.

Question re: Emergency 911 coverage

Mr. Barr: This February, the Yukon government and Association of Yukon Fire Chiefs met with Northwestel to determine how much it would cost to deliver a 911 service to all of Yukon. We expected to know these costs by March. Instead of telling us what those costs are, in the Premier's Budget Address the Premier announced yet another review of the 911 service. We need a 911 service, not another review. What exactly are the costs of expanding 911 to serve every community of Yukon?

Hon. Ms. Taylor: I thank the member opposite for the very important question on the issue of 911. When it comes to what this government has been doing over the last number of years, we have done a lot in terms of making significant improvements to our emergency response capability. When the members opposite will reflect upon this year's fiscal budget allocations, they will see significant increases in the Fire Marshal's Office, significant increases in emergency medical services and so forth.

We are certainly working to strengthen our response whenever and wherever possible. We are certainly taking the issue of 911 into consideration, and have struck a working group comprised of the Association of Yukon Fire Chiefs, Association of Yukon Communities, EMS, as well as the Fire Marshal's Office and others. We look forward to receiving the report, which is not quite in, but I understand it will be in the weeks to come.

Mr. Barr: What do these numbers mean: 536, 390, 993? They form part of the seven-digit local phone numbers for the emergency services in Watson Lake, Teslin and Dawson City. To a tourist in Yukon who is probably familiar with only 911, that could mean life or death.

Yesterday on CBC Radio, the fire chief of Dawson City stated that having a centralized 911 service could save lives. We need a service that is universal, reliable and efficient. Will the minister commit today to bring 911 service to every community in Yukon and complete the project by the end of this fiscal year?

Hon. Ms. Taylor: What this Yukon government has done is work to enhance our emergency response capability. We have invested and will continue to invest heavily when it comes to emergency response, whether it's EMS, EMO, or in response to structural fire in collaboration with municipal governments or within our own Fire Marshal's Office.

Just to get back to my original response, the Yukon government has convened our 911 management committee. It has struck an actual working group comprised of the City of Whitehorse, the RCMP, EMS, the Association of Yukon Fire Chiefs and the Association of Yukon Communities. The committee has been tasked with investigating the 911 service — the technical feasibility, costing, how to roll it out by community. I again thank all those members on that particular committee for their ongoing work. We look forward to receiving the report

and the details outlined in that report. Unfortunately that report is not in. I suspect it will be here in the weeks to come.

Mr. Barr: The Yukon government has been studying this since 2003. We need a 911 service that works in every corner of the Yukon. Fire departments, emergency responders, government officials and community volunteers all recognize the need for emergency 911 response. Police, ambulance and the firefighters can help only if they can find the civic address.

For rural areas, the information is lacking. A few minutes of delay in emergency can make the difference between life and death.

Will the minister make a commitment to direct officials to work with all appropriate agencies and community volunteers to complete Yukon-wide, standardized civic addresses this year?

Hon. Ms. Taylor: The Government of Yukon will continue to work in collaboration with all of our communities, all of our response agencies and many other volunteers. I would like to thank all of those individuals who have given of their time and continue to give of their time — who have resulted in making excellent access to fire protection, emergency medical care and police over the years.

We are committed to working in collaboration with the communities — all of our stakeholders as I just outlined — and that includes working with each of the local advisory councils of Mount Lorne, Ibex Valley, Tagish, South Klondike, and Marsh Lake to identify community signage needs. At this particular time, we are working to confirm those individual community work plans, specific by community, which will respond to the identified specific needs of those communities when it comes to signage and will certainly be in line with any future 911 territorial initiative.

Speaker: The time for Question Period has now elapsed.

Some Hon. Member: (Inaudible)

INTRODUCTION OF VISITORS

Speaker: Leader of the Third Party, on a point of order.

Mr. Silver: I'd just like to ask the Legislative Assembly to help me in welcoming a long-time Yukoner and a true mentor in education, Mr. Fred Smith.

Applause

Ms. White: In that same vein, I'd like to ask the House to join me in welcoming Murray Martin, author and long-time wildlife conservationist and a great source of information for me. So, please welcome Murray Martin.

Applause

Hon. Mr. Cathers: Like the Member for Klondike and the Member for Takhini-Kopper King, I would like to ask members to join me in making welcome to the gallery some of the people who have joined us this afternoon: Manfred Hoefs, Bernard Briggs, Phil Merchant, Vern Peters and Dave Loeks.

Applause

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

ORDERS OF THE DAY

Unanimous consent re proceeding with government business

Hon. Mr. Cathers: Pursuant to Standing Order 14.3, I request the unanimous consent of the House to proceed with government business, specifically the granting of assent to Bill No. 53, *Act to Amend the Education Act*, after which the House will continue with opposition private members' business.

Speaker: The Government House Leader has, pursuant to Standing Order 14.3, requested the unanimous consent of the House to proceed with government business, specifically the granting of assent to Bill No. 53, *Act to Amend the Education Act*, after which the House will continue with opposition private members' business. Is there unanimous consent?

All Hon. Members: Agreed.

Speaker: Unanimous consent has been granted.

We are now prepared to receive the Commissioner, in his capacity as Lieutenant Governor, to grant assent to the bill which has passed this House.

Commissioner Phillips enters the Chamber, announced by the Sergeant-at-Arms

ASSENT TO BILLS

Commissioner: Please be seated.

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

Clerk: *Act to Amend the Education Act.*

Commissioner: I assent to the bill as enumerated by the Clerk.

Commissioner leaves the Chamber

Speaker: I will call the House to order. Please be seated.

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 369

Clerk: Motion No. 369, standing in the name of Ms. White.

Speaker: It is moved by the Member for Takhini-Kopper King

THAT this House urges the Government of Yukon to immediately:

(1) implement all of the recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles; and

(2) develop and implement a plan, in conjunction with user groups, to protect environmentally sensitive areas from off-road vehicle use while allowing responsible access to the backcountry.

Ms. White: It's with honour that I rise on behalf of the Official Opposition to support Motion No. 369:

THAT this House urges the Government of Yukon

(1) to immediately implement all of the recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles; and

(2) to immediately develop and implement a plan, in conjunction with user groups, to protect environmentally sensitive areas from off-road vehicle use while allowing responsible access to the backcountry.

The issues of ORV use and concerns over environmental impacts were first flagged by our Renewable Resources department in 1981 — 32 years ago and long before my time. With that in mind, I'd like to thank Manfred Hoefs for his comprehensive history of this issue. Mr. Hoefs has a lifetime of professional and personal experience in the Yukon wilderness and is passionate to see it treated with the respect it deserves. I want to acknowledge the research that he and his colleagues completed, which informs my remarks this afternoon.

Mr. Speaker, I'll be starting with the second point of my motion today: to immediately develop and implement a plan, in conjunction with user groups, to protect environmentally sensitive areas from off-road vehicle use while allowing responsible access to the backcountry.

Roads and wildlife don't mix well. This has been a universal observation wherever new roads have come into being and the Yukon is no exception. All of Yukon's highways have had severe impacts on wildlife when first constructed: the Dempster on caribou; the Alaska Highway on the wildlife in Kluane; and the Nahanni Range Road on caribou in the Hyland River valley being examples.

The establishment of the Kluane game sanctuary and the Dempster corridor were, in part, attempts to reduce these highways' negative impacts on wildlife. But highways are important to the functioning of the territory, allowing residents to travel between communities and neighbouring jurisdictions and they are essential for the transport of goods. A much larger number of roads and trails are found in the Yukon's hinterland. Their lengths, age and qualities vary greatly and they serve a smaller segment of society such as companies or individuals and are constructed for exploration, access to lakes and campgrounds, rural residences and recreational purposes.

As far back as 1914, 14,000 miles of backcountry roads existed, primarily serving mining and exploration interests. The Wheaton River road and a number of roads in the Klondike go back that far and some were later incorporated into the highway system.

The government was in support of this hinterland road building activity. For instance, the regional road resources program managed by the federal government, Department of Indian and Northern Affairs, which had formed in 1986, had an annual budget of \$2.5 million for providing funding for construction of new roads or upgrading existing ones.

A Yukon-wide inventory of roads and trails at the time indicated there were 602 in existence, all of which were available in varying degrees for use to access wildlife populations for the purpose of hunting. However, at that time ATVs, as they are

currently known, did not yet exist in the Yukon and only the owners of four-wheel drive trucks and jeeps were able to benefit from the network of hinterland roads.

New types of ATVs began to show up around 1985 to 1990, but the first versions were not very reliable or powerful and the so-called three-wheelers were dangerous to drive and were prohibited in many jurisdictions. The ORVs improved. They became faster, they became stronger, and their number grew rapidly. It's estimated that between 200 and 300 are purchased every year in the Yukon and that, by the year 2000, the number had grown to about 4,000 machines. This number does not include snowmobiles.

Concerns about negative impacts by ATVs on wildlife and habitats began to be documented in the early 1980s and grew concurrently with the number of ATVs and the proliferation of the hinterland trail network.

In 1981, Yukon's Department of Renewable Resources conducted its first ever public opinion poll in which hunters were asked 13 questions on a range of hunting-related matters.

The questionnaire was mailed to 4,677 hunters, of which 1,800 — 38.5 percent — returned their filled-in forms.

All analyses were done by the University of British Columbia computing centre.

Question 1 read as follows: "The department is concerned with the increasing use of ATVs as hunting vehicles. Are you in favour of

"(a) eliminating hunting from ATVs entirely?" That got a 43-percent response.

"(b) restricting the use of ATVs to certain subzones." That got a 12.4-percent response.

"(c) restricting ATVs to transporting game after a kill." That received a 27-percent response.

"(d) restricting the use of ATVs to no specific times." That received a 30.1-percent response and "no restrictions" received 14.4 percent support.

The majority — 85.6-percent — of resident hunters were in favour of ATVs being restricted in some manner, with 43 percent of hunters favouring eliminating their use entirely.

In 1986, further evidence for regulation of vehicles, including conventional four-wheel drives, is found in the report of the Legislature's Select Committee on Renewable Resources, *Yukoners' Views on Managing our Renewable Resources*. The specific recommendation called for a ban on the use of ATVs and four-by-fours in remote areas recently made accessible by new roads and restricting them in areas of sensitive environments.

In 1988, the Yukon Department of Renewable Resources released a report entitled, *Access-related Impacts of Backcountry Roads to Wildlife and Management Approaches to Mitigate Them*. This was an important report in that it was the first time the Yukon government acknowledged that roads into the backcountry in use by all-terrain vehicles may have impacts on wildlife. This report reviewed impacts of motorized hunters on backcountry roads on wildlife and habitat. It discussed vehicle controls in four jurisdictions in Canada — Manitoba, Saskatchewan, Alberta and British Columbia — and recommended

approaches to address this issue in the Yukon, including the use of designated trails.

Government chose to restrict hunting instead of regulating ATV use. Had the government of the day seen the future, I'm sure would have made a different decision.

In 1997, the Department of Renewable Resources, now known as the Department of Environment, conducted a survey of sheep hunters residing in Whitehorse and Haines Junction to assess their attitude toward the sheep permit hunt system. Their survey was done by Carey and Tousignant with the results published in 1997 under the title, *Views from the Mountain: What Resident Yukon Sheep Hunters Have To Say*.

Questionnaires were sent out to 187 sheep hunters residing in Whitehorse and Haines Junction, of which 105 were returned completed. All the questions dealt with aspects of the permit hunt system, but in this context I will focus solely on the ATV access-related matters.

Even though in 1997 the number of ATVs was much lower than at present and the trail system less elaborate, the authors write: "The use of ATVs for sheep hunting and access in general were topics that respondents brought up most."

Two of the hunters' quotes cited were as follows: "I don't like to see four-wheelers or four-wheel drives allowed in sheep country because of the potential terrain disturbance and wildlife harassment. Also, to me, it detracts from my ideal of a desirable hunting experience." The other quote: "The use of ATVs for sheep hunting is the number one complaint I currently hear from traditional, ethical sheep hunters. At the same time I see ATVs as the fastest-growing sheep hunting tool. It's time to address ATV use. They are both popular and unpopular, depending on who you talk to."

The author writes under highlights of their analysis that "26 percent of the hunters responding to the questionnaire thought that an outright ban on ATVs would be appropriate under some conditions and a further 39 percent suggested that ATVs be restricted to designated routes or limited below treeline."

Also in 1997, the Yukon territorial government's Department of Renewable Resources commissioned a background report about ATV management elsewhere in Canada and contracted D. Loeks to do this review. Loeks' 1997 report was entitled *Off-road Vehicle Use in the Yukon: issues, scoping study for the Department of Renewable Resources*. It was issued by TransNorthern Management Consulting, and the document had 48 pages plus appendices. The report compared policies and legislation from other selected jurisdictions in Canada with those in the Yukon, discussed salient issues, problems and opportunities concerning off-road vehicle use in the Yukon. It estimated the extent, location and significance of the problems identified and analyzed whether problems associated with off-road vehicle use should be further addressed by the government.

Consider the risks over the medium and long term of no action and take into account the experience of other jurisdictions studied in this review.

The study documented impacts consisting of damage to soil and vegetation, stressed, displaced or even killed wildlife,

conflicts with other backcountry users and uncontrolled spread of trail networks in various areas of the Yukon. It also estimated the numbers of ATVs in the Yukon at 3,000 to 4,000, with that of snow machines being at 9,000 to 10,000. The study recommended a range of actions for government to take before these problems continue to grow and become serious and a much more difficult issue to manage.

In 1998, Yukon Fish and Wildlife branch passed regulations to restrict the use of ATVs in the southern parts of the Ruby Range, and they restricted them to designated trails. At the time, this was a progressive step that had no precedent in the Yukon. It was successful, in that the sheep populations in the area have remained open to hunting and did not have to be put on permit hunts, as in other areas where sheep ranges were made accessible to ATV use by trail development. The designated trails in this area follow valleys and do not ascend to alpine elevations.

In 2000, Yukon Fish and Wildlife Management Board established an access management working group, which contracted Loeks again to do a follow-up study that was released in 2000 under the title *Off-road Vehicle Use and Issues in the Yukon*. This study was more Yukon-specific, focusing on the impacts of ATVs on this territory's wildlife, fish and their habitats, providing case studies and recommending measures to address the problem. After much research, Loeks describes five approaches to handle this topic, ranging from one extreme — the do nothing approach — to the opposite one — dealing with ATV management in the context of an all-encompassing land use plan. He warned that, "The most important lesson from other jurisdictions was that it is too late once off-road vehicle impacts have been allowed to become serious."

In 2000, the Yukon Fish and Wildlife Management Board's access management working group also commissioned Clayton White to do a survey in five other jurisdictions — Alaska, British Columbia, Alberta, Saskatchewan and Manitoba — and described their ATV-related experiences and regulations. These were published under the title *Report on ORV Management Strategies, Activities, Success and Failures in Other Jurisdictions*.

All jurisdictions had similar experiences in that ATV-related problems came into being quickly and had to be reacted to without a proactive management strategy being in place. Alberta faced more difficulties than other jurisdictions, as much of Alberta was already carved up by trail development for oil and gas exploration and production. The provinces used different tools and different legislations to address this issue.

In Alberta, the *Forestry Act* was the primary legislation applied and in B.C., it was the *Wildlife Act*. Zoning, buffer strips, restricted areas, registration of vehicles, prohibition of some types of vehicles, and designated trails were some of the methods they imposed, and all jurisdictions stressed the need for public consultation. White made some recommendations about regulation development in the Yukon. He was of the opinion that the *Wildlife Act* could be used, particularly as it was under review at the time and he felt that it could be amended to better address habitat concerns and the access management issue.

Still, in 2000, the Government of Yukon Fish and Wildlife branch Southern Lakes regional program commissioned a report on the status of moose in the Southern Lakes region. At the same time, the Champagne and Aishihik First Nations also counteracted the development of a discussion paper on snowmobiles and ungulates in the Tatshenshini-Alsek Park. The question posed was, and I quote: "Does winter activity of humans, particularly the use of snowmobiles, impact on Dall sheep and moose in the park?"

The contractor's recommendations for the Tatshenshini-Alsek Park management contain provisions for zoning, regulations, education and moderating. It was suggested that the zoning should reflect the protection of core ungulate winter ranges and movement corridors, as well as stipulating which areas should be accessible to snowmobiles. These areas should avoid exposed ridges and, as much as possible, follow cover such as conifer stands. He also suggested that dogs should be restricted and no hunting should be allowed during winter.

In 2003, a letter by the Minister of Environment at the time, dated January 29, 2003, to the Yukon Fish and Wildlife Management Board, in response to the board's recommendations on proposed hunting, fishing and trapping regulation changes included the following paragraph, and I quote: "The department is prepared to continue to work together with the Yukon Fish and Wildlife Management Board in cooperation with stakeholders on the development of a territorial policy or approach for the management of off-road vehicle use in the Yukon."

Mr. Speaker, I'll just point out that was in 2003. The board followed up with this commitment with a proposal to develop a legislative framework for managing access in the Yukon's wilderness areas. They released that report in April of 2003. Its justification was that increased oil, gas and forestry development in this territory had resulted in accelerated hinterland road and trail development with negative impact on wildlife and habitats and that these concerns were shared by a number of communities.

Also in 2003, the Yukon Fish and Wildlife Management Board released a booklet with the title *Down the Road: The Effects of Roads and Trails on Wildlife*, compiled by M. Christie. It is a well-illustrated document written in non-scientific language for use by the general public. It addresses the impact of vehicles on wildlife in their habitats, both in a road and trail setting, as well as making recommendations on mitigation steps to reduce these impacts. Also discussed is the decommissioning of roads and trails if they are no longer needed for their intended purpose or if they are particularly damaging to the environment.

In 2004, the Yukon Fish and Wildlife Management Board's working group on off-road vehicles released a short *What We Heard* report about their discussions with organizations. These organizations included First Nations, territorial and local governments, renewable resources councils and the public. Their positions were assessed through a questionnaire. Over 400 filled-in questionnaire forms were returned. The overall conclusion of the working group was that "Opinion was

split between those who have no concerns about off-road vehicle use and those who have concerns.”

Suggested solutions from participating groups and individuals were as varied and as opposing as their acceptance or rejection of the impacts of ATVs. Some felt that this whole issue could be dealt with by an education program that could start in schools. Here are some of the other ideas proposed: Many people felt that ORVs should stay on existing trails. A common suggestion was that ATVs should not be used above treeline. Licensing and registration of ATVs was brought up, and it was suggested that licensing should be connected to training and that licence plates should be very visible.

The use of ATVs in certain areas sensitive to wildlife should be restricted, at least during times when the animals are using that area. ATV owners should switch to quieter four-stroke engine machines to reduce their disturbance impact. Other suggestions included that bridges should be built over stream crossings, that helmets and a minimum age restriction should be imposed. Lastly, they suggested that good-quality trails and areas that will have no impact on wildlife should be built. These trails could either be offered as a trade for not using trails in sensitive areas, or to just encourage people to use less sensitive areas.

In 2007, a joint investigation with participation of the L'Aberge Renewable Resources Council, the Yukon Fish and Wildlife branch and the Ta'an Kwäch'än Council was started in the Miners Range with the title, *Assessing possible impacts of increasing use of off-road vehicles on the Dall's Sheep population and their habitat on Pilot Mountain*.

The project consisted of ground and aerial surveys of wildlife, the conducting of public workshops, the interviewing of local residents by door-to-door contact, estimating the use of the area by ATVs during the hunting season by means of remote cameras, and locating and mapping key wildlife habitats. The study was precipitated by frequent complaints by residents that the local wildlife was being over-harvested and displaced by the high number of ATVs using the area, a concern shared by the Ta'an Kwäch'än Council. These concerns were verified by the study.

When this study was conducted in 2007-08, there were five trails that ATV drivers could use to get into alpine elevation, as well as an unknown number at alpine elevation, which are difficult to count because of their meandering nature and varying quality. Concurrently with trail development increasing numbers of ATVs, there was an increase in hunting pressure on sheep and for the duration of one decade, between 1989 and 1999, the harvest exceeded the maximum level of four percent, as stipulated in the sheep management plan.

To estimate the number of hunters and ATVs ascending the mountain, the government installed remote cameras at two access routes during the hunting season. Instrument problems prevented continuous records over the entire hunting season, but the cameras worked for about seven weeks. During that time, some 95 ATVs entered the area with close to 200 people. The other access routes were not monitored, but it's known that at least four pack trains with local horse owners were also hunting in the area. A regulation proposal to limit ATV use to the

area below treeline was rejected by government. However, government did put the sheep population on a permit hunt.

In the fall of 2008, the Yukon Fish and Wildlife Management Board launched an initiative titled “Yukon Fish and Wildlife — a 20:20 Vision”. This was created as part of their mandate to act in the public interest for the benefit of Yukon fish and wildlife and their habitat. The board, in partnership with the RRCs and the Yukon Salmon Subcommittee, wanted to provide long-range and strategic advice and recommendations to the responsible governments on the management of Yukon's fish and wildlife resources.

Over a three-month period, Yukon-wide public meetings were held and questionnaires were distributed dealing with a great range of issues relating to fish and wildlife management as it is currently carried out and how people envisioned its status in management would be 12 years later in 2020.

Of relevance to the use of ATVs, question 14 of the questionnaire read, and I quote: “Should there be controlled access routes and/or elevation restrictions for ATVs to protected habitat?” Out of the 311 returned questionnaires, 163 people answered this question with “yes”. Eighty-eight percent of those said that there should be some restrictions or controlled access for ATV use in order to protect habitats. Late in 2009 we saw the formation of the Trails Only Yukon Association. TOYA based their efforts on the values of responsibility, wise stewardship, and the desire to leave a legacy for the next generation of a pristine wilderness environment. They listed their concerns about the unregulated use of ATVs in Yukon's hinterland as: (1) damage to fragile alpine and wetlands; (2) harassment, disturbance and displacement of wildlife; (3) over-harvest in accessed areas; (4) cutting of new trails; and (5) the quality of the wilderness experience.

TOYA has consistently advocated for four specific initiatives regarding the issue of ATVs in the Yukon: (1) that ATVs should be restricted to designated trails in the Yukon wilderness; (2) off-road vehicle legislation and regulations need to be created; (3) effective enforcement is essential, including identification of ATVs; and (4) education.

On November 18, 2009, the Yukon Legislative Assembly made the commitment to establish an all-party Select Committee on the Safe Operation and Use of Off-road Vehicles.

In 2010, TOYA organized a public meeting on the ATV issue with over 200 citizens in attendance. In early May 2010, TOYA circulated a petition in Whitehorse and vicinity for residents to sign, appealing to government to bring about control of the unregulated use of ATVs to stop their impact on wildlife in wilderness through relevant legislation, effective enforcement and education. The petition was submitted to the Legislative Assembly by the Liberal Party on May 17, 2010. However, it was not discussed in the House since the then minister, on behalf of government, stated that this topic would soon be dealt with by the recently established Select Committee on the Safe Operation and Use of Off-road Vehicles.

In May 2010, the Yukon Off-Road Riders Association was formed to represent the riders' needs and interests to examine the feasibility of creating summer riding infrastructure in the Yukon. In March 2011, the report of the Select Committee on

the Safe Operation and Use of Off-road Vehicles was submitted to the 32nd Yukon Legislative Assembly. In the spring of 2011, the Yukon Conservation Society received funding from the Yukon Fish and Wildlife Enhancement Trust and the Yukon environmental awareness fund to coordinate a project to contribute to the protection of Yukon fish and wildlife through the management of off-road vehicle activity. As one component of the project, YCS brought together a working group of stakeholders interested in environmentally responsible ORV use.

This working group consisted of representatives from seven organizations: the Klondike Snowmobile Association, Trails Only Yukon Association, Wilderness Tourism Association of the Yukon, Yukon Conservation Society, Yukon Fish and Game Association and Yukon Off-Road Riders Association. The Yukon Fish and Wildlife Management Board was involved in observer status.

Between the spring of 2011 and the winter of 2012, this ORV working group met three times to discuss ORV management recommendations. A central document in these discussions was the 2011 report of the Select Committee on the Safe Operation and Use of Off-road Vehicles. The committee supported recommendation 3 that said that the government undertake an extensive advertising educational campaign to raise public awareness of any and all existing restrictions on off-road vehicle use, along with penalties and means of enforcement.

They supported recommendation 4, that government undertake an educational campaign that, in addition to existing laws and regulations, focuses on the safe, responsible and respectful operation of off-road vehicles, as well as the environmental stewardship.

They supported No. 10, that the government encourage and support voluntary driver training on the safe and environmentally responsible operation of ATVs and snowmobiles, and No. 14, that off-road vehicle legislation and regulations provide for the ability to mitigate environmental damage and cumulative negative impacts to sensitive wildlife and fish habitats; ensure that legislation and/or regulations provide for the ability to restrict the growth of trail networks in sensitive areas, to close trails or overused areas, as necessary; to exclude off-road vehicles from specific types of land or habitats and to have certain areas designated as "access route only".

These four recommendations were supported by all stakeholders in the working group. I think it's important to point out that those seven stakeholders came from very different backgrounds, and the fact that they could unanimously support four was important.

In 2011, prior to the October election, letters were sent to all candidates running, asking them four ATV-specific questions and informing them that their answers would be published in the papers. The four questions were the following: (1) Should ATV use be managed in order to protect Yukon wilderness? (2) Should new legislation and regulations be put in place to manage ATV use in the Yukon wilderness? (3) Will you make new legislation and/or regulations to manage ATVs in Yukon wilderness a priority, if elected? (4) If elected, will you

bring forward legislation and/or regulatory changes to manage ATV use in the Yukon wilderness within your first mandate?

It is of interest to note that all candidates from all four parties answered yes. All members in this House answered yes.

Also in 2011, an opinion paper on off-road vehicles was produced jointly by YTG Departments of Environment, Highways and Public Works and Community Services. It was a follow-up to the Select Committee on the Safe Operation and Use of Off-road Vehicles report tabled in the House in March 2011.

It had the purpose to present the key safety and environmental issues related to off-road vehicle operation in the Yukon. It also explored options for addressing the issues and recommended a course of action for consideration by decision-makers. After reviewing the issues and background information, the goal they stated is as follows: "Responsible operation of ORVs is key to addressing safety issues and reducing environmental impacts." Simply stated, ORVs should be operated in a manner that is safe and minimizes damage to sensitive fish and wildlife habitats. Under this goal a number of objectives are listed, ranging from education and training; registration and licensing; age restrictions for drivers and the wearing of helmets; minimizing impacts to environmental and heritage resources; maintaining quality of life and rural lifestyles. The authors claim that after the fatal ATV-related accidents at Teslin and the City of Whitehorse that they should form a task force to develop ATV regulations related to safety and the environment and have been factors in making the Yukon program a priority. A combination of regulations and education regarding the operation of ORVs could reduce injuries and deaths from unsafe operations and could protect fish and wildlife habitats. The committee proposed three options that could be pursued: (1) was to develop ORV legislation; (2) was to amend existing legislation; and (3) was the use of ORV education.

Early in January 2013, a letter signed by ministers Cathers and Dixon was sent to relevant organizations and individuals announcing that a government committee had been established consisting of the departments of Environment Highways and Public Works, and Energy, Mines and Resources to follow up on the recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles. This letter also named contact staff from the departments of Environment, and Energy, Mines and Resources, who could be approached for questions and comments. While the letter announced the formation of this working group, its terms of reference timelines have not been made public. This is the 32-year history of ORV use in the territory.

I'd now like to discuss the first point in my motion: to immediately implement all the recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles. This issue has had a long life in this House. The Select Committee on the Safe Operation and Use of Off-road Vehicles was originally struck from Motion No. 834 during the 32nd Legislative Assembly. This select committee was an all-party committee of the Yukon Legislative Assembly, established on November 18, 2009. The Legislative Assembly adopted the motion moved by the then Member for Klondike following an accident and injury that happened in the Dawson City area.

Pursuant to the select committee's terms of reference, the committee undertook public consultations for the purposes of receiving the views and opinions of Yukon residents on the safe operation and use of all-terrain vehicles and snowmobiles in the territory.

The committee placed ads in local newspapers, soliciting feedback on the issue in three ways: an on-line opinion survey, written submissions supplied to the committee, or at one of the public meetings that they held. An information card explaining the committee's work and directing individuals to the on-line opinion survey were delivered to Yukon households in late August. Shortly thereafter, a copy of the actual survey was distributed to households throughout the territory. The deadline for written submissions and opinion surveys was October 31, 2010.

In addition to public meetings and in response to meeting requests, the committee met individually with the following groups: the Yukon Off-Road Riders Association, the City of Whitehorse, Trails Only Yukon Association and the Yukon Fish and Game Association. The committee received a total of 2,489 completed surveys. The comments received on the surveys were in line with what the committee heard at the public meetings and through written submissions. Opinions and suggestions about the safe operation and use of off-road vehicles were vastly diverse, ranging from very intense views at either end of the spectrum to everything in between. Some were strongly in support of off-road vehicle legislation while others were vehemently opposed. There was the issue of off-road vehicle use in subsistence harvesting, one that I know some people in the territory are still debating. One thing was clear: Yukoners are passionate about the issue. Comments tended to be emotionally charged and closely tied to what the Yukon meant to each individual. Some view Yukon as a last frontier and want it to remain that way; for them it's about protecting their personal rights and freedoms and having the ability to choose.

Others see it as that pristine, untouched wilderness experience. For them it's more about respect and the principle that Yukon belongs to all of us and must be protected for future generations. The select committee worked hard. They held six public meetings and read through nearly 2,500 surveys and written comments. I can only imagine the discussions around the table to come up with the following recommendations. The committee believed recommendations should include broad statements that give direction to government and its departments in crafting both amendments to existing and, if needed, new legislation that promoted the overall objectives of the committee's mandate.

While Yukon currently has some protected areas, legislation, and management plans in place that impose certain restrictions or limitations on outdoor recreational use within the territory, Yukon is the last jurisdiction in Canada without legislation specifically governing the operation and use of off-road vehicles. This issue is important to Yukoners and to the Yukon. Tough decisions need to be made. Given the vast diversity of public opinion, it will not be possible to please everyone. The committee believed that legislative tools and education programs that discourage poor practices, prevent ecological degrada-

tion, and teach ecological stewardship were required. Yukon's regulatory framework must be established and implemented in an objective and unbiased fashion — for all users, motorized and non-motorized alike — and the scale of environmental impact must be considered when developing operational, safety and environmental standards.

The committee believed that the approach must not only be responsible and progressive, but it must be respectful to all Yukon citizens. The committee believed that implementation of its recommendations was an important step in ensuring the respectful and responsible operation of off-road vehicles.

The recommendations that were made by the Select Committee on the Safe Operation and Use of Off-road Vehicles are, as follows:

"1. THAT, legislation and regulations governing the use of off-road vehicles are inclusive of all and do not exclude anyone to the advantage of another.

"2. THAT, there is consistency throughout all legislation and regulations governing the use of off-road vehicles in the territory.

"3. THAT, government undertake an extensive advertising/educational campaign to raise public awareness of any and all existing restrictions on off-road vehicle use along with penalties and means of enforcement.

"4. THAT, government undertake an educational campaign which, in addition to existing laws and regulations, focuses on the safe, responsible and respectful operation of off-road vehicles as well as environmental stewardship.

"5. THAT, legislation governing 'on-road' use of off-road vehicles (ORV) be provided for through amendments to Yukon's Motor Vehicles Act

"6. THAT, as it pertains to 'on-road' use, provisions in the Yukon government's existing policy regarding the operation and registration of all-terrain vehicles be given the force of law and enshrined in legislation.

"7. THAT, all off-road vehicles that travel on or cross any Yukon road or highway be subject to registration and liability insurance and require that operators hold a valid Class 5 driver's licence.

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

"9. THAT, the definition of 'highway' in the *Motor Vehicles Act* be clarified, and THAT the terms of 'on-road' and 'off-road' be clearly defined in the act.

"10. THAT, government encourage and support voluntary driver training on the safe and environmentally responsible operation of ATVs and snow machines.

"11. THAT, the issues of age requirements, under-age riders, adult supervision and age vs. size of machine be addressed in legislation and/or regulation and that government consider how other jurisdictions have approached these issues in determining the best approach for Yukon.

"12. THAT, helmet use be mandatory when operating an off-road vehicle or snowmobile on roads. The committee did not reach consensus on helmet requirements for 'off-road' use.

"13. THAT, legislation address the needs of municipalities in identifying offenders and enforcing their bylaws.

"14. THAT, off-road vehicle legislation and regulations provide for the ability to mitigate environmental damage and cumulative negative impacts to sensitive wildlife and fish habitats. Ensure that legislation and/or regulations provide for the ability to restrict the growth of trail networks in sensitive areas; to close trails or overused areas as necessary; to exclude off-road vehicles from specific types of land or habitats, and have certain areas designated as access routes only.

"THAT, environmental and access restrictions be implemented in areas where problems exist or are developing and, when not required for wildlife or environmental protection, efforts be made not to reduce access to existing use areas.

"THAT, government review penalties for environmental damage caused by any method, motorized or non-motorized means, to ensure penalties are appropriate. The committee further recommends that the government takes steps to improve public awareness of these penalties; and

"THAT, government consider separate environmental protection legislation that targets and penalizes environmental damage rather than restricting specific users."

As I noted, the select committee tabled its report in March 2011. With the leadership of the Yukon Party in turmoil, nothing happened until the 2011 general election. In September 2011, the Trails Only Yukon Association submitted a questionnaire to all parties that I referenced before — and I would like to point out again that we all said, yes, that we would enact these things. We agreed that ATV use should be managed in order to protect wilderness.

We agreed that new legislation or regulations should be put in place to manage ATV use in the Yukon wilderness. We agreed that we would make new legislation and/or regulations to manage ATVs in Yukon wilderness a priority if we were elected, and we agreed that if we were elected we would bring forward legislation and/or regulatory changes to manage ATV use in the Yukon wilderness within our first mandate. Well, I'm on this side, and I'm bringing forward this motion.

It should be noted that this is an important part of the debate today, because we all answered yes. That committed the Yukon Party government to bring forward legislation to protect Yukon's wilderness during this mandate. With another hunting and backcountry season upon us, another spring, another melt happening, where is the legislation to protect Yukon's backcountry? Where's the legislation to protect Yukon's wilderness? Where's the legislation to ensure the safe use and operation of off-road vehicles?

Our responsibility as legislators becomes even more urgent when the potential population growth over the next 10 years is considered. Even a modest increase in population will see a significant increase in backcountry use by all citizens. The conflict between user groups will continue to escalate, and sensitive ecosystems will be damaged further. Sadly, since 2009 there have been more injuries and at least two fatalities. Every season that we wait, we risk another person's life. Every season that we wait, we risk more sensitive habitat, more alpine areas and more wilderness.

Mr. Speaker, the government talks a lot about education; it's the low-hanging fruit for politicians after all, and it is relatively straightforward to set up an education program. Education programs are at a low risk for government and how can anyone argue against education? However, we have not seen any serious action on the front besides a few posters. It does raise for me the question of the government's commitment to this issue. Do we need another tragedy before we see action from this government? I truly hope not, but I'm concerned that we might be going that way. It's a question of priorities. In the Premier's Budget Address, he made it abundantly clear that this is not where his priorities lie. Where is the licensing, registration and requirement for helmets while on roads and highways and the issues around the age of riders?

The government recently sent a letter to TOYA outlining some of its initiatives. At first glance, there is promise. Promises are being made to amend the *Motor Vehicles Act*. A promise is being made to get ahead of some of the environmental problems and to take proactive action to protect areas that have not yet been damaged by off-road vehicles. However, there are no timelines; no solid plans or commitments that even indicate timelines and we know that without timelines, many good intentions get shuffled off to a corner in someone's office to wait for winter.

We've heard the Premier repeat on numerous occasions that the Yukon Party government has been responsible for the creation of more select committees than any other government, but what good is the work of a select committee if it goes nowhere? Don't get me wrong; I think off-road vehicles have their place and they're even fun, although I'm not a very good driver.

They are also great tools and I understand where that part comes in. It's just that our northern environment is very fragile and the marks of a couple of quads in the alpine can last for generations. This is not only about landscape and viewscapes; many populations of animals can be stressed and negatively impacted by the unrestricted use of off-road vehicles.

The Minister of Environment has said in Question Period that we've consistently responded positively to those recommendations and are committed to acting upon them. The problem is that the Yukon government has only responded positively and we keep on hearing about commitments but we don't see any actions.

The point of the long 32-year history was to point out that this is not a new issue. This started when I was four, and here I am at 36. If we continue to go on at this rate without making the hard decisions about protecting the environment and about enforcing rules, we stand to be in the same spot many years from now but the conditions will be much worse.

This state of affairs will not do, and concrete action needs to be taken. I hope to see all members vote in favour of this motion.

Hon. Mr. Dixon: I would like to take some time to speak to this motion. As a precursor to my comments, I would like to thank the Member for Takhini-Kopper King for raising it. It's one that we have discussed in this House previously in

Question Period, I should mention, and at other times as well. It's one that she did mention has a long history in the territory and one that has been faced by numerous governments throughout the Yukon's history. As she did mention, it is certainly one that has evoked a lot of passion and a lot of division among some Yukoners as evidenced by the significant response and the significant participation in the select committee's work in 2011 — and prior to that as well. It's one where there are often divides based on where a person is from in the Yukon. There's often a distinction between someone living in downtown Whitehorse and someone living in a rural area. Those different urban-rural divides tend to create different opinions and certainly different viewpoints about how government should move forward on this particular issue. As well, there is obviously an interesting aspect to this, being that many First Nations view the use of ATVs as being something that is important to them to realize their aboriginal rights to subsistence hunting and the use of the land.

So there are obviously divisions there. Of course, between communities — I know that when the select committee went out, there was a marked difference in communities, in terms of their opinions on whether or not there was action needed and what that action would be. For instance, I understand from anecdotal discussions with members of the committee that there was quite a significant — for lack of a better term — “anti-Whitehorse bent” to a lot of the input received from some of the communities. So there is certainly a difference in opinion between Yukoners from different parts of the Yukon and different communities throughout our territory.

I appreciate the history that the Member for Takhini-Kopper King provided. I probably won't go back as far as she did, but I do appreciate some of the historical context. I know some of the documents she referenced. I've seen and had the opportunity to read some of them. I don't believe all of them, though, so I do appreciate her bringing forward some of that historical perspective to this particular issue.

I will apologize, I guess, in advance for my comments possibly overlapping with some of the ones she has made already, because in preparation for this, we obviously reviewed some of the same material. Some of the things I'll be covering are maybe echoing what she has already discussed. So I do apologize in advance for any repetition that may occur as a result of that.

Basically, the way I'd like to proceed with my comments on this particular motion is, first of all, to review the select committee's work, the recommendations provided therein and some of the process that went into that. I think some of the context around the creation of the select committee is valid for this discussion, and I think I'll cover some of that. I'd also like to cover some of the work that has been done since then — throughout the time since the spring of 2011 — when the select committee presented its recommendations.

As the member opposite referenced, a lot of work has been done by a number of different groups, some of whom are with us today in the gallery, and I think there are a lot of different aspects to this, which drive certain people into having an interest in this particular topic. I know that some are very concerned

about the safety aspects of ATVs, and others are not so concerned about the safety aspects, but rather the environmental consequences of their use in the environment. For folks like that, I know they're much more focused on the physical impacts on the environment as a result of ATV use occurring in the territory.

Then I'd like to once again review some of the dialogue that went on during the election, which was put forward by the Yukon Party, in explaining our position during the election, some of which has been mentioned by the member opposite already, again, but I will provide some additional information and then discuss, if I may, some of the work we have done to date in reviewing our options and some of the steps we have taken and some of the ideas we have for going forward, and then we'll take it from there.

Going back to the select committee's work, the member opposite did note that the select committee was an all-party committee of the Yukon Legislative Assembly, established in November of 2009, when the Legislative Assembly adopted a motion moved by Steve Nordick, the MLA for Klondike. “The motion, in response to a specific accident and injury in the Dawson City area, was meant to address safety concerns; it was not intended to deal with off-road use or environmental damage.” — that's quoting from their report.

That's one issue that I would note, Mr. Speaker, as a piece of context here. Originally, this work by the select committee was intended to specifically deal with the safety aspects of ATV use in the territory. As a result of some ambiguity in the wording of the motion, it ended up taking a bit of a turn and really becoming a focus on environmental problems and the environmental consequences of ATV use in the territory.

So one thing I did want to mention is that in this case — something we can take into consideration is the fact that originally, the work of this committee was aimed at dealing specifically with safety issues, and those environmental concerns that a number of Yukoners have with ATVs weren't the intended topic of discussion. Nonetheless, they were discussed and raised, and that is a reality and something the select committee acknowledged in their report and recommendations. As the report says, the public expectation and ambiguity in the wording of the motion made it necessary for the committee to consider the broader issue. So nonetheless it was something they considered closely — the environmental impacts. That's what a lot of Yukoners are interested in, in the context of this discussion.

The committee's mandate was set out in the motion, as all select committee mandates are done, and voted on by the Legislature in typical fashion. The motion that set out the select committee specifies that the committee is charged with conducting public consultations on the safe operation and use of all-terrain vehicles and snowmobiles in the territory, and reporting its findings and recommendations to the Legislative Assembly no later than the fall 2010 sitting.

The text of that order, as recorded in the *Hansard* journals, reads as follows, “THAT a select committee on the safe operation and use of off-road vehicles be established; THAT the membership of the committee be comprised of equal represen-

tation from the government caucus, the Official Opposition caucus, Third Party caucus and include the Independent member.” — It was a contentious issue and resulted in the select committee, which sounds kind of familiar, I guess, for members currently. — “THAT the Premier, the Leader of the Official Opposition, and the Leader of the Third Party name their respective caucus member(s) to the committee; THAT the committee conduct public consultations for the purpose of receiving the views and opinions of Yukon residents and prepare a report making recommendations on the safe operation and use of all-terrain vehicles and snowmobiles in the territory; THAT the committee report its findings and recommendations in the 2010 fall sitting of the Legislative Assembly; THAT the committee have the power to seek background information from experts and to call and hear these expert witnesses; and THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the committee.”

On November 2, 2010, the Yukon Legislative Assembly adopted the motion that I just read.

There was an amendment to that motion which read as follows: “THAT the select committee on the safe operation and use of off-road vehicles be established by Motion No. 834 of the First Session of the 32nd Legislative Assembly” and that it was amended by changing the date of its reporting to the House from the 2010 fall sitting to the 2011 spring sitting. So obviously the select committee met and decided that they wanted an extension based on their public consultations and needed some additional time.

The consultation process was very extensive. It was thorough and involved a number of forums and mediums through which the committee received input from Yukoners. It undertook public consultations for the purpose of receiving the views and opinions of Yukon residents on the safe operation and use of all-terrain vehicles and snowmobiles in the territory. The committee began soliciting feedback on the issue through ads placed in local newspapers in August 2010. The committee encouraged Yukoners to participate in the on-line consultation process or to provide their comments in writing to the committee. An information card explained the committee’s work and directed individuals to the on-line opinion survey. It was delivered to Yukon households in late August. Shortly thereafter, a copy of the actual survey was distributed to households throughout the territory.

The committee agreed to consider requests for public meetings where there was sufficient interest and accepted a request for public meetings where there was sufficient interest, and accepted requests for public meetings until September 30, 2010.

The deadline for written submissions and opinion surveys was on October 31, 2010. There were three ways in which Yukon residents could provide their views to the committee: written submissions, the committee’s opinion survey — either on-line or in hard copy — and at one of the public meetings they had. The public meetings were held in a number of communities throughout the territory. In Faro, in November 2010, there were 28 people in attendance. That doesn’t sound like much, but for a small community like Faro, I think 28 people at

a public meeting represents a fairly high level of interest. Dawson City: November 23, 2010 had 24 people in attendance. In Carmacks: November 25, 2010 had six people in attendance. Mount Lorne: November 29 had seven people in attendance. In Teslin: November 30, 2010 had 18 people in attendance. In Whitehorse: December 1, 2010 had 98 people in attendance at that public meeting. Obviously there is a significant degree of interest and a significant degree of participation from Yukoners in this process.

In August 2010, letters explaining the formation of the committee and its mandate were sent to each of Yukon’s 14 First Nations, as well as the Council of Yukon First Nations.

The letters invited First Nation governments to provide any comments or concerns they might have with regard to the safe operation and use of off-road vehicles in their communities to the committee. No responses were received. I know that wasn’t from lack of interest, Mr. Speaker. I’ve heard since from a number of representatives of First Nation governments that it wasn’t from a lack of interest that they didn’t want to provide this to the select committee but the belief that First Nation concerns ought to be provided on a government-to-government basis, with the government rather than a select committee of the Legislature.

I can’t speak to a specific First Nation here; this was just something I’m given to understand from discussions with others. It makes sense to me that they would want to conduct their business on a government-to-government basis. That’s something we should keep in mind: we have an obligation to discuss these matters with First Nations and the First Nations have indicated in the past that they prefer to deal with these kinds of matters on a government-to-government basis, rather than a public forum like a select committee hearing.

In terms of what the select committee heard, I know very well — because I’ve had a number of discussions about this with the Minister of Energy, Mines and Resources, who was a member of that committee — that the interest was significant and the opinions were divisive and fairly passionate but certainly very informative.

Opinions and suggestions about the safe operation and use of off-road vehicles were vastly diverse, ranging from very intense views at either end of the spectrum to everything in between. Some were strongly in support of off-road vehicle legislation while others vehemently opposed it. One thing is clear that was noted in the select committee’s report: Yukoners are passionate about the issue. Comments tend to be emotionally charged and closely tied to what Yukon means to each individual. For example, some view Yukon as the last frontier and want it to remain that way. For them it’s about protecting their personal rights and freedoms and having the ability to choose. Others see it as that pristine, untouched wilderness experience. For them, it’s more about respect and the principle that Yukon belongs to all of us and must be protected for future generations.

I apologize — I know that the member opposite quoted the same passage, but that’s inevitable in this kind of discussion.

It was pointed out in the committee’s report that if the Yukon had addressed the ATV/snowmobile issue 10 years or

even 20 years ago, the broad conflicts that exist today between off-road vehicle users and non-users would not be as acrimonious as witnessed in public meetings, surveys or submissions.

So if they had dealt with it back in the day, they wouldn't be as bad. This responsibility becomes even more urgent when the potential population growth over the next 10 years is considered. As we've seen in the past 10 years, of course, our projections are continued economic and population growth of the territory. So we know that this will continue to be an issue for Yukon and for the Yukon government.

One comment I had about education — the committee, of course, noted that the committee heard over and over again that education is critical. There were many calls for education and enforcement of existing rules before new or additional regulations are considered. There were calls for education on the safe and respectful ownership of ATVs and for education on respectful and responsible environmental stewardship.

The committee also heard that education alone is not the answer — that it must be paired with efficient and effective infrastructure regulations and enforcement. I think that's an important point, as well, that we need to keep in mind — I know some have the feeling that we are past the stage where education is necessary and that further attempts to provide education to Yukoners around this issue is a lost cause. I don't agree with that. I really do think that education needs to continue to be a priority for us. As I'll discuss, there are a number of things that we've done already to promote education and provide some public information around this topic. So I'll get into that in a few moments.

This is another piece that we discussed earlier. There was a large block calling for legislation to protect the Yukon's fragile environment. The committee heard about ongoing environmental devastation and wildlife being forced from its breeding grounds and natural habitat. At the same time, access to some areas is to be restricted in the name of environmental protection. There are those who believe that all access should be restricted, motorized and non-motorized alike. Environmental protection legislation that penalizes damage to the environment, rather than the type of use, was suggested by many. I think this speaks to the need for a fair and balanced approach to this issue. As I noted earlier in some of my preamble, of course the committee heard that this was an issue where there were significant divisions between rural and urban Yukoners. I've already discussed some of that, so I don't need to go through it again.

What is important to discuss at this point are the recommendations the select committee provided to the Legislature and to the government. One of the things they noted in their preamble to the recommendations was the complexity of the issue and the fact that it wasn't going to be easy and wasn't going to be something that government was going to be able to move forward on without disappointing some Yukoners.

There are going to be some folks that aren't ultimately happy with whichever direction we take. There's going to be some on either side of it, so that's an issue the government faces on a number of fronts and a number of decision points.

The select committee recommends the following — and I'll just read the recommendations so that we can discuss them a little bit better: “That legislation and regulations governing the use of off-road vehicles are inclusive of all and do not exclude anyone to the advantage of another; that there is consistency throughout all legislation and regulations governing the use of off-road vehicles in the territory; that the government undertake an extensive advertising/educational campaign to raise public awareness of any and all existing restrictions on off-road vehicle use, along with penalties and means of enforcement; that government undertake an educational campaign which, in addition to the existing laws and regulations, focuses on the safe, responsible, and respectful operation of off-road vehicles, as well environmental stewardship; that legislation governing on-road use of off-road vehicles be provided for through amendments to Yukon's *Motor Vehicles Act*; that as it pertains to on-road use, provisions in the Yukon government's existing policy regarding the operation and registration of all-terrain vehicles be given the force of law and enshrined in the legislation; that all off-road vehicles that travel on or cross over any Yukon road or highway be subjected to registration and liability insurance and require that operators hold a valid class 5 driver's licence; that government consider the issue of registration, operator licensing and insurance for off-road use and that government look at how other jurisdictions have approached these issues prior to determining the best approach for Yukon; that the definition of 'highway' in the *Motor Vehicles Act* be clarified and that the terms "on-road" and "off-road" be clearly defined in the act; that government encourage and support voluntary driver training on the safe and environmentally responsible operation of ATVs and snowmobiles; that the issues of age requirements, under-age riders, adult supervision and age versus size of machine be addressed in legislation and/or regulation and that government consider how other jurisdictions have approached these issues in determining the best approach for Yukon; that helmet use be mandatory when operating an off-road vehicle or snowmobile on-road” — the committee did not reach consensus on helmet requirements for off-road use — “that legislation address the needs of municipalities for identifying offenders and enforcing their bylaws; that off-road vehicle legislation regulations provide for the ability to mitigate environmental damage and cumulative negative impacts to sensitive wildlife and fish habitats; ensure that legislation and/or regulations provide for the ability to restrict the growth of trail networks in sensitive areas; to close trails or overused areas, as necessary; to exclude off-road vehicles from specific types of land or habitats and have certain areas designated as access routes only; that environmental and access restrictions be implemented in areas where problems exist or are developing and, when not required for wildlife or environmental protection efforts to be made, not to reduce access to existing areas; that government review penalties for environmental damage caused by any method, motorized or non-motorized means, to ensure penalties are appropriate.

“The committee further recommends that government take steps to improve public awareness of these penalties; and finally that the government consider separate environmental pro-

tection legislation that targets and penalizes environmental damage rather than restricting specific users.”

The committee noted that, while Yukon has some protected areas legislation and management plans in place that impose certain restrictions or limitations on outdoor recreational use within the territory, Yukon is the last jurisdiction in Canada without specific legislation governing the operation of off-road vehicles. The issue is important to Yukoners and to the Yukon, and there will be some tough decisions to be made, given the vast diversity of public opinion. It will not be possible to please everyone — which I think is a telling comment from the committee’s work, and I mentioned it a few minutes ago.

The final piece in the committee’s work is that “The committee believes that legislative tools and education programs that discourage poor practices, prevent ecological degradation and teach ecological stewardship are required. Yukon’s regulatory framework must be established and implemented in an objective and unbiased fashion. All users, motorized and non-motorized alike, and the scale of environmental impact must be considered when developing operational, safety and environmental standards. Our approach must not only be responsible and progressive, it must be respectful of all Yukon citizens. The committee believes that implementation of its recommendations is an important step in ensuring the respectful and responsible operation of these vehicles.”

So I think that’s a fair re-creation of the committee’s work and what, of course, we’re discussing today.

Now, as I said earlier, that committee provided those recommendations to the Legislature in March of 2011. Since then, a lot of work has been done by government, but also by a number of groups. A number of groups have formed in response to the proceedings and the discussion of this topic. I think we should note that some of the work that has been done to date has been very good and very collaborative and government is certainly appreciative of that work.

As the Member for Takhini-Kopper King noted, in the spring of 2011, the Yukon Conservation Society received funding from the Yukon Fish and Wildlife Enhancement Trust Fund, which is a trust pursuant to the *Umbrella Final Agreement* administered by members of the Yukon Fish and Wildlife Management Board, which provides the funding based on criteria outlined in the *Umbrella Final Agreement* to provide support for a number of environmental issues and the Yukon environmental awareness fund, which is a fund administered by the Department of Environment to promote a number of environmental causes and activities.

The Yukon Conservation Society received funding for both of those funds for a project to address the growing concerns about the impacts of ORVs in the Yukon on Yukon habitat and wildlife. Two primary goals were identified for the project: to develop educational materials for the public about environmentally responsible ORV use in the Yukon and to develop ORV management recommendations.

The member opposite listed the members of that working group already so I don’t need to list them, but they did come from a variety of backgrounds, some representing riders and

those who enjoy ATV use as a recreational hobby and others who were concerned about the impacts of ATV use and wanted to represent the more environmental side, for lack of a better term.

They came up with a number of recommendations that actually directly referenced the work done by the select committee. Basically, from what I can tell you, they used the select committee recommendations as a bit of a guiding mantra and moved forward based on the recommendations therein, and also provided subsequent recommendations based on how they felt the government could properly respond to some of those recommendations. They highlighted recommendations 3, 4, 10 and 14 from the select committee’s report. The third recommendation was that government undertake an extensive advertising/educational campaign. There are some more words after that, but that’s the crux of it.

They added to the recommendation the following: “Government should partner with the established stakeholders to best utilize resources and gain inroads to user groups; Education should also reach non-motorized groups so that all users understand what is permitted; The Yukon government should review ORV legislation across Canada and assess its applicability for the Yukon; The Department of Environment should include information on ORV environmental impacts in Hunter Education and Ethics Development (HEED) training; Education should teach why legislation is in place, why it is important to comply with the legislation and the consequences of not complying.”

Following recommendation 4, which was also in relation to an educational campaign about the current regulations, they recommended that government should partner with established stakeholders to best utilize resources and gain inroads to user groups. They recommended education should also reach — some of these echo the first one, so I won’t read them all, but they also recommended that we use national standards for trail signage, maps and other ORV publications for public and field office use, to provide updates for ORV users about trail designations, bylaws, changes to the rules and regulations, et cetera, and provide links to other motorized ORV-related sites.

Incentives should be built into regulating frameworks to encourage rider training such as WCB or liability insurance deals for trained riders. WCB should be encouraged to use nationally recognized courses. Then, following the select committee’s recommendation 14, they added recommendations as follows: scientific criteria to assess violations of environmental protection laws need to be established. Restrictions should be based on this criteria and not anecdotal evidence or complaints. The Department of Environment should be mandated to conduct research on environmental impacts of ORVs and work with other departments to ensure sensitive habitats are protected. This will support evidence-based legislation or environmental legislation. There should be restricted access in place for sensitive habitat areas during critical seasons, such as spring wet conditions and lambing areas, et cetera. I think that’s one that I will return to — that we acknowledge that there are critical seasons and when we consider the ways the government can act in terms of restricting use, identifying criti-

cal seasons — perhaps lambing time or in the spring when things are wet and easy to be torn up — we could take an approach that rather than being 365/24/7, we could target specific areas at specific times.

So following that work —

Some Hon. Member: (Inaudible)

Hon. Mr. Dixon: Forgive me, Mr. Speaker. The member opposite is giving me some advice, I guess, on how to move forward. Following that work by that working group, they provided that information to us in January of last year through a letter addressed to the Minister of Energy, Mines and Resources and copied to me, as well as all First Nations and municipalities, I believe. We took that information and provided it to departments to take into consideration as we move forward with this issue.

One of the topics that I did want to discuss was the election and some of the positions established by the various parties. In response to the Trails Only Yukon Association's request for the positions of the various parties, the Yukon Party provided them with a letter which outlined a response to their four questions that were asked by the group, which the member opposite mentioned in her response.

The Yukon Party provided the following response with regard to off-road vehicle use: The Yukon Party is committed to implementing the recommendations made by the all-party committee on off-road vehicle use in its unanimous report to the Legislature. This will include equality and fairness. Under the heading of equality and fairness: We recognize the importance of users and uses, including recreation, hunting, trapping, outfitting, resource industries, and tourism. We will ensure legislation and regulations governing the use of off-road vehicles are inclusive and do not exclude anyone to the advantage of another. We recognize that many people regard the ability to travel in the backcountry by ATV and snowmobile as a very important personal freedom. Government actions must be fair and balanced to all user groups and citizens and appropriately protect our environment and wildlife.

With regard to the environment, we will review legislation and regulations to determine whether existing mechanisms, such as habitat protection areas and special management areas, provide appropriate ability to restrict the growth of trail networks in sensitive areas, to close trails or overused areas as necessary, to exclude off-road vehicles from specific types of lands or habitats, and to have certain areas designated as access roads only.

We recognize that there are some areas where new steps need to be taken to protect wildlife and environment from ATV damage. Actions will be targeted to areas where problems exist or are developing. Access to existing use areas will not be reduced unless necessary for environmental protection. We will consult with Yukoners prior to implementing any proposed restrictions. We will review penalties for environmental damage caused by any method, motorized or non-motorized, to ensure penalties are appropriate.

With regard to safety and responsible riding, we committed to the following: amend the *Motor Vehicles Act* to clearly distinguish between roads and trails; amend the *Motor Vehicles*

Act to make helmet use, liability insurance and registration mandatory when operating an ATV or snowmobile on-road; pass legislation to make helmet use mandatory for young riders operating ATVs and snowmobiles off-road; launch an education campaign to promote awareness of laws and regulations, safe, responsible and respectful operation of off-road vehicles, helmet use and environmental stewardship; work with partners to support voluntary rider training focused on safety and environmentally responsible operation of ATVs and snowmobiles; and strengthen the ability of municipalities to implement by-laws placing additional restrictions on ATV and snowmobile use, including bylaws affecting trails, operating training and licensing, safety equipment insurance and registration.

That was what the Yukon Party provided to TOYA during the election by way of charting out our position on responding to the select committee's recommendations and to their requests for a position on the particular issue. Since then, there has been action in a few areas that I won't mention now, but in particular one of the areas of interest has been around the environmental considerations. The safety and responsibility issues in the *Motor Vehicles Act* — those are things that we'll be dealing with in due course, but I'll leave those to the Minister of Highways and Public Works to discuss perhaps at greater length in the future. I'd like to focus now on the more environmental aspects of the recommendations of the select committee and then how they play into the Member for Takhini-Kopper King's motion.

Fairly shortly after the election, the Minister of Energy, Mines and Resources and I met with representatives from TOYA — I think Mr. Peters is in the stands presently.

At that meeting we discussed how the government would move forward with this. Obviously, representatives of organizations are eager to see government act in short order. Of course we indicated that we fully intend to respond positively to the recommendations of the select committee, but from perhaps a different viewpoint on how exactly that would play out. I do recall that shortly after our meeting and after our discussion there was some media attention around this. I had a bit of a laugh because I gave what I felt to be the exact same interview to two different newspapers and the headlines the next day were — one newspaper reported that I was putting the brakes on ATV legislation and one newspaper reported that I was charging ahead with ATV legislation. I thought that was a bit humorous and I know that the coverage from the TOYA group was in there as well.

What we have indicated to TOYA and to others is that we have an interest in targeting specific areas in the territory that we feel are in need of greater protection or are likely to be in need of greater protection. In a recent letter that we sent to the Trails Only Yukon Association, we charted out some of what we have done to date and some of our thinking and ideas about where we wanted to go with this.

I'd like to read some of that because I think it's important.

In the letter addressed to Trails Only Yukon Association we said, "We appreciated the opportunity to meet with you in December to discuss the topic of off-road vehicles. At that time we provided you with an update on the current work of Yukon

government and committed to providing you with a letter describing that work and next steps for addressing the recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles. The select committee developed 14 recommendations that were presented to the Legislature in March 2011. Most of the recommendations dealt with safety and associated topics related to equipment, registration and insurance. The final recommendation from the committee dealt with the ability to mitigate environmental damage and cumulative impacts to sensitive fish and wildlife habitats.

“Because of the range of recommendations of the select committee and the diversity of responsibilities within various departments, we decided to create an interdepartmental working group to advise us on how best to respond. As a result of that internal working group meeting, we determined that the Department of Highways and Public Works will lead implementation of the safety-related recommendations to be dealt with through the *Motor Vehicles Act*. Environment Yukon and the Department of Energy, Mines and Resources are collaborating to address the recommendations related to environmental considerations, which we know is the primary focus of your group.

“Our intended outcome is to ensure that government has the adequate tools to target specific areas, like key wildlife habitat or particularly sensitive areas, where it is determined that problems resulting from off-road vehicles — ORVs — are occurring or are likely to occur. Recognizing this intended outcome, the interdepartmental working group determined that our suite of tools and powers under current legislation are not ideally suited.

“Consequently we have determined that the best alternative will be pursuant to the *Territorial Lands (Yukon) Act* and the *Summary Convictions Act*. Several objectives consistent with recommendations from the committee have been developed to help scope any regulatory changes under the *Territorial Lands (Yukon) Act*. The regulatory objectives include having the ability to manage environmental damage and cumulative impacts, manage or prevent the growth of trail networks in sensitive areas, and restrict or prohibit use in certain areas where problems are occurring or are likely to occur.

“We hope to keep the regulatory amendments to a minimum in order to enact changes in a timely and efficient manner, while ensuring effectiveness in addressing environmental concerns. Our next steps will include further definition of regulatory requirements, regulation drafting and targeted consultation.”

In that letter, we referenced the interdepartmental working group, and I didn't mention that earlier. So following our initial meeting with TOYA, we indicated that we would be forming an interdepartmental working group among the departments of Energy, Mines and Resources, Environment Yukon and Highways and Public Works to look at the options for how we would exactly move forward with the recommendations of the select committee. There are a number of tools that we currently have at our disposal that we were considering at that time. Those included habitat protection areas; other tools exist in the *Parks and Land Certainty Act*, a number of other legislative or

regulatory tools that we could employ to deal with the recommendations of the select committee.

That interdepartmental working group met over the course of several months and determined that, as we indicated in the letter, it was best to parse out the two different issues — one being the issue of safety and one being the issue of the environmental considerations. We decided it was best to deal with them separately and deal with the safety considerations with the Department of Highways and Public Works and that the departments of EMR and Environment Yukon would consider the environmental sides.

After that work, the interdepartmental working group also determined that a number of the tools that we have currently — some of the ones I listed earlier — would probably not be well-suited to dealing with that particular issue in the manner which we wanted to go.

So they came up with the potential of making either a strategic amendment to the *Territorial Lands (Yukon) Act* to allow the creation of regulatory powers — pursuant to that, we would also probably want to make a change to the *Summary Convictions Act* to add the possibility of fines or financial penalties associated with this particular issue. That is our plan, as of late, to move forward with it.

There are a number of different ways that could happen but, essentially, if we had a regulation in place, pursuant to the *Territorial Lands (Yukon) Act*, we could identify specific areas in the territory to provide specific restrictions around ATV use. That would allow us to — as I said before — target specific areas. Now, how we would determine which areas and when is something that we'd have to discuss. It's something we would have to discuss with interested parties, stakeholder groups, perhaps First Nations.

One idea that does come to mind — and I certainly don't want to commit to it, but it's something that I think is a possibility — would be to use the subzones that already exist for hunting regulations.

They delineate manageable-sized areas throughout the Yukon that we could perhaps identify that way. That's just one way that it could happen; there are obviously a number of other ways that we could delineate specific areas to target. Within those specific areas that we were able to target, we would be interested in restricting the ability of ORV users to undertake certain activities. For instance, we could prohibit certain things like rutting or gouging of the ground with machines. The point I want to make is that we could target specific areas and target specific times of the year when the environment is particularly sensitive, whether it be spring, whether it be a critical area, such as maybe a sheep lambing area or another specific species — whatever it may be and whatever the specific needs of the area would require. That's the direction we wanted to go — was to be able to take action in specific areas and specifically target that action to damage that was occurring and, as well, identify areas where we expected there to be additional activity.

I know a number of people have identified some different areas that may be a good place to target. There are areas around Faro that see a significant amount of ATV and ORV use. There are areas in the Whitehorse area — up in Fish Lake and Alliga-

tor Lake areas. I know even the Member for Vuntut Gwitchin mentioned that there is a particular hill near Old Crow that does see a lot of activity. These are all areas that could potentially be targeted.

One thing that we did make clear was that we weren't interested in a broad-based law about ATVs that spans the entire Yukon, and the reason for that is we felt that the needs and uniqueness of each area in the Yukon are such that we need to take a unique approach. We didn't feel that what works in Whitehorse would necessarily work in Old Crow or work in Faro or Haines Junction, and that we would need to take a more targeted approach to dealing with these particular issues.

I know that's not the approach that some people would like to see us take. I know some people would like a general ban on ATVs being used anywhere in the territory, if they are off-trail or off-road, but that was not the direction we wanted to go in.

We were interested in legislation or regulations that allowed us to target specific areas that were experiencing damage.

So that actually, I think, is a pretty fair appraisal of where we are in terms of the general thinking. So the planning at this point would involve either a specific legislative amendment or the creation of regulations pursuant to the *Territorial Lands (Yukon) Act* to allow us to do that. If that did require a legislative change, that's something that obviously we wouldn't be able to do immediately because our Standing Orders require us to identify the legislation we want to discuss here in the first five days of a sitting. That time has, of course, elapsed.

So the ability for us to act immediately in the wording of the current motion is somewhat limited because of the fact that we can't make legislative changes this sitting because we're already engaged in the sitting. Of course, as I said before, the roles of First Nations, municipalities and stakeholder groups need to be considered as well.

The issue that I have with the motion as it currently stands is about the timeline in terms of the word "immediately". It simply isn't possible for us to take immediate action to all of the recommendations outlined in the select committee's recommendations because of the fact that they asked for and require legislative changes, whether it be to the *Motor Vehicles Act* in the Highways and Public Works component of the issue, or if we are going to consider amendments to the *Territorial Lands (Yukon) Act*, that is something we would also have to consider. As I said, the *Summary Convictions Act* may require a legislative amendment as well to include ORV use as an offence that could be penalized with a summary conviction and thus have a financial penalty.

With that in mind, I would suggest that while we support the recommendations of the select committee and the work it did, and the second point of the motion, which includes us working with stakeholder groups and determining a proper course of action, while we have a vision of how we'd like to see it go forward — and we know that doesn't necessarily line up with all interested groups but, nonetheless, we should obviously include them in the discussion.

With that in mind and in support of sections (1) and (2) of the motion, I am going to move a friendly amendment to the motion as presented to the House.

Amendment proposed

Hon. Mr. Dixon: I move

THAT Motion No. 369 be amended by deleting the word "immediately".

Speaker: Order please. The amendment is in order.

It has been moved by the Minister of Environment

THAT Motion No. 369 be amended by deleting the word "immediately".

Hon. Mr. Dixon: I don't think I need to go on at too much length here, but I would say that we indicated in the election and since then that we of course are committed to responding positively to the recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles. We've got a plan currently laid out in terms of the division of responsibilities of who does what with regard to the safety-related recommendations and the more environmentally based regulations and steps forward there. We do have plans to move forward and take action and this amendment supports us moving forward as we see fit and removes the word "immediately". The reason for that is as I said — it simply isn't possible for us to make legislative amendments immediately because we are currently sitting and can't identify new legislation. Of course the process of amending legislation isn't a simple one. I know the members opposite sometimes think it is, but a lot of work has to go into that process from departments and from staff with regard to those kinds of changes.

They often require consultation. I know the NDP doesn't enjoy consultation with Yukoners, or they certainly haven't with other pieces of legislation when they propose amendments to that.

Some Hon. Member: (Inaudible)

Point of order

Speaker: Member for Takhini-Kopper King on a point of order.

Ms. White: Standing Order 19(g) covers imputing false or unavowed motives to another member — I believe we are treading into that territory.

Speaker's ruling

Speaker: There is no point of order. It's a dispute between members. Minister of Environment, please continue.

Hon. Mr. Dixon: The point I'm making here is that there is more to amending legislation than simply snapping our fingers and putting it on the floor here in the House. A lot of work has to go into it — a lot of work by departments and a lot of work by our staff.

We are committed to moving forward with this; we've said that; we said it in the election and we've committed to groups that have brought this to us that we are committed to moving forward. The direction we're going isn't exactly what everyone will want, but that's something that was acknowledged in the

select committee's report — that whatever government does isn't going to be accepted or necessarily supported by every single person. That's the reality and something that we understand and realize that we have to try to make the best decision possible on behalf of Yukoners.

I think that by amending this motion we maintain the spirit and intent of it, which is to urge the government to implement the recommendations, which is something we're fully intending to do, but removing the caveat and specificity with the word "immediately".

With that, I think the amendment creates a motion that all members of this House can accept, maintains the spirit and intent originally put forward by the Member for Takhini-Kopper King and obviously represents this House's understanding and appreciation of the work done by the select committee in determining some recommendations for government on how to move forward on this fairly divisive and contentious issue. I think this amendment improves it and provides all members with the ability to support it in urging government to take action.

Ms. White: In speaking on the amendment, my concern with the removal of the word "immediately", although I understand the reasons why, is that we're taking away the urgency of the situation. The minister referred to critical seasons. He referred to all sorts of things of urgency. By removing a timeline, we've left it open.

We have 32 years of research about the effects of ATV use in the backcountry and sensitive areas, and it's only going to increase with our population and with the change in motorized vehicles. I understand that, because the five days has moved forward where we could bring forward new legislation, that is not possible, but my concern with the removal of the word "immediately" and no time frame included is that this will just get lost again. So although I understand the amendment, I am not in favour of it as it is stated.

Hon. Mr. Cathers: I will be brief in speaking to the amendment, but to elaborate on what my colleague the Minister of Environment has expressed, the reason behind the amendment is quite simply that some of the recommendations that it specifically refers to — again I'll refer to the Member for Takhini-Kopper King's motion as read — were they not to be amended, would urge the Government of Yukon to immediately implement all of the recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles.

While we are committed to working on this in an expeditious fashion, the recommendations that were contained in the committee's report include recommendation 5, that legislation governing on-road use of off-road vehicles (ORV) be provided for through amendments to Yukon's *Motor Vehicles Act*, as my colleague noted, government has to table all government business within the first five sitting days and we don't have those amendments ready, let alone in a form they could be tabled at this point in time. Our colleague, the Minister of Highways and Public Works, and his department are working on that as out-

lined in the letter that the Minister of Environment and I sent to Trails Only Yukon Association on January 11, 2013. There were also specific references — recommendation 6 "...as it pertains to 'on-road' use, provisions in the Yukon government's existing policy regarding the operation and registration of all-terrain vehicles be given the force of law and enshrined in legislation." That is another matter that cannot simply be done with the snap of the fingers; it does require an act change; and recommendation 9 that the committee made: "...the definition of 'highway' in the *Motor Vehicles Act* be clarified and that the terms 'on-road' and 'off-road' be clearly defined in the Act."

Mr. Speaker, I will not spend too much more time speaking to the amendment. The government recognizes and appreciates the concerns and perspectives of all citizens who provided input on this issue.

We are, as the Minister of Environment and I noted in our letter to Trails Only Yukon Association, committed to keeping regulatory amendments to a minimum in order to enact changes in a timely and efficient manner while ensuring effectiveness and addressing environmental concerns.

I would also point out, in terms of the time involved, it's very easy to sit in the opposition benches and disagree with everything government does and take shots at everything that government does and say, "Well, it should be done faster," or whatever they wish to say. I would remind members that if they would look at the dates contained within the committee's report, the motion that established the Select Committee on the Safe Operation and Use of Off-road Vehicles — which I had the honour and privilege to be part of — was passed on November 18, 2009. The committee did not report until March 2011 — so, roughly 16 months were taken by the committee to come up with its report on what it heard from the public. Government, of course — I believe it has been in for 17 months since we were sworn in for this mandate, and it is a five-year mandate. This is also something that we have identified as something that is actively being worked on right now and that we hope to be able to provide further information and updates in the near future to groups that have expressed their concern about this.

It does take time. Good policy work does take time to do it right. It involves interdepartmental work and considering different pieces of legislation. I would remind members and those listening that the committee, in its report — which, as the Minister of Environment, I believe, mentioned — the committee was able to unanimously agree on the recommendations in the report.

The committee, on page 10, "Recommendations", noted the following: "Off-road vehicle use is a complex matter requiring analysis of several pieces of legislation, i.e. the *Motor Vehicles Act*, *Highways Act*, *Lands Act*, *Environment Act*, *Wildlife Act*, *Forest Protection Act*, and any others that may be applicable."

There were others that were applicable — as the Minister of Environment noted — *Parks and Land Certainty Act*. We also have to consider the obligations under First Nation final agreements, because one of the key recommendations — in

fact, the very first recommendation — made by the committee was that legislation and regulations governing the use of off-road vehicles are inclusive of all and do not exclude anyone to the advantage of another.

The committee intended that to apply equally to both First Nation and non-First Nation citizens. As well, that clause was intended to indicate that there would be no greater or lesser rights to given to any user group, whether they be commercial, recreational, hunting and so on and so forth.

The specific applicability of that is that there are requirements under First Nation final agreements for consideration to be given to where there are subsistence hunting rights which could be accessed through use of all-terrain vehicles, so that is one of the things that needs to be given consideration. Much of that work in fact has been done by departments already, but I would point out again that the committee, which was a four-member committee with one clerk, took roughly 16 months to come up with the document that was tabled in this House. A lot more people in government departments, as well as the entire caucus of 11 members, have been involved in considering what the options might be for fulfilling the commitments made by us in the 2011 election campaign, including implementing the recommendations of the select committee report. A significant amount of work within a number of government departments has been involved in determining, first of all, that Highways and Public Works will lead the implementation of the safety-related recommendations to be death with through the *Motor Vehicles Act* and that the Department of Environment and Department of Energy, Mines and Resources will collaborate to address the recommendations relating to environmental concerns.

I will conclude my remarks on the amendment. I will note, as the Minister of Environment did, that our intended outcome is to ensure government has the adequate tools to target specific areas like key wildlife habitat or particularly sensitive areas where it is determined problems resulting from off-road vehicles are occurring or likely to occur. It is also important to recognize what the committee referenced in the report on page 10, noting that: “The committee also heard from many people who regard the ability to travel in backcountry by ATV and snowmobile as a very important personal freedom. In our recommendations, we attempt to be fair and balanced to all user groups and citizens, and acknowledge the importance of appropriately protecting citizens and wildlife.” — which for the sake of *Hansard* recording that, that’s the end of the quote from that part of the select committee report.

As my colleague noted, we committed to a number of things, including reviewing the legislation and regulations to determine whether existing mechanisms, such as habitat protection areas and special management areas, provide appropriate ability to restrict growth of trail networks in sensitive areas; close trails or overused areas as necessary to exclude off-road vehicles from specific types of lands or habitat; and to have certain areas designated as access routes only.

We also committed in the election that we recognize there are some areas where new steps need to be taken to protect wildlife and environment from ATV damage and committed

that actions will be targeted to areas where problems exist or are developing.

With that, I hope I have adequately explained why this amendment is necessary. We would hope that members will support this amendment so that we can pass the motion as amended later this afternoon.

Speaker: Member for Mayo-Tatchun, on the amendment.

Mr. Tredger: I’m quite disappointed with this amendment. It could have been amended in other ways; it could have been looked at.

In terms of safety and the one recommendation, this delay is unconscionable. Two years ago, the select committee came forward and said the safety of our children and the safety of people in the wilderness are at risk. How many head injuries do we have to deal with while we wait to bring forward legislation that other jurisdictions saw the need to do a long time ago? How hard is that? Yes, we talk about division. Show me a parent who think it’s okay to not put a helmet on their child when they’re driving an ATV. As far as the land is concerned, one only needs to walk. Five years ago, I could walk out my door and access wilderness. Now, I have to drive 100 miles and walk another five to get off the highway to access wilderness. The quality of wilderness is rapidly changing while we dawdle.

This isn’t a partisan issue. This is a human issue. Are we or are we not stewards of the land? Do we or do we not take time to consider what is happening?

The members opposite spoke of division. The select committee listened to the various opinions, weighed them and came up with some recommendations. Two years later we’re dithering; it’s not working; it is not working. One only needs to go up into the alpine area, to walk through some of our bogs and swamps, to walk along our river valleys and see our fish habitat to see that people need to go farther and farther to find hunting areas that are productive. It is not working. We can’t delay any longer. How will the government protect subzones that currently don’t have impacts?

This summer, this spring — the minister opposite mentioned spring. The land is vulnerable in the spring. We have one more year; two more years — who knows how many more years before action is taken on this? But the land is not waiting.

What is the government’s plan to provide interim protection for our quality wilderness? This is the wilderness that I love and that you love, that we go out into, the wilderness that tourists are willing to pay \$5,000 a day to come and experience, the wilderness that is providing industry, a place for people to work with tourism and bring them in — wilderness tourism, local tourism, wilderness that you can look across and not see cut lines or trails.

I talk to a lot of tourists who come up and they’re astonished and astounded at it and want to come back again to see the vastness, to experience the joy of walking over a hill and watching the sunset on a creek with mountains in behind, or a moose. We have a unique wilderness and, as stewards of the land, we have an obligation to protect that. What are we doing

to prevent that damage to the fragile habitat? How are we being proactive? Two years ago that report came in. My colleague mentioned that we've had 70, 80, 100 studies specific to the Yukon. We have examples from across Canada, the United States and Europe, and yet we dither. Will this government act immediately to protect zones 717 and 713, close to Whitehorse? They're still relatively pristine, but not for much longer if we see what's going on.

I'm opposed to this amendment — or I'm in favour of this amendment. What am I? My apologies — I am emotional; I do care about my land. I'm not suggesting that anybody here doesn't. We do. We are all in the Yukon because we love it and we appreciate it. We can't keep delaying protecting it. We can't keep delaying, so I encourage everyone to vote against this amendment.

Mr. Silver: I am a bit perplexed. How expeditiously this government does what it commits to do will be the legacy of the Yukon Party government. We have a motion from the Official Opposition that says it would like to do two things: (1) implement all of the recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles; and (2) develop and implement a plan, in conjunction with user groups, to protect environmentally sensitive areas from off-road vehicle use while allowing responsible access to the backcountry.

We have an amendment that has just been put forward by the Minister of Environment that says the exact same thing. The only difference is taking out the word "immediate". Now, time is relevant. If you want to get into the concept of time and talk about how things are relevant in that aspect, that's one thing, but with the Official Opposition and with the official government both saying the exact same thing — now, I know that the Member for Vuntut Gwitchin has some questions and some concerns that are in regard to the *Umbrella Final Agreement*, but I think we have our day here and I think it's time to move on.

Speaker: Does any other member wish to be heard on the amendment? Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Graham: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Ms. Hanson: Disagree.

Ms. Stick: Disagree.

Ms. Moorcroft: Disagree.

Ms. White: Disagree.

Mr. Tredger: Disagree.

Mr. Barr: Disagree.

Mr. Silver: Agree.

Mr. Elias: Disagree.

Clerk: Mr. Speaker, the results are 11 yeas, seven nays.

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

Amendment to Motion No. 369 agreed to

Ms. Moorcroft: I want to commend the Member for Takhini-Kopper King for bringing forward this important matter for debate today. Before I begin, I would like to acknowledge the traditional lands of the Kwanlin Dun First Nation and Ta'an Kwäch'än Council. I would like to thank the many First Nation elders I've had the opportunity to work with for what I've learned from them. I would like to recognize the *United Nations Declaration on the Rights of Indigenous Peoples*, which specifically addresses economic, social, cultural, political, civic, spiritual and environmental rights of First Nation peoples. Treaties and agreements that uphold indigenous peoples' rights to lands, territories, and resources must be respected and protected in the proceedings of the Legislative Assembly and government bills. In the context of the motion related to the use of off-road vehicles before us today, this means respecting the *Umbrella Final Agreement* and the First Nation final agreements and self-government agreements.

I want to speak for just a moment about the *United Nations Declaration on the Rights of Indigenous Peoples* and why that is relevant.

In article 25 it sets out "...the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard."

Article 26 speaks about the legal recognition and protection of indigenous peoples' rights to their lands, territories and resources.

Article 29 speaks to "...the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources."

What I've learned from First Nation elders over the years is not only the spiritual and economic value they place on the land where we live; I've also learned that it is essential to respect the earth and to protect its waters, lands, animals and fish as we treasure all species so they will continue to sustain future generations. Indeed, all people of the Yukon are passionate about the value of the land.

My colleague, the Member for Takhini-Kopper King, set out the Select Committee on the Safe Operation and Use of Off-Road Vehicles and its mandate that it was established by an all-party committee of the 32nd Legislature in 2009. She also set out in her remarks the history of public, government and interest groups' interest in the managing of ATV use in the

Yukon, as well as the research and advocacy that has taken place over the years.

So I want to acknowledge, first of all, Manfred Hoefs for his work in compiling this annotated list, as well as the assistance of A. Jones, B. McLean, H. Clarke, K. Gustafson, G. Zealand, V. Peters, S. Ford and L. Mychasiw. It's always important to acknowledge the work that people put into documents and the effort they put into making us as legislators aware of research that has been conducted. So I'm only going to briefly touch on a few of the documents and research reported there.

It's important that we acknowledge that in 2000, off-road vehicle use and issues in the Yukon were identified in a study by that name prepared by Loeks and supported by the Yukon Fish and Wildlife Management Board. So this was based on a review of literature and government reports and statistics, as well as polls and interviews.

In 2004, the Fish and Wildlife Management Board also put out a report based on a working group of on- and off-road vehicles.

They spoke about the positive aspects of ATVs, including access to the wilderness, being able to retrieve meat and trophies, and get firewood. The report also documented some well-known negative impacts, such as terrain damage, particularly in soft and steep areas, disturbance and displacement of wildlife, overharvesting of wildlife, the pollution of water and stream crossings, damage to vegetation, possible impacts on rare and endangered species and, of course, the dispersal of invasive plants. The report cited damage to many areas of the Yukon, and a common suggestion was that ATVs should not be used above the treeline.

In 2007, there was a joint investigation with the Laberge Renewable Resources Council, the Yukon Fish and Wildlife branch and the Ta'an Kwäch'än Council, which assessed the impacts of the increased use of off-road vehicles on the Dall sheep population and their habitat in the Pilot Mountain area. That document looked at the history of trail development, a literature search of hunting stories and inspections of old maps, as well as other current research.

It noted that ATV riders develop their trail network by improving horse trails and adding new trails in the alpine. In the fall of 2008, the Yukon Fish and Wildlife Management Board launched their initiative of *Yukon Fish and Wildlife – A 20-20 Vision*, created as part of their mandate to act in the public interest for the benefit of Yukon fish and wildlife and their habitats.

In 2011, the Yukon Department of Environment website contained the following information: Respect Mother Earth and discipline yourself by using existing ATV trails. This motion is before us because we need to see prevention of more damage. On the website in 2011, the late John Edzerza, former Environment minister said, "All-terrain vehicles are a popular way to access backcountry Yukon. Whether you are hunting, viewing wildlife or simply enjoying the great outdoors, be sure to respect our environment by using existing trails. Fragile alpine and subalpine landscapes damage easily and take years to heal. Damaged habitat can threaten the well-being of plant, animal

and insect species. ATV noise can also adversely affect animals, especially during sensitive times of the year, such as lambing, calving or the rut."

I will also address the 2009 report of the select committee. Before I turn to that, in the spring of 2011, the Yukon Conservation Society received funding from the Yukon Fish and Wildlife Wildlife Enhancement Trust and the Yukon environmental awareness fund to coordinate a project to contribute to the protection of Yukon fish and wildlife through the management of off-road vehicle activity. One of the things they did as part of that project was to develop a school presentation program for grades 7 and 8. So education is an important piece but it's not the only piece.

I have had conversations for many an hour with far too many families, friends, teachers and students who are grieving the loss of a loved one far too early from an off-road vehicle crash. The safe operation and use of all-terrain vehicles and snowmobiles in the Yukon would save lives and reduce injury. I also had many conversations with the former MLA for Mount Lorne, Steve Cardiff, who worked on the select committee.

I know that this matter is divisive within our community, but governments have a responsibility to act and we have a responsibility to follow up on the recommendations of the select committee.

Now, the Member for Takhini-Kopper King and the Minister of Environment both read into the record the recommendations of the select committee, so I'm only going to summarize those — because that is the substance of this motion — that we are urging the Government of Yukon to implement all of those recommendations: to ensure there is consistency of all legislation and regulations governing the use of off-road vehicles in the territory, that government undertake extensive advertising and educational campaigns and that those educational campaigns address restrictions on off-road vehicle use, penalties and means of enforcement, as well as the existing laws and regulations. We want to see education that focuses on safe, responsible and respectful use of off-road vehicles, as well as environmental stewardship.

There is a specific recommendation that amendments to the *Motor Vehicles Act* be done to govern on-road and off-road use and, because of the force of law, truly have an impact that can improve public safety.

Recommendation 7 says "THAT, all off-road vehicles that travel on or cross over any Yukon road or highway be subject to registration and liability insurance and require that operators hold a valid Class 5 driver's licence."

The next recommendation speaks to the advisability that "...government look at how other jurisdictions have approached these issues prior to determining the best approach for Yukon."

"THAT, the definition of "highway" in the Motor Vehicles Act be clarified..."

"THAT ...government...support voluntary driver training on the safe and environmentally responsible operation of ATVs and snowmobiles."

“THAT, the issues of age requirements, underage riders, adult supervision, and age vs. size of machine be addressed in legislation and/or regulation...”

Again, it would be instructive to consider how other jurisdictions have approached this.

“...helmet use be mandatory when operating an off-road vehicle or snowmobile on-road.” The Yukon Medical Association, national medical organizations, parents, grandparents, safety advocates and indeed, the current Minister of Highways and Public Works are all on the record as stating that helmet use should be mandatory as a safety standard.

Legislatures also need to address the needs of municipalities in identifying offenders and enforcing bylaws that legislation and regulations need to provide for the ability to mitigate environmental damage and cumulative negative impacts to sensitive wildlife and fish habitats. We need to restrict the growth of trail networks in sensitive areas and close trails in overused or damaged areas. The government also should be reviewing penalties for environmental damage and implement environmental and access restrictions where problems exist and, finally, consider separate environmental protection legislation.

So that is a lot of work, but I would point out that the report from the select committee was submitted to government two years ago and the government had some time to address it. Then, in 2011, the Trails Only Yukon Association submitted a questionnaire to all the parties in the 2011 general election and they published the results prior to the election.

All parties said yes, ATV use should be managed in order to protect wilderness; yes, new legislation and regulations should be put in place to manage ATV use in the Yukon wilderness; yes, our government will make new legislation and/or regulations to manage ATVs in the Yukon wilderness a priority if elected; and yes, if elected, all parties would bring forward legislation and/or regulations to manage ATV use in the Yukon wilderness within their first mandate. We are looking to the government to follow up on that today.

I believe that the issue of time is one that needs consideration and, accordingly, I move an amendment to the amendment to Motion 369.

Amendment proposed

Ms. Moorcroft: I move

THAT the amendment to Motion 369 be amended by inserting the words “by fall 2013” where the word “immediately” was deleted.

Some Hon. Member: (Inaudible)

Point of order

Speaker: The Government House Leader, on a point of order.

Hon. Mr. Cathers: The member just moved an amendment to an amendment — a subamendment to an amendment, which has already been dealt with by this House.

Speaker: The Member for Copperbelt South, on the point of order.

Ms. Moorcroft: Mr. Speaker, I move an amendment to the motion. I understand that the first amendment was defeated and if I used the improper language then I would request that you allow me to move an amendment to the motion, as amended.

Speaker: You got it right this time.

Amendment proposed

Ms. Moorcroft: I move

THAT amendment to Motion No. 369 be amended by inserting the words, “by fall 2013” where the word “immediately” was deleted.

Speaker: Order please. Everybody has a copy of the amendment to the motion, as amended. Just as a clerical point, we have reworded it. The intent has not changed but we have reworded it to make it clearer than what members have been presented with.

It has been moved by the Member for Copperbelt South

THAT the amended Motion No. 369 be amended by inserting the words “by fall 2013” after the words “Government of Yukon to”.

Member for Copperbelt South, you have five minutes and 34 seconds on your amendment.

Ms. Moorcroft: Mr. Speaker, in the limited time that is available to me to speak to this amendment, I want to begin by noting that when the Minister of Environment rose to speak to the motion, he started out referring to “ambiguity” in the mandate of the select committee, which was only supposed to deal with safety concerns. I was a little concerned that he might be going down the course of not being in support of the concerns with the environment and with habitat for fish and wildlife, which are quite legitimate topics of discussion.

The minister spoke about the working group that was undertaking response to the select committee, and I do applaud that. However, I think it’s really important that this be acted on in the near future. The government has to make the hard decision. Governments have to make hard decisions every day. That doesn’t mean that they can ignore those decisions. There are a number of reasons why they need to make it now.

What we would like to see the government do is stop any more environmental damage and destruction of habitat from happening as a better approach than trying to remediate damage after the fact. While there are some parks, protected areas and management plans that are in place in Yukon, there are many vast areas of great cultural, spiritual and ecological value that are not protected from environmental degradation. We need to teach ecological stewardship to our youth and to adults. We all need to clean up after ourselves, and we all need to protect the land as habitat for plant and animal species. This amendment would give eight months to the end of fall 2013 — typically somewhere around the end of December is the last day of the fall sitting — and the government could — and we argue should — make a move to protect more sensitive alpine areas before it is destroyed, and considering the vast network of existing roads and trails, government should adopt an interim plan for the protection of all areas with no pre-existing roads.

I think the government needs to acknowledge that many areas have been damaged because no action has been taken to protect those lands as of yet and the time is now. Yukon is the last jurisdiction in Canada without legislation to specifically address the operation and use of off-road vehicles. As the population increases, particularly in the regions closest to Whitehorse, which includes the Southern Lakes and Lake Laberge, which includes the Champagne and Aishihik, Kwanlin Dun, Ta'an Kwäch'än, Carcross-Tagish, and Tlingit peoples' lands, there is a critical need to act before any more damage is done.

On behalf of the Official Opposition, I am in support of Motion No. 369:

THAT this House urges the Government of Yukon to by fall 2013:

(1) implement all of the recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles; and

(2) develop and implement a plan, in conjunction with user groups, to protect environmentally sensitive areas from off-road vehicle use while allowing responsible access to the back-country.

Speaker: Minister of Energy, Mines and Resources on the amendment, please.

Hon. Mr. Cathers: First of all, in beginning to respond to the member, what I'd like to briefly talk about is the context to what occurred in the committee's work. It is unfortunate that for a committee that worked very collaboratively and worked hard to reach unanimous agreement, we see the NDP taking a very adversarial approach in this, rather than a collaborative approach.

Without the work done by the former NDP MLA for Mount Lorne, the late Steve Cardiff, we wouldn't have seen this report as we see it today, and I would like to give Steve credit, as well as the other members of the committee, for the fact that the select committee was not required by its mandate to reach unanimous agreement. The four of us who sat on the committee chose to make best effort to reach unanimous agreement on how to address these issues.

We recognized that in the substantial feedback from Yukoners we heard, I would again draw members' attention — and for those who are listening or read this in *Hansard* — on page 7 of the select committee's report, it references the number of surveys completed by Yukoners — 2,489 completed surveys, plus an additional 181 citizens who attended public meetings, and 25 written submissions, nine of which were from groups or organizations and 16 from individual citizens. The diversity of opinion on this issue really was significant. It's also notable, as my colleagues referenced, that the NDP in their motion today seemed to focus only and solely on recommendation 14. This is an important one, but that seems to be the primary focus of the rhetoric of most of the members, not recognizing the — it's interesting, Mr. Speaker. I hear a lot from the Leader of the NDP publicly about improving decorum in the House, but she's the worst heckler in this entire Assembly.

I would point out that if members and members of the public review the recommendations they'll see that they cover a wide range of areas.

Recommendation 14 is the one that relates to the environmental issues, or primarily relates to that; some of the others bear some reference to it. That recommendation read that off-road vehicle legislation and regulations provide for the ability to mitigate environmental damage and cumulative negative impacts to sensitive wildlife and fish habitats; ensure legislation and/or regulations provide for the ability to restrict growth of trail networks in sensitive areas; to close trails or overused areas as necessary; to exclude off-road vehicles from specific types of lands or habitats; and to have certain areas designated as access routes only.

Now, with regard to the specific amendment, as the Minister of Environment and I attempted to outline and clarify for members, some parts of this will take additional time. There are some areas when it comes down to the question of immediately implementing all of the recommendations — the specific commitments that we made in the 2011 election, including ensuring, first of all, that the commitment to review legislation and regulations to determine whether existing mechanisms such as habitat protection areas and special management areas provide appropriate ability to restrict growth of trail networks in sensitive areas, close trails or overused areas as necessary, exclude off-road vehicles from specific lands or habitats and have certain areas designated as access routes only.

It was a commitment we made that began with a review — the interdepartmental committee to which my colleague and I have referred to — that took a look at what legislative tools we have, came up with the conclusion that the current suite of tools and powers are not ideally suited to this task. What I am attempting to convey to the members is there are some parts of this having the tools in place that allow the targeting of these areas. This is expected to be something that would lead in future years, in future mandates of future Legislative Assemblies in future governments, to additional steps being taken with those tools. To that end, that would be an ongoing process, not snap our fingers and it's done.

There are other areas of this which relate to the *Motor Vehicles Act*, as I've referenced. There are other parts of this that may take additional time. What we've heard from groups such as Trails Only Yukon Association is that their primary concern and their priority relates to the environmental measures. It's very easy when you're in Opposition to call for government to amend every piece of legislation out there. In fact, the NDP have called for us to amend over 35 pieces of legislation and said that they were all priorities on that day in the House. Government has certain resources within its departments, in our policy shops and within the legal drafting resources, and you can't do everything at once.

I would remind the Member for Copperbelt South of an example that today she likes to talk about the importance of updating the language of legislation to remove outdated references to First Nation citizens as Indians, but she had, I believe, four years as Minister of Justice and that didn't make her priority list.

We are committed to fulfilling our commitments in this mandate. There are also some parts of the select committee report that we expect will be completed by the fall of 2013, but to think that all of it would be completed is questionable. It's very easy for members of the Opposition to make commitments, and some seem to be very quick to make commitments without regard to whether they can deliver on them or not, but before we make commitments, we think carefully about whether we can deliver them. There are some parts that we expect would be completed by fall 2013; there are other parts that may take longer.

The specific area of concern to groups concerned about environmental issues is one that is an active file. We have staff working on it as we speak and, as committed to by the Minister of Environment and me in our January 11, 2013, letter to Trails Only Yukon Association, we remain committed to keeping the regulatory amendments to a minimum in order to enact changes in a timely and efficient manner, while ensuring effectiveness in addressing environmental concerns. We've indicated that we've determined the best alternative will be pursuant to the *Territorial Lands (Yukon) Act* and the *Summary Convictions Act*.

Quite frankly, I know I'm never going to reach agreement with many of the members of the NDP. I recognize and appreciate that the Liberal Member for Klondike acknowledged that in fact much of what is being said in this very heated debate by government and the Official Opposition is not really that different in its intent. I thank him for his comments there and what I would note to those in the gallery and to those listening is the Minister of Environment and I and all of our colleagues remain committed to what we said in that letter and what we said in the election campaign. We have staff working on this. We will work on this as expeditiously as possible, but we can't support a motion that makes a commitment to fulfill all of the recommendations made by the select committee by fall 2013 because we don't think that all of them will be necessarily completely committed.

We remain committed to doing what we said we would in the 2011 election, which is fulfilling those commitments in this mandate. Some of them, including the environmental ones, are prioritized and will be dealt with. We expect and are confident that they will be dealt with well before the end of the mandate.

Speaker: Member for Mount Lorne-Southern Lakes, on the amendment.

Mr. Barr: I would like to just speak briefly on the amendment. I would say that in the Yukon, or when we have such diverse opinions on an issue such as off-road vehicles — and that all members of the select committee were able to come to an agreement as to how to move forward, or what they wanted to do is great, when you have such opposing views on this. They managed to come up with recommendations that all were happy with. All we are charged to do here with the government is to move forward with those recommendations. We have an opportunity that makes it easy — they have already done that. We just have to put it into legislation. With this

amendment “by fall 2013” — when I was listening to the Minister of Environment first speak to this Motion No. 369, he stated that that would be fine, but the first five days have passed. We can't do this, so we have to take out the word “immediately”.

So now we have the opportunity to move forward. “Immediately” is out there and the next sitting in the fall we have the first five days to put forward what we have missed the opportunity for in this sitting. Then we have the ability to move forward with all the stakeholders' recommendations — what the people of the Yukon want. We are here to act and deliver upon what the Yukon people want. They have said it — there's no opposing. It has come together. Why is the Yukon Party not agreeing to move forward?

We're not saying that it has to be all done. I am saying that, without it moving forward in the first five days, the part that we missed on this Legislature, we cannot move forward. I am saying this allows the Yukon Party to commit to doing this. I would urge them to follow through and commit so we can tend to the rest of the business at hand.

Hon. Mr. Dixon: I have to respond to some of that. The commitment we made during the election was to move forward with this during this mandate. That's exactly what we're committed to. We committed to that publicly during the election campaign and we are committing to it presently in the House. We want to move forward. We committed to doing this during this mandate. I have acknowledged that it's not possible to do it in this sitting. There's at least three pieces of legislation that we're just talking about. We haven't identified exactly what changes to the *Motor Vehicles Act*, for instance, need to be made and exactly what work will go into that. It will be a lot of work; we know that for sure. We can't commit to timelines that we don't expect to be able to meet. It is simply not going to happen that we will meet all 14 recommendations within the next eight months. There are other priorities that we have that we have to keep in mind as well. I'd like to advance the development of a water strategy for the Yukon. We are presently consulting on changes to the *Animal Health Act*. We have a lot of priorities and we want to make sure we pay attention to them.

This is a priority as well, but for us to commit to implementing all 14 actions, including all the ones about on-road and off-road safety and responsibility and *Motor Vehicles Act* changes, within the next eight months is just unlikely and I think, in my opinion, a bit unreasonable. We're not going to commit to something that we can't achieve because it doesn't make sense to do that. We have said we're going to do this; we've said we are going to take action and we are committed to that. We are committed to doing it in this mandate, but to say we're going to get it all done in eight months is unreasonable. It's not reasonable to our staff who have to do the work to come up with the policy changes necessary. It's not reasonable to the staff who have to draft the legislation or regulations or whatever it is that we need to move forward. It is simply unreasonable and I find it disappointing that we go down this route of putting a hard timeline on this when we have been very clear

that we're committed to it. We want to move forward, but to attach such a hard timeline to this is quite frankly a little bit silly to me.

I will say that I can't support this amendment, and I don't anticipate my colleagues will be able to either. I am committed to the original motion that sees this House urge the government to take action on the recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles. That's something I have committed to. That's something that the Minister of Energy, Mines and Resources and I have met and talked about a fair amount.

Our officials continue to work on this, but to impose an arbitrarily determined timeline on them would be unfair of us to ask our staff to do and it's unfair of us as legislators to do that too. I think that's an unreasonable timeline and I won't be supporting it.

Speaker: Does any other member wish to be heard? Are you prepared for the question?

Some Hon. Members: Division.

Speaker: It requires two members to stand simultaneously for division.

Are you agreed?

Some Hon. Members: Agreed.

Some Hon. Members: Disagreed.

Speaker: The amendment to the motion is defeated.
Amendment to Motion No. 369, as amended, negatived

Speaker: Does any other member wish to be heard on the motion as originally amended?

Ms. McLeod: It can't be said that I'm in favour of legislating everything we do; I'm a great believer in personal responsibility. In this discussion about off-road vehicles, we all know that this encompasses a wide variety of methods of transportation. Personally, I've seen adults who do not regard safety as important. I've seen them disregard and show a great disrespect for personal property, and I've seen them put other drivers at risk — but those adults are a minority. Most off-road vehicle users are thoughtful and pay attention to the rules and are mindful of safety. There are rules already. For instance, in order to drive on Yukon's roads, you have to be 16 years old. You have to have a driver's licence. Your vehicle has to be registered and insured. That's just to take your off-road vehicle across a Yukon highway. These rules or laws are in place to promote safety for all of the travelling public.

So what if the rules aren't followed? The police take these offences just as seriously as any other. Catching these culprits is sometimes a little difficult, so I can't fault the RCMP for not being able to be everywhere or go everywhere to enforce Yukon's road laws. Pretty much, when an adult makes a decision to get on one of these vehicles without any helmet, safety gear or training, they're pretty much playing by their own rules and if they get hurt, well, they probably got what they asked for.

Do we really need more rules for that portion of adults who won't pay attention to new rules? I ask that because after

all they're already not listening, so I would say no, we don't need rules for people who aren't listening to the rules already.

We do need rules for people who are going to listen to them and to protect those people who can't protect themselves. There are parents who think it's okay for a child operate an off-road vehicle without safety gear, without training and without supervision. That's my focus. Children must have protection. I've seen four-wheelers being driven by six-year-old children on our roads with a parent on another four-wheeler. That child did not have control and did not know what the rules of the road were, and that parent was thinking everything was just fine. I've seen five-year-olds on mini-motorbikes, alone on the roads with no safety gear and clearly no supervision or understanding of the road and travelling just as fast as a car. I've seen three kids racing down streets on one four-wheeler and I believe they were built for one person and I've seen the labels about that, but parents don't always read the labels because I've seen mom or dad with one or two kids on the back of the family four-wheeler. Everyone thinks that nothing will happen; the kids are just having fun. Well, recently several children on a snowmobile had a minor run-in with a motor vehicle in my community and three of those children were medevaced because of injuries. One of them was three years old.

I really am very thankful that the injuries were not more serious. Of course, the same can't be said of other mishaps and it wasn't that long ago that a child did die in Teslin as a result of an accident on an ATV. Another child died at Lower Post as a result of an accident on a snowmobile. These are all collisions with motor vehicles — I'm sorry, not all of them were. They tend to be a collision on our roads, not accidents in the backcountry. I don't want anybody to think I have something against off-road vehicles. I certainly see that people have fun out in the backcountry, and good for them. Some people use these vehicles for work, and good for them. As I have said, most people use this equipment in a responsible manner. I can't say that I've heard of a child being hurt in the backcountry but perhaps it has happened. Children using off-road vehicles with safety gear in the presence of an adult are less of a concern for me.

If we are to have new or updated legislation, we need to ensure the enforcers have the tools to deter people from running afoul of the law. Certainly I would choose to see parents charged when they allow their children to not pay attention to the law, and to confiscate those vehicles.

New laws or enhancements of existing legislation may save the life of a child and — pretty much — that's good enough for me. It's worth noting that the select committee recommended a public information campaign, and I certainly support that action taking place as soon as possible.

Now, in looking at the statistics from people who took the time to voice their opinions during the public consultation on off-road vehicle use, rural Yukon seemed to have something to say. I think what they want to say is that the rules for rural Yukon need not be the same as for the Whitehorse area, and I support that. I further believe that municipalities and other settlements ought to be making their own bylaws regarding how these vehicles are used within their boundaries where the *Mo-*

tor Vehicles Act doesn't apply. The Minister of Environment made some references to the differing opinions between our urban and rural citizens when it comes to saying what you can or can't do with your ATV, and I certainly concur. Many of our rural ATV users would prefer that government stay out of their lives on this matter. Some only use existing trails now; some never want to follow a trail. I trust the ministers who will be moving this forward will achieve a balance.

I look forward to comments from rural Yukon prior to the passing of any new legislation.

I've heard today about all of the Yukoners who have weighed in on this and, really, without adding up the number — what is it? — 2,500 people. It doesn't really amount to the whole Yukon to me. So I don't think the whole Yukon is saying that we need to lay out blocks of the Yukon that are off-limits to ATV users. I think what we need to do is to educate. There may certainly be some areas that are more sensitive than others and I'm not opposed but, really, we need to pay attention to what people in the region want. Thank you, Mr. Speaker.

Mr. Silver: Our focus in the Liberal Party has always been the issue of safety in this particular regard here, especially with the issue of helmets. I am pleased that the committee made the recommendations that helmets be mandatory when operating an off-road vehicle or a snowmobile off-road. We actually support that it would be required at all times, on-road or off-road.

I had my first motorbike — dirt bike — when I was six years old. It was a Kawi 100 — for *Hansard*, that's a Kawasaki. It was a hunk of junk and it didn't run. My father told me at that time, "If you can get it running, it's yours." I absolutely loved that bike and I absolutely loved taking apart that engine with my father that summer and learning about the internal combustion engine. I also learned a lot about safety from my parents. I learned about helmets and safety in a weird kind of way. I was told in no uncertain terms that helmets were mandatory in the Silver family and that if I didn't wear one, my injuries that I suffered would pale in comparison to what I had to face when I got home. Mr. Speaker, that was my mother talking; she was deadly with the wooden spoon. I can hear her right now, actually, saying that she didn't use it enough.

My point is that not every kid out there has the same kind of guidance when it comes to safety. On a serious note, we have had tragic deaths in the Yukon. I don't understand why the government would drag its foot on this particular issue. It seems like a relatively easy fix that simply requires a little bit of political will. It has been 18 months since this government was elected, which is plenty of time to bring forward mandatory helmet laws.

Do you remember when seatbelts became mandatory? Because I sure do and I remember at the time the conversations behind it and I remember the commercials — what a hassle and it's going to wrinkle my pretty dress — and the public campaign and I just have to say, there was a lot of opposition; there was a lot of conversation. The political will changed that. We have seatbelts now and seatbelts have been saving lives ever since and they've saved my life on several occasions. Same

with helmets; I still have a helmet back home that's completely shattered, and it's a constant reminder of youth and that sometimes we make the wrong decisions.

I hope that the government's plan is not to stall indefinitely on these issues and I must note that work on implementing these recommendations is moving at a pretty slow pace currently. I do hope what I'm hearing today is that that is all about to change.

I want to encourage the government to move on recommendation 3 specifically as well, which is that the government will undertake an extensive advertising/educational campaign to raise public awareness of any and all existing restrictions on off-road vehicle use, along with penalties and means of enforcement.

With respect to the final recommendation that says that off-road vehicle legislation and regulations provide for the ability to mitigate environmental damage and cumulative negative impacts to sensitive wildlife and fish habitats — this is a complicated issue. It's a very complicated issue. I appreciate the government is being pulled in a couple different directions on this one. Some want more restrictions and some want none at all. I appreciate that this will take some time to resolve, and I encourage the government to try to reach a compromise. But to do nothing is not an option. These are areas that need restrictions and the government needs to work with user groups to find these solutions.

There is obviously division. I think at this point in time, the people have had an excellent amount of time to weigh in. We've heard from hunters, trappers, snowmachine enthusiasts and organizations. A committee was struck. The recommendations have come forward. Here we are in the Legislative Assembly and we have asked in motion form for the government — a Yukon Party majority government — to take it from here.

It's not an easy file, but it is now on the government's desk, and I urge them to be very thorough and to look at the *Umbrella Final Agreement* — for our Member for Vuntut Gwitchin's concerns — and make some forward progression here and, at least, move on the least contentious issues maybe — to take a stance and to show some leadership and start an expeditious pathway on this file.

Thanks for your time. I'll definitely be voting in favour of this motion, as amended.

Hon. Mr. Istchenko: I did not get what the member opposite said — about the seat belt and wrinkling his pretty dress. I wasn't sure if that's how that came out, but I'm doubting that.

I'd like to focus my remarks this afternoon on three separate areas related to off-road vehicles: registration, licensing and the safe use and operation of an off-road vehicle. I'm a certified ATV instructor, and I definitely understand the importance of training and safety when it comes to the safe operation of off-road vehicles. You know, the Yukon government urges Yukoners to make safe decisions and exercise caution when driving an ATV. As with other motor vehicles, ATV operators must be responsible and take all the necessary precautions to ensure the safety of drivers, passengers and other road users.

The Government of Yukon recognizes the value of off-road vehicles for both recreational and commercial use. Government wants all riders to enjoy the use of off-road vehicles, but urges drivers to use them safely and courteously. The safety of Yukoners will always be a priority of this government.

In 2012, the Government of Yukon initiated an advertising campaign to raise awareness of the laws and regulations. This campaign included the safe, responsible and respectful operation of off-road vehicles, helmet use and environmental stewardship. Ads were placed in Yukon newspapers, posters distributed, and pamphlets were placed with related businesses for distribution to both new and experienced ATV riders. When you bought a new ATV, some of our brochures were in your booklet.

Government encourages all riders to take the necessary precautions to ensure their own safety and the safety of others who share the trails. Like my fellow colleagues have said, this government is working with partners to support voluntary rider training focused on safety and environmental responsibility, and operation of ATVs and snowmobiles.

The Minister of Environment and other ministers have said that the Department of Highways and Public Works is currently looking at the recommendations of the select committee, including those specifically related to the vehicle registration, licensing, and safe ATV riding, including helmet use.

I just wanted to get in *Hansard* a few things from my ATV rider course, something I learned as a child from my parents, as the Member for Klondike spoke to. I was around motorcycles and ATVs as a kid. Some people fail to identify hazardous situations that should be obvious: swimmers who dive into shallow ponds; a driver who does not slow down in foggy conditions; or a bicyclist who rides against traffic — just some examples. There are some who think accidents only happen to other people. They behave as if they have never experienced the pain and inconvenience of an accident. The ATV rider who knows how to manage risks effectively is putting him or herself at an advantage in ATV riding situations. The wise ATV rider knows that accidents are not just chance happenings; that most accidents can be prevented with proper planning and responsible behaviour.

Safe ATV riding can depend on our ability to recognize hazardous riding conditions. How well you are able to read the terrain and the environment will play a large part in how safe your ride will be. Riding safety requires a rider to take responsibility for his or her own riding abilities, the riding environment and the capabilities of the ATV. Riding within personal limits may seem simple to do but many injuries are caused by riders going beyond their abilities. We should look at riding as an activity that requires the interaction of three things: personal ability, the ATV's capability and environment or terrain conditions.

The full enjoyment of your ATV requires some of the same kinds of precautions associated with sports and recreational activities. For example, it's important to always wear proper protective gear, just as you would whether playing football or hockey. The single most important piece of protective gear you can wear is a helmet. A good helmet can prevent seri-

ous head injuries. Helmets protect your head in two ways: the outer shell resists penetration and abrasion; the inner absorbs shock by slowly collapsing under impact. Both the shell and the liner essentially self-destruct by spreading the force of an impact throughout the helmet material. That's why in most cases if a helmet has been damaged in an accident, it may be of little protective value in another mishap.

Eye protection is very important. Being able to see clearly will help you ride more safely. Operating without eye protection can result in an accident that increases your chances of severe eye injury in the event of an accident. An object such as a rock, branch, or even a bug that hits you in the face can distract you. The wearing of gloves — a good set of quality gloves; boots and clothing — the big part about clothing is its importance to protect your skin from scratches. A long-sleeved shirt or a jersey and long pants are a minimum requirement for a riders' protection.

Every ATV — all-terrain vehicle — and all snow machines come with warning labels on them. As an instructor, one of the first things we encourage is that every piece of equipment have brakes, that brakes are your best friend, and to make sure that your brakes are working.

Another thing when using an ATV — and this plays into the concerns from the members opposite. I know a fellow member from across the way, from Mount Lorne-Southern Lakes, enjoys ATVing. SIPDE — that's a big word. It's an acronym that means scan or search, identify hazards, predict what will happen, decide what to do and execute the decision. So, in the real world of ATV operation — the riding terrain constantly changes, requiring the rider to constantly process information and make decisions. That's where SIPDE comes in.

Another big factor when it comes to ATVs is the effects of alcohol, drugs and fatigue. Riding an ATV can be more demanding than driving a car. You have to be in good physical and mental condition to ride safely. Three things that keep ATV users from being in top shape for riding are alcohol, drugs and fatigue.

Each affects the entire decision-making process of SIPDE. Alcohol and drugs — drinking and riding can be fatal. Alcohol affects all the skills you need to ride safely. We were in the House earlier today discussing the great working relationship we have with Mothers Against Drunk Drivers. This also goes for ATVs.

Another point I wanted to get across for Yukoners and get this across in *Hansard* is the environmental side of things. The ATV course — as an instructor you teach safe riding capabilities and the wearing of protective equipment and stuff. The other thing you do is to tread lightly. "TREAD" is an acronym too. This is one of the important things. It has to do with being a responsible rider, not just protecting yourself from potential hazards, but also protecting the environment where you ride. The best way to protect the environment is to stay on established trails using marked trail limits and other potential damage reducing — and tread lightly. "TREAD" means: "T" — to travel and recreate with minimal impact; "R" — respect the environment and the rights of others; "E" — educate yourself,

plan and prepare before you go; “A” — allow for future users of the outdoors and leave it better than you found it.

Many times I’ve stopped on the trail with my ATV or my snowmobile and picked up garbage or a part that somebody had lost.

Allow for future use of outdoors; leave it better than you found it. I like that one. Discover the rewards of responsible recreation.

The Member for Watson Lake spoke a little bit about rural Yukon. I want to talk about the northern difference. Whether you live in Ross River, Beaver Creek, Haines Junction, Teslin or Old Crow in the Yukon, or whether it’s Aklavik, Deline, Fort Smith, Tuktoyaktuk in the N.W.T., maybe Gjoa Haven, Iglulik or where my Ranger buddy Tim, who also was in this course with me, lives, which is in Pangnirtung, Nunavut, ATVs are a way of life and transportation for all ages in the north.

My son has an ATV. My son learned how to ride an ATV from me and from his grandfather. At the tender age of 12 this year, my son will probably go with his protective gear out to Pine Lake with his friends on the ATV. They started off thinking they could get away with just wearing their swimsuits — no. Long pants, long shirt, helmet, gloves and eye protection. They’ll ride out to Pine Lake on the Trans Canada Trail, the beautiful multi-use Pine Lake TransCanada Trail in my community. They will go out there and have a fun-filled day playing at the lake, and they’ll come back.

I want to talk a little bit about ATVs as a way of life. Sitting in the hotel in Tuktoyaktuk; Friday night bingo; summertime. Somebody gets a bingo; young fellow who looked about 12 or 13 jumps on his ATV, puts his helmet on, takes his bingo card and goes down to the radio station to see if he’s a winner. I’m going to get into the legislation and the rules and regulations, which are going to kill the north — the lifestyle and way of life that everybody wants to see. I agree with the safety stuff, the laws and regulations, but I’m going to talk more about this.

A good example here is in new city bylaws that the city just came out with when it comes to snowmobiles and ATVs. I’ve received countless phone calls from distraught community members who have kids — they have youth in their family — and they want to take them out on a trail ride, on now a city-designated trail. Some of the kids might be nine, six, might be 15. Done; you need a driver’s licence. You ended a way of life and they’re blaming me because of the way the *Highways Act* reads. That’s why it’s very important that we’re careful when we look at legislation and how we change legislation. There are fundraisers that happen in the community of Whitehorse that have to be cancelled because of the new city bylaw where they would raise money and they would teach kids responsible use.

I don’t know about anybody else, but I learned to ride at the tender age of 16. All it says within our rules, regulations and legislation that we have right now is that we have to be 16 to ride it.

In my community, we have a fundraiser that has been going on. It’s the 20th anniversary of the Jorg Schneider Memorial Poker Run. We have this run on the same trail every year. We encourage helmet use; it’s mandatory. To “tread lightly” is on the back of the poker sheet. We work with the Conservation

Society on this. I was very saddened to see an organization bring the Lions Club’s name into the paper for their personal agenda on ATVs when the select committee came up with this — stay on the same trail; wear a helmet. I was quite disappointed in that, especially when the funds raised through this activity goes to every youth who grows up in Haines Junction and who goes through the driving school, paid for by the Lions Club. Not everybody can afford \$600 or \$700 so the Lions Club pays for that. We work with the local First Nations and the school on paying this off.

That weekend in May on the day before Mother’s Day when we hold this activity, there is over \$1 million in ATVs in our community. There is \$4 million in trucks and trailers. It’s economic development; there are jobs created; the hotels are full; the RV parks are full; the restaurants. People are working and we are raising money for the youth in our community. There are not many ways to raise money for youth in our community. We can’t always go after the government: pay, pay, pay.

In closing, I support my fellow colleagues. I agree we need to look at the legislation, but we need to be mindful when we look at the legislation. Old Crow and Whitehorse are a lot different. Hidden agendas to get a benefit — it’s not how you change legislation, Mr. Speaker; you do it responsibly and you do it while being mindful of all Yukoners. Thank you.

Mr. Hassard: I’m happy to rise today to speak to Motion No. 369, as amended, as well. I can appreciate the dedicated work done by the Select Committee on the Safe Operation and Use of Off-road Vehicles, but I too have issues in regard to this.

Approximately 2,500 Yukoners responded to the questionnaire that was put out by the select committee. Actually, that’s not too bad for the Yukon. It’s a place where people tend not to answer these kinds of things. I think it’s more important to note that of that 2,500, about 1,800 were from the Whitehorse area. So I believe that it’s also important to note a few quotes from the “what we heard” section of the select committee’s report. One of the lines in the report said that “Some are strongly in support of off-road vehicle legislation while others are vehemently opposed.” Another line was, “One thing is clear: Yukoners are passionate about the issue. Comments tend to be emotionally charged and closely tied to what Yukon means to each individual.” Those are pretty strong statements.

The report goes on to state that “The Committee heard that the majority of off-road riders are responsible and respectful people.” Personally, I have to agree with that statement and I think that other members here have made that point very clear.

It is unfortunate, however, that a few people can shed such a dark shadow over the majority of the others.

The committee heard that many Yukoners believe that this is a “Whitehorse only” issue and that any legislation or additional regulations should be community-specific — pretty hard to argue with that. I realize that this isn’t a simple issue, but I have to ask myself: Should we create more legislation? How do we create legislation fairly, and how do we enforce this legislation? We’ve heard from other members on how do the RCMP

— they can't be everywhere at once. Unfortunately, they're not all Superman.

Of course, I don't profess to have all the answers to these questions either, but I have heard from my constituents and they're not very happy about some of these issues. I don't think that anybody is against being safe. I think that common sense needs to come into play.

I think that parents need to look after their children and make sure they do things in a safe fashion. But Whitehorse is different from the communities. I know that not everyone will agree with that, including people on this side of the House.

On November 23, the committee held a meeting in Faro and were pretty much told to take their committee and their study and go back to wherever they came from and stay there — maybe not quite that nicely, but that was the general idea.

Mr. Speaker, I'm not going to spend a lot of time on this, but I want to be on record and very clearly heard that no matter what comes out of this, I will speak loud and clear for rural Yukoners. I will do my best to ensure that any legislation or regulations be community-based and not just handed down to rural Yukoners by a group of people here in Whitehorse. While I don't mean any disrespect to anyone from Whitehorse or anywhere else, it's important for people to understand.

The federal government passes legislation on to Yukoners; we don't like it and we get in an uproar, and rightfully so. It's a very similar situation. We can sit here and make rules, and then we just pass it on to the people. The people in Old Crow are an example. I spent a summer in Old Crow and four-wheelers aren't a luxury. Four-wheelers are a way of life. That's your main mode of transportation. Ross River, Faro, Dawson, Teslin — it's not all about, oh, you're rich and you have a four-wheeler and you get to go tear up the country. That's not how it works.

We who live in rural Yukon, that's exactly what we do — we live in rural Yukon. I don't think most people who live in Whitehorse go and dig up their backyard just for fun, and people in rural Yukon don't dig up their backyard just for fun.

Whatever happens with this legislation, or whatever regulations come out of this, I just want everyone to please think about all Yukoners, not just what happens here in Whitehorse. This isn't just a Whitehorse issue and I think a few of us can understand that.

Ms. Hanson: I hadn't intended to speak to this motion, but it has been a fascinating glimpse into how very, very differently people I thought were elected on behalf of all Yukoners view their roles. It's also interesting to observe that when we have one environment, we would choose to think that there is not one environment and one world that we all collectively have stewardship of and, in particular with respect to stewardship of this territory. Our job is to work together as elected members of the Legislature to try to pull together Yukon voices as opposed to reinforcing that divide.

When we talk about certain rules that apply or shouldn't apply to people who live in different parts of this beautiful territory that we live in, whether or not you are in rural Yukon, remote Yukon or downtown Whitehorse, it is illegal to drink

and to drive. You don't have to have the RCMP on your shoulder to know that that is against the law.

We heard eloquent testimony to that this afternoon from both sides of this Legislature. If you'll recall, those of you who were around at the time when the government introduced legislation to make it illegal to drink and drive, up until that time it was legal to drink and drive as long as you weren't drunk. There was an outcry in this territory because we were infringing upon the rights of Yukoners to drink and drive. Eventually people realized that drinking and driving kills.

I'm not going to go on — because it is fascinating to hear and illuminating to hear some of these points of views — but I have to pose a question. A child dies because there is a faulty soccer net in a rural community. Within six months there is legislation brought before this territory. Children die in Whitehorse and in rural communities as a result of off-road vehicles and we're still waiting. There's something wrong here.

Mr. Elias: Seeing that our community of Old Crow has been mentioned about 17 times during the debate this afternoon, I felt compelled to get up and mention a few things myself.

I'm just going to be straightforward and blunt. I have not consulted my constituents on many of these sections within the recommendations posed by the committee on off-road vehicle use. Some of them have serious day-to-day ramifications to many of my constituents. I feel that I don't have a mandate to agree with many of these, because I have not discussed them face to face.

I'll give you an example. We use four-wheelers when we're 10 years old to go get firewood, water and to go hunting. To tell you the truth, it's not safe to operate those vehicles and work out in the wilderness, trying to make a living in Old Crow, with a helmet on. It's just not safe because of various environmental factors and other things that you have to be aware of that you cannot be aware of when you're wearing a helmet. That's just a fact of the matter.

So I won't be voting in favour of this motion, as amended or as it is, because I don't feel that I have a mandate to do so.

I can go on and on about rural Yukon. There are many things that have been said with regard to Haines Junction and Teslin and other rural areas, but it's such a complex issue in the community of Old Crow that it's just not simply a yes or no issue. To me, this is a yes or no issue, because the word "all" is in here.

One other thing that hasn't been mentioned, in that I haven't seen the solution or anyone mention a solution yet — again, I'll go back to the *Umbrella Final Agreement*. It's under 16.4.3, and I'll read an excerpt from that, "Yukon Indian People shall have the right to employ within their Traditional Territories traditional and current methods of and equipment for Harvesting pursuant to 16.4.2 ..." and 16.4.2 says subsistence harvesting rights, any time of the year, any number, any species. So when we're talking about the use of all-terrain vehicles, it's going to be incredibly difficult to make sure that somebody from Whitehorse is not going on a mountain where

you have to stop at treeline, and somebody else drives by them when they're walking.

So these are incredibly complex issues, for which I haven't heard solutions. It's up to the government to do their good work and I'm glad that it's on their agenda. But as it stands right now, I won't be able to support this motion.

Mr. Barr: I did speak to the amendment to the motion, but I haven't spoken to the direct motion. I'm a rural MLA also. I ride an ATV, I ride snow machines and I go out with a bunch of fellows who do. I've been up to Old Crow, and I've been into many of the communities. When I spoke earlier I was saying that we need to move forward with the legislation, but what we need to do is act, because we have been given the direction from opposing opinions that have come forward and the last select committee has given us some direction. In hearing that, it means to me that it's up to our legislators and up to us then to reflect what that actually is going to mean through-out the territory.

I agree that it is different in Whitehorse as it is different in rural areas. I, too, taught my son how to ride an ATV, and when I think about when I was at McCrae and there was a family — a mother, father, son and daughter. They were younger; they had the smaller ATVs that you see, and it was a family outing. It was a family that was responsibly going out on trails, not ripping it up, being safety minded doing something that they enjoyed doing together. I think that's great and I think that when we are writing this legislation and looking at the *Motor Vehicles Act* that we have to reflect that in the end result so that we can differentiate and not penalize a way of life or what traditional knowledge means in different areas — to being able to wear a helmet or not wear a helmet — as the Member for Old Crow spoke about — because there are exceptions to every rule.

What's important is that we are able to come together as the people here and work with the people writing the policies so that they reflect the uniqueness of the territory. It doesn't mean we don't do it. I know it's difficult. I know that's a difficult task. It means that we proceed and we come up with not just a blanket solution, but since we are the Yukon and it is diversified, we should move forward. That's our task: to move forward together to complete this, but do it in a way that's unique to the territory. It's simple. I don't know what we're struggling with here, because we all know that there are differences in this. We write that into our policies. If there's an age limit on driving, then you clarify.

When I was young, I took a hunter safety course. I was young — I can't remember how old I was, but I wasn't of age to have a gun. But I was of age, after I took the course, to legally carry a gun — underage.

We can look at what things have been done in different places around some of these issues and follow suit, and in that way we're able to fulfill our obligations and move forward in the Yukon in a unique way, so that we can represent our constituents. I would be happy to sit down and share other ideas that I have around how we go about this and draft this stuff because it has been said here today — it's not the same. It's not

a blanket, but there are safety issues that we do have to tend to. There are environmental issues that we do have to tend to. I have faith in our ability to do that as a collective and we can demonstrate to Yukon people that even though we're different parties — some don't sit on parties; whatever — we can figure this out.

I would like to sit down, move forward and get a vote on this.

Speaker: Is there any further debate on the motion as amended?

Motion No. 369 reads as follows:

THAT this House urges the Government of Yukon to

(1) implement all of the recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles; and

(2) develop and implement a plan, in conjunction with user groups, to protect environmentally sensitive areas from off-road vehicle use while allowing responsible access to the back-country.

Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House on the motion, as amended.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Graham: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Mr. Elias: Disagree.

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

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

Motion No. 369, as amended, agreed to

Mr. Tredger: Mr. Speaker, seeing the time, I move that the House do now adjourn.

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

Motion agreed to

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

The House adjourned at 5:28 p.m.

The following Sessional Paper was tabled April 10, 2013:

33-1-78

Yukon Law Foundation (November 1, 2011 – October 31, 2012) Annual Report and Audited Financial Statements (Nixon)

The following document was filed April 10, 2013:

33-1-44

Workers' Advocate Office 2012 Annual Report (Nixon)