

**Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, November 12, 2013 — 1:00 p.m.**

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

Prayers

Withdrawal of motions

Speaker: The Chair wishes to inform the House of a change that has been made to the Order Paper. Motion for the Production of Papers No. 7, standing in the name of the Member for Riverdale South, has been removed from the Order Paper, as the action requested in the motion has been fulfilled.

DAILY ROUTINE

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

INTRODUCTION OF VISITORS

Hon. Mr. Nixon: I have two visitors here from Nunavut. I have Stephen Mansell, who is the director of policy for Justice in Nunavut, and the outgoing — he didn't run again in the Nunavut election — Minister of Justice, Dan Shewchuk.

Could all members can join me in welcoming them?
Applause

Ms. Stick: I would like to introduce to the House this afternoon Crystal Thomas, Chandre Burchall, and Wanda Zimmerman, who are members of the Teresa Scheunert family, and Chris Caldwell and Glenda Aucoin, who are friends of the family. I would ask the House to welcome them please.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Ms. Stick: I have for tabling a coroner's judgement of inquiry into the death of Teresa Ann Scheunert, dated the 14th day of June, 2013.

I also have for tabling a coroner's judgement of inquiry into the death of Teresa Ann Scheunert, dated the 9th day of July, 2013.

Speaker: Are there any other documents or reports for tabling?

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 motions?

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to support relief efforts in the Philippines for those affected by the recent Typhoon Haiyan by:

- (1) providing emergency relief funds;
- (2) encouraging the business community and individuals to generously support relief efforts; and
- (3) supporting the Yukon Filipino community through this tragedy.

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

THAT this House urges the Government of Yukon to support the efforts of Air North to fly direct flights to and from Fairbanks, Alaska, and Dawson City, Yukon, for the 2014 tourist season.

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

THAT this House urges the Government of Yukon to provide \$25,000 in financial assistance to the Canadian Red Cross, in order to provide disaster relief aid to the Philippines, as a consequence of the devastation caused by Typhoon Haiyan.

INTRODUCTION OF VISITORS

Hon. Mr. Pasloski: If I could, I'd like to also acknowledge that in the gallery now with us is the president of the Canadian Filipino Association of Yukon, Mike Buensuceso, and also Ailene Gayangos, the vice-president, and many other members of the Filipino Association who are here today as well.

Applause

NOTICES OF MOTIONS

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

THAT this House urges the interim Leader of the Yukon Liberal Party to educate the Leader of the federal Liberal Party regarding our territory's governance systems and that the interim leader actually exists.

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

THAT this House urges the Government of Yukon to support and implement the water quality standards agreed to by over 70 First Nations of the Yukon River basin, as written in the Yukon River Inter-Tribal Watershed Council Watershed Plan, August 2013, in order to allow for and protect productive populations of fish, wildlife and plants, and to prevent harm to salmonids and other aquatic fish from toxic substances.

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

THAT this House urges the Government of Yukon to match donations made by Yukon residents to registered Canadian charities toward Typhoon Haiyan recovery efforts in the Philippines.

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

QUESTION PERIOD

Question re: Coroner's report re death at Watson Lake hospital

Ms. Hanson: On June 21, 2012, Teresa Ann Scheunert died tragically of mixed-drug toxicity at the Watson Lake hospital. The coroner's report stated that the system let Ms. Scheunert down.

Today Ms. Scheunert's family released the original coroner's report they received on June 14, 2013, three weeks before the second report was finally made public. The original report released by the family today contains significant differences from the second report made public on July 9, 2013.

Did the Minister of Health and Social Services know of the existence of the original coroner's report on the death of Teresa Ann Scheunert, at the Watson Lake Hospital?

Hon. Mr. Graham: There is no reason for the minister to have known about that report and therefore I can confirm that I did not.

Ms. Hanson: The minister says he didn't know that two different coroner's reports were produced. E-mail exchanges between the coroner's office and the family clearly show that the coroner had sent the Yukon Hospital Corporation a copy of the original coroner's report. Was the Yukon Hospital Corporation aware of the existence of the original coroner's report and does the minister believe he should have been informed that another coroner's report exists?

Hon. Mr. Graham: I would assume from the information given by the member opposite that the Yukon Hospital Corporation was aware of a second coroner's report and no, I don't believe there was any requirement to tell me about it. They have a process in place. If there are difficulties within the system or if there are areas to be corrected, as pointed out by the coroner's report, the Hospital Corporation has a process in place by which they address those concerns or requirements.

Ms. Hanson: The Yukon Hospital Corporation is accountable to the minister. The Minister of Health is accountable to the Yukon public and to the Yukon Legislative Assembly. According to the coroner's report, a patient was let down by the system and died.

Today we are informed that an original coroner's report was previously issued. Yukoners want to know what really happened here. Yukoners and Ms. Scheunert's family deserve accountability and transparency from the minister. Will this

minister tell us what regulation or what part of law allows for two different reports to be issued?

Hon. Mr. Graham: First of all, I'm supposed to be an expert on contract law, then I'm supposed to be — if ministers on this side of the House were responsible for all of the areas or were experts in all of the areas requested by the members opposite, it would be a phenomenal achievement.

The coroner's service would like to respond to recent concerns raised by the family of Ms. Scheunert regarding the report into their mother's tragic death. For the record, new facts regarding this investigation came to light after the original report had been written. Once the new information was realized, the chief coroner called the family immediately and advised that an error had been made and that the report was retracted so that the facts could be appropriately amended.

Although regrettable, if new facts do come to light, the coroner must act immediately and amend the report. In this case, the error was noticed and it was imperative that the record be set straight. Substantially, the difference between the two reports was whether or not a subsequent dose of one medication could have been taken by Miss Scheunert. The coroner's service worked closely with a forensic toxicologist who determined that a subsequent dose was not likely. This was released by the coroner's report this morning and I think it answers the question adequately.

Question re: Dawson-Fairbanks flights

Mr. Barr: Holland America and Air North had a major plan to shuttle as many as 19,000 tourists between Dawson City and Fairbanks starting next summer. The nine weekly flights would be a huge economic boost to Yukon's airline, to the tourist industry and to Dawson City businesses. U.S. Customs and Border Protection has denied this proposal, saying it doesn't have the valuable border and customs staff. U.S. Senator Lisa Murkowski has got involved and Holland America is appealing the decision. What actions has the government taken to support this proposal, which would greatly benefit Dawson and the Yukon's economy?

Hon. Mr. Nixon: I will correct the record. It's not Holland America that files the appeal. That falls under Air North.

This has been an issue through the Department of Tourism and Culture that we've been working on with Air North and with Holland America over the course of probably the last year. There have been glitches that have happened along the way for a variety of different reasons. Just setting up the logistics, working with CBSA, working with Homeland Security, making sure that all the i's are dotted and the t's are crossed. It's obviously another glitch in the path moving forward. Holland America wants to move to a model where they have air service flying from Fairbanks to Dawson City. They believe they can increase their ridership and this is something that, like I said, we've been working on with Holland America and with Air North over the last year and we're optimistic that we will be able to move forward, but this appeal process does need to take place.

Mr. Barr: We need a clear and robust response from the government on this issue. We can't afford another weak response from this government like we saw on the Yukon River salmon crisis or the Parks Canada cutbacks. This Holland America-Air North plan is a big tourism initiative with lots of economic spinoffs. The Premier should be involved and he should be doing everything in his power — talking to all his counterparts in Alaska, lobbying our federal government to get involved and pushing Washington. The government should look into getting unanimous, all-party support in this Legislative Assembly to help these efforts.

Will this government stand up and show some fight, or will the public be treated to yet another major decision made outside our borders that impacts this territory?

Hon. Mr. Nixon: This government is putting up a fight. We have been working with both Air North and with Holland America, like I said, over the last year and there have been a number of obstacles that have come our way. We'll continue to roll up our sleeves, do what we can and show our support for both Air North, Yukon's airline, and for Holland America, a company that brings thousands and thousands of people through the Yukon each year. This is an important matter and one that we are working very diligently on. We want to see a positive outcome.

Question re: Dawson-Fairbanks flights

Mr. Silver: Early this summer, I wrote to the Minister of Highways and Public Works, raising concerns that I had been hearing regularly about the Dawson Airport's state of readiness and customs issues for the flights from Fairbanks to Dawson. He sent me back a nice reply, saying, "Don't worry, everything is under control."

Last Thursday, I asked the Minister of Community Services what steps the government had undertaken to ensure these flights will proceed next summer. I received pretty much the same answer of, "Don't worry, we're all ready."

On Friday, Yukoners learned that the opposite is true and that customs officials in Fairbanks have denied landing rights to Air North and to Holland America to make nine weekly flights between the two destinations. The flights could shuttle as many as 19,000 passengers during the summer seasons.

When did the government learn about these customs problems, and why did the minister not mention it on Friday and instead chose to tell us that everything was fine?

Hon. Mr. Nixon: If the member — the interim Liberal leader — was listening to my response to the Member for Mount Lorne-Southern Lakes, this is an issue. Like I said, there have been a number of issues that have come up with CBSA, Homeland Security, Holland America and Air North, and making sure that we have proper allocations set at the airport for flights coming in. These are things that we've had our sleeves rolled up for, for months and months and months. This reminds me of the Parks Canada issue not that long ago that the member was whining about, but we already had —

Speaker's statement

Speaker: I'll ask the minister to please just refrain from using that kind of language.

Hon. Mr. Nixon: As I was saying, Mr. Speaker, the member opposite brought this to our attention. In fact, he indicated that this was a priority issue for him but yet only asked one question in the spring sitting of last year, and one question in the fall sitting of last year. So while we were doing the good work for the Yukon public, we are moving forward with this file and there has been lots of work done to date. We will continue to do more.

Mr. Silver: Last week, the Minister of Tourism told this House that the relationship that we have with Holland America is one that we continue to pay close attention to. Well, it's obvious that the minister hasn't been spending that close attention. Perhaps instead of spending \$85,000 on trips to Germany, if the minister visited Fairbanks this summer, the plans by Holland America and Air North would not be hanging by a thread. This is another case of the government's mismanagement on economic issues. Now I will ask the same question again, because the minister did not answer the question when I asked: When did the government know about these customs problems and why did he say publicly on Thursday that everything was fine?

Hon. Mr. Nixon: I don't believe that — I'd have to check Hansard. I don't believe that I said everything was fine last Thursday. There has been a substantial amount of work that has been done on this file with the relationship between Air North and Holland America. Yes, I did say that the relationship between the three parties — Yukon government, Holland America and Air North — is a very important one and it's one that we've been following very closely.

The member opposite doesn't seem to understand — I mean, at the end of the day, this is a private sector matter. This is a matter between Air North and Homeland Security, but we do what we can to support Air North — of course we will. I think we've proven that. We've proven that to Yukoners on the Parks Canada file when there were issues last summer and now we're moving forward into the second season where there are privately-led tours. Congratulations to the stakeholders who received those awards. I think that's a perfect example of how this government will work with the private sector — roll up our sleeves and get things done. I don't think we're seeing that from the member opposite.

Mr. Silver: So this is a private sector issue or it's not a private sector issue? Politicians in Alaska have been very vocal on this issue, going to bat for businesses that would benefit from these new flights going ahead in Alaska. On this side of the border, we heard nothing until I raised this matter last week and the government tried to pretend that everything was fine. The Alaska-Yukon accord is a pledge to work together on issues of common concern for mutual benefit in economic development and culture.

It also states that the Premier and the government are to meet and discuss issues that foster joint economic opportunities and monitor progress toward enhancing joint

cooperative efforts. If there ever was a reason to use this accord, it would be now. A lot of Yukon businesses are relying on these flights going ahead next summer.

Can the Premier explain whether or not this issue of economic opportunity was important enough for him to set up a meeting with his Alaskan counterparts, which is a responsibility that is stated in the Alaska-Yukon accord?

Hon. Mr. Nixon: Again, we've got another perfect example of the interim Liberal leader not listening to the answers that are provided on this floor.

The relationship between Holland America, Air North and Yukon government is key. We partner with them on all sorts of agreements — cooperative marketing agreements, and so on and so forth.

This issue that Air North is working out with Homeland Security is a private sector issue. Do we support Air North with moving forward to be able to do flights from Fairbanks to Dawson City? Darn right we do. We want to see this happen and we will do what we can to support this. We'll continue to do the good work that we've been doing with the stakeholders, but at the end of the day we've got to stand back and see if there are requests coming from Air North for our assistance. To date, there have been none. Are we lined up if they need support? You bet we are.

I think we've proven our record and again I'll bring back the Parks Canada issues last summer. We rolled up our sleeves. We have good work being done. I know the member opposite doesn't want to recognize that, but there are stakeholders in his riding who are working today because of those agreements with Parks Canada, so I don't think I need to say anything else.

Question re: Coroner's report re death at Watson Lake hospital

Ms. Stick: The two different coroner's reports regarding the death of Teresa Ann Scheunert state, and I quote: "A patient at any hospital in Yukon has a stated right to participate in their treatment ... I have no doubt that Ms. Scheunert was trying to participate in her treatment or, at the very least, efforts towards a diagnosis. It appears that from the time pain started on March 31, 2012 to the date of her death on June 21, 2012 almost 12 weeks passed by without a diagnosis or substantial treatment plan." Ms. Scheunert, a registered nurse, wanted and needed an MRI and did not get one. This is another part of the system failure that resulted in her death. Is the minister satisfied that Ms. Scheunert's patients' rights were fully respected with regard to her desire and need for an MRI?

Hon. Mr. Graham: I have no information whatsoever or — I won't say confidence, but I have very little ability to trust the information being espoused by the member opposite because I am simply not aware of that information. I will ask the Hospital Corporation if what has been stated by the member opposite is accurate. If it's accurate, then I'd be in a position, I guess, to answer the question.

I find this whole discussion somewhat distasteful because there are processes in place, be it with the Yukon Medical

Council, be it with the Yukon Registered Nurses Association or through an appeal process. There are processes in place to address the concerns of the family throughout this unfortunate circumstance and I think those processes should be used.

Ms. Stick: Because of some of the time limitations and the amount of time it took for the coroner's report to come out, some of those options for family are gone.

The doctor's progress report submitted to the Yukon Workers' Compensation Health and Safety Board dated April 2012 and May 7, 2012 recommended, among other things, that Ms. Scheunert get an MRI. On June 12, 2012, when Ms. Scheunert was admitted to Watson Lake hospital, the Yukon Workers' Compensation Health and Safety Board indicated they were making arrangements for an MRI and specialist referral. Part of the tragedy of Teresa Scheunert's death is that she never got the MRI and the diagnosis she wanted and needed.

What steps is this minister responsible for the Workers' Compensation Health and Safety Board taking to understand why Ms. Scheunert never got the MRI that Workers' Compensation Health and Safety Board was arranging and to ensure that all parts of the system that failed will be repaired?

Hon. Mr. Graham: Once again, doctors make decisions on a daily basis — on a momentary basis, about what is best for their patients. I'm certain — or I'm reasonably certain — that a doctor made a decision with respect to the MRI. I don't comment on what — I'm not a medical expert; I'm not going to comment on what tests should or should not have been performed. Also, I trust the Hospital Corporation's Medical Advisory Committee — their response team. I respect those people's responsibility and expertise to ensure that changes are made, if any are required, within the hospital system to ensure that such an unfortunate thing does not happen again.

Ms. Stick: First the minister is unaware and now he's certain — I'm not sure which it is. The minister cannot keep hiding behind the Hospital Corporation and other organizations. System failure includes more than the hospital; it includes outdated legislation and the teamwork of various agencies. Everything we're talking about is public; it's in the coroner's reports — two of them. A patient was let down by the system.

Yukoners expect the minister to be able to explain how this happened and what has been done to fix the system. The Hospital Corporation has posted on its website a list of patient rights and responsibilities. It's clear these standards were not met in this case. What has the minister done to ensure patients' rights are respected, in light of Teresa Scheunert's death?

Hon. Mr. Graham: Once again, I'm extremely sorry for the family's recent loss. I think it was a very unfortunate incident and it's unfortunate that it happened. However, the questions being asked by the member opposite will require me to correspond with the Hospital Corporation and determine exactly what has been done and what will be done in the future.

The Hospital Corporation has produced a good set of patients' rights and I'll make sure they're being respected within the Hospital Corporation itself.

Question re: Catholic school sexual orientation policy

Mr. Tredger: The issue of how well our schools are eliminating homophobic bullying and providing a safe, inclusive, caring environment for all our children has been hotly debated in the Yukon. The Bishop's first attempt at writing a policy for Vanier school was thankfully rejected by the last Minister of Education, who said it wasn't consistent with Yukon Education's sexual orientation and gender identity policy.

A new Catholic schools policy was written called the *One Heart: Ministered by Love* policy. This new policy eliminated some of the more offensive bits of language and rhetoric. At this time, does the new Minister of Education believe that the new draft Catholic policy is consistent with Yukon law, including Education's sexual orientation and gender identity policy?

Hon. Ms. Taylor: I believe that the previous minister and this Minister of Education has stated on a number of occasions that the most important consideration for any and all of our student population in the territory is to ensure that all Yukon students feel safe, that they're welcome and that they're protected in all of our schools.

The member opposite knows full well that this is a matter that has been out for consultation among the respective Catholic schools and that consultation just recently wound up. Those comments have been duly received. All the feedback from the school councils' consultation certainly has been provided to the episcopal corporation. All of those comments have also been posted on the Department of Education website and also submitted to the department for their review and consideration as well. There will be discussions with the episcopal corporation in the days and weeks to come and certainly we look forward to working on this issue and ensuring that the remainder of our Yukon student population continue to feel safe and protected and duly welcome in all of our schools.

Mr. Tredger: I thank the minister for her response.

The Department of Education's sexual orientation and gender identity policy came into effect in 2012. It's progressive and has been endorsed by advocates. It should be in place in all Yukon schools. The initial policy the Bishop touted was rejected by the public, by parents, by students and by teachers. The Bishop's new policy apparently does not reference gay-straight alliances, which the government's own policy provides for. As well, the Bishop's new policy allows him to veto the subject matter discussed in school groups, such as gay-straight alliances.

This lack of clarity is not helpful. Will the Minister of Education provide leadership and ensure that the department's policy is followed and ensure that the government's own policy is placed on Vanier's and other Catholic school websites?

Hon. Ms. Taylor: As a public government, not only are we committed, but we are also very much obligated, to ensure that all of our public institutions follow the letter of the law. In keeping with this, we have further defined our obligations with respect to the education system and the objectives, as I have just articulated. Its aim is to achieve through the development of policies, as the member opposite just referenced, a safe and caring school policy and the sexual orientation policy. These policies apply to all publicly supported schools in Yukon and they aim to ensure that students again feel safe, that they feel supported, that they feel welcome in all of our institutions. This is absolutely essential for our student population to continue to learn and to be able to achieve healthy personal social development.

I can appreciate that this is not an easy issue. It is a complex issue and resolution is going to take some time. It's going to take some dialogue among all the respective parties, which this Yukon government is very committed to doing.

Question re: Atlin Lake campground

Mr. Barr: It is clear from reviewing the minister's responses to my questions about the Atlin Lake campground that he does not understand the law regarding consultation with First Nation governments.

The minister states that the Taku River Tlingit do not want to engage in consultation at this time and that they had not attended public meetings. This is simply not correct. The Taku River Tlingit have made it clear that they want consultation to take place in accordance with the law and the Taku River Tlingit did attend all the public meetings.

Consultation is to happen prior to government actions at the conceptualization stage. The result of consultation then informs the government's actions.

Why is the minister mischaracterizing the Taku River Tlingit First Nation's participation and the law in this process?

Hon. Mr. Dixon: Mr. Speaker, when we conveyed to the Taku River Tlingit that we were interested in developing a campground on the Atlin Road, we of course did so and they responded by saying that they wanted to see no action there until they had a land claim agreement. We, of course, were supportive of that. We think it's a great idea that they should strive for a land claim agreement ultimately, but we know that takes time. Our experience here in the Yukon suggests that it takes a lot of time.

In the meantime, the Premier wrote to the Taku River Tlingit and offered them a consultation protocol to set out the guidelines and structure for consultation with that particular First Nation in the area of their asserted aboriginal rights and land.

So that is what we have done. We've offered a consultation protocol. They have declined it. We have offered meetings of the chief and myself; they have taken that and conveyed the simple fact that they don't want to see a campground developed unless they have a land claim.

That's going to take a lot of years and we're not willing to say that absolutely nothing can occur in this area until they have a land claim. So in the meantime, we've offered a

consultation protocol, they've declined and that's the status as it is right now.

Mr. Barr: I am disappointed at the minister's repeated lack of understanding on this matter. Instead of stubbornly pushing ahead and disregarding the law of consultation, the Yukon government could easily develop a campground beside the Conrad historic site. The Carcross-Tagish First Nation final agreement has nothing about building a campground at Atlin, but it does include the lands adjacent to the Conrad historic site as a campground. This would be a perfect location for a campground. It is closer to Whitehorse than Atlin so it could help satisfy the demand.

Why is this government so determined to ignore the law and pick a fight with yet another First Nation instead of utilizing the Carcross-Tagish First Nation final agreement and cooperating to develop the nearby Conrad campground?

Hon. Mr. Dixon: I agree with the member opposite that Conrad would make a fantastic campground and I think that is certainly something we're interested in; it's something we've conveyed unofficially to the Carcross-Tagish First Nation and I look forward to making some announcements about that in the near future. I certainly won't make those kinds of commitments on the floor of the Legislature today, but I will say that we, of course, respect the law — the common law around First Nation consultation — and we're going to continue to try to engage the Taku River Tlingit to develop a campground on a site that was identified in the 1970s to be a campground.

That's what we'll continue to do. If the Taku River Tlingit are interested in a consultation protocol of a broader nature to guide our consultations with them on a whole range of issues, we are happy to enter into that as well. Once they have made substantial progress with Canada and the British Columbia government, which are the key players in the land claims negotiations for the Taku River Tlingit, we'll be happy to come to that table as well and negotiate with them on that.

Mr. Barr: The Yukon government entered into land claim agreements with Yukon First Nations and Canada, but this government has a record of not honouring final agreements. The Yukon Party is plowing ahead with Atlin planning despite opposition, as it ignores its agreements that the nearby Conrad campground can be developed cooperatively. This government has spent a lot of money defending its actions and losing in court when it violates final agreements. It is so wasteful and unfortunate that the time, effort and resources — I might add, Yukon taxpayers' dollars — that go into legal proceedings don't go into implementing final agreements in good faith.

There is time to avoid this situation. Will the minister call a time out on Atlin Lake and work with the Carcross-Tagish First Nation to develop a campground we negotiated with them in the final agreement?

Hon. Mr. Dixon: For the member opposite to characterize this as that we are "plowing ahead" with the Atlin campground is simply not true. We are in a process — he may not be familiar with it, but it's called the YESA process. It's the Yukon Environmental and Socio-economic Assessment

process that is the law of the land when it comes to conducting environmental and socio-economic assessment of a project. That is exactly what we're doing.

We attempted to consult with the Taku River Tlingit and received their position, which I articulated earlier. We are currently in the YESA process, which will give us recommendations to the public government to make a decision about how to proceed. We will take those recommendations when they come.

But for the member opposite to characterize the government's actions to date as not respecting the final agreements is simply not true and I have to take issue with that. I think we have done a great job in implementing the final agreements. The final agreements in this territory are something that all Yukoners can be proud of and something that we can show to the rest of the country — that we have an innovative new way of doing business in the Yukon and we respect it.

Speaker: The time for Question Period has now elapsed.

Notice of government private members' business

Hon. Mr. Cathers: Pursuant to Standing Order 14.2(7), I would like to identify the items standing in the name of government private members to be called on Wednesday, November 13, 2013. They are Motion No. 509, standing in the name of the Member for Vuntut Gwitchin, and Motion No. 510, standing in the name of the Member for Pelly-Nisutlin.

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

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 64: *Act to Amend the Territorial Lands (Yukon) Act* — Second Reading

Clerk: Second reading, Bill No. 64, standing in the name of the Hon. Mr. Kent.

Hon. Mr. Kent: I move that Bill No. 64, entitled *Act to Amend the Territorial Lands (Yukon) Act*, be now read a second time.

Speaker: It has been moved by the Minister of Energy, Mines and Resources that Bill No. 64, entitled *Act to Amend the Territorial Lands (Yukon) Act*, be now read a second time.

Hon. Mr. Kent: It's indeed my pleasure to introduce Bill No. 64, *Act to Amend the Territorial Lands (Yukon) Act* for the Legislature's consideration.

I'm going to be relatively brief in my comments because I know there are a number of members from the government side — and I would assume members from the opposition side — who would also want to speak at second reading on this important bill.

This amendment we've introduced reflects this government's desire to mitigate environmental damage on the Yukon landscape. I know there were a number of questions and comments raised by the opposition at the briefing that was held on Bill No. 64, and I will address those at the end of my second reading speech.

The Select Committee on the Safe Operation and Use of Off-road Vehicles held an extensive public consultation from August to the end of October 2010, with additional feedback from the public received up to March 2011. Following this public consultation, the select committee released a report that contained 14 recommendations related to the safe operation of off-road vehicles and the protection of the environment.

The proposed amendments to this act address many aspects of the select committee's recommendation 14, particularly the need for effective regulation and enforcement to protect the environment from damage caused by off-road vehicles. This amendment allows the development of a range of tools for the protection of the ecological balance or physical characteristics of an area.

The amendment enables off-road vehicle restrictions during the summer and shoulder seasons, including a temporary restriction or prohibition of up to 90 days through a ministerial order or the ability to restrict access to an area through the establishment of an off-road vehicle management area by regulation, and the ability to make regulations for off-road vehicle management areas.

I should state, of course, that these amendments don't include snowmobiles. The reason for that is that they operate during the winter when the ground is frozen and do not cause the damage that off-road vehicles do, such as rutting and gouging.

Regulations in off-road vehicle management areas may also include restrictions on use for certain types of vehicles in all or parts or on certain trails within the area, operating conditions, permitting and trail plans.

These regulations will be developed in consultation with First Nations, user groups and stakeholders and the Yukon public. There are also provisions to ensure effective compliance and enforcement in off-road vehicle management areas and areas under ministerial order. The application of these off-road vehicle management tools will be inclusive and apply to all Yukon government lands.

There is a diverse range of stakeholders with interest in off-road vehicles. These stakeholders range from the general public for recreational purposes — of course, wilderness tourism operators — to those who are engaged in exploration for minerals and oil and gas. The work of the select committee showed a wide range of perspectives with many different priorities of Yukoners.

This work also demonstrated a need for comprehensive management tools to achieve effective territory-wide off-road vehicle management. I'm optimistic that through these amendments and subsequent regulations we'll have found a middle ground that reduces the negative impacts of off-road vehicle use, while still enabling users the freedom to operate these vehicles. These proposed amendments provide for the

ability to mitigate environmental damage and cumulative negative impacts to sensitive wildlife and fish habitats, while enabling the responsible use of off-road vehicles for those who enjoy that type of transportation in Yukon's wilderness.

I'm very pleased to present these amendments to the *Territorial Lands (Yukon) Act* for consideration of the Legislature and I'm hopeful and encourage all members of the Yukon Legislative Assembly to support this legislation. It is certainly the right thing that we want to accomplish for Yukoners and, of course, for the benefit, respect and integrity of the Yukon environment.

Mr. Tredger: It gives me pleasure to rise on behalf of the Official Opposition to speak to the second reading of Bill No. 64, *Act to Amend the Territorial Lands (Yukon) Act*. This topic has been hotly debated. We've had a Select Committee on the Safe Operation and Use of Off-road Vehicles. Many interest groups and many Yukon people have weighed into the conversation.

As far back as 1988, concerns were being raised about the destruction of habitat and about the increasing use of ATVs and their effects on our streams, our waterways, our wetlands and our alpine areas — particularly evident around urban areas and municipalities, but spreading out in ever-increasing ways further and further into our wilderness.

I would like to thank the departments involved — and I say departments because this is a multi-department issue. It is a Yukon-wide issue. If we restrict the solutions to one department or one area we are doing ourselves a disservice as stewards of the land.

I would like to thank the Yukon people who have taken the time to put their input into the select committee, who have met me, and I assume various other politicians, on the street and expressed their concerns and views and who have advocated for one side or the other.

This bill speaks to our response to the select committee. It speaks to our obligation as responsible stewards of the land. It speaks to our obligation as Yukon people to work together in the best interests of all Yukon people.

As I mentioned, this is not a new issue. Each year, we have more powerful, more numerous, more versatile and more multi-purpose vehicles heading out into our wilderness. It is wonderful that Yukon people have a vast wilderness at their disposal, but it's our obligation to do it in a respectful manner that recognizes all aspects of the land and all uses of the land and emphasizes our trust in each other and our belief that we are part of the land and part of the water.

We are not only talking about recreational users. ATVs and skidoos are used for recreation as well as for transportation. They are used for work and they are used for communication. The concern arises that during the last 10 years this damage — the damage to our land — has increased exponentially. The machines are more versatile and extend the seasons longer. They are more powerful and they leave a bigger footprint. The machines themselves are becoming much more widely used and developing in a way that we cannot foresee.

In the past, users of the land, people who used the trails in the Yukon — when I listen to some of the pioneers talk about taking their trucks into their traplines or on to the land — they lived on it and they knew the trails had to last, so they only travelled in particular seasons, perhaps when the ground was frozen or perhaps when the ground was dry. As we have more and more users, we have casual users — users who come on weekends and have to be out and back on the weekend. They are not as able to pay attention to whether it's melting or freezing; whether the road is good or not. They get a bigger machine or a stronger winch. Some roads that once were passable by a two-wheel drive truck are now impassable because people have extended the seasons.

My concerns with this legislation are several. For one, I don't think it addresses the urgency and the critical need to act now. Each year that passes and each season that passes, more and more damage is being done. People are becoming more and more entrenched in the way that they use the land.

As well, these amendments leave much to regulations. How are we to determine the effectiveness of legislation without accompanying regulations or at least the guidelines for developing such?

This act is incomplete. What is the vision? How will this unfold? How will we address the differences? In many ways, this goes back to square one. It doesn't show leadership and it doesn't show stewardship. Without accompanying legislation, it makes it very difficult for myself as a legislator to decide: will it be effective or not?

Also of concern is the little or no meaningful participation in the development of these regulations government-to-government with First Nations, on whose traditional territories much of this will happen. Surely we have learned lessons that when we enter into agreements, it is important to involve all parties from the beginning, setting the parameters and using this as an opportunity to work together in the spirit of government-to-government relationships.

By coming up with regulations prior to consultation, we have lost an opportunity to work together. We have lost the opportunity to build with our First Nation partners as we move forward. The City of Whitehorse is currently reviewing regulations. How do these changes align and enhance or restrict the City of Whitehorse's ability to make decisions? Once again, decisions should be made in tandem and with full participation of our governments.

This is a beginning and this act begins to address one part of the 14 recommendations that the select committee made. Again, it does not give us a sense of urgency.

Last spring, we debated a motion by the Member for Takhini-Kopper King that read that this House urges the Government of Yukon to immediately implement all the recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles and 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 back country.

As I mentioned, this addresses one small part of the select committee. The members opposite used their majority to take the word "immediately" out. Now another legislative session and another season of ATV use on the land — largely unregulated — has passed. I see timelines nowhere in this act. I see nowhere that sense of urgency to address this sooner, rather than later. I see the use of "may" — the minister "may" impose regulations. The minister "may" empower enforcement. This has reached a critical stage. I believe the minister "shall" — indeed, the minister "must".

Another aspect of this is that it seems to be complaint-driven. Instead of proactively identifying areas that we want to preserve, I believe this act envisions a complaint-driven process. That is, after the fact, after the damage has been done, after the land has been wrecked — sometimes irreversibly — a complaint can be laid. Not only is it too late, but if any action is taken one of the things that will happen is users of the land will move to the next area. So instead of restricting the damage to a certain area where it has already occurred, it spreads it out in increasing circles to ever-wider areas.

It has been almost three years since the Legislature received the report of the select committee. Again, there were 14 recommendations and this only addresses one. It doesn't address the use of helmets. As an educator, as a citizen of the Yukon, I'm very concerned about that. The Canadian Medical Association and jurisdictions across Canada have seen fit to ensure that children and adults wear helmets while operating these machines — ever-increasing size, ever-increasing speeds and ever-increasing power. We require seat belt use in cars and yet we let people go unprotected on ATVs.

This legislation does not address registration or insurance.

Three years ago, I will remind the minister, we received the report from the select committee where they urged —

Speaker's statement

Speaker: I will remind the member to speak to and through me, please.

Mr. Tredger: Pardon me?

Speaker: Speak to me.

Mr. Tredger: Certainly. I'll yell at you instead. Sorry.

Three years ago, we received the report of the select committee. This is all we have so far. Three years — we still have no means for registration. We still have no means for insurance. If somebody is injured, their only recourse is through legal action — if they're a rider on a machine or if their property is damaged. We need registration. We need licence plates so ATVs can be identified to ensure that enforcement can be done.

I'm concerned that snow machines are not included in the act. The minister stated that snow machines do not cause the damage to sensitive areas that ATVs do.

If they are used properly after the ground is frozen, they will not cause as much damage to the terrain. They probably won't leave ruts. Quite possibly, they won't disturb a creek

bed, but they do create a lot of noise. They do disrupt wildlife. They do have significant effects on pristine areas and they affect the quality of the experience for many people in those areas. I would argue that snow machines should be in there.

The other aspect of excluding snowmobiles is that we are needlessly limiting our options. The machinery is ever-more versatile. An argo, with the front part with skis — is that a snow machine or is that an ATV? As industry develops more, there is more versatility and there are more and more multi-purpose machines, that distinction between snowmobiles and ATVs becomes blurred.

This act also narrows the *Highways Act* — the definition of highway to what is in the *Highways Act* rather than what is currently in the *Motor Vehicles Act*. It thereby excludes trails, ditches and adjacent areas. What does this do in terms of regulating and future regulations? What about registration if it isn't on a highway but is on a trail? What about insurance, helmet laws? What about age restrictions? What does this mean for enforcement? When we define a highway so narrowly, do we lose our ability to regulate off-road use — trails, ditches and other areas that are not included in highways? Are we making enforcement all the more difficult?

The act empowers the minister to modify or waive the application of any prohibition or restriction for a period of up to 90 days if, in his or her opinion, it is in the public interest to do so. That means that if we have a public body or a department or a group of people that decides it is not in the best interest of protecting an area, the minister can go around that and waive it for a period of up to 90 days.

The minister also has a power on this to enforce prohibition for up to 90 days. My question is, why 90 days? Ninety days is three months. As someone who has spent time in the wilderness and in the bush, it's the shoulder seasons when the damage is done — an ever-more extended shoulder season. So when somebody drives across the land in April or May just as frost is coming out of the ground, the rutting and damage is done significantly more than it would be in the mid-summer. The same happens at the other end, as rains and frost start to freeze-up the land.

Ninety days, I would argue, is not enough. It should be much more up to the minister to extend the time. To protect the land during the dry season — say, June, July and August — does not protect it in April and May or in September or October.

As I mentioned earlier, where it says the minister may designate persons to enforce the provisions of this act, I believe that that should read "shall". In closing, I want to refer to the conclusion from the select committee.

"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. There will be some tough decisions to be made and, given the

vast diversity in public opinion, it will not be possible to please everyone.

"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."

Mr. Speaker, this *Act to Amend the Territorial Lands (Yukon) Act* is a very tentative beginning. I would have expected more, given the time invested, the critical nature of this issue and the interest of Yukon people, and our responsibility as stewards of the land. These are my preliminary thoughts.

I look forward to hearing from my colleagues and engaging in a more in-depth study of this issue.

Mr. Silver: I'm pleased to stand and speak on Bill No. 64, *Act to Amend the Territorial Lands (Yukon) Act*. I will be very brief. I would like to maybe hold most of my questions for debate. I want to first start off by congratulating the select committee for their input and I hope that the compromises that the minister speaks to in his opening statements and remarks go far enough to address the complex issues identified by the fruits of their labour.

The amendment does look proper and they give the ability and the authority to the minister to manage use and to make provisions for offences and enforcement. The question of how is still yet to be determined and I look forward to these discussions in this House moving forward. I think the way forward has been placed into the hands of the minister and once again I just look forward to seeing how that is particularly managed.

Hon. Mr. Dixon: Thanks to the members who have spoken already on the second reading of this bill. I think it's a great step forward for us and it is one that the Department of Environment has worked very thoroughly on over the last several years in collaboration with the Department of Energy, Mines and Resources, so I'm pleased to speak about this and speak in support of this legislation.

Given I only have a short period today, I'd like to, if I can, just sort of recount a little bit of what brought us here and why we're discussing what we are discussing today. As members have noted, we had a select committee review the safe operation and use of off-road vehicles, which tabled its report in the Legislature in 2011. After that, I believe the report was endorsed by all three political parties and the members of that select committee came from each of the three political parties as well.

Following that, we had an election in the fall of 2011 where all parties had various opinions on how best to move forward with recommendations of the select committee. For

our part, we, of course, committed to implementing the recommendations made by the all-party committee on off-road vehicle use in its unanimous report to the Legislature. That included recognizing the importance of users and uses, including recreation, hunting, trapping, outfitting, resource industries and tourism. We committed that 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 back country by ATV and snowmobiles as a very important personal freedom. We committed that government actions must be fair and balanced to all user groups and citizens and appropriately protect our environment and wildlife.

More specifically, when it comes to the issues related to the environmental issues associated with ORVs, we committed that 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 over-used areas as necessary, to exclude off-road vehicles from specific types of land or habitats and to have certain areas designated as access routes only.

We recognized in our commitment in the election that there are some areas where new steps need to be taken to protect wildlife and the environment from ATV damage. Actions we committed to 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 committed to consulting with Yukoners prior to implementing any proposed restrictions and we committed that we would review penalties for environmental damage caused by any method, motorized or non-motorized, to ensure penalties are appropriate.

Now, of course the select committee also considered a number of other issues related specifically to safety. Others today have spoken about helmet use and other issues related to safety. The changes in this specific legislation relate specifically to recommendation 14, which spoke to the environmental considerations that we need to take, that we need to consider.

Following the select committee and our commitments in the election, we began work with our respective departments, primarily led by the Department of Environment and Energy Mines and Resources, but certainly also in consultation with the Department of Highways and Public Works, to begin to craft an appropriate and necessary response based on the direction we had given.

We considered a number of different available tools at the time, including special management areas and habitat protection areas.

We found that those tools that were available to government might not be the best possible solution for regulating ATVs. We thought that the creation of SMAs and HPAs is spoken to in final agreements and carries with it a certain connotation of relating to the final agreements that we

thought needed to be separated and focused specifically on the ATVs. We thought that the best possible solution for moving forward was to amend this piece of legislation and give government the ability to create regulations specific to ORV use in Yukon. That's what we've done and that's what's before members today. The amendment to the *Territorial Lands (Yukon) Act* will address recommendation 14 only. The other recommendations will be addressed through future program, policy and legislative changes, such as the requirement for an educational campaign that on-road use of ORVs be addressed in the *Motor Vehicles Act* and that YG consider addressing issues of registration, operator licencing and insurance.

The option chosen to address recommendation 14, dealing with environmental damage due to ORV use, is, as I said, the *Territorial Lands (Yukon) Act*. This contains provisions for the protection of the ecological balance or physical characteristics of any area in Yukon through development of regulations respecting the protection, control and use of the surface of land. The proposed ORV amendments are in keeping with these provisions.

Since tabling the select committee's report, organizations and individuals have asked the Yukon government to take actions to address the recommendations, specifically recommendation 14. Most significantly, the Trails Only Yukon Association is advocating for management of trail networks in sensitive areas to address recommendation 14.

We completed a 30-day targeted engagement on the policy elements of this legislation. Letters, background information and documents were sent to the Yukon First Nations, renewable resources councils, and conservation and industry organizations. I know that various ministers and I have met with Trails Only Yukon Association representatives, as well as the Yukon Off-Road Riders Association and other organizations that have an interest in this legislation.

There have been a number of questions about the specifics of this legislation — the inclusion or exclusion of snowmobiles, how we will identify areas, the process by which regulations will be developed, the consultations that will entail. These are all important questions, and I don't feel that I have the time today to answer them in a fulsome manner, so I do look forward to seeing some of those questions come forward in committee debate. They are good questions and they deserve thoughtful responses. I look forward to contributing to that discussion in committee.

I will say that our goal was to find a way to target specific areas in the Yukon that were threatened, or were likely to be threatened, with environmental damage as a result of ORV use. That's why we went down this road with the *Territorial Lands (Yukon) Act*. We felt that creating the provision that enabled government to make regulations to target areas was the best approach to do that. I know there are some — it sounds like the Member for Mayo-Tatchun is one of them — who would like to see a more broad-based law, a law that applies throughout the entire Yukon, instead of taking a targeted approach as we have suggested here.

We respect those opinions and, of course, took them into consideration, but ultimately I have to say I disagree. I don't think that a broad moratorium or ban on ATV use off-trails is the right course of action. I think we need to take a targeted approach that respects the unique realities of Yukon communities. What works in Whitehorse is not necessarily what will work in Old Crow, and what works in Teslin is most certainly not what will work in Haines Junction. I think that the MLAs for those various communities have all advocated on behalf of a flexible approach that targets areas rather than creating a broad-based set of laws or rules that completely bans ATV use off-trails.

We think that there are, without doubt, areas in this territory that deserve to be protected from ATV use, especially at certain times of the year when they are particularly vulnerable. We've discussed this previously in the House. Examples could include wetlands or alpine areas that are particularly sensitive to physical agitation, such as occurs when an ATV crosses the land. We think that targeting those areas — and even more than just targeting areas — targeting times of the year and specific conditions is possible, and we're hopeful that we can arrive at a conclusion that will allow us to do something like that.

In order to get there, this legislation is simply the first step. The really heavy lifting in terms of work will come with the development of the regulations. That is something that we have not done yet, and we most certainly will do it in consultation with First Nations, with renewable resource councils, with the Fish and Wildlife Management Board and other organizations, industry and specific ATV organizations like TOYA and the Yukon Off-Road Riders Association, and, of course, Yukon communities, which have a strong interest in seeing rules that will work for their respective communities.

What I envision that consultation to look like is that we would approach First Nations and we would approach RRCs, and we would agree to a process by which we could identify those specific areas. I think that just as important as the areas themselves is the process by which we arrive at them. I think that will be an important decision that government will need to make — how to identify areas.

I have, in previous discussions in the Legislature, suggested that there are some mechanisms currently that could be looked to for possible processes, including the hunting subzones that we have already identified throughout the territory. They are of a manageable nature and are already delineated so they may offer an easy way forward. That doesn't necessarily mean that we have to do that. That's just an idea that we have considered.

We have also considered the important role that renewable resource councils could have in this. As we all know, renewable resource councils are the primary instrument for decisions about fish and wildlife habitat in their respective areas, and we, the government, rely on their recommendations to make decisions about a whole host of other habitat-related things, including wildlife regulations and other such regulations. This could be an opportunity for renewable resource councils to engage with us in a further way.

One of the issues that I should just touch on briefly — I know I'm running out of time — is the issue of snowmobiles. Of course snowmobiles are not included in this and they are, as the Minister of Energy, Mines and Resources earlier suggested, not included for good reason. Even groups like TOYA suggested to us that snowmobiles weren't a priority for them. They were really focused on the spring, the summer and the fall times, when ATVs in particular could cause damage. They agreed that snowmobiles certainly don't cause anywhere near the kind of damage that things like argos or four-wheelers can cause and that's simply by virtue of the fact that they operate in different conditions.

When the ground is frozen and snow covered it's difficult for a snowmobile to cause serious damage to the environment that it's travelling on. So we didn't see a need to include snowmobiles in that discussion.

One of the questions was about whether this will be a complaint-driven process. I think that's absolutely what it should be: a process by which Yukoners have the opportunity to identify areas for government to take into consideration, why they're suggesting those areas, what other considerations need to be taken — such as which First Nation's traditional territory it is, whether it's Category A or B or public land, and what regulations are already in place in that particular area — if it's already in a special management area for instance.

There could be other tools that we could employ, but in the event that a complaint is received and enters into a process, as I've discussed, this legislation provides for the regulation-making power to address those kinds of complaints.

That's the sort of system that I would like to see developed, but again I don't want to preclude what we will hear from First Nations, from RRCs, from other land claims boards, from other industry organizations, from other groups and NGOs. I'm very open to meeting with all those folks and finding a way that we can arrive at a mutually acceptable conclusion whereby we can protect the environment, allow responsible use of ATVs in this territory — which is so important for a lot of Yukoners — and ultimately all be satisfied.

One thing I did want to highlight is some of the excellent work done to date by the departments of Environment and Highways and Public Works relating to education. Our two departments — the Minister of Highways and Public Works' and my department — have come together to support doing an educational campaign each year that aims to educate Yukoners about the importance of responsible use of ATVs, both for safety reasons and for reasons of protecting the environment. We publish newspaper ads and provide educational materials to schools as well as — I believe we have reached an agreement to provide information in the Yukon *Hunting Regulations Summary* booklet which many a hunter refers to for understanding regulations of any nature. In those educational materials, we remind Yukoners that fragile alpine and sub-alpine 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 or calving or the rut. Responsible ATV use is appreciated by everyone who enjoys the outdoors and we suggest a number of precautions that ATV users can take, including: staying on roads, existing trails or other designated routes for ATV use; staying in the middle of the trail to avoid widening it; crossing streams slowly and only at designated fording points where the trail crosses the stream at 90 degrees; avoiding roosting around the apex of the turn when climbing or brake sliding during descent, both of which gouge the trail on switchbacks; moderating the throttle and use of the clutch to gain maximum traction with minimum wheel spin on slick trails; avoiding muddy trails and saving them for future trips when they are dry and less likely to be gouged; and packing out what you pack in.

We recommend carrying a trash bag on your vehicle and picking up the litter that you find that has been left by others and washing ATVs and support vehicles after each use to prevent the spread of noxious weeds — which is another matter that is very important to me — and observing proper human waste disposal and burying your waste at least six inches deep, camouflaging the hole or packing out waste.

As the information package concludes, Mr. Speaker, ATVs 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. That sentiment is exactly what has guided us so far and the sentiment that we are trying to achieve with this legislative change, as well as the subsequent regulations that will come.

I look forward to answering more of the questions from members of the House in Committee debate when we can get into the specific issues and discuss them in detail, but I hope I have given a good overview of my opinion on this matter and, of course, the position of government moving forward with regard to how this legislation and eventual regulations will be implemented.

Thank you, Mr. Speaker. I would like to commend the minister for bringing it forward. I'd like to thank the Minister of Community Services for his work previously as the minister on this file and as a member of the select committee and, of course, the Minister of Highways and Public Works for working with my department on the information I spoke to earlier.

Hon. Mr. Cathers: It's a pleasure to rise in support of this legislation.

I'd like to begin first of all by thanking all the people who have worked on this. Particularly, I'd like to note and thank staff of Energy, Mines and Resources, as well as staff of the Department of Environment. Although this specific piece of legislation does not relate too much to Highways and Public Works' mandate, I would also like to acknowledge and thank staff there who have been part of the interdepartmental working group that was tasked with coming up with options that would fulfill our commitment to implementing the

recommendations of the all-party committee on off-road vehicle use, or as they are technically called, the Select Committee on the Safe Operation and Use of Off-road Vehicles.

I would also like to particularly acknowledge and thank the many Yukoners who participated in the public consultation conducted by the select committee.

It is, to the best of my knowledge, the highest participation rate of Yukon citizens in any public consultation to date, with over 2,500 people commenting in the process — 2,489 written submissions received, primarily responses to surveys, as well as the attendance of many people at public meetings that were held in Yukon communities.

One thing I'd just like to note — I'm not going to spend too much time responding in my speech to comments made by the NDP member who spoke — but I would again reiterate the comments made by my colleague, the Minister of Environment — that the reason that this legislation does not apply to snow machines is it was very clear throughout the consultation done by the select committee that, of all of the questions asked by the committee, the issue of environmental use and whether there should be restrictions on trails was the one that received the highest rate of public participation. It was also one that people were very passionate about and those ranged from the extremes of people who believed there should be blanket legislation and regulations preventing any new trails from being developed immediately and felt that should apply to both ATVs and snow machines, to people on the other side who were adamantly against any increased government restrictions on their ability to do what they regarded as a very important personal freedom to use ATVs and snow machines in the back country without restrictions.

It was also agreed by most people who participated, and supported by the committee, that it was a handful of people who were causing problems. I want to briefly read a few key excerpts from the committee's recommendations — which I would again remind members were unanimously agreed to by all four members of the committee. "While it is clear there are strong arguments to be made for further restrictions on off-road vehicle access to some areas, the Committee does not have sufficient knowledge or expertise to determine which areas should be restricted. The Committee also heard from many people who regard the ability to travel in the 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 environment and wildlife." That is from page 10 of the committee's report.

As far as the specific exclusion of snowmobiles, the one thing that was very clearly heard in communities is that those who were concerned about environmental use both through public meetings and through survey responses were primarily concerned about ATV use. Many of those who were adamantly in favor of restrictions on ATV use were opposed to the regulations limiting the use of snowmobiles simply because, as my colleague the Minister of Environment noted,

the issues around rutting, gouging and terrain damage — which were one the primary concerns of the people who were coming forward on the side in favour of restricting the growth of trails — most of the concerns brought forward by most people with that viewpoint were related to ATVs damaging sensitive terrain, rutting, gouging, et cetera.

I would again note if members look on the Trails Only website — and, of course, not everyone who commented in favour of additional trail restrictions came from, or was associated or a member of, the Trails Only group, but they certainly represented a significant portion of people who commented with views in that range of viewpoints. As you'll see from their website, they are focused on ATV use — designated ATV trails. From their website, their goals are designated ATV trails in the Yukon wilderness, ATV legislation, effective enforcement and education. Their specific concerns include damage to fragile alpine and wetlands; harassment, disturbance and displacement of wildlife; over-harvest in accessed areas; and cutting of new trails.

What is important to emphasize is that all the members of the committee — which I did have the pleasure of being a part of — worked very hard to try to come up with a report that could be unanimously agreed to by the committee, and we succeeded in doing so. I won't single out members of that particularly, but I think that it would be fair to say that every member of the committee probably felt they learned about elements of what was going on within the Yukon as a result of that public consultation that they weren't previously aware of. I think it's probably fair to say that all or most of the members of the committee felt that they not only learned something, but that their views at the outset of that process did change on what they thought the solutions or the outcomes should be, based on what they heard from Yukon citizens.

As a result of that, as I noted, the report unanimously agreed to include recommendation 14. It was the one that dealt with environmental use. It was the one that had the most public engagement on that topic. I'll briefly quote from that section to emphasize key points here that are contrary to the viewpoint being espoused by the Official Opposition. Recommendation 14 states: "THAT, off-road vehicle legislation and regulations provide for the ability to mitigate environmental damage and cumulative negative impacts to sensitive wildlife and fish habitats. Ensure that legislation and/or regulations provide for the ability to restrict the growth of trail networks in sensitive areas, to close trails or overused areas as necessary, to exclude off-road vehicles from specific types of land or habitats, and to have certain areas designated as access routes only;

"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."

Again, the key part of the recommendations of the Select Committee on the Safe Operation and use of Off-road Vehicles was a targeted approach. That is based in part on the

feedback that was heard from Yukon citizens who responded to the survey question, do you think rules should be the same in cities and towns as they are in rural areas or remote trails. Sixty-two percent did not support the same rules territory-wide. Again, 62 percent of Yukon citizens who commented did not support there being blanket rules territory-wide, which is a big part of why the committee recommended a targeted approach.

It is why, as well, the approach that my colleagues and I committed to in the 2011 election campaign was to take a targeted approach. We emphasized in our commitments the principles of equality and fairness, that 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.

Second, 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.

A couple other key points under the banner of environment are that we noted that we will review legislation and regulation to determine whether existing mechanisms provide appropriate ability to restrict the growth of trail networks in sensitive areas, to close trails or over-used areas as necessary, to exclude off-road vehicles from specific lands or habitat, and to have certain areas designated as access routes only.

We also stated that we recognize 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 and access to existing use areas will not be reduced unless necessary for environmental protection.

Again, our commitments were consistent with and re-enforced — and, in fact, thus stated in stronger language — some of the recommendations made in the select committee's report.

The important thing to emphasize in all of this is that this is a topic — I acknowledge and understand the passion from the NDP member who spoke on this with his strong viewpoint on a more aggressive approach to this, but I do not feel that it lines up with what we heard from the public. I think it's fair to note that the committee had very strong viewpoints from all MLAs who sat on it. We were able to come up with unanimous recommendations, including supporting a targeted approach to addressing environmental issues. I think it's fair to say — each member, of course, of the committee would have to speak for himself or herself — that that recommendation to take a balanced, targeted approach is based on the fact that members recognized there were very strong viewpoints on this issue from Yukoners.

There was an urban-rural divide with rural Yukoners having certain viewpoints that differed from Whitehorse in many cases, and that the way to balance those diverse and

strongly held viewpoints of Yukoners was to come up with an approach that allowed for the ability to target measures to where there are environmental problems that exist or are developing, which is exactly what this legislation does.

I'd like to commend all the staff who worked on this — the staff of Energy, Mines and Resources and the Department of Environment — and, as well, I acknowledge the work of Highways and Public Works, as well as staff of the Department of Justice who drafted the legislation, and Executive Council Office for their work on this.

I did not note it in my introductory remarks but I intended to thank the then clerk for the committee, who has now moved on from the Legislative Assembly. I'd like to thank Sandra Rose for her work as the clerk of the committee.

There was one thing that was done that is probably not publicly evident — but certainly every member of the committee was aware of this: Sandra Rose, in compiling the results of the 2,489 surveys plus the public meetings — all the comments from every single Yukoner who participated were all put into a spreadsheet, categorized by topic, by comment, by theme and by answer and were also then summarized for members so that the members of the committee could see both what people said individually and see those results categorized and tallied up by numbers. An important part of this — I would hope members would be aware of this and that Yukoners who commented would be happy to realize — is that it was not just the aggregate and tallied numbers of how somebody checked the box that were considered by members. There were also some very specific comments from people in certain areas of the territory and certain communities, or people who had unique situations, who made compelling arguments that were given consideration by people.

One of those relates to the fact that when it comes to helmet use — again the NDP member is seeing things from the perspective of someone who I would contend appears not to have spent a lot of time out at minus 40 trying to do work such as trailbreaking, trapping, working with dog teams in a snow machine support capacity or other things that cause people to have to move around a lot, inhale and exhale a lot and can easily cause your helmet to become very fogged up, particularly for somebody who has glasses. There are situations where requiring somebody to wear a helmet at minus 40 means that their vision is more likely to be impaired or is guaranteed to be impaired because it simply is not practical in certain temperatures.

Now most Yukoners probably don't spend much time snowmobiling at minus 40 or even minus 30, but for those of us who have and for those who use it for purposes like trapping, subsistence or commercial purposes, there is a time and a role where it simply doesn't work to wear a helmet if you want to be able to see if it's cold enough and if you wear glasses. For some, depending on the type of helmet, depending on how much you're working, it may not be a practical thing in all situations. It was also important to note that there was a significant portion of ATV and snowmobile users who are opposed to mandatory helmet restrictions when it came to adults.

I would also like to acknowledge and thank my assistant, Rosie, for her help during the work on the select committee. There was a tremendous volume of information that had to be gone through and I very much appreciate her help in going through it and supporting me in that work.

I think this legislation is one that does provide, as the Minister of Energy, Mines and Resources noted, for the ability to develop regulations that target measures to where problems exist or are developing. I would also note — as I think my colleague, the Minister of Environment may have noted — that amending this legislation is something that we indicated to stakeholder groups, including Trails Only Yukon, we would be doing earlier this year. We noted, in a letter dated January 11, 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 that problems resulting from off-road vehicles are occurring or are likely to occur. 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 the recommendations of the committee have been developed to 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.

I would also like to note in closing that although, as the committee noted, we did not as the committee have the expertise to determine specifically which areas are necessary to target environmental restrictions — both on the environmental issues and on the issues of kids driving ATVs across roads, et cetera. It was very clear you could actually target — there was a theme from the comments of specific areas where people were concerned about environmental damage and specific neighbourhoods where it was obvious there were problems with ATV use causing disturbance to other neighbours.

Again, I think the targeted approach is the appropriate way. I think it reflects both the legal tools we have in place and our ability to enforce them and reflects what we heard from Yukoners, so with that I commend the legislation to the House and hope all members will support it.

Hon. Mr. Istchenko: I am pleased to rise today to speak to Bill No. 64 and I would like to thank the member, my fellow colleague, for bringing this forward.

I want to speak a little bit about this and then I will talk a bit about the *Highways Act* review and the *Motor Vehicles Act*, which are both in my shop. I would also just like to put out a big thank you out to the staff of Energy, Mines and Resources, Highways and Public Works and Environment for their hard work and dedication to this file. You've heard that from my fellow colleagues on this.

Before I get into this, I just want to talk about the new city bylaw that Whitehorse came forward with. When they

came forward with their new city bylaw, my phone rang off the hook with four or five concerned citizens, basically blaming me for it because I am the minister in charge of the *Highways Act* and *Motor Vehicle Act*, saying that we ended their event. I said that the city passed the bylaw, but they explained to me what the problem was. This is an event where families go out with their youth and they do motorcycles and ATVs in a controlled area. They teach safety and they teach all the important things that go with ATV riding.

They were concerned now that this event couldn't happen because of the *Motor Vehicles Act* and the *Highways Act*. I said the city passed a bylaw for it, but I explained to them that this is something that we are looking at and that it is something that we have to be cognizant of and we have to remember. Can you just imagine if we didn't have this for our youth? Throw in Mount Sima — you know we have lots of things for youth to do. We need things for our youth to do and some of them — the Sled Ed program in school that one of our local teachers has been doing for years. Some kids probably wouldn't have gone to school if they didn't get into that program and have the opportunity to work on a snowmobile and do that. I think it's important that we put some thought into this and take into consideration all the user groups and really think about our youth. Of course safety is the most important part of everything.

I've also heard throughout my time while the select committee was out there — I heard from hunters. They don't like the fact that people are accessing their hunting grounds with ATVs or argos. They are people who can maybe afford to fly in or whatever, but I also heard from other hunters saying that "I need an ATV so I can take my dad out. He is not physically fit to walk, and I enjoy being able to get out there" — and saying to the effect, "If we only use one trail and access one trail for hunting, there will be no animals left there, so I'll access a different area to relieve the pressure on some of the other areas." It's polarizing; there are different opinions and different views.

I know I've had a conversation with the Member for Mount Lorne-Southern Lakes about ATVs and I listened to the Member for Mayo-Tatchun speak to that. We all have our opinions and our points of view, and I just really think that we need to look at a holistic approach and listen to everyone. I heard from a trapper yesterday who mentioned to me that "I like to use my ATV to get out there and fix my trail up and work on my cabin during the summer. You're not going to shut that down, are you? I'm a trapper; I want a balanced approach to wildlife management."

There's lots of stuff out there that we have to think about.

I want to speak a little bit about the *Motor Vehicles Act* — and this is where it will address the ATV and safety concerns, including the registration, licensing, liability insurance, helmet usage and age restriction. In addition, definitions will be amended to clearly distinguish between roads and trails and on-road versus off-road use.

Of course ATVs demand respect. They are a source of serious safety concerns — and we've heard that in this House before — without the proper training, without the supervision,

without the protective equipment, without understanding the potential hazards and how to manage them. So this is some of the stuff that we're looking at in the *Motor Vehicles Act*. My fellow colleague, the Minister of Environment, spoke to some of the safety concerns and some of the education our departments have been working on and already have out there for Yukoners. That is something that I see taught at youth camps in the summertime with the junior ranger camp and it's good.

As with any other motor vehicle, ATV owners must be responsible and take the necessary precautions to ensure the safety of drivers, passengers, and most importantly, the other road users. So for all motor vehicles operated on Yukon roads or highways, including ATVs, we must look at registration and licensing.

Of course, we know the select committee tabled its report and there were 14 recommendations. The Yukon government — our government — is currently investigating — and you've heard it from my fellow colleagues — addressing the safety-related recommendations and that's why we're looking at the *Motor Vehicles Act*.

In April 2013, the topic of legislation came up the media and in the Legislative Assembly. On April 10, 2013, an Opposition motion to implement the recommendation of the select committee was debated in the House. With regard to safe responsible riding during the debate, my fellow colleague stated the government's commitment, of course, to amending the *Motor Vehicles Act* to clearly distinguish between roads and trails and amending the *Motor Vehicles Act* to make helmet use, liability insurance and registration mandatory when operating the ATV or snowmobile on road. Launching an education campaign was key right away. We did that. It was all about the safety, the responsibility, the respect of the environment with the off-road vehicles, helmet use and good environmental stewardship.

The current *Motor Vehicles Act* speaks to the use of motorized vehicles on roads and requires all motorized vehicles operated on Yukon highways, as defined in the *Highways Act*, to be registered and licenced. This includes ATVs operated on road. By policy, ATV registration is modeled on that of the snowmobiles and administering policy and guidelines. Then we get into the *Highways Act* a little bit, and amendments we're proposing are going to clarify the definition of a highway under the act, the activities that are prohibited in the highway right of way unless a permit is obtained first, how enforcement officers are appointed and what their powers are, and the extent of the government's responsibility to maintain highways and discourage the presence of stray animals on the highways.

Highways and Public Works is committed to operating, of course, a well-run highway system that enables Yukoners and visitors to get to where they need to go. To update this legislation — this legislation hasn't been looked at in 20 years. That's why we're doing a review of it. Some of the things that are going to be important — the current definition of a highway is vague and circular. It says that a highway is land used or surveyed as a highway.

The new definition we're looking at would be more specific and clear. It says that a highway is land used as a public road or street for the passage of cars and trucks and that a highway does not include trails and routes used by other kinds of vehicles. The new definition will also clarify which roads on First Nations settlement lands are public highways.

The act amendments do not create any new offences; instead they improve the description of the current offences and give enforcement officers more options to respond to infractions. Another set of amendments clarify the extent of the government's responsibility for road maintenance and the capture of livestock. The current act says the minister is responsible and liable for the maintenance of designated highways — and that's just about every back end of a cat from the start of the Yukon. The minister may appoint someone to capture some of the stray livestock, but these proposed amendments do not change these basic facts. Instead, they clarify that the minister is not liable for the condition of roads the government has no duty to maintain and the minister's authority and options to capture livestock is not the same thing as the duty to capture livestock.

In closing, I look forward to Bill No. 64 going forward. I like the approach that this government is taking toward ATVs and how we go forward on this. I agree wholeheartedly with my fellow colleague, the Minister of Environment, on the resource councils and community consultation. I've seen community-based consultation on issues like this work very well in the Yukon and I'm encouraged to see this as we go forward.

Ms. White: I thank all the members so far for their comments. I have just a couple observations that I would like to get on record for the Minister of Energy, Mines and Resources so that during the line-by-line debate we can have more clarification.

The concerns on the legislation are reactive and not so much proactive, and instead of identifying existing highly used and sensitive areas, we're asking for people to come forward and to raise their concerns about them. I understand this, because there are many areas in the territory that you and I will never get to. The one concern about that, though, is the time before the minister can exempt an issue or issue an order for it not to be used.

Those are some of my questions for when the officials are in the Legislative Assembly. I think it's really relevant — and the Minister of Highways and Public Works pointed it out — that the definition of "highways" is changing. This is also relevant toward bigger centres — specifically to Whitehorse — because right now around the city, there are some restrictions that are put in place because those trails are designated as highways — things like an operator's licence being mandatory, as is helmet use. So when that definition of "highway" changes, it sometimes affects the safety and the concerns around the cities. The choice of language, especially in enforcement personnel — so the minister may, subject to any provisions set out in the regulations, appoint or designate

a person or a class of persons to enforce the provisions of this act or the regulations.

One concern is that we're talking about the act and then we're talking about the regulations as a separate side.

If we go toward enforcement, how do we enforce the safe operation of ATVs, or use in designated areas, if they're not being registered or licensed? Because saying "I saw the red ATV with the person in the blue helmet" is an ineffective way to have any kind of recourse. So my question is, how will that work out in the regulations? Are we talking toward licensing and registration and, if so, what's the timeline in which we see that happening? And then, with enforcement personnel, just by choosing the word "may", it kind of leaves it ambiguous right now to who, what and where that will happen — so I am going to look for clarification on that.

Just in reference to helmet use — I understand that there are different cases, but I can tell you from my own personal experience of being a mountain biker that there are probably three people I know a year who get severe concussions and they wear helmets. It only takes one crash and it can change your life. If it's severe enough, in some cases it's unfortunately personality changing. I know I could name two people right now who are on the six-and-a-half-month healing process. That level of concussion affects work, it affects personal life and it affects everything. I can understand there are concerns about helmet use, and I wonder if in the regulations we can find a common ground — whether it's with an age restriction, whether it's with certain temperatures, whether it's with certain activities.

I understand we've talked about trapping, we've talked about woodcutting. I understand and respect that, and I would think that the people who are doing those activities are responsible users and understand their machines. My concern is for the people who are not.

Right now, if I were to ride an ATV, I would be a liability to anyone who was near me, and it would be best if you had a helmet on near me and if I had a helmet while driving. In that case, there are exceptions to rules, and I am interested in how we're going to look at this and how we're going to move it forward through the regulations. I hope that when the officials are here we can talk a bit about what the next steps are and how the regulations and the act will go hand in hand.

I do have concerns about the definition of "highway" changing and how that affects just how the act exists now and how it will change and how that affects the City of Whitehorse and other municipalities. I look forward to when the officials are in the House.

Ms. Moorcroft: I'm pleased to rise to speak to Bill 64, *Act to Amend the Territorial Lands (Yukon) Act*, which the Official Opposition will be supporting at second reading.

My colleague, the Member for Mayo-Tatchun, outlined a number of areas of concern related to this bill. During the course of the Select Committee on the Safe Operation and Use of Off-road Vehicles, many Yukon people expressed their views. There is more to the debate than characterizing it simply as a divide between those who argue for personal

freedoms and those who express support for environmental protection.

There is no doubt that many Yukoners want responsible stewardship of the Yukon's environment so that the land and the water are protected for future generations of people and for the animals, the birds and fish who share that habitat.

Yukon is the last jurisdiction in Canada without legislation specifically governing the operation and use of off-road vehicles. The off-road vehicle select committee noted that there would be some tough decisions to be made and, given the vast diversity in public opinion, that it would not be possible to please everyone.

It would seem that the Yukon Party government has chosen to act on only one of 14 recommendations. The minister has said that more response to the select committee's report and recommendations may be coming later.

The Minister of the Environment spoke about the fact that habitat damages easily and that ATV use can harm animals, particularly during rutting and birthing. But as the Select Committee on the Safe Operation and Use of Off-road Vehicles concluded, Yukon does need legislation and educational programs that discourage poor practices, prevent ecological degradation and teach ecological stewardship. The Official Opposition agrees with those conclusions of the select committee and would like to have seen a more comprehensive response from the Yukon government to the select committee report.

There was not only a recommendation about protecting wildlife but recommendations about educational campaigns on the safe, responsible and respectful operations of off-road vehicles as well as environmental stewardship. Ministers opposite spoke to some public education that has already been done, and that is a good start. The recommendation, though, also dealt with the need for education on existing restrictions on off-road vehicle use, along with penalties and means of enforcement.

I would note here that there is a policy in place — the guidelines for the operation of all-terrain vehicles on highway use. There are only four of those guidelines and so I would like to just summarize those.

Firstly, ATVs must observe the rules of the road, as stated in part 13 of the *Motor Vehicles Act*. Secondly, ATVs should ride near to the right-hand curb or edge of the roadway, except in the case of the Alaska Highway, the Klondike Highway and the Campbell Highway. On those highways, due to heavy RV and ore-haul traffic, the policy encourages drivers to use the untravelled right-of-way when possible. Thirdly, the policy indicates that drivers must ride in single file, except for passing. Fourthly, drivers are encouraged to wear a helmet for their own personal safety.

I note that one of the recommendations made by the Select Committee on the Safe Operation and Use of Off-road Vehicles was that that policy should become law. The select committee also spoke of the need for helmet use to save lives. We still don't see this Yukon Party government bringing in legislation to provide for mandatory helmet use. The Minister of Energy, Mines and Resources indicated that it was an

amendment to the *Lands Act* when my colleague was speaking to this issue. However, as the Minister of Highways and Public Works said in his remarks, there is an amendment to the *Highways Act* that is directly relevant to the *Act to Amend the Territorial Lands (Yukon) Act*. Bill No. 64 states that "highway" has the same meaning as in the *Highways Act*". Bill No. 59, an *Act to Amend the Highways Act and the Dangerous Goods Transportation Act*, is also before this House. That act amends the definition of "highway".

The new definition of "highway" states that the highway will mean lands and improvements used as a public highway, road or street for the passage of cars, trucks and other vehicles. The new definition of "highway" proposed in the amendment before us removes the word "trails". That is a significant change. Under the City of Whitehorse bylaw that is now in place, requirements for licensing, for having an operator's licence and for minimum liability insurance are reliant upon the definition of highways. By excluding a trail from a highway, this may remove the ability to call for an operator's licence and minimum liability insurance when youth or adults are driving their ATVs on trails.

One of the recommendations in speaking to the need for public education on enforcement provisions of the act and regulations is also one we need to consider. The act before us provides for enforcement by saying that there could be enforcement officers appointed and that those officials would have the responsibility delegated to them in regulations to ensure that the act was followed.

I've indicated that we will be supporting the bill at second reading. Our caucus members who spoke have identified some deficiencies. We do support the responsible use of off-road vehicles. We also see the need to protect sensitive ecological areas, noting — as the Environment minister said — the Yukon Party is reluctant to use special management areas or habitat protection areas as a mechanism for protecting sensitive ecological areas.

We agree with the need to consult with First Nations, renewable resource councils, the Fish and Wildlife Management Board and organizations such as the Off-Road Riders Association and the Trails Only Yukon Association, as well as many others who made submissions to the Select Committee on the Safe Operation and Use of Off-road Vehicles.

With that, I will conclude my remarks and look forward to further debate in Committee of the Whole.

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

Hon. Mr. Kent: I thank members of the Legislature who provided comments at second reading on this bill that we're discussing here today, *Act to Amend the Territorial Lands (Yukon) Act*.

Again, the Yukon government is moving forward on the recommendations from the report of the Select Committee on the Safe Operation and Use of Off-road Vehicles. Energy, Mines and Resources is responding to recommendation 14,

which addresses off-road vehicle use that negatively impacts the environment and other departments are addressing recommendations that fall within their specific mandates.

I know that the Minister of Highways and Public Works as well as the Minister of Environment spoke specifically to the actions that they will be taking in addressing many of the recommendations from the select committee report. I too should take the opportunity to thank those members of the select committee who worked on developing this report, as well as the officials from the different departments who participated and especially the 2,489 individuals who submitted opinion surveys as well as the 25 individuals who submitted written responses during the consultation process that took place between August and October of 2010.

This act that is before the House today brings forward a package of minor amendments to the *Territorial Lands (Yukon) Act*. When adopted, these amendments will enable administrators, when required, to manage off-road vehicle use on Yukon lands. The necessary regulations will be developed after the legislative amendments are adopted, providing full opportunity for First Nation, stakeholder and public engagement. These regulations will provide clarity as to the process and operating conditions for designated off-road vehicle management areas.

What the amendments to this act will address are with respect to recommendation 14 only. The other recommendations will be addressed through future program, policy and legislative changes, such as the requirement for an educational campaign. I know that other ministers on this side of the House spoke to that as far as their responsibility goes — that on-road use of off-road vehicles be addressed in the *Motor Vehicles Act* and that the Yukon government consider addressing issues of registration, operator licensing and insurance. The option that we have chosen to address — recommendation 14 dealing with the environmental damage due to off-road vehicle use — is the *Territorial Lands (Yukon) Act*.

This act contains provisions for the protection of the ecological balance for physical characteristics of any area in the Yukon through the development of regulations respecting the protection, control and use of the surface of the land. The proposed off-road vehicle amendments are in keeping with these provisions.

Since tabling of the committee report, organizations and individuals have asked the government to take action on the report recommendations. Most significantly, the Trails Only Yukon Association, or TOYA, is advocating for management of trail networks through sensitive areas to address concerns directly related to recommendation 14. That's what we're covering off with these particular amendments. I know there are a number of other issues and recommendations that the opposition is looking to have addressed. As I mentioned earlier, those will be addressed through other program policy and legislative changes.

What we're doing here is addressing the provisions for the protection of the land from ORV damage. Through the development of the regulations and the subsequent

consultation that will take place during that development, we hope to address those.

I did mention this in my opening speech at second reading — perhaps I could read into the record some of the questions and comments from the opposition briefing on Bill No. 64 that took place last week. There were three senior officials from Energy, Mines and Resources in attendance and a number of questions raised. Perhaps it's best if I read in the question and then the response that was provided by officials. I wasn't in attendance at the briefing, but senior officials were.

So the first one is how was the highway defined and why use the *Highways Act* rather than the *Motor Vehicles Act*? So, the response from officials was with respect to right-of-way and access off highways and tying the use of off-road vehicles to land use and not motor vehicle use.

One of the other questions was, are four-by-fours operating off road considered an off-road vehicle? The response to that of course was yes.

Has there been First Nation consultation? The response was yes, and it will continue in the development of the regulation and in the operations of the act and the regulations. We anticipate, as mentioned by one of my colleagues, that a lot of the heavy lifting will be done on this during the development of the regulations and there will be significant consultation, as I mentioned, with First Nations and stakeholders, as well as the general public, during the development of those regulations.

Who will enforce the act and the regulation? The response from officials was Energy, Mines and Resources compliance monitoring and inspection officers, as well as conservation officers.

One of the sections, as mentioned by the Member for Mayo-Tatchun, provides the ability for the minister to vary or waive provisions and the question from Opposition members at the briefing was, why? That's being done for exceptional circumstances, such as emergencies like fire or search and rescue operations. We need the provisions to be able to waive or vary these restrictions in cases of emergencies like that. I'm hoping that provides an answer for the opposition. Will there be trail plans in some areas, was another question. Yes, there will be.

Why 90 days for ministerial orders? The answer from officials at the time was that they're not intended to be permanent so that's why they're restricted to 90 days.

Again, the question that came up then — and here again today — was why doesn't this include snowmobiles? Several of my colleagues have answered that and I answered it in my opening remarks, but it bears repeating. Snowmobiles of course operate in the winter when the ground is frozen and do not cause the damage that off-road vehicles do, such as rutting and gouging.

There is an awful lot I'm sure that we will discuss when we get into Committee of the Whole with respect to this act. I'm pleased that the Member for Copperbelt South indicated that the Official Opposition will be supporting this act at second reading. I look forward to continuing in the debate during the Committee of the Whole and as we move to pass

this important act that deals specifically with recommendation 14 of the Select Committee on the Safe Operation and Use of Off-road Vehicles.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Graham: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Mr. Elias: Agree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Clerk: Mr. Speaker, the results are 18 yea, nil nay.

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

Motion for second reading of Bill No. 64 agreed to

Bill No. 61: Health Information Privacy and Management Act — Second Reading

Clerk: Second reading, Bill No. 61 standing in the name of the Hon. Mr. Graham.

Hon. Mr. Graham: I move that Bill No. 61, entitled *Health Information Privacy and Management Act*, be now read a second time.

Speaker: It has been moved by the Minister of Health and Social Services that Bill No. 61, entitled *Health Information Privacy and Management Act*, be now read a second time.

Hon. Mr. Graham: It gives me great pleasure today to rise and move second reading of the *Health Information Privacy and Management Act*. This act is an important step forward in protecting Yukoners' personal health information.

First of all, I'd like to take the opportunity to thank department officials and researchers for doing such an excellent job on preparing all of the information for public discussion, meeting with the stakeholders and preparing the many drafts that this bill required to incorporate as many of

the changes recommended by our stakeholders as we possibly could. I understand that they also had a difficult minister who perhaps didn't absorb the facts as quickly as some, so extra time was spent there. Let me also make it clear that not all of the recommended changes were incorporated into the final bill.

I will be pleased to provide reasons why some were not accepted and how we designed the bill to allow the flexibility necessary to make changes, should they be desired at some time in the future. We have also included a provision for review of this bill and I will expound on that later. I have made a commitment to fully consult on a development of regulations to the bill.

Every day Yukoners talk to their health care providers about their health and share very sensitive, private information with their care providers. When we do this, we expect that our privacy will be carefully protected and our information will only be shared when appropriate. Protecting privacy goes beyond the confidentiality oaths that health professionals may be required to take; protecting privacy means developing a culture of privacy within an organization and developing information practices to ensure everyone working in our hospitals, our health care clinics and care facilities understands the importance of providing care in a manner that protects the privacy of personal health information.

This act is about raising the bar on privacy and security of personal health information while also making sure that our health care providers have the necessary access to information that will support improvements to the care they provide to us all. It will also ensure access under clear direction to not only the Department of Health and Social Services but also researchers and the like who will provide data to inform the changes to the health care system in the territory that will benefit all Yukoners.

We are working to balance these important objectives with the overall goal of providing Yukoners with improved health care. Yukon is one of the last jurisdictions to bring forward this type of comprehensive health information legislation. This legislation has been under development for a number of years, and we have benefited from work that has gone on elsewhere. Our legislation generally models what many other jurisdictions have done while including some very unique Yukon features.

The foundation of our legislation and for most other jurisdictions' legislation is the Canadian Standards Association *Model Code for the Protection of Personal Information*. This code sets out the 10 basic principles that have become the national standard for privacy protection. Without going into detail, the principles include accountability, limiting collection, accuracy, safeguards, individual access and challenging compliance, among others. All 10 principles have been addressed in this new legislation.

In addition to the Canadian Standards Association code as the foundation for the legislation, we were also guided by the *Pan-Canadian Health Information Privacy and Confidentiality Framework*. This framework was developed in 2005 in cooperation with other jurisdictions in Canada. The

objective of this framework is to respond to Canadians' privacy and confidentiality expectations and to identify the core elements that need to be addressed in legislation to create more consistency in privacy regimes across the country. This consistency is vitally important as we make progress toward electronic health records systems that can allow access to our health information even when Yukoners move to a different Canadian jurisdiction.

Bill No. 61, *Health Information Privacy and Management Act*, incorporates this foundation work. As we debate the bill, I will repeatedly draw attention to the particular limitation provisions in this act. These provisions are laid out in part 3 of the act, but I will be reminding all members of these provisions throughout the debate on this act.

The general approach to privacy is that a person should never collect, use or disclose identifying personal health information if other information will work. In the event that identifying personal information is needed, only the most limited amount of information should be collected, used and disclosed for the purpose, and then only disclosed in the most limited way — in other words, the least possible amount of information to the fewest people. These principles are sometimes referred to as the need-to-know, and it formed the basis of most of what you see in this legislation.

This legislation has been developed over a number of years and has benefited from considerable public and stakeholder input. In 2009, a reference group of key stakeholders was established that included representatives from the Yukon Medical Association, the Yukon Registered Nurses Association, the Yukon Pharmacists Association, the Yukon Hospital Corporation, the Council of Yukon First Nations health commissions, and other senior health and social services personnel.

This group used the CSA code and the pan-Canadian framework to develop the policy foundation for the legislation we have before us here today. I thank the members of the reference group for their important contribution.

Also during this time, the Information and Privacy Commissioner was kept informed of the work and had the opportunity to meet with the reference group to discuss the oversight and the role of the Information and Privacy Commissioner in respect to this act once it was implemented. We also considered it important to inform the general public of the policy framework for the legislation and invite their comments.

During the spring and summer of 2012, we had almost 40 meetings with groups and individuals and we also received approximately 20 written submissions. I can say without a doubt that health care providers and the general public support the need for this legislation and, in particular, recognize the progress we can now make in developing more sophisticated health information systems within the territory. This was again confirmed in the response to our limited distribution in late spring of this year of the draft legislation to key health care stakeholders, Yukon First Nations, and the Information and Privacy Commissioner.

Today, privacy legislation is a mix of Yukon and federal legislation and, in some instances, no legislation at all. With this act, health providers working in both the public and the private sectors will be subject to the same rules in the territory. Yukoners who have complaints about compliance with this act will be able to go to the Yukon Information and Privacy Commissioner, who will have the authority to consider those complaints and make recommendations as a result of hearing the complaints.

Today, if a Yukoner has a privacy complaint about their doctor or dentist or other health care provider, the complaint has to go to the federal Privacy Commissioner and I know this has not happened in the territory very often. That's not to say that our private sector health care providers are above reproach. I think it's more likely that Yukoners have become frustrated dealing with an office in Ottawa that has many competing interests in serving Canadians.

As this House is aware, we recently expanded the position of our Yukon Ombudsman and Information and Privacy Commissioner into a full-time position and hired a new commissioner in that office. Among the many things this legislation will do is provide our Yukon Information and Privacy Commissioner with the responsibility for the oversight of this act and it will also allow the IPC to provide feedback in a number of key areas in this legislation.

The Information and Privacy Commissioner has provided very thoughtful and, in some cases, provocative input into this legislation. I wish to publicly thank her for her feedback and acknowledge that her input has helped us improve the act. I want to also recognize that many of her recommendations were very forward-thinking. As our health sector matures and gains experience with this act, we have the obligation to review the legislation.

We can, at that time, consider some of the more advanced recommendations made by the Information and Privacy Commissioner, and possibly implement them at that time.

As I mentioned, the Yukon Information and Privacy Commissioner provided substantial comments on an earlier draft of this legislation. Many of her recommendations were incorporated in the bill that we have before us. However, there were certain recommendations we felt were inadvisable to include at this time. I want to highlight some of the general issues she raised for members of this Assembly and provide our responses as well.

The commissioner strongly urged a proactive compliance approach to privacy legislation. This would include a requirement for custodians to do privacy impact assessments. It would also include an expanded role for the Information and Privacy Commissioner to review and approve these assessments as well as review and approve the privacy and security policies that a custodian might have in place for their operation.

We believe that our health care sector understands the importance of providing care in a privacy-protected manner. We believe they will act in good faith to comply with the legislation without the need for a stronger role at this time for the Information and Privacy Commissioner. We have

established in the legislation and will provide more detail in regulation the information practices that must be in place for each custodian to operate. We have confidence that custodians will be able to meet these standards and understand that many health care providers already meet their professional associations' privacy and security standards.

When things go wrong — and we know this can happen, Mr. Speaker — the legislation sets out how complaints can be made. The Information and Privacy Commissioner can review those complaints and recommend improvements to the way a custodian manages personal health information. When things go very wrong, the act established offences and sizable penalties that can be imposed. In fact, it was one of the recommendations that we accepted from the Information and Privacy Commissioner that was to dramatically increase the maximum fines available under this act.

We considered expanding the role of the Information and Privacy Commissioner to include order-making powers as well and the requirement for the Privacy Commissioner's approval of policies of a custodian. And we concluded that this was simply not necessary at this time. We felt the additional burden on health care providers and the extra resources that would be needed in the Information and Privacy Commissioner's officer simply outweigh the benefits of providing order-making powers. We have confidence that our health care sector will adjust to the requirements set out in this act, but if this proves not to be true we have the ability to expand the role of the Privacy Commissioner through regulation at any point in the future.

Mr. Speaker, I mentioned earlier that we have benefited from the experience of other jurisdictions that have had similar legislation in place for a number of years. I would like to highlight some of the observations we've made and generally how we address them in this legislation.

E-health or electronic health information systems are being implemented across Canada and globally. These new approaches to managing and sharing information are extremely complex and very expensive. Yukon can't afford to make the mistakes that we've seen happen in other provinces. We're being very cautious as we move forward in developing our e-health solution. We are learning a great deal from the successes and even from some of the failures of other provinces. What we do know with certainty is that we need legislation in place to authorize these new ways of managing our personal health information and supporting the technologies that lead to better health care decisions.

An important lesson we've learned about e-health is that clearly identifying how these systems will operate and who will have custody or control of the information is very difficult in the early stages of the implementation of a new act. Legislation in most of the smaller jurisdictions makes only a passing reference to information systems in any event. As we will see during our discussions on the details of this act, we have tried to lay out a framework for a governance system for e-health, but much of the detail will be needed to be addressed in regulation. We recognize that when we move down the road with electronic health information systems that include

participation from many different health care providers across the territory, we will need to give very careful thought to the arrangements. This will all be done as the systems are designed and implemented.

This act is about a lot more than e-health. It speaks to our everyday use, collection and disclosure of personal health information in whatever media, be that paper, digital, video or any new technologies that will be developed in the future. To the extent we could be forward thinking, we have tried to do this in this new legislation. The act contains provisions that will allow some flexibility to experiment with new technologies for information management to determine if these new approaches are effective and can comply with the legislation. This is clearly an edgy new way for legislation to be drafted in order to accommodate rapid changes in the information management world. This can help us make sure that the new technologies protect our personal health information in accordance with the law.

Another lesson we've learned from our provincial colleagues is the importance of addressing security breaches in legislation. Increasingly, we are hearing about security breaches. Some examples are as simple as the loss of a memory stick that contains encrypted personal information or some of the more serious ones involving someone hacking into computer systems and potentially accessing sensitive personal information from a large number of patients. We are all participating in an increasingly electronic world. We're also seeing the dark side of having information stored electronically. This is not to say that security breaches don't happen in the paper world. They do indeed, but not to the extent that is possible when information is stored electronically. Systems are built to store massive amounts of information and a breach in these systems can have far-reaching implications.

As this House will see during debate, this legislation has addressed security of our personal information and security breaches in detail — perhaps in more detail than many other Canadian jurisdictions. We have heard from our Information and Privacy Commissioner and commissioners also across the country that embedding in law and in the legislation a process for responding to security breaches is vitally important. The public needs to know that if their personal information is inappropriately accessed and there is potential for harm to anyone, they will be notified as soon as possible and advised of the efforts to mitigate any harmful effects.

The public also needs to be assured that if a breach has occurred the custodian has taken action to prevent it from happening again.

We also learned lessons from our discussions with Yukon First Nation governments and health care workers in these First Nations. First Nation governments are becoming more involved in providing health care, not only to their citizens, but to the general public as well, in many cases. Kwanlin Dun Health Centre plays an important part in the health system in Whitehorse and provides necessary health services to its clients. This act supports this significant work and provides

for First Nations with authority to use the information to better plan and manage their health systems, programs and activities.

Where the act does not already apply to a First Nation health centre as a custodian, the First Nation health department will be identified as a custodian in regulation. In most cases, this will be the very first privacy act to apply to First Nations and will permit information sharing among all custodians to better serve all patients.

Mr. Speaker, I said one of the last provisions of the act sets out the requirement for review of the legislation to begin within four years following implementation. As we have seen, this legislation is very complex and we expect that once it is implemented and our e-health systems are set up, there may be ways to improve the legislation to respond to changes in the way the health care sector does business.

Many jurisdictions are amending their legislation. Some, like Alberta, amend it on a more-or-less regular basis. They've done reviews and amendments a number of times already. The information world is rapidly changing and we'll need to be prepared for that change.

We have talked about this legislation with many, many people over a number of years. Health care providers, our provincial colleagues, First Nation representatives, experts in privacy and security, interested members of the public and many more individuals and stakeholders have all helped to build this legislation that is before us here today.

I believe the bill has benefited from every conversation that we've had and I hope that these discussions will continue as regulations are developed. As I said previously, I made a commitment that, as the regulations are developed, we would discuss them with all stakeholders as well. We are moving forward with this legislation in the best interests of all Yukoners.

I look forward to our further discussions and input from my colleagues opposite as the bill proceeds through the legislative process.

Ms. Hanson: I thank the minister for his opening comments with respect to Bill No. 61, *Health Information Privacy and Management Act*. I note that the minister in his remarks made an important comment with respect to the fact that, as minister responsible for the department leading the development of this legislation, he had undertaken to circulate the draft legislation to key stakeholders in the spring of this year.

You know, it seems to me that this was an opportunity to work with one of the other key stakeholders in the Yukon, which is the Official Opposition. It's not unheard of, Mr. Speaker — official opposition parties, the Third Party and the Official Opposition New Democrats — to make sure that we're all working together on this very important piece of legislation. As I was going to say, it's not unheard of for parliaments and legislative assemblies to work cooperatively when there is an important piece of legislation and so I am disappointed that the minister chose not to take that initiative.

I will commend the officials who have been working very diligently. We know that Yukon has a very competent public

service and that this new legislation that's brought to this House has been developed through a great deal of work on behalf of these dedicated public servants. But public servants do not decide how and when the Official Opposition or the opposition in general is informed about the intent behind the legislation. These orders come from the minister's office.

Last week, the government tabled Bill No. 61, *Health Information Privacy and Management Act*; this morning we were given an opportunity for a briefing — a one-hour briefing on a piece of legislation that has 12 sections and 139 provisions spread over 105 pages. Mr. Speaker, we're charged with the responsibility of informed debate and what we saw this morning was an absolute disregard for that.

The minister tasked officials with trying to do a speed brief on a very complex piece of legislation. This is the same government that has worked to reduce public access to information that would help Yukoners understand the intention behind this new legislation. I've said this before and I'll say it again: the Yukon NDP believes that more and not less government transparency is the best way to ensure new legislation, and the regulations that make them a reality, respond to the needs and values of Yukoners.

Accountability doesn't mean that you just consult with various stakeholders. It's about being transparent about how the government takes that public input into account when it instructs public servants to develop legislation. So I was further interested by the minister's comments with respect to the fact that, in their stakeholders' consultation, they had received commentary back from the Information and Privacy Commissioner, who I understand had made a number of recommendations and that the government has indicated that they'll come back to these in detail. We will want to come back to them for sure in detail. I'm hoping that the minister will be open to that — to hear what exactly the Information and Privacy Commissioner did propose in those stakeholder consultations — because that's an important aspect to ascertain how the decision was made to accept some, as the minister said, or to determine that certain were inadvisable at this time.

We would be most interested to see and would hope that the minister would provide a copy of the Information and Privacy Commissioner's recommendations with respect to this legislation because I do note that, as the minister said, this is a piece of legislation that is one that enables health information to be managed through an electronic network and details the roles of the Information and Privacy Commissioner and the courts in relation to health information privacy. That comes from the explanatory note, but I also note that only last week — I think it was on Friday — the Yukon's Information and Privacy Commissioner was quoted in the media as saying that she will review this act — not the draft from last spring, but the legislation as tabled in this Legislative Assembly — to determine whether it contains adequate measures to protect the privacy of personal health information. We share with the minister his stated objectives to ensure that those provisions are adequate and we will want to ensure that the information

that the Information and Privacy Commissioner provided is public and that we can fully debate that.

As I said, this is a rather massive piece of legislation. When the minister says that this has been 10 years, yes, it has been almost 10 years since the federal, provincial and territorial governments agreed to begin a system with respect to e-health and the whole information and privacy systems that flow from that.

It is important to have this legislation in place but it is also very important, in the context of a legislative framework and a policy framework of this government, to shut down access to information to ensure that we have informed debate in this Legislature on this legislation. We will be asking for adequate time to ensure that the four years of work since the stakeholders reference group began its work — that the 105 pages of legislation is fully understood by all members of this Legislative Assembly before we can give assent. We do support the bill because we know that it is important.

I had briefings this morning on three different pieces of health legislation. On two I was told that there would be no consultation on regulations. I am very pleased to have the minister put on record, not once but twice this afternoon, that there will be full consultation. I've asked him to clarify whether it would be public or stakeholder, but we will be looking for the outcomes of those consultations in any regard. There will be consultation with respect to the regulations that are going to be necessary before this legislation comes into force and effect.

The minister made some comment with respect to the notion that the legislation would be up for review within four years of coming into effect, so we're looking at a timeline planning forward of two years to get the regulations in place — so six years from now. Six years — this is way, way past what most people would think would be reasonable to have a legislative framework in place. I'm hopeful that the regulations can be done in an abbreviated time frame but we also know that if there's going to be accurate and adequate consultation, then it may take some time.

We're open to that. We want to make sure that how those regulations are developed and the results of the development of those regulations are open, transparent and clear. This is a complex piece of legislation and what we don't need is to have ambiguity creeping into the regulations.

My comments are perforce very brief this afternoon because this legislation is very long, and we are going to need a considerable amount of time to make sure that we get through it with adequate attention to the importance of the bill itself, to ensure that all the intentions of the legislation are actually covered off and, most importantly, that we have adequate time to review the input of the Information and Privacy Commissioner.

Mr. Silver: I do appreciate the opportunity to review this bill, Bill No. 61. I hope that the right balance can be struck between protecting the privacy and providing beneficial access to health information. If managed properly, this could allow Yukon to reduce health care costs. Canada-wide we

have seen many serious issues with the implementation of e-health initiatives. There has been considerable overspending in several jurisdictions. Giving the debate heard in this House about misspending by the Yukon Party government, I would urge the government to complete a full cost of the implementation of this bill.

I'm not going to speak very much today about this, Mr. Speaker, but I think we have gleaned more from the minister's opening statements today and the one-hour briefing from officials than we have at any other time. The amount of information in this bill is astounding. Why this government waits until the last day that we introduce this bill into the Legislature to be the day that we receive our briefing on this bill and from the department is beyond me.

The scrutiny provided by opposition parties in the democratic governments is an extremely important undertaking. With regard to this very complicated piece of pending legislation, the Yukon Party has made it clear that this part of the democratic process is of little concern. Already I have questions from the briefing on balancing privacy and health practitioner access and on how we will allow Yukon to participate in national health initiatives. How does the bill leave placeholders for accommodating technological change? Why was implementation not costed? We assumed that this process will likely require several full-time equivalents to manage these undertakings. The list goes on and this is, like I say, just from the information that we have received today and from reading the bill itself. I will take on this new information that we received just now and continue to work on questions for general debate.

Ms. Stick: I'll also keep my comments brief on Bill No. 61, *Health Information Privacy and Management Act*.

I believe this is going to be a very important piece of legislation, but we will have many questions. I've been through it and there are parts of it that are, frankly, unclear to me. I will be having questions when we get into general debate on this.

The minister was right that it has been a long journey. It has been many years to get to this point and this will in turn require careful consideration of what is before us.

I would like to echo my colleague's comments on this side. We only received a briefing on this 105-page document this morning. There is so much information in here. Not to repeat what the others have said, but just in looking at amendments to other acts — this includes the *Access to Information and Protection of Privacy Act*, the *Child and Family Services Act*, the *Evidence Act*, *Health Act*, *Statistics Act*, the *Vital Statistics Act*, *Young Persons Offences Act* — this has brought implications for other pieces of legislation that we will also need to look at and see what the impacts of this are on those pieces.

One of my big concerns when looking at this will be the appeal process. I am pleased to hear that the Information and Privacy Commissioner has had a chance to be part of the consultation on this, but again I also saw in the paper on Friday where she will be reviewing this act. It seems to me it

would have been prudent to have the Information and Privacy Commissioner review this act prior to it being tabled so, if there are things that need changing, it could have been done before then.

In the appeal process — and this is an important one for all Yukoners — there must be a means to ask for clarification, to try to fix what they perceive as a mistake or an error. That alone — the appeal process in this — is 12 pages long. That's a lot of information.

As my colleague beside me said, this is important. We need to get this right as it affects health care providers — it affects every Yukoner. I look forward to getting into general debate on this and asking the many, many questions I have on it.

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

Hon. Mr. Graham: As I said, the purpose of the act is to balance protection of privacy of our personal health information but also support our health care providers and the department, as well as other administrative arms, to have the necessary and appropriate access to our personal health care information, to be able to provide us with the best health care possible.

It's interesting, Mr. Speaker, when I listen to members opposite saying that they only received the briefing this morning. The second reading of this bill was discussed at House Leaders meeting this morning. As far as I'm aware, there were no objections and I know — had there been objections to —

Some Hon. Member: (inaudible)

Speaker: Order please.

Hon. Mr. Graham: The members opposite — I won't say that "w" word — they complain now, but had they mentioned to our House Leader that this was not appropriate, I would have been happy to postpone it for a day or two.

I also hear the opposition talk about clarity, transparency, working together, cooperation — all those wonderful words — but to them it's a one-way street. We only have to look back to the beginning of this legislative session, when the opposition critic for Health and Social Services brought up a topic about a death in Watson Lake and has persistently asked questions each day with no noticeable objective.

If the member opposite wanted to reach some kind of accommodation for the family of this very unfortunate victim, you would have thought that she would have practised clarity, transparency, working together or cooperation — all words that I've heard from them across the floor — and come up and at least talked to me and said, "Look, this is the problem. Is there some way we can sit down with officials and with the Yukon Hospital Corporation, et cetera, et cetera, to arrange some kind of briefing for these individuals or to work out something?" But not a word was said, so any idea about cooperation, working together, is only on that side. We're supposed to undertake the cooperation, but nothing has to be done by members opposite.

It's an interesting notion and it's unfortunate that it has worked out the way it has because I find now that I don't even place a great deal of credibility in any of the statements made by members opposite in their preludes to questions. You spend so much of your Question Period correcting fallacies and misinformation that it's really too bad that it has reached this stage.

Anyway, the act does establish a new privacy regime. It includes provisions —

Some Hon. Member: (Inaudible)

Point of Order

Speaker: The Member for Riverdale South, on a point of order.

Ms. Stick: The minister very clearly stated — I'm going to go to Standing Order 19(h) — accusing us of fallacies, misinformation — it is in the document that we received on unparliamentary language and I would point that out.

Speaker's ruling

Speaker: Once again, there is no point of order. The facts are presented by each member in their own interpretation of the information they have. If one member presents it in whole or in part and another member disagrees, that's a dispute between members on the facts.

Hon. Mr. Graham: Thank you, Mr. Speaker. As I was saying, this act does establish a new privacy regime and includes provisions that address new technologies and the rapid changes that are taking place in the health information management sector.

Yukon is just beginning to plan for electronic health information systems and this legislation contemplates ways to support the establishment of such systems.

That's about all I have to say on second reading. I look forward to debate in Committee and look forward to the eventual passing of this legislation.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Graham: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Mr. Elias: Agree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Clerk: Mr. Speaker, the results are 18 yeas, nil nays.

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

Motion for second reading of Bill No. 61 agreed to

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

The matter before the Committee is Vote 52, Department of Community Services, in Bill No. 11, *Second Appropriation Act, 2013-14*. Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 11: *Second Appropriation Act, 2013-14* — continued

Chair: I previously said that we were going to be discussing Vote 52. In fact, the matter before the Committee is Vote 51, Department of Community Services, in Bill No. 11, *Second Appropriation Act, 2013-14*.

Mr. Cathers has the floor with just shy of 13 minutes remaining.

Department of Community Services — continued

Hon. Mr. Cathers: At this point, I'm not going to use my remaining 13 minutes; I believe I responded to questions when I was last up in debate I heard from the Member for Mount Lorne-Southern Lakes. I think I have largely responded to those so I look forward to further questions in general debate.

Mr. Barr: I'd like to welcome back the official from the department. Yes, I have some more questions. I believe

my colleague has a couple, so I think we'll just keep moving along.

I was wondering with regard to the critical infrastructure resiliency emergency planning — in 2010 the Yukon received funding through the federal joint emergency preparedness program — JEPP — and a coordinator was hired to develop a critical infrastructure resiliency network for Yukon. This included analysis, partnership and relationship building with private and public critical infrastructure providers who supply energy, telecommunications, financial services, food, transportation, health, water, et cetera.

Can the minister provide us with an update on the development of this network for Yukon now that we're in the third year of this program? I also understand that the funding is over for this — it has been cut.

Hon. Mr. Cathers: With regard to the specific details of the question the member asked, I'll have to get back to him — if the member will pardon me for that. As the member knows, I assumed this portfolio in August and there are still some areas where I need some additional information before I can quote off the top of my head. I am aware of the specific initiative the member is referring to, but I don't have the response to be able to provide it in detail to him. What I can say, generally, is that with regard to emergency preparedness, the Protective Services division in Community Services includes the Emergency Measures Organization, along with Emergency Medical Services, the Fire Marshal's Office, Wildland Fire Management, building safety and standards and the animal protection officer.

The Emergency Measures Organization manages the Yukon government emergency coordination plan, which is what's commonly referred to as a living document, that sets out coordinated actions and responsibilities of Yukon government departments and agencies in preparing for and responding to disasters or emergency events throughout the territory. While Yukoners are well-served by these measures, the private sector is able to provide essential goods and services in times of need. It should also be remembered that personal emergency preparedness is a very important responsibility of each of us. As situations like the floods in Alberta that occurred this year, or the much more tragic devastation that we see in the Philippines as the result of a typhoon, natural disasters are a reality that can occur, and when they do, it is beyond the ability of any government or any agency to prevent damaging effects.

Even the best-resourced governments in the world face challenges in responding to that type of event. An example of that would be the United States government with its very large resources in the case of the situation in New Orleans and the surrounding area in the wake of Hurricane Katrina. Although there were issues with the effectiveness and the rollout of their emergency plan and the response to it, it's another stark reminder that when those severe events come, it's important for people to be able to follow the standard that is recommended of having a minimum of 72 hours' worth of supplies and the ability to subsist before emergency agencies can respond.

It should be noted that is a minimum — I know for many in rural Yukon, especially those without road access — they are probably doing quite well in terms of their emergency supplies. I know that personally, having grown up on the non-road side of Lake Laberge, it is commonplace that you'd always have months' worth of supplies on hand. I know for people in remote areas, and some rural areas, that having a well-stocked cupboard is more common than it is for people who live within Whitehorse, perhaps, who have very easy and convenient access to the stores.

It's just again a good reminder of the fact that when we look at these tragedies from other jurisdictions, although we have been fortunate enough not to experience them, we should never assume that we are immune. We should always personally keep emergency stores on hand, have a family emergency plan, know your house, cold and work-site risks and be prepared to be self-sufficient for a minimum of 72 hours.

Effective emergency preparedness starts with people and families and goes up to a community/municipality level and Yukon government for overall support. When Yukon resources and capacities are exceeded, Yukon can also call for assistance from federal, pan-Canadian — i.e. provinces and territories — and international and U.S. states partners through mutual assistance agreements in effect. Probably the most common case of that occurring, although it's not strictly in an emergency declaration-type event, is through Wildland Fire Management in the case of — if we have a high forest fire season, we typically activate our mutual aid agreements and ask for assistance first from provinces and territories and then from states.

Recently we've had our own staff go down to — I believe it was Idaho, where they assisted with efforts down there in providing comparable assistance with recent events such as the floods and washouts that occurred in 2012 and floods this year, as well as the potential wildland/urban interface fires that occurred. Situations where the fire is closer to Yukon communities than is by any means comfortable this year with the fires in Carmacks area have demonstrated that our agencies are relatively well-prepared and ready to respond to emergency events, but they also highlight the need for continued vigilance in these areas and again are a good reminder for the importance of people themselves thinking about what would happen in these events and thinking about how well they are prepared in the event that they did not have the same access to stores and other services that they're typically used to having. That was not specifically related to the detail of the question the member had asked, but I hope that has been useful for him in explaining some related relevant information.

Mr. Barr: That was a little helpful. I do look forward to a more detailed report from the minister regarding the critical infrastructure resiliency network for the Yukon in particular.

While we're speaking about disasters and noting what we're dealing with around the world — particularity what we all put forward in motions today regarding the Philippines —

it just hits home that we aren't immune, these things happen when they happen and we have no control over Mother Nature.

When I was at the AGM for the volunteer fire department just this month in Mount Lorne, it came up there that there isn't a plan in place for the community where they should gather. We know that there is the 72-hour individual plan for all of us to be aware of. I am aware, for example, that Marsh Lake people are aware of their plan. They all go to the community centre and start there. Also I know that in Tagish there is a generator there and the plan is for the community to gather there.

Can the minister tell me what he may be doing to assist those communities that have yet to come up with that overall general plan? How many communities do have a plan in place, and which communities may not have this plan — a common place to get to in order to support each other in a time of crisis?

Hon. Mr. Cathers: I appreciate the question from the member. I'll look into the detail on that specifically for the member as far as which communities do have plans.

One thing I would like to note — there is the primary responsibility as well for communities and municipalities to do work on developing their own specific plans. My understanding is that the government has supported them in those efforts and we're certainly prepared to work with them on figuring out appropriate planning exercises for communities. But without detracting from the importance of planning — because it is important — it's also important to keep in mind that flexibility and just a general sense of preparedness is also something that must be kept in mind, because the plan that applies to a wildfire event, for example, close to a community and that is approaching from a certain side and where the community would evacuate to would be very different if it were coming from the other direction.

This is for illustrative purposes. I won't pick on any community specifically with this, but if one community had a fire that was approaching them from the north side and was closing off the highway access and there was a prevailing north wind, where they would go and the appropriate steps for community evacuation and rallying — that situation would be very different from what would happen if the fire were approaching from the other side and closing off the other access point, or if it were a flood event.

Other situations like the September 11, 2001 situation was a good reminder — and fortunately, in the Yukon, we had an incident and concern, but no loss of life as occurred in New York and on flight 93 — I believe that was the number — the one that crashed into the field in the United States.

Certainly, although we were a part of the drama that unfolded that day with the two 747s being diverted here from U.S. air space, we had the very fortunate — especially for that day, comparatively — situation of realizing that, headed in a more serious situation, the response that occurred was not as smooth as it should have been in that type of event. In fairness to all who were involved in that — which was prior to my time and I don't know all the details of the planning exercises

that took place leading up to 2001 — but it is hard for anyone to anticipate every possible emergency.

While there are various scenarios, Operation Nanook was a good example of the attempt to get the many players that must be involved thinking of things and understanding what their roles might be in the situation of an emergency event. It is hard to completely anticipate those. Again, I emphasize that I am not taking away from the value of community planning because I think those exercises themselves, even if an emergency occurs that is completely outside the range of that planning exercise — there is a lot of evidence from many jurisdictions that the very exercise of responsible governments, agencies, communities, departments and so on — and that thinking about what they might have to do in an emergency event has value even if the emergency that occurs is different than the one that they anticipated.

An example I would give of this is the work that occurred in Yukon and most, if not all, jurisdictions in preparation for a potential flu pandemic.

There was great concern, and although that has not had as much focus in recent years nationally, the public health staff epidemiologist would still indicate, I'm sure — as they were indicating then to health ministers, including me at the time — that influenza pandemics do occur throughout human history. They will occur again. Especially if the spread of a virus is quick, how it is responded to can be important in terms of reducing the number of significant adverse outcomes such as fatalities as a result of people contracting a strain severely or being aged or infirm in some way.

So, I believe it was 2007 that the then federal Health minister, Minister Clement, put in place, on the national agenda pandemic preparedness as a topic that he asked other health ministers to participate in. Minister Clement was coming to that from the perspective of having been the Health minister in Ontario when they had the SARS epidemic and he was trying to share his experience as a then provincial Health minister, turned federal Health minister, with colleagues about the importance of jurisdictions thinking about how to respond to that and learning from the Ontario experience that, in fact, although the SARS crisis was problematic, there was also a significant portion of additional compounding problems that occurred from the way the response occurred by the provincial government, by the City of Toronto, by various municipal players and others. In retrospect, they felt that there was a way to do it better and to share that experience with others and simply having that forethought go into it improves a multi-government, multi-agency response to a situation that is causing a great deal of challenge. How to respond is, of course, compounded by the fact that everyone is emotionally connected to the issue.

The work that we did there, including the workshop that was held in Toronto in 2007, hosted by Minister Clement and by David Butler Jones of the Public Health Agency of Canada was certainly one that I know I found valuable, and I think it's fair to say that others did as well, in terms of ministers and deputy ministers becoming somewhat aware and prepared for

what their role would be and what steps would need to be taken in the event of such an emergency.

Again, the reason I'm providing that specific example for the member is the fact that there was a significant amount of time spent within Yukon government in discussing and considering how to respond to a potential influenza pandemic, in part because things such as people showing up at work in the early stages of an influenza outbreak — and that is a severe one — can be something that significantly increases the number of people who might get affected by it.

Issues can occur through what they refer to as “presenteeism” — which is people showing up when they really ought not to — or other practices like the failure to wash hands, which continues to be one of the measures that public health staff will advise as one of the most effective ways of preventing disease. Many people follow poor hand-washing practices or do things like sneezing into the open air rather than into an elbow and so on and so forth.

Work has been done within government by departments, including Community Services and Health and Social Services and the Public Service Commission — and in fact every government department puts some work into preparing for that. That's a good example, in my opinion, of where preparing for an emergency, even if one doesn't occur or doesn't occur until years down the road, does have some benefit in terms of preparing everyone to being used to thinking about how to respond to those situations.

Likewise, the 2007 flood event in Marsh Lake was an example where government faced a situation that had not really been dealt with before in the Yukon. It was a bit of a new question from a policy perspective for government where the water was to a level beyond what it had ever historically been. Yes, houses were in close proximity to the lake, but the flood was anticipated to, and did exceed, the historic high-water mark for Marsh Lake. The question for government became whether to say, “well, there's personal responsibility and we don't have a role” or take the approach that we did take in determining that the time to tell people what they should have done to prepare for a flood is when the water isn't lapping at their doorstep.

When the water is lapping at their doorstep, there's a time to do as we did and do things like pulling Wildland Fire Management staff who were not busy with fires — because it was a fairly moist year — to sandbag and do other things to help mitigate the possible damage to people's houses from high water, wind and wave action. Government employees were provided with the opportunity to take a day off with pay to fill sandbags and to help out with the efforts there.

So through a variety of new steps that were taken and have now been used or the similar principles used in cases like Liard, Rock Creek and so on, we came up with common-sense ways to help people in situations they hadn't anticipated and to ensure that we were doing what we could to help people in situations they did not anticipate and, after the water receded, provide more helpful advice to them on what they should do to mitigate risks to property.

Another element related to that was through discussions at the request of the Marsh Lake local advisory council, where there had been concern from some of the residents in the area about the requirement to pay an annual fee for some of their shoreline improvements and mitigations that were aimed at avoiding erosion and mitigating the possibility of water damage in the case of high water.

I am pleased that through the good work of staff of Energy, Mines and Resources, and the Land Management branch in particular, we were able to advise the Marsh Lake Local Advisory Council and individual homeowners that permits for those purposes within the Marsh Lake area would be available without charge and could be 10-year permits — pardon me, it is a permit, but technically I should refer to it by its technical name, Licence of Occupation, which allows them to have structures and earthworks, rocks et cetera, within what is normally the waterfront reserve.

By taking that action, that's another step that we've taken to encourage people to take that personal responsibility, spend the money that is necessary to make their home safer and make it safer potentially for the next owner of their home, if they choose to sell at some point in time — in this case, by reducing the paperwork burden, changing it from a five-year licence to a 10-year licence and also waiving the fee, but only for those cases where it's related to flood mitigation and prevention.

I would like to acknowledge and thank the Marsh Lake Local Advisory Council for their work in bringing that issue to our attention. We're pleased to have been able to take that response to help support peoples' ability to further improve the protection of their home.

Madam Chair, I'm just looking to see if I have anything else relevant to the Member's question.

I think that addresses the general areas he's asking about, although recognizing that, I'd like to get additional details that he requested and I will provide those to him once we have them.

Mr. Barr: In just listening to the member opposite, the people of Marsh Lake are happy with the new fee structure regarding their frontages and so on and so forth. It was stated at the meeting in Tagish this week, that the 10-year plan and the fee structure is something they're quite relieved about — not a yearly one as some are quite frustrated with it.

I guess staying with some of the emergency stuff, I'll ask, who would be the supports that the minister speaks of — can the people contact — for the common gathering place or plans?

Regarding 911, which has to do with emergencies also, I don't see anything in this year's budget or this supplementary regarding 911 services. Where are we at with this? I was also hearing about the possibility of the minister's department talking with the RCMP about their assistance in doing a territory-wide dispatch. Can the minister comment on that, if that is so?

Hon. Mr. Cathers: First of all, in regard to the member's first question, I'd just like to clarify that at this point in time the permits for flood mitigation were specifically

related to Marsh Lake property owners, as that was the request made by the LAC. I did indicate when I met with the local advisory council that while that was specific to that situation, if there were other property owners who were affected by that, we would certainly be receptive to considering it. It's not something where we did a lot of dramatic policy changes or intricacies of which areas would be affected or not, but the message that we would send on that is that the government is receptive in other areas if it's brought to our attention that there are other licences of occupation related specifically to flood mitigation, we would apply the same principle as applied in that Marsh Lake situation.

Just for the sake of clarity, it hasn't addressed Tagish properties or others at this point in time, but as I indicated to the members of the Marsh Lake LAC who met with me on this issue this year, if there are properties that come forward to lands branch, the same principle would be applied — that it would be considered and if staff believe that indeed it merits that, they would consider that. Part of the reason we're leaving it to staff discretion on that though is because there are a number of other waterfront improvements, like docks or potential walls or barriers, that someone could envision as being seen in their view genuinely to be related to erosion prevention.

We don't want to have it start to stray into unintended areas, but simply give staff the ability to say yes, clearly this work that you have done or are doing is related to flood prevention or shoreline erosion mitigation. Therefore, it's eligible to have the fee waived and to have a 10-year term put in place because those structures are not ones that need an annual inspection and they're not ones that are likely to change within a five-year period. However, staff felt that a 10-year period would give a reasonable amount of time to recognize that change might occur in a decade and does need to have someone passing their eyes over it, probably at the renewal of that Licence of Occupation.

With regard to 911 particularly, that is an issue that has differing perspectives on it. It is interesting, as the member probably knows, that it is an issue where the Association of Yukon Fire Chiefs is very much in support of seeing all communities go to 911. We have heard concerns from municipalities and the Association of Yukon Communities about the feasibility of it and its impact on dispatch. So we are working on that. I have had the opportunity to meet with both the head of the Association of Yukon Fire Chiefs, Chief Regimbal from Dawson City, to hear his perspective.

I've met with the Association of Yukon Communities on that issue; the inter-agency 911 management committee has been reconvened this year to explore the feasibility of expanding this service to the communities. The committee struck a working group made up of representatives from first responders, the Association of Yukon Fire Chiefs and the Association of Yukon Communities to investigate the technical aspects, costs and workable solutions to support 911 service expansion.

What I would say to the Member for Mount Lorne-Southern Lakes, as I've said to the Association of Yukon Fire

Chiefs and to the Association of Yukon Communities and to individual municipalities when I met with mayors and councils this fall, is that we're interested in the possibility of expanding 911 services. We need to look at the technical and financial feasibility.

A very key question for us is what other governments and agencies that are affected by it think. Municipalities — Carmacks, being one — I don't think they've made any secret of that — have raised this as an issue that they are concerned about, which is whether moving to 911 would improve or in fact reduce the service capacity. We want to understand their concerns and, certainly, if they are not comfortable with it, we don't want to be advancing with a 911 service territory-wide if municipalities and agencies that are affected by it think that it's actually going to reduce service or capacity and increase response times. Having that comfort from Association of Yukon Communities, Association of Yukon Fire Chiefs and individual municipalities as well as the RCMP and EMS is a very key part of this.

Work is underway, including that I have had staff ask Northwestel whether, while we are doing this work, it is technically feasible for them to put in place a recording in Yukon communities. This is probably just an interim step, but depending on what we hear from municipalities and what work occurs on the rest of the technical financial feasibility — that as an interim, low-cost step, whether it's possible to have a situation where when someone dials 911 in a community that is not connected to a 911 dispatch and if that could go immediately to a recording that would tell them the proper numbers.

We have heard back a partial response from Northwestel on communities. It relates to technical things that I was not previously aware of before, such as whether communities are served by their own switch or whether there are satellites off of the Whitehorse switch. We are looking forward to hopefully receiving a response on the second portion of the answer to that question. Again, we have asked them to make it a priority.

What I have said to staff is we do need to work with Northwestel and need the information from them on whether it can be done, and if so, what it costs. As a short-term step, that makes sense to me and from feedback I have had from mayors and fire chiefs who I have spoken to, all have responded positively to that suggestion as being something that again, I would emphasize, is not intended to be where that work stops, but one that is a much simpler question to address than the work that does need to occur on understanding what it means for dispatch around involving other people and centralizing out of one dispatch office.

Some of the technical concerns that have come up relate to the capacity of the system as well — how many lines are available in what area for what. Although no one has said at this point that it can't be done, an example to the member of why there could be technical issues around doing it is that those are some of the examples that have been raised to us by Northwestel's issues that need to be fully understood before it's possible to say that, yes, let's flip the switch and call

forward 911 out of all communities into one centralized dispatch.

We will provide more information to the members as with all the partners in this once we have more information. It is something that staff are working on actively right now, and we look forward to advancing toward the conclusion of whether it makes sense to expand this to Yukon communities or to some communities. As I mentioned, Carmacks is one example, but others have expressed concern and are actually leaning toward thinking that at this point in time it would not be a net enhancement to the service, just to give an example of the diversity of opinions and concerns on this. I think it's a good time to look at it and consider whether moving toward a 911 dispatch, or even to having some sort of system, if that turns out not to be feasible.

One option that has come up in discussions with some of the various partners is the possibility of having a non-preferred routing, for lack of a better term, where people would still be encouraged in Carmacks, Dawson City, Watson Lake, et cetera, to call the numbers directly — whatever the prefix is — in the 555 or the 222 or whatever the suffix is on that. But in the event that somebody was not aware of the local number and dialled 911, it might route them to a centre where they would still be directed and rerouted to an operator. All those options are being looked at by staff who have the technical expertise. I do not personally have the technical expertise related to 911 expansion, but it is one that we're very interested in getting conclusion on soon — whether it makes sense to expand that service into all of the Yukon or parts of the Yukon, in large part due to what we hear from the various partners about their confidence in the technical and financial feasibility of making that potential change.

As far as the member's question about the possibility of changes to the structure involving a relationship with the RCMP, there are discussions occurring related to that, although not all the people are at the same table with all of it. But one does affect the others because anything we do around dispatch, if there is going to be any changes to the dispatch model or the number of communities or areas served by it, we certainly need to understand and think through what that means.

I hope that has answered the member's question.

Mr. Barr: I thank the minister for his responses. One of the things I had asked about was the supports available for their individual community preparedness, such as gathering places. Who would they contact?

Keeping in line with 911, many folks stopped me on the street when this was more prominently in the news or ongoing, as civic addressing and 911 have a definite correlation with each other. I know that many of the communities are at different stages with civic addressing — Tagish, for example. One of the members from the department just last week said that there are signs that will be made available for Tagish. I know there are street signs coming up in Mount Lorne — 10 to be exact — with the names of those streets. That's moving along.

Because there are dollars attached to all of this, can the minister let me know what the cost of the actual civic address signs will be, and if they'll be standard throughout the Yukon? Who will be putting them up — does he know this kind of information? I'll just keep it to that at this point.

Hon. Mr. Cathers: I thank the member for the question. The Yukon government supports a standardized approach to ensuring rural Yukon has proper street signage and house numbering. There are a few things related to this. For a start, it was relatively recently — I can't remember what year it was but I know it was an issue that had come up. I had constituents raise it with me and I worked with the then Minister of Highways and Public Works at the time in getting street signage for secondary roads. Those little green signs that members will see on stop signs throughout the territory, they will probably recall that most of them weren't actually there on secondary roads 10 years ago.

I can't recall exactly what year it was that work started occurring but it has certainly improved people's ability to have people find their houses in the area around Whitehorse particularly. Work is underway to support the Tagish LAC as an active project related to community street signage. There is some other work that also involves working with other government departments around coming up with a standardized approach to assigning numbers, because one of the issues that occurs to a greater degree in some communities than others is, depending on how areas were developed — notable examples would be, for a lot of my riding, it was developed through spot land application, either rural or agricultural — the lot numbers are not sequential.

Depending on the fire department, this is also one that is of greater or lesser concern for individual departments and based on probably largely their knowledge of the area, the amount of time there and the complexity of the neighbourhood. But there has been good work done in advance of that by a lot of our fire departments and rural EMS in mapping out areas where they need to respond.

The Faro example — when the Member for Pelly-Nisutlin and I were there, it was notable. In addition to the town, which has its streets very well and clearly mapped out and is within a relatively short response area, the local crew have a map where they have personally identified people who reside on the Robert Campbell Highway outside of their boundary but still within the area they would be responding to, to ensure they understand who lives there, where they are and that they have an understanding of what they need to do to get there to respond to them. So through good work of volunteer groups, a lot of the issues around problems that could be created on it have been addressed through volunteers' efforts to understand the neighbourhood.

I know in the case of the volunteer departments in my area, both Hootalinqua and Ibex have maps of the areas. Through the work of volunteers, they've in both cases made an effort to make sure they understand the neighbourhood well and in both cases have also benefited from the fact of having long-serving fire chiefs who have themselves demonstrated leadership and a personal dedication to

understanding what they have to deal with within the area in which they would be called to respond.

As far as civic addressing, these initial steps are ones that we look forward to adding and getting to the point where there is a standardized consistent civic-addressing approach within rural Yukon. One of the things also under consideration is that we want a standardized approach, but we also want to be sensitive to what we're hearing from the local advisory council and understanding that there are different views and different needs in those areas.

What I would again also note with that is that the program that is currently in place is a community-driven house number and street signage project for unincorporated communities with each LAC identifying what needs to be done in their respective community. Some are closer to that civic addressing than others. Some see it as more a priority than others do and we're trying to ensure that it is a standardized approach that becomes the building blocks for a common system to be used by all emergency responders. I'm not actually sure whether putting up the street signs is being done by the LAC or by department, or who exactly is managing the installation of those signs.

But I know that government is taking steps for the street signs to be installed. However, there have been signs made available for people's houses and those will be ones that are personal responsibility to put up and install — signage for house numbering for your particular location.

My understanding is that one of the things is that there may be some concerns around people who might not at this point be sure that they want house numbers up as well, and, as in the case with municipalities as well, every house has a number, but whether you have a number displayed on your house is a personal choice. Typically the government does not require you to post numbers up, to the best of my knowledge, but certainly the approach that we are taking in rural Yukon is that if people want numbers on their houses, we're happy to help them understand the system and, in some cases, such as in Tagish, even provide them with access to appropriate signage. But they are going to have to decide whether they want to put it up themselves or prefer not to have their house numbered.

Mr. Barr: The minister is correct that it is voluntary for the signs. I know in Tagish it was stressed at this last LAC meeting last Wednesday, I believe, when that was being discussed, and that's why I brought this up today.

There was concern. As it seemed to be explained that evening last week, it seemed that the signs were ready to go from the response we were getting. There was a question as to the standardization of them. From the minister's response, I'm not sure if it is the case then — because of the standardization of the signs, if that's actually in place — for Tagish, which is ready to go ahead with that, to be able to obtain these shortly. That was why I was wondering about the cost of the signs and what it would look like. I know there have been many people throughout who have been waiting for the civic addressing to happen. I know some are getting on board now, and some are further ahead than others.

I'd just like some more clarity around the cost of them and if there even could be a picture of what they're going to look like, seeing like they are already designed. If they're not, then I'd like that clarity.

For the street signs, there was in Mount Lorne a concern with the LAC, the hamlet council, that because the frost is now entering the ground, they would hope that they wouldn't have to take on that task themselves — whether it would be Highways and Public Works that would actually drive them into the ground at this time of the year. They were hoping that that would be what was going to happen in that regard.

Hon. Mr. Cathers: As far as the suggestion from the member, I hadn't heard that request directly from the local advisory council. Whenever they have a request like that, they can feel free to either contact me or staff of our Community Affairs branch. That's something we can look into. I don't know whether that is something that could occur or not. I'm not going to make commitments for the Department of Highways and Public Works, since the minister seems to be paying attention right now. I don't think he'd let me get away with that.

In all seriousness, I do appreciate the importance of this. The department has been, to this date, largely resourcing LAC-led initiatives on this and providing support. Please pardon me if I am in any way incorrect on any of the specific details here — this is something that I inherited from my predecessor, who had been working on this with LACs through work that was intended to support and resource the efforts of those LACs to address what they saw as the needs of their communities for specific addressing, while doing so in a way that was intended to enable it to be something that could be built on for a broader system.

My understanding is that we were paying for the street signs. The details of who was putting them up are what I'm not 100-percent clear on. Based on what the member is indicating to me, I'm guessing that it was probably a case where they would be responsible directly for putting it up, but I will have to check on that detail as well as whether there are options if there's a challenge with driving it into the ground at this point in the calendar year.

We'll look into that and if the member would in his next response just clarify for the record the LAC that had raised that issue as a concern, so that we could follow up with them on that — I believe it was the Tagish LAC but I was getting some additional information from the official assisting me and I just wanted to be sure that I heard that correctly as he was also talking about Mount Lorne within the same range of information.

Madam Chair, the issue there with personal house numbers again is one where those were something that the responsibility for installation is a personal responsibility. I don't think there were signs that had been designed or purchased for that. I think it was house numbers but I could stand to be corrected on that one as well, because this is not a file that I have all the specific and detailed information on and one that — beyond some exchange of correspondence with LACs involved, I haven't had the opportunity to discuss with

members of the Tagish LAC the specific project that they're referring to here.

For clarity, with the specific civic address and project, I know work is underway and we have resourced them, but the specific details of what it means as far as who puts up signs and what the signs look like are ones that I would have to get back to the member with because I have not seen the signage model. I'm assuming it's consistent with signage that we've used for secondary roads, but I have not personally seen the signs.

Mr. Barr: I look forward to the minister getting back to me on that and just for the clarification's sake, it's the street signs for Mount Lorne with the assistance of installing them and then, with regard to Tagish, it's the street signs, the standardized visual of it or so on and so forth — what that's going to look like. They do understand they'd be putting them up themselves there. I know there are others who are getting on board and other communities too. Marsh Lake is well on its way. Carcross is more in the beginning stages, but they are moving along in that regard. I know people in Mount Lorne LAC are looking forward to meeting with the minister, I believe it's this Friday or possibly next Friday, so there may be questions there that can be followed up with them directly also. These have been ongoing issues that they've been looking for answers to — the LACs and rural communities.

I have a question here regarding the EMS volunteers. It has come to my attention — I know we spoke a little bit about this early last week before we left. Income tax that is deducted for the EMS volunteers comes in at one large lump sum at the year-end and there is interest by EMS volunteers to have the income tax deducted at the source on an ongoing basis. Would the minister entertain this or fill us in on this practice?

Hon. Mr. Cathers: I understand there are technical issues around that related to the ability to deduct at source and that staff had indicated they appreciated the request but that it was not one that was technically feasible. I don't have the detail of that or the reason behind that at my fingertips. I think it related to the federal rules around this and how income tax is handled. So my understanding is that it was not actually possible to accommodate that request. We have had some discussion about whether there's a possibility to find a clearer way of stating it on their payment information. So while they would still have a tax payment due at the end of the year, it hopefully would not come as a surprise. There would be an understanding of what was there and the realization that while they were receiving interest on the money during that time period — not that you get the greatest interest now at our current rates in savings accounts — there would be a requirement to pay that at the end of the year.

Again I am going to have to get back to the member with specific detail on that, but I believe it relates to CRA rules around how it has to be done. If the member will bear with me a moment, I am just going to double-check to make sure that I don't have that there.

I would like to thank my colleague, the former Minister of Community Services, for providing me with the

information on that so that I can answer the member's question.

In fact, it relates to a CRA ruling that was then accepted and in fact it would have been retroactive. Government did step in at that point when that federal agency's ruling came down and covered what would have been back taxes owed by volunteers for two years, because that would be something — I give credit to my predecessor and staff for their work on this in recognizing that hitting somebody with a two-year bill and having to pay taxes on honoraria that previously we had not thought were subject to taxes, but as a result of that ruling it said that in fact they were, and the way that that had to be dealt with. We provided that two years' worth of assistance so that our volunteers were not hit with an unexpected bill. Again, because of that and because of the nature of the structure of the honoraria payment money, my understanding is that staff have exhausted any options for being able to deduct at source. It simply isn't possible because of the CRA ruling and the way that has to be done.

The member may have had dealings, either personally or in a volunteer capacity in dealing with federal agencies like the CRA. My experience so far in dealing with federal agencies like that is that, unfortunately, you don't always agree with the ruling, but there's a point where there isn't much that territorial or provincial governments can do, other than disagree with how the federal agency says you have to handle it and comply with that requirement.

But again, in keeping with the spirit of what the member has raised, one of the discussions that I have had with rural volunteers who have raised it, and that I have had as well with staff and asked them to look into it, is whether we can work on finding a clear way to give our volunteers a statement on their bill that lets them know the maximum amount of tax they would have to pay — assuming they don't have deductions — so at least they have, however frequently those cheques arrive in their mailbox, the ability to look at their statement and say, "Okay, I have currently received X amount of money, and unless I have other deductions, here's how much I'm going to have to pay to the federal tax agency if I'm not able to deduct with other things."

Hopefully at least they are well-prepared for that and nobody will be hit with an unexpected bill at the end of the year. I hope that has answered the member's questions. I appreciated the exchange today. Of course, as I indicated, we'll get back to him on some of his questions.

Madam Chair, seeing the time I move that we report progress.

Chair: It has been moved by Mr. Cathers that the Chair report progress. Are you agreed?

Motion agreed to

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

Chair: It has been moved by Mr. Cathers that the Speaker do now resume the Chair. Are you agreed?

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Ms. McLeod: Committee of the Whole has considered Bill No.11, entitled *Second Appropriation Act, 2013-14*, and directed me to report progress.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

The House adjourned at 5:30 p.m.

Written notice was given of the following motion on November 12, 2013:

Motion No. 518

Re: Membership of the Select Committee Regarding the Risks and Benefits of Hydraulic Fracturing (Cathers)