



Yukon Legislative Assembly

Number 153

1st Session

33rd Legislature

HANSARD

Tuesday, May 6, 2014 — 1:00 p.m.

Speaker: The Honourable David Laxton

YUKON LEGISLATIVE ASSEMBLY

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

DEPUTY SPEAKER — Patti McLeod, MLA, Watson Lake

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

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Jan Stick	Official Opposition House Leader Riverdale South
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Lois Moorcroft	Copperbelt South
Jim Tredger	Mayo-Tatchun
Kate White	Takhini-Kopper King

Liberal Party

Sandy Silver	Leader of the Third Party Klondike
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**Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, May 6, 2014 — 1:00 p.m.**

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

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of National Hospice Palliative Care Week

Hon. Mr. Graham: On behalf of all members of the Legislature today, I rise in honour of National Hospice Palliative Care Week.

In Canada, a lot of people are working hard to put hospice palliative care on the national agenda and it's beginning to work. Recently, *Maclean's* magazine, in collaboration with the Canadian Medical Association, hosted an End-of-Life Care: A National Dialogue town hall meeting here in Whitehorse. The purpose of this town hall meeting was to open up the discussion about end-of-life care. End-of-life care includes palliative care — in other words, how one wants to be treated when dealing with life-limiting illness.

In Yukon, we have a suite of advanced care planning options, which provide information and tools to help Yukoners prepare in case they should one day be unable to speak for themselves. These advanced care planning tools help us to talk to our families and friends about what we want if we are incapacitated or at the end of our lives.

Last week, we released the *Yukon Territory Clinical Services Plan* and its accompanying data compendium. The clinical services plan is a wide-ranging look at where health care and social services are today in order to make systemic changes to the way health care is delivered in this territory in the future. One of the biggest issues the research team identified during their research phase was the need for increased choices in palliative care. The clinical services plan references a territorial palliative care framework to guide and focus the planning and growth of palliative and end-of-life care in Yukon. We already have a great foundation on which to build this framework and I expect to make it public very shortly.

Within government, the palliative care resource team supports care and education in all settings that provide palliative care, including community nursing, acute care and continuing care facilities, home care, First Nation health programs and, not least, family and community caregivers. The palliative care team consists of a nurse, social worker, education liaison and a contracted physician. As well, the palliative care team works closely with care providers,

including Hospice Yukon and the Yukon Hospital Corporation.

Finally, I would like to acknowledge all of the people who provide palliative care services in the Yukon — from the spouse sitting at the bedside to the friends and neighbours who provide respite care, from the volunteers at Hospice Yukon who help us grieve to the nurses who care for us during our last hours in hospital. These people give the best of themselves during the most difficult times of our lives and I honour them for it.

If I may take the opportunity to introduce two of those people from Hospice Yukon — we have Barb Evans-Ehricht and Stacey Jones, who is the executive director of Hospice Yukon. Barb has been with Hospice Yukon for 25 years. I applaud both of you for the time you have spent with that very worthwhile organization.

Applause

Hon. Mr. Graham: I would like to make sure that everyone is aware of the fact that the Hospice Yukon facility at 409 Jarvis is hosting an open house tomorrow from 12:00 p.m. to 6:00 p.m. and I encourage all members to attend if possible.

In recognition of Emergency Preparedness Week

Hon. Mr. Cathers: I rise today to recognize Emergency Preparedness Week on behalf of all members of the Assembly. Celebrated across Canada, Emergency Preparedness Week serves as an annual reminder for all of us to be prepared to survive on our own for at least the first 72 hours of an emergency while rescue workers help those in urgent need.

The need for emergency preparedness is perhaps greater in Yukon than in many places in Canada. We choose to live where we do because we have access to a remarkable quality of life and enjoy outstanding natural amenities, including the wilderness setting, our mountains and our lakes, rivers and backcountry. We also enjoy the outdoors and value the traits of self-sufficiency, self-reliance and personal responsibility. It's also important to be personally prepared because help can often be quite far away.

Living in the Yukon, we are exposed to risks as we go about our daily routines, pursue our lifestyles and take part in activities that enrich our lives. While much has been done to reduce exposure to risk through technology and other manners, the risks do continue to exist, and it's important that everyone take the time to be personally prepared. We need to understand the risks we face and the risks we might face and take action at a personal level to be prepared to deal with them to the best of our abilities.

Natural disasters such as forest fires, floods, earthquakes, severe weather and landslides may be beyond our control. As well, more minor occurrences — such as vehicle breakdowns or accidents — or serious personal circumstances — such as medical emergencies — cannot be predicted easily. Even a situation such as a power outage can affect many things within people's homes and it's important to be prepared for the

possibility that something as minor as a wind storm could interrupt the power for quite some time.

By taking simple steps, each of us can be better prepared for emergencies anytime and anywhere. It is important to know the risks facing your community and your region. It is important to make a plan for your family so that you know what to do in an emergency. It is important to make an emergency kit, so you have supplies needed to look after yourself, your family and your pets in the event that you do have to do without access to electricity, tap water or the ability to travel during a 72-hour period, which is a minimum recommended standard. Particularly in more remote areas, people are encouraged to be prepared for longer period of time.

This year, the Yukon government is emphasizing the need for Yukoners to assemble an emergency kit. While many people do have the stuff that we need in our homes to survive for at least 72 hours, it is likely that many Yukoners — including perhaps some in this Chamber today — may not have a kit ready to go or have as much on hand personally as they would be well-advised to do. Because emergencies often unfold with little or no warning, there is no guarantee that you will have enough time in your home to get a kit together and it is possible that in an emergency, you might not be able to reach your home. As part of our Protective Services division of Community Services, Yukon's Emergency Measures Organization recommends that each and every Yukoner have a fully-prepared emergency kit ready to go to sustain themselves, their family and their pets for at least 72 hours and suggests that you might wish to assemble a kit for a week or more, just in case.

You need to ensure that you have a copy of your emergency plan and materials, including: water, prepared foods, a can opener, pots, pans, bowls, a camping stove, a flashlight and batteries, wind-up radio, first aid kit, medications for people and pets, extra keys for your house, cash, sleeping bags and pads, candles, matches, toilet paper, garbage bags, a whistle and duct tape are all on the recommended list of items suggested by Emergency Measures Organization.

It's also a good plan to have a kit in your car in the event of a roadside emergency.

Yukon's Emergency Measures Organization can help with information about what best practices are and some ideas to go into your kit, but we do encourage everyone to take personal steps to analyze the risks they may face and make their own personal decisions about what to put in their own kit.

Yukon's emergency response agencies also use social media to keep Yukoners informed about wildland fire, flood and structural fire events, and people can follow Protective Services on Twitter and on Facebook, as well as checking the website for information on emergency events and risks.

During this year's Emergency Preparedness Week, Yukon EMO is encouraging Yukoners to share their tips and ideas on what they put in their kits and to share them through Twitter, using #yukonready. We cannot talk about emergency

preparedness without acknowledging the important role Yukon's first responders, including community volunteers, play, but emergency preparedness is a shared responsibility and, while communities and responders have a role, so do individuals. It's incumbent upon each of us to be personally ready for what might come.

With that, Mr. Speaker, I would also like to ask all members to join me in acknowledging some of the representatives from Protective Services division, including Emergency Medical Services, Wildland Fire Management, the Fire Marshal's Office and our animal welfare officer, who are joining us in the gallery today. We have from Emergency Medical Services, Gerard Dinn and Jon Trefry; from Wildland Fire Management, Mike Sparks and Mike Etches; Jay Lester, our animal welfare officer; and from the Fire Marshal's Office, we have our fire marshal, Dennis Berry, Wayne Smyth and James Paterson. I would ask everyone to join me in welcoming them here today.

Applause

In recognition of Boreal Songbird Week

Ms. White: I rise on behalf of all members to tribute songbirds and the boreal forests that sustain them. In the north, a sure sign of spring is the singing of songbirds. We wait with impatience to hear the familiar sounds of robins, white-crowned sparrows and black chickadees before we truly believe that spring has arrived.

The boreal forest circles the northern portion of the globe like an emerald crown. It reaches from Alaska, across Canada, Scandinavia and Russia. We sometimes take it for granted here in the Yukon because the boreal forest that surrounds us always has been and always will be.

The boreal ecosystem is a unique and productive mosaic of interconnected habitats that include forests, lakes, river valleys, wetlands, peat lands, and the tundra at its northern reaches. It covers a staggering 2.3 million square miles and is larger than the remaining Brazilian Amazon rainforest. Stretching across Canada from Yukon to Newfoundland, the boreal forest of North America is a critically important breeding ground for billions of North America's birds.

The boreal forest is the nesting ground for more than 300 different species of birds, and for many of these species, it is their only nesting place. For example, it nurtures 80 percent of the waterfowl species of North America, 63 percent of the finch species and 53 percent of the warbler species. In fact, for nearly 100 different species, 50 percent or more of their entire breeding grounds are in the boreal forest. That means that during the spring migration, up to three billion birds fly north to their breeding grounds in the boreal forest.

Sadly, all is not rosy for the boreal forest. Only five percent of it remains in Scandinavia, and although the original boundaries of Russia's portion of the boreal forest were much larger than Canada's, much of the Russian forest has been fragmented and lost due to development.

At 1.4 billion acres, of which 1.1 billion acres are still intact, Canada's boreal forest is one of the last large intact forest ecosystems remaining on earth. This vast expansive

forest is under threat from the rapidly increasing development of logging, agriculture, mining, oil and gas, and hydroelectric developments. Today, just over 12 percent is protected, and in the last few decades, more than 30 percent has already been designated for logging, energy and other developments.

Because of this development, forested land in some boreal areas is being lost at rates similar to those in tropical rainforests. Declines in this valuable wildlife ecosystem will have significant consequences on bird populations. If we wish to continue hearing the singing of songbirds, we need to develop a visionary plan to protect and sustain this globally important ecosystem over time.

Speaker: Are there any visitors to be introduced?

INTRODUCTION OF VISITORS

Mr. Silver: I would like everybody to help me in welcoming to the gallery today, and also welcome her back from her journeys in Alberta, Roberta Humberstone.

Applause

Ms. White: I would like to welcome Gerry Whitley to the gallery today as an avid birder. Thank your for being here, Gerry.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Dixon: I have for tabling a report, entitled *Yukon State of the Environment — A Report on Environmental Indicators — 2014*. Accompanying that report is the Yukon state of the environment highlights package as well.

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

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to show our support for the rights of aboriginal people in Yukon and indigenous peoples throughout the world by:

(1) endorsing *Canada's Statement of Support on the United Nations Declaration on the Rights of Indigenous Peoples*; and

(2) continuing to work together with Yukon First Nations through the implementation of the final agreements and the self-government agreements, the fulfillment of our constitutional obligations, and the development of cooperative relationships with First Nations in the Yukon.

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

THAT this House urges the Government of Yukon to publicly announce pending changes to class 1 mining rules that were the topic of discussion at a closed-door meeting held Friday, May 2, 2014.

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

QUESTION PERIOD

Question re: Diesel to liquefied natural gas generator conversion

Ms. Hanson: This government clearly believes Yukon's future will benefit from increased dependence on fossil fuels. The Premier's mandate letter to the Minister of Energy, Mines and Resources emphasizes the development of a natural gas industry.

Despite the persistent sell job by the Yukon Energy Corporation, Yukoners have demonstrated that switching to liquefied natural gas is neither cheaper nor cleaner than diesel. These Yukoners have been validated by the Yukon Utilities Board, which has denied Yukon Electrical Company's application for an 11.7-percent rate increase for 2013, 2014 and 2015 — an application that included the Watson Lake LNG proposal. The Yukon Utilities Board has determined that the Watson Lake LNG proposal is not a good deal for ratepayers.

Does the Yukon government still think that the Whitehorse LNG proposal is a good deal for ratepayers?

Hon. Mr. Kent: As I've said on numerous occasions on the floor of the Legislature, the replacement of the 45-year-old diesel generators that provide backup power to Yukoners is something that was an idea brought forward by the Yukon Energy Corporation Board of Directors and the Yukon Development Corporation Board of Directors to the Yukon government. We are currently awaiting the results of the Yukon Utilities Board assessment on that project.

Of course, the Yukon Utilities Board is an independent, quasi-judicial board that is responsible for setting public utility rates and accessing major energy projects under the *Public Utilities Act*. As well, we are also awaiting the response of the independent, arms-length Yukon Environmental and Socio-economic Assessment Board's assessment of this project. I think it would be premature at this time to make any comments with respect to what the outcome of either of those assessments would be, although, as we've heard on many occasions, there is no renewable source that would be able to provide reliable backup energy for Yukoners.

I know that Yukoners — when the electricity does go out during peak loads, which is often in the wintertime — are happy to have that backup energy in place so that their lights stay on and their furnaces continue to run.

Ms. Hanson: The minister's previous comments make it clear that the government's position is that Yukoners should pay \$34 million to replace a backup diesel generator that produced less than one-half of one percent of our energy needs.

This kind of political decision-making does not make financial sense. The direction to shift to LNG has come from the top. The end goal for this government has been clear all along. What citizens and experts have said in so-called consultations, yet again, are not going to get in the way of this government's own agenda.

The Yukon Party's intention to increase Yukon's dependence on fossil fuels is not fiscally responsible and is not what Yukoners want. Why does the government support a shift to liquefied natural gas when it does not make economic sense for Yukon ratepayers?

Hon. Mr. Kent: What makes sense for Yukon ratepayers will be the determination of the Yukon Utilities Board. As I have mentioned, we are still awaiting the results of their assessment of this project. We are still awaiting the results of the Yukon Environmental and Socio-economic Assessment Board results.

When it comes to the natural gas generators that are being proposed for the Whitehorse Rapids power plant, they will be providing backup power during peak demand times. Obviously a lot of that is during the winter. They are replacing very old infrastructure — 45-year-old diesels. As I mentioned before, the Premier and I and others have had the opportunity to tour the facilities at Yukon Energy Corporation and you can certainly see the evolution of those diesel generators as you go from these 45-year-old ones to the newer ones that are much smaller, much more compact and much more efficient.

The idea to switch to natural gas-burning backup generators was something that came to us from the Yukon Energy Corporation board and the Yukon Development Corporation board and it is something that we agreed to.

However, we are, as I mentioned, awaiting the response from the Yukon Utilities Board — the quasi-judicial board that I mentioned — as well as the YESA Board, with respect to what their recommendations are for this project going forward.

Ms. Hanson: It came from Yukon Energy Corporation because this government doesn't support renewable energy. In its recent decision on Watson Lake, the Yukon Utilities Board pointed out several serious problems with Yukon Electrical Company's application, such as risks being shifted to Yukon ratepayers without matching benefits, escalating operation and maintenance costs, and lack of a competitive tender process.

The Yukon Electrical Company's LNG proposal was not a good deal for ratepayers. Many ratepayers believe the same is true of the Yukon Energy Corporation's proposal to build a new LNG generating plant and storage facility in Whitehorse. The Yukon Utilities Board ruling cast doubt on Yukon Energy's quotes about monies it will save with this investment — investment of taxpayers' \$34 million.

Can the minister tell Yukoners how and in what ways the Yukon Energy's proposal for a LNG generating energy plant and storage facility in Whitehorse is more fiscally responsible for Yukon ratepayers than Yukon Electrical Company's proposal for Watson Lake?

Hon. Mr. Kent: I have to take issue with some of the member opposite's comments. Of course we are committed to a clean power future for the Yukon. One only has to look at this budget with a significant investment in developing a next-generation hydro project or a legacy hydro project for Yukoners. We recognize that there are also interim measures that need to be taken to meet the incremental demand for power going forward. That's why we are looking at other renewable options, such as microhydro. We have introduced a microgeneration policy. We will be going out for public consultation on the independent power producers policy.

There are those clean energy options, including wind and biomass and geothermal and many other options that exist for Yukoners, but when it comes to reliable backup sources of energy, we've heard from many people — many experts in this field — that renewable energy does not provide that reliable backup. That's why we are looking at fossil fuels. Currently, our backup power comes from diesel generation at Whitehorse rapids. We are looking at natural gas as an alternative to that diesel power backup.

I guess when the lights go out in Whitehorse next winter and they are able to come back on, that's something that can be owed to this backup power. I certainly know that many Yukoners want to make sure that their lights can remain on in those winter months and their furnaces can continue to run.

Question re: Hearing services wait-list

Ms. Stick: In the health stories we have been collecting over the last year, people have been telling us how difficult it is to access hearing services. It is a step in the right direction that people can now self-refer, but it's taking forever to get an appointment. The stories we hear are reflected in the government's clinical services plan that shows — and I quote: "There is a significant backlog of clients who require any number of the hearing services; the current wait-list is 600." A year ago I asked the minister about the one-year wait-list, yet little progress seems to have been made.

Does the minister believe that a wait-list for hearing services with 600 names on it is acceptable and what action has he taken since we asked about this issue last year?

Hon. Mr. Graham: As I said at a number of points throughout the year, audiologists are in short supply across Canada. We are in direct competition with every other province and territory in the country to attract the professionals that we need to meet the needs of citizens in this territory.

We were very fortunate to be able to contract with Outside audiologists who come to the territory throughout the year to work with our people. Unfortunately, we have not been able to attract the permanent staff that we would like to have here in the territory. In order to do that, we have made a number of increases, shall we say, to the package offered to audiologists. We are attempting to attract people to the territory, but until we can do that, the wait-list will unfortunately be long.

Ms. Stick: It is not clear, Mr. Speaker, how that answer helps the 600 people on the wait-list. I understood at

some point during the year that the minister had hired an audiologist. Whatever actions the government has taken, it is clear more options are immediately needed for these 600.

We are aware that some people going away on holidays have been able to access appointments Outside and the government has helped pay for those appointments. Is this something that the minister is willing to advertise to people who might be going out for a holiday or on their own time and would be able to get an appointment Outside and those costs for the appointment covered?

Hon. Mr. Graham: Obviously the member opposite doesn't listen very well when I provide answers. In the past, I have told the member opposite that we did hire an audiologist in August 2013. Unfortunately, this audiologist went on maternity leave on February 15 this year and she will be on maternity leave for the year.

Unfortunately again, we were unable to backfill that position. Consequently, what we are doing is relying on audiologists from outside the territory. At the present time, we are trying to prioritize the wait-list. Emergencies for services are dealt with immediately. Children are given priority in all audiology appointments, and the reason for that is there may be an opportunity to halt hearing loss. We are doing what we can.

What I understand is that there were approximately 548 people on the wait-list. We know that's too high — I've said that a number of times. If there was something that we could do about it in terms of hiring an additional person, we would do that. Unfortunately, at this point we haven't been able to do that.

Ms. Stick: I did hear the answer but many Yukoners can't. Rural Yukoners face additional hurdles to travel to Whitehorse to access hearing services. It's not provided for them in communities. Some are covered for medical travel, but many are not, especially those covered by NIHB. They only cover an emergency hearing test travel.

There are hearing tests conducted in community schools, but this does not address the needs of the rest of the communities. Perhaps when the minister has some better options and is providing more service, he will consider bringing hearing services to the two new community hospitals this summer to make those services more accessible to rural Yukoners.

I would also like to hear if he has any answers for the rural individuals needing hearing tests.

Hon. Mr. Graham: As I said, we prioritize the wait-list. We ensure that children who have the opportunity to halt further hearing deterioration are first on the waitlist. We make sure that any emergencies are handled as quickly as we possibly can. I can't speak, unfortunately, for NIHB on what they will fund and what they will not fund. When we are able to deal with the wait-list, either through hiring another audiologist or by having our current person back off of maternity leave — at that time we will be able to make plans about how we will service the population throughout the territory in the future.

Question re: Yukon College university accreditation

Mr. Silver: Mr. Speaker, I have a question about a Yukon Party campaign commitment made by the Premier. He said in a September 28, 2011 press release — and I quote: “By taking a leading role, we will work toward developing Yukon College into a northern university. We will work to explore university models, identify which model is best suited for Yukoners and northerners alike, and commit to achieving that goal.”

Since this bold promise was made, this government has been completely silent on this issue, perhaps thinking that if we don't talk about it, no one will remember the commitment that we made in the first place.

Mr. Speaker, why has no progress been made on this promise during the entire first half of this government's mandate?

Hon. Mr. Kent: When it comes to investments in Yukon College, we have certainly made significant investments that have been announced over the past number of years — of course, the commitment to the Centre for Northern Innovation in Mining. The member opposite made a tribute, I believe, last week to the graduates from that important program with the mobile trades trailer that we funded and provided to Yukon College. There have been significant investments made in the Northern Institute of Social Justice, as well as dual credit training at Yukon College.

This is something that we see as important — investments in the training and ensuring that Yukoners can take advantage of the many opportunities that are available to them.

When it comes to the commitment to explore models to look toward turning Yukon College into a Yukon university, I can speak from my personal experience as previous Minister of Education where those discussions were initiated and we are looking at different models that could lead to Yukon College becoming a Yukon university. Those discussions are ongoing and we look forward to them coming to a conclusion.

Mr. Silver: No progress has been made. The Yukon Party platform was clear. It said — and I quote: “Create a Yukon University by developing Yukon College into a northern university...” I believe all three parties did campaign on this during the 2011 campaign.

The lack of progress since the last election campaign, however, is also clear. People whom I've spoken to at Yukon College are saying that they have largely given up on this government and its commitments and that no discussions are in fact taking place. We are halfway through this government's mandate and we are no closer to the promise being fulfilled.

When will there be a Yukon university in place and will it be in place before the term of this government expires? Yes or no.

Hon. Mr. Kent: Just to build on some of the commitments that we've made to the Yukon College — there have been significant investments in the Yukon Research Centre through the Cold Climate Innovation as well as work on climate change adaptation. I believe it was a previous

Yukon Party government that changed the legislation so that Yukon College has degree-granting authority. It is able to offer bachelor degrees. We have seen a number of master's degrees offered through the college.

As I've mentioned, when exploring models to turn Yukon College into a northern university, it's something that we certainly don't take lightly. It's a commitment that we made to Yukoners, but it's important, I believe, that we get it right.

As mentioned, there are a number of opportunities available at the college right now, plus there are significant investments that we've made in mine training as well as the Northern Institute of Social Justice — even providing the college with an enhanced land package so that they can begin planning and moving into the future. There are a number of initiatives that we continue to work on with the college, including the opportunities to explore different models that may lead to Yukon College becoming a university.

Mr. Silver: It's great to hear the acting minister rattle off initiatives that are going on, but it's also obvious that the Yukon Party commitment to create a Yukon university is off the table. A Yukon university will not be open to students when this government's term ends. This is another example of the Premier making a promise and not following through with it.

So the question to the Premier is: Can he outline a plan for making a Yukon university a reality over the next two years, or will he admit that this campaign promise will not be met?

Hon. Mr. Pasloski: I think we see where the Leader of the Liberal Party is coming from. We heard in his first question that he was in fact campaigning for a university during the last election. We know that neither the NDP nor the Liberals were talking about the vision of perhaps seeing Yukon College — which has a 50-year history — evolving toward the status of a university. Of course we know that that was not true. This was again another visionary piece that this government has put forward as we have with the hydro project as well.

As we have also seen from the Leader of the Liberal Party, he would always be quick to criticize us if we don't consult and offer to criticize us if something takes too long.

This is a process that will take very good diligence. We have to look at options that are available. I know that that is what we talked about during the last election, but you do not go from zero to 100 miles an hour in a very short period of time. We are going to take our time. We are going to make sure that what we do is right for Yukon.

We need to ensure that when we go forward, we continue to have a focus on such things as the trades, as that is of vital importance to ensuring that we have tradespeople within this territory to do the work that is required to continue to build our economy. We are focused on moving forward with the college, but we are not going to race to make decisions too far in advance that could be the wrong decisions.

Question re: Whitehorse Correctional Centre segregation cell

Ms. Moorcroft: It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones. Those are not my words, but the words of Nelson Mandela.

Canada and Yukon laws and practices establish a fair and strong correctional system. However, the continued use or over-use of solitary confinement for people with mental health problems is an archaic way of punishment that can have serious mental health consequences. Extended periods of separate confinement at Whitehorse Correctional Centre take a heavy psychological toll on those it is used on.

What research has this government done to study the effects of the use of extended separate confinement on people in corrections who struggle with mental health issues?

Hon. Mr. Nixon: I need to take a moment to thank all the people who were involved in the correctional redevelopment strategy just a short number of years ago.

From that, we saw us move from an old antiquated correctional facility into a new state-of-the-art facility that is better for not only the inmates, but the staff and the management that operate the facility. We know there has been a lot of work going into all the areas, whether it's the common living areas or the separate confinement areas or the special handling units. We just saw last week the new arrest processing unit open, and I understand that there have already been people who have stayed in there.

My hat is off to the management and staff of the correctional facility and all those who were involved in correctional redevelopment. They have brought this territory a long way and other jurisdictions across Canada, especially in the north, are looking at us on how they may proceed.

Ms. Moorcroft: We know that the hardworking men and women of the Whitehorse Correctional Centre staff work to keep the public and the correctional system safe. The minister, however, has not answered the question.

In 2011, the United Nations Special Rapporteur on torture stated that separate confinement, if it goes on for more than 15 days, is cruel, inhumane and, in some cases, can amount to torture. He also noted that the use of separate confinement could result in mental illness in otherwise healthy people and could exacerbate existing mental illness with those who already suffer from it.

We know of an inmate who spent over a third of his first two years at Whitehorse Correctional Centre — 284 days — in solitary confinement. Does the minister think that holding someone in separate confinement for close to 300 days in just over two years in jail is fair and humane treatment?

Hon. Mr. Nixon: It's very unfortunate that inmates with mental health problems occasionally need to be separately confined and I've stated that before. If they can manage in the units, then staff make every effort to keep them in those units. However, when an inmate is delusional or refusing to take his or her medication — and I might add that we can't force them to take their medication — whether

they're at risk to harm themselves or whether they are violent, there is little or no choice but to keep them away from the rest of the general population. We also have a responsibility to keep them safe as well as the safety of the staff. When this occurs at the Whitehorse Correctional Centre, the staff work very closely with the physician, with a psychiatrist and the psychologist who is on contract to ensure the very best medical care is offered to these individuals. I need to commend the staff at the correctional facility. It's a tough job. It's not an easy job that they do day in and day out. I sure appreciate the hard work that they put forth for this government.

Ms. Moorcroft: Many of the people in solitary confinement at Whitehorse Correctional Centre are serving internal disciplinary sentences for behavioural misconduct. Internal discipline matters could be dealt with through diversion. For example, the inmate discipline and control policy provides for First Nation elders as resources in finding or participating in a resolution to behavioural problems. Correctional officers could also be provided with additional education and training on ways to reduce conflict and de-escalate tensions in the correctional population.

Will the minister support the use of diversion, rather than solitary confinement, as a preferred approach to deal with internal discipline at Whitehorse Correctional Centre?

Hon. Mr. Nixon: I might add that there are very strict conditions spelled out in the *Corrections Act* under sections 20, 21-23, 28 and 33, for the use of separate confinement. The legislation was written to ensure that the rights of inmates subject to this restriction are very closely adhered to. Separate confinement is used as a last resort and I can't stress that enough. It's used as a last resort for managing behaviour at the Whitehorse Correctional Centre and all separate confinement placements are reviewed by the manager.

The reasons for separate confinement are given to an inmate in writing within 24 hours of that placement and the inmate has the right to contest this placement to the manager if they believe that the placement is inappropriate, perhaps their circumstances have changed, or that an alternate placement should be considered.

I need to tip my hat to the staff of the Whitehorse Correctional Centre. I know the member opposite has raised a number of questions about her views of the Correctional Centre, but the view of this government on this side is that they do a tremendous job and we appreciate their hard work.

Question re: Yukon River salmon runs

Mr. Tredger: The Yukon River chinook salmon run is in crisis. Alaska recently banned all subsistence, commercial and recreational fishing of chinook salmon on the Yukon River. The chinook salmon population has collapsed. The average salmon run between 1987 and 1997 was over 300,000. This year's numbers are projected to be less than 60,000 and could be the worst on record. Saving the chinook salmon stock is a challenging and multifaceted endeavour.

The salmon run spans international borders and several levels of government.

Last week, the Minister of Environment spoke of some encouraging interactions with the federal government. What concrete commitments have come out of the Premier's formal and informal discussion with the Prime Minister?

Hon. Mr. Dixon: Before turning to the actions that we anticipate may come from Canada, I should note the remarkable action that has been taken by the State of Alaska, in part because of the efforts of Yukoners — both in government and outside government — to relay to that state the importance of chinook salmon to Yukon.

The Premier has taken the opportunity to raise this particular issue with the governor on a number of occasions. As well, many Yukoners — including First Nation chiefs, First Nation citizens and Yukon citizens at large — have expressed to many — both in the government and the legislative and executive branches of government in Alaska — the importance of this issue to Yukoners. We are pleased to see action being taken by Alaska. We are cautiously optimistic that this action will be fulfilled and that it will be enforced, regulated and inspected as appropriate.

With regard to Canada, as we have noted before, the Premier took the opportunity to raise this issue at his face-to-face meeting with the Prime Minister last year and followed up with a letter to him in August last year. Since then, the official from the Department of Fisheries and Oceans has remained engaged on the Yukon River Panel and provides technical and policy input into that particular process. I have to note that that particular process — the Yukon River Panel — is one that was instrumental in seeing the changes in approach that we have seen from the Alaska government. So it is clear that both Yukon and Canada have been well engaged in this process.

Mr. Tredger: The fact of the matter is that we cannot rely on Fisheries and Oceans Canada to stop the decline of the Yukon River chinook salmon.

They have been attempting and failing to reverse the declining stocks for over a decade and they have been completely unsuccessful. Fisheries and Oceans Canada also has to rely on the Alaska government to effectively and fairly manage their river and offshore salmon fishery for any meaningful change to take place. Yukoners must work with other governments to protect their livelihood and they expect this government to show leadership and diplomacy in pursuing the situation.

When will this government realize that it cannot stand idly by while other governments and branches oversee the unprecedented decline of the Yukon River chinook salmon stocks?

Hon. Mr. Dixon: Mr. Speaker, I'm pleased to hear the member opposite recognize that leadership and diplomacy are key to this. Those are exactly some of the tools that we have employed in trying to express, on behalf of all Yukoners, the importance of this issue both to the State of Alaska and the federal Government of Canada.

Obviously, the significant amount of management action lies on the Alaska side of the border. The majority of the harvest occurs there. Over the last number of years, I would say, without exact numbers, that the number of chinook salmon harvested on this side of the border would be in the dozens, rather than on the Alaska side where it would be hundreds or even thousands of salmon harvested. It is clear that where the key management decisions need to be taken and made are in Alaska. We try our best to ensure that they are aware of the impact of those decisions on Yukoners — on the fishery here in Yukon and on the lifestyle of Yukoners, both First Nation and non-First Nation alike.

Mr. Speaker, we'll continue to engage with the State of Alaska through a number of avenues, including political and bureaucratic, to ensure that the Alaska government is aware of the importance of this issue to Yukon. We would commend them in taking the action they have so far but, as I said, we remain cautiously optimistic that they will be able to enforce these provisions that they've announced recently. We hope to see them enforced, regulated and come into effect.

With that, I would like to thank the State of Alaska for the good work they've done so far and look forward to working with them in the years to come.

Mr. Tredger: What little this government is doing is obviously not working. It may be that this government cannot make the rules when it comes to managing the Yukon River chinook salmon population, but it can be a leader when it comes to bringing governments and communities together to find effective and long-term solutions.

The chinook salmon are an important economic, cultural and historical resource for many Yukoners and an integral part of our ecosystems. There is an opportunity here for this government to lead, to bring together First Nation governments, federal governments, state governments and all the other interested parties to work toward a real and lasting solution that will save the chinook.

Will this government commit to bringing all parties to the table and demanding a solution to this problem that threatens a way of life for many Yukoners?

Hon. Mr. Dixon: I should note for the member opposite that there are forums that brings together those stakeholder views and express them to the important decision-makers. One of those important forums is the Yukon Salmon Sub-Committee. That body is a subset of the Fish and Wildlife Management Board.

I had the opportunity to meet with the acting chair, along with the MLA for Vuntut Gwitchin, this morning, and I'm given to understand that they will be having a meeting in the coming weeks to determine how to engage with First Nation leaders as well as other branches of government, including the Yukon government and the federal government, to come up with the recommendations that they are mandated to do and provide those recommendations to the Government of Canada, the Department of Fisheries and Oceans, to determine what the next steps will be for that federal branch of government.

I should note that my expression to the acting chair today was that the Yukon government is ready and willing to do

whatever is necessary at the political level or the bureaucratic level to facilitate these discussions and to ensure that the outcome is positive.

Obviously First Nation governments themselves have an important role to play and a number of First Nation governments have already taken voluntary closures on their harvest of salmon along the Yukon River. To take the next step, whether that includes a complete closure of the fishery on the Yukon side, will require discussions with those First Nations, and the Yukon government will participate in, facilitate and engage in any way that we can to ensure this outcome is successful.

Speaker: The time for Question Period has 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 the government private members to be called for debate on Wednesday, May 7, 2014: Motion No. 667, standing in the name of the Member for Vuntut Gwitchin, and Motion No. 671, standing in the name of the Member for Vuntut Gwitchin.

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

ORDERS OF THE DAY

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Ms. McLeod): Committee of the Whole will now come to order. The matter before the Committee is Bill No. 73, entitled *Act to Amend the Environment Act*.

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. 73: *Act to Amend the Environment Act*

Chair: The matter before the Committee is Bill No. 73, entitled *Act to Amend the Environment Act*.

Hon. Mr. Dixon: It's a pleasure to rise today in Committee of the Whole to discuss and debate the proposed amendments to the *Environment Act*. The bill we have before

us today is one that has seen a significant amount of work, a significant amount of time and resources invested in it over the last number of years and, in no small part, a significant degree of thanks is due to many of the staff in the Department of Environment. To that end, I should ask members to acknowledge that I am joined by the deputy minister, Kelvin Leary, and Diane Gunter, our policy analyst in the Environment department. Diane in particular has done a significant amount of work on this particular legislative initiative and I would like to take the opportunity to thank her for that.

The provisions in the act are several, but there are some key highlights that I wanted to take the opportunity to discuss in advance of going into specific questions, as I'm sure we will throughout the course of today. First of all, the purpose of this bill to amend the *Environment Act* will help government further reduce risks to human and environmental health, provide increased business opportunities and improve consistency between the act and the current practices of the government.

While its goals and values remain the same, the updated act differs from the old one in that it enables the minister to take action more quickly as well as address weaknesses that have arisen since 1991.

Some of the key changes are as follows: First, the updated act enhances the ability of government to ban hazardous substances through a ministerial order. This is a new power that previously did not exist and is an important tool for Yukon to have at its disposal when dealing with rising challenges of increasing substances that need to be considered to be banned.

Second, the updated act clarifies that, prior to environmental inspections on private lands where there is no permit, the landowner's consent is required or, in the absence of consent, a warrant is needed. This is the same as is done currently, but it is made more explicit in the legislation.

The third key change allows businesses and individuals to be more involved in recycling by recognizing industry-led recycling programs. At the time the act was put in place, a government-led recycling program made the most sense, but now this will allow government to capitalize on more modern recycling options. Industry-led recycling is something that is occurring throughout Canada and throughout the world with great success in some jurisdictions, like British Columbia. We will get into some of the programs that we may look to mimic or to model for use here in the Yukon in the future.

The fourth change allows government to transfer the responsibility for cleaning up a contaminated site to a business or individual. What this means is that we would increase the likelihood that existing sites that are contaminated would stand a greater chance of actually being cleaned up and dealt with if they have the ability to transfer liability, which may provide opportunity for individuals or businesses with more disposable capital to invest in these sites and ultimately see them cleaned up. The intent here is to both provide a business opportunity and facilitate the increased development of ground-filled sites, but it also will, I think, provide the

opportunity for existing contaminated sites that are sitting vacant or unused to potentially be transferred and used by a new owner who has the capital to clean them up.

Lastly, the updated act enables government to deal with certain responsibilities with greater discretion. For example, it allows the minister to determine when the Council on the Economy and the Environment shall meet or when the Yukon conservation strategy is to be updated. The approval of solid- and special-waste management plans is now to be at the discretion of the minister rather than of Cabinet. The Department of Environment worked with an interdepartmental advisory group to develop these amendments. There was a thorough review of the act to identify potential improvements. We then sought public input on those changes from August 1 to October 14 of last year. The department received comments from 64 respondents, including municipalities, First Nations, non-governmental organizations, industry and individuals.

We made available the *What We Heard* document published earlier this year in March 2014 which, I think, does a good job of summarizing some of what we heard and provides a sense of what we received from the public and what changes were made as a result of that input.

You will notice that nearly half of this bill deals with a revised contaminated sites regime. This is due to the merging of the old part 9, which was entitled Release of Contaminants, and part 11, which was entitled Spills. In order to create a transparent and clear process, the act now explicitly allows for the transfer of responsibility for contaminated sites to another willing person. Before it was only the person who caused or was in control of the substances that were released who was responsible. This change, we believe, will support the redevelopment and repurposing of remediated contaminated sites. While the bulk of the bill deals with this particular section, it is but one of a number of changes that are being made. It just happens to be, from a legislative perspective, one of the more complex aspects. That's why this portion is so large.

Another change to the act, which will not only improve our ability to divert recyclable or waste materials but will also support business opportunities, is through section 109 and the supporting definitions, which are the portions that enable industry-led recycling programs. This is when a producer — including a manufacturer of a product or a person who brings a sale product into Yukon — rather than government establishes a recovery and recycling process for this product. Other jurisdictions already have recycling systems like this in place. With this change, we've made it possible for Yukon to do the same.

We intend to have most of the amendments take effect immediately upon passage of this bill. The only exception will be part 9, which deals with the release of contaminants and contaminated sites. This will take effect when consequential amendments are made to the contaminated sites regulations, which will bring this particular provision into effect.

The updated *Environment Act* is part of the government's commitment to moving forward together. We have had an open, inclusive process to date to develop these changes. We

are opening up the recycling and contaminated sites regimes to more players to support progress. We're looking to the future by putting in a system that is enabling and flexible so that we can take the actions needed for a healthy environment and prosperous society.

In conclusion to my opening remarks, I would note that these changes perhaps at first glance don't seem to be too radical, but they do enable new ways of doing business in Yukon when it comes to recycling and when it comes to contaminated sites redevelopment. The new tools, including the ability to ban hazardous substances and the new provisions for the minister to approve solid-waste plans, are all positive steps in the right direction.

In the case of the approval of special or solid-waste management plans, the previous requirement for Cabinet to approve these was a difficult one to deal with from an operational point of view. When we look at these solid-waste management plans, it's quite clear that the technical nature of them suggests that they should be done at a more departmental level. That's what the practice has been over the last number of years, but that wasn't supported by the legislation, which is why we are making this particular change. The net result should be a speedier turnaround time for the approval of these plans as they won't have to go through the Cabinet process. In that sense, we are removing some of the bureaucratic burden on proponents who are putting forward these plans. We expect that this reduced timeline will be well-received by those who are seeking to have approval of their solid- or special-waste management plans.

With that, Madam Chair, I look forward to receiving questions about the specifics of this act. I would like to thank the members in advance for their questions and I look forward to discussing these topics.

Ms. White: I would like to echo the minister's thanks to the officials who are in the House, to those who drafted it away from here and to those here to answer questions — thank you for being here today.

To begin, Madam Chair, I have questions about the amendments and additions to the definitions section of the *Environment Act*. How we define things is critical to how we deal with them. In this bill, "contaminant" is redefined and definitions of hazardous substance, waste disposal facility, contaminated site and others are added. The definition of "contaminant" includes "a hazardous substance."

Of all acts, the *Environment Act* should guarantee environmental protection and adequate monitoring of the oil and gas development industry and the practice of hydraulic fracturing. Frack fluids are made up of water, sand and a mix of chemicals — sometimes liquid propane is used. Frack fluid is also referred to as produced water, and water is defined in the *Waters Act* as any inland water, whether in a liquid or frozen state, on or below the surface of the land. Currently, Yukon government does not consider produced water as a water use under the *Waters Act* because the formation is in a gaseous state. So would the definition of "contaminant" include "frack fluid"?

Hon. Mr. Dixon: First of all, I should note that it's a bit interesting to contemplate the practice of hydraulic fracturing. Of course, we don't have any hydraulic fracturing going on in the territory. As members are very well aware, we have a commitment by government that we would not permit any hydraulic fracturing in the territory until such a time as the Select Committee Regarding the Risks and Benefits of Hydraulic Fracturing completes its work.

I am not sure that it is worth too much discussion to discuss the potential of hydraulic fracturing at this point. That being said, I am told that the fluids mentioned by the member opposite would be considered as special waste.

Ms. White: To restate my position, if this is a possible industry coming to the Yukon and we are amending the act now, it seems to me that it would be a perfectly acceptable thing to be asking questions right now about a possible liquid, and seeing that from the minister's answer there.

Does the definition of either contaminated or hazardous substance — would that include fracked fluids before and after they are injected down a deep well? Would the 20 to 60 percent of the fluids that flow back up to the surface be caught under any of the definitions of hazardous substance?

Hon. Mr. Dixon: It is difficult to assess how we would categorize a hypothetical substance. If we had a specific type of fluid and if we knew the contents of it, we would have a better ability to comment on how it would be categorized or defined.

As the Member for Copperbelt South and the Member for Mayo-Tatchun and I know, there are hundreds of different chemicals that could go into so-called "frack fluid" and any combination of those would be viewed differently, based on what is going into that particular mix. It's very difficult for me today in the discussion of the amendments to the *Environment Act* to comment on what and how frack fluid in a hypothetical hydraulic fracturing site sometime in the future in Yukon might be categorized or defined. I can't answer that question adequately because we don't know exactly what we're talking about.

Ms. White: Just to clarify, would there be a definite list of chemicals that would be considered hazardous substances? Or is this something that will be done on a case-by-case basis if this industry were to come to the Yukon?

Hon. Mr. Dixon: There are two comments I will make. In the first section of the bill, the definition of "contaminant" means "a solid, liquid, gas, smoke, odour, heat, sound, vibration, pathogen or radiation or any combination of these things that is foreign to the normal constituents of the natural environment or that exceeds normal quantities or concentrations in the environment and that results directly or indirectly from human activity that may cause or contribute to causing adverse effects."

A "contaminant" for the purposes of this legislation would mean exactly that. If we're speaking about the ability of the minister to pass a ministerial order to ban hazardous substances, it would be something that we would do through the creation of the regulation.

There would be public consultation conducted before we would ban hazardous substances. In my second reading speech, I listed some of hazardous substances that could be considered to be banned at some point. A number of other jurisdictions including the federal government have hazardous substance lists that are fairly exhaustive and specific about the chemicals and constituent parts of the chemicals or substances that they have banned. I would imagine that we would have a similar list in place through regulation to effect the ban on hazardous substances.

Ms. White: So just for clarification purposes, hypothetical fracturing fluid as used in other jurisdictions would be considered a contaminant?

Hon. Mr. Dixon: If the hypothetical fluid that the member is talking about was a solid, liquid, gas, smoke, odour, heat, sound, vibration, pathogen or any combination of those things that is foreign to the normal constituents of the natural environment or that exceeds normal quantities or concentrations in the environment and that results directly or indirectly from human activity that may cause or contribute to causing adverse effects, then it would be considered a contaminant.

Ms. White: I'm going to take that as a yes and I'm going to move on so that we can go back to happier ground.

The minister spoke about having more flexibility in how recycling programs for various products could be run. The minister mentioned that British Columbia's beverage container program is similar to Yukon's given that most ready-to-drink beverages include a surcharge that could be partly recuperated by the consumer when they return empty containers to a recycling depot. The minister noted that the difference is that in B.C., the other part of the surcharge goes to Encorp Pacific, a non-profit agency that runs the recycling program, while in the Yukon this goes to the government.

Does the minister see a similar organization in Yukon taking over that surcharge and, if so, does he imagine it to be a non-profit agency similar to the one in B.C. or could it be a for-profit business?

Hon. Mr. Dixon: The member opposite is quite correct that the Province of British Columbia is one of the leaders in this particular field in Canada. Under their recycling regulation, British Columbia diverts many end-of-life products into collection, recovery and management systems designed to deal with each specific product. These programs are managed by industry associations based on product management plans submitted to and approved by the B.C. Ministry of Environment. The product management plans are reviewed and updated every five years, and industry is responsible for publicly reporting on the success of their plans in diverting materials away from the waste system.

One of the product categories covered by the regulations in British Columbia — as mentioned by the member opposite — is beverage containers. British Columbia's beverage container program is very similar to Yukon's program in that most ready-to-drink beverages are subject to a surcharge paid up front and consumers who return the empty containers to a recycling depot get a portion of that surcharge back as a

refund. In B.C.'s case, the other part of the surcharge is not sent to the government, but is kept by Encorp Pacific, the non-profit agency that runs the recycling program. The deposits are set by the B.C. government in regulation, and the container recycling fee is set by Encorp based on economic factors and recycling volumes in order to cover the costs of the program.

Beyond setting the refundable deposits amount, the role of the British Columbia government is to establish criteria that Encorp's program must meet, and reporting requirements to ensure public accountability and transparency. The B.C. government has no involvement in the day-to-day operation of the beverage container recycling program.

Madam Chair, the fundamental difference between our program and British Columbia's is that our program has at its core — and in the middle — the government. The government must be at the centre of this as required by the current legislation. The change that we're making is an enabling one that would allow for other types of recycling programs like the one in British Columbia.

The member was curious as to whether or not we would adopt the program mirrored or mimicked or based on what is going on in British Columbia. My answer to that is maybe. That could be a possibility. One possibility could be simply that we talk to the British Columbia government and simply join in with their program so that their program would then extend north into the Yukon and that we would presumably, through some sort of MOU or understanding, have influence over the rates, programs and regulations that are developed. Ultimately, we would have a shared system with British Columbia. That's one potential option. Another option would be that we start our own program that is based on the British Columbia system but regulated and developed locally here in the Yukon.

Another option is that we create some sort of hybrid program that perhaps uses British Columbia as a starting point, but makes a number of changes that are more specific to Yukon and recognizes the unique challenges that we face — challenges to do with remoteness, rural communities and other considerations that are somewhat unique to Yukon.

The fundamental change here is that government is being removed from the centre of this process and that industry or other organizations — other than government organizations — are allowed to pick up where government left off to manage these programs. What that could mean is — if I could be somewhat blunt — oftentimes government is not the best at managing some programs and there are efficiencies and improvements that can be found through non-government organizations or private companies doing business on their own.

To round out my answer, we would contemplate any number of these scenarios. We would determine which one would be best for Yukon. We would conduct public consultation on the development of any of these types of programs and then we would move to implement them.

I do not think it is going to be useful for me to try to speculate which model we will ultimately arrive at, but I will

say that we will consider a number of options and consider a number of examples throughout the country or indeed perhaps the world, and ultimately arrive at a system that we feel is going to be the best for Yukon to meet our goals — expressed either through the *Yukon Solid Waste Action Plan* or any other plan that may come about — to reduce the amount of recyclable waste that goes to the landfill or into the waste system.

Ms. White: Has the government been approached by any number of people who either want to create a non-profit group to step into this core that the government currently sits in, or have they been approached by any businesses that would like to throw their hat in the ring to try to move this forward?

Hon. Mr. Dixon: Up until this point it has been fairly well understood in the public and among the business community that our legislation is prohibitive for this type of initiative, so we haven't been approached because everyone knows that our legislation prohibits that type of program. I imagine that once we have this change in place we will be approached. If we aren't, I imagine we will be approaching groups because we want to find a solution here. We want to find a system that will work for Yukon. If it is going to be a system like the one in British Columbia with Encorp Pacific, we may entertain talking to them, not only about working with them specifically but about how to set up an effective system and how we might learn from the experience of British Columbia and take those lessons and apply them in the Yukon.

To answer the member's question, no, we haven't been approached yet to my knowledge, but I expect that we will once this legislation passes.

Ms. White: In previous speeches the minister noted that the deposits are set by the B.C. government in regulations and that the recycling fee is set by Encorp based on economic factors and recycling volumes in order to cover the cost of the program. Given the fact that the Yukon has a much smaller population base than B.C., does the department anticipate that the reduced recycling volume might impact the fee significantly and could this have an impact on consumer incentives?

Hon. Mr. Dixon: As I said, the system in British Columbia is one that we may choose to adopt or we may not. We may find that we need different considerations here in the Yukon, but the system that we would contemplate is that the government would continue to set the rates, and then that would be collected by the NGO. The NGO would determine how best to transfer those funds back to refunds. Important to us would be the principles of transparency and the role of the public in providing input. Not only would having a good public education and public input process be important for raising awareness of this, but it also would help with understanding among the population of the importance of this issue. I think that whatever we do is going to require us to be open and transparent and it's going to require us to engage the public in a meaningful way to determine what system is going to work best for us.

Ms. White: I thank the minister for the answer. I think it leads quite nicely into this next question.

Many waste-diversion success stories involve partnerships between industry and government. However, it is also important for governments to establish clear frameworks to ensure these programs are effective.

Does the department have any plans to evaluate the effectiveness of industry-led recycling in Yukon or, compared to other jurisdictions, to ensure that they do in fact lead to better waste diversion here in the territory?

Hon. Mr. Dixon: Once we set up a system for any given product — we were kind of focusing on beverage containers here, but I would note that a range of possibilities and a range of products could be considered. What the focus has been in other jurisdictions — whether it is for electronics or beverage containers — may not be the focus that we have here in the territory.

There may be options for other products that we want to divert from the waste stream to apply to those products. What I am saying is that we would consider a number of different things in setting up a program. We would consider a number of different products. I would expect that, in the development of that system and the development of those regulations, we would at some point — either built into the regulation, or as simply an understanding in government — have to evaluate how things are working and decide and determine if changes are necessary.

Whether and how to evaluate the programming is something that we would develop as we are developing the regulations and the programming. I don't exactly if it would be a commitment to review the program after five years or 10 years or two years, or if there would be a certain type of evaluation or not. Those are considerations that would be taken in the development of the regulation and the program itself.

Ms. White: I thank the minister for his answer.

Since we were both elected in 2011, we have had an ongoing conversation about the Yukon Council on the Economy and the Environment, and I thought I would start with that next.

When the questionnaire was put out to the public when the amendments were being proposed, this was one of the questions. It says: Do you have any concerns about allowing the Yukon Council on the Economy and the Environment to be inactive from time to time, as determined by the minister?

The following answers are straight from the summary of the public review document. The majority — 59.3 percent of respondents — were concerned about this proposal. Many thought that the YCEE should be reinstated and reinvigorated, with sufficient funding and independent resources to operate effectively. They saw the council as a venue where Yukoners could voice concerns and see issues reviewed.

Many respondents said that having an active YCEE would enable proper attention to be given to issues that no one else had the capacity to look at — for example, in regions where land use planning has not yet been completed.

Most thought that the YCEE should not only operate at arm's length from the minister, but also have the authority to make decisions concerning the environment and the economy instead of its current role of presenting recommendations to the minister. Section 22 of the *Environment Act* refers to the duties of a minister upon receiving a complaint. Section 22(4) says, "The Minister shall report the results of their consideration of the complaint to the complainant and the Council and shall supply to the Council any information concerning the complaint and the Minister's consideration of it that the Council may require."

Section 23 is all about how the Yukon Council on the Economy and the Environment reviews those complaints and the actions to be taken by both the council and the minister. How will sections 22 and 23 of the act be fulfilled if the YCEE were allowed to be inactive from time to time?

Hon. Mr. Dixon: Although she was fairly specific in here question, I think this is a broader question about the Council on the Economy and the Environment in general. I'll try to respond to the specific questions, but I'll add the context that I think is necessary here.

First of all, those particular provisions that she's discussing are not being changed in the amendments to the legislation. The complaint process and the processes discussed in those sections that she just mentioned remain unchanged. The change being made, though, is basically — if I could sum it up in a sentence — changing the "shall" to "may" in the creation of the council.

I think that there is good reason for that. When the Council on the Economy and the Environment was created in the development of this legislation in 1991, the breadth and scope of the Yukon government's activities were much different from what they are today. Not only is there that, but the context in which the Government of Yukon operates was very different from what it is today. While there is a whole range of practices in specific cases, I think there have been three general changes that have fundamentally altered the context that we're talking about here.

The first of those is devolution. The management of our natural resources — including water, energy, and all the range of natural resource management activities that we conduct under the auspices of the devolution transfer agreement — has fundamentally changed the nature of the Yukon government's activities. In 1991, what the Government of Yukon was responsible for was much different and there was much less out there to rely on for those activities. I can understand in that context why the government of the day considered that this was a good avenue to go down.

Another one of those changes is the settlement of Yukon land claims. The creation of self-governing First Nation governments with settled land claims and ownership and control over their own natural resources on settlement land has changed the way that the environment is managed and protected in Yukon today.

In addition to the actual roles of the First Nation governments themselves, a number of other systems, and boards and committees have been developed since then that

have changed the way that we manage our natural resources in the territory. One needs only to look at the Yukon Fish and Wildlife Management Board or the renewable resource councils as examples of where we see a fundamentally different system of management of our natural resources than occurred prior to land claims.

Then, of course, following the settlement of land claims was the implementation of those claims, including the creation of YESAA. In 1991, when this legislation came into effect and this council was contemplated and created, there was no YESAA. There was no comprehensive environmental and socio-economic assessment process. The government of the day, I assume at least — I can't find my way into their heads but I can guess based on my review of the information — that they were seeking some sort of forum for these types of discussions to occur — for the environmental and socio-economic impacts of proposed developments and proposed activities to be considered.

Because of all those things, the context within which the Yukon government and in particular the Department of Environment operates is very much different from 1991. I think that if we want to understand exactly what was contemplated for the council, we can look at section 41 of the *Environment Act* which is, "The purpose of the Council is to encourage sustainable development in the Yukon." At the time that this act was created, there was no legislated Department of Economic Development.

With the passage of the *Economic Development Act* later in the 1990s, you had the creation of a specific, stand-alone department whose legislative responsibility was the encouragement and promotion of sustainable development.

With the creation of that department, much of the encouragement for sustainable development was undertaken by that particular department. I guess — to circle back to the original question, which was about how we would fulfill these particular provisions with this amended legislation, I would suggest that what is being changed here is not the function of the council. What is being changed is whether or not there must be a council. Nothing would prevent a future government from calling a council together and allowing it to conduct activities pursuant to this section of the act, given the fact that currently we don't think the Yukon Council on the Economy and the Environment is necessary because of all of the changes that have occurred over time and because of the new ways of doing business that have evolved over the course of the Yukon's political history and over the past several decades. We don't believe that the legislative requirement that there necessarily has to be a council in effect at all times is necessary any more. That's the impetus behind the change that we've made.

Should a future government decide that that's not correct and that they would like to have a Council on the Economy and the Environment and they would like them to do any of the things that are outlined in the act, nothing would prevent that. But what is being changed is the absolute requirement for there to be this particular council.

I think I have answered the specific questions, so I'll cede the floor now. I'm sure there will be some back-and-forth here. I'll allow the member opposite to perhaps respond to that response.

Ms. White: It's interesting for me to hear the minister's thoughts on this as he is not only the Minister of Environment, but he's also the Minister of Economic Development. To me, reading all of the definitions and the ideas behind the Yukon Council on the Economy and the Environment, it seems like this would be a good council to still have in operation, just because of that very similar relationship that he has between his ministerial roles.

Section 21 of the *Environment Act* deals with complaints, which directly affects both section 22 and 23 that I quoted. If a person has a complaint at this point in time and the minister isn't taking them to the council, what happens when a complaint is filed?

Hon. Mr. Dixon: Madam Chair, my understanding is that in the past two decades, there has been one complaint under this act and it was dealt with through normal procedures. I don't know the specific content of the actual complaint. There has never been a complaint since I've been minister, so I can't speak to what I have done. Obviously, regardless of whether a complaint is made pursuant to this particular legislation or a complaint is made about any environmental consideration to me, I will take the necessary action. I realize that's very general, but without knowing the specifics of the case, it's difficult to comment.

When I receive any number of comments from people about government's activities or activities out in the Yukon that have occurred, if there's a complaint about something that has been done incorrectly or wrongly, I, along with my colleagues, move to address it where it's appropriate. That is how we would deal with a complaint made to my office. I should note that the section she's referring to is not changing, so there would be no change. If a minister decided that council wished to be called, they could refer any matters they see fit to that council, including those outlined in section 41.

Ms. White: When the Governor General made his first visit here after we were elected, one of his comments was that the first time he visited the Yukon was in relation to the Canadian council on the economy and the environment and how he was so pleased that we hadn't gotten rid of ours in legislation. It was one of those comments that was quite telling, because although even now it won't be gotten rid of in the legislation, it definitely does not have the important role that it once had.

Section 40(1) of the *Environment Act* established the Yukon Council on the Economy and the Environment in 1989. It was the first legislated round table on the economy and the environment to be established in Canada. It comprised members representing different groups with a variety of interests, including First Nation people, business or industrial associations, environmental non-government groups, labour unions, municipal governments, women and other interests.

The purpose of the YCEE was to encourage sustainable development in the Yukon. It had language that suggested that

they undertake and encourage public discussion of the economy and the environment and their interrelationship, review the policies of the Yukon government and evaluate their implementation in relation of the objectives of the *Environment Act*, and promote public awareness of the importance of sustainable development.

Given that the YCEE had such a significant role to play — it was actually included in Section 22.7.1 of the UFA, which provided that the Yukon government would make best efforts to structure the YCEE so that at least one-quarter of members are Yukon First Nation citizens. The minister had already said that it is not removing the Yukon Council on the Economy and the Environment from the act — it is just making it inactive for a time.

How does that affect bringing on the involvement of First Nations as stated in the UFA in Section 22.7.1?

Hon. Mr. Dixon: This piece of legislation does not change the powers and duties of the council. It does not change the relationship with the UFA. It does not change any of the aspects that the member is considering. It simply allows for the council to be inactive from time to time. The answer to "How does it change in relation to the UFA requirement?" is that it does not.

Ms. White: When this council was operational, it gave First Nation people, governments and representation a very distinct voice at a table to discuss things around the environment and the economy. How does the minister envision that, with this council being made inactive from time to time, those voices will still be heard in such a clear fashion?

Hon. Mr. Dixon: Since that time, First Nations now have self-government and they have land claims. We have a case now where not only do they have — the member said, "Where do First Nations have a distinct voice now?" They have their own level of government and they have their own self-government institutions. They have their own settlement land and we, on a regular basis — almost a weekly basis, it seems — meet with those levels of government at a government-to-government level.

When it comes to just about anything that occurs in the territory, it's very difficult for First Nations to not be involved. There is almost no economic or environmental activity in the territory that doesn't involve some discussion or role with First Nations.

That being said, there are also specific roles for First Nations in the environmental and socio-economic assessment of any economic project in this territory that is conducted under the *Yukon Environmental and Socio-economic Assessment Act*, which provides a guaranteed role for First Nations to participate in the review of those projects.

There are a number of other ways that have evolved over time since the early 1990s when this act was originally passed.

I understand why the government of the day felt they needed this particular council in absence of land claims, in absence of devolution and in absence of YESAA. However, in today's context, when we have these evolved institutions, when we have these mature governments, in some cases — like the Yukon government and like First Nation governments

— the everyday activity of this council isn't necessary any more.

The act that we have before us changes the — sorry, I should say that it still allows for the council to exist, should the government of the day decide it is needed, and that may indeed happen sometime. The function of the council, should it exist, would not change. The roles and responsibilities with regard to the participation of First Nations would not change, but this change to the act does allow for the council to be inactive from time to time. That's the extent of the particular change with regard to this council.

Ms. White: Just to go back to the summary document, a few of the respondents in support of the amendment said that the YCEE could be made inactive only if a council or board with the same influence as what is described in the act be in place. Does the minister believe that YESAB is the board that is taking the place of the YCEE? If not, is there a council or board with the same influences as the Yukon Council on the Economy and the Environment?

Hon. Mr. Dixon: I think that YESAB is one of the things that have supplanted some of the role of the council. As I said before, it's an assessment process that provides guaranteed input for First Nations. It provides guaranteed input for the public and it considers all aspects of environmental and socio-economic impacts of any given economic project on the environment and lives of Yukoners.

However, there are a whole host of other things that have arisen over time that have also played a role in supplanting the role of the council. I would note that the Fish and Wildlife Management Board is indeed one of them. The Fish and Wildlife Management Board and the renewable resource councils are the primary instruments identified in the UFA for the management of renewable resources like fishing, trapping and hunting. Those are aspects of sustainable development that are considered by the Fish and Wildlife Management Board. There's a role where half of the board is appointed by First Nations and half is appointed by the Yukon government. That board considers a range of these things related to the environment and the economy when they make recommendations to the minister about all things that relate to hunting, trapping and fishing.

There is, of course, the Yukon Water Board that exists now and also has a role for First Nations in the creation of the board itself and in the operations of the board and their review of potential water licences. The Water Board is obliged to look at a number of things that we discussed here today.

As I said before, there are the First Nation governments themselves, which, on settlement land, are the decision-makers for issues involving the environment and the economy. There are a number of things that have supplanted the originally intended role for the council. I would agree that YESAA is one of them, but certainly not the only one.

Ms. White: Just a comment on that, all the boards — short of the Water Board, which is a quasi-judicial board — make recommendations to government that the government can either choose to accept or reject or modify, including YESAA.

Other respondents said that if the YCEE were to be inactive, a transparent decision framework should be used to determine when the council would be active. If a complaint that was filed was one that required the creation or the recalling of the YCEE, would that be a possibility? Is there a framework in place as to when the council would be made active?

Hon. Mr. Dixon: Whether or not the council is active and who sits on it and how the appointments are made is up to the government, of course. Should the government of the day decide that it's necessary to have a council in place, they are perfectly able to review the act to determine how to do so. As I said before, the powers and duties of the council are not changing in this act. Should the government determine that the council is to be in place, they would then make that decision and make the appointments as required under the act.

Ms. White: Just returning to my earlier comments — and this is again straight from the summary document — the question was put forth: Do you have any concerns about allowing the Yukon conservation strategy to be renewed or updated from time to time as determined by the minister? The majority of respondents — 53.8 percent — had some concerns about this proposal. Many said that the strategy should be modernized. Several said that the strategy is still as relevant today as it was when it was first developed in 1990. Numerous respondents supported the regular renewal of the strategy as called for in the act.

As stated in section 44 of the act, "The purposes of the Yukon Conservation Strategy are (a) to provide a comprehensive long-term guide for the policies and practices of the Government of the Yukon in relation to the environment; and (b) to set out the commitments and recommendations of the Government of the Yukon with respect to conservation of the environment and sustainable development."

Section 45 talks about the Yukon conservation strategy being revised every three years. Several respondents said allowing ministerial discretion could undermine the timely updating of the strategy and the territory's ability to address emerging issues. How does the minister respond to the fears of these respondents and their concerns that it won't be revised automatically every three years?

Hon. Mr. Dixon: I thank the member opposite for the question. I'm pleased to respond to this one because I believe the Yukon conservation strategy, like the Yukon Council on the Economy and the Environment, was a creature of a previous era. In 1991 when this act was created and the conservation strategy was contemplated, it's understandable to me why the government of the day chose to have that. At the time, there was a very limited scope and breadth to what the Yukon government did and it was the only avenue to communicate this sort of thing with Yukoners at the time.

Today, for the very first time, I was able to have a look at it. Diane has the original hard copy here — the only one I'm aware of that exists — of the first and only Yukon conservation strategy. Since then, no government has updated it, as per this legislation, whether NDP, Liberal or Yukon

Party. No government has updated it since 1992. The reason for that is we don't conduct business like this anymore, where we have one strategy that encompasses all measures that Yukon government is taking with regard to the protection of the environment in the territory.

Section 44 provides for the purpose of the Yukon conservation strategy. I would like to read that section just to provide some context.

“The purposes of the Yukon conservation strategy are (a) to provide a comprehensive long-term guide for the policies and practices of the Government of Yukon in relation to the environment; and (b) to set out the commitments and recommendations of the Government of Yukon with respect to conservation of the environment to sustainable development.”

I would suggest that if we were to have a conservation strategy that fulfilled those commitments today, it would be about a foot thick. There are any number of things that we do now that relate to this particular aspect of the act. In today's world, we report and communicate to Yukoners on these issues on an issue-by-issue basis. Let me give you some examples.

We have a climate change action plan that elaborates: our recommendations for action; our actions to date; an overview of the issues; and how we intend to move forward on a particular issue. It is a comprehensive document that took a lot of effort to develop and it took some time to create. That would surely be some small sliver of a conservation strategy.

We have an energy strategy that does a similar thing. We are in the process of developing a water strategy. We have — on a species-by-species basis — a range of management and conservation plans that would be encompassed by this provision in the act, whether it is the bison management plan, the wolf conservation management plan, or the management plan articulated by the Porcupine Caribou Management Board.

Any number of these conservation plans or management plans would be considered a component of this. When you flip through the original 1992 conservation strategy, it included considerations for tourism, agriculture, forestry and hydroelectric development. It considered basically everything the government did in the day. In today's world, that would be a massive document. In 21st century Yukon in 2014, we have a whole department dedicated to tourism and a range of strategies and documents that I'm sure the minister could bring to light that would demonstrate our vision for tourism. We have an Energy Corporation that conducts the public utility on behalf of Yukoners and they have a range of planning documents. We have a Forestry branch in the Department of Energy, Mines and Resources that has its own set of strategies and visions. Then of course we have the Environment department that communicates with Yukoners and expresses our vision for moving forward on a range of things.

One of the great ways that we do that — another aspect of this act is the state of the environment report, which I had the pleasure of tabling today. In that report, we see a range of data, an interpretation of what it means and an explanation of some of the highlights of what is being done to address that

particular issue. Those relate to climate change, to air quality, to water, to land use, and to fish and wildlife. We do all of the things that are contemplated under this particular aspect of the act today, but we do it in a different way other than a conservation strategy.

I think that the change we're contemplating here is simply one that, while it doesn't explicitly spell it out in the act, is done because we do this in a different way now. We have different strategies, we have different management plans and we articulate these in a different way than they did in 1991. In a similar fashion as to my comments about the Yukon Council on the Economy and the Environment, they've changed by necessity over the years as our governance institutions have evolved — because of devolution, because of land claims and because of things like YESAA.

To conclude, the member asked what I would say to people who have said that you really have to have a conservation strategy at all times and update it every three years. I would say that we do, but we don't do it in the way they did in 1991. I think it's a good thing. I think it's a modern approach to things and is one that I'm comfortable taking out to Yukoners and talking about with any Yukoner who is concerned about it.

The range of ways we report to and communicate with Yukoners is unique here in the Yukon, and I'm quite proud of what we have done to date. I hope that answers the member's question.

Ms. White: Just in reference to all the comments — we've talked about it being outdated, we've talked about how things have changed since 1991 — if the minister feels this way about the Yukon conservation strategy, why is it still left in the legislation? Why hasn't it been completely removed? If we have other mechanisms of reporting and we have other strategies, including the energy strategy, the tourism strategy and the environment strategy, why has the minister chosen to leave the Yukon conservation strategy inactive within the legislation?

Hon. Mr. Dixon: The answer is that we simply didn't want to disable a future government from doing this kind of work. What we've done is allow for there to be a conservation strategy, should a government decide they want to. As I said, if we were to compile all of our various strategies, management plans and policy articulations of various sorts into one conservation strategy, that would be a decision that the government of the day would have to take. I don't think it's necessary at this point, but we're leaving the ability for a future government to decide to undertake a conservation strategy if they want.

If another government at a later date decides they want to absolutely remove this from the act, then so be it. At this particular point in time, we're simply bringing the legislation into consistency with the current practice. We're not eliminating the conservation strategy or changing what it is being contemplated as in the act. We're just simply allowing for the consistency with current practice. The current practice, as I said, is to conduct these activities on an issue by issue basis throughout the government, whether it's in the

Department of Environment or not. I would suggest that the activities of the Tourism department, the Community Services department and the Highways and Public Works department are all relevant to what is being contemplated in the conservation strategy, but we don't feel, at this point, that we need to have one single strategy for those things, but the legislation we put forward allows for such a conservation strategy to be created, should a government want to. At this point we felt it was appropriate for us to bring the legislation into consistency with our current practices.

Ms. White: When changes were being contemplated to the Yukon Council on the Economy and the Environment, were First Nation governments consulted because of the requirements under section 22.7.1 of *Umbrella Final Agreement*? Was a conversation held? Was an explanation given? How did that look? How did that take place? What were the comments that were heard?

Hon. Mr. Dixon: The public engagement period for the proposed changes to the *Environment Act* ran for 75 days, from August 1 to October 14. Notices were advertised through government and department webpages, the department's Facebook page, newspaper articles, an open house in Whitehorse and other various media tools. Correspondence was sent to Yukon First Nation chiefs and resource managers, renewable resources councils, municipalities — including mayors and administration — environmental NGOs, and industry and environmental consultants.

The department heard from 64 respondents who replied by submitting the survey or by letter. Respondents included the First Nations as listed by the member opposite. All of the information that we received through the public consultation is available in the *What We Heard* document, which I know the member has in her hands right now.

Ms. White: Just to get a number, how many First Nation governments responded? How many were actively involved in the process? Were there any concerns raised about section 22.7.1 of the *Umbrella Final Agreement*?

Hon. Mr. Dixon: I believe we heard from all First Nations but we're just double-checking. There may have been one or two that did not reply. I believe First Nations in general expressed the desire to maintain the ability for a quarter of the council to be consistent with the UFA requirement for representation on the council. I think there may have been some that had some questions or concerns but, in general, the requirement remains to maintain a quarter of the council as — I believe with the UFA language — Yukon Indian people

Ms. White: Flipping through the summary of public review document, it doesn't actually list the organizations or respondents and who they were, but dealing on a government-to-government basis — knowing that, by making the Yukon Council on the Economy and the Environment inactive, it would affect First Nation governments in that promise under the UFA. Do we have a separate record of being able to say that this many First Nations raised concerns, that they were happy or not happy with the idea of it being made inactive and not having that council active?

Hon. Mr. Dixon: Madam Chair, we provided a *What We Heard* document that includes what we heard in the consultation. With regard to First Nations, the Yukon government received comments from 64 groups and individuals. Responses were provided by the Council of Yukon First Nations, Kluane First Nation, Tr'ondëk Hwëch'in, Champagne and Aishihik First Nations, Ta'an Kwäch'än Council, Carcross-Tagish Renewable Resources Council, Alsek Renewable Resources Council, Lake Laberge Renewable Resources Council, City of Whitehorse, Village of Teslin, Village of Mayo, Village of Haines Junction, Town of Watson Lake, Marsh Lake Local Advisory Council, Yukon Energy Corporation, Ducks Unlimited, Yukon Conservation Society, Canadian Parks and Wilderness Society, Raven Recycling, New Era Engineering and Klondike Placer Miners Association, as well as individuals. The summary of comments presented in the *What We Heard* document follows the same format as the discussion document and survey. A summary of what we heard is available publicly and that is what we have released so far.

Ms. White: I thank the minister for the clarification that it is in the document. I thank the official who knew where to find it because I was flipping through and couldn't find it. I thank both the minister and the officials for the time and I look forward to the line-by-line. I'll hand it over to the Member for Klondike.

Mr. Silver: Thank you, Madam Chair, and thank you to the Member for Takhini-Kopper King for her line of questioning today. I just have some comments to make and a couple of clarification questions.

I would like to start by thanking the officials from the department for being here today. I do have some concern with the changes to the legislation surrounding the Yukon Council on the Economy and the Environment as well. The Yukon government established the Yukon Council on the Economy and the Environment in 1988 and entrenched it in the *Environment Act* in 1989 and then in the *Economic Development Act* in 1992.

These acts and regulations established some required activities for the YCEE, which have not been met in recent years.

The purpose of the YCEE is to encourage sustainable development in the territory and, as mentioned earlier in the debate, the committee was made up of members representing a well-rounded variety of interests including aboriginal peoples, business or industrial associations, environmental non-government groups, labour unions, municipal governments and women.

At the time of its creation, the YCEE was the first legislated roundtable on the environment and economy in Canada. Then in 2005, the Yukon Party basically shut down the YCEE and, since, it has ceased to function as an advisory body to the government. In 2010, the *Environment Act* audit provided the following insight into the YCEE — and I'm quoting here: "In 2008 the Department of Environment stated that a review was underway to determine whether the body should be resurrected and that this review would culminate in

an opinions paper. Having been informed of this and because the YCEE folded during the late period of our audit examination, we opted not to raise an audit recommendation on this matter in our 2008 report.

“The YCEE continues to be non-operational. As a result, the government is not able to satisfy the requirements of Section 22 and 49 of the Act, in that, the Yukon State of the Environment report and complaints cannot be submitted to the Council as required. Two of four external stakeholders we contacted believe the YCEE serves a worthy function as a primary source of advice to the government and should be maintained.”

If a 2013 *Environment Act* audit was completed, I imagine it would reflect a similar sentiment.

As it was published in the summary of the public review document, the majority in the public consultation process were not in support of the minister having control over when the YCEE meets and, in fact, thinks it should be invigorated and properly funded. With a major issue like fracking looming on the horizon, the Yukon Council on the Economy and the Environment would have certainly played a role in finding an informed and balanced approach to resource development. Adding the ministerial discretion clause — well, basically, this is just retroactive to what the Yukon Party is already doing with the council. Every year the council is supposed to issue public reports on sustainable economic development and environmental issues in the Yukon. Instead, it has not met in nine years.

With that, I have a couple of questions and I look forward to the minister responding to those comments as well as giving me his perspective on those statements.

The legislation is seeing the wording for the council changing from “shall” to “may” meet. If the minister can speak to that — under which circumstances may the minister call for the council to meet? We’ve heard a few different times that it seems this is being altruistic for another government coming in and then they “can” or “may” see the council meeting. Are there any circumstances under which this current government believes that the council may meet?

Hon. Mr. Dixon: I guess in response to the comments, I would refer the member to the my comments in debate with the Member for Takhini-Kopper King.

I believe I have covered the reasoning for why I am of the opinion that I am about the Yukon Council on the Economy and the Environment. I think I have explained it already and I do not think there is value in repeating those comments.

In answer to his question, a government can decide to appoint a council if they want to. I have indicated that I have no plans of reinstating the Yukon Council on the Environment and the Economy at this point. I have no plans to do so, so I cannot speak for why a future government may determine it is a good idea. At this point, I do not think it is necessary to have yet another board or committee exist to do what a number of other governments, boards, committees, NGOs and departments and others are already doing. I would cite my earlier comments for further explanation and indicate to the member that it is up to the government — pursuant to the

legislation, as amended, once it is assented to — to determine when they want to call the council into action.

Mr. Silver: Thank you to the minister for the answer. Once again, I am clarifying, as I wasn’t sure whether this particular minister felt there was a need for this council.

Will the minister be holding a public forum to address ministerial discretion changes to the YCEE, as was suggested in the public review summary document?

Hon. Mr. Dixon: I am not sure exactly what kind of ministerial forum the member is referring to. I will have to review the consultation document again, I guess.

I have no plans on calling any sort of a forum at this point. The public consultation we conducted was thorough, we had a lot of input, we considered it and we’re moving forward with these changes. Beyond that public consultation that we conducted already, which was about six weeks long and involved all the Yukon First Nations and RRCs that I listed earlier, we have no plans on doing any other forums, as such, but we’re reviewing the consultation document to see if I perhaps missed something.

Mr. Silver: I’m looking forward to an update on that after that review.

Another question based upon the public review summary document is: Will there be a board or a panel that consults with affected stakeholders on the banning of hazardous substances, as was suggested in the public review summary document?

Hon. Mr. Dixon: To circle back, my understanding is that one of the submissions we received suggested there should be a ministerial forum. At this point, I would respectfully disagree and suggest that, until such time as the government is interested in convening a Council on the Economy and the Environment, it’s not necessary to have a ministerial forum on it.

With regard to the list of substances that may be banned pursuant to this piece of legislation, there would be a public consultation on that list of substances that would be proposed for banning. As a starting point, we would probably adopt a list from another jurisdiction, probably the federal government or B.C. — perhaps Alberta or another neighbouring jurisdiction. But any time we would move to change it, it would require a regulation change and we would conduct public consultations, likely based on the requirements to change those regulations.

Mr. Silver: One last small question is: Who decided to limit the scope of the amendments? Was this a ministerial or a Cabinet role?

Hon. Mr. Dixon: The decision on what changes to the act were made was made by caucus, Cabinet and the minister collectively, based on a number of factors including what we heard in the public consultation.

Deputy Chair (Mr. Hassard): Before we proceed with clause-by-clause debate, would all members be interested in a recess?

All Hon. Members: Agreed.

Deputy Chair: We will take a 15-minute break.

Recess

Chair: Order. Committee of the Whole will now come to order. We're going to continue on with discussion of Bill No. 73, entitled *Act to Amend the Environment Act*, going into clause-by-clause review.

On Clause 1

Clause 1 agreed to

On Clause 2

Ms. White: Under the definition of “contaminant”, would it include things like produced water or drilling fluid that could possibly be used in the future in the oil and gas industry?

Hon. Mr. Dixon: I believe I answered that in general debate. A contaminant would mean any solid, liquid, gas, smoke, odour, heat, sound, vibration, pathogen or radiation, or any combination of these things, that is foreign to the normal constituent of the natural environment or that exceeds normal quantities or concentrations in the environment and that results directly or indirectly from human activity that may cause or contribute to causing adverse effects. So if any of the fluids, liquids or substances the member is referring to met that description, they would be considered a contaminant.

Ms. White: I had a conversation before with the minister, saying that the numbers were going to be hard to follow in this. Sure enough, I got caught out in clause 2.

I have a question in regard to the definition of “hazardous substance”. Does the minister see that the definition of “hazardous substance” will capture everything it needs to in the future, keeping in mind the potential of the oil and gas industry — so drilling fluid, frack fluid. If we put that lens to it, does this definition capture everything that it needs to?

Hon. Mr. Dixon: Yes.

Ms. White: Fantastic.

Some jurisdictions have exempted produced water — frack fluid — from hazardous waste legislation. Will the changes in this act allow for such an exemption or would that be under regulations?

Hon. Mr. Dixon: I don't believe this legislation provides the opportunity for exemption, but if there was a regulation that included that, then the regulation would have to include the ability to exempt some things. Since regulations aren't developed yet, I can't comment on whether or not those regulations will include that provision.

Ms. White: In the development of those regulations, will it be going out to public consultation?

Hon. Mr. Dixon: There is a requirement in this legislation that, for any regulation developed pursuant to this legislation, there be public consultation for no less than 60 days.

Ms. White: I thank the minister for his answer. That is fantastic.

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Ms. White: With the revisions to the Yukon conservation strategy by changing the language, under Section 43.3, it says that under completion of a revision as soon as practicable, the minister shall present revisions to the Legislative Assembly.

What revisions has the minister instructed his department to undertake?

Hon. Mr. Dixon: This amendment allows the minister to determine when a revision to the Yukon conservation strategy occurs, removing the requirement for the strategy to be revised at a fixed interval of every three years. This change brings the legislation into consistency with the practice of every government since 1992.

At this point I've given no instruction to make any revisions to the conservation strategy and we'll continue to fulfill the intent of communicating with Yukoners about the conservation and protection of the environment through the measures I articulated in general debate, including, but not limited to, any of the strategies, management plans or other policy statements that we have throughout the department. At this point I've given no instruction to make revisions to the conservation strategy.

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Clause 9 agreed to

On Clause 10

Clause 10 agreed to

On Clause 11

Ms. White: “In paragraph 84(i), the expression ‘spills’ is replaced with the expression ‘releases’” — how did the department come to the term “releases”? I know it would include vapours and stuff, but how was that language chosen?

Hon. Mr. Dixon: That particular word is commonly used throughout other pieces of legislation throughout the country and in industry. This particular section is a consequential amendment that is made throughout the act as the term “spill” has been replaced with “released”. It's just simply using the current, relevant nomenclature.

Clause 11 agreed to

On Clause 12

Clause 12 agreed to

On Clause 13

Ms. White: In clause 13, in the definition of “designated material” — for the collection of surcharges and deposits for the recycling fund — I think this is the part — but could the minister give me examples of what is changing and explain the changes?

Hon. Mr. Dixon: Okay. I guess I'll walk through section 13 here: “13(a) the definition of ‘designated material’ is replaced with the following: ‘designated material’ means a

material, product or package that has been prescribed as a designated material; and ... 'assigned designated material' means a designated material for which the responsibility for its collection and recovery has been assigned under section 109.02”.

This definition has been revised to apply to more than just section 109 as it is used throughout part 8, which is the Waste Reduction and Recycling portion as well as the regulations. This new definition of the assigned designated material supports the new provision that allows for a body other than the government to collect and recover recyclables which, in the act, are designated materials that have been assigned by the Commissioner in Executive Council, and the new definition of a producer, is a definition that supports the new provision that provides for industry-led recycling programs.

The scope of this definition of producer reflects what is used in other jurisdictions.

Under the recycling fund, this means the fund established under section 108. This new definition is required because of its use in Part 8. The term “steward of a designated material” means a person who is determined to be a steward in accordance with section 109.01. That new definition supports the new provisions on industry-led recycling programs.

Finally, the term “supply” — that definition has been added to describe the actions a producer may be involved in, which would be subject to government regulation for any designated material.

That covers off the provisions in section 13, and I hope that answers your question.

Clause 13 agreed to

On Clause 14

Clause 14 agreed to

On Clause 15

Clause 15 agreed to

On Clause 16

Clause 16 agreed to

On Clause 17

Ms. White: The confusion was that I had asked for information to try to skip ahead, but there are so many numbers, I will just clear and carry as we go and try to expedite that or I will lose myself — another example of getting lost. I have questions about section 17, which is the release of contaminants in contaminated sites. Can the minister give an overview of the changes to the contaminated sites section? It's just for clarity's sake for people who might be trying to follow along or may eventually listen to what's happening here.

Hon. Mr. Dixon: This is the very lengthy portion of the bill and the reason for that is it combines two previously separate portions: the portion that related to the release of contaminants and the part of the original *Environment Act* that dealt with spills. In combining the release of contaminants part and the spills part, we get a fairly sizable chunk here. That's why this particular section is so long.

To explain why we did this, as I discussed before, it's to allow for the transfer of liability of contaminated sites from one party to another. The reason for that is that, under the

current legislation, a contaminated site cannot be designated as a designated site and then sold to a third party without first being cleaned up and removed as a contaminated site. What we want to do here is allow for someone other than the person who caused the contamination or the person who is responsible for the contaminated site to do the cleanup. In order to effect that change, we had to make this change in the legislation.

From now on — once we have this legislation passed — what will be possible is that an individual who has an ownership stake in a contaminated site will be able to sell that site to a third party and, in doing so, transfer the liability for that contamination to that purchaser. The purchaser has to be aware of the contamination. The purchaser has to understand that it's contaminated and fully understand that they are taking on the liability. All of that work has to be done up front. There has to be, obviously, the characterization of the contamination and an explanation of how they are going to clean it up.

The reason why we want to do this is because we have examples of cases where an individual owns a contaminated site and doesn't have the financial resources to clean it up, so that site sits contaminated and unchanged. Where we want to get to and what this legislation will allow is for another party who has the financial resources and has the capital to clean up the site and redevelop it, to purchase the site under the understanding that they have purchased the liability as well and then clean up the site. While it sounds fairly simple to do, from a legislative drafting perspective this was a lot of work and is somewhat complicated and complex as we see as we go through clause 17 here. I think I've described the intent of what we are trying to achieve and the reason for it taking so long. I hope that that provides assurances to the member and to anybody who is listening or reviewing this discussion — to know why we are doing this and what we are doing.

Ms. White: I thank the minister for that overview because Section 17 is very large.

Under Section 17, in Clause (2): An environmental protection officer may undertake any measures set out in the paragraph 113.02(1)(a) “in respect of a release if ...”

In Section (a) it talks about “... reasonably expedient manner ...” Are there timelines for what would be viewed as an expedient manner or is it spill-dependent?

Hon. Mr. Dixon: That is a good question that was raised by the member. This is a discussion that we had around the caucus table. What is intended to be contemplated here is that when a spill happens — obviously you hope that it is an accident. If an accident occurs and spill occurs, obviously the duty is on the person to take whatever measures they need to stop the spill from occurring. So before you have to report that spill, you can take the action you need to take to clean it up, or to stop the spill from occurring.

In a hypothetical situation, if I accidentally kick over a tank and it starts spilling fuel, my duty is to right the tank first and stop it from spilling fuel everywhere before I report it. Sometimes people can be confused if they look at that. They say they have to report it immediately and that means I run

away to report it to Environment Yukon before I take action to clean it up. That is not the case.

We want people to remedy the situation as best they can immediately, but then, as soon as it's safe and the spill has, to the best of their ability, been contained, we want them to report it. So it's not a fixed timeline; it's not something that we want to write into legislation or into regulation, but we want to say that, as soon as possible, you want to report this and, as soon as possible, you want to make it known that this spill has occurred. Then through discussions with Environment Yukon, we can find out how to clean it up, whether there is a large extent of contamination or a small extent, and those types of questions.

The intent there is to have an individual take the necessary actions immediately and then report it as soon as possible.

Ms. White: I thank the minister for that clarification. Skipping ahead to — I'm not sure if it's a clause or a section — 114(1), where it talks about the power to determine whether an area is a contaminated site. It has been identified by an officer as being a contaminated site, so who would pay the environmental protection analyst to determine if that area is a contaminated site? I'm just wondering who would foot the bill for that.

Hon. Mr. Dixon: The responsible party, or the person who is in ownership of the site, pays for the work to be done, but the determination, based on that work, as to whether or not the site is contaminated and will be deemed a contaminated site is done by government. So the responsible party pays the bill; the government determines whether or not to categorize it as a contaminated site, pursuant to the regulation.

Ms. White: I thank the minister for the clarification. There is the distinct possibility that the next question will have the same answer. In section 114.02, "An owner of a property may, in accordance with the regulations, apply to an environmental protection analyst for a determination to be made in respect of an area of the owner's land."

Would the property owner then pay for that environmental analysis or would government be paying for that?

Hon. Mr. Dixon: The member is correct and the answer is the same. The responsible party pays for the work to be done and then based on that work government makes the determination. The answer is the same as before.

Ms. White: In all these sections, it talks about the landowner if they're present. In section 114.03, what happens if the property owner isn't able to be found when the copy of the determination is to be handed over? What happens if the landowner isn't able to be found?

Hon. Mr. Dixon: Obviously we would make best efforts to find the owner of the site. If there's an occupier to the site, we would start with them, and then hopefully we would find the owner. If we are unable to determine who owns the site and we can't find anybody, then we would characterize it as an "orphan site", in which case we would go into our registry and it would be available for somebody to

come along. If they wanted to clean it up, we would be able to transfer the liability to a third party. In the event we have an orphan site, we would just characterize it as that and try our best to track down the responsible parties through normal mechanisms for doing that, whether it be the Sheriff's Office or some other recourse through the courts. If it's private property, somebody is presumably paying taxes on it and there is some paper trail to an individual somewhere. If we really can't find anybody, then we have to just determine that it's an orphan site and try to deal with it as best as we can.

Ms. White: I thank the minister for the answer. I know it's an odd question, but when I was going through the clauses, it was one of those things — what would happen if you couldn't find a property owner? Does the contaminated site belong to the government or how does that work? That was just about clarification.

One of the really fantastic amendments to the *Environment Act* as it stands before us is the ability to transfer a contaminated site. I know that has raised a lot of flags for people, but when we talk about things like the tank farm property, or old gas stations that are on prime land, or old dumping stations or a lot of those sites that we have in the Yukon — I think it's a great opportunity for an interested party that has the funds.

My question is directly related to that. Before the transfer of a contaminated site to a new owner, does that new owner need to prove that they are financially able to remediate and clean up the site? Do they get shown what the bill for that cleanup will be? Do they have to prove to government that they will be able to clean up that site so that we don't just transfer a contaminated site to a new owner and it just sits there still contaminated?

Hon. Mr. Dixon: I was just confirming with officials that we don't conduct a means test or anything like that to determine that an individual has the financial capacity to conduct the activities needed to clean up the site. However, it is sort of common sense that a person wouldn't want to take on liability for a site unless they had some plan to clean it up. Otherwise, you are just taking on a liability for no reason other than taking it on.

What this allows is for us to transfer the liability to the third party. Then all the requirements that are in this act to clean up the site would then transfer to them. The only reason that comes to my mind, at least, for someone wanting to take on a liability is because they thought they would have the financial resources to clean it up, repurpose it, and perhaps sell it or redevelop it in a different way and get some economic benefit out of it.

If an individual didn't have the financial resources to clean up a site and took on the liability, we would be no worse off, but we probably wouldn't be any better off, either. I can't think of a scenario where an individual would want to take on a liability if they didn't have any plan to clean it up and reuse it and resell it for some economic purpose.

No, we don't conduct a means test, but I'm not sure that we would need to. If a person was willingly taking on a liability, I think they would want to have done their due

diligence to understand what it is going to take for them to clean it up. We would naturally provide all the information we could so they understand what it is going to take to clean it up. We don't necessarily know the fixed quantity of money or dollar amount that it would take, but we can say to an individual that, look, in order for this to be cleaned up, the following needs to happen: you need to prove X, Y and Z. Based on discussions with companies that do this, you can have a general idea of what the dollar amount is going to be. But you don't have a fixed amount, a fixed dollar figure, and then have the government go do a means test on an individual. That's now how it would work.

It would be up to the individual to come up with a plan for cleaning up the site. That's where government would come in to ensure that the plan they have to clean up the site would be sufficient to do that.

Ms. White: I guess the reason I asked is that if someone had grandiose ideas about taking on large contaminated sites with the hopes of being able to remediate it and then either selling the land or building on it — if they underestimated their ability to fundraise or do what they needed to do and if, for example, they declared bankruptcy, would that contaminated site then fall to the Yukon government? What would happen if someone was unable to remediate the site or make payments or anything like that? This is just a "what if" scenario.

Hon. Mr. Dixon: It would be no different than if the original person who caused the contamination to occur owned the site. There is no change in what happens when someone owns a contaminated site. This provision would simply allow the transfer of liability from one person or one company to another. What happens once you own a contaminated site does not change. All the requirements of an individual to clean up a site and the commensurate liability don't change. In the scenario that the member is contemplating, the new person who is taking on the liability would be no different from the original person who caused the contamination.

Clause 17 agreed to

On Clause 18

Clause 18 agreed to

On Clause 19

Ms. White: In clause 19, we are talking about the handling or import of hazardous substances, and it has a list of how they will be dealt with and identified. How does the department envision that banned substances will not be used or won't be imported into the territory?

Hon. Mr. Dixon: In advance of banning a hazardous substance, we would undertake a public consultation of some sort. Obviously there is the specific legislated requirement to do public consultation on any regulation pursuant to this act, but in addition to the act-mandated consultation, we would probably have to do an education campaign of some sort around the banning of a hazardous substance. What that would mean is we would communicate, obviously, to all the companies that we know of that bring in this type of thing. We would communicate with the public in general because it would not just be illegal for a company to import it and sell it.

It would be illegal for any individual to bring it into the territory.

What we would do is conduct a public consultation, a public awareness campaign that substance X is now banned in Yukon. We would then likely have a day or a series of days or a week — or an opportunity of some undefined amount of time — for any Yukoner who is in possession of that type of substance to bring it in for collection. If you are in possession of a substance that is not illegal and then the government bans it, the day they ban it you are all of a sudden in possession of something that's illegal. You need to have the opportunity to get rid of that in a responsible way other than throwing it in a dumpster, because the reason why we would be banning these things is because we want to keep them out of the environment and out of the waste stream.

It would be in our interest to communicate publicly and to be very open and transparent about what we plan to ban, how we plan to enforce it and what opportunities Yukoners, businesses or individuals may have to dispose of said substances.

Clause 19 agreed to

On Clause 20

Ms. White: I thank the minister and his officials for their assistance in the clause-by-clause. Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all remaining clauses and the title of Bill No. 73, entitled *Act to Amend the Environment Act*, read and agreed to.

Unanimous consent re deeming all remaining clauses and the title of Bill No. 73 read and agreed to

Chair: Pursuant to Standing Order 14.3, unanimous consent of Committee of the Whole has been requested to deem all remaining clauses and the title of Bill No. 73, entitled *Act to Amend the Environment Act*, read and agreed to. Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 20 to 38 deemed read and agreed to

On Title

Title agreed to

Hon. Mr. Dixon: Madam Chair, I move that you report Bill No. 73, entitled *Act to Amend the Environment Act*, without amendment.

Chair: It has been moved by Mr. Dixon that the Chair report Bill No. 73, entitled *Act to Amend the Environment Act*, without amendment.

Motion agreed to

Hon. Mr. Cathers: Madam Chair, 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.

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 Committee of the Whole?

Chair's report

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 73, entitled *Act to Amend the Environment Act*, and directed me to report it without amendment.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

Prior to proceeding with the next item on the Order Paper, the Chair will give a ruling regarding government private members' business to be debated on Wednesday, May 7, 2014.

Speaker's ruling

Speaker: Earlier today, the Government House Leader identified Motion No. 667 and Motion No. 671 as the items to be debated under government private members' business tomorrow. After the Speaker left the Chair, the Opposition House Leaders approached the Chair outside of the House. The Opposition House Leaders questioned whether it was in order for the House to debate these motions. The Opposition House Leaders argued that it would not be in order to do so, as the actions requested in the motions had already been taken.

The Chair then discussed the matter with the Government House Leader and the Member for Vuntut Gwitchin. The Chair's decision is that it would not be in order to debate Motion No. 667, as the action requested in that motion has, indeed, already been taken. Therefore Motion No. 667 will be removed from the Order Paper and will not be debated tomorrow.

However, debate on Motion No. 671 can proceed, as it appears to the Chair that the motion could encompass actions beyond those that have already been taken to achieve the goal articulated in the motion.

We will now proceed to third reading of Bill No. 73.

GOVERNMENT BILLS

Bill No. 73: Act to Amend the Environment Act — Third Reading

Deputy Clerk: Third reading, Bill No. 73, standing in the name of the Hon. Mr. Dixon.

Hon. Mr. Dixon: I move that Bill No. 73, entitled *Act to Amend the Environment Act*, be now read a third time and do pass.

Speaker: It has been moved by the Hon. Minister of Environment that Bill No. 73, entitled *Act to Amend the Environment Act*, be now read a third time and do pass.

Hon. Mr. Dixon: It is a pleasure to rise and speak to this Bill No. 73, entitled *Act to Amend the Environment Act*, at third reading. Of course, I will be commending the bill to the House, but I wanted to start by thanking first the officials who did so much work in creating this particular bill. Of course the folks who were in Committee of the Whole with me earlier today deserve kudos — the deputy minister Kelvin Leary, as well as Diane Gunter, our policy analyst in the Department of Environment — those two were here in the committee with me.

Of course there are many others in the Department of Environment who played a huge role in the development of this particular act. The director of policy Dan Polexe and his staff throughout the policy branch of Environment were integral in seeing this piece of legislation come forward.

I would also like to take the opportunity to thank the officials in the Department of Justice who provided the legislative drafting support and conducted the actual writing of this bill. That work often goes unheralded and I want to take the opportunity to thank them for a job well done. This particular act was a lot of complex work because of the fact that there were some very complicated aspects to it. Bringing this act into the 21st century in some senses required a significant amount of legislative drafting work. The changes that have been made here are the result of a significant amount of work and I want to thank those people sincerely for their efforts.

We had a chance to discuss all of the aspects of this particular bill earlier in committee and I outlined some of the provisions at second reading and my vision for what the implementation of this act could entail. This act provides the minister with the power to require that a waste-management plan be submitted by a government authority for review by the minister as opposed to Cabinet. That's something that, as I indicated in my opening remarks in Committee of the Whole, I think will speed up the process for proponents who are seeking to have a waste-management plan approved. It will allow for the flexibility for the minister to approve these plans rather than Cabinet.

The reason that change has been made is because these are often very technical aspects, very technical plans and, as a result of that, they require a significant amount of technical expertise. This expertise is typically housed at the department level and, therefore, it makes more sense to have a ministerial order to approve these plans rather than Cabinet approval since Cabinet would rely on the advice of the technical experts in the departments.

The act also provides for producer-led recovery and collection of certain designated materials. In other words, that means industry-led recycling programs. We had a chance in Committee of the Whole to discuss some of what that could look like, including what other governments are doing — in particular, British Columbia — but I would note that other jurisdictions in Canada, including Alberta, offer a series of examples and potential programs that Yukon government could adopt, mimic or base future programs on.

I think the removal of the obligation to have government at the core of any recycling program is a good step forward because, as I noted in Committee of the Whole, government often isn't the most efficient or the best suited to conducting some of these activities. Allowing the private sector and non-government organizations to conduct some of this work will go a long way to ensuring not only that we increase the amount of materials getting diverted from our waste stream, but it also ensures that we do so in an efficient and effective manner and in a manner that creates business opportunities for Yukoners.

We haven't determined exactly what those programs will look like, but this legislative change enables us to begin to have those discussions about what is going to be possible. To that end, Mr. Speaker, I look forward to future months and years when we are able to consider what sort of products and what sort of programs we want to enact to see that possibility come to fruition.

This act also provides for a regulatory framework that enables the development and remediation of a contaminated site, including providing the opportunity for a responsible party to transfer its responsibilities under the act for a contaminated site to a third party. This does not change the requirements for somebody who owns a contaminated site. The provisions of the act remain the same in that aspect. What this allows is the ability for an individual to transfer a contaminated site to another party. The reason for that is to encourage the possibility of a new owner with perhaps more flexibility or more financial resources to see the site cleaned up and remediated. Contaminated sites often come with a bit of a stigma, unfortunately, but what is often the case is that contaminated sites — once certain actions are taken — can be very valuable land. It's important that we recognize that just because a site is contaminated, it still has significant value and that not only does it need to be cleaned up, but it is a missed business opportunity if it remains contaminated.

I am optimistic that, with changes of this nature, we will be able to see more contaminated sites cleaned up by individuals who will own them and that some of those contaminated sites will not only be cleaned up, but redeveloped, repurposed and used for some economic or other purpose.

The legislation also allows the minister to make an order prohibiting the importation or handling of specified hazardous substances.

This is a tool that the government will have that it did not previously have. I think a lot of Yukoners would actually be surprised to learn that the government didn't have the ability to ban hazardous substances previously. It's something that I think every other province or territory in the country has the ability to do and it's something that we simply did not have prior to this legislative change.

As I discussed in Committee of the Whole, there will be a process by which we undertake to ban hazardous substances that will include public education and public consultation, not only because we want Yukoners to understand what we're doing, but because we believe that, if Yukoners understand

why we are taking these actions, they will comply with them more willingly, I suppose. A lot of times, I think folks simply don't have the understanding that certain chemicals can have a really negative impact on both human health and the environment and that it makes sense for government to ban some of these substances.

The legislation also provides enforcement officers with the power to apply for a warrant to enter private lands, except for private dwellings, for the purpose of conducting an inspection, and it establishes regulation-making powers in order to support all of the changes in this act.

One of the important aspects to the act that was discussed earlier today in Committee of the Whole was around public consultation and the requirement in this legislation that any change to regulations or any development of new regulations be subject to a minimum of a 60-day public consultation. That's important to remember because, as we move to implement any of these regulations, obviously some will require more public consultation than others, but the legislation sets at a minimum that any changes require at least 60 days public consultation. That's a positive step.

In Committee of the Whole, we had some debate and disagreement about the modern 21st century role of the Yukon Council on the Economy and the Environment as this particular legislation allows for that council to be inactive from time to time. As I expressed in Committee of the Whole, there are a number of reasons for this change, including the fundamental changes that have occurred in the political and constitutional development of the Yukon Territory over the past couple decades. When the original *Environment Act* was brought in in 1991, I'm sure that this was a tool or an aspect of the legislation that the government of the day thought was very useful. Indeed it may have been but, in the context of our current political and governance environment, the role of the Council on the Economy and the Environment, in my opinion, has been supplanted by a number of different institutions and changes in the governance structure of Yukon over the last number of decades.

As well, the change to allow for flexibility with the Yukon conservation strategy is a sound legislative change because of the fact that we report on matters related to the conservation and protection of Yukon's environment in so many different ways than we did in 1991. We often do these on issue-specific cases or on various aspects of what is contemplated in the original *Environment Act* for the Yukon conservation strategy.

In today's Yukon government, the much broader depth of responsibility and much broader breadth of actions and responsibilities as a result of a number of changes over the years necessitate us to be more flexible in how we approach these things.

In both the case of the Council on the Economy and the Environment and the Yukon conservation strategy, no changes have been made to the powers and responsibilities of the council or to the content and potential aspects of the YCS. The reason for that is that we wanted to maintain the flexibility for future governments to enact these provisions should they see

fit. Obviously I've expressed that I have no interest at this point to establish a Council on the Economy and the Environment — given my comments earlier in Committee about the necessity of that council today.

However, we certainly acknowledge that future governments may disagree and future governments may see the world differently than I do now. We've allowed for that and we've allowed for that flexibility.

Mr. Speaker, I look forward to seeing this bill passed at third reading today. I appreciate the debate we had, in particular with the Member for Takhini-Kopper King. She expressed a number of genuine comments and questions that were well-received on some aspects. As we have noted previously, we will agree to disagree but, for the most part, I think all members can agree that this is a good piece of legislation. It is a good step forward for the responsible and strong management of Yukon's environment today and going forward into the future.

I do anticipate that, in years to come, future governments may want to look at this act again. There are things in the act currently that I had considered making changes to as well, but we chose to focus on these specific changes because they were of the most immediate need when it comes to some of the plans and vision that Yukon government has for the protection and management of our environment.

I look forward to seeing this particular act passed today in third reading, and I would commend it to the House at this time.

Ms. White: I'm happy to speak to Bill No. 73 in third reading.

I appreciate the majority of the changes that the minister has brought forward. He has highlighted that we will agree to disagree. A lot of that comes from our ideological differences. I will flag again that I have concerns that the Yukon Council on the Economy and the Environment will be allowed to be inactive, and it's the same with the Yukon conservation strategy. I still have great reservations that the language is being changed from "shall" to "may", and I'm restating that for the record.

I appreciate the vast majority of the changes that are being brought forward and these amendments to the *Environment Act* and still flag my concerns over the Yukon Council on the Economy and the Environment and the Yukon conservation strategy.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Madam Deputy Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: 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.

Deputy Clerk: Mr. Speaker, the results are 17 yeas, nil nays.

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

Motion for third reading of Bill No. 73 agreed to

Speaker: I declare that Bill No. 73 has passed this House.

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

The matter before the Committee is Vote 15, Department of Health and Social Services in Bill No. 14, *First Appropriation Act 2014-15*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

Recess

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

Bill No. 14: *First Appropriation Act, 2014-15* — continued

Deputy Chair: The matter before the Committee is general debate on Vote 15, Department of Health and Social Services, in Bill No. 14, entitled *First Appropriation Act, 2014-15*.

Department of Health and Social Services — continued

Deputy Chair: Mr. Graham, you have the floor, with 18 minutes and 50 seconds remaining.

Hon. Mr. Graham: I just have the answers to a few questions from the last session, plus one clarification, and that clarification deals with the St. Elias group home. I stated last week that 13.5 permanent FTEs had been allocated to the operation of St. Elias.

What I — in my somewhat confused state — did not realize is that all of the positions have not been filled. Permanent recruitment is in process and I understand that the assistant deputy minister from the department went to St. Elias last week to explain that process, but we have been using auxiliary-on-call staff members to cover positions, pending completion of the recruitment process. We are in the process now of creating position descriptions, evaluating those position descriptions and going ahead with that recruitment.

Following the permanent staffing, there will be a requirement for auxiliary-on-call employees, although a great deal less than the 22-odd people who are currently there. We will need these auxiliary-on-call employees to cover sick leave, vacation leave and to accommodate staffing illnesses and other things. I wanted to make sure that correction was made.

Now we have some statistics with respect to adoption homes. The statistics pertain to the number of applicants in two categories: first, those where home studies are approved and are awaiting placement and those pending, where a home study is underway. The number of pending adoption homes includes all adoptive applications. Not all applicants complete all of the necessary requirements to be an approved adoption home.

The additional adoption-related questions were: Does this information include same-sex couples? The information would include adoptive homes where the applicants were a same-sex couple. Does this include kinship arrangements and grandparents? Only kinship arrangements and grandparents would be included if they applied to adopt a child. In other words, if it's simply a placement, it would not be included — only if they have applied to adopt the child.

The statistics also include independent adoption where department staff have completed a home study. The statistics do include applicants who are applying for an intercountry adoption where a home study is being completed.

We now have the children in care from other jurisdictions — children in care from other jurisdictions refers to children who are in care or custody in another province or territory and residing in Yukon. The children may be living with foster parents or caregivers who have relocated, or they may have been placed with an extended family member or other caregiver in Yukon. Yukon accepts responsibility to provide service and oversight.

There is a formal agreement between all provinces and territories that defines roles and responsibilities. There is a reciprocal arrangement regarding costs of basic care and specific billing arrangements for costs that are above basic

care. All children in care are in the care of the director of Family and Children's Services. None of the data is related to Aboriginal Affairs and Northern Development Canada — the former INAC.

There was also a question with respect to the number of youth placed in group homes in Yukon and outside of Yukon. There are eight residential treatment group programs for youth in Whitehorse. Two are operated through contract, and one will soon be transferred to Adult Services. The contract group homes have seven spaces, and there are six group homes that are government operated with 27 spaces.

There are a total of 37 group home spaces. There are currently three youth placed in treatment facilities outside of the territory. The number of children in foster care as of March 2014 was 96. The number of children who are placed with extended family or have kinship arrangements as of March 2014 was 26.

The next question was with respect to young offenders. The statistics refer specifically to the number of youth who have been charged with an offence under the *Youth Criminal Justice Act* or found guilty of an offence. In response to the specific question about numbers of youth who have been at the young offender facility and the average length of stay during 2013-14, there were 74 youth in the facility — 48 in secured custody and 26 in open custody.

The total number of bed stays was 1,052. The following information related to average length of stay for youth in 2013-14 is as follows: the mean for pretrial detention was 20 days, the mean for open custody by time served was 42 days, the mean for secure custody by time served was 15 days.

The next was with respect to child abuse treatment services, CATS. This service is offered in all communities outside of Whitehorse. The schedule is subject, of course, to changes in frequency and duration due to school openings and closings, travel, weather, flights available and changes in staffing. However, the basic schedule is as follows: Teslin, every second week for one day; Carcross, every second week for one day; Dawson, every three weeks for 2.5 days; Old Crow, every third week for 2.5 days; Watson Lake, every second week for three days; Carmacks, every second day, one day and then an alternating visit 1.5 day in the other two-week period; Haines Junction, every second week, 1.5 days; Ross River, every week, 1.5 days; Faro, every week for 1.5 days; Pelly Crossing, every second week for one day; and Mayo, every second week for one day. That's the schedule of the CATS service.

Those were all of the ones I have answers for at the present time. We'll follow up in writing with answers to any questions that I haven't done here. I look forward to any other questions that you may have.

Ms. Stick: We finished on ADS, so I would like to move on to Adult Services. Included in Adult Services is income support as well as services to persons with disabilities. I haven't commented until this time on the group home that is Takhini Haven, located at the jail. But I do want to start with that.

There are group homes in Whitehorse; I'm not sure about the communities. But these individuals who live in our supported living group homes, many of them adults with mental disabilities, have all the same desires that we do, as any other person. They want a safe place to live, they want to be part of a community and they would like to have neighbours.

I started out in my profession going to school in the 1970s in Ottawa, and it was about working with adults with disabilities. At that time, there was a big battle going on to deinstitutionalize and move people back to communities, into homes and into neighbourhoods where they could shop and work and have good neighbours on either side and participate in community events. It was hard fought, but it was a battle that was won. We saw the closure of many institutions.

I just want to point out — and perhaps I have a question — that providing housing to individuals with disabilities on the grounds of a correctional facility is not community living. It doesn't matter how nice the building is or the name that we give it — it is not a community living situation. The people who live there live at the jail. It's on correctional grounds. We've heard that a number of times in this House. Those individuals like living together; they like their staff; they like the group home; they don't like living at the jail.

The other flip side of that is what do people think when they drive by there and see that building and know it's a group home? The assumption is that they are criminals, because they live at the jail.

It does not matter what the name is and it does not matter how nice the building is. It is not community living. Community living is living in a community — people on the other side, regular streets, sidewalks, trees and not a big fence. I think our focus has been on the fence and taking it down, but I believe our focus should be moving those individuals away from there. They do not live in the community — they are living at the jail. I do not believe that is right for anyone who is not a criminal. If you are not a criminal, you do not need to live there.

I do believe this government needs to find a better way to accommodate these individuals in our community where they are a part of the community and not viewed by the public that don't know any better. They drive by and see this place and assume that those people are criminals and they are not. They are not criminals.

I would like to ask the minister whether he has considered this or whether the department has considered this and is looking at more appropriate options that allow these people to live in a community.

Hon. Mr. Graham: The use of Takhini Haven as a facility for Health and Social Services came about relatively quickly when it became vacant and we were looking for a place to place our Yukon Review Board clients. I think it was done appropriately because what we were trying to do was prevent Yukon Review Board clients from leaving the territory.

We wanted to keep those folks as close to home as we possibly could and provide a more stable environment for

them than was afforded if they were sent away from their family to Alberta or Ontario, as some still are. In doing that, I think we were relatively successful.

As far as the fact that the building is not completely occupied by Yukon Review Board customers now, that's one of those things where we try to make the best use of the building at all possible costs. Of course, we realize that it wasn't a long-term solution to housing for people with either mental disabilities or other disabilities. The biggest reason for that is that it's very small and very expensive to operate that facility for the limited number of people who are there. Until we have something better to offer, we're going to try to make the best of the situation.

I've just been informed by the minister responsible for Corrections that we have been working hard to not only tear down the old building, but to tear down the fence around that facility as well. One of the things we can possibly look at is making it more of a homey atmosphere. As far as it being located where it is, it's a difficult thing. The building is relatively new. It's a comfortable facility and it's just in an unfortunate location, but it's something that we're looking at all the time. If we can come up with a better solution, we will.

Ms. Stick: I thank the minister for that answer, but I will always go back to the fact that it is not community living. People who are on Yukon Review Board are not criminals and should not be treated as such. I will move on, but I will always come back to that. It is not community living. There are options. Buy a house, team up or partner with Yukon Housing Corporation or Whitehorse Housing Authority, find a place. Anything is better than that.

I know that there could be good uses put to the building that's there now that would be more appropriate than individuals with mental disabilities who are supposed to be living in the community. They work, they go out, but they go back to the jail at the end of the day. It's not right and you know it's not right. Anyway, I will move on.

Looking at the statistics here for Adult Services and income support, we see that there is a caseload of 674 in Whitehorse and 94 in the region. I wonder if the minister could tell us how many individuals that includes. Certainly I realize there will be families, couples, single-parent families, children and seniors included in those numbers. Though it says there is a total of 768, I would like to know how many families that is and how many individuals that actually covers.

Hon. Mr. Graham: We will have to get the accurate numbers for you. Again, we'll give them to you at a specific date and time because they do fluctuate almost from day to day. We'll obtain those numbers for you as quickly as we can.

Ms. Stick: Moving down the page, right in the middle of this is the Challenge Community Vocational Alternatives programming with a number. I'm just not sure why it fits into this page, which is about government services and financial services and services to persons with disability. Why is it here and what is this?

Hon. Mr. Graham: As part of the Challenge vocational alternatives program, we provide the educational component, so these clients are also clients of the department

in that they do receive some training assistance from the department.

Ms. Stick: Moving into the part with services to persons with disabilities, when I look at residential supports, we're not seeing any real changes in the numbers, whether it's residential supported independent living or day programming. I'm aware that there are youth coming up into the adult system from Family and Children's Services, and I'm just concerned that we're not seeing a growth in that program area when I know there are more individuals requiring services. Is there a cap on how many come in? Is there a resource problem that we're not able to cover? It just seems strange that these numbers are staying consistent.

Hon. Mr. Graham: Madam Chair, there is not a cap and it is not a resource program because if people with disabilities require services, we will provide those services. You have to remember that earlier I stated that one of our youth group homes will be converting to an adults-with-disabilities group home in the very near future because all of the youth have graduated to the adult program. They seem to enjoy living together and it's a very secure environment for them. The whole facility will convert to adults with disabilities.

Other than that, I don't know how to explain the fact that the clients per month hasn't increased other than the fact that people leave the program as well, so perhaps that is why. We're very well aware of how many children we have with disabilities in the system and we do have a forecast for how many of those people will transition to requiring adult services in the future.

Ms. Stick: A question with regard to day programming: I'm aware of individuals looking for more day programming for their adult children. Again, I don't see any increase in these numbers. I read the footnote at the bottom that there is both half day and full day. I'm just wondering if there is a reason for this number not changing when I'm aware of families looking for more support.

Hon. Mr. Graham: One of the difficulties is that we simply haven't expanded the existing programs to accommodate more people.

What we are doing is meeting with the parents of youth with disabilities when they are 16 years old or so to determine exactly what their future needs will be in terms of programming. We hope to be able to have a plan for the parents themselves so that, instead of the government providing all of the assistance, we are able to plan with the parents and allow the parents to do some of that programming on their own, much like I would assume we are doing in some programs where we provide funding to the parents and the parents look after the rehab, the physiotherapy and things like that.

Ms. Stick: Just to be clear, parents would be provided with appropriate funding for them to hire someone or move their adult child into a day program, if there was space?

Hon. Mr. Graham: It is part of a long-term planning process that we are attempting to do and plan not only for the transition of the child into adult services, but also for the long

term. What are we going to do with the person when the parent is no longer able to look after them? Those are the things we are attempting to do.

What we don't want to do is pay a parent as if they are a full-time caregiver, because everybody has some responsibility for themselves too. What we want to do is be in the business of assisting. What we also did is — with the movement of Teegatha'Oh Zheh into their new building, the number of spaces was expanded there as well.

Ms. Stick: A last question on this page is: Can the minister tell us how many of these individuals under services to persons with disabilities are on social assistance? How many receive the Yukon supplementary allowance? Will we see the Yukon supplementary allowance being indexed?

Hon. Mr. Graham: I don't have the actual numbers, so we'll get back to you with those numbers.

At the present time, it isn't indexed and I have no approval to go ahead with it.

Ms. Stick: I'm just wondering if the minister is looking at seeking approval for that since everything else under social assistance — including the seniors supplementary allowance and all the social assistance rates — is indexed and this one has remained the same for quite a while.

Hon. Mr. Graham: We're looking at that in the same way as I look at any number of different things over time. You have to remember that we have a huge, complex department here and we are definitely looking at that as part of the ongoing consideration we give all of the departments, but I won't make any promises or commitments at this time.

Ms. Stick: It just seems strange to me that this one extra bit of allowance that is available for adults with disabilities, whether they are permanent or even temporary, is not considered when everything else is.

Moving on to continuing care, we've come to the budget numbers. I have some questions with regard to this. For one, I would like to hear about the energy project for the Copper Ridge Place — because it's a fair amount, \$783,000 — and what this is for.

While we're talking about Copper Ridge, I am also wondering about whether they are looking at the structural concerns that were raised in the report that came out earlier with regard to something they needed to check.

Hon. Mr. Graham: The \$783,000 over the period of time is requested to complete the energy audit on Copper Ridge. Highways and Public Works will be doing that in cooperation with Health and Social Services, and we're also working with Highways and Public Works with respect to some difficulties that we are experiencing with the roof, as I understand it. We don't yet have all that information back, but we're working closely with Highways and Public Works to ensure that any safety issues are dealt with immediately.

Ms. Stick: I was referring to a concern that was raised about potential design problems that came out of the report, which suggested the need for the 300-bed facility. It's in that report. It was the architects looking at the plans and raising this as a concern in that report.

Hon. Mr. Graham: I'm not exactly sure which part of the report the member opposite is talking about. One of the things we do know is that older facilities, such as Macaulay Lodge, should not be used for certain things and it shouldn't be expanded because of the fact that people with dementia or Alzheimer's should not be housed in Macaulay Lodge.

As far as the Copper Ridge facility, one wing of it was designed especially for people with Alzheimer's or dementia. I'm not sure if that's exactly what the member opposite is talking about. If not, maybe we can get back to her at a later date with further answers.

Ms. Stick: I was looking at the report yesterday and I'll find the section and the recommendation and pass it on to the minister. It was not about Macaulay; it was not about other structures. It was about Copper Ridge and it was just a concern that was raised in the report. I will find it and send it to him, so that he can see what I am referring to.

Continuing on with continuing care, intermediate and community care — there has been a drop in the number of clients receiving home care in the regions, according to the statistics in the budget and I am wondering if that is due to fewer individuals needing it, or are there some resourcing concerns with staffing?

Hon. Mr. Graham: The number taken at this particular time may show a decrease in the number of people in the regions, but it is not due to any resourcing issues. In fact, as you know, we recently — in 2013-14 — increased the home care budget dramatically to enable us to serve the people in the communities as well as in Whitehorse. I am not sure exactly why we show a drop in the statistics.

It could be due to any number of issues, such as the Dawson and Watson Lake community health centres coming on stream. We know that the number of people in home care fluctuates, but basically it's going up on a more or less continuing trajectory.

Ms. Stick: My apologies, Madam Chair. I actually had another note on my paperwork here saying, "Don't ask this," because you did provide the answer at the bottom of the page that it is the Watson Lake and Dawson City hospitals taking on some of the outpatient stuff that home care doesn't do. I apologize for that. The answer was right there.

I was interested when looking at the number — when we talk about Copper Ridge Place, the numbers haven't changed for permanent or respite for the extended care for children in the facility. It has always been referred to as 85 percent; now it's referred to 100-percent occupancy, even though the numbers have not changed at all. I'm wondering if I can get an explanation for that.

Hon. Mr. Graham: Madam Chair, I don't have an answer for it other than we don't have a great number of children as you can see from the past few years. I have no idea why it changed from 85 to 100, but we'll get back to you on that one.

Ms. Stick: Moving on to Health Services, there is quite a drop when we look at program management, operation and maintenance from the estimate last year of \$6.981 million to

\$496,000. I'm wondering if I can get an explanation for such a giant drop.

Hon. Mr. Graham: I know the answer to this one. It increased during the year from the \$6.9 million up to the \$9 million due to a revote, but it was all THSSI money — the money we received from Ottawa — or the vast majority of it. The reduction was due to the simple fact that at the time this budget was prepared we did not have any indication from Ottawa that the money was continuing, so we put in only those funds that were part of our budget without funding from Ottawa.

Ms. Stick: This is a simple question and it's just a point of clarification. Could the minister please explain the difference between community health and community nursing? They are two distinct budget line items, but I'm just not sure myself what the distinction is.

Hon. Mr. Graham: Community nursing deals specifically with the community nursing and community nursing stations. Community health deals with all the other myriad of services that we provide, everything from community dental services to mental health, physical therapy and all of the other items that are included in the health program, shall we say, that are available in the communities.

Ms. Stick: Madam Chair, seeing the time, I move that you report progress.

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

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.

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 Committee of the Whole?

Chair's report

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 14, entitled *First Appropriation Act, 2014-15*, and directed me to report progress.

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

Hon. Mr. Cathers: I move that House do now adjourn.

Speaker: It has been moved by the Government House Leader that the House do now adjourn.

Motion agreed to

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

The House adjourned at 5:29 p.m.

The following Sessional Paper was tabled May 6, 2014:

33-1-118

Yukon State of the Environment – A Report on Environmental Indicators - 2014 (Dixon)

Written notice was given of the following motion on May 6, 2014:

Motion No. 679

Re: appointing Barbara Joe to the Yukon Human Rights Commission (Nixon)