



# Yukon Legislative Assembly

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1st Session

33rd Legislature

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October 31, 2013 to December 19, 2013

NOTE

The 2013 Fall Sitting of the First Session of the Thirty-Third Legislature occupies two volumes

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# Yukon Legislative Assembly

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Number 102

1st Session

33rd Legislature

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## HANSARD

Thursday, October 31, 2013 — 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

## CABINET MINISTERS

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

## GOVERNMENT PRIVATE MEMBERS

### Yukon Party

<b>Darius Elias</b>	Vuntut Gwitchin
<b>Stacey Hassard</b>	Pelly-Nisutlin
<b>Hon. David Laxton</b>	Porter Creek Centre
<b>Patti McLeod</b>	Watson Lake

## OPPOSITION MEMBERS

### New Democratic Party

<b>Elizabeth Hanson</b>	Leader of the Official Opposition Whitehorse Centre
<b>Jan Stick</b>	Official Opposition House Leader Riverdale South
<b>Kevin Barr</b>	Mount Lorne-Southern Lakes
<b>Lois Moorcroft</b>	Copperbelt South
<b>Jim Tredger</b>	Mayo-Tatchun
<b>Kate White</b>	Takhini-Kopper King

### Liberal Party

<b>Sandy Silver</b>	Leader of the Third Party Klondike
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## LEGISLATIVE STAFF

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Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Rudy Couture
Deputy Sergeant-at-Arms	Doris McLean
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Thursday, October 31, 2013 — 1:00 p.m.**

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

*Prayers*

**INTRODUCTION OF PAGES**

**Speaker:** Welcome everyone. It gives me great pleasure to announce the following students will be serving the House as Legislative pages for the 2013 fall sitting. I'll apologize in advance for any mispronunciations of the names. They are: Brendan Irish and Timber Stinson-Schroff from F.H. Collins Secondary School; Brandon Crawford, Nantsana Murphy, Rean Portea, Nathaniel Curtis and Clodagh Berg from Vanier Catholic Secondary School; and Cianan Butterfield-Stinson from Porter Creek Secondary School.

Today we have with us Brendan and Timber. I would like to ask members of the House to welcome them today.

*Applause*

**Withdrawal of motions**

**Speaker:** The Chair wishes to inform the House of changes which have been made to the Order Paper. The following motions have been removed from the Order Paper because they are outdated: Motion No. 475, standing in the name of the Minister of Justice; Motions No. 57, 338 and 447, standing in the name of the Leader of the Official Opposition; Motion No. 389, standing in the name of the Leader of the Third Party; Motion No. 133, standing in the name of the Member for Takhini-Kopper King; Motion No. 323, standing in the name of the Member for Mayo-Tatchun; and Motion No. 370, standing in the name of the Member for Riverdale South.

Also, Motion No. 387, standing in the name of the Member for Vuntut Gwitchin and Motion No. 471, standing in the name of the Member for Pelly-Nisutlin have been removed from the Order Paper, as the actions requested in the motion have been taken.

Motion No. 473, standing in the name of the Member for Pelly-Nisutlin, has been removed from the Order Paper at the request of the member.

**DAILY ROUTINE**

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

**TRIBUTES**

**In remembrance of Earl Vincent Young**

**Speaker:** It is the privilege of the Speaker to do the first tribute.

When we look at a grave marker we see a person's name, date of birth and date of death with a dash between the dates. The dash represents their life, long or short. We often ask, "What did they do with their dash?"

How do you summarize 86 years of living into a brief tribute? The truth is you simply can't. At best, I could provide a shortened list of important dates and events, and perhaps a personal description or story. The real tribute will be all the shared stories and memories told now, and those to be told over the years by all who knew him.

Earl Vincent Young was born March 24, 1927 in Delia, Alberta, to Earl MacKie and Anna-Marie Young. He passed away on October 9, 2013 at the Whitehorse General Hospital. That pretty much covers the tombstone.

Growing up on the family farm, he excelled at making mechanical things work. Originally trained as a carpenter, Vince worked in Calgary in construction before coming north to the Yukon in 1952. Here he worked for the Taylor & Drury chain of stores, running their operations in Mayo and Carmacks. Through his time in these communities he developed deep and abiding friendships with many, many Yukoners. If you needed a chainsaw or small engine repaired, Vince was the guy. Out of necessity, he began working on Taylor & Drury's refrigeration units.

After completing a refrigeration engineering program at SAIT, he went on to establish his own business, Young's Refrigeration and Equipment Ltd. Later, he would start up a spray foam insulation business. He also tried his hand at placer mining, and I think he would have done better at today's prices.

It was through his businesses that many Yukoners, myself included, met Vince. My wife Leslie and I count ourselves among the many Yukoners who were not only Vince's clients, but also his friends.

Leslie has known Vince since she was a child. Vince and Leslie's father, Al Goring, were good friends. Lately, Leslie and I have been reminiscing over pictures of Vince and Al holding large fish caught at the north end of Atlin Lake.

Vince's family and friends could regale us with stories about the many different jobs that he worked on. His work took him all across the north. From Iskut, B.C. in the south to the Arctic Ocean in the north, from Alaska in the west to what is now Nunavut in the east, Vince ranged far and wide. I doubt there is a store, restaurant, hotel or arena in the Yukon that Vince hasn't worked in.

Not only could he tell you what was wrong with malfunctioning equipment, but why it failed and what you could do to prevent it from breaking down again. Then he would tell you what he was going to do to fix it, and fix it right now. We often pay accolades to highly skilled individuals by saying, "He has forgotten more than others have ever learned." In Vince's case, he never forgot anything. While planning a trip, say, to Dawson or Watson Lake, he would think about every refrigeration unit along the route and then pick out various parts and pieces that he may need to repair units all along the road.

He loved a challenge — the bigger the better. He was a businessman who not only survived but thrived in a difficult and competitive environment. To give you an idea of how good he was, the very old joke about a good salesman selling ice to Eskimos — not only did he sell ice machines, he sold

industrial fridges, freezers and a host of other equipment. Some of these coolers and freezers in the communities in the north were so large you could drive a cargo truck into them and store enough food to feed a village for the entire winter. If you can sell a drive-in freezer in Inuvik, you are a good salesman. When you sell several drive-in freezers above the Arctic Circle, you are a great salesman.

I can tell you from first-hand experience that if he sold it, he would service it, even if it meant driving all night to get there.

Many Yukoners have told me how Vince trusted them at their word that they would pay. I know many businesses would not be where they are today if it wasn't for Vince's willingness to carry them through the lean months.

When Leslie and I bought Plantation, we had to move it from Main Street to Alexander Street as part of the purchase. Vince was right there taking apart the refrigeration units. He asked me if I would rent a high jack lift so he could take a unit off the roof of the old Taku Hotel building. He didn't need the lift to get up there — he had already been up and down the ladder several times. He just didn't think that at his age, somewhere around 79 or 80, he would be able to bring the unit down the ladder. Did I mention this was the end of December and minus-30 and the refrigeration unit weighed over 100 pounds? With some fixes and modifications, the new flower cooler was soon up and running, and it still is today. Leslie would always be after Vince for an invoice, and after three years our accountant cornered Vince and told him an invoice was required to settle the books. Vince calmly replied, "Leslie doesn't get bills. It's my contribution to her success."

My good friend Don Knutson and I were working on the new Legion building on Alexander Street and had a great idea. We needed a walk-in beer cooler, and only one name came to mind: Vince. One afternoon Vince came by the new building to check on his installation and I told him we had received his invoice and that I had enough people there and we could cut a cheque while he was there. He just looked at me and said, "Dave, I think they sent you the wrong one." He also commented that he felt the Legion was doing a lot to help people. A few weeks later we did get a new bill and it was significantly different from the first. I don't think his accountant was too happy, nor was he too surprised.

Aside from work, Vince was a deeply spiritual man. He invested a great deal of his own time and money in establishing churches and missions across northern B.C., Alaska and Yukon. His desire to share the love of Jesus with children resulted in him working with a small group to establish Camp Yukon, the Bible camp at the north end of Atlin Lake, next to his and Al's fishing hole. Northerners from Atlin, Teslin, Skagway and Carmacks have spoken about how Vince would teach them at Sunday school or pick them up for church. I think if you asked Vince, he would tell you that he was most proud of this contribution.

We will be celebrating Vince's life on Saturday, November 2, at 2:00 p.m. at the Kwanlin Dun Cultural Centre.

Vince wasn't a politician or the sort of guy to be on boards or committees. Most saw him as the dependable

refrigerator repairman. The importance of paying tribute to him in the Legislature is to ensure that our recorded Yukon history, Hansard, remembers him and his pioneering contributions to Yukoners and Yukon. I think he would be quite humbled by this, just as he was when he received the Queen's Diamond Jubilee Medal last year.

So what did Earl Vincent Young do with his dash? This is up to each and every one of you. In my opinion, he made a lasting, positive impression on everyone he met. He willingly gave of himself to help young and old alike, and through his actions and his quiet, personal demeanour he enriched and brightened countless lives.

I would like to acknowledge some of Vince's family and friends who have been able to join us today in the gallery. I would ask them to stand briefly as I mention their names.

On the family side are Stirling and Thelma Young are Vince's brother and sister-in-law. Some of the other family members are Bob Mura, Robert Mura, Collin and Marilyn Young and Chris Young. On the friends side, Ken and Paulette Rathwell are good friends of Vince's, Leslie Goring — and as it turns out, the Goring and Young family have somewhat long family connections through a second cousin third removed or something. We haven't actually been able to figure it all out. There is Craig and Geri Tuton and anybody else I may have missed. Unfortunately, I don't have all the names. Thank you all for coming. Vince will be sorely missed.

**Hon. Mr. Pasloski:** On behalf of the government, I will take the opportunity to briefly add to the tribute that was just eloquently given to the Legislative Assembly about Vince Young. Personally, Vince has made a difference in so many people's lives over the years. He was a true pioneer Yukon entrepreneur. I look at the impact he had on children's lives through his faith and through the summer camps and experiences that children had there. I think all those people who have been impacted because of the service that Vince provided, because it didn't matter whether it was the middle of the day or the middle of the night, they could always count on Vince to be there for them.

I certainly enjoyed your comment about being ready and taking parts in anticipating of what could possibly come down the road.

That speaks of someone who is not only a very good businessman but someone who really actually cares about the people he services as well. I had the great honour and privilege to present Queen Elizabeth II's Diamond Jubilee to Vince last year. Of course, he was very humbled but certainly very rewardingly and justifiably proud to receive such recognition for the difference that he made in many Yukoners' lives. On behalf of the government, I would like to recognize the family who is here today and acknowledge what a big part of Yukon Vince was.

#### **In remembrance of William Bruce Bowie**

**Mr. Silver:** William Bruce Bowie was born on June 3, 1944 to Irene and George Bowie in Vancouver. He was the

youngest of four, and with nine years separating him from the next youngest, Mr. Speaker, you can guess that young Bill was his dad's unexpected war effort. As a young man, he worked for the B.C. Forest Service exploring the communities, the woods, the coasts of the province and the timber cruising crew, making many, many close friends. Not surprisingly, really, anyone who had the pleasure of meeting Bill could see immediately in his face and his demeanour that he was a kind-hearted man. His appreciation of humour was also written in the lines of his face. Bill and his first love, Lynne Marie Normandeau, moved to Atlin in 1970 and then on to Dawson City in October of 1971. Lynne was pregnant with their first daughter at the time. They named her Atlin, after the beautiful B.C. town that marked the beginning of their journey north.

Bill's commitment to Dawson City is legendary. This is the man who had the audacity to challenge Mayor Peter Jenkins to his political title. Luckily for Peter, during the election campaign Bill chose to keep his promise to his family and went on a long-planned vacation with them. Still, Mr. Speaker, it was a very close race.

On the political level, it's worth noting that Bill didn't have to agree with you to consider your opinion. His friends have told me this and Bill himself gave me that exact advice when I started my political career. Bill volunteered for everything: the Yukon Quest, Discovery Days, the gold show, and as a firefighter. Actually, 30 years ago as the Dawson City Chamber of Commerce president, Bill went to a trade show in Inuvik and came home with a vision of a trade show in Dawson and that is how the gold show started.

Now I don't have enough time to list all the boards that Bill was on: Chief Isaac board, Dawson District Renewal Resources Council, Klondike Visitors Association, the Dawson City Chamber of Commerce, and so on. It wasn't enough to have a business membership, but he would also have to buy a personal membership. Whether it was for the museum board or the Yukon Foundation, it was Bill's opinion that merely living in the community was not enough. He always pushed everyone he knew to do more and he lived by this example. It didn't matter if it was a house on fire or a flood in Eagle Plains or a fundraiser or a community meeting, Bill was always looking past the edge of his driveway to help his community. He was such a strong believer in giving back to his community. Any person or organization in need would not be denied a helping hand if they went to Bill Bowie.

In the mid-70s, he purchased a portable sawmill and started logging near the Klondike River outside of Dawson City. Over the next 38 years, this enterprise grew into a thriving building supply store, Artic Inland, and Bill soon installed a new more efficient sawmill. Throughout the years, he was able to supply much-needed building supplies and materials to communities in the northern Yukon and Alaska. He took pride in his belief that the areas that he logged were healthier after he finished harvesting the aged timber, and would often walk past the young healthy trees and say, "I will leave these for the grandchildren." Bill wasn't a boastful man, but he was a proud logger. Bill was a visionary and spent the

last years of his life developing the wood chipping portion of his business. He believed that heating with wood chips was cost effective and a means to make the community more self-reliant. It was proving successful and he was in the process of helping other communities in the Yukon look into the possibilities of this heating source as well.

There are so many great Bill Bowie stories. His eldest, Atlin, was once kidnapped by her older brother, and demanded a ransom of ice cream. Bill responded to this ransom with a Polaroid picture of himself holding up a knife to a tongue of a beloved stuffed fox. Now the crisis was averted and an exchange was negotiated. He used to tease people who resided in Whitehorse saying that they should continue north and visit the Yukon someday. He was a strong supporter of Dawson and buying local, and he swore that he would wear a paper bag over his head if his wife ever dragged him into a Walmart. I could go on and on, but a man like Bill does not need a tribute like this to keep his memory alive. Conversations will go on and on by the people who counted on him and by those lucky enough to call him a friend.

I would like to speak specifically about a way that we can all keep the memory of Bill Bowie alive, and that would be through the Yukon Foundation. Bill was a board member — surprise, surprise. In their mandate they don't solicit donations, but they do rely on these donations, so I will do a little soliciting for him.

The objectives of the Yukon Foundation are: to promote educational advancement and scientific or medical research for the enhancement of human knowledge; to provide support intended to contribute to the mental, cultural, and physical well-being of the residents of Yukon; and to promote the cultural heritage in Yukon. If these mandates are important to you, or if the memory of good people like Bill Bowie is important to you, please donate to the Yukon Foundation. Their email is: [yukonfoundation@klondiker.com](mailto:yukonfoundation@klondiker.com).

Finally, Mr. Speaker, I want to add that a lot of the information for this tribute today was provided by Bill's wife Helen and, in typical Helen fashion, not much attention was given to her or her relationship with Bill, but I just wanted to say that if any of us have a chance to experience a love, a partnership, or a friendship as beautiful as theirs, well, that alone makes life worth living.

On behalf of all Yukoners, rest in peace, Bill Bowie, a true renaissance man. Today, Mr. Speaker, we are joined by some members of Bill's family and friends — all women, of course. Helen called me earlier this morning and she told me who was going to be in the gallery and she said even in death, Bill is surrounded by women. I'd like to introduce for everybody Bill's wife, Helen Bowie; Bill's daughter, Atlin Shutlin; and long-time friend, Mary Seely.

**Hon. Mr. Pasloski:** I rise too, on behalf of the government, to add perhaps just a little bit of a personal note as well and just to expand a bit upon the comments that were made by the MLA for Klondike. Really, I just want to reflect — well, I've known Bill for a number of years — but

reflecting back to a discussion I had with him just this spring when we were in Dawson.

We had the opportunity to have Bill give us a tour of the district heating plant that was there and the passion that he had for what had been applied in terms of district heating in Dawson City and looking with the technology at how low the emissions were. We were truly amazed at how little residue was left after a whole winter of countless cords of wood that went through that system and how little residue was actually left at the end of that. His belief was that this technology was something that could be applied in many of the communities across this territory. In fact, wood chip boilers are seen by Yukon Wood Products Association as a model for municipalities and for governments as well.

This sort of effort, as described by the Member for Klondike, was really part of what Bill was. Not only was he excited about that technology, he was excited about the ability to continue to foster and strengthen the forest industry within the territory by using what really amounted to waste wood — to be able to chip that and create a product that would be important as biomass to feed such district heating.

We also had the opportunity to tour a sawmill and see all the innovation that he had there. That truly was another one of his passions: the creation of such a viable, strong Yukon business and really creating an industry where there really wasn't one. As a result of that, he created a lot of local jobs for people in his community and helped those families out in doing so.

He is truly a great Yukoner, and we too would like to acknowledge the family and pay tribute to Bill today and the great impact he has made on people.

### **In recognition of MADD and the Project Red Ribbon campaign**

**Hon. Mr. Istchenko:** I'm pleased to rise today in this House to acknowledge an organization that strives timelessly to eliminate impaired driving: Mothers Against Drunk Driving. MADD continues to lead the way in public awareness and education programs to stop impaired driving. Yukon's rate of impaired driving convictions is four times higher than the national average. This statistic is something not to be proud of.

We have a lot of work to do in impaired driving and this totally preventable crime, and every life that is lost or changed by impaired road crashes affects all of us and our communities.

The Department of Highways and Public Works continues to work with MADD, the RCMP, the Yukon Liquor Corporation and other stakeholders, both within the territory and externally, to reduce the number of impaired drivers on our roadways.

Road safety is everyone's business and everyone's responsibility. We continue to strive for the safest roads in the world and work to help decrease the number of impaired drivers on our roadways through enforcement, education, awareness and technology.

It is also important to acknowledge the thousands of volunteers — the people who go out there — who have worked for MADD over the years. Their dedication and commitment is to making every one of us realize that driving while impaired is not only extremely dangerous, but a criminal offence that is totally preventable.

Tomorrow marks the start of the Project Red Ribbon campaign, an important initiative by MADD, to remind us of the role that we play in prevention of drinking and driving and of impaired driving.

I'll be there tomorrow at the launch of it and I've committed again this year to our fleet vehicles — carrying a red ribbon on their antennae. It is important to mention that being impaired does not just mean impairment from alcohol but also impairment from drugs, medication, distraction and fatigue. We all play a part in prevention of impaired driving, and I encourage everyone to wear the red ribbon or to place a ribbon on their vehicle to demonstrate their support for safer driving. On behalf of the Department of Highways and Public Works and all of Yukon government, I would like to extend our gratitude toward our local MADD chapter and to our local RCMP who work tirelessly. We are honoured by your presence here and your dedication to your hard work.

### **In recognition of breast health awareness**

**Hon. Mr. Graham:** I rise today to honour the men and women who work so hard at raising money to help fight breast cancer and to those people who struggle daily with this disease.

According to the Canadian Cancer Society, approximately 23,800 Canadian women will be diagnosed this year with breast cancer. That's a staggering number, Mr. Speaker. It's why the Canadian Breast Cancer Foundation encourages women and men to practise breast awareness. This means becoming familiar with the geography of our own bodies so that we can recognize changes.

Yes, Mr. Speaker, I did mention men because breast cancer affects men as well as women. While the number of men suffering from breast cancer is much lower than the number of women, the impact of this disease is no less devastating for men and their families.

Many dedicated volunteers work year-round to organize fundraisers aimed specifically at breast cancer research and easing the suffering of breast cancer patients. Two of the major fundraisers in this territory are the Run for Mom and the Mardi Bra celebration. The Run for Mom takes place on Mother's Day every year and celebrated its 15<sup>th</sup> anniversary this year. All the money raised during the run stays in Yukon for breast health awareness.

This year's Mardi Bra gala, otherwise known as the Boobie Ball: 50 Shades of Pink, took place on October 19. Every year Mardi Bra puts on a fabulous gala event that aims to raise awareness, as well as raise funds for breast cancer. The money raised by Mardi Bra goes to Karen's Fund. Karen Wiederkehr was a young Yukon woman, a mother and wife, who died of breast cancer. She wanted her legacy to be a quiet, comfortable place for cancer patients to undergo chemo

treatments. Her husband, Jack, made that wish come true with Karen's Room. Karen's other wish was to find a way to help those women who were experiencing financial stress while undergoing treatment for breast cancer, and that's where the Mardi Bra gala comes in. It's a glittering extravaganza that provides funding to women who may be experiencing financial difficulties while they undergo therapy. We can be proud of the efforts of these Yukon volunteers who make these two events such a success story every year.

I also ask that we recognize those dedicated health care professionals who support the women and men going through this frightening journey. The nurses, the doctors, the lab technicians, the mammography technicians, the mental health workers — their professionalism, their calm support and expert knowledge help men and women navigate this perilous time in their life.

I'm certain that every member of this House knows a woman who has or has had breast cancer. I look forward to the day when most of us will be able to say, "No, we don't know anyone who has had cancer." That will truly be a day to celebrate.

### **In recognition of Learning Disabilities Awareness Month**

**Hon. Mr. Graham:** I apologize for having so many tributes on one day, but October is an important month and this is the last day. I should have also mentioned that the last tribute was on behalf of all members, as is this one.

This tribute is to honour the women and men who work tirelessly to help people with learning disabilities. October is Learning Disabilities Awareness Month. It's an opportunity for agencies to help raise awareness about the prevalence of learning disabilities in our society and for all of us to inform ourselves about what learning disabilities really are.

While we don't understand the causes of many learning disabilities, we do know that five to 10 percent of the population has one. To quote from the Learning Disabilities Association of Canada, it's a lifelong condition that impacts one in 10 Canadians with average or above-average intelligence.

Learning disabilities come in many forms and affect people with varying levels of severity. Regardless of age, race, creed or social or economic status, you will probably be touched directly or indirectly by someone who is impacted by a learning disability.

Closer to home, the Learning Disabilities Association of Yukon works to provide tools for children and adults touched by a learning disability and to enable parents to help their children work with their disability. According to LDAY, learning disabilities refer to a variety of disorders that affect the acquisition, retention, understanding, organization or use of information. This applies to any sort of information, be it verbal, social or physical.

A learning disability is unrelated to the level of intelligence. In fact, people with learning disabilities have often greater or average abilities for thinking and reasoning. A learning disability can affect the use of the spoken language,

reading, writing, mathematics, organizational or social skills. Without help, persons with learning disabilities can find themselves struggling every single day of their life. This is why an organization like LDAY is so important. They help individuals identify their particular disability and they teach them coping skills. It is my understanding that LDAY is 40 years old this year. For 40 years, this organization has been working tirelessly to educate Yukoners and provide them with the tools to live a better life. That's truly an honourable occupation, Mr. Speaker.

### **In recognition of Canadian Patient Safety Week**

**Hon. Mr. Graham:** I have one more tribute, Mr. Speaker, and then I'll sit down.

I rise on behalf of our caucus and the Liberal caucus to draw attention to the fact that this is Canadian Patient Safety Week.

I want to highlight the week because it's of vital importance to educate ourselves about patient safety. Whether we are patients or health care providers, we must understand more about patient safety in order to continue to improve.

The Canadian Patient Safety Institute was established in 2003 as a not-for-profit organization. It works to raise awareness and help implement ideas and best practices to achieve a transformation in patient safety.

Its mission statement is very simple: to inspire extraordinary improvement in patient safety and quality.

Sometimes however, patients are not in a position to advocate for their own safety. That's when they must depend on the institution to keep their best interests at heart.

Yukon's chief medical officer of health, Dr. Brendan Hanley, did an interesting call on CBC on October 29 of this year. His focus was mainly on hospitals and clinics, but he also spoke about how systemic flaws can affect the patient's safety — everything from how a medication cupboard is set up to how busy a shift may be. He asked, How do we better design, how do we have people arriving fresh, how do we have clear ways of writing orders? Only then will you start to actually make significant changes.

Long-term care operated by this government is an area where patients are especially vulnerable. In Yukon we are lucky to have excellent continuing care. In fact, this year Health and Social Services Continuing Care division was awarded accreditation with exemplary standing. This is the highest status awarded by Accreditation Canada. This award marks excellence in meeting and actually surpassing the difficult requirements of accreditation. It includes infection prevention, infection control, home care services, long-term care services, palliative care services and medication management. It also shows that the Continuing Care division remains dedicated to health care quality improvement including patient safety.

Continuing Care is a division under which the individual units take patient safety very seriously — keeping track of patient safety issues and establishing targeted patient safety activities to continue reducing adverse effects.

I would like to thank the devoted health care providers who work tirelessly every day across this territory to ensure that the patients under their care remain safe and as healthy as possible.

Thank you.

**Ms. Stick:** I rise on behalf of the Official Opposition to also pay tribute to Canadian Patient Safety Week. October 28 to November 1 is Canadian Patient Safety Week. This week is relevant and important to all Canadians — health care providers, patients, their families and all who engage in the Canadian health care system.

One important activity this week is the partnership of the Canadian Patient Safety Institute and the Institute for Safe Medication Practices. The clinical focus this week for Canadian Patient Safety Week is medication safety. By placing the spotlight on medication safety, the intent is to have a greater impact in reducing harm related to medication use.

Medication incidents are one of the leading causes of patient harm in health care and most can be prevented. Patients, their families and caregivers all play an important role in ensuring that their care and their prescribed medications are safe. Knowing all your own medications, dosages and usages is important. Having accurate information is important in the event of an emergency or when transitioning through the continuum of care. This is a strong call to providers and the institutions they work in to take time to ensure accuracy and prevent harm. This includes the whole health care team: pharmacists, physicians, nurses, patients and their families. Let's all be aware of patient safety and our medications.

**Speaker:** Introduction of visitors.

## INTRODUCTION OF VISITORS

**Hon. Mr. Kent:** It's my pleasure to introduce three individuals who have joined us here in the gallery today and I'll ask all three to stand after I complete the three introductions.

The first gentleman is Mr. Ron Light. Ron is the general manager of Capstone's Minto Mine here in the Yukon. Although he has been here for a relatively short period of time, he has taken on a number of other roles within our community, including: one of the directors of the Yukon Hospital Foundation; a member of the Yukon Producers Group; he is on the Centre for Northern Innovation in Mining governing council; and he is the newest member of the Yukon Minerals Advisory Board.

Claire Derome is also joining us here today. Claire is the owner of Derome and Associates. She is also one of the visionaries behind the establishment of the Centre for Northern Innovation in Mining, as well as the Yukon Imagination Library, and she is, of course, the chair of the Yukon Housing Corporation Board of Directors, and the executive director of the Yukon Producers Group.

As well, we're joined by Darielle Talarico, who is the owner of Tipping Point Strategies and the past chair of the Yukon Chamber of Commerce.

I'd ask all members to join me in welcoming the three to the gallery.

*Applause*

**Ms. White:** I would ask the members of the House to join me in welcoming five people we have here today: Gerry Whitley is a retired water scientist; Dr. J.P. Pinard is a renewable energy expert; Anne Middler is the energy coordinator for the Yukon Conservation Society; Jody Overduin is the outreach coordinator for CPAWS Yukon; and Don Roberts is a former MLA and the current president for Yukoners Concerned About Oil and Gas Exploration/Development.

*Applause*

**Hon. Mr. Istchenko:** In the gallery today, I would like to introduce my mom and my dad, Rhoda and Ed Istchenko. My father was a long-term Highways and Public Works employee for 33 years, keeping our roads safe, and my mom was a tireless volunteer in our community when there were 400 people, keeping the community club going for years. Thank you very much; I love you both.

*Applause*

**Hon. Mr. Nixon:** Mr. Speaker, it gives me great pleasure to introduce two extraordinary Yukoners. All members can join me in welcoming Sandra and Charles Behan.

*Applause*

**Hon. Ms. Taylor:** I'd like to ask all members to join me in welcoming my mom, Diana Raketti, from the Town of Watson Lake — a very smart and strong woman and also a breast cancer survivor.

I'd also like to extend a warm welcome to my husband as well, Troy Taylor.

*Applause*

**Hon. Mr. Cathers:** I'd like to ask all members to join me in welcoming to the gallery one of my constituents, Debbie Kelly.

*Applause*

## TABLING RETURNS AND DOCUMENTS

**Speaker:** Under tabling returns and documents, the Chair has for tabling the *Conflict of Interest Commission Annual Report* for the period ending March 31, 2013. This report was distributed to members and made public in July 2013.

The Chair also has for tabling the *Yukon Human Rights Panel of Adjudicators 2012-13 Annual Report*.

Finally, the Chair has for tabling the *Report from the Clerk of the Yukon Legislative Assembly on the Absence of*

*Members from Sittings of the Legislative Assembly and its Committees*, dated October 31, 2013.

Are there any further returns or documents for tabling?

**Hon. Mr. Pasloski:** I have for tabling the Yukon Public Accounts for the fiscal year 2012-13. These Public Accounts are fully audited by the Auditor General of Canada, who has given us an unqualified opinion, meaning a clean bill of health.

**Mr. Silver:** I have for tabling an ATIPP document on the F.H. Collins Secondary School.

**Speaker:** Are there any reports of committees?

## REPORTS OF COMMITTEES

**Mr. Hassard:** I have for presentation the seventh and eighth reports of the Standing Committee on Appointments to Major Government Boards and Committees.

**Speaker:** Are there any further reports of committees to be presented?

Are there any petitions to be presented?

Are there any bills to be introduced?

## INTRODUCTION OF BILLS

### Bill No. 11: *Second Appropriation Act, 2013-14* — Introduction and First Reading

**Hon. Mr. Pasloski:** I move that Bill No. 11, entitled *Second Appropriation Act, 2013-14*, be now introduced and read a first time.

**Speaker:** It has been moved by the Hon. Premier that Bill No. 11, entitled *Second Appropriation Act, 2013-14*, be now introduced and read a first time.

*Motion for introduction and first reading of Bill No. 11 agreed to*

**Speaker:** Are there any further bills for introduction?  
Are there any notices of motion?

## NOTICES OF MOTION

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

THAT this House urges the Government of Yukon, in the interest of transparency, to publicly post ministerial travel expenses on the Yukon government website at [www.gov.yk.ca](http://www.gov.yk.ca).

**Hon. Mr. Kent:** I give notice of the following motion:

THAT this House urges the Government of Yukon to ensure there is a continuing and abundant supply of clean and affordable power in Yukon in order to promote responsible and sustainable economic development by:

(1) directing Yukon Development Corporation, as the agency designated by legislation as responsible for assuring a continuing and adequate supply of energy in Yukon, to

commence the research and planning of a new hydroelectricity dam, based on the principles of scalability, environmental responsibility and First Nations engagement, as the centrepiece of a clean power future for Yukon;

(2) exploring additional renewable sources such as wind and biomass as potential complements to the existing hydro-based grid;

(3) exploring alternative sources that are cleaner and more affordable than diesel to facilitate the reduction of diesel consumption in those communities not connected to the existing hydro-based grid; and

(4) ensuring there is a continuing supply of fossil fuels as a backup source to the hydro system and pursuing sources that are cleaner and more affordable than diesel for backup wherever possible.

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

THAT this House urges the Government of Yukon to consider amending Yukon's *Fatal Accidents Act* to enable family members of deceased children to pursue actions for bereavement damages.

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

THAT this House urges the Government of Yukon to consider options in relation to the Ross River suspension bridge in view of its historical importance to the people of Ross River and Yukoners in general.

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

THAT this House urges the Government of Canada to support Private Members' Bill C-543, *An Act to Amend the Navigable Waters Protection Act (Peel River)*, which would return the Peel River to the list of waterways protected under the act.

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

THAT this House urges the Select Committee Regarding the Risks and Benefits of Hydraulic Fracturing to hold public meetings in all Yukon communities identified as such on the government's Yukon communities profiles website — namely, Beaver Creek, Burwash Landing, Carcross, Carmacks, Dawson City, Destruction Bay, Faro, Haines Junction, Mayo, Old Crow, Pelly Crossing, Ross River, Tagish, Teslin, Watson Lake, Whitehorse, Ibex Valley, Mount Lorne and Marsh Lake.

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

THAT the House urges the Government of Yukon to explain why it said two separate independent estimators told them that a new F.H. Collins School could be built for \$38.6 million, when in fact it had three estimates, two of which said it would cost more than \$38.6 million.

I also rise to give to notice of the following motion:

THAT this House urges the Government of Yukon to update the public on how it plans to proceed with the Peel land use plan and whether it plans to extend the staking ban now in place past December 31, 2013.

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

## QUESTION PERIOD

### Question re: F.H. Collins Secondary School reconstruction

**Ms. Hanson:** Mr. Speaker, back in March the Yukon Party government cancelled the tenders for F.H. Collins and went back to the drawing board. On March 21, the Premier said that two independent estimators both looked at this project, and I quote, "What we saw was a low bid that came in over 20-percent — almost \$10 million — overbudget." Documents obtained through access to information have revealed that in fact the government's estimate was \$4 million off the lowest bid. This put the low bid within a range that could have seen the project awarded.

Can the Premier explain why his statement in this House on March 21 is in clear contradiction with the government's own documents?

**Hon. Mr. Pasloski:** The answer to this question is quite simple. This government budgeted \$38.6 million for the construction of this school. The lowest bid came in almost \$10 million above that; \$10 million before we even turned a spade over on that project. This government believes in fiscal responsibility. It believes in spending taxpayers' money wisely and so what we did was the right thing. We went back; we relooked at this project and we are looking forward. As we all know, the bids went out to tender as of yesterday, and we are looking forward to moving forward with the construction of a beautiful school at the F.H. Collins location.

We're looking forward to moving forward with the construction of a beautiful school at the F.H. Collins location.

**Ms. Hanson:** That was then, this is now. When the Yukon Party cancelled the last tender process on F.H. Collins on the grounds of the phantom \$10 million price difference, the impact on the local economy was huge. Many skilled tradespeople counted on getting work on this project. Local businesses in Whitehorse would have seen a boost to their bottom line from these wages being spent in the community.

Yesterday, the Yukon Party government released the new tender package for F.H. Collins and the message is clear: Yukon contractors need not apply. Bidders must have built three projects in the last three years that are similar to the new F. H. Collins Secondary School. So why on earth would the Yukon Party deliberately structure the tender to reduce job opportunities for Yukoners?

**Hon. Mr. Pasloski:** We know what the NDP would have done. They would have paid the extra \$10 million because we know how fiscally responsible the NDP government was because we have a record to show of the

responsibility, not just in this territory but NDP governments across this country.

I'd like to refer to the recent report by Standard & Poor's, which again reaffirmed this small territory's AA rating. I'd like to quote, "In our view, the territory demonstrates good financial management, which positively affects its credit profile. Its annual financial reports are comprehensive and detailed and are independently audited. Yukon provides three-year financial forecasts and a five-year capital plan. ... We believe the territory has achieved a track record of strong economic performances ..."

That's because we know how to balance the books; we know when to make a decision, when to invest and when to say we cannot afford this decision, that we're going to go back and look at it again. And that is what we have done.

**Ms. Hanson:** 2013 has been a slow construction season due to this government's handling of this major infrastructure project. It's no wonder economic growth has declined.

When the Yukon Party said they were getting free plans from Alberta for a new school, they said there were no strings attached and they denied that they would be sole sourcing the job. Then they announced a nearly \$1 million sole-sourced contract for a bridging consultant. Now they come up with rules that will essentially bar anyone but an Outside company from getting the job — at great loss and disrespect to local contractors, local tradespeople and the local economy.

This is not fiscally responsible. This is economically reckless and it penalizes local businesses.

When the Yukon Party chose the Alberta school design, had they already decided that an Alberta company would build F.H. Collins?

**Hon. Mr. Pasloski:** Mr. Speaker, I think I'm going to use an analogy for people. If a person or a couple decides that they want to build a house and they have a budget — and let's just say that budget is \$400,000. So they have their plans and they take those plans out to contractors, but unfortunately when those prices come in, the lowest bid by a contractor is \$500,000. What would that couple do? That's what I want to ask the NDP because obviously they feel that they would just be able to find that extra \$100,000 of financing to build that house.

I have just quoted to you from Standard & Poor's. They say that the ratings that we have reflect their assessment of extremely low debt, a healthy economic performance compared with that of other similarly rated domestic and international peers, and very positive liquidity.

We will continue to honour and respect the obligation that we have to spend taxpayers' money. We will do so wisely. We will not start a project that is \$10 million overbudget before we even turn a spade.

### Question re: Economic growth

**Ms. Hanson:** The Conference Board of Canada has forecast a weak 0.5-percent growth for the Yukon economy in 2013. There are layoffs in mining and delays in mining construction; new house purchases have slumped.

Contractors say the construction season has been slow due in no small part to the Yukon Party's mishandling of the F.H. Collins project. The Yukon Party's economic approach is to take credit for good news and to blame others for bad news. They are blind to the opportunities that are staring them right in the face. The promise of economic development and economic certainty that respecting our final agreements with Yukon First Nations would bring has been ignored for too long.

Why is the Premier so averse to working cooperatively with First Nation governments in the interest of economic certainty?

**Hon. Mr. Dixon:** I have to disagree quite firmly with the member opposite and her assertions that we don't work with First Nations to the end of economic development. When you look across our budget, when you look across our government, you see multiple instances of Yukon government collaborating very positively with First Nation governments and development corporations to undertake projects in this territory. All of this is to the end of developing a strong and healthy economy here in the territory.

The member opposite is correct in saying this year is a bit of a down year and we are seeing soft mineral prices, we're seeing soft international markets, but even in that climate we're seeing economic growth. Even in the climate when a lot of people think we should be recessing, we're actually growing. That's very positive news and that's very positive for the territory and for our economy.

What the Conference Board also noted was that next year we're anticipating significant growth. In part that's due to the growth in the mineral industry. I know that makes the NDP uncomfortable because of their strong stance against the mining industry, but we're going to continue to try to promote that industry and many others, and by doing so in partnership with First Nations in this territory.

**Ms. Hanson:** At the Conference Board of Canada meetings last week — if the minister's office had actually sat and listened to the proceedings, they would have heard the Yukon First Nation chiefs present at that meeting say that land use planning — a key tenet of our final agreements — is imperative for economic growth. Even the Fraser Institute has said that land use planning is essential for economic certainty, but the Yukon Party government treats land use planning with contempt.

So I'll try again. When will the Premier listen to Yukon First Nations and present a timetable for completion of all land use plans in order to respect final agreements and bring economic certainty to Yukoners?

**Hon. Mr. Dixon:** Well, again, I have to disagree with the member opposite in her assertions that we are somehow not working in partnership with First Nations on economic development. There are numerous examples of instances where the Yukon government collaborates, partners and shares information with First Nation governments and development corporations for the benefit of their communities and the Yukon economy as a whole.

There are examples — probably too many to list today — but I can start with a few. We're working with First Nation development corporations in looking at a feasibility study for a redundant fibre line south. We're working with First Nations on forestry operations. We're working with First Nations on mining operations.

These are all issues that we're going to continue to focus on, but for the member opposite to suggest that First Nations aren't at the table and aren't being meaningfully engaged in economic development, it is simply not true.

She only needs to look at the strong performances of economic development corporations in the territory that are owned by First Nations to see how meaningfully engaged the First Nations are in our economy and how important their contribution to our economy is.

**Ms. Hanson:** The minister opposite is correct in one aspect: a strong Yukon economy is based on partnerships. Yukon First Nations are major economic partners, major employers, purchasers, investors and builders. They have been here since the beginning and they are not going anywhere. These major economic partners have repeatedly called for completion of land use planning — a key promise to create economic certainty — but this government is more interested in undermining the process.

And it's not just the Yukon Party's contempt for land use planning. When the Ross River Dena challenged the government to work with First Nations to modernize mining rules, government appealed the decision. The Yukon Party's approach is confrontation and litigation, not accommodation and cooperation. This is not good for business.

So, Mr. Speaker I ask again: when will the Premier stop wasting taxpayers' money in costly court cases and make land use planning a priority to bring economic certainty to Yukon.

**Hon. Mr. Kent:** It is a pleasure to respond to this question because the Yukon Party government — previous Yukon Party government — is the first government to complete a regional land use plan in the North Yukon. It has been completed and implemented. Currently, we have two land use plans underway — the Peel watershed land use plan and the Dawson Regional Planning Commission — and we continue to look for ways to learn and build upon each commission as we move forward into others.

It's not that we're abandoning the long-term planning. As I said, that's something that we're very committed to as a government, and we continue to look for improvements to the planning process. Completing the Peel watershed plan is a priority and completing the Dawson regional land use plan is a priority. We'll look for other opportunities for improvement as we move through the remainder of the plans that need to be developed here in the territory.

#### **Question re: F.H. Collins Secondary School reconstruction**

**Mr. Silver:** Mr. Speaker, I have a question for the Premier. On March 11, 2013, the government told Yukoners a new design for F.H. Collins was being chosen and an old design was being scrapped. The decision was announced by

the Premier and a news release said, and I quote: “The approved construction budget, as detailed by two separate independent estimators, was \$38.6 million.”

Since that announcement, I have asked repeatedly for copies of the estimates. The Premier, the Minister of Education and the Minister of Highways and Public Works all refused to provide them, and now we know why.

There were actually three estimates and two of them were higher. In fact, at \$43.7 million, one was much higher than the government said it was.

Why did the Premier tell the public that two estimates told them that they could build the new school for \$38.6 million when that was not in fact what the estimates said?

**Hon. Mr. Pasloski:** I guess we can scoop the Liberals into the same pot as we did with the NDP. Quite honestly, Mr. Speaker, as I have already said, this government committed \$38.6 million to the construction of a new F.H. Collins School. The lowest bid came in almost \$10 million above what we had budgeted. I used the analogy of a family that doesn't have the budget to purchase or to construct a new home and that home comes in with bids sizably larger.

I made the assumption that the NDP would just go ahead and do it, and now it appears it would be the same case for the Liberals as well. It doesn't matter, we'll throw financial prudence to the wind and we will do what it takes. We'll just spend the money. I guess we know that because, the last time the Liberals were in government, they did such a fantastic job of creating debt that they had to borrow money just to pay the wages.

**Mr. Silver:** I think we're going to throw accountability to the wind too, Mr. Speaker.

There were three estimates — not two — that the Premier told Yukoners, and one of the estimates told the government before the tender closed that the project would cost \$43.7 million, not \$38.6 million.

Last fall, I asked the Minister of Highways and Public Works to put on the record that the estimates in both of these documents were in fact less than \$38.6 million. Here's what he said in response to my question, and I quote: “The minister will not speak to these documents at all.” Now we know why the minister pled the fifth.

To the Premier, who made these statements in the first place: why did he say that the two estimates were for \$38.6 million when in fact they were not?

**Hon. Mr. Pasloski:** It is the responsibility of this government to manage Yukoners' tax dollars — to spend them, to ensure that there is a maximum benefit in terms of delivering of services and programs to Yukon people. We continue to focus on building a strong private sector economy, to create jobs and training opportunities — as we talked about in the announcement and this government's investment in the Centre for Northern Innovation in Mining just yesterday — and for creating wealth.

Do you know what happens when that happens? This government then creates more revenues because we create revenues from businesses paying corporate taxes; we create revenues from more individuals paying personal income

taxes; we create revenues from licences and fees. What do we do? It's not just about the economy. Why are we growing the economy? Because then we can provide those hospital beds to people. We can provide those schools for our children and those teachers. We can provide the money to build those roads and Internet connections that we need. We can look after those people who need help in our society, which is important, as well.

We're focused on being financially responsible. Going forward with a project that is already \$10 million overbudget before we even start is not how this government will operate.

**Mr. Silver:** That's a great writing team. I want the Premier to answer the question. The government did its best to keep these documents out of the public eye. Now we know why. They contradict the Premier's statements. They prove the government knew before it even tendered the project that it was going to be more than the \$38.6 million and, for some reason, they went ahead anyway. This raises many questions, and I'll be asking all of them.

Let's start with this one: why did the Premier tell Yukoners that he had two estimates that said the school could be built for \$38.6 million when he had two estimates that told him the exact opposite?

**Hon. Mr. Pasloski:** I have answered the question; I'll answer it again. We are not going to go forward with a project that was \$10 million overbudget before we even start.

As I've said, Standard & Poor's — and we all know who Standard & Poor's are — says, “In our view, the territory demonstrates good financial management, which positively affects its credit profile.

“Its annual financial reports are comprehensive and detailed and are independently audited. Yukon provides three-year financial forecasts and a five-year capital plan ... We believe the territory has achieved a track record of strong economic performances.”

What we have to muse is if this was an NDP government or a Liberal government, would we hear Standard and Poor's saying the very same thing to their government?

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

**Ms. Stick:** Mr. Speaker, Teresa Ann Scheunert, employed as a nurse at the Watson Lake hospital, died in the same hospital on June 21, 2012, of mixed-drug toxicity. In the coroner's judgement of inquiry issued July 19, 2013, the coroner states, and I quote, “the system let down Ms. Scheunert.”

Can the minister identify the parts of the system that resulted in this 47-year-old woman's death and explain to Yukoners what failed and what has been fixed?

**Hon. Mr. Graham:** Even before the coroner's report was submitted, the Yukon Hospital Corporation had undertaken a study on their own to determine exactly what, if anything, had gone wrong within the system at the hospital in Watson Lake.

I'm sorry, I don't have the internal report that the Yukon Hospital Corporation has developed as a result of the lessons

learned during this tragic incident, but I have been assured by the Hospital Corporation that not only have systems been changed there to make sure that such an incident does not happen again, but that systemic changes throughout the Hospital Corporation have been implemented to ensure that this doesn't happen again.

**Ms. Stick:** The family of Ms. Scheunert have paid the ultimate price for this system failure: the death of their mother, their sister, their grandmother. That can't be forgotten. Yukoners, that is the public taxpayer, ultimately fund, and own, the Watson Lake hospital. Canadians are proud to have public health care and the security it's supposed to represent.

The death of this healthy 47-year-old woman of mixed drug toxicity in Watson Lake hospital and the subsequent finding of system failure has shaken the confidence of many citizens. Is the minister aware of and investigating other system failures in Yukon hospitals?

**Hon. Mr. Graham:** No. The member opposite seems to want to get in to something that's very personal and very private, I think. There are a number of questions that the coroner's report even asked or mentioned that we're not sure of.

I have asked the Yukon Hospital Corporation, as an arm's-length body, to review its operations and its procedures to ensure that this doesn't happen again. They have done that.

I have not asked for any information about the patient personally, nor have I requested any information about potential staff mistakes that were made there, because once we do that, it would close up the system completely and the internal workings of the Hospital Corporation and the hospital itself in Watson Lake, and any free exchange of information would close down completely.

So I find the member opposite's questions really difficult to answer outside of the fact that I've asked the Yukon Hospital Corporation to review operations procedures. They assured me that not only was it done after the coroner's report was submitted, but it was started long before the coroner's report was submitted. Not only that, but they have an ongoing system of looking at hospital procedures.

#### **Question re: Water management strategy**

**Ms. White:** The government announced changes to the water monitoring program in North Yukon to improve its overall understanding of water in an area with the potential for oil and gas development.

We know it can take as long as 10 years to be able to get an accurate assessment of the many variations in a river's flow rate. We also know that the effects of climate change are making predictions about future flow rates more difficult. Melting permafrost and ongoing changes to precipitation can have a significant impact on the amount of available water in an ecosystem.

What does this government consider enough time to be able to predict the minimum amount of water needed to maintain the health of these watersheds today and in the future?

**Hon. Mr. Dixon:** The member opposite is quite correct. We've made considerable investments in this territory's system for monitoring and understanding Yukon's water systems. As she correctly pointed out, we recently made considerable investments in the North Yukon to increase the understanding we have of the water quality and water quantities in the north Yukon, along the Dempster Highway and in the Eagle Plains area. That is something that we're very proud of and we're going to continue to invest in.

As I've noted many times in this House before, we're in the process of developing a water strategy for the territory, which will guide how we monitor and understand our water resources here in the territory for the years to come. That water strategy work is underway currently. That strategy will tell us some of the answers to the member's question with regard to what kind of information is needed.

With regard to specific information on how many years of data you need, that's not something I can answer as the Minister of Environment; that's something I have to rely on officials and experts for, to suggest what information is adequate and what information is needed. That's why we're making these powerful and strong investments in monitoring and infrastructure throughout the territory.

**Ms. White:** To put it mildly, fracking is water-intensive. A single moderate-sized hydraulic fracture uses 1,000 tonnes of sand, 300 cubic metres of chemical additives and 15,000 cubic metres of water. To help visualize what these numbers mean, that's 40 B-train trucks of sand, seven B-train trucks of chemicals and 500 B-trains to deliver fresh water to the well site — and this is only on one single frack job.

The average well is fracked 12 times to get it into production and many need to be fracked on an ongoing basis to maintain production levels. On a typical pad site, there are 12 to 16 wells.

These numbers were generated by Energy, Mines and Resources.

If fracking is to occur in the Yukon, where will all this water come from?

**Hon. Mr. Kent:** I assumed my new responsibilities for Energy, Mines and Resources about three months ago and the topic of hydraulic fracturing is something that I've heard from many Yukoners on, on both sides of that issue. There are those who are concerned about oil and gas development and there are those who wish to take advantage of the jobs and opportunities that come with oil and gas development.

The one thing for sure is that it's a very emotional issue for many Yukoners — many of the Yukoners who were out front of the Legislative Assembly here today, as well as Yukoners who I ran into over my lunch hour when I was out in the community on the other side of the issue, wishing to see those jobs and opportunities.

I think that, as legislators, what we need to do is separate that emotion from the science. I have the confidence in the select committee — a committee that has three government members, three members of the opposition — that through their work in the coming months leading up to the report that

they're going to deliver to this House in the spring of 2014, they will work to separate the emotion and focus on the science. There's plenty of science on either side of this issue and I know that a number of NGOs in the community are working to bring in individuals to speak and educate Yukoners, just as the select committee is as well. I look forward to their work and them reporting back to this Legislature.

**Ms. White:** I'm sure of one thing and that is that water is critical to Yukoners. It's critical for our ecosystems and our livelihood, and it's critical for our future. I'm glad that the select committee is doing its work and I'm looking forward to their public proceedings, but the Yukon government says that the oil and gas industry is a priority for Yukon's economic future, so the minister has to answer questions about it. We don't have the data to know whether our territory's ecosystems can safely provide industry with the water they would need for fracking. What we know is that the amount of water needed for unconventional gas extraction would be unprecedented. The oil and gas industry knows it as well.

Mr. Speaker, will the minister assure Yukoners that the health and sustainability of our waters will not be compromised by the unprecedented water demands of the fracking industry?

**Hon. Mr. Kent:** Again, just last week, the Yukon Chamber of Commerce had a gentleman in town from the Canadian Society for Unconventional Resources, who delivered speeches here in Whitehorse and Watson Lake. I know other environmental NGOs have brought in speakers as well over the past while to speak about the risks and benefits of hydraulic fracturing. It's something that is really a no-brainer. No one in the Yukon wants to compromise our water — that's certainly something that none of us want to do. We've charged the select committee with coming up with identifying those risks and benefits of hydraulic fracturing.

It's an emotional issue for Yukoners. It's an emotional issue across the country and indeed around the world, when it comes to hydraulic fracturing. I have the confidence in the members who sit on that select committee that they will go in and be able to separate that emotion. It's sometimes a difficult job.

I know that the member asking the question, as well as the Member for Mount Lorne-Southern Lakes, has recently showed up in rallies against hydraulic fracturing and they have made up their minds, I believe. But fortunately and hopefully the other members from the New Democrats, the MLA for Klondike and the three members from this side of the House, who are also involved in the select committee, are willing to keep an open mind, separate the emotion and deliver a report to this House that identifies those —

**Speaker:** Order please. The member's time has elapsed. The time for Question Period has now elapsed.

**Hon. Mr. Cathers:** I move that the 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 stands adjourned until 1:00 p.m. Monday.

*The House adjourned at 2:22 p.m.*

**The following sessional papers were tabled October 31, 2013:**

33-1-86

Yukon Conflict of Interest Commission Annual Report to the Legislative Assembly for the Period from 1 April 2012 to 31 March 2013 (June 28, 2013) (Speaker Laxton)

33-1-87

Yukon Human Rights Panel of Adjudicators 2012-13 Annual Report (Speaker Laxton)

33-1-88

Report from the Clerk of the Yukon Legislative Assembly on the Absence of Members from Sittings of the Legislative Assembly and its Committees (October 31, 2013) (Speaker Laxton)

33-1-89

Public Accounts 2012-2013 of the Government of Yukon for the year ended March 31, 2013 (Pasloski)

33-1-90

Standing Committee on Appointments to Major Government Boards and Committees Seventh Report (Hassard)

33-1-91

Standing Committee on Appointments to Major Government Boards and Committees Eighth Report (Hassard)



# Yukon Legislative Assembly

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Number 103

1st Session

33rd Legislature

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## HANSARD

**Monday, November 4, 2013 — 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

## CABINET MINISTERS

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

## GOVERNMENT PRIVATE MEMBERS

### Yukon Party

<b>Darius Elias</b>	Vuntut Gwitchin
<b>Stacey Hassard</b>	Pelly-Nisutlin
<b>Hon. David Laxton</b>	Porter Creek Centre
<b>Patti McLeod</b>	Watson Lake

## OPPOSITION MEMBERS

### New Democratic Party

<b>Elizabeth Hanson</b>	Leader of the Official Opposition Whitehorse Centre
<b>Jan Stick</b>	Official Opposition House Leader Riverdale South
<b>Kevin Barr</b>	Mount Lorne-Southern Lakes
<b>Lois Moorcroft</b>	Copperbelt South
<b>Jim Tredger</b>	Mayo-Tatchun
<b>Kate White</b>	Takhini-Kopper King

### Liberal Party

<b>Sandy Silver</b>	Leader of the Third Party Klondike
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## LEGISLATIVE STAFF

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Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Rudy Couture
Deputy Sergeant-at-Arms	Doris McLean
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Monday, November 4, 2013 — 1:00 p.m.**

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

*Prayers*

**INTRODUCTION OF TABLE OFFICERS**

**Speaker:** On behalf of the House, I would like to welcome Ms. Allison Lloyd to the Legislative Assembly as the Assembly's new Clerk of Committees. Ms. Lloyd, who will also serve as a Clerk-at-the-Table, comes to us from the Senate of Canada where she worked as a procedural clerk with the Committees Directorate. I ask all members to please give her a warm welcome.

*Applause*

**DAILY ROUTINE**

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

Tributes.

**TRIBUTES**

**In recognition of Movember**

**Hon. Mr. Dixon:** Thank you, Mr. Speaker. I rise today to pay tribute to Movember, which is an annual month-long event involving the growing of moustaches during the month of November to raise awareness of prostate cancer and other male cancer initiatives. I won't go through the history of the event, as we've done that in previous tributes, but I will speak a little bit about the reason behind it and some of the vision behind the Movember movement.

The vision of Movember is to have an everlasting impact on the face of men's health by encouraging men, known as Mo Bros, to get involved. Movember aims to increase early cancer detection, diagnosis and effective treatments, and ultimately reduce the number of preventable deaths. Besides getting an annual checkup, Movember encourages men to be aware of any family history of cancer and to adopt a healthier lifestyle.

During November each year, Movember is responsible for the sprouting of moustaches on thousands of men's faces in Canada and around the world. These men raise vital funds and awareness for men's health, specifically prostate cancer and men's health initiatives. Mo Bro has effectively become a walking, talking billboard for the 30 days of November. Through their actions and words, they raise awareness by prompting private and public conversation around the often ignored issue of men's health.

The Movember initiative also provides information and support for men and their families affected by prostate cancer. This in turn helps them make informed decisions and improves their quality of life and increases the understanding of the health risks that men face and encourage men to act on

that knowledge. We've seen that prostate cancer is an issue that men typically do not speak about.

Through Movember and the power of the moustache, the hope is to reduce stigma, increase awareness, improve treatment, and expand the understanding of this cause.

It may look like at a trick of the light or the shadows but, in fact, I am in the process of growing a moustache currently, as is the Premier, who will also be participating as a Mo Bro this Movember. The Premier and I have chosen to participate in this year's campaign to again further the cause of awareness here in the territory. In a few more days, hopefully, you'll be able to see some evidence of that, even though some in our office have commented that it looks like there is some dirt on my face. I will endeavour to grow as hard as I can to help raise awareness for this important issue.

Mr. Speaker, I would also like to give a bit of a shout-out to the fine folks at the Barbers II barbershop on Main Street who gave the Premier and me a hot shave on November 1 to launch Movember with us. So I would like to thank Melanie and Kaitlyn and the other staff at the Barbers II barbershop on Main Street for that.

If anyone is interested in assisting with our collective effort to raise money and awareness, they can certainly visit our website, [www.moteam.co/team-Yukon](http://www.moteam.co/team-Yukon).

Whether or not people choose to contribute financially to ours or any other Movember campaign, or to become a Mo Bro themselves, I would encourage all Yukoners to do their part in raising awareness for men's health.

Thank you.

**Ms. White:** I rise on behalf of the Official Opposition to pay tribute to Movember — that month where men become walking billboards to raise awareness about men's health.

From its grassroots beginnings in Melbourne, Australia, the Movember movement has become an official global charity with a vision to have an everlasting impact quite literally on the face of men's health. November sees millions of moustaches appear on the upper lips of men worldwide as they face the challenge of fundraising money and, more importantly, awareness of prostate and testicular cancer and men's mental health challenges.

Men face a unique set of challenges when it comes to managing their mental well-being with the associated stigma of shame and embarrassment, often preventing them from seeking help and taking action. Men aren't always good about discussing their feelings, especially when it comes to sadness, depression or stress. Men instead often act out with more work, drinking and risk-taking to numb or avoid the real problems they face. To many men, being manly means not admitting to any vulnerabilities or expressing emotions. It is these same qualities that prevent so many men from seeking help for their depression. Men, if you think you are alone in this, you aren't. Men's depression is currently ranked third in terms of disease burden in high income countries such as ours. Depression affects 840,000 men every year in Canada. One in five men will experience a mental health issue this year. Twenty-eight hundred Canadian men commit suicide each

year. Four out of five suicides among young people in Canada are committed by men, despite men's lower reported rates of depression.

According to the Canadian Cancer Society, prostate cancer is the most common cancer in Canadian men, and is the third leading cause of male cancer deaths in Canada. The risk of prostate cancer increases as men grow older. Prostate cancer is not very common in men under 50 years of age. The chance of having prostate cancer increases after 50 and is diagnosed most often in men over the age of 65. One in seven men will develop prostate cancer during his lifetime and one in 28 will die from it. In 2013 alone it is expected that nearly 24,000 new cases of the disease will be diagnosed and 3,900 men will die of prostate cancer. That means that today, statistically, 65 Canadian men will be diagnosed with prostate cancer and 11 men will be dying from it. The number of men who die of prostate cancer every year exceeds the number of women who die from breast cancer annually.

Despite these figures, the level of awareness, understanding and support for prostate cancer lags significantly behind that of women's health causes. Even facing these overwhelming odds, hope is not lost. When prostate cancer is detected and treated early, the chances of successful treatment are better. Recognizing symptoms and getting regular checkups are the best ways to detect prostate cancer early. The sooner the symptoms are reported, the sooner a doctor can diagnose and treat the cancer.

Cancer risks for men don't end with prostate cancer. Testicular cancer is the most common cancer in young men aged between 15 and 29 years old. The incidence is lowest before puberty, increases significantly after age 14, peaks around age 30 and then declines again by age 60. It is expected that 940 new cases of testicular cancer will be diagnosed in Canada in 2013. The good news is that testicular cancer is a highly treatable cancer and can be effectively treated and potentially cured if diagnosed and treated early. Even advanced testicular cancer can also be cured with treatment. If you are diagnosed, the most important step is to talk at length with your doctor about your treatment choices. You are a major player in your health and when choosing a treatment plan, factors such as your overall health, the type and stage of cancer should be considered.

While Movember may seem lighthearted on the outside, with moustaches appearing like magic on upper lips everywhere, on the inside, the organization works hard to support men and men's health. To all of you growing moustaches, may your moustache grow quick and full, and for all of those on the sidelines, we can offer our support by making a donation at [ca.movember.com](http://ca.movember.com). Our donations will support world-class health programs that combat prostate and testicular cancer and mental health challenges. These programs directed by the Movember foundation are focused on awareness and education, living with and beyond cancer, staying mentally healthy, living with and beyond mental illness, and on research to achieve their vision of everlasting impact on the face of men's health.

**Mr. Silver:** Mr. Speaker, I rise today on behalf of the Liberal caucus to also pay tribute to Movember 2013. Movember is a month-long fundraising campaign, as mentioned earlier by the other parties, where men start November with a clean-shaven face and then grow a stylish moustache throughout the month. Movember is responsible for the sprouting of moustaches on thousands of men's faces in Canada and around the world.

This moustache-growing charity event and the men with their mo' will raise vital funds and awareness for men's health, specifically prostate cancer and male mental health initiatives. This year I am pleased once again to be part of the Dawson Dusters. The team includes the Dawson City CAO Jeff Renaud, Mayor of Moosehide Ronald Johnson, myself, Deputy Chief of Tr'ondëk Hwëch'in Jay Farr, town councillors Steven Johnson and Kyla Macarthur — yes, even women can join the fight — and also Mayor Wayne Potoroka and Chief Eddie Taylor.

We also have a great new addition to the team this year, Mr. Speaker: Elder Victor Henry. That, Mr. Speaker, is a big deal. For many listening today, it's likely that Victor's moustache is older than you are, by a long shot. He has had that moustache since he was 17 years old, shaved this weekend for the cause. Mahsi' cho to Victor Henry. I am very, very pleased to have been part of the Dawson Dusters' Movember team for five years now and we've been able to raise over \$5,000 in support. The moustache is designed to start conversations and raise awareness about prostate cancer and I hope everyone will support this worthy cause.

**Speaker:** I'd like one of the pages to hand this \$20 over to the Premier toward Movember. I've only got one \$20 bill, sorry. I will get you another one later in the name of my father, who did have prostate cancer — George Laxton — although it was colon cancer that finally took him.

Are there any other tributes?

Introduction of visitors.

## INTRODUCTION OF VISITORS

**Hon. Mr. Pasloski:** I rise to acknowledge Linda Hillier, a friend of many of us in the Legislative Assembly and a constituent of Mount Lorne and Southern Lakes. I encourage everybody to welcome her.

*Applause*

## Speaker's Statement

**Speaker:** Prior to tabling returns and documents, the Chair would like to remind members once again — and it's early on, so I'm giving you a heads-up here — of the proper procedure regarding this item on the Daily Routine.

As the Chair has previously informed the House, when members table documents, they are to restrict themselves to informing the House of the title of the document and, if applicable, the authority under which the document is being tabled. If the document has no title, the member may offer a brief, non-political description of its contents.

Members are restricted from making other comments about documents they are tabling because there is no opportunity for other members to respond at that time.

I thank the members for their attention.

### TABLING RETURNS AND DOCUMENTS

**Speaker:** Having said that, under Tabling Returns and Documents, the Chair has for tabling the *Yukon Child and Youth Advocate Office 2013 Annual Report*.

Are there any other returns or documents for tabling?

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

### INTRODUCTION OF BILLS

#### Bill No. 64: *Act to Amend the Territorial Lands (Yukon) Act* — Introduction and First Reading

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

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

*Motion for introduction and first reading of Bill No. 64 agreed to*

#### Bill No. 63: *Court and Regulatory Statutes Amendment Act* — Introduction and First Reading

**Hon. Mr. Nixon:** I move that Bill No. 63, entitled *Court and Regulatory Statutes Amendment Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the Minister of Justice that Bill No. 63, entitled *Court and Regulatory Statutes Amendment Act*, be now introduced and read a first time.

*Motion for introduction and first reading of Bill No. 63 agreed to*

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

### NOTICES OF MOTION

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

THAT this House urges the Government of Yukon to ensure that Yukon has a competitive business tax structure and competitive business tax rates.

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

THAT this House urges the Government of Canada to respect the service and sacrifices of our veterans by reversing its decision to shut down nine Veterans Affairs offices across the country.

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

THAT this House urges the Government of Yukon to work with other Canadian jurisdictions within the established constitutional framework to abolish the unelected and democratically unaccountable Senate of Canada.

I further give notice of the following motion:

THAT this House urges the Yukon government to build an inclusive, diversified and strong economy with good jobs and opportunities for all by:

(1) Prioritizing the completion of regional land use planning necessary to create economic certainty;

(2) Partnering with First Nation governments on economic development by fully respecting and honouring our final agreements;

(3) Stimulating green jobs and building a renewable energy future;

(4) Supporting tourism and avoiding decisions that tarnish the Yukon's tourism brand;

(5) Lessening dependence on extractive industries to drive economic growth;

(6) Generating more value from extractive industries by lessening reliance on fly-in/fly-out labour and contractors;

(7) Recognizing the importance of a vibrant arts community for our economy;

(8) Implementing policies to improve access, speed and pricing of telecommunications, including information technology;

(9) Improving management of capital projects so key infrastructure is built on-time, on-budget and maximizes benefits to the local economy;

(10) Increasing small and local business access to capital and government contracts;

(11) Targeting job creation measures for rural Yukon; and

(12) Creating more skills training within our educational system and including incentives for employers to hire apprentices.

**Mr. Silver:** I give notice of the following motion for the production of papers:

THAT this House do order the return of any and all budget estimates for the new F.H. Collins school design.

**Speaker:** Is there a statement by a minister?

This then brings us to Question Period.

### QUESTION PERIOD

#### Question re: **F.H. Collins Secondary School reconstruction**

**Ms. Hanson:** On Thursday, the Premier stuck to his statement that the low bid on the F.H. Collins project was \$10 million over the two estimates he had. Then in a Friday radio interview, the Premier started changing his tune. He now says he had a third estimate that was never considered by Management Board. He said this estimate put the project cost at \$41.6 million. He now says the low bid was \$9 million overbudget, not \$10 million.

Can the Premier explain why, for months and months, he and the Yukon Party team have denied the existence of a third estimate?

**Hon. Mr. Pasloski:** As I did articulate over the weekend, it's quite simple. Management Board approved a construction budget for F.H. Collins of \$38.6 million in May. Subsequent to that, we received two estimates. These were independent estimates from professional estimators, who both came in with estimates that were lower than the price that we had approved in our budget, really reaffirming and confirming our budget was accurate. We then issued the tender on November 7 for this project. Forty-one days later, on December 18, we received a third estimate on this project — 41 days after going out to tender.

The bottom line is that when the bids were opened, the lowest bid was almost \$10 million more than what we had budgeted.

**Ms. Hanson:** Mr. Speaker, as a result of previous bad decisions and public pressure, the Yukon Party agreed to add a temporary gym and put geothermal heating back into the F.H. Collins project. These added to the cost of the project and the BTY estimate reflected these added costs with an estimate of \$43.7 million, not \$41.6 million as the Premier now says in the media.

But the government decided to stick to its original estimate, which did not include these additions. The government added new costs to the project but said the project should cost the same. This is mismanagement, clear and simple.

If the government found a legitimate reason for why it didn't like the project, it could have told the public its reasons. Instead, it disallowed the bids on dubious grounds.

Mr. Speaker, will the Premier take responsibility for this mess, be accountable, apologize to the public and finally commit to full disclosure?

**Hon. Mr. Pasloski:** Mr. Speaker, as I articulated on the weekend as well, if the bids had come in after we opened the bids and were in the range slightly above what Management Board had approved, I'm pretty confident the Minister of Education at the time probably would have brought that back to Management Board to entertain that. But the reality is that the minimum bid — the lowest bid — came in almost \$10 million overbudget.

Mr. Speaker, the Leader of the NDP talks about financial management and that's exactly what we're talking about — financial management. Our responsibility is to spend taxpayers' money wisely. That's why we did not go forward with that project and now we see that the tender is being issued again and we look forward to the construction of a beautiful new F.H. Collins School.

**Ms. Hanson:** Mr. Speaker, we have had the Premier give us lots of analogies here, so let's look at a simple one. Let's take the example, as he does, of a family who wants to build a house. They get an estimate that says it will cost \$500,000. If they are responsible and care about the house actually being built, they are not going to put out a tender with a budget of \$400,000. That's exactly what this government

did. Even worse, they then threw out the design they had paid for, covered up the facts from the Yukon public, and are now putting out a new tender that prevents local contractors from being the general contractor. The bungling of the F.H. Collins project has hit a new low and Yukoners simply don't trust this government any more.

Will the Premier level with the public and admit that their plan was and is to award the F.H. Collins contract to an Alberta builder?

**Hon. Mr. Pasloski:** In May of 2012, Management Board approved a construction budget of \$38.6 million. After that, our number was confirmed by two professional independent estimators, who both came in with a number that was lower than we had actually budgeted through Management Board. A tender was issued on November 7, and it was 41 days later, after the tender was issued, on December 18, that the third estimate was presented to the department.

In the end, the answer is simple to Yukoners. We are responsible for spending their money wisely. This project, before putting a shovel in the ground, was almost \$10 million over the budget. We are talking about financial management, and that's why we went back. That's why we are now out to tender again and we are looking forward to building that beautiful school at F.H. Collins. We will continue to remain vigilant when it comes to spending Yukoners' money.

#### Question re: Medical incident reporting

**Ms. Stick:** In 2004, the *Canadian Adverse Events Study* revealed that in Canada one out of 13 adult patients admitted to a Canadian hospital encounter an adverse event — in other words, harm from treatment. One out of nine adults will potentially be given the wrong medication or wrong dosage of a medication, and 24 percent of preventable, adverse events are related to medication errors. This study was the first to measure harm from unsafe medication practices.

Across the country, governments are taking steps to prevent these critical incidents. The first step is to know when they occur. Can the minister responsible for Health and Social Services tell Yukoners how and when he learns about critical incidents like Teresa Scheunert's death of mixed-drug toxicity in the Watson Lake hospital?

**Hon. Mr. Graham:** I learn of these deaths in due course from the independent Yukon Hospital Corporation, which we have set up in this territory — which an NDP government set up in this territory — to operate the hospitals within our boundaries.

Under the legislation, the hospital has a responsibility to report back on incidents that occur within the hospital. They also initiate independent reviews under the auspices of the Yukon *Evidence Act* — section 13, to be more precise — to provide an opportunity for identification of any gaps and what improvement activities should be undertaken by the Hospital Corporation. They also provide that advice to me.

**Ms. Stick:** Medication error is preventable and it is essential to learn from past mistakes. Ontario committed to a mandatory reporting of critical incidents, and in the first year hospitals disclosed that 36 patients had suffered severe

adverse events — 10 fatal, and mostly because of medication errors. Incident reporting is indicative of a culture committed to safety. In fact, reporting is the key because you can't fix something when you don't know what is happening.

Will the minister responsible for Health and Social Services and for the Hospital Corporation order the corporation to begin mandatory reporting of critical incidents involving medications and make those available?

**Hon. Mr. Graham:** I have not yet discussed with the Hospital Corporation, or even with my own department, mandatory reporting of incidents that happen within the hospitals in the territory. But the Yukon Hospital Corporation does take health care delivery very seriously within our territory and they investigate not only incidents that prove fatal, but they instigate investigations of any errors within the hospital system that may lead to adverse effects for patients under their control.

I will undertake the conversation with the Hospital Corporation. I'm not promising anything, Mr. Speaker, but I will undertake the conversation with both my department and the Hospital Corporation in due course.

**Ms. Stick:** Mr. Speaker, I'm not sure what "due course" is, but it seems to me that this is something that should be happening sooner rather than later. Yukoners want evidence that the minister understands the systemic failure that resulted in the death in the Watson Lake hospital and they want to hear a commitment to fixing it.

The minister reminds this House that the Yukon Hospital Corporation is independent, or at arm's length, but safe medication practices should not be handled at arm's length or independently. The coroner recommends the Yukon Hospital Corporation work with the Institute for Safe Medication Practices Canada, which sets standards for these safe medication practices.

Is the minister following the coroner's recommendations and will he commit to implementing a system for all stakeholders to report medication incidents?

**Hon. Mr. Graham:** As a result of a letter that I wrote to the Hospital Corporation on August 28 regarding recent reports from the chief coroner looking into the deaths of two patients at the Watson Lake hospital, the Hospital Corporation undertook action to improve communication and alerts. They have received the coroner's report and the recommendations. They will provide a formal response to the coroner and they will include me in that report. The Hospital Corporation has worked with the coroner and will continue to do so, not only with respect to this file, but in anything that occurs within the Yukon Hospital Corporation. They are trying to improve communication.

They agree that they should contact the coroner in a timely fashion, and they have the director of quality improvement and risk management at the hospital being notified when there is a death that has occurred within the hospital system, and a quality review within the Hospital Corporation itself would take place immediately.

### **Question re: F.H. Collins Secondary School reconstruction**

**Mr. Silver:** I have a question for the Premier about this government's financial mismanagement of the F.H. Collins project.

In March 2013, the Premier told Yukoners the government had two estimates that told them that the schools could be built for \$38.6 million. In fact, the government had two estimates that told them the opposite. It even had an estimate that told them that it would cost \$43.7 million. Despite knowing this, the government instructed public servants to disregard the higher numbers and kept the budget from contractors bidding on the new school at \$38.6 million. One company alone spent \$500,000 preparing a bid on the project the government knew was going to come in overbudget.

Why did the Premier instruct officials to use a lower number, a number it already knew was unrealistic?

**Hon. Mr. Pasloski:** I have articulated the answer to this question twice already. Perhaps the Member for Klondike wasn't listening. In May of 2012, Management Board did approve a construction budget for F.H. Collins of \$38.6 million. We then received two independent estimates that confirmed our number was right. In fact, both of those estimates came in below the amount that we budgeted for that project.

On November 7 the tender was issued for the construction, and 41 days later, on December 18, a third estimate was received. That estimate was not reviewed by Management Board. The tenders were opened at the deadline — at the closure of the tender period — and at that point we found out that the lowest bid was almost \$10 million above our budget, Mr. Speaker. As I have said many times, this government is responsible for the taxpayers' money and we wisely made the decision to relook at this project. This project has now gone out to tender again and we're looking forward to the construction of a beautiful new high school in this community for the students, for the parents, for the teachers and for the administrators.

**Mr. Silver:** I guess the Premier has been asked this question many a time, but he offers nothing but briefing notes. It wasn't that long ago that the Premier was out in front of F.H. Collins with his golden shovel in hand and now he doesn't want to talk about it anymore.

The government knew that this project was going to cost more than \$38.6 million before the tender closed. Unfortunately, it didn't let contractors know about this inside information. It also instructed officials to judge the bids against the low-balled number. There are many words to describe what the government did in this case, and being fiscally responsible is not among them. Many of these words are also unparliamentary, Mr. Speaker.

Companies that put in money, time and effort to prepare the bids did so in good faith. Unfortunately the government already knew that it was going to reject these bids.

What does the Premier have to say to the companies that wasted their time and money preparing a tender that the government had no intention of awarding?

**Hon. Mr. Pasloski:** In May of 2012, Management Board approved the construction budget for F.H. Collins school of \$38.6 million. Subsequent to that, we received estimates done independently by professional estimators, who both came in with estimates below our construction budget approved by the Management Board.

We then issued the tender in November. Forty-one days after the tender had been issued, we received a third estimate. When the tender was closed — the deadline — and we opened up all the tenders, we found that the low bid was almost \$10 million more than what we had budgeted.

I also said that if it had come mildly above our budget with the addition of the geothermal and with the addition of the temporary gym, I'm sure that the Minister of Education would have considered bringing it back to Management Board. The bottom line is that this project came in almost \$10 million overbudget before we even turned a spade.

We will build a school, we will build it with financial prudence and we will build something that will be the pride of all Yukoners.

**Mr. Silver:** Let's recap what we know about this government's fiscally responsible approach to the building of F.H. Collins: (1) Before the last election, the Premier had a ground-breaking ceremony and promised a new school that would be completed in August of 2013; (2) \$5.5 million was spent on a design and site work that will now have to be redone — that money is lost; (3) the former Minister of Education told Yukoners that the new design was free and then turned around and handed a \$900,000 contract without competition to a company from Alberta to redesign the school; and (4) the government withheld from the public and contractors estimates that told them that the school could not be built for \$38.6 million.

Why did the government withhold the true cost of the building estimates from the contractors? Why didn't they at least negotiate with the low bidder, who did come within 10 percent of the government's best estimate?

**Hon. Mr. Pasloski:** I guess the only way we can answer that question is that the member is wrong, the member is wrong, the member is wrong. As I have articulated and repeated many times just today, we had an approved construction budget in May 2012 that was confirmed by two independent professional estimators, who came in with budget numbers — or with estimates — that were lower than our construction budget. We went to tender after that, and 41 days later we received a third estimate that was higher because of the acknowledgement of the geotechnical work and the temporary gym.

I guess what we're hearing from the Member for Klondike really fits in with what he told us in this House almost a year ago to the day. I will quote: "There are many different parts of the truth. I'm merely presenting my version of what Klondikers and Yukoners believe to be the truth ..."

### Question re: Legal aid funding

**Ms. Moorcroft:** Yukon Legal Aid recently had to cut some services it provides to vulnerable Yukoners because its core funding ran out. The suspended program offers important poverty law services, such as helping clients with employment insurance benefits, landlord and tenant disputes and refugee claims. This government recently announced \$200,000 in additional one-time funding, but the government should have seen this coming because Legal Aid notified the department of the need last April when it saw that its 2013-14 fiscal year budget would be inadequate.

Why did this government wait until the much-needed legal aid services had to be suspended to finally announce the last-minute additional funds?

**Hon. Mr. Nixon:** Mr. Speaker, we enjoy a good relationship with Legal Aid services and continued funding for them.

In 2012-13, Yukon provided Legal Aid with core funding of approximately \$1.6 million, along with almost \$200,000 in additional funding to deal with high-cost criminal cases. This has been a pattern over the last few years and we see that. Moving forward, we are going to sit down with Legal Aid to review their financials and their budgetary constraints and see what the issues are and how we can mitigate their shortcomings in the coming years.

**Ms. Moorcroft:** Mr. Speaker, the minister has acknowledged that Yukon Legal Aid is efficient and well-run, but despite an excellent track record, Legal Aid's core budget for 2013-14 is much less than the budget for Legal Aid in the other two northern territories and, as the minister said, Yukon government had to provide budget increases to Legal Aid in 2012-13 and 2011-12. We know that Legal Aid services are particularly important for Aboriginal women and children, who will then suffer the consequences of the suspension of some Legal Aid services until 2014.

My question is about fairness and access to justice. Does the minister understand that the inability to obtain Legal Aid services even for a few months is a serious matter for people who need legal aid?

**Hon. Mr. Nixon:** Mr. Speaker, in comparing Yukon legal aid to Northwest Territories and Nunavut, we're comparing apples to oranges. There are no comparisons. The cost of providing legal aid in the other two territories is quite a bit higher than Yukon and that has to do with a lot of the fly-in/fly-out communities and providing access to justice within those territories. We can't compare Yukon to Northwest Territories and Nunavut when we're talking about legal aid.

We will continue to build upon the relationship that we have with Legal Aid within the Department of Justice. We will sit down with them and review their financials and their budgetary constraints moving forward. We've confirmed with them that we will do that and then we'll have to find out kind of what information we are getting back from those reviews and how we move forward with legal aid in the territory.

**Question re: Ross River suspension bridge**

**Mr. Barr:** Since 2009, engineering studies have called for urgent repairs to the 70-year-old heritage Ross River bridge. Last spring I urged the government to get on with the repairs to this important part of Yukon's heritage and the Ross River community. After announcing that the bridge could be fixed last June, now the government tells the public the only solution is to tear the bridge down.

Why did the government wait so long and why weren't urgent repairs done to the bridge when they were brought up over the past four years?

**Hon. Mr. Cathers:** First of all, the member is mistaken. In fact, the reports of the deterioration of the Ross River bridge go back, based on the information that I have in front of me from officials, to the first time that an engineer reported the bridge was nearing the end of its life, which was in 1984 — almost 30 years ago.

In fact, what should be recognized is that the \$1.1 million that was budgeted for repairs to the Ross River suspension bridge. That work was about to commence and it was in fact the engineer and the contractor who were doing a final inspection on the bridge.

They came back with an assessment of the structural condition of the bridge, including — and I'll quote from the engineer's report, which was given to us September 30: "In consideration of the critical condition of the north tower head beam and the poor overall condition of the bridge structure, we believe that it is no longer practical from a structural and construction safety perspective to repair and salvage the bridge. As a result, we recommend the bridge be demolished as soon as possible for safety reasons."

What we're doing right now is arranging for an independent engineering peer review of that engineer's recommendation. We will be considering options, because we do recognize the historical appreciation for this bridge and its value to the people of Ross River.

**Mr. Barr:** I'm glad to hear they're looking at options. There was an option already before the government. The 2012 report on repair options offered a solution within budget to enable the bridge to remain open for pedestrian access. Just this summer the government put out a tender to, and I quote: "restore safe pedestrian access to the north side of the Pelly River and retain the historic value of the Ross River suspension bridge structure".

If the government had followed through with this work, it would have been completed October 31. It was an important historic bridge to this government just a few months ago and I would really urge the government to consider this report. A structural engineering consultant who has worked on several bridge restorations has said there are options to make the repairs.

Will the minister commit to putting all options on the table and commit to the salvaging of this bridge?

**Hon. Mr. Cathers:** First of all, what needs to be recognized is that the member should understand that in fact up until we received the engineering report in September of this year, we expected that the bridge could be repaired within

the \$1.1 million that had been budgeted. It was not until we received that September 30 report based on the site inspection done by David Nairne and Associates engineering firm as well as a welding contractor that we had this information that the bridge was in worse shape than we had previously believed.

As I noted, we are arranging for peer review. A couple of things I should note is in fact that David Nairne and Associates — the engineering company won this RFP that was put out in the summer of 2013, and in fact, the recommendation that they came back with upon inspection included — I'll read another excerpt: "The north tower head beam is in critical condition and is at the point of failure and can collapse at any time without warning. The collapse of the head beam will result in the collapse of the bridge decks and possibly the collapse of the north and south towers. The north tower head beam is structurally unsafe in its present condition and we recommend that no further inspection or any repairs to the head beam be carried out."

Mr. Speaker, again as I noted, we are arranging for a peer review, but we do have to also take seriously the very serious recommendations that came within that —

**Speaker:** Order please. The member's time has elapsed.

**Mr. Barr:** Mr. Speaker, if the Yukon Party demolishes this bridge, it will forever be a textbook example of the gross mismanagement of Yukon's heritage by this government. The Ross River suspension bridge is a vital piece of community infrastructure that connects people living across the Pelly River and provides a link to the North Canol for hunters and other users. It is also a signature tourist attraction.

I have talked to the Chief of the Ross River Dena Council, and he said this: "We absolutely want to see this important historic site repaired and saved." Will the minister listen to the chief, the people of Ross River and the structural engineer who says it can be saved, and commit in good faith to re-evaluate whether tearing down this heritage bridge is the only option?

**Hon. Mr. Cathers:** First of all, I think there are a couple of things that the member is conveniently failing to note because it would be out of step and interfere with his narrative here.

In fact, the engineering company that did the assessment did come up with significant concerns. I have personally met with the Chief of the Ross River Dena Council — in part because of the request made by him, and in part because of the concerns of my colleague, the Member for Pelly-Nisutlin, representing his constituents. We are undertaking this additional engineering peer review to assess the recommendations received from David Nairne and Associates.

What the member is not acknowledging is that engineering condition assessments conducted in 1984, 2009, 2010, 2011 and 2012 all expressed concern that the bridge is approaching the end of its life. Maintenance and repairs to the bridge were undertaken in 1979, 1984, 1987, 1988, 1990, 2005, 2007 and 2011. If the member wishes to speak to why greater investments weren't made earlier and question whether or not, if investments had been made 20 years ago, it would

have made a difference in the condition of the bridge here today — we can look at the past, but I remind the member that three NDP governments and his leader as Regional Director General for the federal government and Indian and Northern Affairs had the opportunity to put more money into the bridge and they did not.

**Speaker:** The time for Question Period has now elapsed. We'll now proceed with Orders of the Day.

## ORDERS OF THE DAY

### GOVERNMENT BILLS

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

**Clerk:** Second reading, Bill No. 11, standing in the name of the Hon. Mr. Pasloski.

**Hon. Mr. Pasloski:** I move that Bill No. 11, entitled *Second Appropriation Act, 2013-14*, be now read a second time.

**Speaker:** It has been moved by the Hon. Premier that Bill No. 11, entitled *Second Appropriation Act, 2013-14*, be now read a second time.

**Hon. Mr. Pasloski:** I rise today on behalf of my constituents of the riding of Mountainview. I would again like to acknowledge and thank them for their support. It surely and truly is an honour and a privilege to be able to represent the people of the riding of Mountainview here in this Legislative Assembly.

I tabled two important financial documents on October 31: the 2012-13 Public Accounts, representing the final accounting for the 2012-13 fiscal year; and the first supplementary estimates for 2013-14, providing both an opportunity for the Legislature to consider revisions to the 2013-14 budget and an update on the financial position of the government.

To re-emphasize, the first supplementary estimates of the fiscal year provide us with two opportunities: first, incorporating the results from the 2012-13 fiscal year as reported in the Public Accounts — it provides us the opportunity to present to the Legislature and to the general public an update on the financial position of the government.

It is important for us as legislators to understand the issue of timing. I am confident that the members can appreciate that at the time the 2013-14 budget was prepared and tabled, the audited results for the 2012-13 fiscal year were not finalized and, therefore, the summary projections for 2012-13 may have been subject to change. This is the case in every fiscal year. As a result, and now that the results for the 2012-13 have been finalized, *Supplementary Estimates No. 1* represents the first opportunity to provide the Assembly a financial update for 2013-14, inclusive of the 2012-13 final results.

I pause here as the timing seems apropos to make the following observation and acknowledgments. Members of the Assembly may note that we are not tabling a final appropriation bill and final supplementary estimates for 2012-

13. All departments, again, managed within their approved appropriations.

I know that departments face many challenges. My hat is off and my appreciation goes out for all of their efforts in managing and merging priorities and budget pressures within their approved financial parameters. I know this frequently involves making difficult and unpopular choices. Again, thank you to all the ministers and all the officials who take on this responsibility. And thank you, Mr. Speaker, for allowing me this opportunity to acknowledge these ongoing efforts.

Second, and more to the point of seeking required spending authorities, the first supplementary estimates detail the proposed expenditure changes that require legislative appropriation authority in addition to the spending authorities previously granted by the Legislature when the main estimates were approved.

Before I move on to some specific comments and observations about this first supplementary, allow me the opportunity to review our government's financial record. We continue to target balanced budgets in 2013-14, projecting an annual surplus. We continue to maintain a very healthy net financial asset position and avoid net debt. In an environment where many other Canadian jurisdictions are working toward achieving balanced budgets and reducing net debt, Yukon is there.

As we are but one of two jurisdictions that are not in a net debt position, we may even consider Yukon to be a leader in this regard. Having managed the government's finances over a multi-year horizon since 2003-04, in fact — a period of 11 years now — our government has delivered effective, responsible and disciplined spending initiatives and investments on behalf of Yukoners. Midway through our current five-year mandate, we remain committed to pursuing planned, disciplined and affordable expenditure initiatives on behalf of Yukoners. Our financial position provides us with a capacity to be responsive to Yukoners' needs, to be responsive to emerging pressures without breaking the bank as we continue through our mandate. Our successive budgets have built financial capacity and we continue to build on that capacity with our forward-looking financial plan.

Before I delve into some of the expenditure elements of the *Second Appropriation Act, 2013-14* and the accompanying *Supplementary Estimates No. 1*, allow me to comment on our summary financials reported here on Thursday, October 31.

After incorporating the 2012-13 final audited results and the expenditure and revenue changes identified through the first supplementary estimates for 2013-14, our government continues to be in a very healthy financial position. *Supplementary Estimates No. 1* presents a forecast annual surplus of \$45.363 million, resulting in an estimated accumulated surplus for March 31, 2014, of \$1.274 billion. Continuing to avoid net debt, our year-end net financial position is projected at \$137.388 million. I wish to emphasize for all members the significance of having net financial resources as opposed to net debt.

This is a very significant indicator of our financial health and it means the government is not relying on future revenues

to provide for current services. This is an enviable position for Yukon, as only Alberta is also in this position. My colleagues and I are very proud of this accomplishment.

The 2013-14 mains were tabled back on March 21 with budgeted gross expenditures of \$1.23 billion, of which \$977 million was allocated to the operation and maintenance and just under \$253 million was allocated to capital.

The Yukon government broke the \$1-billion expenditure threshold five years ago. Just think about it: Yukon's annual budget is now greater than \$1 billion. That is a significant annual investment in Yukon. This billion-dollar spending threshold speaks volumes to the programs, the services and the infrastructure delivered by our government on behalf of all Yukoners. Further, it highlights with emphasis the financial demands facing our government on an ongoing basis.

Building on our 2013-14 main estimates, this second appropriation act and accompanying first supplementary estimates for 2013-14 provides for increased spending totalling \$93.084 million. Of this total, \$71.178 million represents an increase to the gross O&M expenditures and \$21.906 million represents an increase to the gross capital expenditures.

As I just noted, this supplementary budget provides for increased O&M and capital expenditures of just over \$93 million. These increases result in total government expenditures of almost \$1.323 billion. Of this, just under \$275 million is allocated to capital for infrastructure improvements throughout Yukon and \$1.048 billion is allocated to O&M in support of the many ongoing programs and services provided to Yukoners.

Individual ministers will be pleased to provide members of the Legislature with the complete details of their respective portfolios when we reconvene to discuss the *Second Appropriation Act, 2013-14*, in general debate. However, at this time, I wish to comment on some of the summary expenditure elements identified within the *Second Appropriation Act, 2013-14*, and the accompanying *Supplementary Estimates No. 1* for 2013-14.

Allow me to pause here for a moment to comment on planning and budgeting as it pertains to how our government proactively manages to ensure and follow for appropriate legislative consideration our proposed expenditure initiatives. I have provided similar observations previously, but it is such an important principle that it bears repeating. In its basic form, planning and budgeting is about decision-making. It is all about identifying priorities, then considering developing, resourcing and implementing appropriate actions to provide the best services possible to Yukoners.

At its core, Mr. Speaker, planning and budgeting requires decision-makers to make choices. The budget process supports us as decision-makers to consider all issues and identify appropriate solutions. In this regard, the development of a budget serves us both as a planning tool and as a control tool. Decision-making is an ongoing, frequently evolving process. Decision-making is not an isolated event. It remains the prerogative, more so the obligation, of our government to consider emerging issues and priorities and to recommend

effective and appropriately resourced solutions and actions to the Legislative Assembly.

This has resulted in the adopted practice of the Yukon government to have in-year adjustments tabling as supplementary estimates for the Assembly's consideration to the original budget plan. This approach has served the Yukon well, offering significant opportunity within the context of the multi-year fiscal framework to consider resource requirements for competing priorities and make sound recommendations for scrutiny, debate and approval by the Legislative Assembly.

I apologize for taking us on this tangent, but my colleagues and I take very seriously and respect the importance of a strong and effective basis of process and procedure in supporting our decision-making responsibilities. I believe it is important for me to once again confirm with all members of the Legislature our commitment to prudent, responsible and ultimately accountable decision-making. Thank you for your indulgence.

This supplementary budget does recognize our obligation and commitment to our most valuable resource, our employees. As a matter of principle, our government is committed to the due process of collective bargaining negotiations. Therefore, as a matter of practice, this government does not make specific provisions in formal budget documents for potential collective agreement settlements. To do this has the potential to bias the negotiations. Our government continues to allow negotiations to conclude and agreements to be ratified prior to the inclusion in the budget as necessary and appropriate.

At the time the 2013-14 main estimates were tabled, negotiations were underway with the Yukon Employees Union and a final agreement was outstanding. Therefore, in our estimation, the 2013-14 budget appropriately did not include any related costing provisions. An agreement between the government and YEU was reached and ratified in July 2013. With the ratification of a renewed negotiated agreement, appropriate costing and budgetary adjustments are reflected in the supplementary estimates tabled today.

Mr. Speaker, as I have said, our government is committed to allowing the due process of collective agreement negotiations to run their course. I am confident that members of the Legislative Assembly, and Yukoners at large, will appreciate the value of allowing these negotiations to proceed without potential bias.

As I have stated in previous comments before the Legislature, and I have repeated here today, my colleagues and I take very seriously and respect the importance of the effective process and procedures in support of our decision-making responsibilities. We prepare and table budgets based on the best and most current information at that time, notwithstanding the best-laid plans are subject to change, Mr. Speaker. Changes to the budget plan through supplementary estimates allow us to be responsive to emerging pressures and priorities of importance to Yukoners. And, Mr. Speaker, changes to the budget plan through supplementary estimates maintains accountability to the Legislative Assembly and to all Yukoners.

Mr. Speaker, that brings us up to my next point. Members will recall that a special warrant was issued on July 12 in which a number of expenditure initiatives were identified. Mr. Speaker, in accordance with the *Financial Administration Act*, items previously authorized through a special warrant are to be included in an appropriation bill during the next sitting of the Legislative Assembly. Mr. Speaker, the *Second Appropriation Act, 2013-14* and the first *Supplementary Estimates No. 1* are prepared inclusive of the amounts identified previously through special warrant. This meets the requirement of the FAA and brings the opportunity for scrutiny, debate and approval of the Legislature.

The special warrant provided for \$8.95 million, the majority of which — \$5 million — was authorized to the Department of Community Services, related to its fire suppression efforts. The remaining balance of approximately \$3.9 million was allocated to a number of important initiatives advanced by our government addressing flood mitigation as well as upgrades and maintenance of Yukon's highways and rural and resource access roads.

Our government continues to be responsive in support of investing and improving Yukon's infrastructure. Speaking of our investment in Yukon's infrastructure, we segue nicely into my next comments.

The Yukon government continues to follow its tried and true practice of revoting funds to ensure that capital projects continue to move forward as appropriate. Approximately \$38.7 million has been identified in this first supplementary for revote. The departments are seeking capital and O&M revote authority of the Legislative Assembly for lapses of the previous year. Much of this represents funding required to continue our investment in infrastructure projects. As I mentioned earlier, individual ministers will be pleased to speak to the details during general debate.

Along the themes of revotes, members will no doubt note that the Department of Community Services has identified a number of changes to specific projects detailed in the supplementary estimates. Allow me to take this opportunity to thank the Department of Community Services officials for their ongoing efforts in managing the wide range of municipal projects funded through its capital budget. Departmental officials are continually reviewing and adjusting project implementation plans as better information becomes available.

Community Services has determined, for a variety of reasons, that adjustments to the work plans, and therefore cash flows and the budget, should be considered.

Accordingly, for a number of projects, the department has adjusted its project implementation timelines. The results for 2013-14 are reflected in *Supplementary Estimates No. 1, I*, for one, appreciate the excellent work undertaken by Community Services officials in managing this complex portfolio of infrastructure projects delivered on behalf of all Yukoners.

A final general observation about revotes, if I may: the ability to revote funds provides an important tool for government to manage appropriately and practically, not artificially within confines imposed by appropriation time frames. It allows us to be consistent with our overall prudent,

responsive and accountable approach to the management of Yukon's financial resources.

As I wrap up, I advise the Legislature once again that individual ministers will be pleased to provide members of the Legislative Assembly with the complete details of their respective portfolios when we reconvene to discuss the *Second Appropriation Act, 2013-14* in general debate.

Members will have observed that my focus here has been on our commitment to solid planning, decision-making and budgeting and the strength of our fiscal framework. Our government is in a very strong financial position. We continue to target balanced budgets, with 2013-14 projecting an annual surplus, and we continue to maintain a very healthy net financial asset position and avoid net debt. The strength of our financial position and our government's ongoing commitment to fiscal discipline allows us to continue to make resource allocation decisions, such as those identified in *Supplementary Estimates No. 1*, on behalf of all Yukoners. These are significant expenditures made of the benefit of all Yukoners.

We continue to provide significant investments and expenditure initiatives on behalf of Yukoners while maintaining our commitment to fiscal discipline. We do this through a prudent and practical approach to planning, decision-making, and budgeting. We have a very solid fiscal plan that continues to serve Yukoners well. Yukon is experiencing economic growth — in 2012, a very strong 3.4 percent, which was the third highest in Canada, only behind Nunavut and Alberta.

Yukon's unemployment rate continues to be below the national average. This is the ninth consecutive year that Yukon's rate is below Canada's. Employed workers in Yukon: just over 85 percent — 85.2 percent, I believe — are full-time. In comparison, Canada — the national average — comes in at 81.2 percent. Mr. Speaker, our government is contributing to a healthy, vibrant Yukon economy. I am proud of the programs, services and infrastructure investments that we provide for the benefit of all Yukoners. I am doubly proud that we maintain a strong fiscal position allowing for our government to be responsive to emerging issues and priorities on behalf of Yukoners. I look forward to discussing this supplementary budget in further detail when we reconvene to discuss it in general debate.

In closing, I would like to just put a special acknowledgement to the Executive Council Office for their hard work for me every day and also to the Department of Finance as well for the great work that they do in not only putting together the financial mains in collaboration with the people across all departments, but also the work they do in collaboration with everybody else to put together this appropriation as well.

**Ms. Hanson:** It's my honour to stand here as the member of the Legislative Assembly for Whitehorse Centre and also in my role as the Leader of the Official Opposition. In our parliamentary democracy, the Official Opposition is charged with the responsibility of holding the government to account and we take that role very seriously.

I will be keeping my remarks relatively short as time spent on this supplementary budget, in our view, would be better spent in Committee of the Whole where we can ask direct questions and hopefully get answers about this government's spending habits and priorities.

I have a couple of comments that I would like to make. The Premier at the outset was making reference to the Public Accounts and I do agree with him that the Public Accounts are an important document in terms of the final accounting after the fact. I will come back to that later. It would normally be the process in terms of the revitalizing of the Public Accounts Committee that the Public Accounts would be dealt with in some depth there. I'm hopeful that the Public Accounts Committee will be maturing to the point where we will actually do that.

The Premier spoke about how impressed he was with the fact of the annual surplus that exists within the budget. I note, however, that there is a decrease of \$27,515,000. That will raise some questions.

I do agree with the Premier that the importance of prudence, probity, effective, accountable decision-making is what government is about. I do also agree that the territorial government has a very skilled, professional public service. It must be a challenge for that public service dealing with a government that changes its mind as often as this one does with respect to what are the priorities, what are the directions, and what decisions are being made.

One of the responsibilities, as I said at the outset, for the Official Opposition is to hold the government to account for the decisions that it said it has made and for the fiscal decisions that are being made with respect to the overall management of the tax dollars that flow within this territory, whether they come directly from each of us as individual taxpayers or they come from Canada via the formula financing arrangements — the citizens of Canada — to support us here.

I remind the members here, and the Premier most directly, that it was he who said in the lead-up to the last election that he was open and embraced the notion of a cooperative and collaborative working relationship. I would suggest, Mr. Speaker, that would and should extend to the conduct of business with respect to how this Legislative Assembly looks at both the main estimates and the supplementary estimates. If we're going to be serious about that then we should ensure — or he should ensure as the Premier, as the Minister of Finance — that his House Leader conveys to the departments when they're up for briefings. To have briefings scheduled but not tell the officials is unacceptable. It's unacceptable to the Official Opposition and it also puts an undue pressure on our very professional public service, who expect to be able to perform, to be able to represent the interest of their minister and their department to the best of their ability.

I would really recommend that as we go forward — dealing both with the supplementary budget and, in the spring, with the main estimates — that we get some sort of system here in place that we can actually do some briefing before we're talking. That would be very helpful. I know that the

Minister of Justice finds this tedious but that is our job here — to make sure that we are prepared to debate the matters at hand — and not having the information provided makes that very difficult.

I would advise the Minister of Finance that one of the dangers of not providing briefings before we get into a debate on this important issue of the supplementary budget is that, on first glance, there are some very dramatic figures in the supplementary budget. We will be wanting to know from the ministers opposite what comprises them.

So it's one thing to suggest that there are changes that occur over time and that you have to make choices — absolutely. But when I see increases in budget areas from last March until now, November — 13.7 percent, 15 percent, 21.6 percent, 300 percent — I'm talking there about Yukon Development Corporation — and when I see capital increases of 47.8 percent, 26.6 percent, and 74 percent in the case of Justice, there are a number of questions that come to mind. Those don't speak to probity. Those speak to, What were we thinking when it was March last year and the budget was being put forward in terms of main estimates?

That's why I say that I have great empathy for our very diligent public servants who must be saying, "holy cow". This must be very difficult to manage with a political leadership that changes its story constantly. "What's a priority?" would be the question one would ask the Yukon Party. What are their priorities and how do they know that they're their priorities?

So it's easy enough to say, as the Premier has, that we're talking overall and that there's not a huge increase. The overall is because we have some very large departments. When you're talking about a \$1.2-billion budget, overall, the fiscal increase is about eight percent, but there are hidden within there some gems.

We will want to hear about the decisions and how those decisions were taken to warrant the kinds of increases that are there, because so far we haven't had any of the briefings that would allow us to address this, other than just saying that there are some serious issues with ministerial accountability and responsibility on the opposite side.

Some departments clearly got very large increases. Take the \$14-million increase in operation and maintenance for Oil and Gas Resources and Mining. What's this for? Is it for more resources to prepare the Yukon for oil and gas — something that we haven't agreed to in this Legislative Assembly, that is still the subject of study by this Legislative Assembly? Is it to implement the Yukon Party's plan to have water management of mining projects done by Energy, Mines and Resources, the department that permits mining projects? The Official Opposition doesn't know what this expenditure is for because we haven't been briefed, so we can only ask the question. It is a major part of every MLA's job, not just the Official Opposition's. Every MLA has been elected to ensure that the public's money is spent in a responsible and accountable fashion.

It's my experience that this government wants to stymie participation in the budget debate process. Last sitting, the Official Opposition put forward a proposal to give legislators

— that's all of us in this Assembly — a greater role in scrutinizing capital projects. The government said no. I would suggest that the ongoing F.H. Collins scandal demonstrates that the public needs more eyes keeping tabs on how this government spends their money.

I've given the Premier suggestions in writing, borrowed from the Parliamentary Budget Officer in Ottawa, about how we could increase transparency and illuminate the debate about the territory's finances. He didn't want to engage in this conversation.

We have raised the issue of departments not being thoroughly debated and I will admit and say that there have been some slight improvements in this 33<sup>rd</sup> Legislative session. Over times past with the government, this same Yukon Party government would really deliberately and utterly waste time. I can recall the former Minister of Energy, Mines and Resources reading the entire drivers handbook into the legislative record, so there have been improvements. It's modest, but we haven't had that happen recently. Pretty close, but not quite. Still, there are departments that haven't been debated for years.

The Premier mentioned, and I think he's absolutely correct when he speaks about the importance of respecting the collective agreement and the fact that there are increases that one would anticipate, but not knowing the exact amounts with respect to what the collective agreements will mean with respect to the bottom line for the government. I would note, however, that the Public Service Commission has still to be debated in this legislative session. That's a critical department with respect to some very, very key demographic changes that are occurring in the public service and some key issues that we need as legislators to be addressing.

We have no idea what the cumulative impact of the collective agreement is with respect to the supplementary budget and the additional funds that are being sought — the approval that is being sought by the government. I would hazard a guess they are not \$93 million.

One of the things we have suggested in the past, and we will continue to suggest to the government — to the Finance minister, to the House Leader — is that because there have been some departments that haven't been debated for years — and the consequence of that is that this legislative sitting ends without those departments having been properly scrutinized, which means that we, as members of the Legislative Assembly, have not done our job.

We can do some process improvements, Mr. Speaker. We could change it up a bit, rather than telling the Opposition in the morning what will be debated in the afternoon. If the government was serious about productive debate, they would give a little notice. We can do better than the status quo or what has become the status quo in this Legislative Assembly, and we can increase financial oversight to the way we spend the public money.

Unfortunately, it appears that so far the government has shown no interest in any of our proposals to increase the probity, prudence, responsibility and accountability, the

oversight that all of us are charged with as Members of the Legislative Assembly.

As I said, we do want to move forward with general debate, but as I said, not having had the opportunity to be briefed, the Official Opposition finds itself just looking at these numbers and saying, yet again — in every budget, in every supplementary — there are a thousand stories represented by that number. This supplementary looks like it has some big stories in it.

For example, take the Department of Education capital budget. In the spring, when the Yukon Party tabled the 2013-14 main estimates, they told MLAs and the public that they planned on spending \$27 million for the F.H. Collins replacement project. Now, the supplementary reflects that that's not the case anymore. We can make decisions but I guess we can change them — like a flip-flop — quite quickly.

It was during the spring sitting that the Premier and the Minister of Education announced that they were throwing out the Stantec plans they had spent taxpayers' money on. In news releases and in the House, they repeatedly — the Premier and the minister — said how the low bid is \$10 million over the two estimates the government got. As we've heard, access to information — as difficult and as flawed as that process is and as redacted as it is — reveals something very different from the assertions of the Premier and the minister. It shows the estimate the government paid for the projected F.H. Collins replacement project, with the temporary gym built and geothermal heating added back into the project — because this House will recall that the geothermal heating has been in, out, in, and now it's out again — was nearly \$44 million, only \$4 million off the low bid.

You know, the difference between \$4 million and \$10 million is significant, but \$4 million means the government would be obliged to enter into a contract with the low bidder, and it must be said that the government could negotiate some cost-savings. There were a number of easily achieved cost-savings, some of which have been implemented after the tender was kiboshed.

So, Mr. Speaker, at \$10 overbudget, the government was able to use the price difference to disqualify the bids, buy the Alberta plans, sole-source the contract to Barr Ryder and retender. You know, the project was cancelled. This was a weak construction season and tradespeople don't have the work that would see them buying homes, purchasing goods and spending their wages in the local economy. Mr. Speaker, these are real situations for real people.

This weekend I talked to tradespeople who are facing the challenge — and I have heard the Premier and the Minister of Finance stand there and repeatedly talk about the number of people leaving this territory. Well, I can tell you that's happening right now, Mr. Speaker. Skilled tradespeople are being forced to leave the territory because there are no jobs because this government has not been able to follow through with a decision on the capital project for F.H. Collins. We hope that during budget debate we will get more answers than in Question Period to what has been going on around the F.H. Collins project.

This supplementary sees the Yukon Development Corporation receiving an additional loan of \$18 million, taking the load given to Yukon Development Corporation to \$24 million in the 2013-14 year. That's a significant increase from \$5,975,000 to \$18 million. Questions will be asked; we will be asking them. Is this for the LNG replacement generators? We haven't received the briefing. I would imagine this is what this loan is about.

We've heard throughout the territory that the Yukon public is still apprehensive. There is no indication that they have provided social licence for this replacement, which was at one point, if you'll recall, sold as a transitional energy source until the then Minister of Energy, Mines and Resources reframed it as replacement. There are serious concerns that global LNG prices will rise. That is what the market is hoping for.

Without domestic price protection, what is the government opposite getting us into? One of the things that has been suggested by members opposite is that the Yukon Energy Corporation will have to look closer to home for resources for LNG to access Yukon's sources of natural gas. To do so, given our geology, would require fracking. Some have suggested that the huge cost of replacing diesel generators with LNG generators necessitates fracking in the Yukon. That could be worrisome, given that the select committee hasn't completed its work. Tabling this without doing briefings raises these kinds of questions. We look forward to engaging in debate, to hearing from the ministers opposite what in fact the \$18 million is for.

The Official Opposition looks forward to debate on the supplementary estimates and the opportunity to scrutinize this government's choices — how they have chosen to utilize the public purse because, again, this is the public purse. This is not in the purview of individual ministers to make a decision and say, "Well, that's a good idea. I just want to increase it here or there." This comes from you and I, and we have an obligation and a responsibility to ensure that when we make those decisions, we're doing it with the best interests of all citizens of the Yukon.

So, Mr. Speaker, you can expect — and the ministers opposite can expect — us to be curious about the increases in each of those departments. We're very curious as to where in the supplementary estimates — with the 26-percent increase there in Highways and Public Works — the renovations to this building factor in there. How much is it? Who is it being contracted to? When will it commence — other than the jackhammering at the front of the building in early fall? Progress has been made but when will it be completed and what's the cost? When will the iconic aluminum siding be removed? Surely it won't be in the middle of the winter but then, given this government's track record of capital projects, that could happen.

We'd be interested to know about the capital increases — the projected increase of another 47 percent for Health and Social Services in capital projects, that \$5,941,000 — what will that be spent on? And how was the decision made?

The Official Opposition believes that the increases coming with the supplementary budget, net of \$93 million, is a significant increase and it warrants a full briefing by each of the departments and their very competent public servants to provide that briefing. We would urge the House Leader to ensure that those officials are notified of briefing times, that there is adequate notice given so that the briefing can occur before the budget for that department is called for debate. Then we will get down to business and move on with it, get it done and move on to the other business — the legislative business that the government intends to bring forward.

With that, Mr. Speaker, I'll conclude my remarks.

**Hon. Mr. Nixon:** Just to clear the air, this morning Justice officials were delayed for the opposition supplementary budget briefing, so it's unfortunate that the Leader of the Official Opposition made an issue of that delay. The briefing was completed this morning. I thank the officials for their good work.

This supplementary budget is part of —

**Some Hon. Member:** (Inaudible)

**Hon. Mr. Nixon:** — pardon? Maybe the member opposite wants the floor again? I don't know.

This supplementary budget is part of a larger package that delivers on our commitments to Yukoners. My plan for today is to start by updating this House on what we have accomplished with our previous budgets for both Tourism and Culture and for Justice. I would then like to talk about what's in this year's supplementary and then conclude by reflecting on where we're headed as a territory as we move forward together.

This budget, like the ones before it, is an important building block in our territory's development. We know that one of the areas of growth for our economy is the cultural economy. In 2012, the arts fund contributed a total of just over a half million dollars to 45 recipients, representing a wide variety of activities and disciplines. This fund offers support to artist collectives, non-profit societies, communities and First Nations for group projects that foster developing arts in Yukon. I know the arts fund is very important to several of my constituents in Porter Creek South, and I am pleased to see this Yukon Party government continue to support it.

In May 2012, the arts operating fund provided \$665,990 to support Yukon's music, theatre, dance, visual art and film sectors, as well as community festival productions. Since November 2011, 22 literary and performing artists were awarded a total of just over \$75,000 through Yukon's Advanced Artist Award to further their personal artistic development and create new work.

The Touring Artist Fund created in 2007 continues to provide support for professional Yukon artists to travel and present their work outside of Yukon. In 2012, 23 artists shared just over \$120,000 in funding. Clearly this is an important sector in the economy. In 2012 Yukon Archives celebrated its 40<sup>th</sup> anniversary with the publication of a commemorative book, *For the Record*, as well as the launch of a new book, *Herschel Island/Qikiqtaryuk*, which coincided with the

opening of a Herschel Island exhibit at MacBride Museum. I have found these books to be very, very popular.

The third and largest international glacial archeology symposium, “Frozen Pasts”, was held in Whitehorse in June. International researchers from over 10 countries gathered to share expertise and knowledge in the field of ice patch research. The symposium was hosted by the Yukon government and Kwanlin Dun First Nation and held in the Kwanlin Dun Cultural Centre. Yukon has been at the forefront of glacial archeology research and some of the oldest and the best preserved organic artifacts in North America have been found in the receding ice patches in the Southern Lakes region.

The Government of Yukon received recognition for its publication, *The Frozen Past*, an outstanding contribution in communications. *The Frozen Past* reflects on 15 years of research conducted in 24 ice patches located in the Southern Lakes region and the traditional territory of six Yukon First Nations: Champagne and Aishihik, Carcross-Tagish, Kwanlin Dun, Kluane, Ta’an Kwäch’än and Teslin Tlingit Council.

Our friends in the tourism sector have shared with me many times that our culture is an important reason why tourists visit Yukon. Art and craft work by Yukon artists was highlighted at the Haines Junction visitor information centre in the Dä Ku Cultural Centre, where Doug Smarch Jr.’s monumental “Ice and Flowers” was unveiled for the facility’s opening. The work of 40 other artists was also acquired for the visitor information centre for permanent and rotating displays.

The Yukon Party government continues to encourage Yukoners to buy locally and support the territory’s cultural industries through the “created in the Yukon” program. The program includes a snowflake logo printed on the price tags as well as shopping bags and stickers to promote authentic Yukon-made items.

The Yukon government provided \$150,000 through a cooperative marketing agreement with Fulda to support media relations and other activities to promote the Fulda Extreme Arctic Challenge winter adventure event and Yukon as a destination for Europeans. I’ve spoken before to the economic impact that this challenge has to our economy.

Yukon government has also announced a two-year comprehensive study to learn more about visitors to the territory. Visitors are being asked questions on areas including spending, activities, modes of transportation, accommodation, demographics and decision-making — all part of the Yukon visitor tracking program.

The \$585,000 study is being funded with \$262,500 from the Tourism and Culture department, \$30,000 from Economic Development, along with \$292,500 from the Canadian Northern Economic Development Agency’s strategic investments in northern economic development program.

As a result of the work of Yukon government and industry, Yukon benefited from a dramatic increase in the number of Japanese travellers visiting the territory in the winter of 2011 and 2012 to experience the aurora borealis. Efforts by the Tourism and Culture department to target Japanese tour operators, combined with increased investment

by Yukon tourism suppliers and improved air connections with Japan, has resulted in double-digit growth of Japanese visitors to Yukon. This had a positive impact on Yukon’s economy through increased revenues for our Yukon businesses.

There are so many examples of how this Yukon Party government supports tourism in Yukon, I could literally speak for hours and hours about our accomplishments. Another fine example would be the more than 140 travel media and 150 delegates from around the world who came to Whitehorse to take part in the Canadian Tourism Commission’s annual GoMedia Canada Marketplace, the first time the event had been held north of 60. The high-profile three-day marketing event was hosted by the Yukon government and its tourism industry partners. As well as attending the event, travel media and delegates learned about Whitehorse and Yukon and had opportunities to network with local tourism operators.

Mr. Speaker, as you know, I led a delegation of Yukon government officials to Germany and Switzerland at the end of August 2012, where the group discussed strategic tourism initiatives with partners in the territory’s largest and most significant overseas tourism market. The tour included meeting with a number of tourism wholesalers, meetings with Condor Airlines, the Fulda tire company, organizers of the Fulda Extreme Arctic winter adventure, and visiting the Hanover Zoo’s Yukon Bay for Gold Rush Days celebrations where an unveiling of a Keith Smarch carving took place. We would build on that trip with a Premier-led trade mission to Germany and the United Kingdom this fall. I think it was an outstanding success, in large part due to the strong work done by private sector participants and by government officials prior to us going. I understand that one of the members opposite expressed frustration that we did our homework before getting on the plane. We make no apologies for our planning and preparation.

Following media familiarization trips led by the department, both *Reader’s Digest* and *Outside* magazine have highlighted Yukon as a must-visit Canadian destination for 2013, highlighting some of the exciting new visitor experiences Yukon has to offer. The department entered into a three-year marketing project with Holland America Line for \$50,000 per year, supporting joint efforts to promote cruise tour product that provides significant revenues and benefits to Yukon’s tourism industry. The relationship that we have with Holland America is one that we will continue to pay close attention to.

This list of accomplishments goes on and on and on. Another fine example of the good work being done in the Department of Tourism and Culture is the \$345,000 we provided to the Northern Cultural Expressions Society to support its carving programs that help emerging artists develop the artistic, social and business skills required for personal success.

Moving forward to the Department of Justice — the land titles modernization project completed phase 1 in 2012. The project is now in phase 2 development, including new legislation, identifying options for an appropriate computer

platform, and Land Titles Office business processes. Drafting of an updated *Condominium Act* is also underway.

Mr. Speaker, 31 students completed the Child Welfare Institute's 12-day FASD certificate training program offered in February to May 2013. In September, the students participated in a follow-up course, and an evaluation of data from the students was conducted by the Child Welfare Institute to analyze what was learned and their experiences applying the knowledge in work settings. The methodology for FASD and the Yukon corrections population has been completed. The goals are to measure the prevalence of FASD and other neurocognitive disorders in the adult correctional population, identifying mental health and substance abuse problems, test adult screening tools and ensure the work can be adapted in other Canadian jurisdictions.

The study will take place over 18 months, and it will assess approximately 150 offenders. We committed \$643,000 to this study. Justice is collaborating with Health and Social Services and other partners to implement the three-year study. I thank the Minister of Health and Social Services at this time for his work on this file.

A prevalent partners board is guiding the project through representation from the Yukon government, Justice Canada, Correctional Services Canada, the Canadian Centre on Substance Abuse, Fetal Alcohol Syndrome Society Yukon, Yukon College, and the First Nations Health and Social Development Commission.

The Victim Services and Community Justice branch are developing the justice access community knowledge database to consolidate independent and collective inputs and outputs from staff travelling to Yukon communities. The database will consolidate the information collected by staff from interactions with partners, stakeholders and allied professionals working in Yukon communities to deliver effective public service support.

In fall of 2013, the new Yukon Police Council sought public input into their recommendations on policing priorities. The council also hosted a session where First Nations, stakeholders and service providers were invited to provide their insights and recommendations on policing priorities. The priorities are: reducing the victimization of children and youth; improving the response to sexualized assault and family violence; addressing community safety issues; building relationships with First Nations; and improving the response to vulnerable populations. I am very pleased with the work that the Police Council has done to date and look forward to working with them over this next year.

The Department of Justice has also partnered with the Canadian Centre for Child Protection to sponsor the Cybertip.ca campaign. During the two-month Cybertip advertising campaign, more than 2,000 Yukoners visited the website, representing a 1,200-percent increase in average monthly visitation from Yukon.

The new Whitehorse Correctional Centre opened in Whitehorse in March 2012. WCC represents a new philosophy of corrections that emphasizes the protection of public, holds offenders accountable and provides appropriate

opportunities for rehabilitation. Mr. Speaker, I visit the Correctional Centre a few times a year and I have to say how pleased I am with the entire team there. The staff work extremely hard and are incredibly professional in their approach with the inmates. I am sincerely grateful for their hard work and their dedication at WCC.

My colleagues will know that a new community safety award was created in July 2012 to recognize citizens who make significant contributions to community safety in the territory. The creation of the award was the recommendation of the 2010 *Sharing Common Ground* report. I'm looking forward to the next awards ceremony to be held later this year.

Mr. Speaker, the Safer Communities and Neighbourhoods unit of the Department of Justice took action in June 2013 to stop illegal activity in Whitehorse. Having received complaints, the SCAN unit conducted extensive investigations on two properties — one in Riverdale and one in downtown Whitehorse. Evidence from both investigations established a reasonable belief that illicit drugs were being transferred from the properties and the tenants were evicted from both of the properties.

The Crime Prevention and Victim Services Trust Fund is awarding more than \$237,000 to support 11 projects aimed at crime prevention and victims' services in three Yukon communities.

I am proud to report that on August 7, 2013, I had the honour of appointing Peter Chisholm as a new Judge of the Territorial Court. Mr. Chisholm has extensive experience with the Public Prosecution Service of Canada as a defence counsel and has strong knowledge of the legal system in Yukon and a history of volunteerism in the territory.

In closing, Mr. Speaker, I am so proud to represent the constituents of Porter Creek South here in the Yukon Legislative Assembly. I know a strong economy is important to the good people in my riding. This summer I noted the number of constituents in my riding of Porter Creek South doing home renovations or building additions onto their homes. I noted the number of constituents purchasing new vehicles and recreational vehicles from local dealerships, and I noted the number of young Yukoners moving back into Porter Creek South.

Mr. Speaker, it's great to see children playing road hockey, playing in the local park, door-knocking to raise money for local school trips and so on. These examples speak to the great job that our Yukon Party is doing to create a stable economy in Yukon for all Yukoners to benefit from as we move Yukon forward.

Finally, Mr. Speaker, to the Department of Tourism and Culture and to the Department of Justice, I would like to thank all of the staff and management for their support, their expertise, their professionalism, their legal advice from Justice and the strategic approach to marketing in Tourism and Culture. They do an incredible job and I am very grateful for their work.

**Ms. McLeod:** It's my pleasure to rise today to speak to Bill No. 11, the *Second Appropriation Act, 2013-14*. I want

to thank the Minister of Finance and all of the ministers for their thoughtful consideration in the management of Yukon's financial resources.

It's this careful consideration that ensures we maintain a sound financial base and retain our excellent credit rating. The economy has seen a bit of a slowdown. However, Yukoners have weathered this before and will continue to do so. Just the other day, I was speaking to a contractor from southeast Yukon, and it was his opinion that even though things were a bit slower, it was still a pretty good season.

In southeast Yukon, we saw three major works finish up: the bridge upgrades at Upper Liard, the new hospital and the water and sewer upgrades within the municipality. We saw 11 kilometres of paving on the Alaska Highway through Watson Lake and it's a dream to drive on. The Robert Campbell Highway saw some much-needed work this summer as well. All of these projects were, and are, sound investments in needed infrastructure.

Watson Lake still needs a lot of upgrades in the supply and management of drinking water, and I look forward to working with the Minister of Community Services to ensure that the financial resources are made available.

I particularly like that the government continues to make strategic investments that help to keep our people working. I'm referring now to the program to see affordable housing provided by the private sector. This investment by government should see new housing options at an affordable rate for Yukoners in the near future.

Being from rural Yukon, I appreciate that this option is open and available to all Yukoners who may wish to participate so that several communities can benefit from affordable housing options. I'm very proud of the fiscal track record of this government.

**Mr. Elias:** It's a pleasure to rise today on behalf of my constituents in the Vuntut Gwitchin riding and speak to the supplementary budget today. There are many excellent expenditures in this 2013-14 supplementary budget, and I will touch on some of them, but firstly I want to thank the Premier and my new colleagues for the opportunity to serve Yukoners as my new role as a government MLA. I also want to thank my past colleagues as well, because I've learned from many of them and I'm going to use all the skills and abilities I've learned over the years as I've worked as the MLA for Vuntut Gwitchin in the House.

Firstly, to the people of Old Crow, my constituents in the Vuntut Gwitchin riding, mahsi' cho for your remarkable and steadfast support, because I am so proud to be your Member of the Legislative Assembly, for it is with your direction and your guidance and your vision that make our community in North Yukon so successful. We're reaffirming our commitment to moving forward together in the greatness of our territory. We understand that greatness is never given; it must be earned. Our journey to maintain greatness has never been one of shortcuts or settling for less.

In the third year of our mandate our government is doing just that — whether it's receiving a double-A rating from

Standard & Poor's for the fourth year in a row demonstrating good financial management and achieving a record of strong economic performance and continued growth with low debit levels, strong budgetary performance and good financial management, or a Brownie Award from the Canadian Urban Institute that recognizes excellence in project management for the investment on the Whitehorse Waterfront from Shipyards Park to Rotary Park.

When there is a demonstrated need for new schools or hospitals in our territory, we ensure they are built. When there is a need for additional and complementary water governance to address the increasing water complexities in our territory, we act. We maintain a strong economy and create jobs in our territory via partnerships and through all government departments. We have put \$500,000 toward climate change projects in our territory. When there was a need for additional international investment in our territory, we go get it. When opportunities arise to partner in tourism and culture and to collaborate with First Nation governments, we seize that opportunity. When new policies, regulations and legislation are required in the best interests of our citizens to ensure environmental stewardship or independent power production, or including an initiative to help save lives by making smoke and carbon monoxide detectors mandatory for homes with fuel burning appliances or attached garages — when that happens, we debate them on the floor of this House. When new infrastructure is required to provide supportive and secure housing facilities for women and their children fleeing abuse, we seek partnerships and build them.

We are addressing one of the fastest growing demographics in the Yukon — which is seniors over the age of 65 — and providing new seniors housing in Watson Lake, Teslin, Dawson City, Mayo, Faro, Haines Junction and Whitehorse. You guessed it, Mr. Speaker: we provide for the necessary housing.

When land claim agreements require us to transform, remediate and revitalize our capital city's waterfront, there were in excess of 43 million reasons why we get it done. We also accept the awards afterward.

When decisions have to be made about the little things in our territory that help to improve the social and economic well-being of Yukoners, we gladly make decisions about them too. Like if a church's roof needs to be upgraded, or a recycling campaign needs assistance, or the construction of bird-viewing platforms is required, or supporting a conference that promotes best practices and sharing ideas on nutritious food programs in our territory, or to help the decommissioning of dangerous buildings, or FireSmart programs in Copper Ridge and other communities, we are there to assist and be a community partner and help ensure we continue to have rural equity and strength. Our government is able to make these decisions because of prudent fiscal management.

As always, I stand here to recognize my constituents and our partners in our community and their hard work. No matter what the issues or concerns are, those in the North Yukon, especially my constituents, are always there participating, solving problems and getting the job done. My dearest

constituents, it was great to see everyone having a plentiful fall harvesting season.

As I enter the fall 2013 legislative sitting with my new government caucus colleagues, I think about your unwavering support during my years as your MLA. We understand that there is no easy road to ensuring our dreams and aspirations become a reality. I want you to know that I will always work to increase the quality of life for our families. In the days, weeks and months ahead, our community will be working on ensuring we maximize the benefits from the winter road construction — or the implementation of plan B, if there's not enough snow again this year — accomplishing the critical infrastructure required for a new fuel tank farm for our community, maintaining the momentum for a new community complex, and a multitude of environmental, health and educational issues.

It was a pleasure for me to witness the riverbank stabilization project become a reality and I was proud to make the announcement of the water monitoring programs on the Porcupine, Eagle and Peel river tributaries that were advocated for. The successful completion of the chum salmon sonar tagging project was also very interesting for me to witness this past fall.

The Porcupine caribou health testing program was also initiated again this year in our community. Thank you so much to everyone who participated in that. Building of the new Yukon Electrical foundation for the gen-set that will have a heat exchange system attached is very important for new infrastructure in maximizing the energy that comes off the Yukon Electrical generation compound — and the new boards on the hockey rink will provide an exciting winter season for the children this year. I would be remiss if I didn't mention the upcoming 2014 International Gwich'in Gathering that will be hosted by my community of Old Crow and is going to be happening in July. I invite everybody to come and witness the celebration.

Another important project that is ongoing in our community right now is the building of a new Arctic Co-op grocery store that will be owned, maintained and managed by the community members of our community of Old Crow.

On behalf of my constituents, I want to thank and congratulate all the governments, businesses, corporations and individuals for keeping our community working and on track toward long-term prosperity. Communication has always been a priority for me. It is very important, because I don't want to guess what needs to be done in North Yukon; I want to know from the people what needs to be done. Sometimes priorities are given to us; they're not chosen. We must respond in kind to that challenge.

In North Yukon there have been tens of thousands of years of traditional occupation and use. We choose to lead as a collective. We choose to work and live in a healthy community and seek the same goods and services that the rest of our Yukon communities enjoy, by working with all levels of government to progress and to move forward. It's called *[Member spoke in Gwich'in. Text unavailable.]* in our language.

Communication is the key to that success. Many times good, honest feedback is necessary to maintain a fruitful, productive relationship. Our community has learned to do more with less. We've learned to be a team player with others to deal with the challenges we face in a good way and not to just sit back and simply complain.

We are becoming much better at what we do in our community of Old Crow. We are finding good solutions to the challenges we face and we do it out of necessity. That's one of the things I love most about the people I represent — when it comes time to make a decision, we make it. In doing so, that is what I believe is a catalyst for being recognized as a safe partner in the Yukon and abroad.

I want to conclude by saying that I believe our community's priorities are fair and reasonable, and when they become reality, it will assist us in maintaining a sustainable and healthy community that provides a safe, supportive environment in which to live and work for future generations to come.

I look forward to working with my new government colleagues in the last three years of our mandate to make this territory a better place.

**Mr. Hassard:** It's a pleasure to rise today to speak on behalf of this 2013-14 supplementary budget. A strong economy is vital to the growth and stability of the Yukon. I'm happy to see that, through this, the Yukon Party government continues to work diligently on keeping a strong economy here in the Yukon.

As the MLA for the great riding of Pelly-Nisutlin, I'm happy to see that work continues in all three of the communities in my riding. Ross River has recently seen the opening of their new water treatment facility. Hopefully the new arena should be open any day now. With the temperatures falling the way they are, it would be nice to see the people of Ross River tearing up the ice in no time.

Mr. Speaker, the Yukon's best kept secret — which you should know is the Town of Faro — is in the process of seeing their new water pump house under construction. This follows the summer's water and sewer line upgrades.

We could throw out a few kudos to the Faro Golf Club and the Town of Faro for another amazing golf tournament this past July. Unfortunately, Mother Nature was not all that cooperative, but that didn't seem to dampen the enthusiasm of all who took part. As a matter of fact, in true Yukon fashion, many participants had to go the extra mile to make sure that they were able to get to Faro to enjoy the tournament. I mean that quite literally because some people actually had to go from Whitehorse down to Johnson's Crossing and up the South Canol Highway because of the forest fire near Little Salmon. The trip up the South Canol is probably one of the nicest drives in the Yukon, but it's definitely not the quickest or the smoothest.

In my hometown of Teslin, I'm proud to see the recent completion of a new subdivision on Sawmill Road and this was a joint project with the Teslin Tlingit Council and the Village of Teslin. I believe that in the very near future we

should see some lots available for sale and for lease from the TTC site and hopefully that will be in the next month or so.

I'm also happy to see that the water truck is now filling up at the new water treatment facility. I won't say they are getting the last bugs out of the system because that might not sound so good, but they are nearing final completion.

We had a roads and drainage contract that was finished up this fall and it will be nice to see the town sporting some shiny new chipseal next spring.

The Village of Teslin also received approximately \$350,000 through the community development fund, as well as money from the gas tax, to do energy upgrades on the recreation centre. They will be able to get waste heat from the artificial ice plant in the arena to help heat the buildings. That will be nice and save a little extra money for the town.

As far as the Yukon in general, I am happy to see that during this time of global downturn, the Yukon economy continues to grow. Yes, we would always like to see it bigger and better, but we have to remember that moving forward is definitely better than backward at least.

While the mining sector was down this year, it was good to see that tourism was up. The trade mission this fall saw the minister responsible for Tourism and Culture, along with the Premier, travel to Germany and England to promote tourism here in the Yukon. This trip seemed to be a great success. As well, the department has entered into a three-year marketing project with Holland America Line for \$50,000 a year to support joint efforts to promote cruise tour products. This will provide significant revenues and benefits to the Yukon tourism industry.

Mr. Speaker, I'm also happy to see that the Yukon Energy Corporation continues to look for ways to produce more affordable energy to both service the average Yukoner as well as ensure that there is power available to service any industries that may want to hook up and help contribute to a vibrant and healthy economy. It's also nice to see that the Department of Environment has now moved into the YESAB stage with regard to the proposed new campground on Atlin Lake.

Education — I recently had a tour of the Teslin school with the minister responsible for Education and it was interesting. It's always interesting to interact with the children, talk to the teachers and get their stories first-hand on their issues — and great stories have come out of the schools as well.

This government understands the importance of our young people and the importance of education. I think with the upcoming replacement of F.H. Collins, this is just one more example of understanding the importance.

I believe all departments in this government continue to work hard to improve the lives of Yukoners. For that, I am thankful.

As the MLA for the riding that quite possibly has more millionaires per capita than any other — no thanks to Lotto Max — I'd like to thank all of my constituents for their support and input. I look forward to continuing to work hard to serve your needs.

**Hon. Mr. Kent:** It's my pleasure to respond today to the supplementary budget.

First of all, I would like to thank my constituents in Riverdale North for their ongoing support and providing me with their thoughts and ideas at events, such as my constituency barbecue. Over 250 individuals showed up for the barbecue that I had this past summer. It was a great opportunity to catch up with many people and thank colleagues from the government side who also participated in that event to bring different perspectives and help address some of the concerns that constituents from Riverdale North had with respect to a variety of topics.

I'd also like to thank the Premier for entrusting me with these new duties — Energy, Mines and Resources, as well as responsibility for the Yukon Development Corporation and the Yukon Energy Corporation. It has been about three months since the reassignment was made. It has been a very steep learning curve, but enjoyable for me. As many people in the House know, I spent some time working for a variety of mining NGOs, doing some work for them on a variety of issues. It's that experience and those contacts that I made during that time that have certainly been very helpful for me in working as the new Minister of Energy, Mines and Resources.

Of course, mining isn't the only aspect to the portfolio. There is oil and gas, forestry and agriculture and lands, to name a few. So having attended the agriculture banquet this past weekend and stopping in on a little bit of the conference, it certainly provides me with a good overview of some of the exciting things that are happening in that industry as well.

I'll get into specifics with respect to what is happening in the department in a little bit, and I'll touch on some of the highlights for both the departments that are contained in the supplementary estimates.

First of all, I would like to take the opportunity to thank the officials and the individuals who were involved in my previous portfolios of Education and the Yukon Housing Corporation, Liquor Corporation and Lotteries Yukon. I am very thankful to all those who were involved — the teachers, the parents, the students, the school councils and all of the officials over at the Department of Education for all of their hard work over the two years that I spent as minister responsible for Education. It certainly was an exciting experience for me and I think we accomplished a number of things. I know the new Minister of Education is building on those accomplishments and moving the department forward in even bigger and better ways than I was able to achieve during my short time there — things like the land reserve expansion for Yukon College, the work to establish the Centre for Northern Innovation in Mining, and some of the work on the rural action plan. I understand that the event that took place with high school students from North Yukon in Dawson City in late September was a tremendous success, among a number of other things that are happening at Education.

Again, I wish the new minister well, and I know there are at least two strong voices at the Cabinet table and the caucus

table for Education. It is something that touches almost everyone in the Yukon, no matter where they are in life — almost as much as the Department of Health and Social Services. It's one of those departments that affects so many and it's such an important department for all of our citizens in what it delivers.

Thanks to the folks at the Housing Corporation, the Liquor Corporation and Lotteries Yukon, as well. I know there are a number of things that the new minister responsible for that portfolio is going to see through — transitional projects like the Alexander Street residence here in Whitehorse. Anyone who has had the opportunity to drive by will see that that project is out of the ground and we expect completion on it next year. A local contractor is working on that and we're very excited that Narrow Gauge Contracting is continuing to do that work and provide quality, affordable rentals for our senior citizens who need that type of housing.

Again, the Betty's Haven project was completed and the Options for Independence is nearing completion as well. The request for qualifications that was put out as part of the northern housing trust is also something that I think is generating quite a lot of excitement. I understand that over 50 packages have been picked up by various private sector and NGO people across the Yukon, and I think it's a very exciting opportunity to take that northern housing trust money and at least double that investment by working to leverage opportunities with others and provide affordable rentals, which is something that was identified as a key need in the strategic plan of the Housing Corporation.

I guess the other aspect that the minister responsible for housing will be leading is the development of the housing action plan. I think it's important that we continue to make investments in housing — as I mentioned, the Alexander Street project, Options for Independence, Betty's Haven, planning for the Mayo seniors residence as well as the northern housing trust money. But while we're doing that, we can certainly continue to develop the housing action plan. I'm pleased that as minister responsible for Energy, Mines and Resources — in the lands portfolio — that I continue to work with the current minister and the Minister of Health and Social Services on developing the plan — with of course, the input from many Yukoners along the way. So it's an exciting time for education and housing and, of course, for liquor and lotteries and all of the things that they are doing. They are doing very important work and I wish the new ministers well in their new portfolios.

Turning to Energy, Mines and Resources, perhaps I could touch on some of the aspects that are contained within this supplementary budget as well as some of the achievements and accomplishments of EMR.

First, I know that the supplementary budget itself has a number of different aspects to it. The operation and maintenance vote is \$13,858,000 and the capital vote is \$514,000. Touching on what a few of those aspects are with respect to operation and maintenance — a lot of corporate services is collective agreement increases and managers' increases. It's the same with sustainable resources. However,

there are some revotes with respect to land management, land planning and forest management initiatives.

Under the energy corporate policy and communications, the collective agreement in managers' salary increases are reflected in there, as well as one-year funding to support the Habitat Stewardship Program for Species at Risk, the draba plant policy — that's 100-percent recoverable from Canada. In oil and gas mineral resources there are a number of revotes — again, collective increases taking the majority of them. There is some resource planning in the Ross River traditional territory that's being undertaken. This is where the largest expenditure under EMR in this supplementary budget comes in, and that's with respect to assessment and abandoned mines.

It reflects the amended type 2 mine sites agreement with Canada. For Faro, there is an increase of \$12,288,000; for the Ketzia mine, there is a reduction of \$25,000; and for United Keno Hill there is a reduction of \$75,000 — all of which are 100-percent recoverable from Canada. That does reflect the largest increase to the O&M budget for Energy, Mines and Resources.

There is also reflected in here an increase to the Yukon mining incentives program of \$400,000. I talked to a number of individuals in the junior mining sector and prospectors who were very pleased with that decision made this summer to increase that program. Many of them were able to take advantage of that and extend their season, so it was something that was very well received by many in the mining industry.

With respect to the capital side of things for Energy, Mines and Resources, there are a few small items — internal transfers and revotes and some aspects with forest engineering. I know that we'll get into greater detail on those expenditures when it comes to departmental debate inside the supplementary vote. Hopefully I was able to provide members of the House with a snapshot of where some of the bigger expenditures are with respect to the supplementary budget in Energy, Mines and Resources.

I should quickly turn as well to the Yukon Development Corporation supplementary vote. The 2013-14 supplementary budget contains vote authority for the Yukon Development Corporation to invest up to \$18 million in its subsidiary, the Yukon Energy Corporation, for their diesel to natural gas conversion project.

The purpose of these funds is to avoid commercial borrowing to finance and construct the LNG project. The Yukon Development Corporation Board of Directors, following consultation with YEC, will determine the terms and conditions under which this funding will be provided. If the LNG project does not proceed, the funding will not be needed, but this is part of project planning that we need to undertake.

For those who don't know, there is a business case for a staged LNG development by Yukon Energy, with stage 1 being the replacement of the old diesel generators with 8.8 megawatts of natural gas generators, along with the requisite LNG truck off-loading storage and other facilities at a total cost of \$34.4 million.

The Premier and I, along with a number of individuals from the Cabinet and caucus office had the opportunity to tour the Whitehorse Rapids facility a couple of weeks ago, and we saw the 45-year-old diesels that need to be replaced. Certainly, that age is at or near the age of many of the individuals that reside in this Chamber, so of course it's something that needs to be done. It's aging infrastructure that needs to be replaced.

The project itself still has to undergo a YESAB assessment — Yukon Environmental and Socio-economic Assessment Board assessment. I believe that it hasn't been accepted for adequacy yet, but we anticipate that occurring soon and that process to begin where there are opportunities for public input into the project.

We also have made a commitment that this project will be designated as an energy project pursuant to Part 3 of the *Public Utilities Act* and that there will be a Yukon Utilities Board hearing required prior to the issuance of energy certificates.

That's really where all of the dollars that are identified in the supplementary for the Yukon Development Corporation will be going and of course, as I mentioned, the board of directors of the Yukon Development Corporation will determine the terms and conditions under which this funding will be provided.

I'd like to perhaps touch on a few of the accomplishments of Energy, Mines and Resources and also highlight our clean power plans that I was able to identify in a motion that I tabled in the Legislature on the opening day of the sitting. The Department of Energy, Mines and Resources has undertaken a number of things to reflect what our government priorities are with respect to addressing the better quality of life. There was an open house at the Gunnar Nilsson and Mickey Lammers Research Forest with a new forestry-themed playground that increases family and community engagement with the research forest. I know the former Minister of Energy, Mines and Resources was in attendance.

Mr. Speaker, I see you have given me the five-minute warning sign, so perhaps what I can do is get into a number of these other highlights when we are in departmental debates with Energy, Mines and Resources. I think I have hopefully touched for members on some of the highlights that are contained in the supplementary estimates.

There are a couple of things again that I would like to conclude on — first and foremost, a news release that was issued today by the Government of Yukon that speaks to oil and gas exploration being advanced in North Yukon. We were able to announce today that the Yukon government has issued an oil and gas exploration licence and signed a benefits agreement with Northern Cross (Yukon) for work in Eagle Plains. There will be approximately \$17 million to \$20 million spent on this project employing up to 75 people and should conclude by late winter or early spring 2014. The work that Northern Cross is going to be undertaking is a 3-D seismic program to explore for oil and gas, enabling the company to assess the geology in a 450 square kilometre area for oil and gas potential.

The company has started their work and I know many members of the Vuntut Gwitchin First Nation and the First Nation of Na Cho Nyäk Dun will benefit. Those two First Nations are signatories to this benefits agreement. I know that this is an important issue for the Member for Vuntut Gwitchin, and he is also quoted in the news release that went out this afternoon.

I guess to conclude, one of the priorities that I'm very excited about — there are a number moving forward in Energy, Mines and Resources — is the clean power future that we're looking at developing. The motion that I tabled in the House last week spoke to not only exploring opportunities in wind and biomass, building on the micro-generation program that we released last week, looking forward to the IPP policy that will be out for public discussion and looking to hopefully implement that in 2014, but also the research and planning that the Yukon Development Corporation will look at with the development of a new hydro-electricity dam — something that has significant economic impacts.

Of course, there is an awful lot of work that needs to take place in the meantime. The Premier and I met with First Nation leadership to inform them of our plans to initiate the research and planning on this project. We were excited to listen to their questions and listen to their concerns, and many of them will emerge as the planning process unfolds. It's indeed an exciting time for Energy, Mines and Resources, whether it's mineral resources, oil and gas development, forestry, investments in agriculture or many of the opportunities to provide land for Yukoners in a number of different varieties.

I'm looking forward to my time as minister, building on the good work of the previous minister and again, delivering economic opportunities, being mindful to the environmental impacts of these projects and the importance of them for the Yukon Territory.

**Mr. Silver:** I rise today to respond to Bill No. 11, this year's supplementary budget.

Before I get into my reply, I would just like to take this opportunity to thank my constituency of the Klondike for the privilege of representing them here in the Assembly. When the people of Dawson chose me to represent them, I took this challenge to heart. They were looking for someone who would bring Dawson issues to the government. They trusted me to bring their concerns and priorities to the table. They wanted a representative who would fight for them and who would make sure that their government planned for their future. So, on behalf of my constituents, and of all Yukoners, I will be calling attention to the shortcomings of this budget and offer concrete solutions on how the government can better address these needs.

I will be fairly brief today because I'd like to spend some more time in the individual departments; however, there are a few things that I can put on the record here at this second reading.

\$22,206,000 on page 4-4 of the budget is one of the biggest numbers in the document before us and it goes a long

way toward understanding why I will be voting against it. \$22.2 million is the amount the budget for the new F.H. Collins Secondary School has been reduced for this year because of the government's mismanagement of this project. Earlier this week, the government unveiled a new tender and pushed construction back to next year, so the money is no longer needed in this fiscal year. It is just the latest in a series of mistakes the government has made on this project — mistakes that have cost the taxpayers at least \$5.5 million for a design that has been thrown out the window — an underground infrastructure that was installed for the old design and now will not be used.

It has been disheartening to watch the Premier try to defend this bungling by referring to a recent report from Standard & Poor's credit agency. The government has been trying to mislead Yukoners that a high rating from this company is a confirmation that it is doing a good job managing the capital projects.

**Some Hon. Member:** (Inaudible)

#### Point of order

**Deputy Speaker (Ms. McLeod):** Member for Lake Laberge, on a point of order.

**Hon. Mr. Cathers:** I believe that the Member for Klondike just contravened Standing Order 19(h), which prohibits a member from charging another member with uttering a deliberate falsehood. The member, in accusing the government of misleading Yukoners or attempting to mislead, certainly appears to me to be contravening this and I would like to bring that to your attention.

**Deputy Speaker:** Member for Klondike, on the point of order.

**Mr. Silver:** I believe this is just a dispute amongst members and I would appreciate the ability to continue on.

#### Deputy Speaker's ruling

**Deputy Speaker:** I believe that there is a point of order. It is not in order for a member to use the word or to infer "misleading", so I would just remind the members to be mindful of their terminology.

**Mr. Silver:** I will continue by saying that it's bewildering to me as to how the government takes a high rating from this company as a confirmation that it is doing a good job managing capital projects on all money matters. In fact —

**Some Hon. Member:** (Inaudible)

**Mr. Silver:** If I did say something that was unparliamentary, then I will apologize for it. Is that okay?

**Some Hon. Member:** (Inaudible)

**Mr. Silver:** In fact, all that this credit rating means is that the Government of Yukon is a good bet to pay back their investors who buy bonds that the government backs, like the one used to finance the Mayo B project. Why wouldn't Yukon be a good bet to pay it back? It receives more than 85 percent of its funding from the Government of Canada, so of course it can pay up. The S&P report doesn't look at things like F.H. Collins, the overbudget and behind-schedule Watson Lake

hospital, the overbudget and behind-schedule Dawson City hospital, the cancelled Beaver Creek fire hall — and the list goes on and on. The main thing that the rating is based on is that the government can cover bonds that it issues and, because Ottawa still sends us hundreds of millions of dollars a year, the answer is, yes, we can cover this. The other territories have the same rating because they too receive a stable cash flow from Ottawa. Red herrings like these ones are what the government has relied on to try to defend its mishandling of capital projects like F.H. Collins. Instead of being open and accountable and admitting that it has made mistakes, the government goes on the attack and criticizes anyone who dares ask a question.

We witnessed this in Question Period just a few hours ago — no answers, just criticisms of important questions being asked by all Yukoners.

Now let's look at some of the projects. Yukoners are understandably nervous when they hear the government talking about a \$50-million expansion of the Whitehorse General Hospital. Given the track record of this government, who knows what this project will actually cost? Of course, it probably wouldn't even be necessary if the Yukon government of the 1990s hadn't cut the size of the hospital so dramatically when it was first built.

This spring, Yukoners were assured by the government that the corporation was capable of building and financing the hospitals in Dawson City and in Watson Lake, and that has proven not to be the case. The proof is in the \$27-million, out-of-the-blue bailout that is the centrepiece of the entire budget this year.

It is a good symbol of this budget because it highlights the poor planning and fiscal mismanagement that this government is now synonymous with. The Auditor General was clear on the need for better planning. The Premier, like his predecessor, thumbed his nose at the Auditor General in his main budget speech this spring. He mocked the findings that questioned whether the two hospitals were needed. We all know now, thanks to the hearings on the Auditor General's report, that the direction to build the hospitals was a verbal one from the former Premier, with no needs assessment or budget done.

What about Whistle Bend?

**Some Hon. Member:** (Inaudible)

#### Point of order

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

**Hon. Mr. Cathers:** It would appear to me that the Leader of the Liberal Party is again contravening our Standing Orders — I believe it may be a contravention of Standing Order 19(g) — and it also would appear to be out of keeping with the practices of this Assembly to accuse another member of thumbing his nose at an officer of the federal Parliament.

That certainly is not something that any member on this side has done and that would appear to be a contravention of Standing Order 19(g), and I think that he should retract that statement and apologize.

**Deputy Speaker:** Member for Klondike, on the point of order.

**Mr. Silver:** I believe this is a dispute among members.

### Deputy Speaker's ruling

**Deputy Speaker:** Thank you. I am going to say that this is a dispute among members. I would remind the member again — and as all members have been reminded in the past — that as you sow, so shall you reap.

**Mr. Silver:** Let's move on to Whistle Bend — millions spent, more lawsuits with contractors, more confidential court settlements, the infrastructure still being owned by the Yukon government because the city won't sign off on it, and, to top it all off, lots that were way too expensive for people to buy. It sits almost empty — unfortunately another project mismanaged by this government.

Another example of poor planning is the overbudget Dawson waste-water treatment facility. When this project was tendered, the government managed to disqualify a local company and instead chose unproven technology from an outside company. The system has yet to work properly and not enough training has been provided to the local operators. The city refused to take over the facility in August with all of the problems occurring, and who could blame them?

What about the final installment of the northern housing trust? Yukoners were told in May a housing strategy was being developed. Before that strategy has been completed, the government has decided it wants to spend the final \$13 million of the trust on affordable housing. No plan in place, just a decision to spend — another example of poor planning. Let's hope it works out better than the failed attempt at Lot 262.

Unfortunately, mismanagement goes well beyond capital projects. When the president of the Yukon Energy Corporation was in this Chamber in May, he confirmed that we have reached our capacity to generate power with hydro. A lack of planning has left us no choice but to meet new demands with fossil fuels. Instead of planning to expand our hydro capacity, the Yukon Party spent most of its last mandate trying to find a way to sell off our publicly owned utility. As a result, we're paying higher and higher bills. We're at the edge of an energy cliff. This summer the Premier finally announced the government was going to take a serious look at expanding our hydro capabilities and capacities by building a new dam.

**Some Hon. Member:** (Inaudible)

### INTRODUCTION OF VISITORS

**Mr. Barr:** I'd like to introduce my son, Jona Barr, and Corey Isenor and Al from Halifax. They are heading out on a cross-Canada tour to promote their CDs *Old Cabin* and *Corey Isenor*. Please welcome them to the House.

*Applause*

**Mr. Silver:** That's an interruption I can appreciate, Mr. Speaker.

This summer the Premier finally announced the government is going to take a serious look at expanding their

hydro capacities by building a new dam. That's probably news to the former Minister of Energy, Mines and Resources. I asked him that very question in the spring and he couldn't name a single project that the government was seriously considering.

How it was being financed, where the location was or how large it was going to be all remained unanswered at this point.

If it is managed anything like F.H. Collins, Yukoners shouldn't be holding their breath as we wait for it to begin to be built. We have poorly managed capital projects and a mismanaged energy picture, and that brings us to our economy.

This year, our economy will lead only New Brunswick and Northwest Territories in GDP growth. We are 11th of 13 in Canada. The Yukon Party government has focussed almost exclusively on mining, and the consequences of that eggs-in-one-basket approach is now being felt.

According to the government's own statistics, private sector employment was down by 1,100, or 8.7 percent, from September 2012, yet we continue to hear the government's "all's well within the private sector company" line. Again, the government's own stats don't back it up.

Even with the unprecedented interest in Yukon, Brewery Creek was still not able to get off the ground due to regulatory problems. Only one Yukon mine is currently in full production. New mines on the horizon are all facing significant hurdles before they can even begin production.

Building stats are down; housing prices are down. There was a lottery for lots in Whistle Bend and no bidders. The signs of a slowdown are all around us. The Yukon Party coasted on high mineral processes and prices for several years and took credit for good economic times. As things slow down, we now see letters to the editor from government ministers blaming global economic forces.

Let me quote from former Yukon Party ministers who have had this to say about the Yukon's economy — 2007, and I quote: "...I will take credit for becoming the hotspot in Canada..."; 2010: "... we, the Yukon Party, made the Yukon an attractive place to live."; 2011: "... it has everything to do with us — this government ..."

It is now 2013 and our GDP growth for this year is almost the lowest in Canada and suddenly it has nothing to do with government; it's global economic forces. This government won't take any responsibility or accountability for this poor showing. Watching Mr. Harper speaking this week in the federal Conservative convention — refusing to take any responsibility for the problems with senators he appointed — you don't need to look very far to see where this government takes its lead from.

As mining realities started to slow down this summer, the government suddenly realized that we have a tourism industry and decided it needed to take steps to closer associate itself with it. It included a trip to Germany where no new funding was announced — none. There was also some very interesting numbers from the Canadian Tourism Commission that said quite the opposite of what this government is saying —

namely that international visitors have dropped and not increased.

To a large degree, our economic future depends on the territorial government's ability to get along with First Nation governments. Yukoners remember the Premier's refusal to meet with the CYFN leadership during the election campaign — a decision that set the tone for this government's acrimonious relationship with First Nation governments. In two years, the Yukon Forum has met only once. I spoke to a chief last week who said the government alone wants to set the agenda at the forum and still won't allow First Nations to bring forward their priorities. It was Grand Chief Massie who said recently the government only wants to meet to celebrate, but not to do the hard work required to get to that point. How are poor relationships affecting our economy? Let's start in the Southeast Yukon.

The government's non-existent relationship with the Kaska has led to several lawsuits and stalled development of the richest oil and gas area in the territory. The Yukon Party has been unable to cooperate with the Kaska on signing the *Umbrella Final Agreement* or negotiating another interim measure. It has instead largely tried to ignore the Kaska. The result is a stalemate that benefits no one. The former Minister of Energy, Mines and Resources has complained that he spent \$2 million and could not get an agreement on oil and gas. What is the price of no exploration for 11 years? How much has been lost in jobs, royalties, income taxes, et cetera? Far more than \$2 million.

Later in this sitting, the government will be forced into bringing forward amendments to the territory's mining laws because of yet another loss in the courts. To make matters worse, the government has once again not even bothered to consult with First Nations about the amendments. It is my understanding that neither the Kaska nor the miners have even seen a draft of this bill.

Let's move on to the other end of the territory — White River, another unsigned First Nation the government has tried to ignore with the same disastrous results. What impact does the recent battle over Tarsis Resources exploration have on our economy? The company had permission to explore and then that right was taken away by the courts because this government didn't meet its obligation to work with White River. What do we lose at the end of the day? Certainty — an item that is always on the top of the list of the mining industry folks. It hurts our investment climate and leaves the miners looking for other places to explore.

Another example of where this government has poisoned the well with First Nations and negatively impacted our economy is in the Peel watershed. For several years now, the entire area has been off limits because, once again, this government cannot get along with First Nations who have a voice in the planning process. Even a potentially good news story, the signing of a new resource royalty agreement with First Nations, has come off the rails under this government. First the Premier said no, he wasn't interested in giving the First Nations a bigger piece of the pie, and then he changed his mind and said okay. He announced last fall a deal that was

in place and then had to backtrack and admit that the deal wasn't done after all. The big priority was taking credit for a deal, not actually doing the work to ensure that this deal was completed. The government can't get even the winners past the goal line.

The command-and-control, divide-and-conquer approach that this government brings to the table is just not working. Their relationships with First Nation governments are the most important relationships that this government has and they are being badly mismanaged. It is taking a toll on our economy and there is a human cost as well. At the end of the day, we all live here and it is a better place when we are all trying to get along.

We have passed the two-year mark of this government. The same old Yukon Party is bringing us a spirited defence of the status quo, a commitment to sit back and relax and to hope that the commodities will rebound while a generous federal government does its work. For all Yukoners, the Liberal Party will continue to represent an alternative vision — a vision where our government plans for our future, a vision where we harness our natural advantages and where we overcome our natural challenges. Yukoners are calling for this vision — a vision where their input is truly valued, a vision where they are supported in achieving their goals and surviving the downtimes. In order to help achieve this vision, we need to help our current government identify how it can do better, how it can listen better, and how it can plan better because the evidence is clearly that they must.

A government that plans better will not leave our territory vulnerable to the whims of the federal government and to the prices of gold and silver. We need a budget that reduces our dependence on Ottawa. After 10 years in power, this government has doubled its dependency on federal money. When the government came to power, approximately 80 percent of the expenses were paid by federal transfers. Now, Mr. Speaker, almost 87 percent of the expenses are paid with federal money. On behalf of Yukoners, I am calling on this government to plan to achieve a more dependable, less dependent source of revenue. While the government thinks they are good fiscal managers, the fact remains that Yukon gets more of our budget as a percentage from Ottawa than we did 10 years ago.

While we must leverage our natural resources, we also must endeavour to support our incredibly strong tourism industry. We need a budget that recognizes this industry as the Yukon's best chance at diversification. A Liberal government would not — as this government has done — flat-line tourism spending. This marketing budget remains almost unchanged from when the government took office a decade ago. Tourism numbers in 2012 are lower than they were in 2006. Near silence was not the right answer when this government's friends in Ottawa chose to cut Parks Canada, to apply a duct-tape solution in response to public protest. There is no planning to deal with the downloading of the Government of Canada.

So while this government claims to be pro-business, this government does little to recognize and to support one of the

main pillars of our economy, which is tourism. Yukoners need a well-thought-out budget that will allow us to focus on families and their hard work. They do not need a budget that will haunt them in the papers for months to come. Unfortunately, this budget update will do exactly that. Yukoners do not deserve more stories about overbudget schools. What they deserve are headlines about the diversification of the economy and long-term plans on issues that impact everyday lives.

In order to develop thoughtful plans and to address these issues, this government needs to start listening. By listening, I don't mean holding consultations that are overruled by backroom deals. I mean actually listening — listening to First Nations, listening to our parents and to our teachers, listening to our patients and our health care professionals, listening to our small business owners and our mining and tourism industry and, like it or not, listening to our NGOs and conservation groups.

With regard to my community, there remain issues with housing, the defective waste-water treatment facility, the planned McDonald Lodge, our new hospital, the Dawson land use plan that just recently lost its senior planner, municipal water and sewer infrastructure and Klondike Valley fire hall. We need leadership that empowers First Nation governments and we need to consult openly and fairly.

I've outlined my objections to the direction of this government and this budget in particular, and therefore I will not be supporting Bill No. 11.

In closing, I would like to thank this government for all the work that they did in preparing this budget, but on behalf of Yukoners, I would like to challenge this government to do better. Yukoners deserve better planning. They work too hard for their money to be wasted. Yukoners deserve better listening and they are too important to have to fight to be heard.

**Hon. Mr. Dixon:** It's very interesting to see the interim Leader of the Liberal Party work himself into a bit of a lather there as he read his prepared speech that he clearly put a lot of time and effort into over the summer. I want to respond to so many of the things that I heard, but time just does not permit. There are a number of things that I want to speak about that I'll have to put above the list — or put higher on the list — than responding to some of the drivel we just heard, but I will forego that and start by thanking my constituents of Copperbelt North for their continued support. I thank them as well for giving me the privilege to stand here in the Legislature and represent them.

It's a pleasure for me to rise today and speak to the *Supplementary Estimates No. 1* for 2013-14, which is the first budget document we will get to speak to in this sitting. It's a little bit different from when we left in the spring because, of course, there are some changes that have occurred both in our government in the structure of Cabinet, as well as our caucus. I'd like to mention some of those issues as well, but first I wanted to take the opportunity — I know that this is a document that the opposition parties don't like to review, but

as some have referenced in this House already, Standard & Poor's had the opportunity to review our public finances and our economy recently and reaffirmed their AA rating of the territory's credit rating.

I'd like to quote from the document that they published on October 15, 2013. It's available from [www.standardandpoors.com/ratingsdirect](http://www.standardandpoors.com/ratingsdirect).

"We are affirming our 'AA' long-term issuer credit rating on the Territory of Yukon. We also affirming our 'AA' issue-level rating on Yukon Development Corp.'s C\$100 million senior unsecured debt. In part, the ratings reflect our assessment of extremely low debt, healthy economic performance compared with that of similarly rated domestic and international peers, very positive liquidity, and significant grants from the Canadian government. The stable outlook reflects our expectations that, in the next two years, Yukon will continue to have strong budgetary performance, with stable operating surpluses that exceed five percent of consolidated operating revenues and near-balanced after-capital results; and a debt burden that peaks at about 20 percent of consolidated operating revenue."

In their rationale for issuing that rating they say: "The ratings on Yukon reflect Standard & Poor's opinion of the territory's relatively low debt burden, very positive liquidity position, and healthy economy that is concentrated somewhat within the mining sector. The ratings also reflect our view of the 'predictable and well-balanced' institutional framework for Canadian territories, our assessment of the positive impact that Yukon's financial management has on its credit profile, and the lack of material contingent liabilities. In our opinion, the territory's limited budgetary flexibility and average-but-improving budgetary performance mitigate these strengths somewhat. Based on our conservative base-case forecast, in the next two years, we expect that Yukon's tax-supported debt will increase modestly and remain about 20 percent of the consolidated operating revenues, and less than 10 percent of nominal GDP. We believe that the territory's tax-supported debt burden remains exceptionally low compared with those of its international and Canadian peers."

While we've been saying this for a number of years in this House, speaking about Yukon's strong fiscal management and responsible decision-making processes, it is nice from time to time to receive some external validation from internationally recognized institutions like Standard & Poor's, which provide these assessments to the end of a rating.

Further to that, it was a pleasure for me to join my colleagues in hosting a few months ago the Conference Board of Canada's Centre for the North meeting here in Whitehorse. It was a great opportunity for us to touch base with the Centre for the North which is, of course, the only other institution in Canada that reviews and provides a forecast for the territorial economies in Yukon as well as in the Northwest Territories and Nunavut. It was nice to receive a little bit of external validation for the forecast that we have of the economy going forward.

I'd like to quote from the news media, a CBC interview on Wednesday October 16, 2013, where we were having a

discussion with Mr. Glen Hodgson, who is the VP and chief economist at the Conference Board of Canada — a very well-educated, well-experienced and altogether a very sound mind when it comes to economic forecasting. Hodgson says, “The Yukon benefits from a comparatively diverse economy. Yukon, to me, looks like a very southern economy, in fact — a strong services base which sustains you through hard times but also with a resource economy layered on top of that.”

Again, it’s nice to receive some validation for what we’ve been saying — that, while others are pessimistic about our economic outlooks, both our own internal forecasts in the Government of Yukon, as well as the Conference Board of Canada’s forecasts, are actually quite optimistic about the territory’s economic performance in the years to come.

This budget document contains a number of things, but among them is the budget allocation for the Department of Economic Development. Within that is one particular project I would like to highlight. It’s a rather simple community development fund project but it’s very important to me as the MLA for Copperbelt North and I wanted to take the opportunity to speak to it briefly.

The Copper Ridge Neighbourhood Association received a relatively small amount of money, but it was a big deal to that association. It was funding provided to them for the provision of services related to planning for what we refer to in our neighbourhood as “Winze Park.” It’s an empty, city-owned lot on Winze Lane in my riding. In that funding, the Copper Ridge Neighbourhood Association had the opportunity to hire a consultant to host a consultation where we heard from residents in my neighbourhood as to what their vision and hopes were for that particular piece of land and that particular park.

I had the pleasure of joining the Copper Ridge Neighbourhood Association in hosting a barbeque in September, where they hosted this consultation. They had a number of billboards up that had different potential ideas that the Copper Ridge Neighbourhood Association — in consultation with that consultant — thought would be some good starting point ideas. They received a significant amount of input. I believe it was over 100 people who provided comments on the planning documents that they had proposed.

Since then, the neighbourhood association has gone back, taken all that input, compiled it and made a decision about what the most common features of a park were that residents identified and will now be drawing up plans for constructing some of the activities, buildings and facilities on that park land that they heard from residents were needed.

The next steps for that project are to develop those options, meet with the City of Whitehorse and determine their level of support and interest in some of the activities they’re planning and then, of course, to come back to funding grant bodies, such as the community development fund, for the development and construction of the park itself.

So I’d like to commend the Copper Ridge Neighbourhood Association for the work that they have done. The Copper Ridge Neighbourhood Association is one that I have the pleasure of sharing with the Member for Whitehorse West —

of course, the Copper Ridge Neighbourhood Association is broader than just my riding. It includes hers, as well. It’s one we have the pleasure of sharing.

I did want to note some of the individuals who were recently re-elected to their board, because they’ve done some fantastic work to date and I’m very optimistic about the work that they’re going to be doing in the future. Josh Clark was re-elected as their president, Ryan Kinney is the vice-president, Lila Cornell is the secretary, Yesh Sharma is the treasurer, Damien Burns is the FireSmart coordinator and Phil Borgel is the past president. I’d like to especially thank those individuals for the time they put into their neighbourhood association and for the work that they’ve done, not only on this park, but on a number of other issues that are important to the residents in my riding.

Mr. Speaker, with regards to the budget and the Department of Economic Development, I also wanted to take the opportunity to congratulate and welcome aboard our new deputy minister, Murray Arsenault, who was hired earlier this year as the Deputy Minister of Economic Development. Mr. Arsenault has a diverse background and his input is certainly welcome in this government. I think he’ll be an excellent contribution to our team of deputy ministers, which provides our government with the support and advice that we need to make decisions about governing this territory. Mr. Arsenault has a career that includes extensive experience managing a variety of business ventures in northern Canada. Most recently, Mr. Arsenault held the position of general manager of the Dakwakada Development Corporation, which is a private equity firm based in Whitehorse with investments in construction, manufacturing, retail and communications. It is the development corporation of the Champagne and Aishihik First Nations. Prior to that, he worked in economic development in both the public and private sectors in the Northwest Territories, and he holds a master of business administration from Cape Breton University.

Mr. Speaker, Mr. Arsenault is actually out of the country right now. He is in Europe, either in London or Zurich — I can’t remember what the schedule suggests. But he is filling in for me in an investment attraction tour to Europe with some companies from Yukon. Originally, I was scheduled to attend that and join in that investment attraction effort, but duties in the Legislature called and I’m here today. So, with the deputy minister in Europe, that meant that the trip to China needed to be filled and our assistant deputy minister, Mr. Terry Hayden, is filling in for Mr. Arsenault in China. So we have two concurrent investment attraction events going on — one in Asia, and one in Europe.

I returned from the United States a few weeks ago where I did similar activities.

What I’m getting at with this is that we know that in this investment market with relatively soft mineral prices and a very challenging environment to raise investment capital. We know that it’s our job to really enhance what we are doing to attract investment to this territory. Investment to the territory is critical for economic projects to go forward. We know that and we’ve addressed it in this House many times before, but I

wanted to take the opportunity to highlight just some of the activities that we have underway right now, which include our target investment attraction markets of Europe, Asia and North America.

Another interesting change for the group on this side of the House was, of course, the addition of a new member to caucus, the Member for Vuntut Gwitchin. I wanted to take the opportunity to thank him for his input in the past few months since he has joined our team, and really highlight some of the meaningful ways he has contributed to some of the decisions that we've made on this side of the House.

Earlier this year I, as the Minister of Environment, announced that we would be enhancing the water monitoring program in North Yukon to improve its overall understanding of water distribution, movement and quality in an area with increasing potential for development. This was an investment that we had made in part because of what we'd heard throughout the consultation period related to the development of our water strategy, but it was heavily influenced as well by the input from the Member for Vuntut Gwitchin, who really made it very clear to government that his constituents had a remarkably high value on the water in their area and that they needed to be assured that Yukon government was doing all it could do to understand the water resources in the area and encouraged government to make increased investments to the water monitoring in that area.

That announcement was one I was very proud to make, but I have to give credit where credit is due, and that is significantly with the Member for Vuntut Gwitchin.

Another similar investment that I was able to make as Minister of Economic Development related to an issue that the Member for Vuntut Gwitchin had lobbied me about a number of times from across the way, but now, with him as a colleague, it was easy to take the next step on it — this was related to trapping. In the Department of Economic Development, we recently provided two-year funding to the trappers' organization, which came out of work done with the Yukon Fish and Wildlife Management Board and the Yukon Trappers Association. That was a pilot project to find ways to increase opportunities for trapping in the territory. That was yet another example of an issue that was of keen interest to the member, and one that he raised with me a number of times from across the way and was able to make a difference in advocating on behalf of that issue as a colleague of mine.

The next few items I wanted to mention, Mr. Speaker — I know that you have signalled I have only a few minutes left, so I'll have to truncate my comments a little bit. I did want to speak a little bit about my new role. Yet another thing that has changed since our previous sitting is that, while the main headlines were focussed on some of my other colleagues who changed portfolios in the Cabinet shuffle we had earlier this year, in that shuffle, I received the added responsibility of being the minister responsible for the Public Service Commission. So that's something I'm very proud of.

I very much appreciate the patience of that department in providing me with briefings and getting me up to speed on the issues related to the Public Service Commission. It's

something that, to be perfectly honest with you, I haven't had a tremendous amount of experience with previously, but I know that the folks in that department are very professional and very well-qualified and are able to provide me with the guidance needed to be successful. I'd like to thank the Public Service Commission and, in particular, the Public Service Commissioner, Ms. Catharine Read, for their patience and their support so far.

Let me conclude my remarks by saying that this budget document is the first budget document we've had for this sitting, so it will be a topic of a great deal of discussion in the coming weeks. I look forward to getting into the specific departments that I'm responsible for, including Economic Development, Environment, and the Public Service Commission. Some of the issues and funding lines that you see in these departments are, I know, of great interest to members on both sides of the House, so I'm sure we'll have some robust discussions around this budget document and the specifics related to those departments.

Having expired my time, Mr. Speaker, I'll just conclude by saying that I look forward to debating this budget document and working with my colleagues who have new roles, my colleagues who maintain their roles, and folks who are new to the caucus altogether.

**Hon. Mr. Graham:** As I was saying, I am pleased to speak to some of the highlights in this supplementary budget for Health and Social Services and to update the Legislature on some of the important priorities identified in the budget.

However, before I do that, I would just like to follow in the footsteps of my colleague, the Member for Riverdale North, and thank the Premier for not giving me any additional responsibilities during the recent Cabinet shuffle. I think he recognizes the limits of my abilities and left me right where I am — where I am beginning to learn something about the Department of Health and Social Services.

During the year, a number of revotes were included in this supplementary budget in order to proceed with some of the priority initiatives that we had identified previously. In addition, there are a few new funding initiatives that I would like to point out to members here. I was also quite surprised by the comment of the Leader of the Official Opposition about the lack of information in the budget with respect to the capital budget. I looked in my budget book and found that not only was the detail quite good for the additional \$5,941,000, it kind of goes through and explains what every dollar is for.

I'll be happy to expand on those during Committee of the Whole, but it's quite obvious, at least in this capital budget, what the priorities are.

I have mentioned before one of my priorities — the priority I place on ensuring our Alcohol and Drug Services are able to respond to the many needs of individuals with addictions in this territory. Project phases 2 and 3, which include the conceptual and schematic design work for the new Sarah Steele Building replacement, are underway. We are pleased that the site selected for the new building is confirmed by the city and we really appreciate the work done by the city

in ensuring that property has now been transferred to us. It was also, with the studies done there, clearly evident that there were no graves on the property that we would like to use for the new Sarah Steele Building. So we really appreciate the cooperation with the city and with the Department of Highways and Public Works for all of the work done in that area.

In this budget, we have also included supplementary funding to proceed with the Yukon addiction services system — the standards and evaluation project — which is 100-percent recoverable from Canada. The funding will allow us to continue with the project that is underway on the development of program standards, performance measurement and evaluation. We are also continuing with implementing our medically supported detox program. Nursing staff, including a quality assurance registered nurse, are in place, as well as a detox social worker.

I know once again the Member for Riverdale South, the critic for Health and Social Services, would have us believe that absolutely nothing is happening with respect to the implementation of collaborative care practices here in Yukon. However this is only one of a number of initiatives that have been started by this government with respect to collaborative care. This one was a high priority with me and so it was one of the collaborative care practices or initiatives that we began and have now put in place for the Sarah Steele Building.

A common diagnostic tool is now used by both detox and the emergency room at the Whitehorse General Hospital. Protocols between agencies such as the Salvation Army and Health and Social Services are also in place. We are also continuing with cross-cultural awareness and other staff training and have included revoted funds in this budget to continue on this very important initiative.

Planning for the future needs of our seniors and elders population as well as those others among our population who require long-term care is another priority of this government. We are moving forward with phase 2 of the design/build request for proposals for the McDonald Lodge replacement project in Dawson City and we have requested a revote of funds for this budget. We are all aware that the demand for additional long-term beds in Whitehorse will increase with our aging population, so we've included funding in this budget for the next step, which is business-case planning for a new continuing care facility to ensure that we are prepared for the increased aging population in the territory.

The Yukon Hospital Corporation is now in a position to move forward with the planning for renovations at the Whitehorse General Hospital for an MRI suite and the expansion of the emergency department. This budget includes a \$2-million contribution toward the MRI purchase, which was promised by this government during the election, and \$1.4-million for project initiation for the hospital expansion project. Additional capital funding will be required in future budgets for construction and I will be very happy to share this with the House once we have completed details and estimates.

I'm pleased to report back to the Legislature that the collaboration between the department and the Yukon Hospital

Corporation for the purpose of health care delivery planning for Yukon communities is well-underway. We are nearing completion of the community needs assessment that I promised for both Watson Lake and Dawson City and during this session I am hoping to share with you the details of those assessments and our plans to move forward with ensuring the programs in those facilities are based on a collaborative care model partnership between Health and Social Services and the Yukon Hospital Corporation.

The Auditor General's report wasn't favourable in many areas. It gave the government and the Yukon Hospital Corporation the opportunity to work on a comprehensive plan. Health and Social Services announced at the time it would develop an integrated health facility program and services model in those two communities, which will enable the design of health and social programs and services to creatively and effectively meet community-specific needs.

In a recent meeting with the Hospital Corporation president and CEO, it was agreed by both of us that such a plan was a welcome addition to these communities, and we both look forward to presenting both a high-level plan in the near future and allowing the department and the Hospital Corporation to work out details in the coming months or years.

We also continue to support the NGOs that provide valuable services to our community. I'm pleased to indicate that my department will be providing increased operation and maintenance funding to support the recently opened Betty's Haven second-stage transitional apartments. We'll also be supporting the operations — although the money is not in this supplementary budget, it will be in the next — to support the operations of the new Options for Independence complex that will hopefully be opening in the next little while.

With all of our NGOs, we're working to ensure they are aligned with the strategic directions of the department and that we have good accountability processes in place. Recently, in the spring of this year, we provided a training session to NGOs in order to ensure that they had the ability and the required documents to provide the department with the accounting that we require in order to be able to report back, not only to the Auditor General, but to this Legislature on the millions of dollars that we provide in funding to a number of NGOs throughout the territory. The training sessions provided the NGOs with documents and the ability to provide the information necessary to ensure that accountability for those funds is not a problem in the future.

That brings me then, Mr. Speaker, to addressing prevention and supports related to FASD. This is a priority of this government and this supplementary budget contains funding for the final year of the integrated case management and adult diagnostic team development project. As well, this budget contains funding for a tri-territorial FASD prevention initiative, which is 100-percent fundable and recoverable from Canada.

Planning for and managing our health human resources is foundational to our health care system operations. We continue to focus numerous efforts at the recruitment and

retention of health professionals. Included in this are physicians, nurses and other health professionals. I am pleased to report that our recent progress in this area, based on the collaborative efforts of the department and the professional associations, was quite good.

Health and Social Services launched the website [www.yukonmd.ca](http://www.yukonmd.ca) to provide information on career opportunities, benefits, hospitals, physicians and communities. As well, the department hired a physician recruitment and retention officer this year. Since that time, seven new physicians have begun working in Yukon, including a second psychiatrist. Our work is attracting the attention of local physicians we hope will consider the Yukon as their future home base.

Once again, contrary to what is being said by the opposition critic in this area, our working relationship with the Yukon Medical Association and, in addition, the Canadian Medical Association, is very good. We will continue working with them to provide health professionals to this territory. In fact, I just recently had an e-mail passed along to me from the new president of the Canadian Medical Association in which he expressed his great desire to come to the territory to work with the local physicians, as well as our department, to better work on a health care system that would be unique in Canada. We're looking forward to further discussions in that area and seeing great results as these discussions continue.

The budget also contains specific funding to increase our capacity and support for internationally educated health professionals in order to integrate them into our health care system. Support to individuals who have been trained as health professionals in other countries can take many forms. This includes supporting their pathway to licensure or supporting them in an alternate health care career choice. This is the first year of a new three-year agreement with the federal government and funding for this initiative is included in this supplementary budget. Planning for the future quality and sustainability of a constantly evolving Health and Social Services system is definitely a challenge for all, Mr. Speaker.

As governments, we are no exception to this rule. During this session we will also be debating two important bills aimed at the fundamentals of our health care system — that's the management of our personal health care information and clarifying for all Yukoners the eligibility requirements for being entitled to publicly funded physician and hospital services, along with Yukon-specific benefits such as medical travel and our drug problems.

Speaking of our drug or addiction problems in the territory, I know there has been a lot of talk about the need for a drug information system in the Yukon that would help with abuse and misuse of prescription drugs. We know anecdotally that there are problems throughout Canada, as well as in this territory, and elsewhere in the world with resale of prescription drugs. We have probably all heard the stories about people who go to various physicians, get prescriptions, and will go physician shopping as well, to get prescriptions for this purpose.

A drug information system, while a good tool, would not necessarily end the sale of prescription drugs. It would, however, assist us in controlling the misuse and abuse of prescription drugs within the territory. As well, it would give us the ability to track adverse reactions so that all providers know medications of the individual as required. It would also be very easy for physicians or other health care providers who are able to prescribe medications to link into the system and see if an individual has received the same prescription from someone else.

It sounds like a very easy system to implement, but it's not. These systems are extremely complex and we need to ensure patient confidentiality and that the system is available and operational 24 hours a day, seven days a week. Part of the work we have to do as government is to find a system that will work for everybody and therefore make it easy for health care providers to use. A drug information system is a piece of the electronic health record. Health privacy legislation needs to be in place to ensure this type of information sharing and to ensure that records are secure and only accessed by health care providers, as required, to deliver good patient care.

Those are some of the initiatives that we're working on and some of the things that we're planning for the future. These are only a few of the highlights from the Health and Social Services department and I look forward to continuing this debate in Committee and throughout the session.

**Hon. Mr. Cathers:** It's a pleasure to rise here this afternoon in second reading on the *Second Appropriation Act, 2013-14* for this fiscal year. It has been a busy summer.

First of all, I'd like to begin by thanking the staff of the Department of Energy, Mines and Resources for their dedicated support and services during my time as minister and thank the staff of the Yukon Development Corporation and Yukon Energy Corporation for their help and support. Having had the opportunity to take on responsibility for Community Services, Yukon Housing, the Liquor Corporation and Lotteries Yukon, I enjoy the opportunity to work with the dedicated staff there, as well, on addressing the challenges and opportunities within those areas, and, of course, working on completing the tasks identified within the mandate letter that reflect our commitment to complete the platform commitments that we made to Yukon citizens in 2011.

There are a few things I would like to note as highlights from this year. I was pleased to have the opportunity this summer to deliver on a specific 2011 election commitment made to my constituents by officially opening the playground at the research forest, which is located on the Hot Springs Road and the Mayo Road — or north Klondike Highway, as it is officially known outside the community. I would like to thank Amanda Barnsley and other members of the local parents' group who brought this community project to my attention a couple of years ago for their work in helping to make it happen and helping us design and develop this forestry-themed playground that has provided what, so far, seems to be a very well-used opportunity for local parents

both on the Hot Springs Road and Mayo Road areas and across the river in the Hidden Valley and MacPherson area.

A few other notable highlights from this year — investments within my riding — include the new fire truck for the Hootalinqua fire hall that, along with the then Minister of Community Services, the Member for Whitehorse West had the opportunity this spring to see delivered — a new state-of-the-art pumper tanker fire truck. It is the third of this type in the territory, similar to the first that was purchased for the Ibex Valley volunteer fire department last year, which the Member for Whitehorse West and then Minister of Community Services and I had delivered to them. There has also been one purchased for — I believe it's Golden Horn — one of the volunteer fire departments on the south side of town.

These are state-of-the-art pumper tankers including pumper turrets that allow firefighters to drive and spray water at the same time, enhanced lighting capabilities and heaters to prevent water systems from freezing.

Although it's not limited to people in my riding, it is of interest to a number of my constituents, and I thank the current Minister of Energy, Mines and Resources for the work in finalizing a microgeneration policy that was recently approved by Cabinet and announced. It will allow my constituents and others, particularly those who have previously had alternate energy systems, like solar and wind, to sell power back to the grid. Of course, it does provide the ability for new users to come on as well, but I know I've heard from other constituents who still have the solar and wind, plus battery systems that they had prior to the recent extension of power in areas such as the south Fox Lake area. I know that there are several of them interested in this opportunity to once again produce power to reduce their own usage of power from the grid and, at certain times, to have the opportunity to sell energy back to the grid at a 21-cent-a-kilowatt-hour rate, which is a rate based on the number that has been presented by the utilities to the Yukon Utilities Board and has been accepted as being considered the avoided cost of diesel usage.

I would note contextually that it does cost more than that directly to have a purely diesel system, but that number is based on some of the other costs and elements of it and we chose to use the Yukon Utilities Board recognized number as a good place to start in providing a higher incentive to those producing that power than would have been provided with what had previously been envisioned as a net metering program, which would only give one kilowatt hour credit for every kilowatt hour sold to the grid.

My last announcement as Minister of Energy, Mines and Resources in August was the commitment to the Fireweed Community Market Society, to increase their annual funding, which was a specific part of our 2011 election platform commitments related to agriculture and was also part of the mandate letter. That increase goes on top of other investments that we've made in agriculture, including providing the Yukon Agricultural Association with a 30-year lease for 65 hectares of land on the Mayo Road. That is intended to allow the development of centralized agricultural infrastructure and give

them the ability to do some long-term planning to address the future centralized infrastructure needs of the Yukon's farming sector.

As well, we increased funding to the Yukon Agricultural Association previously. The specific announcement to which I referred for the Fireweed Community Market Society was an increase to the funding to a total of \$250,000 over a multi-year agreement.

That supports the continued market operation and development and activities, including the summertime outdoor market and the year-round Yukon-made store. It has also been a good example. Through the work of dedicated vendors there it has really provided Yukon citizens who were not necessarily aware of some of the variety of agricultural products available the opportunity to buy some in an accessible manner from small producers and also make connections with those farmers that hopefully lead to longer term relationships and a choice to purchase Yukon-grown products from local farmers.

I've also had the opportunity since taking on the new role at the beginning of August to visit a number of communities in my role as Minister of Community Services. I've had the opportunity during that to meet a lot of people and renew connections with others. I have met with all of the incorporated municipalities, as well as several local advisory councils and First Nations, particularly those that provide services such as water, waste, et cetera — although in both the latter two cases of the local advisory councils and the First Nations, I simply ran out of time before the House went in to travel out to the communities and meet with everyone. I look forward to continuing that after the House rises.

Another thing that was really a pleasure for me today was the opportunity, along with the Premier and the Member for Whitehorse West and another former Minister of Community Services, Archie Lang, to officially open the new emergency response centre at the top of Two Mile Hill. That capital project resulted from a commitment made in 2006 in that election to begin the planning of a new ambulance station at the top of Two Mile Hill or in that vicinity. There was a significant amount of work that went under the watch of both the previous ministers I mentioned into planning and developing this facility. I also want to give recognition to the staff of Community Services, as well as Health and Social Services and any other departments that played a role in doing that development, for their good work in designing a facility that will be an important part of meeting Yukon's emergency response and emergency medical service needs for many years to come.

It is a step to further improve the ability for our ambulance service in particular to respond to areas of Whitehorse and the surrounding rural areas, including my riding and my constituents, in a more timely manner. Of course, there are always limitations on how quickly that can occur, depending on what other tasks and duties there are and what other calls have occurred, but providing a more centralized location and now having two ambulance stations in operation is certainly going to be something that will be

very important to someone's life at some point in time. I think it's fair to say that we don't know whose life it will save, but it stands to reason, based on the information that we have about health response times, that at some point in time putting that facility in place will mean that someone's life is saved as a result of that. It's a real pleasure to see that building completed and to see it officially in operation as of today.

In the interest of time, there is a wide range of issues that I could bring up and could discuss here this afternoon. I will leave some of them for budget debate later on in Committee of the Whole. I also understand that most of the NDP members are not participating in second reading in the interest that they have indicated, saying they hope to get on to Committee of the Whole debate in an expeditious manner. We certainly have no objection to that and I will shorten my remarks some in light of that.

What I would also note, in terms of the needs of Yukon communities, is there has been unprecedented investment in recent years through funding such as Building Canada funding — a tremendous amount of investment in capital projects, including water and sewer, many of which were driven by the changes under the national standards related to arsenic.

Total acceptable lifetime arsenic consumption resulted in a significant decrease to the amount that was now considered safe versus the amount that had previously been considered safe, and that has been something that has been very expensive for municipalities and for the Yukon as well. It's really a challenge that we're not unique in facing; it is one that others in the country have also been challenged in trying to meet those new standards that reflect an update as to what is understood to be a safe level of consumption of arsenic over a lifetime.

Mr. Speaker, there are a couple of other things I would just note. One of the issues that was brought up by a member of the opposition today with regard to the Ross River suspension bridge is an area that is part of community tours. I travelled there with the Deputy Minister of Community Services as well as the MLA for Pelly-Nisutlin. We sat down with Chief Ladue of Ross River First Nation to talk about matters, including that.

One thing I want to note is that we do very much appreciate the connection that some residents of the area, including some of my own constituents, have to the historic value of the bridge, but one thing that I would hope is that if members of the opposition are choosing to raise this in the future, there will be a little more recognition than we saw today and in some of the public comments recently that public safety is the driving reason behind even considering demolishing the bridge or tearing it down. It's not a choice that we want to be considering. It is only as a result of that recommendation by the engineer that that option is even being considered at all. As I noted in Question Period today, that is not an option where we have simply taken one engineer's report and ended it there, but it is the case that the Member for Mount Lorne-Southern Lakes from the NDP appears to have preservation heritage as the only priority on his mind. On the

government side, both ministers and departments also need to keep in mind their obligation to protect public safety.

**Some Hon. Member:** (Inaudible)

#### Point of order

**Speaker:** Member for Mount Lorne-Southern Lakes, on a point of order.

**Mr. Barr:** The member opposite seems to be thinking that I only have one thing on my mind and that's preservation, and that's simply not true.

#### Speaker's ruling

**Speaker:** Order please. This is a dispute between members.

**Hon. Mr. Cathers:** If I may, without referring to your ruling, I would again just wish to note that it appears to me that the focus of the questions was simply related to heritage from members opposite and what I'm again wanting to convey is that the government very much does appreciate the value that people place on the usage of this bridge and its heritage, which was originally a bridge put in for oil in the first place. It was a North Canol pipeline bridge. It was a result of development of that resource of the North Canol.

There are a few things that need to be given very serious consideration in assessing that report — notably, the strong concern of the engineer regarding the risk of the bridge potentially collapsing, which he described as imminent, and what the potential consequences of that would be. So, again, as I noted in Question Period, at the request of the Member for Pelly-Nisutlin and at the request of the Chief of the Ross River First Nation, we have allocated additional resources toward having a peer review arranged and we look forward to having that assessment of the engineer's report and recommendation. I just wish to reiterate to the members that, when it comes to a conflict between public safety — particularly since it is immediately adjacent to a ferry that is part of our highway system — and to the heritage values that are in place, we do have to place a very high priority on public safety.

We recognize that if there are options that can be done to safely address the structure then certainly we should give consideration to those options rather than not giving due consideration of the importance people place on them, and that's exactly what we're doing.

Another thing I would note in closing on that subject is that, for members of the public who are interested in this, video from the inspection done by engineers and the welding contractor is up on the department's website and it does provide a more detailed picture of exactly how badly the structure is cracked.

Mr. Speaker, I appear to have lost track of time here this afternoon. You're signaling to me that my time is running short in second reading, so thank you, Mr. Speaker.

**Speaker:** The member's time has elapsed. Does any other member wish to be heard?

**Hon. Ms. Taylor:** I would like to first off thank my constituents of Whitehorse West for their continued support over these past 11 years and to thank them for their ongoing input and suggestions and perspectives, which have helped shape what I have worked on over the years and helped deliver to the table as well.

I want to thank the Minister of Finance for tabling this bill we are speaking to today, which reflects another healthy net financial resource — money in the bank. We are very fortunate to be one of two jurisdictions in the country to be able to say that. It's not something that we take for granted. It is something that we acknowledge and we are very fortunate to be where we are today, despite the circumstances and what we have seen in the global economy over the years.

Mr. Speaker, this budget not only reflects a strong fiscal position, but it enables us as a government to be able to proceed with initiatives — to continue on important initiatives as outlined within our platform and also as identified by Yukoners over the years. It has also enabled us to be able to carry forward on issues of specific importance as they arise from day to day, and that is very important because not every government is able to do just that.

Perhaps before I go on to speak to my new portfolio of Education, I would first like to extend a great big thanks to the Department of Community Services. I held that ministerial portfolio for almost two years and I can say that it is a department that is by all means all-encompassing. It is, however, a department that pretty much touches the lives of just about every single Yukoner, no matter where you live.

The work that these individuals do within the Department of Community Services is, in fact, very important. It has been a complete honour to work alongside many of those individuals over the years, to be able to advance numerous issues of importance to Yukoners and to be able to work alongside our municipal governments, First Nation governments and many other stakeholders in our community, to work toward a more sustainable economy and a more sustainable quality of life in our territory. I'm very proud of the work that we have been able to undertake.

I want to congratulate the Department of Community Services on also having received a national award recently on the work that was completed on the Whitehorse waterfront. That is one initiative that has been underway for several years — likewise the initiative in Carcross. I was in Carcross with my son and my mother earlier this fall. It never ceases to amaze me just what a transformation there has been in that community. To see the leveraging of investments made by Carcross-Tagish First Nation and the individual businesses themselves is remarkable.

The product was Yukoners all over. I've never seen so many Yukoners on the boardwalks as I did in Carcross. It is, in fact, a great thing to see those investments come to life and to really enhance vitality in communities.

Likewise, the Whitehorse waterfront has been an unbelievable success. So again, congratulations to our many partners and many different departments — not just Community Services, but Tourism and Culture, the museum

community, the business community, the Kwanlin Dun First Nation — for all of their individual investments and the partnerships that those investments have enabled our government to accomplish over the years. It is but one example, or a couple of examples, of what can be achieved when we are able to work together on common matters of mutual importance.

I also want to congratulate the Department of Community Services on the recent opening of the emergency response centre. As the MLA for Lake Laberge just recently talked to, I was very honoured to be there at the ribbon-cutting ceremony earlier today and that has been another initiative that has been in the works for years. It will make a significant difference in the lives of Yukoners. It will enhance the response times to communities such as those that reside along the Hamilton Boulevard corridor. Likewise, it will serve the residents of Porter Creek and the communities along the Alaska Highway. It complements the service already provided at the Whitehorse General Hospital and will only serve to enhance those deliveries.

I want to also commend all of our EMS staff for their continued work day in and day out.

I actually had the opportunity to do a ride-along with EMS earlier this summer. We actually had a number of live calls, not knowing what to expect. It was a real eye-opener for me just to see the skillsets required for each of these individuals — professionals, I might add — not only the physical skillsets required, but also the interpersonal skills required of individuals to work alongside some very complicated and very challenging situations.

Again, we are very blessed to have a very professional staff at EMS and all of our first responders. Whether they're in the fire profession, in search and rescue or in wildland fire, all of these individuals have to be congratulated for their ongoing work.

The other thing that I just wanted to mention was that I wanted to congratulate Community Services on what I would say is an exceptionally successful Operation Nanook that took place earlier this summer. It was an extreme collaboration. It was the first time that Yukon had ever hosted Operation Nanook, and it was the best ever — I think, perhaps, the best that Operation Nanook has ever been hosted north of 60.

It came together as a result of the City of Whitehorse — it was a collaboration of First Nation governments, it was collaboration of a multitude of several different departments throughout the Government of Yukon coming together on a series of mock exercises. It engaged citizens in ways that we haven't engaged citizens — even when there was a mock wildland fire approaching the City of Whitehorse in the Southern Lakes region, they had the Canadian Armed Forces and many of our volunteer search and rescue individuals going door to door, knocking on doors in the Sima subdivision for example — Whitehorse Copper.

For me, it was good. It was a great experience and it's something that we do need to look to, to continue to raise awareness about the importance of always being prepared in the territory. I think it did just that. But more importantly, it

showed us just what in fact can be done. So in those extreme times of emergencies, who is it that you are able to call, what is that phone number and how do you trigger that response? What are those protocols in place? It was exercised unbelievably at every point. Even those exercises that perhaps could have been a stronger response — those are opportunities for us to learn and to regroup and to debrief. That's in fact what is going on as we speak right now. We debrief and we come together as collectives throughout the territory. How can we make our territory more resilient in times of emergency, whether it's flooding or forest fires or some other mock accident — real time and real life? I just want to congratulate that because it was an exercise — it was some 18 months in the making as well. I think it was executed superbly.

Recently I had the opportunity to join a number of my ministerial counterparts and members of Habitat for Humanity in the ribbon-cutting of the triplex at Ingram subdivision. This is one of several new homes that have emerged over the years thanks to the hundreds of volunteers associated with Habitat for Humanity. In all of that are the great partnerships with organizations like the Yukon Women Trades and Technology, partnerships with Yukon College, the extreme partnerships and sponsorships with many of our businesses. There are so many that I am not going to list any of them for fear that I would actually forget any of them.

Of course, there's always a unique partnership in which, through the Department of Community Services offering and making the commitment of having a piece of property available in Whistle Bend as the stages proceed within the Whistle Bend subdivision. Right now, of course, Habitat for Humanity is working together in collaboration with Yukon Women Trades and Technology on the women's first belt, and it's again another fantastic collaboration of women and men coming together. I had the opportunity to spend the day on the work site when we had Global Village volunteers from the Ottawa and Toronto area come in. The unbelievable and heroic efforts of these volunteers who take of their time to come all that way to work on that particular project for a week — the expertise that those individuals bring and being able to leverage, again, the expertise that are right here at home. Congratulations to the successful ongoing work at that particular site in Whistle Bend. It's going along very well and I just want to congratulate all the leaders all of the facilitators and the many, many volunteers over the past year on that particular project. Certainly, we look forward to continued success on that initiative and also toward the next project in Whistle Bend, as well.

I just wanted to again make reference to some of our investments in the fire service as well. Earlier this summer, there was delivery of the new mobile fire training unit, which the Premier and I, for better or worse, survived — the mobile live fire training unit — even though I was the first one in the can, I believe. So, again it was another opportunity for me to experience first-hand the physical strength of it all — of being in the fire service and being called out day in and day out — no matter which time of the day or night — and the strength required with all the gear.

That particular day that the actual unit was launched it was probably about 30 degrees out. It was a very warm day but, you know, just another day in the fire service. When we tried it out, it took a lot of strength — mental and physical — but I was able to go into the facility and just took part in a very small part of the training initiative — some external as well as internal exercises — again, the ability of that mobile fire training unit.

We were in Watson Lake just recently this fall and had the ability to see that facility on the ground training up individuals, providing that enhanced experience at the Watson Lake fire department. I was there with the MLA for Watson Lake and the ability to be able to proceed with that kind of training is immeasurable.

I wish I could have another couple of hours, and I know I will have a lot of time this coming sitting, but I also wanted to say I am really thrilled. I am excited to be the Minister of Education. I'm not a trained educator — that is not my background — but I am a parent. I am very passionate, just like every single one of us in this legislative sitting, about the future of our kids.

The Department of Education is all inclusive of K to 12 in the public school system, to adult education, to training to support our labour market needs as we know it today. I can say that all staff at our Department of Education are equally as passionate about the delivery of quality and accessible education for the territory. I can say that since back in the day when I was growing up in Watson Lake and I went to school, it has changed considerably from that time to where we are now in the delivery and core curricula and how we are learning these days with the enhancements in the IT sector and how we are learning with more experiential, hands-on learning.

I can speak to a number of initiatives that I have seen first-hand — the rural experiential model that took place in Dawson City — a tremendous opportunity for students in several of the rural communities to come together for the first time to experience something that they feel passionate about for a week solid — and the confidence that has been instilled in those students to carry forward for the rest of the year and the continuation of these models as we look to the spring and so forth.

The expansion of the Learning Together initiative is another opportunity for us to bring educators, families and caregivers alongside their children, early learners, to come together to become more familiar with the school setting, to get them prepared for learning when they arrive for kindergarten. It's another exceptional program that we're very pleased to be able to expand to other schools this year alone.

Likewise, there is the advent of the sports school, delivered as a pilot project at F.H. Collins. I could speak to F.H. Collins and the experience that I have had in speaking with many educators, some of the school council members and some of the students who are engaged at F.H. Collins about the future of the school. It is exciting indeed and I think it's going to be a huge opportunity for us to be able to advance learning as we enter the 21<sup>st</sup> century.

It is unfortunate I don't have more time because I would love to speak to other initiatives in Education. Other than that, I just look forward to working with all members of the Assembly in this sitting and listening and speaking to some of the initiatives that we are working on — likewise in the Women's Directorate and the French Language Services Directorate. There are equally as many exciting initiatives underway for the benefit of all Yukoners.

**Hon. Mr. Istchenko:** I'd like to thank the Premier and my fellow ministers for the supplementary estimates.

I'd also like to thank my constituents for the support for me on this learning curve in the last couple of years. I'd like to thank the department and my fellow colleagues for the sound advice that I get, and also our staff.

The Premier spoke earlier to our AA rating and we heard a little bit about the slowdown in construction in the Yukon. I know from many, many of my constituents who I've talked to that they're still waiting for contractors — they're waiting for electricians, plumbers and furnace repair guys to come. There is still a waiting list. Everybody is still busy.

So before I speak about the department stuff, I'd like to talk a little bit about some of the success in the vast riding of Kluane. I'm going to speak to some of the positive stuff. At lunchtime, I had myself a happy sandwich, not a doom and gloom sandwich like some members opposite. I had a happy sandwich.

Over the last few months, we've seen many improvements and upgrades completed in the Kluane riding. I committed to these and I spoke to these during our election campaign. I worked hard on behalf of my constituents. I'm really pleased with some of the positive changes. I'll speak to a few of the things.

I've heard nothing but positive comments from every constituent and truck driver about all the new outhouses that we've done and the brushing that we've done in the riding. For many, many years, as a wilderness guide, I heard about the canyon boat launch and I was there. We could never use it. My esteemed colleague, the Minister of Environment — due to him and the hard work of his department — that is fixed now. It's great. The constituents are happy.

I'm still working with the Champagne and Aishihik First Nations on the Aishihik Road. That's near and dear to my heart. They're working with us, coinciding for permits so we can get some more work done on that. Things go a lot quicker when we work together. Also I passed on to the elders and to the educators who go up there on the school bison hunt how important this is.

This summer the Premier spoke to a special warrant. I just want to highlight a couple of things. One of the things I heard during the campaign was that the Snag Road needed some work, so I worked with the chief of the White River First Nation. With the special warrant and extra monies put out there, they got the opportunity to upgrade the Snag Road. It was fundamental to the First Nation getting back out on the land and I think that's a wonderful thing. Our subdivision of

Pine Lake also saw some minor repairs and some upgrades done to it.

Recently, some wonderful things happened and it's about local contractors working for the members opposite. There were some road upgrades that were done in Beaver Creek and some road upgrades that were done in Kluane, in the community of Burwash Landing. All local contractors — I visited the job sites. They did a wonderful job — all local contractors working — lots of my constituents out there working. They had their equipment on. I was really, really happy to see that there were local contractors out there.

I toured our Haines Junction water reservoir a couple of times this year. That's a multi-million-dollar project in Community Services. They finished partially and it will be finished next spring. I am looking forward to that being completed. I was also able to coordinate a couple of very important meetings in Haines Junction, in conjunction with a forestry open house that was held in October. I was able to arrange a meeting with the foresters and the Minister of Energy, Mines and Resources.

At this meeting, the foresters were able to speak directly to the minister responsible and describe fully what they see as barriers to doing business in the forest industry. The next day I also brought together the contractors and the Minister of Community Services for a face-to-face meeting to discuss their concerns with the new requirements in the National Building Code. Both of these meetings were productive and I see some positive steps moving forward. I would like to thank the two ministers who came out to rural Yukon. I am very impressed with my fellow colleagues. They have no issues with coming out to rural Yukon to talk to rural Yukoners.

I wanted to highlight the Dä Ku building, which is our visitor reception centre. This is the first year of it being open and running. There were quite a few events there. There were a few potlatches I attended. It's a beautiful building and it's worth seeing.

I am still working and look forward, after meeting with federal ministers in charge of Parks Canada, to working on some of the ongoing issues. I'd like to see the Parks Canada staff be there as long as the Yukon government staff every day throughout the summer, and that's a work in progress.

One of the things I would like to speak to a little bit — we heard about fiscal responsibility and we talked a little bit about it during Question Period with a question from the members opposite. I want to talk about the Beaver Creek fire hall. We did not receive any satisfactory bids. It is in my riding. We didn't cancel it, but when the construction went out to tender the lowest bid was 50-percent higher than the estimated cost. Our consultant will be reviewing the design for the building and we will provide the community of Beaver Creek with a new fire hall. We just want to make sure we do it fiscally responsibly and we do it right.

I spent a lot of time this summer working on Shakwak, which is about permafrost. That is with the Canadian and Yukon governments and the Alaska government.

We've been working with legislators in Washington, D.C. Of course, high on my agenda is to make sure that that road is

successful for sovereignty and security, and also for the tourist industry and economic development between the State of Alaska, southern Canada and the southern states.

So I've had meetings with Senator Murkowski's office. I've spoken to senators. I've spoken to the governor. It's been on the agenda of the Prime Minister and the Canadian Ambassador. So this is something that my department, my fellow colleagues and I, at any opportunity bring forward. It's about the link for national security, economic development, energy security and tourism.

Another thing I'd kind of like to highlight is that this is the 10<sup>th</sup> anniversary of the self-government of the Kluane First Nation. They celebrated it. I wasn't able to attend the ceremony in person. It was a very special day filled with feasting, speeches and special presentations. I just wanted to extend my sincere congratulations to Chief Math'ieya Alatini, the council, the elders and the members of the Kluane First Nation on reaching this momentous milestone.

A couple of other highlighted things within the village of Haines Junction — the Champagne and Aishihik First Nations Development Corporation recently acquired Madley's General Store and the whole parking lot. They tore it down. They're going to open it up and put in some retail space. I'm happy to say that one of the local entrepreneurs, Fas Gas, is developing the big shop into a store, so we should see something before Christmas.

I also wanted to highlight the fact that one of my constituents, the grandson of the late Grace Chambers, applied to the Yukon Geographical Place Names Board. My colleague, the Minister of Tourism, was instrumental in making this happen, and we've managed to have Grace Chambers Creek named when you go through Burwash.

Those are just a few highlights. I understand that time is of the essence and the members would like to get to things. During general debate on my department we'll have the opportunity to go through on some of these issues. We'll probably be talking about the Beaver Creek fire hall and maybe a few other things.

Some of the things throughout the department that happened this summer include the opportunity I had to go to Yellowknife last week to the conference, Developing a Northern Transportation Strategy. The vision forward for the Department of Highways and Public Works, for me and for my fellow colleagues — I believe in finding solutions. We, as a multi-jurisdictional are across the north, have transportation challenges and capitalize on the opportunities presented by improved infrastructure. It is fundamental to the success of our nation and to our territory. I know my colleagues across the north do share this sentiment. Canada was built around transportation networks.

The reason is simple because the future of Canada lies in the north. The idea was outlined in the federal government's most recent Speech from the Throne. He spoke about how we are a northern country; we are a northern people. Canada's greatest dreams are to be found in our highest latitudes. There are the dreams of a north that is confident and prosperous, a true north strong and free. Only the northernmost community

in our territory, Old Crow, is without road access, as we speak. My esteemed colleague — I would like to welcome him to this side. He has a wealth of knowledge and experience. I look forward to working with him, but I really look forward to working on the Old Crow winter road. It's snowing out there right now and I'm hoping it keeps coming so we can get this done. It's imperative for the community of Old Crow.

The goal here is to develop a multimodal transportation system that connects communities in the Yukon, and enables economic development and enhances our national sovereignty and security, and creates corridors and gateways to national global markets. Some of the key issues within my department, of course, include our road infrastructure and how we leverage innovative ideas to build better roads, not just more roads.

Some of the northern jurisdictions face similar challenges when it comes to such things as remoteness. Our small populations, a low tax base, short construction season and permafrost are things we have to deal with.

I also had the opportunity, Mr. Speaker, to attend a Transportation Association of Canada trade show this fall and was introduced to products used in other jurisdictions — new and innovative ideas.

I had the opportunity to meet with the federal minister and discuss some of these issues that we have in the north — with permafrost — with Shawkwak, which I spoke to earlier — and with looking at the Diefenbaker Road, which is the Dempster Highway, which goes all the way to Inuvik. My fellow colleagues in the N.W.T. are working on the road all the way to Tuk, which will be to the Arctic Ocean. I look forward to working with the federal government, and I look forward especially to working with our First Nations partners, our federal government, our Alaska counterparts and Northwest Territories counterparts on seeing this road — the Diefenbaker Road — brought to a standard, where, for the future of our children, maybe there will be an opportunity for a seaport and a route through from the south to the north.

One of the things that was key to the centre of this was that the transportation networks across the north deserve renewed attention and they are getting renewed attention, as they will be fundamental to continue the success as we grow and evolve as a territory. Whether that's economic development, whether that's transportation infrastructure, this will be key to transforming that potential into reality. But, in doing so, we will remain mindful that not only must resource development be done responsibly, so too must the development of our transportation infrastructure that supports that.

We need to work on the costs associated with developing and maintaining northern transportation infrastructure. It cannot be accomplished by our territorial government alone. I spoke to that earlier. We need to work together in this. By working together, we can pool our resources and ensure that the right investments are made to benefit the north and country as a whole.

I look forward to working on my Department of Highways and Public Works and with all the other

departments, and to hearing what comes from across the floor on how we can build and grow the Yukon's economy and tourism, and how we can still keep this pristine and beautiful place as it is. Through this, we can secure prosperity for Yukoners now, for our children, and for generations to come.

In closing, I would like to say that I look forward to the opportunity to debate the budget in Highways and Public Works and to answer some questions in detail. I also look forward to this spring sitting. I do look forward to working with my fellow colleagues. I would just like to thank my constituents again for their dedication to me and dedication to the north Alaska Highway as our own little separate entity out there.

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

**Hon. Mr. Pasloski:** I will be brief. I think I did explain in my second reading speech some of the reasons for the changes that have come about in terms of our fiscal position. I know that as this bill moves through Committee, we'll have the opportunity for individual ministers to talk specifically to the amounts that are appropriated in detail by their departments.

There were some questions that were raised and I unfortunately thought that I did answer that question. We did talk about the fact that our budgets are based on the best information that we have at the time and that budgets also can, and usually do, change over the course of time. A couple of things did impact the difference between what our projected surplus was and our budget mains, and what it is now as a result of the supplementary budget — one being \$8.9 million for the special warrant and the other being the increased employee costs through the new collective agreement and the managers increases, totalling approximately \$12.3 million.

The good news is that we have a government that has been fiscally responsible, and as a result of that, we have the ability to make such investments at this time without really doing it on the backs of future generations because we have the money now in place to be able to move forward and make such an investment, both in programs and services and also capital investment as well.

On that, I will conclude my statements for second reading and we will look forward to further debate in detail by department.

**Speaker:** Are you prepared for the question?

**Some Hon. Members:** Division.

## DIVISION

**Speaker:** Division has been called.

### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Pasloski:** Agree.

**Hon. Mr. Cathers:** Agree.

**Hon. Ms. Taylor:** Agree.

**Hon. Mr. Graham:** Agree.

**Hon. Mr. Kent:** Agree.

**Hon. Mr. Nixon:** Agree.

**Ms. McLeod:** Agree.

**Hon. Mr. Istchenko:** Agree.

**Hon. Mr. Dixon:** Agree.

**Mr. Hassard:** Agree.

**Mr. Elias:** Agree.

**Ms. Hanson:** Disagree.

**Ms. Stick:** Disagree.

**Ms. Moorcroft:** Disagree.

**Ms. White:** Disagree.

**Mr. Tredger:** Disagree.

**Mr. Barr:** Disagree.

**Mr. Silver:** Disagree.

**Clerk:** Mr. Speaker, the results are 11 yea, 7 nay.

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

*Motion for second reading of Bill No. 11 agreed to*

**Hon. Mr. Cathers:** Mr. Speaker, I move that the 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 stands adjourned until 1:00 p.m. tomorrow.

*The House adjourned at 5:27 p.m.*

**The following sessional paper was tabled November 4, 2013:**

33-1-92

Yukon Child and Youth Advocate Office 2013 Annual Report (Speaker Laxton)





# Yukon Legislative Assembly

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Number 104

1st Session

33rd Legislature

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## HANSARD

Tuesday, November 5, 2013 — 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

## CABINET MINISTERS

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

## GOVERNMENT PRIVATE MEMBERS

### Yukon Party

<b>Darius Elias</b>	Vuntut Gwitchin
<b>Stacey Hassard</b>	Pelly-Nisutlin
<b>Hon. David Laxton</b>	Porter Creek Centre
<b>Patti McLeod</b>	Watson Lake

## OPPOSITION MEMBERS

### New Democratic Party

<b>Elizabeth Hanson</b>	Leader of the Official Opposition Whitehorse Centre
<b>Jan Stick</b>	Official Opposition House Leader Riverdale South
<b>Kevin Barr</b>	Mount Lorne-Southern Lakes
<b>Lois Moorcroft</b>	Copperbelt South
<b>Jim Tredger</b>	Mayo-Tatchun
<b>Kate White</b>	Takhini-Kopper King

### Liberal Party

<b>Sandy Silver</b>	Leader of the Third Party Klondike
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## LEGISLATIVE STAFF

Clerk of the Assembly	Floyd McCormick
Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Rudy Couture
Deputy Sergeant-at-Arms	Doris McLean
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Tuesday, November 5, 2013 — 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 Veterans' Week

**Hon. Mr. Pasloski:** I rise today on behalf of the government to pay tribute to the men and women of the Canadian Armed Forces who have served, fought and died for our country, and to Veterans' Week.

Each year, from November 5 to 11, Canadians join together to remember. This year for Veterans' Week we are asked to make remembrance more than something we feel, but something also that we do. Many of us will wear poppies as a reminder. Some will attend Remembrance Day ceremonies next Monday and pause for a moment of silence. Veterans deserve to be recognized and appreciated, not only because they have served our country, but also because of the work they often continue to do in our communities.

Last year, you, Mr. Speaker, were honoured with a Queen's Diamond Jubilee medal for your work with the Royal Canadian Air and Army Cadets. Minister Istchenko continues to serve as a Canadian Ranger. Your dedication to these programs shows how important veterans are in our communities. Together in this Legislature, it is important to acknowledge and show respect for our Canadian veterans. Most importantly, Mr. Speaker, we must never forget.

This Veterans' Week I encourage you to make remembrance something that you do. This year, take the time to do something extra to remember. Talk to a veteran, such as yourself, Mr. Speaker, or the honourable Minister of Highways and Public Works, and ask them to share their experiences. Connect with a friend or a family member who has served for the Canadian Armed Forces and thank them for their service. Follow Veterans Affairs on social media or show a poppy on your own social media accounts.

The poppy is a powerful symbol recognized around the world as a symbol of collective reminiscence, a common history of sacrifice and commitment. This year I ask those who hold Remembrance Day and our veterans in their thoughts and prayers to do more. Make remembrance and respect for our veterans' sacrifices something you share, a thing you can talk about and celebrate.

I would also like to acknowledge in our Assembly today in the visitors' gallery — I would like to acknowledge Red Grossinger, a veteran. I'm glad that you're here today, sir, and on behalf of all of us, thank you.

*Applause*

**Ms. White:** I rise on behalf of the NDP Official Opposition and the Third Party to pay tribute to Veterans' Week. Each year from November 5 to 11, ceremonies and events will be taking place across the country to commemorate the contribution and sacrifices our veterans have made. The peaceful society we now enjoy didn't just happen on its own; it didn't happen overnight; it wasn't easy; it wasn't magic, chance or luck that brought us here. The peaceful society we live in was created by the efforts and sacrifices of generations of Canadians. The society we now live in was hard-won by regular men and women who chose and continue to choose to put their lives on the line for the cause of peace and freedom around the world. They stepped forward in our greatest time of need because they believe in global peace and security.

They leave their communities, their families and the lives they know to make a difference, and they do make a difference. This brings me to the act of remembering and the goal of Remembrance Week. This is about making remembrance more than something you feel; it's about making remembrance something you do.

If people are at a loss, Mr. Speaker, they can visit [www.veterans.gc.ca](http://www.veterans.gc.ca) for ideas on how to actively remember.

Remembering all that has been done during times of war, military conflict, and peace helps us better understand our nation's history and its future. While spending time on the Veterans Affairs website, I found a fantastic link to the Heroes Remember site. It allows regular Canadians to share in the lives of ordinary individuals who became extraordinary, often under very trying circumstances. These first-hand accounts of Canadian service men and women take us into the well-guarded and often private recesses of never-forgotten memories. We can learn about events that helped to shape Canada as a nation, events that contributed to the formation of Canadian values and, most importantly, the personal encounters of Canada's brave young men and women with fate. These tales are mostly from wartime, although some have taken place in more modern-day conflicts.

Hearing from Canadians who live from coast to coast to coast and who represent the multicultural fabric that make up Canada is a treasure. You can witness history unfold through the eyes of the private, the orderly, the officer, the military nurse, the seaman, the paratrooper and the young teenage boy who was fulfilling his family legacy by following his father's footsteps. By taking a moment to glimpse into the lives of those Canadians who felt compelled to divulge their occasionally painful memories so that their fellow comrades may be remembered forever, you are choosing an act of remembrance. We can help carry on these memories so that those who perished in war did not do so in vain. Veterans often say that they are more afraid of being forgotten than they are of death. Together, it is our duty to pass on our gratitude to keep their legacy and memories alive. This Veterans' Week, show you remember — lest we forget.

**Speaker:** Introduction of visitors?

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

## INTRODUCTION OF BILLS

### Bill No. 59: Act to Amend the Highways Act and the Dangerous Goods Transportation Act — Introduction and First Reading

**Hon. Mr. Istchenko:** I move that Bill No. 59, entitled *Act to Amend the Highways Act and the Dangerous Goods Transportation Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the Minister of Highways and Public Works that Bill No. 59, entitled *Act to Amend the Highways Act and the Dangerous Goods Transportation Act*, be now introduced and read a first time.

*Motion for introduction and first reading of Bill No. 59 agreed to*

**Speaker:** Are there any further bills to be introduced?

### Bill No. 58: Child Support Administrative Recalculation Act — Introduction and First Reading

**Hon. Mr. Dixon:** Thank you, Mr. Speaker. I move that Bill No. 58, entitled *Child Support Administrative Recalculation Act* be now introduced and read a first time.

**Speaker:** It has been moved by the Acting Minister of Justice that Bill No. 58, entitled *Child Support Administrative Recalculation Act*, be now introduced and read a first time.

*Motion for introduction and first reading of Bill No. 58 agreed to*

**Speaker:** Are there any further bills for introduction? Notices of motion.

## NOTICES OF MOTION

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

THAT this House urges the Government of Yukon to implement the recommendations of the Select Committee on Whistle-blower Protection by tabling new legislation in 2014.

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

THAT this House urges the Government of Yukon to increase its contribution to Legal Aid from \$700,000 a year to \$1.1 million.

**Speaker:** Are there other notices of motion?  
 Is there a statement by a minister?  
 This brings us to Question Period.

## QUESTION PERIOD

### Question re: F.H. Collins Secondary School reconstruction

**Ms. Hanson:** Mr. Speaker, yesterday this House and the people of Yukon heard a lot about shovels. Yesterday, the

Premier promised Yukoners that F.H. Collins would be done right before shovels were in the ground. This, of course, follows the numerous promised shovels in the ground at F.H. Collins before the 2006 election and the now-infamous photo opportunity of the Premier with a shovel in the ground during the 2011 election. There seems to be a lot of shovelling by the Yukon Party government around F.H. Collins, but it does not seem to be about construction. The people of Yukon have heard this all before.

The real question is, Why should anyone trust this Yukon Party government to actually build this project after all the years and wasted money?

**Hon. Mr. Pasloski:** I am pleased to stand here today in this Assembly to say that the tender was issued for this project last week. It is out in the hands of the contractors now and we are very much looking forward to completing this project. This project will be truly a beautiful school that will be the envy of all the students, and certainly the students will be very proud with the new school. The minister has been down to look at the model that we had adopted from the Province of Alberta. I want to recognize the contribution that the Government of Alberta has provided us to this point. We've had teachers, administrators and students who have all travelled down to Alberta to look at this school and, quite honestly, I've heard glowing results. We're looking forward to the completion of the tendering process and moving forward with the construction of a school that will make all Yukoners proud.

**Ms. Hanson:** I thought this was a Yukon government school, not an Alberta government school.

The budget approved by Management Board for F.H. Collins did not include geothermal heating or a temporary gym, yet the tender the contractors had to bid on required both of these expensive add-ons. The Premier says that these items were added on after the approval of the budget.

The Premier is the chair of Management Board. As chair, why did he not convene Management Board and change the budget to reflect the additional millions of dollars' worth of items they added to the tender before companies bid on an inaccurate tender?

The problem here is that either the Premier did not do his job as chair of Management Board or he intended this project to fail. Which is it?

**Hon. Mr. Pasloski:** Again, Mr. Speaker, the Leader of the Official Opposition is incorrect in her assumptions.

Quite honestly, as we moved forward through the process and went to tender on this project, it did not, for example, include a temporary gym. However, through the good work of the Minister of Education and consulting with the students and the parents in the fall, it became evident that that was something they in fact wanted.

This was not something that had been considered by the building advisory committee. They had decided to not have a gym — that, in fact, the gym would not be available for an amount of time during the construction. In fact, we all remember a protest right here in this Legislative Assembly.

This government is responsive to the needs and the concerns of its constituents. Based on the fact that there was a strong demand for the temporary gym or to have access to a gym during the construction period, this government went ahead and added that to the budget. This government is responding to those needs of its citizens. The students and the parents of that school required it and said it was important and we agreed with them.

**Ms. Hanson:** That's difficult to follow. The Premier does occasionally speak of fiscal management, yet we have seen the list of Yukon Party government failures. We have the arrest processing unit, the jail, the Dawson City and Watson Lake hospitals — all overbudget, all redesigned and all not completed on time.

The citizens of Yukon are all too familiar with this government's inability to handle large construction projects and to manage our tax dollars effectively. Now we are seeing the same bungling with F.H. Collins and it has cost taxpayers millions already. The Premier says it is responsible to stick to an out-of-date budget that did not include items that were in the tender and to blame the contractors for their bids.

The Premier speaks of leadership and responsibility, so when will the Premier take responsibility for the F.H. Collins fiasco, rather than blaming construction companies for their bids in his faulty process?

**Hon. Mr. Pasloski:** What we have is a long list of projects that have been built on time and on budget. One of the most recent ones is Betty's Haven, which was constructed on time and on budget. When it comes to financial management, let me again quote Standard & Poor's, world-renowned and international, saying "In our view, the territory demonstrates good financial management, which positively affects its credit profile. Its annual financial reports are comprehensive and detailed and are independently audited." We believe the territory has achieved a track record of strong economic performances, and the ratings that we have reflect their assessment of extremely low debt, a healthy economic performance compared with that of other similarly rated domestic and international peers, and very positive liquidity.

This government stands very proudly on its fiscal management and its responsibility to Yukon citizens and taxpayers to spend their money wisely.

#### **Question re: Peel watershed land use plan**

**Mr. Tredger:** After rejecting the final recommended *Peel Watershed Regional Land Use Plan*, the Yukon Party government invented its own plan. Subsequently, despite Yukon Party's wishes, Yukoners made it clear that they are massively in favour of the original plan and rejected the government's new plan.

One way of dealing with disappointment is denial and this is exactly what the government did. When access to information documents confirmed that an overwhelming majority of responding Yukoners supported the original plan, the minister said that numbers don't matter. What the minister forgot is that those numbers represent the voices of Yukoners.

Does the minister believe that the voices of Yukoners who have spoken on the Peel watershed plan don't matter or will he acknowledge that the overwhelming majority of Yukoners support the final recommended Peel plan?

**Hon. Mr. Dixon:** I think in the member's comments he is discussing the final round of public consultation. It's important, I think, to reflect on the intent and design of that final round of public consultation. It was set up by us to be a process by which Yukoners could provide thoughtful, constructive input into the proposed modifications Yukon was considering to the final recommended plan. We had hoped that Yukoners would participate in that and many of them did, but as we know, some environmental groups in particular — I assume with some aid from the NDP — orchestrated a fairly comprehensive effort to rouse interest from outside of our country and they did so quite successfully. Let me cite some of the numbers that we are discussing here today.

#### **Point of order**

**Speaker:** Order please. Member for Riverdale South, on a point of order.

**Ms. Stick:** I would point to 19(g), where the member across is suggesting that we've done things that we have not done, which is false.

#### **Speaker's ruling**

**Speaker:** There is no point of order. It is a dispute between members. I would caution all members that inflammatory suggestions or suggestions of this nature are not going to help this debate at all, on either side.

**Hon. Mr. Dixon:** Thank you, Mr. Speaker.

So let's review some of those numbers. We received a petition with over 5,000 signatures drafted by CPAWS; 6.9 percent of those were from the Yukon. We received a petition with over 1,700 signatures written by the Yukon Conservation Society; 2.5 percent of those were from the Yukon. We received 585 auto e-mails drafted by CPAWS; four percent of those were from the Yukon. Those numbers and those opinions do matter and we will take them into consideration, but they matter far less than the opinions of those Yukoners who provided thoughtful, constructive input into the process.

We were elected by Yukoners, for Yukoners and ultimately we are accountable to Yukoners.

**Mr. Tredger:** This Yukon Party government has undermined the Peel watershed consultation process to the point where they have seriously jeopardized the progress of land use planning across the territory. This has created unnecessary economic uncertainty in these difficult economic times. Yukoners are thoughtful people with strong views and strong values. Time and again, Yukoners have shown that they want to work together to build a fair and sustainable economic future for the Yukon.

Will the Yukon government accept the final Peel land use plan as recommended and get serious about working with First Nation governments on land use planning across the Yukon?

**Hon. Mr. Dixon:** Mr. Speaker, we are serious about working with our First Nation planning partners — that's why we're in the final round of government-to-government consultations with our planning partners in the Peel watershed land use plan process.

Those meetings are ongoing. The select committee has met a number of times, and my colleague, the Minister of Energy, Mines and Resources, and I have a meeting scheduled with the four affected chiefs this week. I look forward to working with our First Nation planning partners to develop a land use plan that works for Yukoners.

But what I have to say is that it's a bit ironic that the member terms the final recommended land use plan as an opportunity for economic development when in fact we know that it bans mining in a significant chunk of the Yukon. What we disagree with the NDP on is that land use planning doesn't have to be about banning activities; it can be about land use and planning how we use the land in various parts of the territory. That's a different vision from what the NDP have for the land use planning process. They see it as an opportunity for banning mining. That's why they are asking us to accept this final recommended land use plan.

**Mr. Tredger:** Again the member opposite shows his polarizing nature and his misunderstanding of land use planning. Land use planning is for Yukoners by Yukoners and for all uses of the land. It is a cooperative venture. It is not meant to set one against the other. It is something we do together.

The Yukon Party government undermined the Peel watershed consultation process. Everyone knows that this process could have been concluded if the government put its own agenda aside and listened to the people. The interim withdrawal of staking under the *Quartz Mining Act* in the Peel watershed area is essential to maintain trust through the completion of this land use process. The interim withdrawal is expiring this December.

Will the minister —

**Speaker:** Order please. The member's time has elapsed.

**Hon. Mr. Kent:** As mentioned by my colleague, the Minister of Environment, he and I are working very closely on this. In accordance with the First Nation final agreements, we're currently consulting First Nation governments on the final recommended plan for the Peel watershed. We're looking to conclude our consultation with First Nations before making a final decision on the Peel plan.

As mentioned by my colleague, the Minister of Environment, we do have a meeting of principals scheduled for later this week. We do remain committed to working with First Nations to develop and implement a mutually acceptable land use plan.

I think that at this time it would be premature to speak about extending the mineral staking withdrawal in the Peel watershed. We're working to come up with a plan that's balanced and fair and that respects the good hard work of the mineral and resource extraction industry, balanced against the

other economic and traditional use activities that take place within the Peel watershed.

**Question re: F.H. Collins Secondary School reconstruction**

**Mr. Silver:** I have a question for the Premier. When the government began the process of replacing F.H. Collins school, it went to the public to gather input from the school council, parents and students. Here's one of the main recommendations, and I quote: "Any new facility to replace F. H. Collins Secondary School be designed not as the traditional school 'box', but rather as a facility that responds to the latest understanding of student learning and related school design." How has the government responded to this recommendation? It went to Alberta and bought an off-the-shelf box.

After telling Yukoners these plans were free, we found out this summer that it wasn't the case, and the company from Alberta was given a \$900,000 contract, with no competition, to make changes to those free plans. Why did the government try to pretend that these plans were free when it knew all along that expensive changes would have to be made?

**Hon. Mr. Pasloski:** I will take this opportunity again to thank the building advisory committee for all the work that they did putting together the thoughts and articulating everything that they gathered to provide input into the design that came out. As we have spoken and as I have said many times, when the lowest bid comes in almost \$10 million over the budget before we've even turned a shovel, that is not responsible. As a government, we speak of ensuring that we use taxpayers' money wisely, and in this case we felt that wasn't the case — because I can do a lot of other things in terms of programs, services or creating infrastructure for Yukoners with that \$10 million.

We did have the opportunity to obtain the design for a school out of Alberta that has been tried and tested and built effectively. In fact, there are other jurisdictions that have gone to Alberta to look for similar types of plans. We did take this plan and then we worked together. We incorporated input from the building advisory committee, we talked to the students, and we talked to the teachers and administrators. From that, we have made alterations to ensure that this school meets the needs of Yukoners and we look forward to building a brand new, beautiful F.H. Collins school shortly.

**Mr. Silver:** The Premier is so used to just deflecting these questions that he's not even listening to the questions any more. The Yukon Party talks about being fiscally responsible. \$5.5 million was spent on the design and site work that would have to be redone. That money is lost.

The public and the educational professionals were asked for their opinion on the new F.H. Collins. The advice they gave to the government was, don't build a box. What has the government done? It built a box they got from Alberta.

Last week, the government issued a new tender for the school and said the construction budget remains at \$38.6 million. It's my understanding that the new school is going to be substantially smaller. Can the Premier confirm that the new school is 18-percent smaller than the scrapped design?

**Hon. Mr. Pasloski:** Again, I will get back to what the fundamental issue here is on this topic, and that is that the lowest bid on the design that came out was almost \$10 million overbudget. I know the opposition, both the Liberals and the NDP, would probably have just gone ahead and built it anyway.

However, as I've said, we can do better and we will do better. We will have money to ensure we can continue to deliver programs and services to Yukoners, continue to have the money to invest in infrastructure, and continue to have the money to create jobs for Yukoners, which also creates opportunities for skilled training and for businesses. That is a priority. We will build F.H. Collins school. I know that the students, the teachers, the parents and the administrators will look forward to that day, as will we.

**Mr. Silver:** The Premier said the government had two estimates that told them they could build the school for \$38.6 million, when in fact they had two estimates that told them the opposite, including one that put the price within 10 percent of the lowest bid. Instead of trying to reach a deal with the local contractors, the government scrapped the tender and threw out \$5.5 million worth of work. They spent \$5.5 million to save \$4 million.

Then the Premier told Yukoners that they had a new, free plan from Alberta, when in fact those plans cost close to \$1 million. Now we find that the new school will cost as much money but will be 18 percent smaller, and there is no one across the way who will take responsibility for this mismanagement. Instead, the government is looking to pat themselves on the back for a job well done.

What is fiscally responsible about spending \$5.5 million to save \$4 million?

**Hon. Mr. Pasloski:** Mr. Speaker, I will again review the timelines because the Member for Klondike continues to be confused about how this happened.

Management Board approved the construction budget in May of 2012. Subsequent to that, we received two independent estimates — professional estimators who both came in with estimates that were lower than the approved construction budget by Management Board Secretariat. We then went and issued the tender on November 7, 2012. Forty-one days later, we received a third estimate that the Management Board at that time did not consider. We continued to wait to open the bids to find that the lowest bid was almost \$10 million overbudget.

That does not matter to the NDP or to the Liberals because the last time the NDP were in power, they left a mountain of debt. The Liberals followed them, and in fact, were mired in so much debt they had to borrow money to pay government employees. Yukoners deserve better than that.

#### **Question re: Pharmacists legislation**

**Ms. Stick:** In all other Canadian jurisdictions, physicians are not permitted to own any portion of a pharmacy. Yukon's dated legislation allows for a blatant conflict of interest whereby a doctor can profit from the prescriptions they write. For decades, Yukon pharmacists

have requested that the *Pharmacists Act* be updated. The government's own internal audits recommend the same, but this government is not acting on the advice of Yukon pharmacists or its own internal audits.

Instead, the Yukon Party enables potentially unethical practices. Why does the Yukon Party ignore pharmacists and its own internal audits by supporting a dated piece of legislation?

**Some Hon. Member:** (Inaudible)

#### **Point of order**

**Speaker:** Hon. House Leader, on a point of order.

**Hon. Mr. Cathers:** The NDP member just appeared to accuse Yukon doctors of unethical practices and I think that is unfair for her to do this while she is protected by legislative immunity. She may want to step outside and accuse those doctors of that.

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

**Ms. Stick:** That was a mischaracterization of what I asked. I made no such suggestion that physicians would be doing that. I said "potentially unethical practices" on behalf of government. Thank you, Mr. Speaker.

#### **Speaker's ruling**

**Speaker:** I'm going to say there's no point of order at this time, but I will be reviewing the Blues to look at these words carefully. If a change of ruling is required, I will issue it at that time.

Again, I remind members that the words that you choose and the context you put them in can bring problems to the floor and to yourselves. Choose your words carefully and with thought. Please finish your question.

**Ms. Stick:** Thank you, Mr. Speaker. Why does the Yukon Party ignore pharmacists and its own internal audits by supporting this dated piece of legislation?

**Hon. Mr. Graham:** As I have mentioned in this House on the previous two days when the member opposite consistently asked questions with respect to an unfortunate incident that occurred in Watson Lake, the Yukon Hospital Corporation takes health and safety very seriously. They have initiated an independent review of the incident in question. They have also enhanced pharmacy supports. They are being provided through the implementation of telepharmacy which was implemented during the summer months, and a pharmacist on call, which has been available since May 2013.

I do believe that my colleague's comments with respect to the comments made by the member opposite were very unfair. In many of our smaller communities we would not have pharmaceutical services provided unless a physician took on the responsibility of providing that service in communities, and Watson Lake is not the only community where a doctor has the requirement or has the responsibility of providing pharmaceutical services.

**Ms. Stick:** Yukon is the only jurisdiction that allows this. There are other small communities across the country

that have other ways of doing it. The Yukon *Pharmacists Act* states that physicians are entitled to a pharmacy licence and that pharmacists may obtain drugs from any person or place they choose at their discretion. This is in the *Pharmacists Act*. In the rest of Canada, legislation puts parameters on the operation of pharmacies. In the Yukon, licensed pharmacists could purchase drugs via the Internet, prescribe them to patients and open a pharmacy staffed by anybody. This is the *Pharmacists Act*.

When will this government demonstrate a commitment to patient safety and update this legislation, which is proving to be a piece of legislation that is dangerous to the health and safety of Yukoners?

**Hon. Mr. Cathers:** Community Services has a role as a regulator in this, so this is a collaborative effort between Health and Social Services and my department when it comes to the regulation of health professionals, and we have taken a significant number of steps in updating and modernizing the legislation pertaining to health professions under the *Health Professions Act* through the implementation of nurse practitioner regulations and a number of other areas.

Again, what's really very disturbing is the tone coming from the NDP with regard to our health professionals, whether they be doctors or pharmacists. The accusation made by the member that impugns their ethics really is disturbing. As my colleague, the Minister of Health and Social Services, noted, in some of our smaller Yukon communities there have been cases where — and still are cases where — services are available through physicians providing access to those services and currently, if we were to immediately listen to the member's advice, that would in effect be ceasing those services. We are in the process of reviewing this matter, but I can assure this House that any steps we take and any legislation and regulatory steps we take will recognize the reality of the Yukon context and the importance of providing services to Yukon communities. We also respect the ethics of all of our health professionals, unlike the NDP.

**Ms. Stick:** Only in the Yukon does this legislation allow this — only in the Yukon — and that is despite decades of advice from pharmacists and from their own departments. Their own internal audits say to fix this legislation. It's not right, Mr. Speaker. I'm not impugning anyone's reputation; I'm just pointing out that the potential is there in the current, old legislation that would allow these things to happen. There is no excuse for this party's neglect of this important piece of health care legislation.

Will this government improve patient safety by making a commitment to update the *Pharmacists Act*, as has been requested by pharmacists and internal audits within one calendar year?

**Hon. Mr. Graham:** Mr. Speaker, the member opposite says she is not impugning anybody's reputation and yet she has accused the operators of these pharmacies, who are physicians, of potentially illegal operations. If that's not impugning actions — if that's not impugning somebody's reputation — I don't know what is.

I trust these physicians to do the right thing. We will, in cooperation with my colleague, the minister responsible for consumer affairs, be working on this piece of legislation. We have already started consultations with a number of interested parties and we will continue doing so. But we will not introduce this new legislation until it's correct and ready to be done.

#### **Question re: Water management strategy**

**Ms. White:** When it comes to water, Yukoners are telling this government that what is most important is the knowledge needed to keep water healthy and life-sustaining.

In its *Draft Yukon Water Strategy*, ensuring industry access to water is listed as the first goal the Yukon government would like to achieve.

The Yukon Party approach sees water as something to exploit for profit. The Yukon public sees water as sustaining life. The *What We Heard* document from August clearly shows that the Yukon public wants the government to recognize the ecological value of water and wants the government to focus on sustainability of healthy water and ecosystems.

Does the minister recognize that the health of water and the ecosystems it supports should be the main priority of its water strategy?

**Hon. Mr. Dixon:** For the member opposite to characterize the draft water strategy as having its primary goal as exploiting water for the purpose of profit is a gross mischaracterization of the work done by the Department of Environment in consultation with First Nation communities and Yukoners in general to date.

What I can commit to is developing a water strategy that guides Yukon government and guides our planning partners in water resources, whether it be municipalities, First Nation governments, NGOs or other groups. Of course, industry will be involved. Industry is a user of water and is affected by water use in the territory. So of course we'll take into consideration what they have to say, but at its core, this water strategy will be about the responsible, environmentally sustainable use of water resources in the territory.

**Ms. White:** Our neighbours in northern B.C. experienced what happens to water and the life it sustains when industry is ensured access to water. In the Horn River Basin, much of the water for fracking is taken from freshwater lakes, rivers and streams. This was permitted even without baseline studies of either ground or surface waters and without requiring reporting or data collection on water withdrawals.

Fracking operations rapidly expanded. Fort Nelson and Dawson Creek have faced drought-like conditions, to the point where the B.C. Oil and Gas Commission required operators to suspend all short-term water withdrawals. Now we are hearing reports that the moose in the area are so toxic that the meat needs to be tested before humans can eat it.

Will the minister commit to adequate baseline studies, minimum quality and quantity thresholds for healthy ecosystem needs and legislation governing industrial water

removals before ensuring industry access to this most fundamental element?

**Hon. Mr. Dixon:** Some of the assertions made by the member opposite are, quite frankly, not based on science, not based on reality and not based on fact. The assertions that she has read on the Internet and on some of her fantasy websites have perhaps misguided her.

**Some Hon. Member:** (Inaudible)

#### Point of order

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

**Ms. White:** We can go with 19(i), uses abusive or insulting language, or we can go with 19(g), which imputes false or unavowed motives to another member.

**Speaker:** Minister of Community Services, on the point of order.

**Hon. Mr. Cathers:** It appears to me that the Minister of Environment was simply expressing his opinion of the quality of information presented by the member and it doesn't appear to me there was a contravention of any point of order.

#### Speaker's ruling

**Speaker:** I'm going to rule that there was no point of order; it was a dispute between members. Characterizations of where members get their information or how they choose to portray that information is up to the individual members. It's not for the Speaker to rule on the facts, but on the presentation of the information.

Members are free to portray the facts or any portion of the facts in any fashion they choose. The Speaker is not a judge. I am here to rule on your respectful presentation of information and shared debate.

I believe the Minister of Environment had the floor.

**Hon. Mr. Dixon:** Thank you, Mr. Speaker. What I can commit to is that the water strategy will develop a common understanding of the vision and principles that Yukon government will use when making decisions affecting water resources. I can commit that we will ensure that the water strategy supports the steps we need to take to maintain and improve our access to safe and affordable drinking water. I can commit that the water strategy will generate a better understanding of Yukon's water resources — and especially our groundwater resources, which we currently know so little about.

To that end, we will implement new programs and new infrastructure to generate that information and to provide it to the Yukon public and our partners in water management.

**Mr. Barr:** The minister's many years at the Yukon Party Cabinet table —

**Speaker:** My apologies, I didn't notice the time. With the various points of order I lost track of the time. Our time for Question Period has actually elapsed — my apologies.

#### Notice of opposition private members' business

**Ms. Stick:** Pursuant to Standing Order 14.2(3), I would like to identify the items standing in the name of the Official Opposition to be called on Wednesday, November 6, 2013. They are Motion No. 497, standing in the name of the Member for Whitehorse Centre, and Motion No. 495, standing in the name of the Member for Takhini-Kopper King.

**Mr. Silver:** Pursuant to Standing Order 14.2(3), I would like to identify the item standing in the name of the Third Party to be called on Wednesday, November 6, 2013. It is Motion No. 492.

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

#### ORDERS OF THE DAY

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

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

*Motion agreed to*

*Speaker leaves the Chair*

#### COMMITTEE OF THE WHOLE

**Chair (Ms. McLeod):** Committee of the Whole will now come to order. The matter before the Committee is Bill No. 11, *Second Appropriation Act, 2013-14*. Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

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

**Chair:** The matter before the Committee is Bill No. 11, *Second Appropriation Act, 2013-14*. We will proceed with general debate.

**Hon. Mr. Pasloski:** Madam Chair, I'm glad to be joined here today by my deputy minister. I have tabled two important financial documents: the 2012-13 Public Accounts, which represent the final accounting, fully audited by the Auditor General of Canada who provided an unqualified opinion — meaning a clean bill of health — and also the first supplementary estimates for 2013-14, providing both an opportunity for the Legislature to consider revisions to the current year — the 2013-14 budget — and an update of our financial position.

This first supplementary estimate of the fiscal year really does provide us with two opportunities. The first one is that by

incorporating the results from the 2012-13 fiscal year as reported in Public Accounts, it provides us the opportunity to present to all legislatures and to Yukoners an update on the financial position of the government. At the time the 2013-14 budget was tabled, the audited results, as we know, for the 2012-13 fiscal year were not finalized, and therefore, the summary projections were subject to change. This is in fact the case every year. As a result, now that the results for 2012-13 have been finalized, *Supplementary Estimates No. 1* represents the first opportunity to provide the Assembly a financial update for 2013-14 that is inclusive of the final results — the final audited results from 2012-13.

I want to acknowledge to the members of the Assembly that we are not tabling a final appropriation bill and final supplementary estimates for 2012-13. All departments, for the second consecutive year, managed within their approved appropriations.

Now, I know that all the departments face many challenges. I really acknowledge and appreciate all of their efforts for managing emerging priorities and budget pressures within the approved financial parameters. To manage your budget means making difficult and unpopular choices. I want to thank all the ministers and their officials for their hard work and diligence.

The first supplementary estimates detail the proposed expenditure changes that require legislative appropriation authority in addition to the spending authorities previously granted when the main estimates were approved.

To summarize our financial record, we continue to target balanced budgets with 2013-14, projecting an annual surplus. We continue to maintain a very healthy net financial asset position and avoid net debt. In an environment where many other Canadian jurisdictions are working toward achieving balanced budgets and reducing net debt, that's where Yukon is right now. As one of only two jurisdictions that are not in a net debt position, Yukon is providing a leadership role in this country.

Having managed the government's finances over a multi-year horizon since 2003 and 2004 — in fact, a period now of 11 years — our government has delivered effective, responsible and disciplined spending initiatives and investments on behalf of all Yukoners. Now we're halfway through a five-year mandate and we remain committed to pursuing planned, disciplined and affordable expenditure initiatives on behalf of all Yukoners.

Our fiscal position provides us with the capacity to be responsive to Yukoners' needs and to be responsive to emerging pressures without mortgaging our future. Our government continues to be in a very healthy fiscal position. *Supplementary Estimates No. 1* presents a forecast annual surplus of \$45.363 million, resulting in an estimated accumulated surplus for March 31, 2014 of \$1.274 billion.

Continuing to avoid net debt, our year-end financial position is projected at \$137.388 million. I wish to emphasize to all members of the Legislative Assembly the significance of having net financial resources as opposed to having net debt. This is a very significant indicator of our financial health, as it

means that the government is not relying on future revenues to pay for services that we're delivering today. As I have stated, only Alberta is in this position and my colleagues and I are very proud of this accomplishment.

The 2013-14 mains were tabled back in March with budgeted gross expenditures of \$1.233 billion, of which \$977 million was allocated to O&M and just under \$253 million was allocated to capital. This government budget speaks volumes to the services and programs and to the infrastructure that's delivered by our government. Further, it highlights with emphasis the financial demands facing this government on an ongoing basis.

Building on our 2013-14 main estimates, this *Second Appropriation Act, 2013-14* and accompanying first supplementary estimates for 2013-14 provide for increased spending totalling \$93,084,000. Of this total, \$71,178,000 represents an increase to gross O&M and \$21,906,000 represents an increase to gross capital expenditures.

As I have noted, this supplementary budget provides for an increased O&M and capital of just over \$93 million. This increases our total government expenditures up to almost \$1.323 billion. Of this amount, \$275 million is allocated for capital projects for infrastructure improvements throughout this territory and \$1.048 billion is allocated to operation and maintenance in support of the many ongoing programs and services that we deliver every day to Yukoners.

I'd like to again comment on planning and budgeting as it pertains to how this government proactively manages to ensure and allow for appropriate legislative consideration of our proposed expenditure initiatives. Planning and budgeting is about decision-making, as it is all about identifying priorities and considering, developing, resourcing and implementing appropriate actions to provide the best services possible.

Madam Chair, planning and budgeting requires decision-makers to make choices. The budget process supports us as decision-makers to consider all issues in identifying appropriate solutions. In this regard, the development of a budget serves us both as a planning tool and as a control tool. Decision-making is an ongoing and frequently evolving process. Decision-making is also not an isolated event. It remains the prerogative — dare I say the obligation — of our government to consider emerging issues and priorities and to recommend effective and appropriately resourced solutions and actions to this Legislative Assembly.

Madam Chair, this has resulted in our adopted practice to have in-year adjustments tabled as supplementary estimates for the Assembly to consider to the original budget plan. This approach has served Yukon well, offering significant opportunities within the context of a multi-year fiscal framework to consider resource requirements for competing priorities and to make sound recommendations for scrutiny, debate and approval right here in the Legislative Assembly.

Madam Chair, this supplementary budget recognizes our obligation and commitment to our most valuable resource, and that's our employees. As a matter of principle, this government is committed to due process of collective

bargaining negotiations. Therefore, our government does not make specific provisions in a formal budget document for potential collective agreement settlements. To do so has the potential to bias those negotiations. Our government continues to allow negotiations to conclude and agreements to be ratified prior to the inclusion in the budget, as necessary and appropriate, and we're happy to see that the opposition agrees with that.

At the time our 2013-14 main estimates were tabled, negotiations were underway with the Yukon Employees Union and a final agreement was still outstanding. Therefore, in our estimation, the 2013-14 mains appropriately did not include any related costing provisions.

An agreement between the government and YEU was reached in July. With the ratification of the renewed negotiated agreement, appropriate costing and budget adjustments are reflected in the supplementary estimates that were tabled.

We prepare and table budgets based on the best and most current information we have at the time — notwithstanding that best-laid plans are subject to change, as I have articulated.

Changes to the budget plan through supplementary estimates allows us to be responsive to the emerging pressures and priorities and to the important things that matter to Yukoners. Changes to the budget plan through supplementary estimates maintain accountability to the Legislative Assembly and then, therefore, to all Yukoners.

That brings me to my next point, and that is that the members will recall that this summer we issued a special warrant on a number of expenditure initiatives that were identified. In accordance with the FAA, items previously authorized through a special warrant are to be included in an appropriation bill during the next sitting of the Legislative Assembly. The *Second Appropriation Act, 2013-14* and the first supplementary estimates are prepared inclusive of the amounts that were identified previously through that special warrant. This meets the requirements of the FAA and brings the opportunity for scrutiny, debate and approval right here in the Legislative Assembly.

The special warrant totalled \$8.95 million, the majority of which — \$5 million — was authorized to Community Services related to fire suppression efforts from this summer. The remaining balance of approximately \$3.9 million was allocated to a number of important initiatives advanced by our government addressing flood mitigation as well as upgrades and maintenance of Yukon's highways, rural and resource access roads.

The Yukon government continues to follow its tried-and-true practice of revoting funds to ensure that capital projects continue to move forward as appropriate. Approximately \$38.7 million has been identified in the first supplementary for revote. Departments are seeking capital and O&M authority from the Legislative Assembly for lapses of the previous year. Much of this represents funding required to continue our investment in infrastructure projects.

A final general observation about revotes, if I may — the ability to revote funds provides an important tool for

government to manage appropriately and practically, not artificially, within the confines imposed by appropriation timelines. It allows us to be consistent with our overall prudent, responsive and accountable approach to the management of Yukon's financial resources. Individual members will be pleased to provide members of the Legislature with complete details of their respective portfolios. Members will have observed that my focus has been on our commitment to solid planning, decision-making, budgeting and the strength of our fiscal framework.

Our government is in a very strong financial position. We continue to target balanced budgets, with 2013-14 projecting another annual surplus, and we continue to maintain a very healthy net financial asset position and to avoid net debt. The strength of our financial position and our government's ongoing commitment to fiscal discipline allows us to continue to make resource allocation decisions, such as those identified in *Supplementary Estimates No. 1*, on behalf of all Yukoners. These are significant expenditures made for the benefit of all Yukoners. We continue to provide significant investments and expenditure initiatives on behalf of Yukoners, while maintaining our commitment to fiscal discipline. We do this through a prudent and practical approach to planning, decision making and budgeting.

Madam Chair, our government is contributing to a healthy, vibrant Yukon economy. I am proud of the program, services and infrastructure investments we provide for the benefit of all Yukoners and I'm doubly proud that we maintain a strong fiscal position, allowing for our government to be responsive to emerging issues and priorities on behalf of Yukoners. I look forward to discussing this supplementary budget as we move forward.

**Ms. Hanson:** Well, it feels like Groundhog Day. We've just heard almost verbatim the speech made by the Premier yesterday. With respect, I'm not quite sure what the purpose of this opening gambit is. I thought we were moving into Committee of the Whole to a discussion of the supplementary budget with respect to the departments. The notice that we had was that we would be dealing today with the departments of Justice and Community Services. The fact of the matter is the Premier has repeated his speech from yesterday. I don't intend to repeat my remarks from yesterday. There are a couple of comments that I would like to make though.

When we talk about government and government planning, it is more than project management. What we've heard the Premier talk about is a whole series of mismanaged projects. What we expect and what citizens of the Yukon expect is a government that has a vision — a vision of governance for this territory that is creative and that's outside of the box. We are not a franchise operation out of Ottawa or Toronto or someplace else. This is the Yukon and people expect us to develop an economy based on the template for governance in this territory that we jointly created. That's the economic certainty.

So when the Premier talks about — it's humorous if it wasn't so direly important to this territory that the territorial

government gets a grasp on what it's missing here, which is a vision for the territory. They have demonstrated that they cannot manage simple projects. It's one thing for the Premier to talk about the fact of the increasing amounts of money that come to this territory. It is not due at all to the efforts or the initiative of the Yukon Party. They benefit from the largesse of the Government of Canada and we're all thankful for that. We are thankful that without any creative thinking on behalf of that government across — because if we were waiting for them to have a creative thought, it would not have happened, but without that — despite that — we still had a nine-percent increase in federal funds last year and we'll continue to get more money from the federal government.

It's not because these folks across the way have diminished our reliance on the federal government. It's not because they have a creative economic vision. It's not because they have any views about economic diversification. It's because they are demonstrating a branch-plant mentality.

That's unfortunate. We are the Government of Yukon — all of us in this Legislative Assembly. We have active and vibrant partners here — First Nation governments, industry and municipalities. We need to work together to create a vision for the future. The fact of the matter is that the annual surplus is reduced this year.

I just wanted to make a comment to both the Premier and his Economic Development minister — and probably to just about everyone over there who have a certain kind of, I don't know, strong adherence to the importance they place on what they perceive as the positive ratings by Standard & Poor's. You know, one thing that is important to keep in mind is that rating agencies do not assess or evaluate the performance of a government in meeting the statutory requirements or the commitments made. They are not value-for-money audits. Standard & Poor's was one of the rating agencies that gave Lehman Brothers an A rating right up to the month that they collapsed in 2008, triggering a global panic. Standard & Poor's lack of credibility, along with its sister rating agencies, played a major role in the 2008 financial crisis by giving AAA ratings to mortgage-backed assets that turned into toxic waste.

I'm not making this up, Madam Chair. I think we'd be better off if we talked about what the real responsibilities of this government are and the real assessments. The reality is, when there are value-for-money audits, when there are performance audits or when there are internal audits done, the performance is not up to what Yukoners expect of a government.

It's unfortunate that we have to listen to a reprise of a series of speaking points from yesterday. I wasn't anticipating that from the Premier and, frankly, I'm disappointed, but I would hope that we can move forward and focus on the substantive matters that are up for debate with respect to the various departments that have identified additional requirements since the Legislative Assembly approved the budget last March.

I do have a question for the Minister of Finance — and for the Premier, actually — and it has to do with the process and parliamentary prerogative of the Legislative Assembly to

deal with budget and budget matters. We saw from the Premier's predecessor a move to dismiss the importance of the Legislative Assembly when it came to budget matters in his releasing of budget speeches at Chamber of Commerce luncheons and that kind of thing.

Yesterday, before this Legislative Assembly had any opportunity to be briefed on the various budgets and the supplementary estimates — the various departmental budgets and their supplementary estimate requirements — before this Legislative Assembly had an opportunity to even commence that exercise, which is our obligation as Members of the Legislative Assembly, the Cabinet communications office was out there selling the merits of the supplementary estimates.

The Premier or his colleagues across the way may find that amusing; I do not. The Official Opposition takes very seriously our obligations and our responsibilities on behalf of all Yukoners to hold this government to account and to ensure that the appropriations that are voted by this Legislative Assembly are done according to the parliamentary system. It's not parliamentary practice to have your budget debate managed or stickhandled by your Cabinet communications folks.

The Official Opposition looks forward to engaging in debate with respect to the supplementary estimates. I would ask that the Minister of Finance could perhaps — since his Cabinet communications folks are enamoured of putting out the lines — simply answer one question. This would then make it a lot easier so that we wouldn't have to come back to it in each area and we can have at least on the record one area — one summary statement from the government with respect to the proportion of the proposed supplementary estimates, which is attributable to the resolution of the collective bargaining this summer. I'm sure the Department of Finance and the Premier will know that, because he would be responsible for having sanctioned or agreed to the cumulative total, knowing the bargaining position of the Government of Yukon. We think that public servants deserve and merit the hard-earned results of that negotiating process. It would be helpful just to have a cumulative total so that we can then focus on those other areas of the supplementary estimates that do not impinge upon the agreed-upon aspect, which would be difficult to have known in advance of the collective bargaining exercise and which, as the Premier has pointed out several times, was concluded this summer.

In order to facilitate us having a focussed conversation on those non-collective bargaining areas, could the Minister of Finance simply put on the record what the cumulative total of that successful collective bargaining exercise was?

Let's get on with the meat of the matter, which is those other areas — because we all recognize that collective bargaining and the positive outcome of it — which is the recognition of the work that public servants do on our behalf and for which they should be properly compensated — are not matters of debate. Let's just separate that piece out and let's focus on the other aspects, which really are worthy of debate.

**Hon. Mr. Pasloski:** For the record, I'd like to make a couple of comments based on some of the statements made by the Leader of the New Democratic Party.

First off, in terms of franchising with Ottawa — and as the Leader of the NDP is fully aware, the Yukon Party has no affiliation with any political party outside of the jurisdiction of Yukon, unlike the NDP, because when you buy a membership in the NDP, you automatically become a member of the federal NDP as well. This isn't the appropriate time to articulate for Yukoners the significance of that, but perhaps one day we will get into that. If there is any party that certainly has franchising, it is in fact the New Democratic Party.

This government is pretty comfortable with working within the box and has found a strong, sound financial management box where we continue to invest in capital projects. To invest in infrastructure — the result of which, when we build hospitals and we build roads and we build schools, is an investment, not only for this generation of Yukoners, but for generations of Yukoners to come. Unlike the debt that we saw when the Liberals and NDP were in power — when they were creating debt, just as I described before just really to pay the day-to-day bills — this government is not mortgaging the future to pay for bills today, and we won't do that.

So we're comfortable inside the box. We have seen some of that outside-of-the-box thinking. It's on the record from the previous administrations, from the two parties on the other side of the floor. Their outside-of-the-box thinking has resulted in what we saw: double-digit unemployment, a mass exodus of people, almost the complete destruction of a private sector economy. I can attest to that, as I was an owner of a business in the private sector during those years of NDP and Liberal rule here in Yukon.

I need to also comment on the TFF, because the Leader of the Official Opposition seems to have some confusion around that and "isn't this just rosy?" I think she just needs to look to the east, to look at the situation that exists in the other two territories, both of which get substantially larger TFF funding than we do. However, neither one of those jurisdictions can talk about the surpluses and the net financial assets that we have. They can talk about large amounts of debt that they carry and, in fact, they requested an analysis to be done by Canada to define the borrowing limits and, as a result of that, have both had considerable increases in their debt limits — both of which are substantially larger than ours. To this day, we don't come anywhere near touching our debt limit at all.

I will take credit for the financial performance we have had. Yes, the other two territories get it. Yes, it is not equalization, as it is in the provinces. But I think the record stands for itself as what has occurred in this territory since this Yukon Party government took over.

I will also comment on the public administration as a percentage of our GDP, because while the total expenditures have increased — in fact, you've seen government increase with a budget when the Yukon Party took over, from about \$550 million to more than double that. But also at that time

we remember that we had a new *Yukon Act*, and we had what the feds call "devolution" — but what I like to call "evolution" — and that is that we assumed the responsibility for the management of the land and the water and the resources. With that assumption of responsibility came all of the people who used to be public servants working for the federal government. Yes, we have increased our O&M to deliver these programs because we have assumed all of that responsibility, but if you look at the percentage of the GDP that comes from public administration — so that includes all of government, including Health and Social Services, Education, and public administration — that percentage of the GDP has continued to fall.

I really do enjoy listening to the Leader of the New Democratic Party because it reaffirms to me and to this government that we are on the right path, that we are doing things the right way, and that we are delivering for Yukoners every day. We are providing those programs; those services. We are providing those hospital beds. We are providing those schools. We are providing those roads. We are providing those teachers to ensure that Yukoners have the best opportunity that they can. We are providing money for investment and we continue to focus on building our private sector economy because we understand how governments pay the bills.

There is no money tree in the backyard where you can just continue to add more process, continue to legislate and regulate, continue to impose more restrictions or impediments on the private sector, and expect that things will continue to grow, because they won't. We have done that. I will also acknowledge the great work that was done by the previous two Yukon Party governments, because I think we actually just passed the 11<sup>th</sup> anniversary of the election of the Yukon Party.

When we finally did get the question at the end of the statement, the Leader of the Opposition asked about the cumulative impact of the collective bargaining agreement provided in the supplementary. That total is \$7,811,000. That's a number that reflected by the retroactive payback to January 1, 2013.

**Mr. Silver:** I think the time for general debate has taken enough time going back and forth with our own looks on GDP and where we are fiscally. I think I am going to hold my questions for Committee of the Whole in the individual departments.

**Chair:** Is there any further general debate?

We will then proceed to department examination. We are going to start with the Department of Justice.

Committee of the Whole will recess for five minutes while we await officials.

*Recess*

**Chair:** Committee of the Whole will now come to order. We're going to begin with general debate on Vote 8, Department of Justice.

**Department of Justice**

**Hon. Mr. Nixon:** I rise today to speak to the Department of Justice, *Supplementary Estimates No. 1*. This builds on all of the great work that we have accomplished as a government so far.

I would first like to extend thanks to the Premier for having the confidence in me to lead this department. I truly appreciate the team approach our Premier takes in both Cabinet and in caucus.

I would also like to extend the thanks to Chris Young, Robin Boss and Harmony Istchenko for the incredible support that they offer to me as minister day in and day out. Without their support I would have a very, very difficult task in functioning in my role as minister.

Members of the House will be familiar with our *Victims of Crime Strategy*, where we developed new legislation that established a bill of rights for victims, and new or improved programs and services to assist victims in their time of need.

I'm very pleased to report to this House that once again we have renewed our funding with the federal government's Policy Centre for Victim Issues. This funding arrangement extends a previously announced commitment for another three years and represents \$500,000 per year over the next three years. In this budget, there is the first allotment of these funds, and these funds will be spent on augmenting phase 2 of the *Victims of Crime Strategy*. As minister, I've been very focussed on ensuring that the rights and needs of victims are being addressed, and these funds will go a long way toward this commitment.

We've also renewed our partnership with British Columbia once again in this budget by providing victim services to Atlin, Lower Post and Good Hope Lake. The cost for the agreement that allows us to access their VictimLINK system, which is a toll-free service that assists Yukoners to get the services they need by providing information and referral services to all victims of crime and immediate crisis support to victims of family and sexualized violence, including victims of human trafficking exploited for labour or sexual services — the amount budgeted for the service is \$10,000.

Services to victims and their family are, of course, important, but we also need a strong police force to ensure that there is confidence in our police and that they have the resources and support they need from our community and from our government. After an extensive review of the Yukon's police force, the Government of Yukon issued a report called *Sharing Common Ground* that recommended, among other things, establishing a Yukon Police Council that would make recommendations on improving police services, as well as on the annual priorities for policing.

The report also recommended better training in specialized responses for RCMP officers in the areas of domestic and sexual violence, more transparent complaint processes and more participation in the appointments of detachment commanders.

I am proud to say that we have substantially progressed on nearly all aspects of the recommendations of the report,

and in this budget there is an additional \$295 to continue with the implementation of the report.

As members of this House will recall, our police council consults as part of its mandate on policing priorities this past year for the RCMP. These priorities include: focussing on preventing and decreasing the victimization of children and youth; continuing to improve the response to sexualized assault and family violence, including abuse in intimate partner relationships and child abuse; to work with the public and service providers to identify and address community safety issues; to build and foster constructive and respectful relationships with First Nations leadership, communities and citizens; and improve the police response to vulnerable populations with a particular focus on individuals with mental health issues and addictions. I would like to thank the RCMP for their valuable contribution to our community.

The details of how these are to be accomplished are on the department's website, which I am pleased to report is going through substantial changes and updating at present. While this is a work in progress, the webpage design is much more user-friendly and easier to navigate. If the members have any time, they can take a look and check back from time to time, as there will be many more changes to come.

I'd like to talk briefly about Fetal Alcohol Spectrum Disorder, or FASD, and the prevalence study that we have embarked on at the Whitehorse Correctional Centre. In this supplemental budget, there is \$228,000 for this year to begin this project. This is the first installment of three years' worth of funding that I announced this summer.

I am pleased to be able to say that the Department of Justice Policy and Communications branch has made great progress on this project so far. They have created the methodology, a principal investigator has been contracted, an affiliation with the University of British Columbia has been created to provide analytical services for the data collected, as well as ethical oversight for the project. Staff have been hired within the branch, including an analyst and a psychologist to assist with this project. We expect to begin interviews shortly after an ethics review of the methodology is completed by UBC's Ethics Review Committee. The methodology has been submitted to this committee and our team is awaiting the results of the ethics committee's review before proceeding.

We expect the data to be collected over about 18 months, with analysis and a final report created after interviews are completed. As members know, there is very little data on the prevalence of FASD within the criminal justice system, so it is difficult for practitioners to design programs or provide services to this largely unidentified group. This study will certainly be groundbreaking for our criminal justice system.

While it's too early to speculate on the results, there is no doubt that some of our inmates or persons have FASD. Knowing the prevalence will give us a strong foundation to establish programming and even a diagnostic team to support these individuals.

Madam Chair, I can speak to this more during the general debate, but I should note for members that for the study, participants will of course be given their diagnosis and it will

be entirely up to them if they wish to share this information. The study is not designed to take the place of court-ordered assessments, but is a scientific study about prevalence. Individuals will be able to use their own information to better inform the services that they can ask for. Their privacy will be completely respected during this study and all data within the final report will be anonymous to protect privacy.

This budget also contains funds for Legal Aid in the amount of \$200,000 to assist in expenses incurred by legal aid for high-cost cases this year. I've also recently announced that I have directed the Department of Justice to review the budget of Legal Aid to ensure that it has sufficient resources to carry out its mandate and that they are to report back to me by the end of this year. Madam Chair, I understand that officials have already met with the director of Legal Aid in order to further this assessment and that staff are beginning their analysis of the information that they have received.

The department has also undertaken a resource review for police services in Yukon as one of the commitments from the *Sharing Common Ground* report. This review has a budget of \$55,000 and will assist us in establishing the appropriate level of resources for policing in Yukon.

In addition, Madam Chair, there is \$60,000 for a review of RCMP air services in Yukon. This review will assist us in determining use of air services, including the use of the RCMP-owned airplane.

On the capital side of the budget, I'm pleased to say that we are making great progress on the introduction of our new justice enterprise information network, or JEIN system, which will replace the court registry information system, or CRIS. The old system is approaching 25 years of age and is not meeting the needs of the court registry and is not integrated with other systems within the department. The new JEIN system will be integrated with the Court Services, the Sheriff's Office, Victim Services and Correctional Services.

Two of the smaller modules have gone live in the past year at the Sheriff's Office and at Victim Services. The larger modules should go live in the coming months. The supplementary budget for this project is \$231,000.

The first set of modules I mentioned are for the criminal justice system. When they are complete, our staff will begin the implementation of the civil courts into JEIN. This is an ongoing and complex project that has to manage two systems at once over a period of time while the new system is installed.

We're also working on making our court appearance system more efficient by installing video conferencing and video remand at the Whitehorse Correctional Centre and at the court building. This system will allow, among other things, the ability for inmates at the Whitehorse Correctional Centre to make routine appearances in court via videoconference, rather than being transported from the centre to the court house and back again. This project includes \$121,000 for the Community Justice and Public Safety portion of the project and another \$49,000 for Management Services to continue to implement the project.

There is also \$400,000 to replace the fire alarm system in the Andrew A. Philipsen Law Centre building. This system has failed, and an alternate system has been put in place until a permanent solution can be installed. I should note here that the sprinkler system is still functional and is unaffected by the alarm failure. An alternate alarm system was put in place in cooperation with the fire marshal, and Occupational Health and Safety and staff were trained in its use. It is expected that a new system will be completed before the end of the fiscal year.

There is also \$1.1 million for the demolition of the old Whitehorse Correctional Centre. It is expected that the centre will be demolished by the end of this fiscal year as well. Property Management is overseeing this project. I'd like to thank the Minister of Highways and Public Works for his role on the demolition of the old WCC. There are some toxic materials such as asbestos that will need to be remediated as part of the demolition project.

Members will recall that a study was commissioned to see if this building was worth repurposing for another use, and it was determined that the upgrades required would not be worth it for the building to be reused. There is also \$369,000 for the remaining capital for the Whitehorse Correctional Centre that is requested here as a revote.

Members are no doubt aware that there have been some minor commissioning issues with the new Whitehorse Correctional Centre, including issues with ensuring that the heating system is working properly. The heating system was not performing to design specifications and, as such, some areas of the new Whitehorse Correctional Centre were either too cold or too hot for both staff and inmates. This is not acceptable, of course, and we are working with the contractor under the warranty to correct this problem. As members can imagine, this is a large and complex building that is quite different from a normal commercial building. We will see as we move into the winter months whether repairs to the system are working out in practice.

The arrest processing unit is now clad to weather and work continues at a rapid pace. I was in the unit a few weeks ago and was pleased with the progress made to date. We expect this building to be finished by the end of this fiscal year. This budget contains \$516,000 for this project, including \$116,000 of the revote — which is \$58,000 net of recovery — and \$400,000 allocated as a one-time supplemental funding for this project. The arrest processing unit will be used as a replacement of the Whitehorse detachment police cells. A temporary solution is in place now with the Whitehorse Correctional Centre intake area, but this new building will take pressure off the intake area and provide for a cell area designed to meet the needs of clients by getting access to health care and other government services.

I am deeply indebted for the hard work and the dedication of the staff at WCC and within the arrest processing unit, and I'd like to thank them for being a part of this project. The arrest processing unit was one of the recommendations of the *Sharing Common Ground* report.

In closing, I would like to thank all of the staff from the Department of Justice for their hard work and dedication in delivering high quality justices services to Yukoners. The staff have been instrumental in ensuring new programs of our government, such as the Community Wellness Court, implementing a new model of corrections, implementing a new vision for victim services, implementing a modernized land title and condominium regime, and implementing the *Sharing Common Ground* report to improve our police services. All of these important initiatives and more have occurred on our watch here in government, and I'm so very proud to have the support in executing our vision for the justice system in Yukon by the men and women who serve Yukoners so well day in and day out.

**Ms. Moorcroft:** I am pleased to stand in general debate for the supplementary budget for the Department of Justice. The mandate of the Department of Justice promotes a high quality and cost-effective justice system and Yukon laws that are fair, accessible and impartially administered. It promotes the rule of law, the separation of powers, human rights and gender equality. Those are all important values that I share. I note that the Department of Justice also works to build relationships with others to support good governance to reduce, resolve, and mitigate conflict, and to foster safe communities with opportunities for healing.

I want to thank the Department of Justice officials who do good work every day and I want to thank the officials who provided information on the details of the supplementary estimates before us. I want to address a few issues in general debate, as well as asking detailed questions related to the expenditures.

Overall, there is an operation and maintenance increase of \$2.77 million for the department, with \$595,000 of that as a recovery. The capital increase is \$2.9 million.

The minister just spoke about the arrest processing unit. In the spring of 2012, the minister told this House that the concrete foundation for the arrest processing unit was going to be built next to the admitting area of the new Whitehorse Correctional Centre. The minister said that tenders would be going out soon and that hopefully the arrest processing unit would be ready and opened by fall of 2012. Then again this spring, the minister said the tenders should be going out soon. Then we discovered that the reason for the delay was a redesign. The problem is that the heated concrete pad that had already been installed was too big and it had to be broken up and rebuilt to fit the new design. I asked the minister to tell this House how much this government was going to cost the public — or how much this mistake was going to cost the public.

So we have in these current supplementary estimates an additional \$400,000 in the budget. I wonder how much the costs will increase over the life of this project and how much of that \$400,000 was for having to re-do the work that had already been done on the heated concrete pad. That occurred after nearly \$1.3 million had already been spent on the arrest processing unit. The minister said that the Department of Justice and Highways and Public Works carried out a review

of the scope and the design parameters of the arrest processing unit project and that review led to design modification.

I want to know why this review wasn't completed before the oversized concrete pad was built in the first place. If a family decided to make a big investment in building a new home, I am certain that they would not go ahead and build a part of a foundation before they knew what the rest of the house was going to look like, but that's how this government seems to work.

This government has a pattern of bungling large capital projects that often come in many years behind schedule. The government seems to make decisions on these major capital projects on the fly and without a plan. The Whitehorse Correctional Centre is a case in point. The original budget was less than half of the total costs and we have even more allocations in the current supplementary budget to complete the infrastructure projects.

Schools, jails and hospitals have been designed on the fly, with the result that the taxpayers have to shoulder the financial burden of government mistakes and shifting priorities. The minister has to recognize that it is project mismanagement and he is trying to present it under the guise of review and redesign, but Yukoners are going to have to foot the bill for a \$400,000 increase. We shouldn't be rebuilding something. The government should have made its decision about final plans for the arrest processing unit before they spent the money on too large of a footprint.

The government says over and over again that it makes decisions based on fiscal responsibility. The Premier has been repeating that line to us over the last two days in reference to the F.H. Collins boondoggle, but government needs to be able to make a responsible decision and stick to it. The government thinks that building, redesigning and rebuilding at great cost to taxpayers passes for fiscal responsibility. Well, it doesn't.

It's not just about the additional \$400,000 of taxpayers' money being wasted; it's about repeated construction delays. I'm calling on the government to do the job right. It's not fiscally responsible to build a footing and then come in and say that we can't afford that or it's not right.

When the minister told the House last May that the arrest processing unit would be 25 metres square, we found out that the concrete pad had been built too large and that it had in-floor heating and utilities throughout. That's not just a slab of concrete; it's an expensive and important part of the building's foundation. Again, anyone who has decided to invest in a new home is going to make sure that they don't have to pay for a foundation that they then have to break up and rebuild.

How much more time and money will be wasted before we see the building that was promised two years ago completed? I hope the government does not truly believe that these costly mistakes and delays in the arrest processing unit at Whitehorse Correctional Centre are an example of improving project management. If that's the case, I am quite concerned about their understanding of project management.

Projects are well-managed when thoughtful and thorough planning takes place before construction. The minister said

that the arrest processing unit is clad to the weather and that with the outside siding on they hope to have it completed by spring of 2014. I'd like to know from the minister how many change orders there have been in this construction project other than the concrete base.

The minister also spoke about legal aid and he mentioned that there was \$200,000 for expenses related to unique high-cost trials. There was also an increase for Court Services for those high cost trials for \$227,000. Legal Aid was provided with an extra \$180,000 in the 2010-11 year to cover high-cost cases before the courts. A year later, the government gave another \$235,000 in one-time funding to cover more cases.

Once again this year, the government is providing \$200,000 for high-cost trials, but this doesn't solve the problem of an underfunded legal aid program. Recently, Yukon Legal Aid had to suspend some of the services that it offers to those who can't afford to otherwise hire a lawyer. Legal Aid's poverty law assistance — which includes representation in disputes over employment insurance, social assistance benefits, landlord and tenant matters, and refugee cases — has not been accepting new clients since the beginning of the month. In an interview, the minister said he was not aware Legal Aid had suspended some services, but this is the third year the government has stepped in with a one-time increase.

This isn't because Legal Aid isn't a well-run and efficient operation. They are a well-run and efficient operation, as the minister himself acknowledged. The one-time funding doesn't solve the bigger problem in the territory of an underfunded legal aid system. The current way of budgeting makes it difficult for legal aid services to run their services, causing staff to work under a state of constant stress. The fact of the matter is that legal aid is a very good deal for the government. Its costs are well below government or private practice rates. This is a matter of access to justice for the most vulnerable people here in the Yukon.

When we look at the legal aid system, we see that the most vulnerable members of society, who often have the most complex legal issues for the defence to deal with, are underfunded when you consider the resources that are available for the other parts of the system. In order for the system to be fair, there needs to be more resourcing of Legal Aid. Why is it that the government can't see fit to fund it properly when we see in this budget that the government has no problem finding money for its own legal costs?

The minister has ordered a budgetary review of Legal Aid. Officials are to report back to him before the end of the year with recommendations regarding funding. Legal Aid would like to see the territorial government increase its core contribution to about \$700,000 a year. Will the government be creating a system to allow high-cost trials to be paid on a separate track so that they do not interfere with Legal Aid's work in poverty law and other vital services for low-income Yukoners?

It's hard to understand why the minister didn't see this coming, since Legal Aid notified the department of the need last April when it saw its budget for the fiscal year. According

to the most recent Yukon budget, \$864,000 of Legal Aid's \$1,618,000 core funding comes from the federal government. That works out to about 53 percent of funding from federal dollars, leaving about 47 percent from the territory.

With the extra \$200,000, the territory's contribution jumps to about 52 percent. I'm hoping that the minister, as a result of the review he has asked his officials to conduct, will be able to increase the funding so they have the support they need to represent people who could not otherwise afford a lawyer.

I want to also turn to the fetal alcohol spectrum disorder prevalence study in Yukon's correctional population. This is an important issue and I'm pleased to see that work being done. The minister indicated that the methodology has now been prepared and that they have hired staff for the Department of Justice to work with someone from the University of British Columbia and that the methodology is now before the UBC ethics committee for review of the ethics.

I want to ask the minister if he is able to provide the Official Opposition with a copy of the methodology that will be used in the FASD prevalence study.

I also want to ask the minister — he did indicate that care would be taken to make sure that when the reports were released at the end of the project, the data would make sure that all privacy was respected and that any information related to inmates would ensure that their anonymity was protected. I would like to know whether people can refuse to participate in the study if they do not want to take part in this FASD prevalence study.

I also don't understand why there was, in the tender management system, a document issued after the closing date of August 22 that indicated the tender for the FASD prevalence study had been cancelled because there were no qualified bids. We now hear that the tender has been awarded. Perhaps the minister can explain that.

I do have other questions. I'm not sure how much of my time is remaining. Perhaps I'll address one other issue before I move on and that would be to start on Victim Services. There is \$500,000 for augmenting the Yukon *Victims of Crime Strategy*.

The federal minister and federal officials came to Whitehorse, and there was coverage in the media about a former colleague of some of the members opposite — a former Yukon Party Minister of Justice who is now the president of the Yukon Aboriginal Women's Council — who was quite disturbed about the fact that the federal minister did not choose to consult with the Yukon Aboriginal Women's Council about victim services, so I think that that is truly unfortunate and I will be looking for further details related to the various Victim Services projects.

The minister in his opening remarks referred to the provision of VictimLINK for some of the communities in northern British Columbia — Good Hope Lake, Lower Post, and Atlin — and that the amount is recoverable from the Province of British Columbia. I wonder if the minister can tell the House whether that VictimLINK service is provided by

people who are in the Yukon, who are based in the Yukon, and who are familiar with Yukon services and Yukon legislation, which are somewhat different from British Columbia.

**Hon. Mr. Nixon:** This government has committed to addressing the needs of victims of crime. In August 2009, we released our *Victims of Crime Strategy*. Since that time we've been actively implementing a workplan that fulfills its goals.

The *Victims of Crime Strategy* complements components of the work of the *Sharing Common Ground*, especially Item 4.1, Domestic Violence and Sexualized Assault Framework. The *Victims of Crime Strategy* was developed by the Department of Justice and the Women's Directorate in collaboration with First Nations and community agencies in order to enhance our responses to the needs of victims, families and communities.

The strategy has been designed to acknowledge, formalize and continually strengthen the Government of Yukon's existing services and to explore new and emerging initiatives — in particular, working with others to support victims of crime. The *Victims of Crime Strategy* is being guided by an implementation advisory committee. This committee has representatives from community groups, First Nations and women's groups, Health and Social Services, other justice organizations and the RCMP.

The committee has met up to twice a year throughout the duration of the strategy. The *Victims of Crime Strategy* has provided a foundation on which to seek funding from other sources for specific initiatives. The Policy Centre for Victim Issues has contributed up to an additional \$500,000 for 2013-14 to enhance the Yukon *Victims of Crime Strategy*. This is part of a five-year agreement from 2011-2016.

In the 2012-13 year, Victim Services completed the development of a logic model and evaluation framework for the *Victims of Crime Strategy* with the financial support of PCVI. The evaluation plan will be implemented in 2013-14 and 2014-15.

The strategy has five areas of focus and I'd like to now update you on what we have achieved in each of these areas.

We have committed to strengthening the focus on the needs of victims of crime — the strategy-initiated funding to support two additional Victim Services workers who have improved our ability to respond to victims in all Yukon communities. With the assistance of the Policy Centre for Victim Issues, Victim Services hired an additional Victim Services worker in Watson Lake — a term position from 2013 to 2016.

Victim Services has offices in Whitehorse, Dawson City and Watson Lake. All other Yukon communities have a victim service worker assigned to work directly with victims of crime and community supports. Services to rural communities continue to be a priority, including staff travelling to communities during court and between court appearances.

The Victim Services unit is a voluntary service that provides support and information to victims of all crime, whether or not a charge has been laid. This victim support includes information about the criminal justice system, the

role of the victim in the criminal justice system and opportunities to participate in criminal justice processes.

It also includes assistance in the court process by supporting applications for peace bonds and emergency intervention orders — also information about court proceedings, preparing victims to testify as witnesses, working with federal Crown witness coordinators, and supporting victims in preparing victim impact statements. Also, there is information to victims about options available, the status of the investigation, the next Court appearance; the final outcome of the proceedings and the notification of reduction of level of supervision of the accused.

Also, there is emotional support regarding the impact of victimization and referrals to other agencies as deemed appropriate. Also, there is practical support such as the victims of crime emergency fund, the emergency cellphone initiative, letters of support for housing and referrals to other agencies, as well as information and support for victims whose partners are involved with the Domestic Violence Treatment Option Court in Whitehorse and in Watson Lake, and/or the Community Wellness Court here in Whitehorse, as well as representation on the Youth Justice Panel. Also, there is 24-hour access to VictimLINK, a B.C. crisis line and support for inter-agency and community requests for programming and for training.

Accessibility to victim services is very important. As part of the *Victims of Crime Strategy*, we have released new Victim Services brochures to inform the public about the rights of victims and the unit's services. Victim Services has completed the development of a communications strategy. In September 2013, the Victim Services' website was updated with extensive collaboration with community service providers.

A victims of crime emergency fund has been implemented to address some of the emergency aspects of being victimized that cannot be covered by another source. One component of the victims of crime emergency fund is the emergency cellphone program. Emergency phones are provided to address safety concerns as a result of victimization. Many referrals to Victim Services come from the RCMP after a call for service. Victims and their families also refer themselves to Victim Services by calling the office or just walking in. Other victims are referred to the unit by other agencies and government departments.

The Victim Services unit has implemented a consent card so that referring agencies can provide victim information to Victim Services with the permission of the victim. Many victims accept the support at first contact with the justice system. Others may return to Victim Services at other times in the criminal justice process. Victim Services offers information and support to all victims of crime who are referred to the unit. Victim Services implemented its component of the JEIN system in early August 2012. This new system provides enhanced case management processes and data collection on services for victims in Yukon. JEIN has allowed Victim Services to report more comprehensive statistical information.

Also, addressing violence against women is another area of focus for our government and in the *Victims of Crime Strategy*. This complex problem is especially prevalent in the north and requires a multifaceted response. Here are some of the services that we have for women victims — during the review of Yukon's police force, service providers and clients called for police and other agencies to have a more consistent, effective, coordinated and informed response to domestic violence and sexualized assault. In implementation of the resulting recommendation in *Sharing Common Ground*, an inter-agency working group of members from CYFN, women's organizations, Government of Yukon, health providers, RCMP and the public prosecution office has been established.

This domestic violence and sexualized assault framework committee needs to share information and coordinate services. The committee works together in planning joint initiatives, including research projects. In addition, the committee is exploring a number of specific service delivery areas — including clarifying protocols and practices relating to police charging practices, including dual charging and the use of primary aggressor assessments — and is also supporting research being conducted by the Yukon Advisory Council on Women's Issues to better understand the concept and service gaps related to a legal advocacy for women.

A subcommittee of the framework committee is working to clarify RCMP policies related to dual charging and RCMP policy and practices regarding the use of primary aggressor assessments in cases of domestic violence. Dual charging refers to both partners being charged in cases of domestic violence. Primary aggressor policies direct law enforcement agencies and prosecutors to investigate and determine the most significant, rather than the first, aggressor in cases where it is alleged that both partners committed an assault. The issues of dual charging and of women who are victims of violence being arrested and charged with assault was raised a number of times during the 2010 review of policing.

The subcommittee is also monitoring the use of these policies and ensuring that open communication lines exist between the RCMP and service providers. The framework development committee is supporting the RCMP to update M Division policy and procedure manuals. This complex issue is being discussed across the country and it's not an issue unique to Yukon. Open lines of communication, coordinated service provision and specialized response teams are some of the key success factors in other jurisdictions dealing with the issue. Justice officials and RCMP M Division are working closely with other service providers to develop coordinated services and ongoing communication here in Yukon.

During the review of Yukon's police force, one of the items specifically raised by women's organizations was to consider establishing a legal advocate for women. The *Sharing Common Ground* report recommended further consideration of a legal advocate position to support women and/or a court watch program.

The Women's Directorate and the Department of Justice provided funding to the Yukon Advisory Council on

Women's Issues to define and to research the scope and options for a women's legal advocate. The draft report, called *Gaps, Needs and Options: Legal Advocacy for Yukon Women* from the Yukon Advisory Council on Women's Issues, was released in June 2013. The report provided an in-depth review of perceived and actual gaps, as well as needs and options for legal advocacy services for women.

Madam Chair, at this time, YACWI has reviewed responses to the draft report from organizations that participated in the research processes and is currently developing advice for consideration. The Yukon Status of Women Council has received funding from the crime prevention victim service trust fund to run a Court Watch program. Court Watch is a program that provides the oversight necessary to address gender equality in court, finds opportunities to give a more effective voice for victims in the criminal justice system and supports improvements for services and supports for victims. Trained observers attend local court proceedings and document cases of spousal assault and sexualized assault. The program is scheduled to run from April 2013 to March 31, 2015. The program will begin in Whitehorse and expand to Dawson City and to Watson Lake.

The Yukon Status of Women Council has engaged FREDA — the Feminist Research Education Development Action Centre — at Simon Fraser University to assist with the research part of their project. Victim Services branch has met with the Yukon Status of Women Council and has offered to provide information about court processes and schedules to the Court Watch volunteers.

Another recommendation of the *Sharing Common Ground* report was that a team within the RCMP be created to respond to domestic violence and sexualized assault. Accordingly, the Government of Yukon has provided funding to the RCMP to establish a four-person specialized response unit, or SRU, within M Division. By establishing this unit, M Division can be more effective in responding to domestic violence and sexualized assault and improve coordination with other agencies. The RCMP advised that the unit is close to being fully staffed, and has begun work on files related to its mandate.

The SRU responds to domestic violence, sexualized assault, child abuse and elder abuse. The unit will have specialized training and an enhanced knowledge of investigation techniques and specific responses appropriate to sexualized assault and domestic abuse. The unit provides guidance; it provides assistance and oversight to detachment members who are conducting domestic violence and sexualized assault investigations and they are lead investigators in domestic violence and sexualized assault investigations where specialized services are required.

The specialized response unit will also identify training and divisional needs related to domestic violence and sexualized assault. This unit will work with service providers and key stakeholders for enhanced inter-agency collaboration and consistency in response across Yukon. The RCMP have made changes to their domestic violence policy with the support and input from their community partners and are

working to develop new training for front-line officers. The approved ongoing budget for the specialized response unit for 2013-14 is \$678,000.

Victim Services continues to support the Yukon Sexual Assault Response Committee, or SARC, which consists of representatives from government and community-based service providers. The committee is focussed on collaborating services and developing a standard of practice when responding to victims of sexualized assaults. The Yukon Sexual Assault Response Committee has confirmed its new terms of reference and is now meeting monthly with support from the Victim Services and Community Justice.

Sexual assault nurse examiner training was offered in September 2012, with support from members of SARC. Fourteen nurses in the Yukon were trained to provide forensic medical examinations for sexualized assault.

Another area of focus in the *Victims of Crime Strategy* is the development of new legislation. In May 2010, this government passed the *Victims of Crime Act*, and the act and regulation were proclaimed on April 8, 2011. The act has been supported with a number of public education initiatives outlining information on Victims of Crime Have Rights. This includes posters, fact sheets, information brochures, flashlights and pens. The director has assisted two individuals requesting support for complaints under this act.

Madam Chair, I have much more to add to this debate but seeing that my time is up, I will have a seat and let the member opposite continue.

**Ms. Moorcroft:** I just would like to put on the record two questions that I would again like to ask the minister to answer, if he would, in relation to the fetal alcohol disorder prevalence study at Whitehorse Correctional Centre. Would he provide a copy of the terms of reference for that study?

The second question, in reference to the VictimLINK services administered out of British Columbia and provided to Yukon communities as well as northern B.C. — are the staff of that service aware of the Yukon legislation regulations and services that are available so that they can provide appropriate information to callers from Yukon communities and northern B.C.?

**Hon. Mr. Nixon:** I have more to say on Victim Services, but I know the member opposite had a number of questions and one of them was the prevalence study on FASD in the Yukon corrections population. The member opposite had asked about a separate track for high-cost cases, and that's something that we are looking at within the review.

The Department of Justice recognizes that a number of people in the adult correctional population have cognitive impairments along with mental health and, perhaps, substance abuse issues that may be hindering their ability to successfully benefit from treatment and programs. Persons with FASD often experience brain-based difficulties like decision-making and problem solving, mental health problems or problems with drugs and alcohol abuse. There is a need to improve services, case coordination and outcomes for these offenders.

Unfortunately there is very little empirical data on the prevalence of people in the criminal justice system who have

FASD. This is true for Yukon and it's true for other jurisdictions as well. Interest in determining the prevalence of FASD arose at a national conference held right here in Yukon on access to justice for individuals with FASD. One of the conference recommendations was the need for research to determine the prevalence of FASD in the adult corrections population. It was also identified that, in order to determine prevalence, diagnostic capacity needs to be developed as well.

Case management, case coordination and post-diagnostic service provision have been recognized as challenges to improve outcomes for individuals with FASD.

The FASD project was developed as a collaborative effort between the departments of Justice and Health and Social Services to address FASD issues in Yukon. It is divided into two streams: Department of Justice leads the prevalence research study stream, and Health and Social Services leads the adult diagnostic capacity and case management stream. I'd like to extend my appreciation to the Minister of Health and Social Services for his role in this study.

As a result of the access to justice conference, along with funding support from Justice Canada, the Northern Institute of Social Justice, Yukon College and the Public Health Agency of Canada, the Yukon Department of Justice is undertaking the FASD prevalence study. With funding from the Public Health Agency of Canada, Yukon Health and Social Services is developing a local diagnostic capacity for adults and implementing an integrated case-management approach for FASD-affected individuals.

The goals of the FASD prevalence study are to determine the prevalence of FASD and other neurocognitive disorders in Yukon's adult correctional population, to identify mental health and substance abuse problems, to assess and test adult FASD screening tools, and to ensure the adaptability of the research methodology to other jurisdictions in Canada.

Neuropsychological measures chosen for the FASD prevalence study were selected in an effort to closely mirror past prevalence studies conducted by Correctional Services Canada in order to facilitate a comparison of the results across samples. Each participant in the study will receive a report and letter outlining results from the assessment, including a profile of strengths and limitations, any diagnosis and recommendations regarding programming or referrals. A post-study clinical coordinator will be available to all participants who are identified with FASD or significant mental health or substance abuse problems following the end of assessments. The goals of the adult diagnostic capacity and case management stream are: to increase Yukon adult FASD diagnostic assessment capacity and also to develop programs and the framework of existing services; to analyze gaps and make recommendations for improvements; to improve case management and case coordination, access to services and support for offenders with FASD; and to improve awareness of FASD within our territory. Work is currently proceeding concurrently in the two streams so that each stream can inform the other.

A project partners board oversees the development and implementation of the FASD project, which includes Yukon

Justice, Yukon Health and Social Services, Correctional Services Canada, Justice Canada, Canadian Centre on Substance Abuse, Northern Institute of Social Justice, Yukon College, Fetal Alcohol Syndrome Society Yukon and First Nations Health and Social Development Commission. The project partners board oversees both streams. I'd like to thank all of them for their hard work in this study.

Justice Canada, the Northern Institute of Social Justice and Yukon College funded the development of the research methodology for the FASD prevalence study. The Public Health Agency of Canada funded parallel work to determine what level of programming, services and case management techniques are required to meet the needs of this offender population and reduce their involvement in the justice system.

There are two phases to the FASD prevalence study. We are currently in phase 2. Phase 1 saw the completion of the research methodology and project plan. Phase 2 includes the implementation of the study, enrollment and participation of adult Yukon offenders, the completion of participant assessments and diagnosis, data analysis and the final report outlining the research results and conclusions. Any correctional population involvement with the phase 2 of the research study is completely voluntary.

There are two phases to the adult diagnostic capacity and case management stream. Phase 1 includes the review of current practices locally, nationally and internationally for FASD diagnosis. It includes the research, development, and training of FASD diagnostic and assessment programs, as well as the research, development, and training of case management and case coordination models and the development of evaluation frameworks for both FASD diagnostic and assessment programs and case management models. Phase 2 of the adult diagnostic capacity and case management stream includes providing FASD diagnosis and assessment for adults in Yukon, as well as the implementation of a case management and case coordination model that monitors the implementation of both aspects and the gathering of data for evaluation and service improvements.

A principal investigator affiliated with the University of British Columbia was hired in June 2012 to develop the research methodology for the FASD prevalence study and to submit that methodology for a university ethics review and investigate funding opportunities for conducting the study. The prevalence study project partners review and approve the research methodology. This document includes a description of the project rationale, research questions, study methods — including participant selection and recruitment strategies — general studies, procedures, a discussion of pertinent ethical issues, and a preliminary draft budget for the study. The budget for the FASD prevalence study was approved in May 2013.

The Department of Justice released the funding information to the public on August 2, 2013. Eight personnel are required to conduct the study. There is an on-site research manager, a clinical coordinator, a psychologist and supervisory neuropsychologist, a physician, a research assistant, a post-study coordinator and the principal

investigator. The study budget also covers the costs of neurological tests and assessments, as well as travel for the principal investigator and neuropsychologist, administrative costs and knowledge translation costs.

In the adult diagnostic capacity and case management stream, Health and Social Services is reviewing and analyzing existing programs and supports for individuals with FASD — specifically, to determine gaps in service, as well as develop local diagnostic capacity for adults with FASD and improving case management for diagnosed adults with FASD who come into conflict with the law. In both streams, meetings have occurred with services, agencies, stakeholders and key informants to share project information, to raise awareness of FASD, to gain perspectives and support, and to build relationships.

We know that in a project of this nature, the complexities, research protocols and different understandings of FASD can bring challenging delays during the implementation phase. We are currently experiencing these delays. During meetings with stakeholders, service agencies and front-line workers, we have consistently heard that assessments must go beyond a clinical diagnosis of FASD to include a strength-based functional assessment. The functional assessment provides more potential benefits for individuals, for their caregivers and for their caseworkers.

In order to be consistent with client-centred service delivery and the wraparound provision Yukon has intended, the sharing of FASD clinical information, such as a diagnosis, is an important conversation to have before recruitment starts. We must consider and be mindful of the stigmas related to an FASD diagnosis and address these considerations early on. Improved diagnostic and assessment services must consider post-diagnosis service provision. Having a comprehensive, functional assessment provides little advantage where significant gaps exist in programs and in services.

The project partners board recognizes that a project of this magnitude will require a multi-year, multi-pronged approach. With research methodology completed and funding secured, it is expected that recruitment of this first participant may begin in the winter of 2013. The research study is expected to require a minimum of 18 months to complete, with approximately 150 assessments to take place.

Funding from the Public Health Agency of Canada will fund the capacity development and case management stream until March 31, 2014, as well as the prevalence study manager until March 31, 2014. Colleagues across Canada in both justice and health and social services fields are looking forward to the documents and results of Yukon's FASD prevalence study.

The tender for the clinical coordinator was withdrawn because two bids were over the budget limit. An alternate delivery of this part of the study is being assessed and will be implemented to stay within the budget allocation.

Mr. Deputy Chair, how much time do I have left?

Getting back to victims of crime, another area focussed on in the *Victims of Crime Strategy* is working to support mentorship and capacity building in communities. Victims of

crime in Yukon are able to, and do, seek support from a variety of sources: friends, family, community groups and others. This government currently supports a number of community and advocacy groups to provide services to victims.

Victim Services and Community Justice work with other justice workers, such as community justice coordinators, aboriginal courtworkers, probation officers and other allied professionals, to address needs in Yukon communities. We're also continuing to develop appropriate and skilled responses to the unique and specific needs of victims of crime. We are working with many communities on the development of community-based initiatives related to victimization. We are doing this in the following ways: the Dawson City Victim Services office supports the communities of Dawson City, Pelly Crossing, Mayo and Old Crow and the Tr'ondëk Hwëch'in, Selkirk, Na Cho Nyäk Dun and the Vuntut Gwitchin First Nations. An essential skills for northern victim services workers program targeted existing Victim Services workers and others in communities who want to respond to victimization and is being developed in cooperation with Nunavut and Northwest Territories through the Northern Institute of Social Justice. Phase 1 concluded in April 2011 and resulted in a pan-territorial working group committed to developing the program. Phase 2 is underway and is focussing on confirmed core competencies for Victim Services workers and developing training modules to address endorsed competencies. Work is underway with the Northern Institute of Social Justice to secure funding to continue with phase 3 for 2013-15.

An 18-month plan to address compassion fatigue and vicarious trauma has been developed and is now completed. More than 10 workshops to address the effects of compassion fatigue and vicarious trauma have been offered in most Yukon communities. The trainer workshop was offered in 2011 and 2012 with ongoing coaching and mentoring of all eight trainers throughout 2011 and 2012. These local trainers offer training across Yukon in various formats. This training is supported by the additional funding received through the *Victims of Crime Strategy*.

Madam Chair, I have much more to say. I see that my time is up. I'll let the member across have the floor again.

**Ms. Moorcroft:** I appreciate the information that the minister read into the record regarding the FASD prevalence study. That was quite helpful. I would, however, like to ask him again if he will provide a copy of the research methodology.

I would like to take the time that I have to put a couple more questions on the record and see if I can get a response from the minister.

The minister spoke about the *Sharing Common Ground* report and ongoing work that is being done involving the RCMP, the many community agencies, the Department of Justice and Yukon women's groups. Part of that response to *Sharing Common Ground* that the minister referred to was the new specialized sexual assault four-person response team who

investigates violence against women as well as child and elder abuse cases.

There are many sexual assaults that occur in rural communities and I would like the minister to speak, if he would, about the specialized response team — that I believe is based in Whitehorse — and to indicate whether they provide specialized training on investigation techniques and investigating sexual assaults and child and elder abuse to members of detachments in rural communities. I'd like to hear from the minister what training occurs for members who are posted to rural communities where, sadly, there is a very high incidence of violence against women, as there is throughout the territory.

Also, in looking at the review of Yukon's police force 2010 and some of the activities that were undertaken both during and following that review, I'd like to ask the minister to provide some information about the protocol that was reached between the Watson Lake detachment of the RCMP and the community and the Liard Aboriginal Women's Society. I am very grateful that the Watson Lake RCMP and the Liard Aboriginal Women's Society were able to conclude that important work. They held a number of workshops on a Together for Justice project. Many of them were in Watson Lake — in your home community, Madam Chair — and there were also some in Whitehorse.

The goal of the coalition of Yukon women's groups, which included organizations based in Whitehorse as well as organizations based in the communities, was to try to also reach a protocol agreement between the Whitehorse detachment of the RCMP and Yukon women's groups. I'm wondering if the Minister of Justice can give me an update on that. I'm going to leave my questions at this point and seek a response from the minister.

**Hon. Mr. Nixon:** I've got some more information to share with this House on victims of crime. I'd like to do that before moving on to some of the other questions that the member has asked.

Four members of the Victims of Crime Strategy Advisory Committee attended a national knowledge exchange on victim-focussed risk assessment and safety planning in October 2012. Community Justice and Public Safety developed a divisional work plan to coordinate risk assessment and safety planning. Victim Services workers have reviewed several approaches to risk assessment.

The VSU and OSS have compiled an inventory of risk assessment tools. Information from the knowledge exchanged is being applied to the Yukon context. This work will proceed in collaboration with other justice professionals, including offender services and supervision and the RCMP. We're also providing funding through the crime prevention and victim services trust fund for several other victim-related projects, including a project for young women in Ross River — which is an equine therapy project. There is also an equine therapy project in Watson Lake, an aboriginal women's advocate and community-based support programs.

The trust fund supports projects that are intended to reduce the episodes of crime, prevent violence against women

and against children, address the root causes of criminal behaviour, and provide and promote information on crime prevention and protection from victimization, the needs of victim services offered to victims.

The *Victims of Crime Strategy* supports the development of ways to integrate responses for victims, for offenders, for families and for communities. Currently this is what we are doing in this area of focus. Victim Service staff participate in monitoring of safety with respect to victims in both domestic violence treatment option and the Community Wellness Court.

The Department of Justice has operated the Domestic Violence Treatment Option Court since March 2001. The Domestic Violence Treatment Option Court continues to operate in Whitehorse as well as in Watson Lake.

The Department of Justice provides programming for offenders, both individually and in group, at the Whitehorse Correctional Centre and in the community. Victim Services offers information sessions to victims whose partners are attending the program in the Domestic Violence Treatment Option Court. Victim Services staff participated in integrated offender management case conferences to ensure the victim's voice is represented in case planning.

Victim Services staff liaise with Community Justice staff and committees to explore interest in reconciliation initiatives. As well, Madam Chair, as part of the additional support offered by Canada, Victim Services is working with a multidisciplinary team to enhance responses for child and for youth victims and witnesses of crime.

The Links project will implement national best practices for working with child victims and witnesses. There are 10 identified best practices and the department is working with the Public Prosecution Service of Canada, the RCMP, Health and Social Services, Whitehorse General Hospital, Court Services and other service providers to develop a coordinated and integrated approach to this area. Best practices include a multidisciplinary team approach, development of child-friendly environments, developmentally and culturally appropriate forensic interviews and forensic medical examinations, clinical interventions, testimonial aids, case tracking, and research.

In addressing the question from the member opposite regarding the *Sharing Common Ground* implementation — we have made great progress toward implementing the recommendations in *Sharing Common Ground — Review of Yukon's Police Force — Final Report*. Implementation of these recommendations has resulted in significant structural policy and process changes to help policing as administered in our territory. Implementing these recommendations has strengthened relationships between RCMP, the Council of Yukon First Nations, Government of Yukon, women's organizations, the Northern Institute of Social Justice, and communities. It has stimulated productive dialogue and allowed for collaboration in addressing key community safety issues. The Department of Justice and the RCMP have been working to ensure that the new services, processes and ways of working together are integrated into our core operations as we move forward. While we will transition from

implementing projects over the course of this fiscal year, we have ensured that the learning from the review and *Sharing Common Ground* implementation are incorporated permanently.

In the spring sitting, we tabled a formal report of *Sharing Common Ground* implementation. The report outlined how the recommendations have been implemented and will demonstrate how changes in policy, processes and structures provide ongoing and lasting change. A formal report will be tabled —

**Some Hon. Member:** (Inaudible)

**Hon. Mr. Nixon:** Madam Chair, if the Leader of the Official Opposition would like to continue to heckle me while I'm reading —

**Chair:** Order. Mr. Nixon has the floor.

**Hon. Mr. Nixon:** Thank you, Madam Chair.

During the review of Yukon's police force, when looking at domestic violence and sexualized assault framework, service providers and clients called for more consistent, effective, coordinated and informed response to domestic violence and sexualized assault by police and other agencies. As part of the *Sharing Common Ground* implementation, an inter-agency working group of members from the Council of Yukon First Nations, women's organizations, Government of Yukon health providers, RCMP and the public prosecutions office has been established.

This Domestic Violence and Sexualized Assault Framework Committee meet to share information and coordinate services. The committee is developing an overarching framework to describe Yukon's responses and show linkages between services. In addition, the committee is exploring a number of specific service delivery areas, including clarifying protocols and practices relating to police charging practices — including dual-charging and the use of primary aggressor assessments — as well as supporting research being conducted by the Yukon Advisory Council on Women's Issues to better understand the concept and service gaps related to legal advocacy for women.

The Government of Yukon has provided the funding to the RCMP to establish the four-person Specialized Response Unit within "M" Division. By establishing this unit, M Division can be more effective in responding to domestic violence and sexualized assault and improve coordination with other agencies. This four-member unit has training which has enhanced their knowledge of investigating and responding to sexualized assault and domestic violence. The unit provides guidance; it provides assistance and oversight to detachment members who are conducting domestic violence and sexualized assault investigations, and they are lead investigators into domestic violence and sexualized assault investigations where specialized services are required.

The SRU also identifies training and divisional needs related to domestic violence and sexualized assault. This unit works with service providers and key stakeholders for enhanced inter-agency collaboration and for consistency in responses across Yukon.

The RCMP has made changes to their domestic violence policy with the support and with the input from their community partners, and has recently piloted a new training for front-line officers. This training included input and presentations from a range of Yukon service providers.

The framework committee continues to meet and a framework document is under development. It is anticipated this portion of the work will be completed over the next few months. The process of developing a framework has allowed for the development of cross-sector relationships and strengthened interest in working together.

On to the issue of legal aid — we talk about funding. Now, it's important to note that Legal Aid had an accumulated surplus that they had built up over a number of years. We have been back-shopping their costs and they have been able to draw down on that surplus. It's also important to note that the suspension of the services through Legal Aid was only a result of a vacancy and a new hire is underway, and it's being advertised now.

In 2012-13, Yukon provided Legal Aid with core funding of approximately \$1.6 million along with almost \$200,000 in additional funding to deal with high-cost criminal cases. A further \$35,000 was provided for lawyer services specifically related to the Community Wellness Court. Of that \$1,798,751, Canada provided Yukon with \$864,000 through the access to justice service agreement. Yukon contributed the remaining \$934,751 as well as the additional \$35,000 mentioned above.

Since 2003, federal funding for legal aid has remained the same and it will continue to be frozen until 2017. This will put added pressure on Yukon to make up Legal Aid's inevitable funding shortfalls.

The Department of Justice officials have been working with Legal Aid to ensure that it has enough funding to cover its high-cost cases and provide its regular services under the access to justice service agreement. As a result of those discussions, the department provided Legal Aid with a one-time funding increase of \$180,000 in the 2010-11 year to cover the cost of high-cost cases that were before the courts. The Department of Justice also provided \$235,000 of additional one-time funding to cover Legal Aid's high-cost cases for the 2011-12 year. This year, the department provided Legal Aid with an additional one-time funding of \$200,000 in September 2013 to cover its high-cost cases.

Access to justice and the proper administration of justice demand that low-income people who are charged with serious *Criminal Code* offences should be provided with legal representation during the court process. In some situations, citizens charged with criminal offences have a constitutional right to legal aid. The determination as to which applicants are eligible for legal aid is made by Legal Aid itself, according to the Yukon *Legal Services Society Act*, access to justice service agreement, and Legal Aid's own eligibility rules.

I'll let the member — perhaps the Leader of the Official Opposition seems to have questions as well. I'll sit down and let them ask.

**Chair:** Thank you. 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 come to order. We're going to resume general debate on Vote 8, Department of Justice.

**Ms. Moorcroft:** Just before the break, the minister was responding to questions regarding the legal aid services, and I was about to ask the minister what he would be prepared to do to ensure that Legal Aid would be able to offer poverty law services before April 1, 2014, at the start of the new budget year. The minister stated that it was only because of a vacancy that Yukon Legal Services Society had to cease offering the poverty law services. Well, my understanding is that Legal Aid did not feel able to fill a vacancy because of their funding shortfall. If they are now able to advertise for a position, that would be great.

I think it's vital that those poverty law services are available. I think the minister should take into account that probably a reason contributing to a legal aid lawyer deciding to seek work elsewhere is that the lawyers working for Legal Aid earn far less than members of the private bar or the federal public prosecutions or Yukon government lawyers. This comes back to the issue of core-budget increases, and I hope that the minister will be prepared to ensure that, if Legal Aid requires further funding before the end of this fiscal year in order to offer the full range of services, they will have the funding that they need to do that.

I had also asked the minister some questions in relation to policing services and services for victims and the sexual assault response team. I spoke about the fact that a protocol agreement had been reached in the community of Watson Lake because there was a mutual desire by the RCMP and Kaska women of the Liard Aboriginal Women's Society to address violence against all women. The guiding principles in that agreement are ones that I am certain that the Whitehorse detachment of the RCMP and the Minister of Justice could endorse.

They set out principles to guide a relationship between the police and women's groups, which various reports submitted to the review of Yukon's police force indicated that that relationship did need some improvements. Those principles are to advocate for the safety and dignity of women, to be committed to building a shared understanding of our past, present and future, to work as allies in eliminating violence against women and restoring equity and inclusion. The protocol acknowledges that women have been resisting diverse forms of violence for many years and they continue to protect themselves and their children. The RCMP and the Liard Aboriginal Women's Society have agreed to work collectively to promote positive social responses to those who have been harmed by violence and to acknowledge the importance of using accurate language to describe violence and resistance to violence.

It understands the importance of documenting progress, of communicating in a timely and accurate manner, and celebrating results. The objectives are to foster a secure and sustainable relationship, to increase intercultural awareness, understanding and respect, and to respond to violence against community members. It sets out ways of doing that, such as involving First Nation elders to guide them.

Again, I would like the minister, when he stands up to respond, to indicate what progress has been made in Whitehorse between the RCMP and the coalition of women's groups — this should be part of the implementation of the *Sharing Common Ground* report.

I'd like to know if he can give us an update on when a protocol agreement might be reached in Whitehorse for the M Division Whitehorse Detachment with Yukon women's groups.

The minister put out a media release this morning about Whitehorse Correctional Centre expanding its First Nations programs. There are a number of budget items both in operation and maintenance and in capital that are related to Whitehorse Correctional Centre, and I have some requests to the minister for information. In the release that went out this morning, the minister announced that the heritage and culture essential skills program will be piloted with Yukon College to offer daily programming to inmates to teach essential skills and education about heritage and culture in the Yukon. I want to applaud that; I'm very pleased to see that. I think it's a great step and we've been looking for an announcement of some new programming at Whitehorse Correctional Centre that would be of assistance to the — generally 75 percent or more of the inmate population that is of First Nation ancestry.

The release went on to say that there are a number of ongoing traditional activities at the Correctional Centre, such as smudges, elder visits, talking circles, traditional foods, traditional awareness workshops, solstice celebrations and traditional teaching, such as talking sticks and eagle feathers. It refers to other activities such as carving, beading, drum making, medicine pouches, button blankets, traditional medicines and First Nation language classes in Southern Tutchone.

I'd like the minister to report when the last time was that inmates were able to smudge. We do get calls in our office on occasion from inmates and we often hear, "We would like to speak with the elders." So how often in the last month — how often in the last three months have inmates and elders used the purpose-built First Nation healing room? How often in the last three months have elders met with inmates and held talking circles? How often in the current fiscal year have carving, beading and drum-making programs been offered?

I also want to ask the minister a question about the solstice celebrations. I've attended those solstice celebrations in the past and I know the minister has. Previous ministers of Justice have attended the solstice celebrations. Before moving into the new Whitehorse Correctional Centre facility, at the solstice celebration all inmates and their families and members of organizations — perhaps First Nation workers and representatives of the Elizabeth Fry Society, other

organizations that provide service for inmates — were all able to attend and inmates were able to attend that solstice gathering and eat together. Why has that practice now been stopped?

There are now separate feasts held for each unit within the Correctional Centre. I'm sure that it's possible to have a solstice celebration with all of the inmates from all of the units being able to come, along with any family members and others who are there. Those are some of the questions that I have in relation to Whitehorse Correctional Centre.

I also would like the minister to provide some information about the phone system. The cost to inmates is problematic and I'd like to know what the rationale is for cutting off access to the outside world for inmates. It makes it very difficult for them to make bail plans or release plans or call potential witnesses when they can't leave a message — when they must reach a person in order to speak and are unable to leave a message. I do understand that the minister and the institution want to prevent any abuse of inmates calling people who don't want to be phoned, but I'm sure there is a way of doing that without curtailing the ability of inmates to speak to people outside of the Correctional Centre.

Earlier in his remarks, the minister spoke about services for victims and how there was work being done, for example, to assist with finding housing. Many of the inmates who are present at Whitehorse Correctional Centre are also victims. I think that the FASD prevalence study is going to reveal some helpful information about that. But it's necessary for people who are in the Correctional Centre and going to be released to be able to make some arrangements for housing and for stability when they do come out of the Correctional Centre in advance of their release so that they're less likely to engage in destructive patterns of behaviours that may result in them returning to the Correctional Centre.

I'd like the minister to imagine if we were smart and not just tough on crime. In other countries, a focus on rehabilitation has resulted in markedly low re-offending rates. Governments in the United States are opting for programs that tackle generational disadvantage, that emphasize rehabilitation and prevent re-offending. The result has been a significant drop in crime and prison numbers and a \$2-billion savings in Texas alone. With evidence like this, all sides of politics are uniting behind the case for more responsible spending that stops crime and emphasizes community well-being. We need our prisons to have community well-being as their overarching purpose. This means putting resources into helping the rehabilitation of people who are incarcerated at Whitehorse Correctional Centre.

This does not mean, of course, that we should dispense with tough options for the gravest of crimes or for offenders who will simply not reform. But we cannot contain every risk by simply being punitive. We need to be smart so that we are bound to a system that will not leave more victims in its wake.

I'd like the minister, if he would, to answer those questions about the Whitehorse Correctional Centre. One of the questions that I did speak with the officials about when we had the briefing yesterday was the cost of the phone system

and the funding of the phone system and I'd like the minister also to clarify that.

**Hon. Mr. Nixon:** I think it's important for me to note how much I appreciate the department officials being here, assisting me in providing detailed information. I truly appreciate their professionalism and their expertise that they provide to me on a daily basis.

I also want to take a moment to talk about the staff at the Whitehorse Correctional Centre. Often we are talking about the inmates at Whitehorse Correctional Centre, but not very often do we recognize the terrific job that the staff at the Correctional Centre do and the tremendous responsibility that is on their shoulders day in and day out at the correctional facility. As minister, I've indicated on the floor of this Legislature that on a number of occasions — I try to get up there every three or four months just to walk around the facility and see how it's operating, talk to the staff — and every single time that I go there, I am impressed by the work that the staff at the Whitehorse Correctional Centre are doing, both administratively, in the front line, and the management of the correctional facility.

We have a top-notch facility with top-notch staff working with the inmates, and I'd just like to take this opportunity on the floor of the Yukon Legislature to thank them for their hard work and for their dedication. I sincerely appreciate the role that they play at the WCC.

Another role that I've appreciated as the Attorney General and the Minister of Justice over the last two years has been that of developing a relationship with our police force in Yukon, the RCMP. They have tremendous leadership here in the territory. I think it would be safe to say that almost every member looks up to the commanding officer of the RCMP in our territory. The management and staff of the RCMP also do a terrific job, and I'd like to thank the front-line constables and inspectors who are out there creating a safe environment for Yukoners, day in and day out, putting themselves at risk so that we can be safe. So, thank you to the RCMP in Yukon for doing the tremendous job that they do, as well.

*Sharing Common Ground*, the final report of the review of Yukon's police force, recommended further consideration of a legal advocate position to support women. This was part of a larger recommendation focussing on improving the consistency, the effectiveness and the coordination of the response to domestic violence and sexualized assaults by the police and by other agencies.

The Women's Directorate and the Department of Justice provided funding to the Yukon Advisory Council on Women's Issues, otherwise known as YACWI, to better define the issue and the need around women's legal advocacy here in Yukon. Through the research, it is apparent that this is a complex issue that will require a multifaceted response. That response will need to include the strengthening of services and improved connections between service providers. YACWI recently shared a draft report with stakeholders and is now working toward providing recommendations on moving forward.

Within the Department of Justice, Victim Services workers support their clients in court appearances and help them understand their rights and the criminal justice process. The *Victims of Crime Act*, proclaimed in the spring of 2011, reinforces the rights of victims, including their right to information throughout the justice process. Victim Services workers work closely with the Crown and with our RCMP to ensure that a victim's voice is heard and that their views are considered as an integral part of the criminal justice system.

A key element of the *Victims of Crime Strategy* over the past three years has been to strengthen the focus on the needs of victims of crime and much work has been done in this area. Victim Services is working with the Northern Institute of Social Justice and the Policy Centre for Victim Issues to develop core competency training for Victim Services workers, which will provide training focussed on court processes and the criminal justice system for non-criminal justice NGOs. The newly implemented justice enterprise information network will allow the Department of Justice to better track the experience of victims of crime.

In speaking to the good work of the RCMP and in speaking to the good work of the Department of Justice — and specifically to the employees at the Whitehorse Correctional Centre — it's important to note that the Department of Justice, in collaboration with the RCMP and other partners, has established a prolific offender management program which has been in operation since 2011 here in Whitehorse. The prolific offender management program, or POM, has experienced success in reducing crime by targeting the small number of persons who commit the most crime. The prolific offender management program is in its third year of evaluation and is showing some promising results in decreasing the rate of offences committed.

At present, the program has 18 clients who were selected based on specific criteria, which included the frequency of their offending, their history of non-compliance with court orders, and the impact their offending has had on the community. The program aims to reduce the total crime committed by prolific offenders and to improve the coordination and access to services for prolific offenders to enable positive behavioural change.

The program also ensures effective risk management of prolific offenders through appropriate sanctions and intensive supervision by RCMP and by Offender Supervision and Services. These objectives are met through monthly meetings of a multi-agency prolific offender management team, which includes representatives from the Department of Justice, from Health and Social Services, RCMP, First Nations, Council of Yukon First Nations, and the Public Prosecution Service of Canada. The team works to create an intensive and effective package of interventions by combining and coordinating our resources.

Also speaking about the good work that the RCMP does for our territory, it's important to note that the Commission for Public Complaints Against the RCMP completed a six-month pilot project in the territory, which ended in December of 2011. As a result of the project, the commission established

a dedicated phone line and e-mail for complaints from Yukoners and assigned an analyst who would respond to those complaints. This level of service provided by the commission is unique in comparison to any other jurisdiction in the country. The commission continues to review relevant complaint files at the request of a complainant. If on review the commission believes it is necessary, they may request further investigation, initiate its own investigation or hold the public meeting. The commission continues to provide information to the public regarding the complaint process in order to inform clients who may wish to file a complaint related to police conduct.

Bill C-42, *Enhancing Royal Canadian Mounted Police Accountability Act* recently passed in the House of Commons. It creates a new civilian review and complaints commission for the RCMP, replacing the existing Commission for Public Complaints Against the RCMP. The creation of the Civilian Review and Complaints Commission increases the transparency of investigations into serious incidents involving a member of the RCMP. It reduces the potential for bias and promotes public accountability. The Civilian Review and Complaints Commission will have the same powers of the former commission along with new powers and authorities to carry out its mandate.

I've spoken a bit about the specialized response unit. I have some more information that I would like to share with this House. During the police review, when clients called for more consistent, effective, coordinated and informed response by police and other agencies to domestic violence and sexualized assault, we know that the final report of the review, entitled *Sharing Common Ground*, recommended that a team within the RCMP be created to respond to domestic violence and sexualized assault. The unit is now fully staffed and has begun to work closely with stakeholders, to advance investigations on files related to its mandate. By establishing this unit, M Division can be more effective in responding to domestic violence and sexualized assault and they can improve coordination with other agencies.

The SRU is currently being evaluated. The evaluation will involve a framework, which includes quantitative and qualitative data in reporting over the period March 2013 to February 2016. Madam Chair, the overall purpose of this project is to provide an evaluation of the specialized response unit that will allow decisions that will assist in the future planning of that program. This four-member unit has specialized training and they have an enhanced knowledge of investigation techniques and specific responses appropriate to sexualized assault and domestic violence and abuse. The unit provides guidance; it provides assistance and oversight to detachment members who are conducting domestic violence and sexualized assault investigations and will act as lead investigators into domestic violence and sexualized assault investigations where those specialized services are required. The approved and ongoing budget for the SRU for this fiscal year is \$678,000.

In speaking to the RCMP, I think it's important to note the policing priorities that were set out by the Department of

Justice and me. There are five priority areas of focus for policing in Yukon. First is to focus on preventing and decreasing the victimization of youth and children. The RCMP continues to deliver effective, meaningful programs supporting diversion of youth from involvement in the Yukon justice system, underage drinking and illegal drug use. M Division continues to seek out new ways to connect with youth to reduce criminalization and victimization opportunities.

Second is to continue to improve the response to sexualized assault and family violence including abuse in intimate partner relationships and child abuse. The SRU team is fully staffed and continues to provide that effective oversight on all family violence and sexualized violence investigations throughout our territory.

Third is to work with the public and service providers to identify and to address community safety issues. The Whitehorse detachment general investigation section initiated a time-limited project designed to combat local street-level drug trafficking and criminal activity in the downtown core and along the waterfront. This successful initiative resulted in numerous charges and seizures of both drugs and alcohol. Members of the Whitehorse detachment also began conducting random foot patrols along the waterfront and in the downtown core. This proactive initiative resulted in favourable comments from the public.

Fourth on this list was to build and foster constructive and respectful relationships with the First Nation leadership and communities and citizens.

All of the detachments understand that there is an expectation to consult with the aboriginal community and all have completed the consultation with their First Nation's leadership and community group in the development of annual performance plans.

Number five in the priorities was to improve the police response to vulnerable populations, with a particular focus on individuals with mental health issues and addictions. A senior member of the RCMP has been selected to work with the government and non-government agencies and groups to improve the police response to vulnerable populations with a focus on mental health and addictions.

The RCMP is actively engaged in a number of different initiatives stemming from the *Sharing Common Ground* report and in response to the policing priorities for 2013-14. As we talk about policing priorities, I think it's important to talk about what process was used to establish the priorities.

This year, Yukon's policing priorities were informed by recommendations from the newly created Police Council. The Yukon Police Council was created out of recommendations flowing from the review of Yukon's police force. The council's recommendations are intended to reflect the unique needs and values of our Yukon communities. A broad range of citizens, First Nation organizations and governments, and community organizations were involved in the Police Council's community engagement process and full consideration was given to the council's recommendations in setting the policing priorities for our territory.

As well, the department officials consulted with the RCMP M Division on trends in the policing environment and strategic areas of public safety where the territorial police service can best focus its efforts. Yukon's policing priorities for 2013-14 were communicated to the commanding officer of RCMP M Division and the RCMP included these in their planning for the current fiscal year.

Another example is the RCMP's work in collaboration with the Department of Justice, the Northern Institute of Social Justice, the Council of Yukon First Nations and other stakeholders on establishing a unique training and development framework for all new members joining M Division. Such a framework would inform the RCMP's strategic training plan and may include modified or enhanced training in areas such as First Nation cultural awareness and history and responses to vulnerable populations.

There has been significant investment in the territorial police budget and in new resources over the last six fiscal years. As well, as a result of the *Sharing Common Ground* recommendations and changes to the RCMP nationally, M Division is actively engaged in a number of initiatives and programs to improve and enhance the delivery of police services in our territory. With this in mind, the Yukon government believes that the RCMP can respond to the policing priorities effectively within its current budget.

Again, I thank the men and women of the RCMP in Yukon for their dedication, for their hard work, and for standing in front of safety issues to ensure that each and every one of us in these communities remain safe.

**Ms. Moorcroft:** The minister responded to some of the questions that I put on the record, but I'm again going to attempt to follow up. The minister spoke about the resources that have been provided to the RCMP to enable them to offer services and to improve the response to the Yukon public based on the *Sharing Common Ground* report, and that's very good to hear.

I too want to acknowledge that we appreciate the work of the RCMP in Whitehorse and in all of the communities to keep all of us safe. They are out there in the communities each and every day and every hour of the day.

I'd also like to take this opportunity to express my appreciation for the staff of Whitehorse Correctional Centre. In fact, two of our Official Opposition caucus members previously worked at Whitehorse Correctional Centre. The Member for Mount Lorne-Southern Lakes offered the White Bison program for all inmates and also was, I believe, involved in programs that used art and music, which is very beneficial to every human, not only to people who may be incarcerated in correctional systems. The Member for Takhini-Kopper King worked with women inmates on life skills and other programming. So we know that correctional staff do good work and we appreciate that.

I am trying to get the minister to respond to specific questions about the kinds of direction and resources that he provides to the centre so that they can, as an example, offer First Nations programming that meets the needs of the aboriginal inmates. We know that particularly in the north and

all across Canada, Inuit, Métis, and First Nations people are over-represented in the criminal justice system. An emphasis on rehabilitation would support activities such as smudges and elders' visits. I would like the minister to let us know what is happening and how that is being supported on an ongoing basis at the Correctional Centre.

The minister also spoke about the RCMP sexual assault teams and the four new detachment members who have specialized knowledge that they can share and that they do provide oversight to other officers who may be involved in investigating sexual assaults. What I did ask the minister and would still appreciate knowing is whether the members of the RCMP specialized sexual assault team will share that specialized knowledge on a regular and a consistent basis in communities outside of Whitehorse and in Whitehorse.

I'd also like to ask the member about land titles. As we've discussed previously — and the Department of Justice website includes the discussion paper on modernizing the land titles system that we've been discussing since it was released in the fall of 2012. I'd like to have a bit of an update on that. The phase 1 consultation process has been completed and the phase 2 will include drafting of new legislation based on the comments and purchasing new land titles computer system and developing new business processes. We had a brief discussion yesterday when the Official Opposition members had an opportunity to sit down with the Justice officials.

Regarding First Nation interests, the *Modernizing the Land Titles System in Yukon* paper states that, "Some Yukon First Nations have expressed an interest in registering specific parcels of Settlement Land in Yukon's Land Titles Office. Discussions about options around such registration will occur directly with Yukon First Nations parallel to the modernization project so that a potential exists for a registration process to be implemented prior to completion of land titles modernization." The last time that we were in debate about this, there was not really anything to report from the Department of Justice other than that they had done some research.

However, I want to point out to the minister that Yukon First Nations are still looking for the development of a system of land titles law and an electronic land registry. Seven of nine Council of Yukon First Nations members have signed a document with a new agreement that calls for the development of this electronic land registry. This registry agreement would provide banks and lenders with certainty and collateral so they can approve mortgages on a First Nation's traditional land without the First Nation having to give up its rights and titles to the land.

I'd like to know if the minister and the department have been able to arrange for a registry that could guarantee the protection of aboriginal rights and titles and that could allow for an electronic land registry that would accommodate the needs of First Nation citizens within the Yukon, as well as the general population.

There were some other unanswered questions, but just to try and keep the discussion on track, I think I'll pause there and see if the minister has any answers for me.

**Hon. Mr. Nixon:** Madam Chair, this government acknowledges the importance of ensuring that First Nation offenders have access to culturally relevant programming in order to help them move forward in their lives. An elders advisory group works with management and staff to provide advice on the operations of the Correctional Centre in ensuring that First Nations traditions and values are appropriately reflected. Any programming for First Nations at the Whitehorse Correctional Centre will involve First Nations in the development and provision of that program.

There are a number of First Nation program options available at the Whitehorse Correctional Centre, including beading, carving, crafts, drum making, traditional foods and traditional medicines. The Correctional Centre also offers spiritual services and cultural celebrations such as solstice and smudges.

First Nation offenders take part in an array of traditional programming and activities, such as elders counselling, spiritual guidance, talking circles and traditional crafts. The Whitehorse Correctional Centre has worked with First Nation staff, the elders advisory committee, the community advisory board, and inmate representative committee members to develop a First Nation programming strategy. This initiative is anticipated to be completed and implemented by the end of the 2013-14 fiscal year.

Inmates have separate solstice celebrations. They do that to manage risk and maintain security for our staff, as well as security for the inmates and families during these celebrations. Protective custody inmates should not be mixed with other inmates. Men should not be mixed with women, for example.

Whitehorse Correctional Centre has recently contracted with the Council of Yukon First Nations to pilot a First Nation reintegration program. A First Nations worker has been hired and is working with the case management team on release planning for offenders. WCC recently worked in partnership with the First Nation Training Corps to recruit more First Nations persons as correctional officers. They are pursuing a second hiring initiative with the training core to be completed at the end of this fiscal year.

I'm glad that the member opposite asked about land titles. There is much to be shared about the land titles and the condominium acts. An efficient land management system is truly a foundation for any healthy economy. Efficient land transfers, access to land and information about land drives our economy and it drives economic activity. This area of government responsibility must be maintained at peak efficiency in order to ensure that the progress of the economy is not encumbered by any outdated management system.

In other jurisdictions, the Land Titles Office is an area where there have been significant improvements in practice that have allowed for the transfers of title to be completed in days rather than in months. The norm for registering instruments in other Land Titles Offices in Canada is 24 hours to 48 hours, but in Yukon it has been as high as nine weeks. While delays in registration are primarily due to shortcomings in the computer system and the business processes, the legislation—the *Land Titles Act* and the *Condominium Act*—

are archaic and contribute to confusion about the interpretation of terminology.

The land titles system has been a source of public discussion over the last while, which has been exacerbated by the Yukon's recent crisis in housing availability and cost. Government and stakeholders alike acknowledge that the *Land Titles Act* is out of date, that the present computer system does not facilitate the work of the Land Titles Office and that the office processes have become focussed on working around the barriers created by the system and by the legislation.

On May 1, 2012, the Department of Justice brought into effect some quick fixes to the present *Land Titles Act* and *Condominium Act* that have improved efficiency and removed some of the obstacles to land development. These specific, short-term changes to the *Land Titles Act* and the *Condominium Act* improve the operations of the Land Titles Office by means of amendments that could be done quickly and could be done easily. The Department of Justice also made some small alterations to the existing computer platform to improve performance. At the same time, I undertook a further initiative to move forward with our intention to improve and to modernize the land titles system here in Yukon.

In March 2012, I appointed an inspector of land titles under my authority in section 12 of the *Land Titles Act*. Inspector Lora Bansley of Saskatchewan assumed responsibility to conduct an independent operational review of the business procedures of our Land Titles Office in order to identify areas for improvement and also made recommendations to me that address our need for improvement. The inspector's report contained a number of recommendations, such as allowing for title searches to be completed on-line, replacing the *Land Titles Act* and the *Condominium Act*, increasing staff training opportunities and replacing the computer system with one that perhaps has better user abilities as well as improved security. The report provided a foundation upon which consultation with our stakeholders, with their expert advice and further analysis, were obtained to determine what improvements really needed to be made.

In April of last year, I announced the government's intention to modernize the land titles system to achieve timely and more efficient land transactions. In order to make this project a success, the department realized that we require the expertise and the cooperation of our stakeholders who regularly use the land titles system. Accordingly, the department established a stakeholder advisory committee to assist and support the scoping, development and implementation of this modernization project.

The department invited representatives from each of the following to sit on the committee: the Yukon Law Society, the Whitehorse Chamber of Commerce, Natural Resources Canada's Surveyor General Branch, the Association of Canada Lands Surveyors, Yukon First Nations, Yukon Real Estate Association, Association of Yukon Communities, architects practising in Yukon, and the City of Whitehorse. In

addition, other interested stakeholders such as a representative of the Yukon Condominium Homeowners Association were invited to attend and provide input.

This committee is not a decision-making body, but it will provide ongoing advice to the Department of Justice throughout the scoping, development and ultimate implementation of the modernization project. The modernization project has three phases. Phase 1, the scoping phase, was extended from May to December 2012. The department reviewed Yukon's existing legislation, as well as legislation in other jurisdictions for best practices. They looked at up-to-date computer platforms that currently support other land titles systems. They reviewed the business processes needed for efficient and accurate registration of land titles and they examined the governance models and fee structures used in other jurisdictions.

A land titles modernization project website was set up on the department's public website. On this site, the department posted discussion papers addressing the modernization of the land titles system and the *Condominium Act* and invited responses from interested stakeholders. The discussion papers were finalized with the input of the stakeholder advisory committee.

Department of Justice officials, as well as representatives of the Yukon Law Society and the Association of Canada Lands Surveyors, met with Land Titles Office officials in British Columbia, Alberta and Saskatchewan. During those meetings they discussed their modernization experiences, their modernized computer systems, their business processes and their governance structures.

A *What We Heard* paper was prepared and was also posted on the website. Department officials concluded phase 1 by putting together recommendations to me regarding the essential elements that we will need to develop new legislation, to develop an appropriate computer system, relevant business practices and a business model that will work for Yukon as we move forward together.

The recommendations were prepared with the benefit of advice from stakeholders for government's consideration. A concept paper on the modernization, containing recommendations for the development phase, was also produced for me to consider.

Phase 2, the development phase, will extend through 2013 to about March 2014. In this phase, the department is working on developing principles for new land titles legislation that will allow for: up-to-date procedures, modern best practices and new technology; drafting a new *Condominium Act*, which is already underway; working out most of the advantageous business processes for Yukon to digitize Land Titles Office processes, as well as change management practices that will be needed; also exploring and selecting the appropriate computer system that will properly support the land information functions performed in the LTO and ensure that the land title information used in other government departments and branches is accessible; and working with our stakeholders and internal government users

to ensure that the activities that they employ to do their work are taken into account in developing new processes.

The last phase, phase 3, will be the implementation phase, which will extend from April 2014 to about December 2015. In this phase, the department will put in place the new business model, including bringing into force new legislation, transitioning to new digitized processes and shifting to new supporting software for the new model.

At this time, I'd like to take a little time to remind this House of the purpose and function of the LTO and its role in the land development in the Yukon. The Land Titles Office operates under the authority of the *Land Titles Act* for titled parcels and the *Condominium Act* for condominium units. The land titles system is based on the Torren system, which is used in all of Canada's western provinces and northern territories. It is considered the best system in existence for fee simple land. In a Torrens or land title system, all original certificates of title are retained by government's Land Titles Office and interests against that title, such as mortgages, are registered in the Land Titles Office. The priority of these interests is determined in the chronological order in which they are filed within that office.

The registrar keeps a day book to record the exact date and time of registration. The originals of these documents and survey plans are kept in the Land Titles vault. When a member of the public registers ownership in a parcel of land, the registrar issues a certificate of title and the public is entitled to rely on the certificate of title as evidence of the correct state of that title. The fact that the interest is registered on the title means that any member of the public has the right to rely on it as a valid interest.

Throughout the land titles assurance fund, the Government of Yukon indemnifies anyone who suffers a loss because of an error on title. This means that the Land Titles staff must check and recheck the accuracy and completeness of documents filed before finalizing or registering the documents.

The assurance fund is financed through a system of fees established by statute to be paid for transfers of land. Yukon has the lowest fees for registering land transactions in the country. The assurance fund fee schedule is inadequate for current needs at less than \$4 million currently. It would not cover even one claim for a commercial loss. Fortunately, there have been very few withdrawals from the fund, and only one was paid to a party who suffered a loss. Perhaps it's worth a review of this fund at this time.

Our legislation requires a manual, paper-based system for keeping track of registered parcels of land. Being out of date, our registration practices are onerous for citizens to use and they are faced with excessive delays in processing transactions. Our current computer system — known as the Land Information Management System, or LIMS — duplicates rather than replaces the paper system, thereby adding even more delay into the process of registration. The system predates the Internet and cannot make use of any digital efficiency that is now commonplace.

Yukon is registering over 7,500 documents annually. Moreover, the nature and complexity of the documents is increasing due to the new and complex instruments being registered as part of the title process. The Land Titles Office operates a comprehensive system of registering title to land similar to systems elsewhere in Canada and other commonwealth countries. In Yukon's land titles system, titles to land are registered in the government's titles office.

Madam Chair, seeing the time, I move that we report progress on Bill No 11, *Second Appropriation Act, 2013-14*.

**Chair:** It has been moved by Mr. Nixon that the Chair report progress on Bill No. 11, *Second Appropriation Act, 2013-14*.

*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. 11, entitled *Second Appropriation Act, 2013-14*, and directed me to report progress.

**Speaker:** You have heard the report of 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 the 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 stands adjourned until 1:00 p.m. tomorrow.

*The House adjourned at 5:27 p.m.*





# Yukon Legislative Assembly

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Number 105

1st Session

33rd Legislature

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## HANSARD

Wednesday, November 6, 2013 — 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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<b>Hon. Elaine Taylor</b>	Whitehorse West	Deputy Premier Minister responsible for Education; Women's Directorate; French Language Services Directorate
<b>Hon. Brad Cathers</b>	Lake Laberge	Minister responsible for Community Services; Yukon Housing Corporation; Yukon Liquor Corporation; Yukon Lottery Commission; Government House Leader
<b>Hon. Doug Graham</b>	Porter Creek North	Minister responsible for Health and Social Services; Yukon Workers' Compensation Health and Safety Board
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<b>Hon. Mike Nixon</b>	Porter Creek South	Minister responsible for Justice; Tourism and Culture

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<b>Hon. David Laxton</b>	Porter Creek Centre
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<b>Lois Moorcroft</b>	Copperbelt South
<b>Jim Tredger</b>	Mayo-Tatchun
<b>Kate White</b>	Takhini-Kopper King

### Liberal Party

<b>Sandy Silver</b>	Leader of the Third Party Klondike
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**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Wednesday, November 6, 2013 — 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 with the Order Paper. Tributes.

**TRIBUTES**

**In recognition of Yukon Farmer of the Year, 2013**

**Hon. Mr. Cathers:** I'd like to rise today to pay tribute to Yukon's 2013 Farmers of the Year and I would like to begin by thanking the Minister of Energy, Mines and Resources for allowing me to do this tribute on behalf of the government, because the recipients are constituents of mine.

Each year, Yukon's Agriculture branch recognizes a farmer, farm family, or farm advocate who has made an outstanding contribution to Yukon agriculture. This year's worthy recipients are Wayne and Alison Grove from Takhini River Road.

Wayne and Alison, along with their children Nicole and David, received the family's award at last Saturday's annual North of 60° banquet. The Grove family has demonstrated a strong commitment to Yukon's agriculture sector through their El Dorado Game Ranch. Taking an underdeveloped piece of agricultural land 17 years ago, with their dedication and passion for agriculture, they have turned it into one of Yukon's largest hay producers. Producing top quality local hay geared toward horse operations requires a significant investment in equipment and crop inputs, otherwise farmers are forced to import hay from other jurisdictions. Growing our own feed creates a more profitable, self-sufficient agriculture industry, which is one of the government's goals for this sector.

The Grove family also have an elk farm that produces meat for the expanding domestic and culinary tourism market. Wayne's service to farming is quite notable and remarkable. He's both a director of the Yukon Agricultural Association and president of the Game Growers' Association and has been involved for many years in a volunteer capacity in both these organizations. Exemplifying a diverse operation, the Groves also operate a high-quality dog boarding kennel at their property. Finally, the Groves show leadership by embracing the latest agriculture research to improve their operation.

I'd also like to ask everyone to join me in welcoming Wayne Grove to the gallery and again congratulating him, Alison, Nicole and David for the award that they have received.

*Applause*

**Mr. Tredger:** On behalf of the Official Opposition Yukon NDP and the Liberal Party I rise to pay tribute to

Wayne, Alison, Nicole and David Grove. The Grove family are this year's recipient of Yukon Farmers of the Year award.

Their ranch, the El Dorado Game Ranch, is along the Takhini River Road. Under their stewardship, the El Dorado Game Ranch has a history of providing good quality hay, elk for meat, as well as antler velvet for niche markets, and a dog boarding kennel. Their ranch is renowned for its excellent management and attention to detail. The Groves are deserving recipients of this year's award and exemplify and highlight a number of reasons why our growing agricultural industry is so important to the Yukon.

We've heard a lot about food security. Yukon grows two percent of the food it consumes. The rest has to be imported from around the world. Meanwhile, our neighbours in Alaska grow 10 percent of the food consumed. In the past, mines in Dawson and Keno received much of their produce from farmers in the area — farms that were fertile and productive. Importing food comes at increasing costs economically as well as in quality.

One only needs to ask the happy consumers at markets and stores across the Yukon — markets like the Stewart Valley market in Mayo to markets in Faro, Carmacks, Dawson, Watson Lake, Haines Junction and the Fireweed Market in downtown Whitehorse — to realize the desire on the part of Yukoners for good quality and safe local produce. We can increase local agricultural production and entrepreneurs like the Groves are showing us the way to greater food and agricultural independence.

Farming in the Yukon depends on vision, innovation, a sound business sense, good management, commitment and most of all, hard work. The Groves have a history of all this and, perhaps most importantly, have a reputation for providing products of good quality and excellent service to their clients.

Did I mention the hard work? The Groves work hard together. The Groves in the way they operate as a unit — as a family — show us all the value of lifestyle, the importance of family working together, all contributing, each as they can and each important to the success of the ranch. As a former principal, I know how important it is for children to grow up contributing in a meaningful way — how it builds their confidence, their skills and their sense of worthiness. Watching the Groves, their esteem and commitment to one another are obvious.

Yukon businesses do not grow in isolation. They interact and contribute to their friends, neighbours, customers and peers. Indeed, they are contributors and the mainstay of our community. The Groves' support for 4-H clubs in Yukon, involvement in the Yukon Agricultural Association and the Yukon Game Growers Association speaks to this commitment. One only needs to visit their neighbourhood or talk to fellow farmers to know how valued the Groves are in their community.

In conclusion, I would like to thank the Grove family for their contribution to agriculture in the Yukon and to their community and for providing a model of citizenship for all Yukon people. The Groves are held in high esteem by their peers, their clients and by their community, and they are very

deserving recipients of the 2013 Yukon Farmers of the Year award.

**Speaker:** Are there any other tributes?

### **In recognition of National Skilled Trades and Technology Week**

**Hon. Ms. Taylor:** I rise today on behalf of the Assembly in recognition of National Skilled Trades and Technology Week. Tradespeople are the foundation for building our strong, healthy communities. Every moment of our days and our lives are touched by the work of people in trades and technology. Our homes were built with the expertise and skills of architects, engineers, designers and a host of skilled tradespeople. Thanks to engineers and technicians, we enjoy electrical power, telephone, computer and Internet services. Road construction and maintenance workers and mechanical tradespeople and engineers all help ensure that we get around safely.

We can thank the trades and technology programs for life's luxuries as well. Bakers, cooks and hairstylists are all red seal trades. Not only are careers in skilled trades and technology vital to a thriving community and a stable community, these careers reward workers with a high standard of living and excellent quality of life.

National Skilled Trades and Technology Week is brought to us by Skills/Compétences Canada. We would also like to recognize our many partners, in addition to Skills Canada Yukon, such as the Yukon Women in Trades and Technology and the very important work that they offer day in and day out. This includes promotions and workshops for adults and youth, including Young Women Exploring Trades, which will be taking place later on this fall, as well as Cool Tools — also incredible workshops offered by Yukon Women in Trades and Technology.

Mr. Speaker, Skills Canada Yukon is also another shining success story, providing youth in Whitehorse and the communities with hands-on workshops and skills club as well. Facilitated by a committed team of volunteer mentors and coaches, Skills Canada promotes trades and technology as viable career options. In fact, in 2013, as many of us will recall, the Skills Canada National Competition saw 19 Yukon youth compete with Yukon's own David Lister bringing home a silver medal in mechanical CAD.

### **INTRODUCTION OF VISITORS**

**Hon. Ms. Taylor:** I would just like to welcome David Lister to the Assembly here today, in recognition of all that he has achieved and the great mentorship that he continues to provide all of us.

*Applause*

**Hon. Ms. Taylor:** Team Yukon owes part of its success to its incredible support network. Accompanying them to nationals were 20 staff and volunteer coaches, national technical committee members, judges and board members. Territorial and national skills competitions are excellent, great

motivators for youth to learn more about the trades, but there are huge benefits still. Competitions encourage young people and their mentors to learn emerging best practices and the potential to raise the bar for all tradespeople in the workplace too. Last May, the Territorial Skills Competition attracted over 40 competitors, and over 750 high school students attended as observers to learn how exciting and satisfying a career in trades can be.

This week for National Skilled Trades and Technology week, Skills Canada Yukon is hosting a very interesting initiative, a Try a Trade Day at all three Whitehorse high schools. Grade 9 students are getting a hands-on opportunity to explore three different trades and to discuss trades careers with local experts — Vic Enders being one of them and he has also joined us here in the Legislative Assembly. For those whose interests have piqued, high school programs offer a variety of industrial arts options, and dual credit programs are offered in partnership with Yukon College.

The new mobile trades trailer, which is on its way to the Yukon and will soon be on the road, will also expand further training opportunities for high school students and post-secondary students across territory. This winter the mobile trades trailer, I'm pleased to say, will be stopping at the Tr'ondëk Hwëch'in government offices near the Robert Service School in Dawson City to offer a credited pre-employment welding course. This course will enable students to earn accredited apprenticeship hours as well as credit toward their high school graduation. The mobile trades trailer is part of the Centre for Northern Innovation in Mining initiative which helps create qualified tradespeople who are able to take advantage of local employment opportunities.

As was just announced a week ago, the Yukon government has committed over \$5.8 million toward the operation and management of CNIM programming across five years, as well as \$5.6 million in capital funding. This investment is a further demonstration of the importance of skilled trades and what they can do to make a real difference in the lives of Yukoners.

I also wanted to make mention that in September the northern rural experiential model offered a week of intensive experiential study in Dawson City for 86 high school students from southern rural communities. In that event, which I had the opportunity to see first-hand, trades experiences were front and centre, including courses in wood shop, FEAST — otherwise known as Foods Education And Service Training — hair and esthetics and digital art and film. The on-the-land course also included a significant technology component with GPS, forestry, air quality, soil sciences and wildlife studies. These are just but a few shining examples of so many successes we have to celebrate here.

Of course turning our focus to technology, the Yukon Research Centre has also enjoyed incredible success through the support of the technology innovation fund. Through this fund, the Yukon Research Centre funded mid-Arctic technology services to develop a tablet-based museum system called "Interpretour" which enables visitors to use tablets to explore the displays and get information about them in a wide

range of user-selected languages. The same program also recently funded Frostbyte Software Design to implement an on-line marketplace edition to its buy/sell site at [www.borealist.com](http://www.borealist.com), again enabling local crafts and arts people to advertise and sell their wares in a traffic-heavy environment with very little technical ability required.

The Yukon Research Centre just finished a two-year project digitizing weather data from old log books from the weigh stations of the White Pass and Yukon Route riverboat and rail systems. It displayed its results for the first time last week and has also been featured at a science poster event. This data is incredibly important for researchers in climatic and environmental sciences.

To help us recognize and celebrate National Skilled Trades and Technology Week, we have with us here a number of individuals. In addition to Vic Enders and David Lister, we would like to list off Gerry Quarton, who's also a board member for Skills Canada Yukon, and Patrick Rouble, who is a former colleague of mine and former Minister of Education and Energy, Mines and Resources and also a great champion of Skills Canada Yukon. We have Megan Freese who is quite a veteran, compared to me, and has also joined with Skills Canada Yukon as executive director.

From Yukon Women in Trades and Technology, I want to welcome a friend of mine, Kim Solonick, who is the executive director, and with her are a couple of representatives from Canada World Youth, including Natalie Forsythe and Ivone Benilde dos Santos Matavele.

*Applause*

**Hon. Ms. Taylor:** Thank you everyone for joining us here for today's tribute to National Skilled Trades and Technology Week. Whether we look at tradespeople who build our communities or the people who build our economy, each of you all deserve a round of applause. Thank you for the important work that you do on our behalf day in and day out. Thank you for all of your leadership in our trades and thank you for joining us.

*Applause*

**Ms. Moorcroft:** On behalf of the Official Opposition, I stand to acknowledge National Skilled Trades and Technology Week, 2013.

Across Canada, there is a need for a skilled labour force. Consequently, there is a need for initiatives that improve access for everyone to skilled trades training opportunities. For National Skilled Trades and Technology Week, we encourage youth in Whitehorse and the communities, along with the large and growing aboriginal youth population in Yukon, to complete high school and consider the many rewarding opportunities of trades and technology careers.

Carpentry, cooking, plumbing, electronics, hair styling, robotics and electrical skills are useful in diverse workplaces across Canada. Working together with Skills Canada, youth organizations such as BYTE and the Youth Directorate, Yukon College, labour unions, First Nations and employers

can help realize the Yukon's training strategy vision of a fair, equitable and diverse economic and social development.

Members of this House know that such work is critical to an effective trade strategy. We want to promote careers in skilled trades and technology to those who are currently underrepresented in those workplaces. It is critical to support training opportunities for students that are available in their own communities, such as mobile labs and shops in rural Yukon. Collaborative work on partnerships between Yukon government and Yukon First Nations governments and support for experiential learning and other models that may be presented by First Nations education leaders will result in even more success in trades and technology for Aboriginal students.

Mr. Speaker, industrial arts facilities in Yukon schools are important venues for training youth. These facilities could also be opened up in the evenings for adult training. Yukon College and public schools' cooperation for trades training benefits both institutions and their instructors and students. The new Centre for Northern Innovation in Mining at Yukon College's Ayamdigut Campus in Whitehorse will allow training and research that addresses the unique skills necessary for working in the mining industry in the north.

Trade unions and red seal tradespersons must be acknowledged too for the critical role they play in contributing to the stability and economic success of the workplace. The union and union-trained workers' presence on jobsites improves safety and fairness by participating in joint health and safety committees and providing journeyperson oversight for successful apprenticeship programs in the skilled trades. Government itself employs many skilled tradespeople and can offer apprenticeship placements.

Yukon Women in Trades and Technology works in partnership with Yukon College, communities, schools and government departments to provide hands-on experience with different trades for grade 8 girls in a fun and supportive environment at annual Young Women Exploring Trades career fairs. This event takes place this year at Yukon College on November 29. Skills Canada Yukon's many initiatives are also a great success with students and, as a result, our Yukon students often bring home medals in national competitions.

National Skilled Trades and Technology Week is a time to consider how much Canadians rely on skilled trades. Trades and technology skills are valuable in many economic sectors. We acknowledge National Skilled Trades and Technology Week and express appreciation for the teachers, tradespersons, parents, educators, workers, employers and volunteers who are part of the skilled trades, and, of course, students who take part in trades and technology training. We wish every success to the youth of today in building tomorrow's future.

### **In recognition of Media Literacy Week**

**Hon. Ms. Taylor:** I rise today in recognition of Media Literacy Week, which aims to raise awareness of the importance of media literacy and digital literacy in the education of children and youth. In our territory, the Yukon Department of Education and the Yukon Teachers Association

are gold sponsors of this very important nation-wide initiative led by a national charitable organization called MediaSmarts.

In today's digital age, children are exposed to marketing messages at every turn. Whether they are watching television, listening to the radio or purchasing songs on-line, whether they are conducting research on-line or passing a wall full of flyers as they walk into the community library, many times every day our kids face words and images trying to offer them something. In fact, studies show that urban North Americans can see up to 5,000 advertisements every day.

Marketing messages are very powerful, especially for children, and they can have both positive and negative influences on children's social, emotional, intellectual and physical well-being. What makes the difference, however, is education. With critical thinking skills, knowledge about marketing techniques and clarity on their own personal values, adults and children can respond to media messaging in a very healthy way. Being media literate is an important component of 21<sup>st</sup> century learning. This year's Media Literacy Week theme, "What's Being Sold: Helping Kids Make Sense of Marketing Messages", encourages educators and families to talk to children and teens about the marketing they encounter on a daily basis.

MediaSmarts programs include classroom and community resources, professional development tools, public awareness campaigns, and research on the network lives of young Canadians. With this, I'd like to recognize our many school-based staff and the department-based staff who have and continue to work throughout the school year to support media literacy among our young people so that they can develop into active and informed digital learners.

Yukon's curriculum has a strong media literacy component where media literacy lessons are woven throughout lessons from kindergarten all the way through to grade 12 in language arts and career and personal planning lessons. Lessons on marketing messages can also be included in lessons on health, consumer education, global studies, civics, information technology, music, and visual arts.

This year, an enthusiastic but small group of Yukon students took part in a web conference marking the official launch of Media Literacy Week during a national forum in Ottawa. During this time, students were able to hear and take part in a live panel discussion on marketing, consumerism and youth. At all our Yukon public libraries, youth aged 12 to 18 can also enter a free contest during Media Literacy Week. Information about the contest can be found on the Yukon public libraries Facebook page, and we certainly encourage Yukoners to take a look at that.

Information about digital literacy for students, parents and teachers is also available on-line at the Yukon Education Student Network, or at [www.yesnet.yk.ca](http://www.yesnet.yk.ca). I encourage all of us to take an active role in helping children of all ages discuss the impact of marketing on a wide range of issues.

**Speaker:** Are there any other tributes?  
Introduction of visitors.

## INTRODUCTION OF VISITORS

**Hon. Mr. Nixon:** I would ask that all members of the Assembly join me in welcoming a friend and owner of Harper Street Publishing, which is a solid partner in branding Yukon as a year-round tourism destination, Greg Karais.

*Applause*

**Ms. White:** I ask the House to join me in welcoming two individuals today. I have a constituent named Sharon Kempton who is in the audience — thank you for coming — and I am a host family for Canada World Youth and my daughter is in the Assembly, so Natalie Forsythe, thank you for coming and it's a pleasure to have you here.

*Applause*

**Hon. Mr. Istchenko:** In the gallery today, I have my neighbour and Megan Freese's mom, Virginia Freese. On this day of paying tribute to the farmer of the year, it did remind me of the great garden they also have in their backyard. The sunflowers this year were taller than the shop. I would just like to welcome her to the gallery today.

*Applause*

**Mr. Barr:** I can't help but introduce my friend and constituent from across the mountain — eventually we're going to snowshoe to the top and meet for tea. It has been many years on this endeavour — Mr. Jim Borisenko.

*Applause*

**Speaker:** Are there any returns or documents for tabling?

## TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Istchenko:** I have for tabling the *Queen's Printer Agency 2012-13 Annual Report — Highways and Public Works*.

**Hon. Mr. Dixon:** I have for tabling the *Fish and Wildlife Branch Highlights for 2012*. I also have for tabling *Yukon's Wildlife — A Strategy for Developing and Promoting Viewing Opportunities*, prepared by the Wildlife Viewing Technical Committee on behalf of the Department of Environment and the Department of Tourism and Culture.

**Hon. Mr. Nixon:** I have for tabling the *Yukon Heritage Resources Board Annual Report April 1, 2012 to March 31, 2013*. I also have for tabling the *Yukon Arts Centre 2012-13 Annual Report*.

**Ms. Hanson:** I have for tabling an article from the *Northern Review*, edition 37, fall 2013, entitled, "Fixing Land Use Planning in the Yukon Before It Really Breaks: A Case Study of the Peel Watershed", by Kiri Staples, Manuel Chávez-Ortiz, M.J. Barrett, Douglas A. Clark.

**Ms. Stick:** I have for tabling a written question addressed to the Chair of the Standing Committee on Rules, Elections and Privileges.

**Mr. Silver:** I have for tabling a letter from Crawford and Company (Canada)'s senior general adjuster, representing Dowland Contracting Ltd., which outlines which types of companies will and will not get paid.

**Speaker:** Are there any further returns or documents for tabling?

Are there any reports of committees?

Are there any petitions?

## PETITIONS

### Petition No. 13

**Mr. Barr:** I have for presentation the following petition, signed by approximately 1,070 persons. The petition reads as follows:

THAT visitors to the Yukon are an important part of the Yukon economy;

THAT wildlife viewing is an important attraction for Yukoners and visitors to the Yukon;

THAT bears are one of the more significant wildlife attractions in the Yukon;

THAT many visitors to the Yukon use the Yukon road system;

THAT bear sightings along Yukon roadways are often the only bear sightings for Yukoners and visitors to the Yukon; and

THAT Yukoners and visitors value wildlife, and specifically bear sightings;

THEREFORE, the undersigned ask the Yukon Legislative Assembly to urge the Government of Yukon to introduce to the Legislative Assembly legislation to ban the shooting of bears within one kilometre of the centre line of Yukon roadway corridors.

### Petition No. 14

**Ms. White:** I have a petition that reads as follows:

THAT the thyroid, a major gland when not functioning properly, negatively affects the health of the person that goes untreated;

THAT correct diagnosis and treatment needs to be available to alleviate progressively deteriorating health, which can often be seen as part of the aging process, but which, in fact, has been misdiagnosed and is rather a thyroid dysfunction;

THAT thyroid drugs are relatively inexpensive compared to the myriad of other drugs needed to support the health of women;

THAT thyroid dysfunction can affect psychological, mental and emotional health and can result in increased risks of anxiety, asthma, carpal tunnel, chronic colds and illness, hearing problems, decreased sex drive, elevated cholesterol, enlarged abdomen, fatigue, fibromyalgia, headaches, heart enlargement, high blood pressure, infertility, insomnia,

intolerance of cold and heat, liver problems, looking older, muscle weakness and PMS;

THEREFORE, the undersigned ask the Yukon Legislative Assembly to hire a female thyroid specialist to work in Whitehorse, Yukon as soon as possible.

**Mr. Speaker:** Are there any further petitions to be presented?

Are there any bills to be introduced?

## INTRODUCTION OF BILLS

### Bill No. 61: *Health Information Privacy and Management Act* — Introduction and First Reading

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

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

*Motion for introduction and first reading of Bill No. 61 agreed to*

### Bill No. 65: *Insured Health Services Statutes Amendment Act* — Introduction and First Reading

**Hon. Mr. Graham:** I move that Bill No. 65, entitled *Insured Health Services Statutes Amendment Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the Minister of Health and Social Services that Bill No. 65, entitled *Insured Health Services Statutes Amendment Act*, be now introduced and read a first time.

*Motion for introduction and first reading of Bill No. 65 agreed to*

### Bill No. 62: *Animal Health Act* — Introduction and First Reading

**Hon. Mr. Dixon:** I move that Bill No. 62, entitled *Animal Health Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the Minister of Environment that Bill No. 62, entitled *Animal Health Act*, be now introduced and read a first time.

*Motion for introduction and first reading of Bill No. 62 agreed to*

### Bill No. 66: *Act to Amend the Placer Mining Act and the Quartz Mining Act* — Introduction and First Reading

**Hon. Mr. Kent:** I move that Bill No. 66, entitled *Act to Amend the Placer Mining Act and the Quartz Mining Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the Minister of Energy, Mines and Resources that Bill No. 66, entitled *Act to Amend the Placer Mining Act and the Quartz Mining Act*, be now introduced and read a first time.

*Motion for introduction and first reading of Bill No. 66 agreed to*

**Bill No. 60: Act to Amend the Corrections Act, 2009 — Introduction and First Reading**

**Hon. Mr. Nixon:** I move that Bill No. 60, entitled *Act to Amend the Corrections Act, 2009*, be now introduced and read a first time.

**Speaker:** It has been moved by the Minister of Justice that Bill No. 60, entitled *Act to Amend the Corrections Act, 2009*, be now introduced and read a first time.

*Motion for introduction and first reading of Bill No. 60 agreed to*

**Speaker:** Are there any further bills for introduction?  
Are there any notices of motion?

**NOTICES OF MOTION**

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

THAT this House urges the Government of Canada to adjust its travel booking systems to allow federal employees the option of using northern carriers when they travel to the north.

I give notice of the following motion:

THAT this House urges the Government of Yukon to preserve and maintain the free-entry system of mineral allocation in Yukon.

**Mr. Hassard:** I give notice of the following motion:

THAT this House urges the Government of Yukon to continue to create and maintain fishing opportunities for Yukoners and visitors alike by stocking suitable pothole lakes on a rotating basis.

I give notice of the following motion:

THAT this House urges the Government of Yukon to take measures to reduce vehicle collisions with wildlife, with a particular focus on the south Alaska Highway and the south Klondike Highway.

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

THAT this House urges the Government of Yukon to monitor the population and biology of the Porcupine caribou herd by conducting composition counts in the fall and late winter, the annual collaring of caribou, body condition monitoring and disease assessment.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to use their fish and wildlife monitoring programs to work with the students at the Chief Zzeh Gittlit school to help develop positive long-term relationships with the community of Old Crow and provide for opportunities to bridge traditional and scientific approaches to data collection.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to work with the Yukon trapper working group made up of the Yukon Fish and Wildlife Management Board and the Yukon Trappers Association to develop a pilot program to facilitate the growth and development of a self-sustaining trapping industry in the Yukon.

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

THAT this House urges the Government of Yukon to recognize the economic impact of Parks Canada cuts in Haines Junction and Holland America's abandonment of the Alaska Highway route including the Westmark in Beaver Creek, by developing a comprehensive tourism strategy for the southwest Yukon in collaboration with citizens of Beaver Creek, the White River First Nation, Destruction Bay, Burwash Landing, the Kluane First Nation, Haines Junction and the Champagne and Aishihik First Nations.

**Ms. Stick:** I rise to give notice of the following motion for the production of papers:

THAT this House do order the return of the letter which the Minister of Health and Social Services sent to the Hospital Corporation on August 28 regarding recent reports from the Chief Coroner looking into the deaths of two patients at the Watson Lake hospital.

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

THAT this House urges the Government of Yukon to live up to its commitment of ensuring all contractors who worked on the overbudget and behind-schedule Dawson City and Watson Lake hospitals are paid.

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

**QUESTION PERIOD**

**Question re: Mining sector employment**

**Ms. Hanson:** Recent economic numbers for the territory are not looking good and this Yukon Party government deserves a lot of the blame. For years, the New Democrats have been saying that if most mining jobs are fly-in/fly-out, the economic benefits to our territory are limited. Now a new study confirms what we've been saying all along: the bulk of the work in mining is being done by workers from Outside who are not paying taxes in the Yukon, not buying homes in the Yukon, not spending money at local businesses, and whose flight costs add to the economic burden of doing mining in the Yukon.

When will this government get serious about ensuring that it is Yukon workers, Yukon businesses and the Yukon economy that benefits from mining developments?

**Hon. Mr. Dixon:** We are very serious about ensuring that Yukoners see the benefit of mining activity here

in the territory. That's why we have made such considerable investments in mining training here in the territory. One needs to look no further than the recent investment in the Centre for Northern Innovation in Mining to see our significant contribution and commitment to training Yukoners for Yukon jobs. We see a number of efforts through our investments in the college and mine training programs with industry to ensure that Yukoners have opportunities to get those skills that they need to participate in the Yukon economy and, in particular, the mining industry here in the territory.

We're certainly committed to that and we're going to continue to invest in Yukon College and work with industry to provide the training necessary for Yukoners to participate in our economy.

**Ms. Hanson:** What this new study found is that the current mining industry in Yukon relies on a significant amount of fly-in/fly-out skilled labour. That's a quote, Mr. Speaker. The study found that of 624 mining jobs in the three producing mines, 417, or 67 percent, were currently filled by labour based outside of the Yukon. The study further found that if even 180 of these workers would move to the Yukon, there would be \$15.7 million in wages to be spent in the local economy.

What are the Yukon Party's creative solutions to try to encourage more mining workers to take up residence in the Yukon? I'm not talking about the future; I'm talking about the workers today.

**Hon. Mr. Dixon:** Mr. Speaker, we always have our eye on the future, so we're always looking for opportunities for Yukon students and young Yukoners to participate in the economy going forward. That's why we make these considerable investments in training opportunities.

The member opposite is correct that there is a significant body of employees within the mining industry who do come from outside the territory. We've taken a number of measures to work with the industry to find creative solutions for getting not only more Yukoners employed in Yukon mines, but getting outside employees to move here to the territory. We work very closely with the Yukon Producers Group, which is the collection of the three producing mines, as well as a few of the advanced exploration projects that are hopeful to be mines in the near future, to find ways that we can work with them to promote living here in the territory.

We feel that we have an exceptional quality of life. We have a lot of attributes in this territory that make us an attractive place to move for young families across the country. We think that we have a lot to offer.

So we are keen to see more people come to the territory to participate in our economy, but as I said before we are very focused on ensuring that young Yukoners and young people in this territory have the training they need to participate in our mining industry and our economy.

**Ms. Hanson:** Back to the matter, we are missing an opportunity here. When workers who fly into the Yukon were asked what deters them from moving to the Yukon, the number-one issue by a large margin was high housing prices. We all know that it has been because of the policies and

indecision of the Yukon Party that there has been a crisis in affordable housing. Now we know that it's preventing mining workers from settling here, paying taxes and spending their wages here and building our local economy.

Will the Yukon Party admit it has failed in handling this key economic file and tell the public how it plans to get more resident Yukoners employed in the mining industry and how to attract those people here when they cannot find a place to live?

**Hon. Mr. Dixon:** We're focused on this issue. We're focused on attracting more folks from outside the Yukon to the Yukon to live here and engage in our attractive mining industry and economy, but we're also focused on training Yukoners for Yukon opportunities.

We've been fairly successful in growing our population over the years. We've seen consistent growth in our population over the past 10 years of Yukon Party rule, but we know that we're never going to get to 100 percent in the immediate future because of some of the issues that were raised in the study that the member opposite cites.

You know what else was a top issue? The weather. There are some things that we cannot control and there are some things that we cannot do to convince some people to move to the Yukon. That's fine, but what we can do is take some concerted efforts to work with industry and to provide training to ensure that industry has what it needs to meet its labour demands and that Yukon benefits from the activity going on here in the territory.

We're going to continue to do that. We're going to continue to provide training for Yukoners and we're going to continue to attract new people to the territory to participate in our vibrant economy.

#### **Question re: F.H. Collins Secondary School reconstruction**

**Ms. Moorcroft:** My question is for the Minister of Highways and Public Works. The government has proudly spent over \$900,000 on a sole-sourced contract to an Alberta company for a redesign of an Alberta school to meet our northern standards and codes. The City of Whitehorse building code requires a minimum wall insulation value of R-28, with an optimal level being R-40, according to local contractors and research on energy efficiency.

Would the Minister of Highways and Public Works explain to this House why the tendered design for F.H. Collins Secondary School has an insulation value of only R-22, while the City of Whitehorse building codes require R-28 insulation?

**Hon. Mr. Pasloski:** I rise again to reinforce to the members of the opposition — and in fact to all Yukoners from whom we've heard very clearly their support for our decision — in that when we go out to a tender for construction of a school and when we open the tenders and the low bid is almost \$10 million above the budgeted construction budget — a budget that was confirmed by independent professional estimators — we said that's not good enough, that we cannot start a project that's \$10 million overbudget.

We went back. We're now out again — the tender has been reissued. It is gathering interest from the local trades and skilled tradespeople and contractors. We're looking forward to the construction of a brand new, beautiful school in the location of F.H. Collins that will be the pride of all the students, their parents, the teachers and the administrators.

**Ms. Moorcroft:** I'm not convinced the government's tender is good enough. Again to the Minister of Highways and Public Works, Yukoners paid \$900,000 through a sole-sourced contract to an Alberta company for a redesign of a southern school to meet our northern standards. It seems that the City of Whitehorse's building requirements for windows and their insulating power are also not met. The R values in the windows and window specs meet Alberta standards but not City of Whitehorse standards.

Experience has taught local contractors that the Yukon-designed and -built quadruple-pane windows are a sound investment. Will the Minister of Highways and Public Works explain to the House why the tender design has only dual-pane windows while the City of Whitehorse building code requires that new buildings have a minimum triple-pane window?

**Hon. Mr. Pasloski:** We're confident in the abilities of our good employees to do their jobs and to ensure that we meet all requirements. I'll again go over the timelines. We created a budget in May 2012 that was confirmed by two independent professional estimators, who both came in with amounts lower than our budgeted construction amount, which had been approved by Management Board. Later that year on November 7, 2012, the tender was issued. Forty-one days later, we received an update on one of the estimates. When all the bids were opened, we found that the lowest bid was almost \$10 million over budget.

I will again say that we will continue to be vigilant. We are responsible to spend the taxpayers' money. They have given us that obligation and honour and our commitment to them is that we will spend their money wisely and ensure we don't spend more than we need to so we have money to do other things, such as the creation of hospital beds, the construction of new infrastructure for clean water and the construction of roads and many other programs and services that this government continues to supply for Yukoners to ensure that the quality of life for Yukoners is second to none.

**Ms. Moorcroft:** I guess if the Premier doesn't have an answer, he will just refuse to address the question. Here we go again. We already have two northern building standards that are not properly reflected in the tender. The government will have to redesign the redesign of their second attempt at building F.H. Collins to ensure compliance with local building codes. The government spent almost \$1 million on a sole-sourced contract to bring an Alberta design up to Yukon standards. What happened?

As it stands, a building permit would not be issued with the current design by the City of Whitehorse. Why did the Minister of Highways and Public Works issue a tender for F.H. Collins Secondary School with design specifications that would not meet City of Whitehorse building codes and would not be issued a building permit?

**Hon. Mr. Istchenko:** Building new offices, recreation centres or schools isn't easy. It's the result of a long and complicated process that aims to meet the needs of programming areas, the service providers and Yukoners at the best possible price.

We have three objectives with the school. Our primary objective is to build a school for Yukoners, for Yukon's kids. That is our responsibility to Yukon families. Our secondary objective is to ensure that the school is built well and built on time and on budget. That is our responsibility to Yukon taxpayers. Our final objective is to provide a project that will create local jobs and be a good economic activity — that is our responsibility to our local contractors, toward our businesses and our suppliers. I look forward to this school being opened. I had the opportunity to take a tour of the school with some of the local kids who are going to graduate when it's completed. It's a wonderful school and I look forward to it being opened.

#### Question re: Dawson City hospital

**Mr. Silver:** Since we began this sitting I have been asking questions about the mismanagement of the F.H. Collins Secondary School project. I'd like to move today to another capital project the Yukon Party has bungled: the overbudget and behind-schedule Dawson City hospital.

In the spring, questions were raised about whether companies affected by Dowland's bankruptcy would receive payment for the work on the project. The chair of the Hospital Corporation board said the following in the Legislature on May 13, and I quote, "We're not aware of any outstanding fees or invoices that will not be paid." It has come to my attention that some companies that did work for Dowland have not in fact been paid out. Some have even been told that they are not covered by the bonding process and will not be receiving any money at all.

How does the government plan to honour the commitment made by the chair of the hospital board that everyone who is owed money will in fact actually get paid?

**Hon. Mr. Graham:** The chair of the Hospital Corporation obviously made that comment with some assurance that he would be able to fall back on the Hospital Corporation's resources in the event that a legitimate claim for payment came forward that was not to be paid by the insurance company. I trust the Hospital Corporation and the board to follow up with any legitimate claims for reimbursement and I look forward to hearing from him if there is a problem.

**Mr. Silver:** According to court documents filed in Alberta on May 21, Yukon companies were owed more than \$3.3 million by Dowland. A number of these companies were in Watson Lake, some were in Dawson City and the rest were in Whitehorse. Here's what the minister had to say in this House in May, and I quote: "Dowland's insurance agent has already stated that they are good for the claims if the claims are legitimate."

It is now October and some of the contractors I spoke to have been told that they will not be getting paid even if their

claims are legitimate. They are not covered by the bonding process and they have been told “tough luck”.

What steps is this government taking to ensure that Yukon companies get paid?

**Hon. Mr. Graham:** As I said at that time, I am sure that if there are legitimate claims against either one of the projects — the facilities in Watson Lake or in Dawson City — the Hospital Corporation will endeavour to ensure that those legitimate claims are paid. I have yet to hear from the Hospital Corporation that there is a difficulty in this area. I will correspond with them in the very near future to request information with respect to any claims that are being refused by the insurance agent and discover what their next steps are.

**Mr. Silver:** We’ve sent letters to the minister responsible and we’ve contacted his office, but received no response. These companies have given credit to contractors for services. They reasoned that this is a government contract and of course they are going to get paid. Mr. Speaker, both the minister and the chair of the Hospital Corporation board gave Yukon companies their assurances that if they sat tight for a few months they would get paid for the work on the Dawson City and Watson Lake hospitals. It has now been now more than six months since these promises were made and these companies are still waiting. These projects are millions of dollars overbudget and years behind and Yukon Party’s handling of the entire mess was subject to a scathing investigation by the Auditor General of Canada. Now there are concerns that Yukon companies that work on these projects won’t get paid.

Will the minister take action to ensure that these legitimate companies with legitimate claims are going to get paid?

**Hon. Mr. Graham:** I’m not sure if the member opposite can’t hear very well or if he just doesn’t understand. These companies — these alleged companies — that the member opposite is talking about that have not received payment, or have been informed will not be paid, should be contacting the Hospital Corporation. That’s who the bond is with; it’s not with the government.

Once the Hospital Corporation has had an opportunity to look at these claims to ensure their legitimacy, I’m sure that the Hospital Corporation will make a decision based on those claims. I’m sure that the Hospital Corporation will make a decision based on those claims. At that time, I expect to hear from the Hospital Corporation Board of Trustees. I guess the member opposite thinks I’m going to run out with the chequebook and write cheques to everybody that he’s talked to. That’s not the way the system works and I’m not sure how long it’s going to take to convince the member opposite that’s not the way the system works.

**Question re: Coroner’s report re death at Watson Lake hospital**

**Ms. Stick:** The coroner’s report on the death of Teresa Scheunert by mixed drug toxicity at the Watson Lake hospital included several recommendations. They are addressed to the Yukon Hospital Corporation, the governing body responsible

for the quality of quick care and quality assurance of hospitals in Yukon.

I remind the minister that public money funds the Yukon Hospital Corporation. One of the coroner’s recommendations to the hospital is “conduct a rigorous gap analysis with a focus on the development of a high-alert medication strategy that is implemented in all Yukon hospitals.”

Can the minister tell Yukoners if that gap analysis is completed and if a high-alert medication strategy is implemented in all Yukon hospitals?

**Hon. Mr. Graham:** I’m glad that the member opposite today was able to ask a question without making statements that are blatantly inaccurate and in some cases completely false, so I’m more than willing to —

**Point of order**

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

**Ms. Stick:** In 19(g), it’s false or — basically he said I was telling falsehoods.

**Speaker’s ruling**

**Speaker:** There is no point of order. It is still a dispute between members.

**Hon. Mr. Graham:** If the member opposite would care to meet with me later, I’ll explain to her and point out to her exactly where those inaccuracies were.

The Yukon Hospital Corporation has initiated an independent review under the auspices of the Yukon *Evidence Act* section 13 to provide opportunity for identification of systemic gaps and improvement activities that focus on system safety. The goal of this review is to determine the facts surrounding the incident, complete a systems-level review and provide a confidential environment for participants that is protected under section 13 of the Yukon *Evidence Act* and to encourage improvements in patient care across the organization. The analysis has not yet been completed to the best of my knowledge — at least, I have not yet received that information.

**Ms. Stick:** That last question was with regard to a high-alert medication strategy.

In answer to my questions last week, the minister did not identify the parts of the system that failed. Today, he suggests he has not received that report or the recommendations. Among the other recommendations from the coroner was another: Where applicable, policies of Whitehorse General Hospital should be amended to ensure that all applicable policies are for the wider Yukon Hospital Corporation and are inclusive of Watson Lake and Dawson City.

Inconsistent application and enforcement of policies throughout the Hospital Corporation may be a part of the system failure.

Here’s another yes or no question for the minister: have all applicable policies of Whitehorse General Hospital been amended to include both the Watson Lake and Dawson City hospitals? Yes or no?

**Hon. Mr. Graham:** Isn't it a wonderful system? The member opposite gets a minute to criticize and to inform, many times inaccurately, the public about actions that are happening, but expects a yes or no answer. Unfortunately, as I've said to the Member for Klondike, that isn't the way the system works.

I have every trust in the Yukon Hospital Corporation and the physicians and medical personnel who work within the Yukon Hospital Corporation to complete an analysis of any adverse event that occurs in any of the hospitals in this territory. I have that confidence that patient safety reviews are underway or have been completed for the two adverse events in Watson Lake. The development of a high-alert medication system, which includes identification of high-alert medications and the roles and responsibilities of health professionals in relation to prescribing, dispensing and administering these drugs is currently being finalized.

Once those things are completed, I have every trust that they will be provided to me at that time.

**Ms. Stick:** Ms. Scheunert died from this mixed-drug toxicity in June of 2012. A toxicology report was released August 1, 2012. That is well over a year ago. That is when the hospital and the minister responsible should have started looking at their high-alert medication strategies and their policies. When it comes to patient safety, there is no justification for delaying action.

Another of the coroner's recommendations reads: "Implement the development of a corporate-wide integrated approach to patient death reviews. Reviews of deaths occurring in Yukon Hospitals would benefit from the guidance of corporate-wide quality assurances processes, which will ultimately standardize the approach the review through all Yukon hospitals." Mr. Speaker, can the minister tell us if the Yukon Hospital Corporation has developed a corporate-wide approach to —

**Mr. Speaker:** Order please. The member's time has elapsed. Minister of Health and Social Services.

**Hon. Graham:** Mr. Speaker, I will put that question to the Yukon Hospital Corporation.

I have to be very clear that in the event of an adverse event in any of the hospitals in the territory, the Yukon Hospital Corporation does not wait until such time as, as in this case, a coroner's report is available. They immediately investigate any of these adverse events because primarily their concern is patient safety. The physicians, nurses and other medical practitioners in that Hospital are all dedicated to patient safety and improving the systems and the services that they provide in order to insure the patients' safety. So I have every confidence that that's what has happened in this instance. I look forward to providing more information, not only to the members opposite, but to the general public as well.

#### **Question re: Peel watershed land use plan**

**Mr. Tredger:** Yesterday, the minister said that it was ironic that I see the final recommended Peel Watershed Plan as an opportunity for economic development. The fact that the

minister sees no economic value in the environment, unless it is open for resource extraction, is very alarming. It's alarming to Yukoners and it's alarming to First Nation governments who are trying their best to work with this government on a Peel plan.

Like so many people here in our territory, the Yukon NDP believes that environmental protection is an opportunity for economic development. It allows for multiple uses of the land, including mining and tourism.

When will this government understand what Yukoners have clearly said: that the *Final Recommended Peel Watershed Regional Land Use Plan* is a balanced approach that protects environment and provides economic opportunity?

**Hon. Mr. Dixon:** It is indeed a balanced approach that we are seeking in the development of a land use plan for the Peel watershed region. We want to see new protection for new, specially identified areas in the Peel watershed region. We also want to see a system of land use planning that allows for multiple users, that doesn't pick winners and losers, and that allows government to manage the footprint of activity on the land. That way, Mr. Speaker, we can allow certain amounts of access and development but also control the footprint by which it occurs. That's something we have said a number of times in this House and it's something that we're working toward.

At this stage in the process, we're in the final rounds of government-to-government consultation with our First Nation planning partners and we will seek to ultimately develop a land use plan for the Peel watershed region that does those things — it balances the need for economic opportunity and job creation in the territory but also takes into consideration the development of new protected areas and protects some of the key areas in the Peel watershed region from ever being developed.

**Mr. Tredger:** Mr. Speaker, the interim withdrawal of mineral staking in the Peel watershed will expire in December. Yesterday the minister said that it would be premature to speak about extending the withdrawal under the *Quartz Mining Act* and *Placer Mining Act* at this time.

It appears that the minister is confident that the land use planning process for the Peel watershed will be finalized within the next seven weeks. Unless the government concludes negotiations in seven weeks, the withdrawal will expire without a regional land use plan in place. Will the minister negotiate in good faith, commit to this House and the four affected First Nation governments that the interim staking withdrawal will be extended until the Peel land use process has been finalized?

**Hon. Mr. Kent:** As I mentioned yesterday, and in accordance with the First Nation final agreements, Yukon government is currently consulting First Nation governments on the final recommended plan for the Peel watershed. We will conclude our consultation with First Nation before making a final decision on the Peel plan, and we remain committed to working with our First Nation partners to develop and implement a mutually acceptable land use plan. As mentioned yesterday, I think at this time it's premature to

determine whether or not that staking withdrawal will be extended when it expires at the end of December. What we're focused on right now is the final round of consultations with First Nations to conclude the Peel watershed planning process and come up with a plan, as mentioned by the Minister of Environment, that doesn't pick winners and losers, is balanced and allows for a diverse array of economic opportunity in the Peel watershed.

**Question re: Atlin Lake campground**

**Mr. Barr:** After 11 years in government and engaging in countless discussions about First Nations, it would seem that the Yukon Party government has not yet learned how to conduct itself in accordance with the laws of this country and of this territory. I have a letter here, addressed to the Premier, from the lawyers for the Taku River Tlingit First Nation dated November 1, 2013, which I will table.

The Taku River Tlingit First Nation assert that meaningful consultation has not occurred and that all development on the proposed Atlin Lake campground be immediately halted until a consultation protocol is developed or they will commence legal proceedings.

Will the Premier tell this House and the Taku River Tlingit First Nation that this government will immediately halt all development on the proposed Atlin campground until a consultation protocol has been established?

**Hon. Mr. Dixon:** The area in question is an area that was identified well before I was born — over 40 years ago — on the Atlin Lake road in 1972. The area was designated as a park reserve for the intent of building a campground, so any notion by the NDP that this is a new idea is simply not correct.

In the budget this year we have identified funding to potentially develop a new campground in this territory. I've indicated before that I think it's a great idea to build a new campground in Yukon and that we were sorely in need of it.

I had the pleasure of meeting with the spokesperson for the Taku River Tlingit earlier this year to discuss this project and, subsequent to that, we followed up with correspondence from the Premier to the spokesperson indicating that we're happy to enter into a consultation protocol with the Taku River Tlingit.

Of course, with regard to the specific case of the campground, that is with YESAB currently, under review for the environmental and socio-economic impacts of that. We look forward to receiving YESAB's recommendations, especially recommendations that are intended to mitigate any impact that a campground might have on the TRT's traditional uses or asserted aboriginal rights in the area. We'll take every effort to undertake those mitigated measures to ensure that no negative impacts are felt.

I think I speak for many Yukoners when I say we're in strong need of a new campground in this territory.

**Mr. Barr:** That's not how the system works. I do not think that this is an adequate answer to this serious issue. The Yukon Party government has rushed headlong into this mess and it is of their own making. The Yukon Party government announced this campground without even notifying the Taku

River Tlingit First Nation. For years the Taku River Tlingit have requested a transboundary land claim with the Yukon so their concerns should come as no surprise. I might also add that the Taku River Tlingit were here long before the minister opposite was born.

Will the Premier step back, halt development on the proposed Atlin Lake campground and engage in meaningful consultation with the Taku River Tlingit First Nation?

**Hon. Mr. Dixon:** Of course we will and have engaged in consultation with the TRT. As I said, in a letter from the Premier to the Taku River Tlingit, the Premier offered to enter into a consultation protocol with the Taku River Tlingit. They said no, they didn't want to at this time. Perhaps the member opposite should get his facts straight.

Second of all, I suppose we can add campsites and campgrounds to the list of the things the NDP are against developing in this territory. As is common practice, we identified in a budget speech and in our budget that we have money set aside to develop a new campground in the territory. At that point we contacted the Taku River Tlingit and offered to enter into consultations with them. They chose not to participate in the meetings we had in some communities, but we've tried our best to engage them and to hear what their concerns are.

We want to understand what the concerns are that they have with the site and in what way we can mitigate, if possible, the impacts of development of a campground on their asserted aboriginal rights and title. That's what we're going to continue to do.

We're going to continue to offer to the Taku River Tlingit to enter into a consultation protocol if they're interested but, in the meantime, we look forward to receiving the recommendations from YESAB, which will hopefully tell us some of the ways we can develop the campground in manner that respects the traditional uses and traditional rights of the Taku River Tlingit.

But as I said, we're committed to developing a new campground in this territory.

**Mr. Barr:** The government is missing the point. I have nothing against campgrounds, but I have something against the government avoiding consultation. I highly doubt that the Taku River First Nation would get lawyers if they felt that they were being consulted.

This government is again heading toward a conflict with a First Nation — one that will end up in the courts, cost Yukon taxpayers money and create further economic uncertainty, not to mention the continuing damage to our relations with other First Nation governments. The Taku River Tlingit make it very clear that they have unceded aboriginal rights and title in the Yukon. The Taku River Tlingit have also made it very clear to this government on numerous occasions that they view the area for the proposed Atlin Lake campground as one of their potential land selections. Why is this government so determined to ignore the law and trample on the rights and title of the Taku River Tlingit?

**Hon. Mr. Dixon:** As I said, the Premier, in a letter to the Taku River Tlingit, offered to them to enter into a

consultation protocol. They declined. Their priority is to enter into a treaty negotiation with Yukon government. Of course, what we said is that their primary area of claim is British Columbia. We want them to make at least some sort of effort to engage in treaty negotiations with the British Columbia government and the Government of Canada, at which point we will be happy to come to the table when it's appropriate for us to do so.

In the meantime, we would be happy to enter into a consultation protocol with them. Again, we need them to come to the table to do that though. In the case of this particular project, as I said, we want to develop a campground in a manner that, as best we can, mitigates any negative impacts on asserted aboriginal right or title. We want to do that in a way that respects the traditional uses of the land, not only for the Taku River Tlingit, but for others in the region.

Mr. Speaker, we think that it is possible for us to do that and we hope that YESAB provides us with some recommendations for how best to do that. In the meantime, as I said before, it's clear that the NDP is against the development of a new campground in this territory, so we can add that to the list — the very growing, lengthy list of things they are against developing in this territory.

**Speaker:** Time for Question Period has now elapsed. We will now proceed with Orders of the Day.

## ORDERS OF THE DAY

### OPPOSITION PRIVATE MEMBERS' BUSINESS

#### MOTIONS OTHER THAN GOVERNMENT MOTIONS

##### Motion No. 497

**Clerk:** Motion No. 497, standing in the name of Ms. Hanson.

**Speaker:** It is moved by the Leader of the Official Opposition

THAT this House urges the Yukon government to build an inclusive, diversified and strong economy with good jobs and opportunities for all by:

- (1) prioritizing the completion of regional land use planning in order to create economic certainty;
- (2) partnering with First Nation governments on economic development by fully representing and honouring Yukon First Nations final agreements;
- (3) stimulating green jobs and building a renewable energy future;
- (4) supporting tourism and avoiding decisions that tarnish Yukon's tourism brand;
- (5) lessening dependence on extractive industries to drive economic growth;
- (6) generating more value from extractive industries by lessening reliance on fly-in/fly-out labour and contractors;
- (7) recognizing the importance of a vibrant arts community for our economy;
- (8) implementing policies to improve access, speed and pricing of telecommunications including information technology;

(9) improving management of capital projects so key infrastructure is built on-time, on-budget and maximizes benefits to the local economy;

(10) increasing small and local business' access to capital and government contracts;

(11) targeting job creation measures for rural Yukon; and

(12) creating more skills training within our educational system and including incentives for employers to hire apprentices.

**Ms. Hanson:** It gives me great pleasure to rise today to speak to a motion that I think is incredibly important at this point in the history of the Yukon Territory — a motion that describes and will talk today about the building of an inclusive, diversified and strong economy for Yukon.

Mr. Speaker, as the MLA for Whitehorse Centre, I know how important it is, and my constituents have reflected to me on a regular basis, the importance of having an economy that is inclusive and diversified. The only way you can have an inclusive and diversified economy is that you have at its core strength.

I will be speaking to a number of the measures that are essential to building an inclusive, diversified and strong economy this afternoon. This is a matter that Yukon NDP Official Opposition caucus takes very seriously. My colleagues — each of the members of the Legislative Assembly from the Official Opposition — feel strongly about the measures and issues that are identified in this motion and will be joining me in debate this afternoon to speak from their perspective and from their experience, to reflect the voices of Yukoners they have heard over the last two years, as they have seen this Yukon Party government forego opportunities presented to them — many opportunities — to build on the notion of an inclusive, diversified and strong economy.

We've heard repeatedly the Yukon Party government's message, and it's predictable. I guess it is predictable because they've honed it over 11 years in power. It sort of goes like this: previous governments botched the economy; people were leaving the territory; there were no jobs; the Yukon Party got into power in 2003 and, thanks to the Yukon Party's superb management, there have been budget surpluses, economic growth and increased population, more jobs, et cetera.

You know what, Mr. Speaker? The Yukon people know this narrative is false, that it has no underpinning, and that it's not due to the political rhetoric of the Yukon Party.

It has everything to do with place. It has everything to do with the gift of the natural resources that we have in this territory, those natural resources being the people — in the first place, the First Nation people, and those of us who have come to benefit from the beauty of this territory, the magnificent natural resources that have blessed this land. They are there, Mr. Speaker, regardless of the political party in power.

The Yukon Party, however, has given no thought to the fortunate factors that have contributed to this period of relative prosperity — factors that in many cases they had nothing to do with. For example, I cannot see one member of

the opposite benches who can claim that they personally, or their political party, had anything to do with the rise of world commodity prices, particularly the rise in the price of gold, silver, zinc and copper.

Nor is there any minister opposite or member of the Yukon Party Cabinet or backbenches who can claim any credit for the massive increases in federal transfers to the territory coffers.

When the Yukon Party came to power, approximately 86 percent of our territorial expenses were paid by federal transfers. Today it's essentially the same — between 84 and 87 percent. Having the certainty of the economic support from the federal government can and should provide Yukon government with the flexibility to develop creative and sustainable options for our economic future, for our economic presence. But to do that there is a need for our political leaders to stop acting like program managers, managing allocations primarily from the federal government.

We're looking for political leadership. That's what Yukoners need: political leadership. No matter how they spin it, the Yukon Party's economic management has been about managing an increased dependency on the federal government. That's not diversified, and ultimately it speaks to no strength.

I've heard repeatedly from the benches opposite the notion that the Yukon Party settled land claims and were responsible for the development of First Nation governments and development corporations. Again it's timing. The truth of the matter is that although a Yukon Party Premier signed the *Umbrella Final Agreement* in 1993, the hard work, the slog work, was done by many, many, many others, and in fact it was the vision of the New Democratic Party, the government in place at the time, that led to the conclusion of the *Umbrella Final Agreement* and the first four.

The Minister of Economic Development/Environment may not believe that, but I'll remind him that he wasn't there. In fact, Yukon Conservatives — and history will prove us right, and we saw it again this afternoon — were 11th-hour converts to the reality of land claims. Many a Yukon Conservative and Yukon Party MLA were opposed to this new relationship, despite the economic certainty it would achieve.

I heard this afternoon the Minister of Economic Development say that Yukon Conservative governments have made it clear since 1992 that they were going to build a campground at Atlin. They don't give up, he said. We have set aside the dollars.

May I remind the minister that it was a previous minister — Conservative, Yukon Party, whatever you want to call it — a territorial Minister of Education — who said in response to the notion of First Nation land claims that white people would never stand for that because it would be giving away the land, giving away the economy by birthright — birth and blood right was the actual quote.

It's important that we move on from that. The settlement of land claims is a huge opportunity and we'll speak about that in more depth. There is a litany of other foundational

pieces that are central to the relative prosperity experienced in the Yukon and the rest of Canada's north and that the Yukon Party spin makes no mention of.

The purchase of NCPC power-generating assets for a relatively minor amount that gave the Yukon, as it devolved more province-like responsibilities, an ample supply of affordable, renewable electricity essential to our economic development. This was an NDP government that made this happen. Unfortunately, the Yukon Party's economic narrative doesn't touch on these issues. By not being inclusive and by not reflecting on the reality, the history, this Yukon Party spin fails to recognize the many factors that contribute to Yukon's economic development. In doing so, it fails to recognize the important contribution of others. It's in that other focus that we're able to move forward. That's how the territory does it. That's how we've done it to date. The Yukon Party wants the public to believe that it is only through their efforts that the economy will grow, and that no one else could be trusted to manage the Yukon economy through complicated times when the threat of global recession hangs around every corner.

Well, I'm here to say that the Yukon Party spin is simply that: spin. The Yukon Party government may have benefited from developments outside of their control, but the reason we are here this afternoon is because they have squandered many economic opportunities. It is easy to govern in times of plenty, and these last few years have been times of plenty across the north, although it must be said that there has not been a natural economic trickle-down of benefits of economic growth.

The Yukon has not used this period of relative prosperity to tackle some of the worst social problems. You will recall, Mr. Speaker, last year when a report was presented to the government that spoke about *Poverty amongst Plenty: Waiting for the Yukon Government to Adopt a Poverty Reduction Strategy*. This report spoke to the fact — and when we talk about an inclusive approach, the Yukon Party talked about developing a social inclusion and poverty reduction strategy. They talked about it three and a half years ago and then shelved it. But the opportunity was there at the time of the report by Nick Falvo, a man who has done an extensive amount of research on equity and poverty issues across the north from Carleton. He said the good news is, "Yukon is in a very strong financial situation... Insofar as new spending is required, Yukon is in a position to deliver" poverty reduction.

"And herein lies a paradox: Yukon is a jurisdiction that would clearly have much to gain by implementing a poverty-reduction strategy, and it is more than able to deliver one. Yet, it has also dragged its feet in moving toward both the adoption and implementation of such a plan."

He said, "It is not at all clear why YG has been so timid in moving forward."

In times of prosperity and surplus budgets, Yukoners wonder why this government has chosen not to tackle issues like homelessness and has not taken the evidence of the economic boon to the local economy and addressed homelessness. Why this government has chosen not to do this is beyond the ken of many, including the Official Opposition.

The boom-bust cycle is well-known in the Yukon. We have gone through the ups and downs of this cycle and we're lucky we've been on a rather long upward swing. All the indicators are indicating that swing is starting to go the other way. The challenge for the government is to build out on the best of the boom cycle and create an environment for prosperity that will endure not just for this generation but for generations to come.

Let's look at some of the economic circumstances and put on the record an economic snapshot. This is from the 2013 economic forecast.

In 2012, the territory enjoyed employment of 18,900 people. We saw a GDP growth of 3.4 percent — healthy. We saw in 2012 the beginning of a slowing of mineral exploration expenditures down to \$100 million. We saw our value of mineral production go up to about \$500 million. What we didn't see was a return to Yukoners on those non-renewable resources. We also saw the beginning of that softening with respect to building permits that fell in 2012 to \$100 million. On the positive side, we saw an increase in tourism visitors — and I'll come back to these at a later point because they are all important. This is where, as we look at this year, despite the claims from the government that all was rosy and there was no change, all of the economic forecasts, including the Yukon economic forecast, do recognize now that our GDP has decreased and will continue that way — recognition that employment will decline and that weaker mineral prices will contribute to lower exploration spending.

In fact, those lower exploration spending dollars will be where they were at the beginning of the 2000s — around \$60 million. Now is that because of the Yukon Party that that has fallen? I wonder. Does the Yukon Party assume responsibility when prices go lower similar to how they assumed the glory — the self-designated glory — when prices were high?

That economic forecast also speaks to lower mineral prices that have already led to delays in mine project development, and because these are forecasts that are prepared by economists and statisticians — professionals in that field — there is no editorial comment about other factors that are causing these delays. One of the real factors we are facing is increased uncertainty about the confrontational environment that has been created by this government. We've seen the value of building permits fall by \$20 million in one year, and we hear confirmation of what we hear anecdotally from local businesses from the economic forecast that confirms that there has been no growth in retail sales.

As I said earlier, we have this opportunity and we look to the government when the economic circumstances have been stable for several years and we see the beginning of a downturn. What strategies do they have in mind to ensure that those 21,000 employees whose average hourly wage in the Yukon is \$36, whose average weekly earnings are about \$980 — which is higher than the national average? We have a housing economy that's based on those kinds of salaries and wages, whose citizens have leveraged their own economic personal status in order to be able to afford homes that have been highly inflated because of this boom cycle. The

importance will be on ensuring that those people are not left out over the next few years as we, together, address the challenges of a changing economy — a global economy that will have an impact on this territory.

You know, it's interesting when you reflect on some of the information that's in the economic forecast and the government reports. We often think that because we see we have a large public administrations sector that that's the most significant sector of the economy in terms of jobs or employment. But jobs in the Yukon economy are primarily in the services — about 18,500 compared to 2,200 jobs in goods producing, which includes manufacturing, mining and oil and gas. It is significantly smaller in that sector, isn't it?

Yukon-wide employment in the public administration sector has increased by 1,200 employees, or about 25 percent, from 4,900 in 2003 to 6,200 public administration employees in 2012. In 2012, the public administration sector included 490 federal government employees and about 3,900 territorial government employees — of whom, one should recall, about 300 came to the Yukon government in 2003 with the devolution transfer agreement — the devolution of provincial-like responsibilities to the territory. There are another 400 or so people who are employed with municipal governments and there are in fact about roughly 1,400 First Nations government employees in this territory. That's a significant public sector reflection.

One of the factors that contribute to the buoyant economy in this territory is that public sector employees across the spectrum have been one of the leading causes of economic growth in the territory. This doesn't earn much mention in the Yukon Party's economic management spin, but it's not evenly spread. The reality is that according to the Yukon Party's own audit of its Public Service Commission, about one-quarter of the public service is excluded or not granted the rights and benefits of public servants.

So even though we just spent some time yesterday talking about the importance — and it is important — to recognize and to negotiate good, fair, responsible collective agreements with public servants, it's also equally important to ensure that those people that we ask to work for us on behalf of this territorial government are not caught in a cycle where they are extended auxiliaries-on-call or extended temporary positions where they do not have access to the benefits of their colleagues doing similar jobs. That is an area that needs closer scrutiny because it creates an inequity in terms of the economic purchasing power of this part of the public sector and it is a significant portion of our public sector.

So when we talk about the kinds of sectoral employment statistics — as I said, public administration across the spectrum — First Nations, municipal, territorial and federal governments — in 2012 there were about 6,800. The trades were 2,800; transportation and warehousing, 1,900; and accommodation and food services, 1,870. In the educational area we have almost 1,400 people; in health care about 1,000; in social assistance — the social welfare programming — a broad area, including people in the not-for-profits, about 1,100

people; and in construction — only construction jobs when we talk about goods-producing jobs — about 900.

As we said earlier, we have had an increase over the last few years until this year of about 640 mining positions, of which about two-thirds, according to the Yukon government's analysis, are fly-in/fly-out. The remaining 400 would be in forestry, manufacturing and utilities.

Through the course of this afternoon's motion debate, I will suggest that the Yukon Party government, far from being the superb economic managers that they claim to be, have missed many, many opportunities to build on the luck of the draw — the benefits from the increase in commodity prices and maintained — or, the indexed returns from the Government of Canada and the taxpayers of Canada — a relative time of stability. They have missed many opportunities to create a kind of lasting prosperity.

We have a rare opportunity in Canadian history to actually be a government that is not under threat in terms of being reliant solely upon the vagaries of the world market. Our benefits that we accrue, if any, from other industries, are add-ons to what we are getting from Canada. The challenges and the opportunities that this government have missed over the last 10 years is to work in partnership and to build on that base from Canada to make it work.

I will offer that one of the most important jobs of any government is to build an inclusive, diversified and strong economy with good jobs and opportunities for all. Inclusive means all receive benefits of prosperity and no one is left behind. A diversified economy means simply that not all our eggs are in one basket, whether that is dependency on the federal government or dependency on some aspect or another of the various extractive industries. Diversified means communities with niche industries, balanced economy, goods and services, public administration, tourism and manufacturing — a mixed economy — not a one-pillar that, if withdrawn, we collapse. We need to have a fabric of diversity in our economy to be a strong interwoven economy.

That is strength that builds resiliency, and by building, that resiliency is protected as best as possible through the combined efforts of government and the private sector — government and citizens — to withstand the boom-and-bust cycle.

It is the Yukon New Democratic Party's position that there are a number of actions that the Yukon government can take to build a diversified and strong economy with good jobs and opportunities for all. This motion speaks to a number of them. We didn't intend to be exclusive at all in our delineation of some of the opportunities that are open to government in partnership to build a strong, inclusive and diversified economy.

I thought I would start this afternoon with respect to the first item on the list — with respect to this motion — and that is prioritizing land use planning to create economic certainty. We've heard an awful lot about land use planning — and in most cases, about the lack of land use planning in this territory — but I think at the real core of the future of this territory is a promise of settling land claims with Yukon First Nations.

We have talked about this in this Legislative Assembly. I have heard many quite thoughtful and moving tributes to the First Nation leaders who, despite many odds, 40 years ago were able to get the ear of the then Prime Minister despite the views of that Prime Minister of the day that collective rights — First Nation rights — should not be recognized in modern treaties. Despite that, the compelling argument that was made by Yukon First Nation — now elders — young people in those days 40 years ago — was because they were looking for economic certainty. They did it, as you'll recall in the words of those elders, because they were tired of seeing the white man come in here and take it away and leave them a mess.

The promise of settling land claims was to create economic certainty. Land claims involved negotiations on a great many matters of importance to Yukon's original peoples having control of their land and a say in the future of development decisions on their traditional territories, and was the main impetus for the need for Yukon and Canada to come to the table and negotiate. The main impetus for Canada to come to the table, quite crassly, was because they wanted the resources. Forty years ago they wanted the resources. Speed forward 40 years now, and they want the resources and First Nations are still saying and they will say, "You will not move forward until you provide the respect that we deserve as first peoples."

That's what the land claims process was about; that's what the certainty was to provide. In return for ceding their control over 92 percent of this territory, Yukon First Nations said we believe you when you say you will work with us honourably and we will agree on how we will develop the balance of this territory. The mechanism was land use planning. It wasn't just sort of a by-your-way kind of thought. This was a very carefully thought-out section of the negotiations process. It was not easy.

There were negotiations on a number of issues other than land: heritage resources, water — water as the most important support for the basis of our ecosystems — wildlife, economic development opportunities, et cetera. But it was first and foremost a question about land. Without land claims, a modern treaty, there would forever be doubts. Who would want to invest in a major project when there are fundamental questions about the very land the project is sitting upon?

I've said before, but it bears repeating: determining the land base of a people who travelled far and wide within their traditional territories was a long and difficult process. The outcome, as I have just mentioned, was that First Nation people agreed to retain 16,000 square miles of the 207,000 square miles of this territory.

The process of identifying those land holdings was probably the most difficult part of the negotiations process. You know, the Minister of Economic Development sort of talked about his forebearers wanting this campground on Atlin Lake and that goes back to 1972. Now can you imagine if you're the Taku River Tlingit before there was a boundary that delineated the Yukon Territory from British Columbia, and if you're a member of the Taku River Tlingit, whose brothers and sisters have travelled with your family from that

southern area of British Columbia into Alaska and traditionally moved into the southern Yukon? The people of Teslin and the people of Atlin and the people of Carcross are brothers and sisters in that Tlingit traditional territory. So to ask the Teslin Tlingit Council and the Carcross-Tagish First Nation to select from that vast territory cumulative totals of 600, 700 or 800 square miles was difficult. But in return for that, the Government of Yukon and that First Nation government solemnly committed that they would find ways to jointly plan how the future land uses would be determined in that traditional territory.

First Nations and governments jointly came to an understanding that land use planning can be and is a comprehensive means of addressing cultural, social, economic and environmental sustainability. Together as a result of negotiating these agreements —let's be clear. They're not just First Nation agreements; they're our agreements. We entered into them together. We signed them. We're covenanted by these agreements. So don't just refer to them as First Nation agreements and try to put it the side. Every aspect of everything we do in this territory is intricately involved with these agreements.

Through those agreements, we created the Yukon Land Use Planning Council to make recommendations to government and each affected First Nation with respect to land use planning. I saw my colleague from Vuntut Gwitchin holding up the *UFA*, and good on him. Chapter 11, there we are, talking about land use planning. The unfortunate thing is that it has been a frustrating and slow process. What do we have to show for what we agreed with 11 First Nations in chapter 11, where we said we would identify and we would complete land use planning as a prerequisite to ensuring the economic certainty and stability for this territory?

There are eight — the land claims process — the land claims identified create — proposed planning regions in the Yukon. The North Yukon — Vuntut Gwitchin First Nation has indicated that and, thank goodness, in 2009 that plan was completed. Many would argue that it's an intensity of use plan where many features of what's necessary to complete a land use plan — with respect to areas that may be designated as needing preservation or for future development — were very much identified in the Vuntut Gwitchin negotiations through the creation and the recognition of things like the Bear Cave Mountain, the withdrawal of oil and gas throughout the Crow Flats, the creation of national parks. So what really remained for North Yukon was a determination of what would go along within that traditional territory of the Vuntut Gwitchin around the intensity of use on the Dempster Highway.

There remains to be completed regional land use planning with the Northern Tutchone, including the Na Cho Nyäk Dun, Little Salmon-Carmacks, Selkirk, Tr'ondëk Hwëch'in, because the Northern Tutchone planning region would include the traditional territories of all those First Nations.

We saw the commencement of the planning exercise for the Dawson region, which will include consultation and involvement of the Tr'ondëk Hwëch'in and Vuntut Gwitchin because their traditional territories overlap. There is a

planning region for the Dakh Ka of the Teslin Tlingit and the Carcross-Tagish. There is a need to complete and a commitment to complete planning in the Whitehorse region, which includes the Kwanlin Dun and Ta'an Kwäch'an. There is the Kluane proposed planning region, which is the Kluane, White River and Champagne and Aishihik First Nations. There is a proposed planning region for the Kaska, Ross River Dena Council and the Liard First Nation. I'll come back to that one in a second.

Again, we have what has now become probably the world's longest and most controversial planning process — the Peel River watershed involving the Na Cho Nyäk Dun, Vuntut Gwitchin, Tr'ondëk Hwëch'in and the Tetlit Gwich'in.

I've heard many times from the members opposite, Why didn't the other governments do something about this? They could have done something. The reason I rant out the names of all of these First Nations was to make it abundantly clear that until the First Nation final agreements and self-government arrangements with each of the affected First Nations in each of the proposed planning areas had been completed, it was not possible to move forward on all of these plans.

So, North Yukon — the Vuntut Gwitchin agreement was completed in 2009. There was only one First Nation involved in that. The other agreements are dependent upon having the other agreements of the other First Nations. The Teslin Tlingit and the Carcross-Tagish agreement had to wait — the beginning of that planning process had to wait until the Carcross agreement came into effect. That is in the tenure of this government — similarly with Kluane, Whitehorse. But there has been no movement to move forward on them.

Part of the problem is that there is an appearance, often stated by First Nations, that the government has not acted in good faith, that there is a tendency to interfere in the process of land use planning when, for whatever political reasons, the government doesn't like what they see. We saw that with the former Premier of the Yukon Party, who publicly threatened Environment officials and ordered them to change their submissions to the Peel planning process. We've seen this current government raising false spectres that accepting the Peel plan, for example, would be a de facto expropriation of claims costing billions of dollars.

Today's Premier allegedly is still using this line in Germany, even after it was revealed that government officials say that such costs, if any, are unknown. Of course it is the same Yukon Party government that allowed staking in the Peel planning area to take place before placing a moratorium on staking, increasing the number of staked claims by 4,000. So if there is a problem, it's a fabrication, but it's a fabricated problem of their own creation.

I was going to, but I won't do it just in the interest of time — but I have with me a number of quite recent reports with respect to the lack of validity of the kinds of claims that the Premier has made during the election campaign and as recently as this fall when he was in Germany. I would urge him to actually do some research and to look at the difference between mineral resource and mineral reserve, and the

thresholds that are required before any company can or will make any claims as to the feasibility — well, there are no feasibility studies — for these exploration projects in the Peel. That's a given and that's a known. There is no objective knowledge about their value — only as this government is so quick to flame speculative opinion

As I said, land use planning was an essential part of the resolution of Yukon land claims and is an essential tool to build economic certainty and a sustainable economy. This is not a radical proposition. Even the Fraser Institute agrees that land use planning needs to happen to ensure economic certainty.

Chiefs at the Conference Board of Canada meetings recently called for a recommitment to getting land use planning done and I would echo that. Get it done, but get it done right because there is a lot of mistrust when it comes to land use planning and in the intentions of this government. The Yukon Party would need to do a lot to re-establish the trust of Yukon First Nations and the public in order to expedite and prioritize land use planning. I would suggest they consult the recent article, the one I tabled this afternoon in the *Northern Review*, "Fixing Land Use Planning in the Yukon Before It Really Breaks: A Case Study of the Peel Watershed". This study developed an analytical framework from the policy sciences and identified that it is not the polarizing nature of the perspectives on the Peel land use plan that caused it to break down, but rather it is a broken decision-making process that to date has failed to secure the common interest.

The article went into depth on what has gone wrong in the Peel planning process and provides some very solid recommendations for the future — solid and practical. One recommendation is that the process for establishing the ground rules for making decisions within land use planning needs to be clarified and made authoritative. The unilateral reworking of guiding principles and land use classifications is provocative; it corrodes participants' trust and is unlikely to lead to outcomes in the common interest.

Another finding they had is that the ground rules for addressing disagreement between the parties within land use planning need to be established starting at the beginning of the planning process. As the Peel watershed case demonstrates, the way in which the Yukon government went about making modifications to the final recommended plan after it was submitted to the parties — keeping in mind that this is government-to-government — has come at significant political cost. In order to prevent such an outcome in the future, the parties need to be clear about their position.

The article concludes and I'll quote: "There are undoubtedly a number of different and, at times, conflicting perspectives and values being promoted by groups and individuals involved in Yukon land use planning. That is to be expected in a diverse and democratic society. However, in the context of the Peel Watershed, the decision-making process led by the YG has to date failed to navigate such differences with sufficient regard for the common interest of Yukoners and the legitimate special interests of First Nations and other

stakeholders. This failure has left planning process participants with the perception that they have been denied both respect and the ability to have their voices heard within land use planning for the region."

So, Mr. Speaker, 20 years after signing of the landmark final agreement and the first four final agreements, the Yukon really still is in the early development of land use planning. We have the framework; we have the guidance that First Nation governments, the Government of Yukon and Canada provided us. Building a modern, strong and inclusive economy means prioritizing the completion of land use planning.

I want to reflect on positive experiences with respect to land use planning. I mentioned earlier that I would come back to the Kaska, Liard and Ross River Dena Council. As you're aware, Mr. Speaker, the Kaska Dena traditional territory — although for government purposes, the Kaska was divided into various *Indian Act* bands and said there would be a Ross River *Indian Act* band and a Liard First Nation *Indian Act* band and there would be some folks down in Lower Post and others in Kwadacha. In fact from the Kaska perspective, those boundaries of British Columbia, Yukon and N.W.T. was not how their traditional territory looked; that's not how they lived; that's not how they travelled.

But 15 years ago the Kaska — which includes representatives of the Liard First Nation, Ross River and the Kaska Dena — worked together to create what is called the Muskwa-Kechika Management Area.

I've heard in here that we can't possibly do land use planning with an unsettled First Nation. Well B.C. could; B.C. did. Muskwa-Kechika — pronounced Muskwa-Kechika, and I've got this one down — are the names of two major rivers that flow through the area in northern British Columbia. The names are of First Nation origin and translated Muskwa means "bear" and Kechika means "long, inclining river".

I think that it's important to reflect upon the opportunities and creativity that is reflected in this exercise — it's more than an exercise because it's a manifestation of how business is done in this massive area, and I'll get back to that in a moment. If you are driving through Fort Nelson, there is a visual display centre about the Muskwa-Kechika, and it's well worth stopping and looking at.

If I may — and I can make copies of this for folks if they are interested — but I'd just like to refer to this pamphlet that describes the process for establishing the Muskwa-Kechika Management Area and ask members to reflect on how we could seize on some of these opportunities in this territory.

In 1998, the Muskwa-Kechika Management Area was legislated by the provincial government as a world-class management model. The provincial government saw the need to designate this special area in northern B.C. to ensure that the land would be viable for generations to come. An advisory board was appointed to provide advice and recommendations on how the area should be managed. That board was made up of dedicated volunteers who counsel government on a number of issues, including land use, resource planning, management research monitoring, and funding expenditures.

The role of this board is to ensure that planning, research and inventories remain a priority of the B.C. government's management of this area, to advise the government on natural resource management, to help prioritize local strategic plans including parks, recreation, wildlife, and oil and gas. When you see the vast area that this comprises you'll realize that the values that are contained in the Muskwa-Kechika Management Area are all values, all resources. The board's role is also to provide community support and raise awareness by providing opportunities for local involvement.

The Muskwa-Kechika Management Area was originally sized at 4.45 million hectares; however, following the approval of the Mackenzie Land and Resource Management Plan the total size was increased to 6.4 million hectares — about twice the size of Vancouver Island — making it one of the largest legally designed management areas in the world.

This board, in the 15 years, has spearheaded research initiatives and programs. It has been involved in the Churchill mine cleanup project, jointly funded by the Muskwa-Kechika trust fund and Teck Cominco and it was a successful initiative to reclaim an old mine site and return it to the high environmental standards of the Muskwa-Kechika area. They've done other barrel clean-up projects and joint projects with the Ministry of Environment. They've even had environmental youth camps. They've done partnerships to do research studies and reports on large mammals, including bears, wolves, caribou and Stone sheep as well as a mineral lick study.

In cooperation — joint projects between the First Nations — they've done a geographic valuation systems project that allows First Nations to participate in resource management and planning in ways meaningful to First Nations and consistent with their traditional values. But you know, again this is an idea. It's not a suggestion that this is something the Yukon needs to adopt, but it shows that where creative people want to achieve some certainty to see development occur, you can do it if you work in cooperation. The most unique feature about the Muskwa-Kechika management area is that the area allows for a healthy, productive and diverse industry, truly making it B.C.'s working wilderness. While protecting a world-class wilderness and wildlife complex, opportunity exists for economic development that benefits the region, the province and First Nations.

Mr. Speaker, First Nations have demonstrated their flexibility and their willingness to work in partnership with governments and other stakeholders. It has been done inside and outside of the land claims process in B.C. It can be done in this territory.

I would now like to talk about the economic opportunities that come from partnering with First Nation governments on economic development and fully respecting and honouring our final agreements. Earlier this spring, I had the opportunity to join my colleagues in this House to pay tribute to the visionaries who on May 29, 1993 signed the *Umbrella Final Agreement* and the first four final agreements. I said at the time that it's important to remember that although that *Umbrella Final Agreement* and each of the agreements that

flow from it — because they all are replicates of the agreement with specific provisions for each First Nation — although there are about 300 pages of complex legal language, the reality is that these agreements set the stage for success. It was success for all of us for now and for the years and decades to come. However, it is sad that it is no longer a surprise that many Yukoners think that we have fallen short in realizing the great opportunity presented to the Yukon by the First Nation final agreements and by the self-government agreements.

Indeed the potential in Yukon is immense. Realizing that potential requires us all essentially to breathe life into the agreements that we have entered into; to not let them sit on the shelf, but realize that they have and are the fundamental changes for this territory.

I think at the time I mentioned that many of the people who were involved in the process and the territorial governments — and I watched for many years as successive territorial governments were eager to complete the devolution transfer agreement. I also watched and sat in rooms where First Nations said, "Not until we have our land claims; not until we are assured that our rights are recognized and that you recognize us as a government." This may come as a surprise to some, but the words used in those rooms was that the Yukon Party — and they didn't care who it was — was a hostile government. They thought 20 years ago or more that Yukon governments would not honour agreements unless they had them signed, sealed and delivered before the Yukon Party — Yukon government, whatever one it was at the time, whatever government — because their history going back to the '70s had been resistance and hostility every time they talked about asserting their rights.

Having achieved the conclusion of the *Umbrella Final Agreement* and the first four final agreements and having them come into effect in 1995 opened the way for the progress to be made in having the government of the day being willing to let First Nations, not be a party to the devolution agreement, but to participate in those discussions. It allowed us as governments to have, in effect, the essential building blocks for the governance of this territory, and they are interwoven. The governance fabric of this territory is built on the First Nation final agreements, the First Nation self-government agreements and the devolution transfer agreement. Take one away, and you have an incomplete puzzle and you have challenges to the certainty and you have challenges to the prosperity of this territory.

So when I talk about breathing life into these agreements — although some days it feels like we're doing life support — it means that the bodies created by the final agreements, such as the Fish and Wildlife Management Board and the renewable resource councils, are not marginalized when key decisions are made. It means that the obligation to complete land use planning is honoured as a priority by actually dedicating the time and resources to their completion and that the recommendations by the YESA Board — created by the parties to provide a unified assessment process for

development in the Yukon, the YESAA process — are not routinely varied or set aside.

Fulfilling these commitments is part of the bargain because to do otherwise is to contort the vision reached at the negotiating table. It is time to reinvigorate and empower public involvement in government decision-making using the framework established by the *Umbrella Final Agreement* and the First Nation final and self-government agreements.

I've said many times — and it has been my experience over the 35 years that I've been in this territory and first worked with First Nation people — that Yukon First Nation people are patient. They have worked hard to establish new governments and to live up to the terms of a new relationship that is signified by the agreements that we all signed on to. As I said earlier this afternoon, these agreements are not just First Nation agreements. Canada and Yukon signed on too. Now we must collectively honour and implement this new relationship.

As I recall — and it struck me at the time and that's why I said it in May — we've seen the recognition and the evolution of some very dynamic First Nation leadership as a result of the power that has come from the conclusion of these agreements. I paraphrased the CEO of the Carcross-Tagish First Nation Development Corporation who, when speaking to the challenges facing his First Nation in putting forward and developing an economic vision for the Southern Lakes region of this territory, said at the time that the time of the handout or the hand-up has passed.

The respectful relationship that can and should flow from the signing of these final agreements is now realized with a handshake between equals. Isn't that what good business is all about? Isn't that what certainty is all about? It's equals shaking hands and saying, "Let's get on with it, let's do the job."

So, it's unfortunate that after 11 years of Yukon Party government there has been a lack of substantial progress on land use planning. We heard the chief saying — reiterating again at the Conference Board of Canada meeting — that they want to get on with it. First Nation leadership tell me that they are looking for an expedited process, a commitment from this government to expedite land use planning in this territory.

Land use planning is the major part of the commitments made through negotiation of the final agreements, but there are many, many other ways that the Yukon government, I believe, has failed to respect and honour these agreements with Yukon First Nations. Many times I have heard First Nations tell me there has been a refusal to partner. "Partnership" is a fine word just like "consultation". What makes these real, rather than just words, is the degree of mutuality. If you mean it — if you mean that handshake, you're a partner. If you're holding back, only giving part, that's not partnership.

The 20<sup>th</sup> anniversary of the signing of the first four agreements and the signing of the *Umbrella Final Agreement* shone a light on how governments in the Yukon could build enduring relationships, so we can learn from lessons. We can ensure that we do not ever repeat situations where we ignore

provisions in these agreements, where we're not dragged to the table because we insist that what was negotiated in chapter 22 of the agreements — where we should deal with economic opportunities so we don't repeat these situations like where the Kwanlin Dun First Nation sued Yukon after being shut out of the Whitehorse airport construction project — where it doesn't take years for the Carcross-Tagish First Nation or other First Nations to get the Government of Yukon, not to give money, but to demonstrate some flexibility and understanding with respect to some creativity around land matters — it wasn't money being asked for there; it was a successful private sector project was delayed by this government because they couldn't get their head around using a provision that was negotiated in the land chapter of these agreements — where we don't find ourselves in confrontation or looming confrontation such as we heard today with respect to the Atlin campground — threats of lawsuits are as good as a lawsuit when it comes to frightening off potential investors.

That's not the climate we need in this territory. Before we make decisions to move ahead on pet projects, we need to talk with our partners. We need to be aware of who those partners are — and it is no surprise that this Yukon government has recognized transboundary claims — the Taku River Tlingit, the Kaska Dena Council, Northwest Territories First Nations. They're recognized, Mr. Speaker. This is not a surprise. There is no excuse for ignorance on these matters.

We have many, many opportunities to learn from the mistakes over the last few years — whether it's pushing the Ross River Dena Council with respect to their challenge with modernizing the mining rules in this territory, whether it's removing consent provisions in existing legislation that were put there to respect aboriginal rights and title, whether it's our failure to live up to the expectations established in the early days of the Yukon Party government and its *Cooperation in Governance Act* — a piece of legislation that had been promised and has been shelved — not doing things that have caused First Nations to worry and to wonder about the commitment when they see refusal to clean up areas like the Scout Lake shooting range; not looking at how deep consultation — I use the word "consultation" in its legal context; I'm not talking about sending letters, I'm talking about deep consultation, the obligations the Supreme Court of Canada has found that governments have — with respect to so many matters, the most recent one being the expansion — or the notion of expanding — as the government got more aggressive with respect to the development of the gas industry in this territory.

First Nations are interested, they need to be involved in that discussion in a meaningful way. They weren't, and we've seen the backlash. Could there have been another outcome, another result? Opportunities, Mr. Speaker, opportunities.

During the last election campaign, the Premier in his riding made an announcement — actually talked about how he was going to deal with the housing crisis — that he was going to work the Kwanlin Dun First Nation and make available a significant number of already-developed land lots within the City of Whitehorse. Right now they're not shovel-ready, Mr.

Speaker. All you needed to do was build the houses because the roads are there and water and sewers are there. We're still waiting. Kwanlin Dun is still waiting for that economic opportunity.

It was a commitment made by the Premier in the election campaign. There are other opportunities in terms of partnership — real partnerships — building on experiences that have been done in the past. I was in Carmacks this summer with my colleague, the Member for Mayo-Tatchun. I had been there earlier in the spring as well — we had a barbeque in that beautiful little park by the river. One of the things that we talked about with the community was the opening of the new administration building last spring that the Little Salmon-Carmacks First Nation had built.

It's a beautiful building, and the interesting thing is it was designed with a view and was built with a tenant in mind — because one of the things that we've seen successfully demonstrated in the past in other communities is that governments work together cooperatively — First Nation government, the Government of Yukon and in some cases, but rarely, the federal government. Most cases in the past it has been the territorial government and First Nation governments that jointly develop these tenancy arrangements.

So the Little Salmon-Carmacks First Nation designed and built this new administration building with the tenant, the Department of Health and Social Services, in mind. A year later or more, that First Nation is still carrying the cost for empty space and there is no indication of when that partnership will, or if it will, be fulfilled. What an opportunity that is lost — pulling together in a collaborative way services provided by both the First Nation and the territorial government dealing with many of the very same people. It is an economic opportunity, an economic stimulant for the community. It's also a really good way to build on the notion of inclusivity, of how we deliver services in a different way — in a way that's mindful of each other's responsibilities but also builds on the opportunities that come from working in close proximity.

When I was in Pelly Crossing — again with the member for Mayo-Tatchun — they reminded us — this was in the spring — that they had been waiting for over two years for a response from the Premier regarding their concerns about establishing a protective buffer zone around Fort Selkirk and he hadn't responded. It was a simple matter: how do you ensure this important heritage resource — important both to First Nation and non-First Nation citizens of this territory? It has heritage values that settlers and First Nations, for different reasons, have come to respect and to value. To suggest that mineral staking and mineral development can be conducted right up to it threatens, or has the potential to threaten, those values. Again, it's an opportunity — it's the simple things, it's that simple respect that creates those opportunities.

I've been amazed over the years as I've watched the changes in Dawson City and watched how the Tr'ondëk Hwëch'in First Nation has become an economic force in that territory. Not only are they an economic force in terms of the

businesses that they own — creating jobs — they also have developed a very dynamic cultural arts presence.

Their cultural centre, the Dänojà Zho Cultural Centre, provided and still provides an opportunity for this government to work in collaboration, to create a visible face in Dawson for the Yukon government's tourism sector. Because where is it? It's the federal government; it's not the Yukon tourism sector. It was an opportunity the First Nation offered to the Government of Yukon and this government chose not to partner with them. It signals a lost opportunity. One wonders why.

First Nation governments are a dynamic, new force with respect to the economy in this territory. The Self-Government Secretariat for the Council of Yukon First Nations published economic statistics from the 11 self-governing First Nations a year ago. At that time, they said the total employment of the 11 self-governing First Nations was 1,500 people — up about 200 since 2010. Their estimated weekly payroll is \$5.6-million. That's a significant contribution to the local economy if it's spent in the Yukon. Why wouldn't we want to partner with those people? Why wouldn't we want to be seen to respect Yukon First Nations public servants and encouraging them and their governments to do business here?

First Nations are, as I said, a major economic force in the territory. They have been here; they always will be here. They are looking to invest in this territory. They hire Yukoners. They are owners of important businesses and major investors in key industries — construction, construction materials, manufacturing, transportation, tourism, the airline, food and accommodation, to say nothing of the music, arts and culture fields. They are building important economic infrastructure in the Yukon. We need to be partners. We need to be real partners — not partners of convenience when it looks good in the headline or on a trip. Some industries in the private sector have recognized this — so kudos to Northern Vision, to those involved with Kilrich, to Northern and Air North. They see the potential, Mr. Speaker.

We have a long way to go to build true economic partnerships in the Yukon — to build those true partnerships that were envisioned by the framers of the land claims agreement.

At the Conference Board of Canada meetings a few weeks ago, one of the speakers was J. Malcolm Ross. But Mr. Ross was chief, if you remember, of the Tetlit Gwich'in First Nation when they completed their treaties in 1992. He has since gone on to become pretty successful and so have the Tetlit Gwich'in businessmen. One of the things he said to the participants at the Conference Board of Canada's Summit on Canada's North was adhere to those agreements, and you will prosper.

You know, I've been talking about the importance of having a willingness to be creative and to think outside the box. I know that yesterday the Premier said that this government is pretty comfortable working within the box, but I'll remind members that the First Nations and the government representatives who sat together across from each other and debated deeply and profoundly on the principles that would

guide the new relationship — the new economy of this territory — were not thinking within the box. They were guided by mandates, sure, set by their political masters, but a narrow interpretation or a reading of a mandate would never have enabled the myriad interconnected mini-agreements that are contained in the whole of the First Nation final and self-government agreements.

It cannot be stated often enough that these are our agreements. Every Yukon citizen is, by virtue of the signature on these agreements of Yukon Premiers, negotiators and witnesses. We are party to and a part of the new relationship of these agreements. What an amazing opportunity and a daunting challenge they set before us all. There is no prescription here. We are enabled to do things differently. It's not a prescription.

Yukoners are risk-takers and, in entering with an open mind and an open heart into the new relationships established by First Nation final and self-government agreements, we have collectively taken a major but risky step into the 21<sup>st</sup> century. The risk is falling back into old patterns of behaviour, acting as if what was so carefully crafted over so many years does not exist. We saw again this afternoon evidence of a tendency to want to fall back into those old patterns, acting as if the new relationship does not exist.

There are so many aspects of developing this diverse economy and I'm not going to be able to speak to all of them this afternoon. I know my colleagues will, but I have a number of other aspects that I wanted to focus on, partly because they are areas that as Leader of the Official Opposition, when I have an opportunity to be invited to various meetings I seize on those, because it's an opportunity not just to go there, but to actually learn, hear and listen to people who have many things to offer us as we develop this diverse and strong economy.

An area that I think the Yukon NDP feel very strongly about as the Official Opposition, echoing the voices of many people throughout this territory, is the absolute importance of supporting our tourism industry and avoiding decisions that tarnish the Yukon tourism brand. I'd like to speak a little bit about that if I may.

This spring, I had the opportunity in June to attend a tourism town hall that was put on by the Tourism Industry Association of Canada and Tourism Industry Association of the Yukon. There were a number of startling points raised at that meeting. I think it's important to situate our Yukon tourism industry in the global context, just as we situate our resource extraction industries in the global context. They're not isolated, and things that are going on around the world and things that are going on across this country impact our tourism industry in this territory.

Globally, the growth rate of tourism has been about three percent. The tourism growth rate domestically has been 7.6 percent. One of the challenges that Canada's tourism industry is facing is that our competitiveness as a tourism destination has been hurt by key public policy barriers. We've talked before about how some of the random — or seemingly

random — federal government cuts have resulted in serious negative implications for our economy.

The federal government, in its omnibus budgets, has resulted in serious negative implications for our economy. The federal government, in its omnibus budgets, has cut the marketing investment for Canada from \$72 million in 2011 to \$58 million. Now this is our national marketing investment fund, putting Canada at the bottom of the pack internationally. When you think about the implications of that — the Canadian Tourism Commission said at this meeting in June that the tourism industry in Canada is at a crossroads. When we look at the implications of some of the statistics for what it means for the economy of this territory, I think it also raises some questions about how we strategize and how we think about the tourism industry and where we're putting our money.

The biggest growth in Canadian tourism has been the domestic market. In 2001, the domestic market in tourism was \$36.2 billion; in 2011 it was \$63.7 billion, a 300-percent increase. The U.S. market, on the other hand, had decreased in that intervening period from \$10.4 billion to \$7.2 billion, and our international market, where we spent a lot of our time and energy, had only grown by \$.5 billion, from \$7.5 billion to \$8 billion. There was a travel deficit overall, so we're spending more money overseas as Canadians than we are domestically. That is a challenge because even though there is a significantly huge amount of domestic market available to us, we're not seizing it.

Domestic revenue is where I think the opportunity exists for this territory and the notion of not tarnishing our brand. When we speak to tourism values and what people value about the Yukon — and I'll come to that in a second — we can't dismiss the views of others when they say they like the Yukon because of our pristine wilderness, our unique First Nation cultures and our wildlife.

Domestic revenue and tourism accounts for 81 percent of tourism revenue nationally, which is up from 65 percent, so Canadians are prepared to travel in-country more. We need to grasp at that but it's at risk because the Canadian government, which this government has been mute on — I have not heard one peep from the Minister of Tourism with respect to concerns expressed about the decline in tourism marketing. That's an aid that assists because in terms of scale, we're small, so if the federal marketing investment board has gone down and has continued to be decreased, we're at risk because of the growth of out-bound tourism because at the same time that the federal government has cut its investment in marketing tourism, the American government has augmented it and is flooding the market.

I'm not making this up. These are the statistics that came from the Tourism Industry Association — from the Canadian Tourism Commission — last June. I applaud the officials because they were very keen and actively engaged there, but there was no ministerial presence in the discussions so it was hard to engage with the minister to say, "Geez, you know, what are we going to do about this?" because I would have loved to do it. We had that opportunity a bit at the tourism

meeting in Haines, Alaska, in May, but that was unfortunately not possible in June.

The tourism industry needs allies to speak out. They need allies to speak out when the federal Conservative government makes cuts as they've done — so it's not just the cuts to Parks Canada that have an impact on the local economy, but it's the strategic expenditures on marketing. We should also note that effectively, if you take inflation into consideration, we're seeing the same kind of flat-lining approach within this government to expenditures on tourism. In the last five years, the budget for the Department of Tourism and Culture has essentially remained the same — \$23.6 million, \$23.8 million, \$23.3 million, and \$26 million, with \$24 million forecast this year.

We need champions. We need to look at this area, which provides a huge opportunity in terms of working to develop the resilient and sustainable economy for all regions of the territory, not just some.

I know that I've raised this question before — and I think that it's important as we fully develop the tourism industry in this territory to really get a good handle on the net economic impact of tourism in this territory. I understand that, so far, the minister has said that they keep track of the number of visitors in and out of the territory, but what we need to know is the net economic impact.

Similarly we have raised the issue of knowing the net economic impact of a mine. Other jurisdictions can tell you that; other jurisdictions are developing the economic indices so that we can see where we need to put more money or where we need to work in better partnership with the tourism sector.

In the Yukon visitor tracking system that was discussed at that meeting — and I've said this before — the fact that we have a three-percent increase year over year is great. If any one of us had investments or a bank account that was getting three percent year over year, we'd be pretty happy. Here's a solid investment and our budget allocation doesn't reflect that; it doesn't reflect that we're prepared to put even a three-percent increment year over year into marketing tourism.

Where were those people coming from? Seven percent were coming from the U.S., 28 percent were coming from all other destinations and the balance was from Canada.

If you took together what they spent here and the average — I never know how they figure it out — \$64 a day, which seems kind of low — and the transportation that the net impact of visitors in the last year — this is based on this detailed survey that they asked people to do — it was about \$140.5 million. But the fact that the Canadian market is bigger than either the U.S. or other, which includes our Europe and Asia markets, is important, and I think it should give us pause to think about how we might seize that opportunity to get them to stay longer. Maybe this an opportunity that we build with respect to the changing demographics. We're saying that we'd like to engage in that conversation with the tourism sector and the related sectors because — and this is where it becomes so important — when tourists were asked what made them want to come to the Yukon, 25 percent said it was the authentic experience and 18 percent were cultural explorers.

It's very important that when we brand and when we talk about our tourism and the importance of tourism to us, we recognize that people don't come here for Disneyland. They're not looking for the ersatz experience. They're not looking for an industrial experience. They want to be able to see the balance. They want to see that tourism can be done with integrity and I would wager that they do expect that their economic clout is respected. If I'm willing to spend \$5,000 or \$6,000 to come to the Yukon as a tourist, I don't expect that, if I express an opinion about what I value about this territory, it should be dismissed or ridiculed as we've heard in this Legislative Assembly.

Now I'm not sure if the Premier apologized to the good citizens of Dusseldorf when he went to Germany this fall, for the comments made by one of his colleagues, in dismissing the views expressed about the importance of retaining a world-class area like the Peel River watershed. In the digital age, word travels really fast and we saw how fast that can happen. You know, it was ironic on one hand. If you travel — and most of people in this room do — one of the books you usually pick up is the *Lonely Planet* and it was great to see them put the Yukon on as a top 10 destination, but kind of sad for them to have to add, "See it before it is gone" — see the values, which those tourists want to see, gone. You know in this digital age, as I said, the comments that disparage had the ability to be transmitted quickly.

But on the digital aspect, one of the things that is really important is to recognize that tourists coming to this territory — 81 percent of them — get all their information with respect to what they're going to see and what they're going to do in this territory on a computer, tablet or iPhone, and wi-fi then becomes critically important.

Mr. Speaker, the *Milepost* is now digital. What opportunities does that provide for us in partnership — private sector and public sector — for businesses along the highway where no longer do you have to carry that big clunky book. Your iPhone could be connected — changing opportunities, new events going up and down the highway as we build the opportunities to work together.

We live in a crowded space. A distinct brand for our tourism is critical. But people don't want to be targeted just because you have a segment to figure out for the tourism market for this group or that group. They want to know that you understand why they're coming here, and that's an opportunity. I think that we can build on it. I think the Tourism Industry Association of the Yukon has made it clear that they want to build on it. I think that First Nation tourism operators and cultural operators know that we can make this a vibrant sector of our economy, even more than it already is.

The return on our investment by augmenting what we're prepared to put from a government side in partnership with the private sector has huge returns. We can help the Minister of Tourism make that case by working in partnership with the Minister of Economic Development to develop those economic indices more robustly so that the tourism industry can be a key economic driver as part of a strong diversified economy that the territory can be building.

There are opportunities. We saw some work that occurred and the result was great — to see the work done at the airport in terms of building the additional terminal there so that Canada Border Services Agency was prepared to allow the international flights. I know it wasn't without its problems, but establishing joint working groups between the Tourism Industry Association and government with respect to infrastructure will allow us to expand upon the alliances, opportunities and strategies that already have their basis in terms of the ideas within the industry.

There are huge opportunities, but it does take a government that is willing to look at what the left hand is doing and what the right hand is doing and making sure there is a balance. The Official Opposition knows it can be done and we'll work with the government in cooperation to see that happen. We would rather do it in cooperation, but if we see that the government is refusing to maintain that balance, we will hold them to account.

Another area that I thought I should touch on this afternoon is with respect to the importance of ensuring — and that's why I talk about the balance — that we don't build an economy that has so much dependence on one pillar that we that we are left in the lurch. We have seen that in some governments across this country where there is an unhealthy dependence on one extractive industry or another to the exclusion of any other. We can't afford that, Mr. Speaker.

The Yukon Party government was proud to say, and has been saying, that so goes mining, so goes the Yukon. That's what the Yukon Party said. We know that a diversified and strong economy wants and needs robust extractive industries, but it's not the only sector of our economy that we need to have. We are experiencing currently, as I've said before, production being down, exploration is down, and major projects are delayed.

The Yukon Party has told us that oil and gas is a major pillar of the Yukon economy. It's a wish list that goes back to 2003 at least. It's not the case in terms of economic return in terms of oil and gas, but they'd like it to be so and have aggressively pushed for fracking of Yukon shale gas.

The Yukon was founded — in terms of modern day history — on mining. I'd say that the Yukon New Democratic Party, unlike most other parties in this House, actually has had MLAs and premiers who worked in the mining sector.

Members opposite didn't hear me. I said that the Yukon NDP, unlike the minister opposite who just spoke, actually has MLAs and Premiers who worked in the mining sector. We know that mining is a particularly important player not only through large projects, but also through placer mining and exploration. We know that. We know that because we are familiar with the boom/bust cycle that impacts economies and communities tied to natural resources and world commodity prices.

Yukoners are generally supportive of mining and extractive industries, and so is the New Democratic Party. It was the New Democratic Party that introduced the mineral incentive program. We're pleased to see this government has augmented it again this year in response to a slowing

economy. That's fine, that's what it was intended to do; to help grubstake exploration efforts. The Yukon NDP worked hard, as did all parties, to find ways to keep the Faro Mine operating when it was an economic engine for this territory. We would argue that the Yukon Party has not done enough to add value to this sector and that we could get more benefits.

You know, I'm often critical of governments that have a singular view, but there are some champions that Canadians have looked at. Some will think it funny that I would support a strong position taken by a Premier who demanded that the resource extraction industries make a solid return to his jurisdiction and who said, "If you don't like it, go away. You'll come back when you want my resources, but my people will get a fair rate of return for your access to our natural resources." You know what, they did. We need a Yukon Danny Williams; we need a Yukon Danny Williams in the version of the Yukon NDP. Too bad he was the wrong stripe, but he had the right message and we as Yukoners do need to ensure that we do get our fair rate of return.

I heard a motion this afternoon suggesting that members opposite want to solidify and maintain the free-entry staking system, a system that was established in the late 1800s — 1848 to 1855. We all know the history. It established and opened up the west so that we could move settlers across, particularly toward California for the gold rush. Times have changed; they've changed a whole lot since 1848 to 1855. In those days they shot Indian people. They didn't talk to them. There was no notion of aboriginal rights or title. Assertions of that would see you put in jail. Slavery still existed. One-third of the people representing Yukoners today would not have been able to vote. Women couldn't vote; First Nation people couldn't vote.

If you didn't own land, you couldn't vote. Things have changed. Free-entry staking is an archaic holdover.

Do you know, Mr. Speaker, I'm not alone nor is the Yukon NDP alone in suggesting that there are opportunities for change. What we have said in the past and what I'll say here today is we're not prescribing what should replace or how we replace the outdated and archaic view that the ability of an 18-year-old or older to go and be able to stake a claim and have those rights — rights ascribed to the staking of that claim that trumped every other value for land in this territory — whether it be agricultural, residential, tourism, wilderness outfitters or you name it.

Other provinces — I think we could learn from the experiences of other places. In Ontario in August 2008, the Government of Ontario of the day put out a discussion paper on modernizing mining legislation. I'm not speaking to the merits of what they put out, but I am speaking to the merits of them being open to having the discussion; to bringing the mining industry and the free-entry staking system into the 21<sup>st</sup> century. They did this paper on free-entry staking with a view to finding a balance — a consultation to ensure that mining legislation promotes fair and balanced development that benefits all Ontarians in a sustainable and socially appropriate way while supporting a vibrant, safe and environmentally sound mining industry.

That didn't cause mining to collapse in Ontario. They had five critical policy elements that they identified in this discussion paper. The first was a mineral tenure system and security of investment; the second was aboriginal rights and interests related to mining development; the third was the regulatory process for exploration activities on Crown land; the fourth, interestingly, was land use planning; and the fifth part was the private rights and interests relating to mining development. Their view was that modernization would bring the Ontario *Mining Act* into harmony with the values of today's society, while maintaining a framework that supports the mineral industry's contribution to the Ontario economy. What an enlightened view. Wouldn't it be nice to see something similar occur here, where we have that open general debate? It generated debate, which is good.

That legislation was passed in 2009 and in November 2012 they passed new rules under that act to provide clarity and certainty to industry to ensure ongoing engagement by industry with affected aboriginal communities. The opportunities do exist to not have court cases or be at loggerheads about the viability of the resource extraction industry in this territory, because every time there is a threat of a court case it speaks to a number of things. One is a failure — a failure of will by this government to understand the common law — and a failure of will by this government to engage with citizens and with First Nations governments. That costs us money, and not only does it cost us money in terms of taking it directly out of our taxpayers' pockets in terms of fuelling those court cases, it costs us money globally. When that mining investor in Zurich or New York is thinking about where they're going to park their money, you can sure as heck bet they're not going to put it in a jurisdiction where they cannot figure out how to talk to each other or what the rules are. Simply saying nothing has changed and acting as if it's pre-Delgamuukw and pre-land claims is not going to work.

Modern mining with jobs and benefits for communities must be part of the Yukon economy, but there must be balance. You cannot operate with blinders on when it comes to resource development. The Yukon New Democratic Party has been strong in raising concerns about the implications we saw with the omnibus bill, Bill C-38, when it — among other things — many things that we've raised — repealed the National Round Table on the Environment and the Economy. That national round table was established in 1988 and Parliament passed an act to give effect to it in 1989. It brought industry leaders, environmentalists, First Nations, labour and policy makers together to provide non-partisan research and advice on federal policies. Its demise leaves a policy vacuum in relation to Canada's economic development.

So what do we see? We're seeing proposed amendments to the Yukon *Environment Act* that demonstrate the Yukon Party's damn-the-torpedoes approach to development at a time when industry is working hard to earn social licence. The Yukon Party is undermining that by repealing a mechanism — the Yukon round table on the economy and the environment — designed to work to bring together industry, economy and the environment. Under section 40 of the Yukon *Environment*

*Act*, which established the Yukon Council on the Economy and the Environment, was done in 1989. It was the first legislative round table on the economy and the environment to be established in Canada.

Mr. Speaker, you may recall when the Governor General spoke here. It was an honour to have him in this Legislative Assembly. When the Governor General spoke here, he made a point of talking about coming to the Yukon for the meeting of the National Round Table on the Economy and the Environment and how important it was to have that meeting in the Yukon. The irony was not lost.

As with the model that was established with the national round table, the Yukon round table is comprised of members representing different groups with a variety of interests, including First Nation people, business, industrial associations, environmental, non-government groups, labour unions, municipal governments, women and other interests. The purpose of the round table of the Yukon Council on the Economy and the Environment is to encourage sustainable development in the Yukon. It was not intended, as the proposed amendments would have, to have it at the wish and whim of the minister.

No, it's to provide non-partisan support and advice on sustainable development. To do this the council was given permission to undertake and encourage public discussions on the economy and the environment and their interrelationship — the balance — to review the policies of the government and evaluate their implementation in relationship to the objectives of the *Environment Act* and to promote public awareness of the importance of sustainable development.

You know, it's not just that this is important because it is a piece of territorial legislation. I recognize the ability and the purview of a government to amend legislation, but given the significant role of the Yukon Council on the Economy and the Environment, we should be mindful that chapter 22.7.1 of the *Umbrella Final Agreement* provides that the Yukon government will make best efforts to structure the Yukon Council on the Economy and the Environment so that at least one-quarter of its members are Yukon First Nation citizens. So are we deleting a body that is treaty-mandated, has treaty participation?

Mr. Speaker, the sustainable development division of sustainable development that is fostered by these interrelated agreements by this sort of visionary language contained in and anticipated by the *Environment Act* — it's an unfortunate circumstance when governments believe that you'll get further ahead by ignoring an important aspect of sustainability when you create an economy. It's pretty clear that Yukoners value the balance that is possible in this territory. The Yukon Party's dream of turning Yukon into Fort St. John is just not on. The Yukon Party would appear to want to line up the Yukon with every other desperate jurisdiction in North America that looks to get in on the fracking revolution in order to export LNG to Asian markets.

You know, there are some major problems with this vision that the Yukon might reap all sorts of economic rewards by pursuing massive gas developments. A major

research project on the economic consequences of the Marcellus shale gas extraction identified a number of them and analyzed a number of the issues related to going full bore on a particular aspect of a particular industry.

It reinforces for me the importance of that sustainability and that's why listening to the voices through the measures like the Yukon Council on the Economy and the Environment would allow us to develop our own research to look at numbers of economic issues, so that we find ways to avoid boom/bust cycles and their negative impacts on the local population and that we build in — not after the fact, but anticipate and build in — the capacity to assess water resource impacts of all sectors. Water is at the foundation of life, not just of industry.

I respect that this Yukon Legislative Assembly has put together and has mandated the Select Committee Regarding the Risks and Benefits of Hydraulic Fracturing and I'm hopeful that this Yukon Party government will ensure that the full spectrum of views are listened to before making any decisions. I am concerned when I see the press releases this week, which seem to put the cart before the horse with respect to economic development and activities related to fracking on the Dempster Highway. I hope that it's just an exploration activity. I hope it's got nothing to do with that. We will see that when we create expectations.

There are a number of related activities and dimensions to this that cannot go unspoken. We've seen already the launching of litigation by American companies into the Province of Quebec with respect to their thwarted — from their perspective — opportunity to make a profit of shale gas along the St. Lawrence. Perhaps it's just a licence at this stage to do certain kinds of activities. It's one of those ones where you wonder whether the minister will be able to pull back. We hope so, should that be the outcome. Should this territory be advised, as it appears the Government of Newfoundland was, that at this point in the history of the territory this is not the activity. I don't know, I'm waiting for the results of this committee as well, but I hope that this government is not taking actions that would compromise the ability of the government to make a decision that runs counter to what their publicly stated intentions are.

One of the important lessons that we have learned from the boom over the last couple of years is that it is absolutely important that this territory develop means to generate more value from the extractive industries by lessening the reliance on fly-in/fly-out labour and contractors. I applaud the initiatives being taken by Yukon College and by the Yukon government. My former colleague, Steve Cardiff, spent a fair amount of time in this Legislative Assembly encouraging this Legislative Assembly to look at models like Haileybury and others for northern, comprehensive mining training so that we would be ready and that we would be developing a skilled workforce in this territory.

So I am pleased to see that there is an orientation to developing the training capacity linked to the research that's necessary in the northern circumpolar climate that we live in, with the changes to permafrost and all that that entails. But the

reality is that we have activity going on right now that we missed. It's like this government said to the world, "Hey, come on, look at all these resources here. Come on, come on." So they come and they went, "Whoops, you're here, shoot. We forgot you might need a place to live." So what is the mining industry stuck with? They're stuck with, in one case, a mine paying \$2 million a year to fly their workers in and out. That's not good business.

The Department of Economic Development published a 2013 residency report. This report concludes, and I'll quote: "The current mining industry in Yukon relies on a significant amount of fly-in/fly-out skilled labour."

At the time of writing, there were approximately 468 employees at the three operating mines and 156 identified contractors listed for the Wolverine mine. Of this combined amount of 624 identified positions, 417, or 67 percent, are currently filled by labour based outside of Yukon. The vast majority of the total 625 combined workforce is male — 88 percent — and a total of 114 or 18 percent, have First Nation status — 18 percent. First Nations represent about 25 or 28 percent of the Yukon population. The breakdown is as follows: 624 are employed or contracted at three operating mines. Minto has 129 in operations and 21 support staff; Bellekeno, 56 in operations and 48 support staff; and Wolverine, 201 operations with 156 contractors. This report provides the hard data as to what Yukoners have known for years — that the jobs from the mining boom are primarily going to what the report calls "commuters" and not Yukon residents.

People working at the airport, in local hotels, restaurants and bars have known this for years. The Yukon Party has spent 11 consecutive years in office and only now is studying this fly-in/fly-out phenomenon. I would warrant that if the Yukon mining sector last November at that meeting at the Gold Rush had not insisted upon it, this wouldn't be happening — 11 years.

I guess it's better late than never. The report says that relocation for work and establishing residency involves a number of factors for the north: schools and education, housing affordability and availability, crime rates, work for the spouse, distance to larger cities, access to entertainment, recreation service and, for some, urbanity for knowledge workers.

The report goes on to say that the number one deterrent to fly-in mining workers establishing residency is housing prices — 72 percent of the respondents said, "I'm not going to settle there, it costs too much to buy a house". The Yukon NDP have called on this government for years to develop a housing strategy, a comprehensive housing strategy — not an ad hoc strategy where we're going to do this, this year, and we're going to do this, that year.

Of course, we know that during their time in office this government has presided over the housing crisis, during which time affordable rental housing has not been built, vacancies have been near zero, and the purchase price of a home has gone up to the point where it's unattainable for the average working person. Rental prices have gone up and up. We see

daily price gouging and tenants evicted because there are no limits to rental price increases. This government's amendments to the *Landlord and Tenant Act* contained no provisions to prevent price gouging and no end to the no-cause evictions that seriously undermine a tenant's sense of security. So why would you move here? The only rental you can find turns out to be a dive and you're going to be evicted with no cause.

Let's review: this report shows that it is predominantly fly-in/fly-out labour that is working in Yukon mines and the major barrier to these workers settling in the Yukon is due to the lack of affordable housing. This report is really an indictment of the failure of government to manage the natural resource economy and derive more value from the sector — value that stays in this territory, that supports local businesses.

The report says that in order to reduce fly-in/fly-out dependence, government should introduce or encourage policies that discourage camps in the vicinity of communities, company investments, local residency hiring policies, local hiring policies for some companies, developing policies to discourage commuter camps, and encouraging local hiring policies. This should not be news to a government that purports to understand the resource-extraction industry. They're not talking to their partners in that area either.

This failure has huge economic implications. Based on the 2013 Yukon income tax rates, if 180 people who already work in the Yukon moved to the territory and actually stayed here, based on the average income of \$87,000, there would be a potential increase of about \$1.3 million contributed to the territory in income taxes every year. That's a minimum of \$1.3 million in taxes per year lost because this government has not found a way to get more Yukoners working at those jobs or get those workers settled into this territory. Companies would be happy to see that happen. Studies have shown that, according to the economic multiplier effect, 45 cents for every dollar spent at a local business will be reinvested locally.

Other colleagues of mine will speak a little bit more to capital projects and the importance of improving management of these so that key infrastructure is built on time, on budget and maximizing the benefits to the local economy. There are a number that I just wanted to comment on, though, where we lose opportunities. Because I've sort of been focussing on the lost opportunities with First Nations, one that strikes me — and could have been a solution or part of the solution for this government if it had been thinking forward as opposed to being so high bound with respect to, "it's not our idea, so we won't do it." You'll recall, when the Canada Games were being planned in this territory — one of the biggest economic impacts in the territory for a long time — it has many lasting legacy pieces, really positive, and a really great experience for those of us who either worked on it or volunteered on it, which was in effect, everybody in this room. I mean, I don't think there was a single Yukoner who didn't have an opportunity or didn't take advantage of the opportunity to volunteer or be part of the Canada Winter Games in 2007. One of the things that came as a result of having all those athletes coming here was the need to house them.

Early on, there was a proposal — a well-developed proposal, a partnership — and the potential to establish an early incubator industry for modular homes. That First Nations proposal — the federal government was onside, the Yukon government was onside, and suddenly the Yukon government pulled out and went with ATCO.

Why would we want to support an Alberta multinational over the development of the local housing industry that would have seen the ability to have those homes developed and built in this territory for future? There are strange things done under the midnight sun.

One of the important aspects of building a diversified and strong local economy is ensuring and increasing the ability and opportunities for small and local businesses to access government contracts and provide access to capital. There are lots of opportunities and there should be increased thought given to how we generate more local benefits for local businesses and small businesses. One of those opportunities comes through contracting rules. Government departments, quite frankly, are all over the map. Some give points for Yukon businesses and some don't. In this age of trade agreements, it is a challenge. We know that — to give local businesses an advantage.

But other governments have come up with ideas about how they might change their procurement rules. In a recent article in the *Globe and Mail*, it said that Ontario is beefing up procurement rules — this is October 29, 2013, in case the minister responsible wants to check it out.

Ontario is beefing up procurement rules to favour local construction bids — and in this article it says that, "Government and industry insiders concede that a new local knowledge requirement is effectively a way of giving the edge to domestic bidders without violating international trade agreements. Now, sources told the *Globe and Mail* ..." the Ontario government is "working with provincial agency Infrastructure Ontario to beef up that requirement — which was quietly introduced by the former premier Dalton McGuinty shortly before he left office — and build off it with other conditions."

Under pressure from the Ontario General Contractors Association and organized labour, the government brought in what they call this local knowledge into the process at the end of 2012. "Bidders are now required to provide 'narratives' about experience meeting those standards, navigating permit processes with municipalities and working with the province's labour force and suppliers. Those considerations are then cumulatively given 10 percent weight during requests for quotations, the procurement stage that narrows competition down to a few finalists."

I raise this because there is an important piece about the power of purchasing the economic impacts of local procurement. I happened to have an opportunity to read recently a report that was done by the Sauder Research Centre — the Sauder School of Business at the University of British Columbia, in partnership with the B.C. alliance of local companies, called LOCO BC, and this was done in May 2013. This is not an esoteric or sort of abstract concept. We're

talking about building a diversified economy, that we need to ensure that we build every opportunity for our local businesses to benefit. One of the important pieces is when we can do our purchasing locally.

I'll just use an anecdote. When I was in Watson Lake, I was talking to one of the people there who works at the weigh station. We were commenting about how when a mine is going through at the exploration phase or when you're doing the exploration — not the mine, but there is exploration activity going on in the territory — local businesses benefit. Local expeditors benefit because they're getting that material out to the people at the exploration camps. It really, really has a good and positive impact on the local businesses — local suppliers and local grocery stores. Once that mine goes into development, once it's in production, that changes. Ask anybody who works the highways — what you see on the highway is Cisco Systems. What it means, Mr. Speaker, is it's not the local grocery stores — it's not our Extra Foods — it's not the local businesses that are benefiting. These are complete packages. You have these huge trucks going up the highway and they're going to Minto, they're going out to Selwyn and they're going out to Alexco. They've packaged and delivered holus bolus everything you need, from your toilet paper to your bread, going to those mines.

That's why it's important that we look at opportunities to foster the economic benefits of local purchase.

What this study did was to look at the economic pillar of sustainability and bring it into focus by quantifying the benefit of purchasing from local businesses. This is not necessarily just government procuring but getting a mindset about the procurement from local business. They're finding, and I'll quote here, "Local businesses employ and are owned by friends and neighbours, who are heavily invested in the strength of our communities and our quality of life. They create good, local jobs, buy more goods and services from other local businesses, give more to local charities, recirculate more money in our economy and strengthen our social fabric."

Those are all nice words, but unless you can quantify it, it doesn't mean anything, and this is what this study does: it does quantify it.

The study looked at whether there is a difference in economic impact when buying local and, if so, to what degree. The results showed that locally owned businesses recirculate 33.1 percent of their revenue directly to residences and businesses, compared to between 16 percent and 18 percent of multinational counterparts.

In this case they were looking at a local office supply business — like taking Horwood's Office Supply, a locally owned business, and comparing it to Staples. Actually that is the model they used: a locally owned business supply company compared to three various gradations of multinationals located in British Columbia.

What they found is this represents a 77- to 100-percent economic advantage from buying local. Using the provincial multipliers to translate this into jobs, it shows that this leads to an 80- to 100-percent increase in jobs per million dollars spent.

Now think about that. I don't know what the purchasing practices of the various departments are, but it would be interesting to know whether or not the Economic Development minister has done that kind of analysis to look at the opportunities to increase the multiplier effect in terms of job creation — local jobs. The increased impact occurs because wholly local companies hire more local labour, give more money to local charities and distribute more of the profits from their operations locally, and they buy more goods and services from local suppliers. While the multinational companies examined do have sales, warehousing and delivery staff located in that province, the local company also bases its management, its customer service, its purchasing, marketing and administration locally. That's a big difference. Because it's locally owned, its profits earned also remain locally.

The larger multinationals are publicly traded and distribute profits worldwide, often to large institutional owners and investors. Interestingly enough, in terms of charitable donations, the local companies gave five times as much money to charity as a percentage of revenues compared to the multinationals. That is significant. For us in the local community and local economy, it's sustainability and it's how we support each other. Finally, all of the companies purchased some goods and services from other businesses, such as fuel, cleaning services, maintenance and other operational expenses. But the local company purchases more from other local companies, including legal, accounting, IT and banking services.

So the increased local economic activity and jobs led to greater tax revenue and a stronger economic base to support other businesses and anchor institutions. Non-local companies' imports are of course key components of any modern economy, but the finding they had was that empowering and enabling local companies to capture a bigger share of their local and regional markets can provide significant benefits to the local and provincial economies and, I would say, territorial in this case.

There are significant benefits to considering local. Cities and regions spend millions of dollars on economic development. Private sector institutions similarly make investments in their communities as part of their overall business strategy. Both spend billions — this is in a big scale, so we could say millions here — on the purchase of goods and services. But the goals are rarely aligned — because back again to the left hand and the right hand knowing what we are doing. Do we know that within government? Is it demonstrated? Is a local business feeling that? What they are finding was that the potential exists for greater engagement and utilization of the local economy to the mutual benefit of the public sector, business and the wider community.

There are other aspects of the local economic advantage. One of them was that to identify the economic impact of various office supplies in this area and the proportion of revenues recirculated in the local economy. They broke down the revenue — the cost of goods, net profit, charitable giving, labour and procurement — and in every case, Mr. Speaker, the local businesses returned more. The implications for this

kind of thinking is why we talk about diversifying and making sure that we are giving credence, not to just attracting big investors, but to supporting the local ones. There are significant implications. The study clearly demonstrates that a local company creates more local income and employment than non-local companies, even when the companies have local operations. Public institutions benefit from increased local economic wealth to greater property, income and sales tax. Many argue that local small businesses also bring along a number of other benefits such as increase civic unity, political participation, public health, entrepreneurial growth and tourism.

There have been studies done in the U.S. on local purchasing preferences. It is really much more common to use that, which is kind of ironic, because they're using the same agreements against us. Often in Canada, this is not a common practice. Mostly, we will say that there are barriers to implementing local purchasing goals and sometimes they include trade agreements — that's acknowledged, and that's what the Ontario government was trying and seems to successfully have worked around with its local knowledge component.

There are opportunities for Yukon to further develop our strategies to develop policies to enhance local, small and medium businesses. Again, both the opportunities are there.

Over the course of the last couple of years, one of the things I've heard frequently from the Minister of Economic Development is that he looks to others for external validation, whether it's Standard and Poor's or the Fraser Institute or the Conference Board of Canada. I think it's not just looking at sort of what they say about us, but it's actually engaging with them. During the course of the Conference Board of Canada's recent northern summit, I had an opportunity to spend some time talking with the gentleman who the minister was referring to yesterday — the senior vice-president and chief economist for the Conference Board of Canada. It was interesting because he spoke at length that the development of the economy is looking at all of the opportunities and the development of the whole of the economy. During the course of that conversation, we got into a discussion which I think might surprise the Minister of Economic Development, so I thought I would just reflect a little bit about that. It has to do with one of the dimensions of building a socially inclusive, vibrant and strong diversified economy in this territory.

He said to me during our conversation, "You know, I may be kind of right-winged, but I believe in good economics. One of the strongest things that we could be doing in this territory and in this country" — it started off with the country. It's to look at a time — a big idea, which he called it, whose time has come. I went and checked out what he was talking about and then we followed up the next day on this conversation. I hope I can encourage this government to engage with the Official Opposition and with the Conference Board of Canada to move on an idea that Glen Hodgson, the senior vice-president and chief economist for the Conference Board, has been supporting for the last number of years.

I thought I'd just read a little bit of an excerpt from an article he published in December 2011. He said, "There is little talk today among thought-leaders in Canada of a guaranteed annual income ... as an efficient and effective way to combat poverty—despite mounting evidence of rising social inequality and never-ending concerns about social exclusion."

I've heard lots from this government about their concerns about social inclusion and poverty reduction. I'm hopeful they would be open to the ideas he's proposing here. He says, "The Conference Board's recent analysis under *How Canada Performs* highlighted growing income inequality among Canadians." In the conversation he was talking about the fact that this idea of a guaranteed annual income — people usually dismiss it as a fascinating idea but, so what? His view as a chief economist for the Conference Board is that it's an "idea that could simultaneously serve economic, social and fiscal interests, and could be embraced across the political spectrum."

Now, my goodness, how often do we get an idea that can be embraced across the political spectrum?

I can see from the expressions and the tone from across the way that there is probably a pre-conceived notion of what a guaranteed available income is. Let's just explore it a bit. A guaranteed annual income is the minimum level of income for every individual or family in the country delivered without condition through the existing income tax system. It's essentially the same as how we deliver the old-age pension: through the income tax system. Earned income above the guaranteed level would be taxed at relatively low marginal rates, raising net income for the individual and encouraging them to work.

The concept behind a guaranteed annual income — surprisingly to some — comes from free-market economic thinkers. Milton Friedman, who some of you will recognize, developed an idea called negative income tax to address poverty with minimal government bureaucracy while increasing workforce attachment. He saw personal liberty and minimizing the role of government as fundamental values and the negative income tax provided a way for him to address the reality of poverty with minimal state intervention. Some might find it appealing just on that point. Other prominent economists like Tobin also supported the guaranteed annual income concept and it has been debated for years. It has never been implemented, except once in Canada.

One of the strongest proponents in Canada of a guaranteed annual income has been Senator Hugh Segal. When this government unveiled with great fanfare its *Social Inclusion and Poverty Reduction Strategy*, it invited Senator Hugh Segal as one of the guest speakers. It was interesting, in conversation with the economist from the Conference Board of Canada, to hear him echo the views and the opportunities that exist for Yukon — the unique opportunities that exist for Yukon — with respect to establishing and using a tool to combat social inequality and to create good economic policy.

From the chief economist at the Conference Board of Canada's point of view, there are three main advantages to a

guaranteed annual income. First, he said, it addresses poverty directly in a neutral fashion via transfers provided through a single existing administrative system, the income tax system. A guaranteed annual income would streamline six existing social welfare programs into one universal system reducing public administration and intervention with related savings.

Second, a properly designed guaranteed annual income would reduce the welfare wall of high marginal tax rates on earned income for the working poor. Earned income, he said, would be taxed at low marginal rates providing a strong incentive for guaranteed annual income recipients to work and earn more. As they work more, the recipients would essentially pay a growing portion of their own guaranteed annual income through income taxes on their employment earnings — value neutral, Mr. Speaker. This is exactly what he's talking about — getting a job.

Third, a guaranteed annual income could reduce health care spending on low-income persons. The link between poverty and poor health is widely documented, said this economist. So, if a guaranteed annual income reduced the prevalence of poverty, it could create better health outcomes and help to slow the rising costs of publicly funded health care.

Mr. Speaker, would anybody disagree with the notion that the current tight fiscal situation means we should be interested in big ideas like the guaranteed annual income that could reduce cost pressures on the health system? As we talked, the economist said to me, "You know, there has been work done." I said, "Yes, I'm aware of some work that was done in Manitoba." He said, "There was never any real research done until recently." It took until, I think, about two years ago, when there was actually some research work and analysis of a social experiment called "mincome" that was done in Manitoba in the 1970s that tested the impact of a guaranteed annual income in the population of Dauphin, Manitoba. All the families in that community were guaranteed an income, not a huge income — an income of 60 percent of the low-income cut-off as set by Statistics Canada, a level of income comparable to that under existing welfare schemes. Each dollar of income from other sources was taxed at a relatively high marginal rate of 50 percent. This is where he said the most interesting aspect was — that the research that was done using data sources from that experiment in Manitoba demonstrated that the hospitalization rates for the mincome recipients fell by 8.5 percent relative to similar non-recipients. Visits to doctors declined, especially for mental health concerns, meaning that the guaranteed annual income appears to have produced a significant reduction in provincial health spending on the target population."

Aren't we trying to find ways to reduce our health care spending in this territory as well?

More adolescents stayed in school to grade 12. Marital stability was maintained, and there was no evidence that fertility rates increased, or that birth outcomes changed. In short, the mincome experiment appears to have had some important success in terms of improving population health and reducing health costs.

An area that the Conference Board of Canada would like to explore and is doing some work in terms of research and looking for partners actually to do some pilot projects is to see whether or not those results could be reproduced and generalized across Canadian society a guaranteed annual income might produce sizable net fiscal savings, especially for provinces and territories. A guaranteed annual income that delivered income support through the tax system would allow the existing provincial and territorial welfare bureaucracy to be sharply reduced. Improved population health for lower-income persons could create savings on health care, through reduced hospitalization and fewer visits to doctors. If the guaranteed annual income system was properly calibrated to lower the welfare wall, greater labour force attachment and higher net income tax revenues could be achieved.

When we were talking about this, the Conference Board economist said, "You know, one of the big challenges we would face is federal/provincial cooperation." There was an area that struck me as being really interesting, because here again is where the Yukon has done things differently. We already have experimented with and have some very creative tax-sharing arrangements between the federal government, First Nations and this territory.

It's possible we could build on those fiscal arrangements to make a guaranteed annual income a reality. The costs and benefits would have to be assessed carefully, but wouldn't it be worth it to find a savings? Wouldn't it be worth it to actually build a socially inclusive and economically inclusive society in this territory?

The Conference Board of Canada expects that economic factors like increased fiscal deficits, ever-rising health care costs and tightening labour markets will eventually be political drivers for a reform like a guaranteed annual income — most likely, he said, more than any social concerns. The Conference Board of Canada does believe there are solid economic fiscal and social reasons to give it serious consideration. If properly designed and implemented, the introduction of a guaranteed annual income could be one of those rare moments in public policy when a win-win outcome is achieved for society and for individuals and families for whom the ever-increasing social inequality is a daily reality.

I was encouraged. You never know what you're going to run into when you go to some of these meetings. As he said, there's no better time than right now to heat up that debate.

We have the ability in this territory to do it differently.

I realize that my colleagues —

**Some Hon. Member:** (Inaudible)

**Ms. Hanson:** One of them just mentioned to me that she'd like to speak.

Mr. Speaker, I think that it's really important that we have an opportunity to discuss these issues and to raise them because they are important. I'm not sure in terms of comments to close. It's my view and it's the view of the New Democratic Party that, as we've listened to Yukoners over the years and over these past number of months in particular for this Official Opposition, we know and we're told on a regular basis that, wisely used, our rivers, forests and lands promise

us prosperity for generations. By welcoming those who come — and I echo the words of the First Nation leadership who spoke to Prime Minister Trudeau 40 years ago — we welcome those who come to make a living rather than those who come only for a killing. When we welcome them, we build a better, fairer society, and by encouraging a mix of economies, it's a step in the way to economic security.

Resource-based industries, small businesses, government and non-wage activities, like subsistence living and volunteer services, all have a future in Yukon's economic future. That's part of what I think that the motion that I'm speaking to for a bit this afternoon with respect to building a diverse, inclusive and sustainable economy is about. I look forward to hearing the views of others this afternoon and in the future as we go forward — as we try together to come to grips with the challenges that we face as a territory and how we together forge that future that will sustain us and our children and our children's children.

**Hon. Mr. Dixon:** I would like to start by congratulating the Leader of the Official Opposition and thanking her for her motion and her speech today. I think at two hours and 50 minutes it is a new record, for this sitting of the Legislature at least, so congratulations are certainly in order for that. I'm sure members will join me in congratulating her on setting the new record for length of time for speaking.

There are a number of things I would like to add. Time does certainly not permit me to get into all of them to respond to all of the various issues, both positive and negative, that she raised today. I'll turn my attention specifically to the motion itself that she tabled earlier this week and that we're debating here today.

It relates to the building of an inclusive diversified and strong economy with good jobs and opportunities for all. The problem is that it lists off 12 particular points and highlights 12 specific industries or methods for growing the economy. That list is notable for its omissions. It is ironic that saying in the opening sentence that it wants to build an inclusive economy, it excludes so many sectors of the economy that are so important and seem to have been ignored or forgotten in this particular motion.

That's why I don't think I can support the motion in its current form. I hear some off-mic comments that my colleagues can't either. I should take just a few moments to highlight some of the sectors that seem to have been forgotten. We notice here that the motion includes renewable energy and tourism, extractive industries. I see telecommunications is involved. Small businesses, rural Yukon and skills training all get highlighted — which are fantastic and I don't want to take away from those important industries — but I can't help but notice that there are some notable omissions, including the knowledge economy. I've discussed at length in this House previously my belief that the knowledge economy offers a tremendous opportunity and potential here in the territory.

I notice that the exploration industry isn't mentioned in this motion. The exploration industry is one that creates a

number of jobs and opportunities for Yukoners, whether it be expediting, drilling, any of those early-stage exploration activities that factor into the life cycle of a mining project.

I notice the oil and gas sector wasn't included. I noticed the agriculture sector wasn't included. We of course had an opportunity to congratulate the farmers of the year this year in the Tributes portion of our proceedings earlier today, so it's a bit surprising for me to see that the agriculture sector wasn't included in this motion. It seems to me it attempts to be very inclusive of all sectors of the economy. The forestry sector doesn't appear to be included in this motion. The trucking and transportation sector is tremendously important for a northern and somewhat remote area like Yukon. The aviation industry is something we've discussed a number of times in this Legislature — the important role that the aviation industry provides to the territory. So again it was surprising for me to see that these important sectors of our economy weren't included.

It's impossible really to craft a motion and present it with every single sector of the economy in it, so I think it would be best suited that we not try to create some sort of exhaustive list and simply stick to a directional motion that simply indicates the desire of the House to see a strong diversified economy that is inclusive and that creates good jobs and opportunities for all. With that being said, I would move a friendly amendment to the motion.

#### *Amendment proposed*

**Hon. Mr. Dixon:** I move

THAT Motion No. 497 be amended by adding the words "to continue" after the word "government" and deleting all the words after the word "all".

#### **Speaker's statement**

**Speaker:** While we're waiting for the copies, I'll remind all members if you are bringing forward an amendment, copies for the House are greatly appreciated. It would eliminate this need to wait while the pages run to get copies and then distribute them. It would give you and I an opportunity to look it over. So if it continues, I'm giving you fair warning right now that your amendment may be found unacceptable because you have not followed the procedures of the House. Keep it in mind.

The amendment is in order. As such, it has been moved by the Minister of Economic Development

THAT Motion No. 497 be amended by adding the words "to continue" after the word "government" and deleting all words after the word "all".

**Hon. Mr. Dixon:** I think the amendment speaks for itself. I know that members are eager to vote on it, so I'll let it speak for itself.

**Ms. Stick:** I rise on behalf the NDP to not support what was purported to be a friendly amendment and I'll explain why.

First, I would go to the words adding “to continue” because that would suggest that this government is currently doing everything it can to continue “...to build an inclusive, diversified and strong economy with good jobs and opportunities for all...”

The minister across the way mentioned that it would be too long to list everything that we should have included in that list. But I think the list spoke for itself and though specific industries might not have been specifically named, they were included by virtue of what these different priorities were.

When we talk about regional land use planning, that could include agriculture. Of course it does. Land use planning helps determine what will be used and how, in a certain specific area. So far, this government has settled one land use plan and has another one that has been going on for years that is divisive and does not seem to have an end in sight. We have another land use plan that is started. That’s great, but we have five that do not even have a date on the horizon as to when they might start.

At the Conference Board of Canada we heard from the chiefs. We heard from the Chief of the Little Salmon-Carmacks First Nation talk about his frustration of waiting for 16 years for land use planning. Meanwhile, traditional territory rich in minerals and other resources is being staked — no idea when that land use plan might start. This particular chief was frustrated.

The Chief of the Champagne and Aishihik First Nations also spoke about their frustrations and the amount of work they’ve done. This was at the Conference Board of Canada conference held here — the northern one. Chief Allen spoke about having done their transboundary negotiations with their neighbours and talked about looking at their lands and even having people ready on the sidelines to join a land use planning committee — nothing. No plan, no date on the horizon of when this might start. We know that area. There are all kinds of agricultural opportunities and there are agricultural individuals out there practising agriculture and working hard at it. A land use plan would make clear what areas we want and it’s important to the Champagne and Aishihik First Nations because a land use plan would clarify for them and would be their opportunity to say what’s important for the people of the Champagne and Aishihik First Nations, for their traditional lands and their waters. They want a part of the economic growth also. Of course they do, but they want it managed and they want to get on with land use planning.

Even the Grand Chief spoke at the Conference Board of Canada explaining her frustrations of land use planning that has ground to a halt — one completed, one in limbo, one started in the Klondike and five still outstanding. Without those we don’t know about agriculture. It’s hard for extractive industries to plan. We don’t know about the explorations industry. Things are in the courts. Without those land use plans so much of that economic development is held in limbo. Mining companies don’t know what to do. Wilderness tourism operators are unsure if they should continue to grow their industry or not. Trappers — a sustainable industry — are

unclear about what protection there is for their traplines, for their traditional trapping and hunting areas. Without those land use plans, it’s not going to happen. Those people don’t know what they can count on with this government without those clear land use plans.

No, we didn’t name every industry that was possible, but certainly my colleague spoke to First Nations and the economic drivers that they provide. They are part of the airlines, they are part of transportation, they’re part of construction, housing, industry, business, tourism. Maybe not everyone got named, but to suggest by adding the words “to continue” would make it all good by deleting everything after is wrong. We have not seen land use planning moving ahead. We see it mired in controversy, polarization and frankly many angry people. Partnering with First Nation governments could include all those industries. Many of these First Nations have gone ahead; they don’t need to partner. They have seen their way and what they can do and they are driving the economy in many of our communities.

The Minister of Economic Development could probably talk about unemployment rates. It’s pretty hard, though, looking through the statistics that are provided to see what the unemployment rates are for communities. It might be single digit in Whitehorse but what about the communities? What about the small communities where we don’t have those economic drivers? What are the unemployment rates there? Who’s hiring those individuals? We need certainty. We need vision. We need a way of looking forward and I think my colleague provided many and was scoffed at by some.

That’s okay, but if you have a vision, if you know where you’re going and what tools are available to this government and to Yukoners to create a stronger, inclusive, diversified economy — we have the tools. We have land claims. We have strong First Nation self-government. We have mining companies that want to come here. We have tourism, which could be a huge industry in this Yukon. Every year it continues to grow. It’s not affected by rates or global markets. People come to the Yukon. Tourism is not boom and bust. Tourism has been one of those industries that the Yukon has been able to count on and we should continue to build on that.

We have a wilderness that many want to get out and see and participate in and be a part of. Others just want to come to our communities. Many are happy to come to Whitehorse to take a bus, to go on the train, to ride the trolley. Not everyone is interested in the wilderness. They want to see it, they don’t mind it from their bus or their vehicle or their camper, but there are others who do want to get out there. We need to meet the needs of all of those groups. Not everybody wants to hike to the top of a mountain or into Kluane, but they certainly want to see it and participate in it.

We talked about green jobs, renewable energy. It was mentioned that we did not talk about oil and gas. Well, I look at that as an extractive industry. It is something we take out of the Earth — we extract from the Earth. I may stand to be corrected on that, but I would consider it that. I’ve made mistakes before, it’s okay, it doesn’t bother me.

The fly-in/fly-out — I thought that was a wonderful report that the Department of Economic Development did. I've read it. It's an important piece of economic growth. We need to talk about that, we need to encourage individuals to come here and stay and be a part of our community and be a part of that inclusive, diversified and strong economy. We need people to do that and we need people with jobs.

We talk about trickle-down sometimes, but I don't think an inclusive economy should be trickled down. It should be inclusive, it should be for everyone to be able to make a good wage, a liveable wage and not have to depend on a food bank, not have to go to social assistance. Even though you are working two jobs, it's not because you are a poor manager of money — it's because rent's high, fuel's high, heating costs are high, the cost of healthy food is high. All of those things impact health care and the health of our community. Healthy people make a healthy economy, and what we put in is what we get out — good health outcomes.

The member next to me did not even talk about the importance of our arts community and how much they put into our economy and we need to keep building that. I don't think anyone would argue that.

But to eliminate all of these and to say we're just going to continue on the way we're going is not good enough. There has to be better. We don't want to see mines closing or leaving. They are a part of our economy. We would like to see a better return for our resources for Yukoners resources. I'm not putting a prescription on that or how it should be done, but it's something we should talk about with industry, with Yukoners and with economists — fair return for our resources.

Targeting job creation for rural Yukon — it's difficult in some of the communities to create jobs. But by partnering, by finding ways of doing that through better education and through skills training, as has been talked about, we can do better for our communities. We can provide a strong economy that allows them to stay in their community, to work there and to be contributing to the economy.

We didn't leave the education system out. We talked about skills training. We talked about incentives. We have a fabulous college that's working hard — and, no, it wasn't on the list. But to suggest that all we do is continue to build this economy without talking about how to do it or different ways of doing it — because it does need to be diverse — we can't be reliant on one industry. We're a relatively small population. We rely heavily on funding from the federal government. I'm not sure that will always be there, so we need to find ways to diversify. We need to find ways for Yukoners to contribute to the economy. We need to find ways to include those fly-in/fly-out workers; to invite them to live here in Whitehorse and in our communities by providing affordable housing, available lots in the communities. We have lots of lots here. We all know about that. The communities need the same thing. By supporting these fly-in/fly-out workers, by encouraging them, by inviting them to be a part of our community and not just touch down and take off again — there goes their paycheque, there goes their

income tax. Not all of them want to stay here and I understand that. For many, this is a way of life. They have a home, they're happy, this is how they work. But, that's not the truth for all the fly-in/fly-out workers. The report that the Minister of Economic Development's department did said so.

No, the government can't do anything about climate — that's a federal responsibility — and can't do anything about distances from large centres, but we can do things about housing, about affordability — all of those. We can find ways to encourage mining companies to provide incentives to their workers. It would be to their benefit if they didn't have to pay every time for a person to fly from Alberta or from B.C. into the mine site and back out again. It's a cost to the mining company and it's a loss to the Yukon — income tax, population, people to contribute to our economy, people to spend their paycheques, to buy houses, to support our local businesses — all of those things. By leaving off all of this —

**Speaker:** The time being 5:30 p.m., the House now stands adjourned until 1:00 p.m. tomorrow.

*Debate on Motion No. 497, and the amendment, accordingly adjourned*

*The House adjourned at 5:30 p.m.*

**The following Sessional Papers were tabled November 6, 2013:**

33-1-93

Yukon Heritage Resources Board Annual Report April 1, 2012 – March 31, 2013 (Nixon)

33-1-94

Yukon Arts Centre 2012-2013 Annual Report (Nixon)

**The following documents were filed November 6, 2013:**

33-1-60

Queen's Printer Agency 2012/2013 Annual Report (Istchenko)

33-1-61

Fish and Wildlife Branch Highlights 2012 (Dixon)

33-1-62

Yukon's Wildlife; A Strategy for Developing and Promoting Viewing Opportunities 2013 (Dixon)

33-1-63

Proposed Public Campground on Atlin Lake, letter re (dated November 1, 2013) from Donovan & Company Barristers and Solicitors to Premier Darrell Pasloski (Barr)

**The following Written Question was tabled on  
November 6, 2013:**

33-1-5

Re: Standing Committee on Rules, Elections and  
Privileges (Stick)





# Yukon Legislative Assembly

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Number 106

1st Session

33rd Legislature

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## HANSARD

Thursday, November 7, 2013 — 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

## CABINET MINISTERS

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

## GOVERNMENT PRIVATE MEMBERS

### Yukon Party

<b>Darius Elias</b>	Vuntut Gwitchin
<b>Stacey Hassard</b>	Pelly-Nisutlin
<b>Hon. David Laxton</b>	Porter Creek Centre
<b>Patti McLeod</b>	Watson Lake

## OPPOSITION MEMBERS

### New Democratic Party

<b>Elizabeth Hanson</b>	Leader of the Official Opposition Whitehorse Centre
<b>Jan Stick</b>	Official Opposition House Leader Riverdale South
<b>Kevin Barr</b>	Mount Lorne-Southern Lakes
<b>Lois Moorcroft</b>	Copperbelt South
<b>Jim Tredger</b>	Mayo-Tatchun
<b>Kate White</b>	Takhini-Kopper King

### Liberal Party

<b>Sandy Silver</b>	Leader of the Third Party Klondike
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## LEGISLATIVE STAFF

Clerk of the Assembly	Floyd McCormick
Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Rudy Couture
Deputy Sergeant-at-Arms	Doris McLean
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Thursday, November 7, 2013 — 1:00 p.m.**

**Speaker:** I will now call the House to order. I would like to ask all present to remain standing as we observe a moment of silence in honour of Remembrance Day and all that it means.

*Moment of silence observed*

**Speaker:** “They shall not grow old, as we who are left grow old:

“Age shall not weary them, nor the years condemn.

“At the going down of the sun and in the morning,

“We will remember them.”

Thank you.

## DAILY ROUTINE

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

I will start the tributes.

## TRIBUTES

### In recognition of Veterans’ Week

**Speaker:** Veterans Affairs, at the beginning, defined a veteran as someone who had served in the military during times of conflict. Ironically, the First World War veterans who formed the Royal Canadian Legion didn’t want to recognize the World War II veterans as actual veterans because their war was not as hard as the first one.

In the 2003 time frame or so, Veterans Affairs changed the definition of “veteran”, as it needed to be updated — and I paraphrase it a bit: A veteran is a member of the military or RCMP who has achieved an occupation code and has been honourably discharged from service.

This means that current serving members of the Canadian Armed Forces and the RCMP are actually not veterans because they have not been discharged from their service yet. During Veterans’ Week, and particularly Remembrance Day, the line between serving and served is blurred and for very good reason.

It is with great pride and appreciation of my colleagues here that today, on behalf of all Members of the Yukon Legislative Assembly, I have the privilege to pay tribute to all who have served and are serving in the Canadian Armed Forces and the RCMP. We promise to recognize and appreciate all of your sacrifices and all you have given to us through those sacrifices. We will always remember with great respect those who have paid the ultimate price for the freedoms we enjoy in Canada.

Lest we forget.

### In recognition of Remembrance Day

**Hon. Mr. Pasloski:** I rise today as well to recognize Remembrance Day. Remembrance Day is as important today as it was when it was established in 1919 on the first

anniversary of the end of World War I. On November 11, 1918 at 11:00 a.m., the 11<sup>th</sup> hour of the 11<sup>th</sup> day of the 11<sup>th</sup> month, the Great War ended.

If it is hard for us to imagine what four horrible years of war is like, we are fortunate. If it is hard for us to imagine being one of the 30 million military personnel who were killed or injured in that war, we are fortunate. We wear our poppies each year to remember those who suffered and also to remember the sacrifice of the 117,000 Canadians who died in the two world wars, the Korean War and other conflicts. These men and women gave their lives in the name of freedom for Canadians and citizens all over the world.

This Monday, many of us will attend Remembrance Day ceremonies. Even if busy lives do not allow people to attend an event, I encourage Yukoners to pause for a moment of silence, to think of the courage of each man and woman who has given his or her life in order to protect ours. I encourage all Yukoners to support the Royal Canadian Legion each year by buying a poppy and wearing it proudly.

Let us think of the families who continue to be affected by the loss of a father, a mother, a son or a daughter. Let us think of what we can do to contribute to peace in our communities and in our country.

**Ms. White:** I rise on behalf of the Official Opposition in recognition of Remembrance Day. Today, I pay tribute to veterans in the struggles they face today.

Had I been asked even two years ago to describe a veteran, I might have described my grandpa. I can close my eyes and see older men and women with greying hair and deep wrinkles. They are people who lived in a different time with a different set of challenges — people who would remember the sound of an air raid siren; people who had made it home and had families and grandchildren and great-grandchildren. These veterans came from a time when their role was easier to explain. These veterans are from times of conflict. They had clear enemies and clear goals.

That all changed after the Korean War. Now our soldiers are sent into war zones to keep opposing forces apart. Now we call them peacekeepers and now they often come home with invisible injuries. The face of today’s veteran is very different. Mixed in with all that grey hair are the faces of young men and women, many younger than me. It surprised me to learn that one in 35 Canadians is a veteran. I’m not sure why this surprised me, but it did.

On the recommendation of a friend, I visited the Veterans Transition Network website. The Veterans Transition Network is a national non-profit initiative created to help reintegrate Canadian veterans with their families and communities. Many of the men and women that return from combat find themselves suffering from post-traumatic stress disorder, related to symptoms such as emotional numbness and depression, that leaves them unable to communicate with loved ones or find a meaningful place in society. It is currently estimated that 15 to 30 percent of returning soldiers will develop PTSD. This means that 4,000 to 6,000 soldiers

returning home will need support and services in dealing with post-traumatic stress disorder.

Knowing that we're still in the middle of Veterans' Week and that this week is about actively remembering, I ask you to watch the nearly eight-minute video excerpt from the documentary, *War in the Mind*. Be warned. This video is painful to watch. You're shown a very small glimpse into life after service experienced by veterans who are between 23 and 27 years old.

With the changes to the Veterans Charter of 2006, the Government of Canada has created a two-tiered system of veterans. The New Veterans Charter is putting the most severely wounded veterans at a risk of hardship and poverty. It's never easy to be a veteran, but never before have we seen the number of veterans suing the Canadian government like we do today.

For years, veterans have raised concerns about the programs and compensation under the Veterans Charter. Under the legislation, ex-soldiers saw the decades-old pension-for-life system replaced with a workers'-compensation-style approach of lump sum awards and allowances.

Imagine being told that the life sacrifice you made for your country is only worth a one-time payout. Worse yet, nine Veterans Affairs offices are set to be closed by February 2014. That means that veterans in these nine jurisdictions will no longer have face-to-face access to the services they need. This only adds to the current environment that Canada's veterans are finding themselves in — an environment that can only be categorized as confusing, challenging, complicated and disappointing.

It's challenging for veterans and their families to navigate through the various players involved. Once in the system and trying to seek benefits, the amount of paperwork and the processes involved to obtain benefits is extremely complex. There are two government departments involved, two rehabilitation programs and an application package that is 18 pages long. This is not at all like applying for a passport; that's easier. This paperwork decides your future.

I asked a veteran what he thought of the current changes. His barely audible answer was "betrayed". I then asked what he would say to a young person seeking advice about enlisting, and there was a long pause. "My patriotism says to do it. I'm an optimist. We have to look for a brighter future."

Those feeling betrayed are the very men and women who chose to serve and to protect us, our communities and our country. These are the men and women who get sent to foreign lands only to come home often forgotten and ignored. With these sweeping changes and challenges, how can every Canadian not be aware of the issues facing our veterans given the daily reporting of their concerns? How can we not be up in arms in their defence?

In 1917, just prior to the Battle of Vimy Ridge, Conservative Prime Minister Robert Borden had this to say to servicemen ready to be deployed: "You can go into this action feeling assured of this, and as the head of the government I give you this assurance: That you need not fear that the

government and the country will fail to show just appreciation of your service to the country and empire in what you are about to do and what you have already done. The government and the country will consider it their first duty to see that a proper appreciation of your effort and of your courage is brought to the notice of the people at home... That no man, whether he goes back or whether he remains in Flanders, will have just cause to reproach the government for having broken faith with the men who won and the men who died."

There is great concern that the Government of Canada has forgotten this commitment. Veterans worry that the sacrifices that they made are easily forgotten by us, forgotten by you and forgotten by me. The government must demonstrate its social and moral obligation to all veterans and their families who served and continue to serve our country.

With the 100<sup>th</sup> anniversary of World War I just around the corner, the most profound activity this government could deliver to honour this historic event would be to reaffirm its social contract to all veterans and their families and to ensure that an expanded and transparent review of the New Veterans Charter is conducted and that no veteran is ever left behind.

I asked my friend how he thought we could fix the problems that exist and make the government remember its pledge. He told me that the decision needs to come from the top — that politicians deal with public opinion and that politicians need to know that this issue matters to every Canadian. I asked him how he thought this could happen. He said that people need to care.

So I'll leave you with this. It is the veteran, not the preacher, who has protected our freedom of religion. It is the veteran, not the reporter, who has defended our freedom of the press. It is the veteran, not the poet, who has given us freedom of speech. It is the veteran, not the campus organizer, who has given us freedom to assemble. It is the veteran, not the lawyer, who has given us the right to a fair trial. It is the veteran, not the politician, who has ensured us the right to vote. It is the veteran who salutes the flag, it is the veteran who serves under the flag, and it is the soldier who dies defending it.

Lest we forget.

**Mr. Silver:** I rise today on behalf of the Liberal caucus to pay tribute to Remembrance Day. On this day, Canadians honour and remember our veterans who have all served Canada during war, armed conflict and peace, and commemorate their sacrifices.

The other common name for today is Armistice Day, which marks the day and time when armies stopped fighting in World War I on November 11 at 11:00 a.m., 1918, the 11<sup>th</sup> hour of the 11<sup>th</sup> day of the 11<sup>th</sup> month. Over 100,000 Canadian soldiers died in the First and Second World Wars.

Throughout the world the poppy is associated with remembrance and symbolizes the memories of those who have died in order that we may be free.

During the First World War, Flanders in Belgium saw some of the most concentrated and bloodiest battles. There was complete devastation. Buildings, roads, trees and natural life simply disappeared. Where there were once farms and

homes there was now a sea of mud, a grave for the dead where men still fought and lived. The only other living that that survived was the poppy. Flowering each year with the coming of the warm weather, the poppy brought life, hope, colour and reassurance to those who were still fighting. John McCrae's poem, *In Flanders Fields*, may be the most famous one of the Great War. The day before he wrote it, one of his closest friends was killed and buried in a grave decorated with only a simple wooden cross. Wild poppies were already blooming between the crosses that marked the graves of those who were killed in battle. Unable to help his friend and the other fallen soldiers, John McCrae gave them a voice through his words.

Mr. Speaker, have you ever said to a friend or a family member that you would give your life for them? Well, soldiers willingly give their lives to total strangers when they sign on the dotted line to serve their country. We wear the poppies before and on Remembrance Day in memory of those to show our respect and to support our Canadian troops and veterans and commemorate their sacrifices. Remembrance Day ceremonies will be held across Canada and I will be attending those in Dawson, as I imagine folks will be going back to their communities and participating as well.

Lest we forget.

**Hon. Ms. Taylor:** *[Member spoke in French. Text unavailable.]*

I rise today as minister responsible for the French Language Services Directorate, as well as Minister of Education, to acknowledge the first ever National Francophone Immigration Week. From November 3 to 9, French-speaking communities in nine provinces and three territories celebrate for the very first time National Francophone Immigration Week, under the theme: Francophone Immigration: a Diversity that Unites Us.

This week aims to promote francophone immigration and diversity among our franco-Canadienne, Canadian and Acadian communities and to acknowledge its very importance. Immigration is important with respect to maintaining demographic diversity for the Canadian population as a whole as well as the Canadian francophone.

It's a significant recruitment tool for the labour market and is viewed as contributing to Canada's economic prosperity. Immigration is a party for the Canadian francophone and so too is true for the Yukon francophone community. I'd like to take this opportunity to acknowledge the l'Association franco-yukonnaise for the great work that they have achieved over the years, specifically since 2005, to successfully attract many francophone immigrants to Yukon and to support their integration within our territory.

The 2011 Canadian census shows that just under five percent of the Yukon population declares French as their first language, while 13 percent state that they are bilingual — roughly 4,415. Excluding Quebec, this ranks Yukon as the second-highest percentage of francophone and the second-highest proportion of the population able to maintain a conversation in French, just after New Brunswick.

The Yukon government recognizes the very importance of settlement services and related activities for a successful francophone community in the territory and supports francophone immigrants in their successful settlement and long-term immigration.

## INTRODUCTION OF VISITORS

**Hon. Ms. Taylor:** With this, I would like to at this time introduce a number of individuals who have also joined us in the gallery here today in celebration of this very important week.

I would first like to start with the following people who are among the several French immigrants who integrated well into our franco-yukonnaise community. Starting with Lucie Creiser — and perhaps if Lucie wanted to stand, that would be great — Audrey Queverdo, Marie Alexis Dangreau, Emmanuelle Compoin, and Yann Herry — certainly not a stranger to our territory and who is well-integrated into the Yukon fabric as we know it today.

I would also like to introduce the following people involved with the franco-yukonnaise community: Nancy Power, who is a director of communications for l'Association franco-yukonnaise and Pierre-Luc Lafrance, director for *L'Aurore boréale* and also fairly new to the Yukon as well — so welcome. Also, with Pierre-Luc, is Pierre Chauvin, also with *L'Aurore boréale*, a new reporter, so welcome.

Finally, I would just like to point out a few employees of the Yukon government also involved in immigration with the Department of Education as well as the French Language Services Directorate: Nathalie Ouellette, who is an immigration officer with the Education department; Jeanne Beaudoin, who is a very important person of the Yukon francophone community and is also with the French Language Services Directorate; Véronique Davignon, also with the French Language Services Directorate; and our own director of the French Language Services Directorate, Patrice Tremblay has also joined us.

I would ask all members to join us in a warm welcome to each and every one of them.

*Applause*

**Hon. Mr. Pasloski:** It's certainly a great honour to see His Worship Dan Curtis here in the gallery with us. It's always a pleasure to see the Mayor of Whitehorse join us here. I know there's a bit of a personal reason for him to be here, because his son Nathaniel is a page today. Today is his first day as a page. I'd like to welcome and congratulate him. I invite all members to congratulate and welcome the mayor.

*Applause*

**Ms. White:** *[Member spoke in French. Text unavailable.]*

*Applause*

Speaker: Are there any return or documents for tabling?

## TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Graham:** Today I have for tabling my letter to the chair of the Yukon Hospital Corporation regarding the recent Judgement of Inquiry Reports of the Chief Coroner, dated August 29, 2013. I have also attached the chair's response to my letter, dated October 4, 2013.

**Speaker:** Are there any other returns or documents for tabling?

Reports of committees?

Petitions?

## PETITIONS

### Petition No. 13 — received

**Clerk:** Mr. Speaker and honourable members of the Assembly, I have had the honour to review a petition, being Petition No. 13 of the First Session of the 33<sup>rd</sup> Legislative Assembly, as presented by the Member for Mount Lorne-Southern Lakes on November 6, 2013. The petition meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

### Petition No. 14 — received

**Clerk:** I have also had the honour to review a petition, being Petition No. 14 of the First Session of the 33<sup>rd</sup> Legislative Assembly, as presented by the Member for Takhini-Kopper King on November 6, 2013. The petition also meets the requirements as to form of the Standing Orders of the Legislative Assembly.

**Speaker:** Accordingly, I declare Petition No. 13 and Petition No. 14 read and received. Pursuant to Standing Order 67, "The Executive Council shall provide a response to a petition which has been received within eight sitting days of its presentation".

Therefore, the Executive Council responses to Petition No. 13 and Petition No. 14 shall be provided on or before Thursday, November, 21, 2013.

Are there any petitions to be presented?

**Mr. Barr:** I rise to submit a further 14 signatures to the petition I tabled yesterday requesting the government introduce legislation banning the hunting of bears within the one-kilometre line.

**Speaker:** That petition has already been read in. If you are just adding names, please just pass them to the Clerk.

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motion?

## NOTICES OF MOTION

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

THAT this House urges the Government of Canada to respect the service and sacrifices of Canada's veterans by working with organizations representing veterans to enhance services and improve service delivery to Canadian veterans.

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

THAT this House urges the Yukon Government to continue to implement the housing and land development commitments outlined in the Yukon Party's 2011 election platform, Moving Forward Together, by:

(1) Developing a housing action plan that builds on strategic investments and addresses the needs of Yukoners for a variety of housing options; and

(2) Seeking innovative ways to partner with the private sector, NGOs and other governments to meet the housing needs of Yukoners.

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

THAT this House urges the Government of Yukon to move the Klondike Valley fire hall to the Dawson City Airport.

**Speaker:** Is there a statement by a minister?

This brings us to Question Period.

## QUESTION PERIOD

### Question re: Electrical rate relief

**Ms. Hanson:** Yukoners are bracing for another hit to the pocketbook from rising electrical rates. The rates went up 6.5 percent in July of this year, which is likely to go to 12 percent over the next three years. It is the Yukon Party's lack of action that is chiefly to blame for the ever-rising rates. Thank goodness Yukoners continue to get some protection from rate shock by the \$26 rebate that appears on their monthly bill, thanks to a previous NDP government. The Yukon Party has long made noises about axing the rebate.

The question is simple: What is the plan? Will the Yukon Party axe the rebate when it comes up for renewal on March 31?

**Hon. Mr. Kent:** Once again, we see a hypothetical question coming from the NDP. There was a hypothetical question yesterday with respect to the staking withdrawal in the Peel watershed that is in place until the end of the year. There is now a hypothetical question from the Leader of the Official Opposition with respect to the interim electrical rebate, which is in place until March 31.

Since June 2009, Yukon government has transferred just over \$3 million annually to the Yukon Development Corporation for this rebate. We're currently looking for the options for the best use of these funds to keep electrical rates down. This program was one tool that we used to keep rates low for ratepayers. The program is in place until the end of this fiscal year and as soon as we've made a decision on how to proceed, we'll communicate that decision to the public and to the members of this Legislature.

**Ms. Hanson:** I think that gives very faint hope to most Yukon ratepayers. If Yukon Electrical Ltd., the ATCO-owned private utility, gets its way with the Yukon Utilities Board, Yukoners will be taking another hit to the pocketbook.

A typical electrical bill that cost \$118 in 2008 could cost \$177 on January 1, 2015 if the Yukon Party axes this rebate. This is a 50-percent increase that would have Yukon families paying \$700 more per year to keep the lights on. Clear and simple, this is rate shock. Why is the Yukon Party not interested in protecting Yukon families from rate shock?

**Hon. Mr. Kent:** As I said in my previous answer, the Yukon government has transferred just over \$3 million annually to the YDC for the interim electrical rebate. We're currently working closely with Yukon Electrical and the Yukon Energy Corporation to ensure that costs will not continue to rise in the future. One part of that work is the demand-side management plan that was submitted jointly by the utilities in the general rate application.

Members will recall on the first day of this legislative sitting — this fall sitting — that I introduced a motion in this House looking to ensure that there is a continuing and abundant supply of clean and affordable power in the Yukon in order to promote responsible and sustainable economic development. Of course, those initiatives include a large-scale hydroelectric dam, some of the micro-generation options that we have introduced and working toward an independent power producer's option. There are a number of ways that we can continue to ensure that we maintain affordable power here in the Yukon. There are short-term, medium-term and long-term options and we're exploring all of them at this point.

**Ms. Hanson:** Mr. Speaker, the minister is probably aware that the Yukon Utilities Board ordered demand-side management to be implemented in September 2009. That was then; this is now. We're still talking and planning it. Meanwhile, the cost of living under the Yukon Party is getting steeper. They did nothing about addressing the housing crisis and housing prices rose beyond the reach of many Yukon families. Yukoners' electrical bills go up and up and up — the clear result of the Yukon Party's mistakes in not managing and planning the energy file.

There is one sensible thing they can do now to reassure Yukon ratepayers and protect consumers and that is to maintain the rebate. Will the Yukon Party maintain this rebate? Yes or no?

**Hon. Mr. Kent:** As I mentioned to the Leader of the Official Opposition in my first answer, the rebate is in place right now. The interim electrical rebate will be in place until March 31. We're evaluating options for the best use of the funds to keep electrical rates down and that's what we intend to do.

As I mentioned, there are a number of activities that we're undertaking to ensure there's a clean and affordable power future for the Yukon. Of course, that includes exploring renewable sources of power, such as wind and biomass, to complement the existing hydro grid, and exploring alternative sources that are cleaner and more affordable than diesel.

Those are the short-term, medium-term, and long-term options that I mentioned, which is a vision of this government to bring another scalable hydroelectricity project to the territory to complement the ones that are already in existence here. There are a number of initiatives that are underway in

the short term, the medium term and over the long term to ensure that Yukoners enjoy affordable power rates now and into the future.

#### **Question re: Dawson City and Watson Lake hospitals**

**Ms. Stick:** Millions of dollars overbudget — the Yukon Party's mismanagement of the Watson Lake and Dawson City hospitals continues. The tab on the public purse is still running up. Fixing new insulation, changing siding, repairing generators, and housing for new staff who have nowhere to work yet— all of this is being paid from one purse, the public purse. That point seems far from this government's mind but it's not far from the minds of Yukoners. These are our precious health care dollars.

What is the current running total of cost overruns on each hospital?

**Hon. Mr. Graham:** I have no idea.

**Ms. Stick:** Thank you for that answer. It seems to me the minister should be aware of this and concerned about it. I will table the notice of statement of the receiver in the matter of Dowland's receivership and also the Supreme Court order that forces this department to place over a million from the public purse into the hospital's bonding agency. On top of departmental funds sent to the bonding agency, and on top of the unpaid millions owed to Yukon contractors, let's not forget the debt from these mismanaged capital projects.

Just this spring, the government provided the Hospital Corporation with a \$27-million bailout toward the principal of their ever-expanding debt. This government is wasting precious health care dollars. Can the minister tell us the dollar amount of all outstanding claims for unpaid work on the Watson Lake and Dawson hospital projects?

**Hon. Mr. Graham:** The \$27 million announced in the last budget wasn't a bailout. Fortunately, this government has the ability to make this money available to pay down the debt because of our fiscal responsibility that we've shown over and over again.

I would like to make sure that the record is corrected, because under the terms of the construction contract with Dowland, Yukon Hospital Corporation required that Dowland provide a 50-percent performance bond and a 50-percent labour and materials payment bond for each of the projects, the facility in Dawson and the facility in Watson Lake.

The bond is provided for the benefit of Dowland suppliers and subcontractors to provide them with a bond fund, should Dowland be unable to pay their accounts. Each contractor or subcontractor must qualify under the L&M bond and submit a legitimate claim in order for their claim to be considered. Matters regarding claims submitted by subcontractors and material suppliers that have a direct contract with Dowland for labour and materials supplied on the two projects are completely in the hands of Intact Insurance to determine the legitimacy —

**Speaker:** Order please. The member's time has elapsed. Final supplementary.

**Ms. Stick:** And still, contractors are not being paid. All monies owed on these poorly managed projects come from the public purse. The tally includes over \$1 million in holdings of the hospital's bonding agency by court order — some \$3.5 million in builders' liens. Yukoners and unpaid contractors are not getting a straight story either from the minister or the Yukon Hospital Corporation.

In reply to a letter on project mismanagement, the minister wrote back "additional oversight on future projects" when he was referring to a steering committee including representatives from two government departments. Will the minister commit to having this additional oversight start now so that all outstanding liabilities are promptly resolved and repair the Yukon's reputation among contractors?

**Hon. Mr. Graham:** It becomes more and more evident as the member opposite gets further and further into this subject that she knows absolutely nothing about the contracting world, about bonding agents and how these things are paid out. In May of 2013 Dowland was placed into receivership through the Court of Queen's Bench in Alberta. A receiver was therefore appointed to oversee the receivership of the Dowland group of companies.

Subsequent to notification of default, the Yukon Hospital Corporation entered into two separate contracts with Intact, where it was agreed that Intact would complete each of the two projects. In accordance with those contracts the remaining funds that were payable under the contract were forwarded to Intact. That's actually how the system worked. Any subcontractors or materials suppliers that have a direct contractual relationship with Dowland and that may not have been paid by Dowland for work they performed may be eligible to make claims against the L&M bond issued by Intact in accordance with the terms of the bond.

#### **Question re: Klondike Valley fire hall**

**Mr. Silver:** I have a question about the Dawson City airport and the Klondike Valley fire hall. Recent renovations to the fire hall have turned it into more of a water distribution centre than a fire station. A project to drill a well was delayed several times and missed many completion dates. The renovations caused considerable disruptions to the activities of the volunteer fire department. Training drills were cancelled, for example, and equipment had to be moved off-site because of the disturbance. Unfortunately, the impact goes beyond a temporary inconvenience. Firefighters I've spoken to believe the facility will now need to be expanded if it is ever to be an effectively operating fire station once again. An alternative — favoured by many — is to relocate the station to the airport, as this would allow for a faster response to incidents there.

Is expanding the existing fire hall or moving it to the airport something that this government is considering?

**Hon. Mr. Cathers:** In fact what I would point out is that there have been significant investments by this government in many areas within our fire services including, first of all, updating the fleet of fire equipment. It was aged when we took office and we have ensured that our rural volunteer fire departments have much more modern

equipment and have significantly increased that investment in fire trucks, as well as equipment, such as turnout gear. As well, we have made investments in other areas related to that, including a significant increase to the annual budget for the Fire Marshal's Office.

I was up this fall in Dawson and met with the fire chief of the Klondike Valley Fire Department. We recognize that there were some issues during a period when a contractor was putting the water treatment facility in the fire hall, but that work has been completed. If there are additional issues that need to be addressed, we will work on them through the chief of the fire hall as well as the Fire Marshal's Office. A move to the airport is not being considered.

**Mr. Silver:** I'm sure that the Klondike Valley Fire Department appreciates the upgrades, but they need places to store these upgrades as well.

The decision by this government to turn the fire hall into a water treatment building has left firefighters with many questions about the future of that hall. For example, who will look after the new water facilities? This is not something that volunteers signed up for and it's not something that they are qualified for either. Firefighters have also told me that there is very, very little room left now for equipment or for training at the facility because of the changes that have been made.

Why did the government make these changes with no consideration of the impact on the fire hall, and how does it plan to fix the problems that they have created there?

**Hon. Mr. Cathers:** Mr. Speaker, the upgrade to water — my understanding is that many of the investments that were made in recent years primarily through Building Canada deal with issues around water quality and wanting to ensure — especially in cases where people were already getting water for personal use from facilities, which to my understanding included the Klondike Valley fire hall.

The treatment of that water is meeting a standard that reflects the changes to the Canadian drinking water guidelines, in many cases related to the arsenic standard. That was the reason behind the investment, to the best of my understanding. It is intended to improve the water service for people within the Rock Creek area. I recognize that there were some issues where the contractor was putting in equipment, but the work has been completed.

Certainly if there are pressures on the space requirements at the fire hall, as with any of our other fire hall facilities, we will give consideration to that and we will not rule out the possibility of considering renovations or additional storage space if it becomes evident that those are necessary. But again I will reiterate: we're not contemplating moving it to the airport and the fire hall. From my viewing of it and what I understood from the fire chief is that it in fact is a very functional facility that had some space pressures as a result of the work that was being done.

**Mr. Silver:** It sounds like we have had two very different conversations with the fire crew there. Moving the facility to the airport — especially with the increased traffic that is experienced because of Holland America's announcement last year — it makes a lot of sense. I would

urge the minister to consider that option. It is one of the few improvements that need to be made to the airport in order to accommodate more traffic flying in from Alaska with Air North and with Holland America.

I have spoken to people at the airport itself and a number of individuals from the tourism industry and they have all expressed reservations about the state of readiness for these additional flights. There have been questions raised about everything from parking spaces for the jets to whether the airport is properly set up to allow passengers to clear United States customs, as well as the ability to manage the increased fire and emergency concerns. I understand representatives from Highways and Public Works visited the airport this summer in the beginning of their preparations for next year's increases.

What steps has the government undertaken to ensure that these flights will proceed next summer?

**Hon. Mr. Cathers:** First of all, I would remind the member that work that has been done and investments in the Dawson airport are an important part of actually accommodating those flights in the first place. I would also note to the member that I understand that, from what he's relaying, he's spoken to some members of the fire department and understand there may be various opinions, including within the fire department, about possible solutions, but we have what it is a very functional fire hall.

There were during periods of construction of the water facility some pressures and they had temporary interference with their training room. I have been in the fire hall. While it certainly is an area where there's not a lot of extra space, it is also a functional space. We will of course consider whether there need to be adjustments, renovations or storage additions, but there is a significant cost in constructing a fire hall and we do have one that is very functional right now.

In fact, I would remind the member that Wildland Fire Management has a station right at the airport. The Klondike Valley fire hall is quite close to the airport and it's also covered by the City of Dawson municipal fire department under a mutual aid agreement, so there is quite good coverage of the airport facility within the City of Dawson. The area just outside, of course, is well served by the Klondike Valley Fire Department.

#### **Question re: Housing as a human right**

**Ms. White:** Today is like Groundhog Day. Sadly, this isn't Hollywood, this isn't a comedy and Bill Murray isn't about to walk past. The weather is cold, the nights are getting longer and winter is settling in and we still have a homelessness crisis.

We had a homelessness crisis last year, the year before, and the year before that. There is a spectrum of housing needs ranging from shelters through transitional and supportive housing to affordable housing. The Yukon Party has not targeted the whole spectrum of Yukoners' housing needs. The Yukon Party approach to housing is neither compassionate nor fiscally responsible.

Homelessness costs us all in different ways. Research has demonstrated it costs less money to end homelessness than to maintain it. Does the minister responsible have any idea of the number of Yukoners in need of shelter, transitional housing and supportive housing?

**Hon. Mr. Cathers:** I would first of all remind the member that the situation as she has portrayed it is not accurate. We have made a 40-percent increase in our total social housing stock, significant investments in seniors housing and facilities in Whitehorse, Haines Junction, Watson Lake and in Teslin. Work is underway right now as a priority doing remediation work that will lead to the building of a seniors facility in Mayo. We are continuing to address these needs and I would point out, contrary to the member's assertions, that a report that has recently been referenced in this House exploring residences in the Yukon that was commissioned by Economic Development concludes there is a clear indication that Whitehorse is not as expensive as is commonly perceived and that the average cost of housing, when purchased through a realtor, is significantly less expensive in Yukon than in provinces such as B.C., Alberta and Ontario.

**Ms. White:** The Yukon Party is hoping that if they don't measure the problem, they won't have to deal with it or that it doesn't exist.

On May 4, 2012, members of the federal House of Commons from all parties voted in support of a motion that recognized that Canada has obligations to fulfill the right to housing. Housing First is the way to implement Canada's obligations as a signatory to the *International Covenant on Economic, Social and Cultural Rights*, which guarantees the right to adequate housing. Evidence shows that a Housing First approach improves people's quality of life, recovery and wellness. Housing First is about knowing that people need a home and that any other issue a person is living with can be more effectively addressed once a person has housing.

Does the minister responsible believe in the Housing First approach for those Yukoners who need either shelter, transitional housing or supportive housing?

**Hon. Mr. Cathers:** First of all, what I must again note for the member — I know she is passionate about this issue and I appreciate that there are always pressures. In fact, if the member looks to any jurisdiction within Canada, there are pressures on housing. But, in fact, what the member completely fails to recognize is the 40-percent increase in our housing stock that has resulted from investments during the Yukon Party's time in office — roughly \$100 million since 2002: 350 renovations; 150 new buildings; investments in seniors facilities in Whitehorse, Haines Junction, Teslin, Watson Lake and Faro; home ownership program for first-time owners; investments in housing for single parents; investments in the youth shelter; the construction of Betty's Haven; and the Kaushee's second-stage housing.

I might add that during my time as Minister of Health and Social Services, we made significant increases to the annual funding agreements for Kaushee's Place and provided capital

investments for the Watson Lake women's shelter as well as for second-stage housing.

We have provided lots to Habitat for Humanity and continue to work with them. There is a very long list of the investments we have made, and we will continue to make investments to further improve and further invest in ensuring there is a range of housing options affordable for Yukon citizens. I understand I've run out of time to list the very long list of investments we've made. Including increases to the social assistance rates are yet another area —

**Speaker:** Order please.

**Ms. White:** I appreciate the minister's response, but it sounds like we are lacking in compassion. It sounds as though the minister believes housing is only for people who can afford to pay. Canada is a signatory to the *International Covenant on Economic, Social and Cultural Rights*, which guarantees the right to adequate housing.

Does the minister responsible for the Yukon Housing Corporation believe that housing is a human right?

**Hon. Mr. Cathers:** Quite frankly, I'm offended, as I know are my colleagues, by the member of the NDP's attempt to portray us as lacking in compassion when in fact our track record demonstrates that we have put more investments into social housing than the NDP. The NDP preach a good line, but they didn't put their money where their mouth was.

We have invested in social housing — I mentioned a 40-percent increase in social housing stock and increase to the social assistance rates. I remind members that the last two governments to increase social assistance rates were the Yukon Party during my time as Minister of Health and Social Services and a previous Yukon Party government. The NDP are very good at preaching a good line, but in fact their track record was lacking. In addition to tanking the economy, they did not invest in social housing to the same extent that we have. We will continue to make those investments and continue to invest in a range of housing options that address the needs of those who are —

**Speaker:** Order please. The member's time has lapsed.

#### **Question re: Whistle-blower legislation**

**Ms. Moorcroft:** The Yukon Party's 2006 election platform promised Yukoners — and I quote — “effective whistle-blower legislation which protects the anonymity of public employees who report abuse within the government and provides a clear process for a full and fair investigation”. Today whistle-blower protection remains a broken Yukon Party promise. This is a shame, given this government's long record of project mismanagement.

Will the minister explain why this government has not brought forward whistle-blower protection legislation to protect public servants who act in good faith to expose wrongdoing?

**Hon. Mr. Dixon:** I'd remind the member opposite that we recently had a select committee look at this issue and provide recommendations to the Legislature and thus to the government. We, on this side of the House, are taking those

recommendations very seriously. We're planning to move forward with whistle-blower — or sometimes referred to as public interest disclosure of wrongdoing — legislation. We have full intentions of bringing forward that legislation as soon as possible. Of course, there's some work that needs to be done on the side of the Public Service Commission and other branches of government to develop that legislation. But, as we heard in a motion this week from the Member for Vuntut Gwitchin urging the government to table that legislation in 2014, I have full intentions of fulfilling that commitment both to this Legislature and to Yukoners.

**Ms. Moorcroft:** The second Select Committee on Whistle-blower Protection did submit its report a year ago in December 2012. This May, the minister said the government was committed to implementing the committee's recommendations and that it was working on whistle-blower legislation. Well, the legislation has not appeared. This government has failed once again to follow through on its promise to bring in whistle-blower legislation — a promise dating back seven years now.

Is this government afraid to provide protection to courageous Yukon public servants who expose wrongdoing?

**Hon. Mr. Dixon:** In December 2012, the select committee released its final report on this matter and we are moving forward with the recommendations that it entails, but I have to say it's a little disturbing to hear from the member opposite that she would have us create a piece of legislation without doing the due diligence to make sure that we get it right. It's important that we let the Public Service Commission do the work they need to do to develop the legislation effectively.

We know the NDP's reaction here is to legislate first and then ask questions later. We're going to get it right. We're going to do the work that needs to be done to ensure that we have the best possible piece of legislation, and then bring it forward to this legislature for debate and discussion and eventually, hopefully, the passing of that legislation.

#### **Question re: F.H. Collins Secondary School reconstruction**

**Ms. Moorcroft:** The Premier states proudly that he has been fiscally responsible by spending yet another million dollars on redesigning F.H. Collins, this time to redesign an Alberta school and allegedly bring it up to Yukon standards, but, as we pointed out yesterday, the design is still based on Alberta standards and will be inadequate for our much colder northern climate. Ministers opposite like to talk about getting it right.

Will the minister tell this House why an inadequately insulated and designed school — in other words, an ice palace — is a better place for our children than a properly designed northern school?

**Hon. Mr. Pasloski:** You know, Mr. Speaker, really it might come as a surprise to the member opposite that the Premier doesn't spend all of his time reviewing all the minute details on every construction project that the government undertakes.

Myself or the elected officials — the minister doesn't determine what the insulation value is going to be or what the window specs are or whether they're going to have to use a Phillips or Robertson screws when they build this.

Of course this building will be built to the building codes that we have here in the Yukon. That's what we expect and that's exactly what will occur.

**Ms. Moorcroft:** Mr. Speaker, I'm sure the building in Alberta looked beautiful and the Premier's eyes have been caught by a shiny object. This Alberta design is not energy efficient. It no longer uses geothermal heating that we have already laid the groundwork for and will waste more taxpayers' money. It would appear that the Premier is more interested in ensuring another election photo op after 10 years of broken Yukon Party promises to build F.H. Collins School. But that is politics at its worst and we're talking about our children and the facility that they are educated in.

The minister told this House yesterday that one of his government's objectives is to build schools on time and on budget. Does the minister realize that the August 2013 completion date has come and gone?

**Hon. Mr. Istchenko:** All of our construction projects meet or exceed the building code requirements. We have to get a building permit from the City of Whitehorse and then the city inspectors come and inspect it. It has to pass the code like your house does before you can get occupancy and you can go live in your house, or kids can go to school. The new F.H. Collins is being designed.

It meets LEED silver energy efficiency standards. LEED stands for "Leader in Energy and Environmental Design." This sets the benchmark for design, construction and operation of high-performance green buildings. The Mother Margaret Mary School, the model that we've got, is built to the LEED standards. The new F.H. Collins Secondary School will provide an exceptional learning environment for students for decades to come and we are looking forward to seeing the construction begin early next spring.

**Ms. Moorcroft:** Yesterday, the Minister of Highways and Public Works says it's not easy to build a school. Well, Mr. Speaker, with this government, building a school is apparently downright impossible and it's not just this side of the House who holds this opinion. The Auditor General, in reviewing the Department of Highways and Public Works, reported that she "found weaknesses in managing building development projects."

What is this minister and the government doing differently on the F.H. Collins project than they did on Whistle Bend, the new jail, the arrest processing unit, and the Dawson City and Watson Lake hospitals that the Auditor General wrote so scathingly about?

**Hon. Mr. Pasloski:** As I said, this school will meet all the building codes and in fact we just articulated from the minister that, in fact, in most cases will probably be exceeding those building codes. Our job as ministers is to provide the direction and then allow the capable and well-experienced and competent government workers to ensure that the vision that this government puts forward is fulfilled.

We are building a new school. This will be a beautiful school that will be the envy of all of those students, and their parents, and the teachers and the school administrators. What is just as important is that we will do this school in a fiscally responsible manner. We're also looking forward to seeing many Yukon contractors and skilled tradespeople working on this job as it goes forward.

I'd also just like to take an opportunity to talk about some of the good projects that this government has delivered on time and on budget recently: the Dawson City housing project; seniors residence in Whitehorse; the Destruction Bay roof replacement; Ross River arena — in fact, on time and underbudget; Selkirk Street Elementary School roof, on time and underbudget; Whitehorse Elementary School roof; Porter Creek Secondary School roof replacement; and 207 Alexander Street continues to be on time and will be on budget. This government is managing Yukoners —

**Speaker:** Order please. The member's time has elapsed.

We will proceed now with Orders of the Day.

## ORDERS OF THE DAY

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

**Speaker:** It has been moved by the Government House Leader that 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 Vote 8, Department of Justice, in Bill No. 11, *Second Appropriation Act, 2013-14*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

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

**Chair:** The matter before the Committee is Bill No. 11, *Second Appropriation Act, 2013-14*. We will proceed with Vote 8, Department of Justice.

**Department of Justice** — *continued*

**Chair:** Mr. Nixon has the floor with one minute, 56 seconds remaining.

**Hon. Mr. Nixon:** I know I don't have a whole lot of time, so I will get back to one question that the member opposite had asked on Tuesday, and that was about a copy of the research methodology for the FASD prevalence study. Research that includes human participants commonly undergoes an ethics review of the research methodology. I did describe that a little bit on Tuesday. This is to ensure that the research is conducted in accordance with the highest ethical standards.

I can report that the methodology for the FASD prevalence study is currently being reviewed by a University of British Columbia's research ethics board. Our application was submitted last month. As the document passes through this process, small changes may occur to the study protocols. Once the document has been finalized and approved by a research ethics board, then the Department of Justice will be able to share it.

I know there's not much time. I'll let the member opposite ask another question.

**Ms. Moorcroft:** I'd like to thank the minister for that answer and I'll look forward to having an opportunity to review the research methodology when it has been cleared through the ethics committee at the university.

I would like to ask the minister a question regarding the court's video conferencing project, which will allow for remote remand court appearances. I think that will be useful in many circumstances. I would, however, like to ask the minister to assure the House that when it is important for a client to be present with his or her lawyer, they will be able to attend the court for an appearance in person if either the person who was accused and/or their legal counsel considers it necessary for them to appear in person.

**Hon. Mr. Nixon:** Before I go on to answer that question and some of the questions that were asked on Tuesday, I want to kind of expand a little bit on the Remembrance Day ceremonies that are happening and the tie that it has to Justice. As we approach Remembrance Day, I'd like to recognize the service that our Speaker and my honourable colleague from the Klane riding provided our country in the armed forces.

It's for veterans, like both of you and all who have served and are serving, that we mark Remembrance Day every year. As Minister of Justice, I am constantly reminded of why it is so important to never forget and to always be diligent. Each and every one of us here today has the good fortune to be elected by the people of our ridings into the Yukon Legislature, and I've had the privilege to serve in the capacity of Attorney General, Minister of Justice, as well as Minister of Tourism and Culture.

Speaking to justice — all countries have some form of justice, but it is important to realize that not all justice systems are equal or fair. The same can be said of governments. Not all systems of government serve all of their people or ensure that gender equality or minority rights are respected. In Canada, like most countries, gender rights, minority rights, a right to a fair trial, basic democratic rights and basic rights of freedom — including freedom of speech, freedom of

movement and freedom of person — all evolved over time. In many countries today, these basic rights are not respected or they are willfully suppressed by governments often led by powerful factions. We see this all over the world.

The current fight in Syria where a majority Muslim faction led by a dictator is suppressing a Muslim minority and other minorities who live under their regime is a good example. In Syria, prior to the civil war and all of its atrocities, citizens who spoke out against the government could be rounded up and thrown in prison without charge indefinitely. They could have their possessions confiscated. They could even be murdered by that regime.

Other examples include Afghanistan, where Canadians fought for justice and freedom and died recently to replace an oppressive Taliban regime that wanted to impose a harsh form of Sharia law by force on a public that was unwilling, but too brutalized by that regime, to fight.

It's not just in Muslim countries that oppressive regimes can occur. Communist dictatorships are still very much a part of the current world. In Korea, for example, where a state of war still exists between South and North Korea, we see a dichotomy of societies in its starkest form. In South Korea, which was and is still today backed by western powers, there is a democratically elected government that holds regular multi-party elections and has a strong and a fair justice system. There is freedom of speech, freedom of religion and freedom of movement. There is also a free press that acts as the eyes of the citizens and keeps scrutiny on those who hold public office. In South Korea there is justice. The government does not drag people from their homes in the middle of the night just because they oppose government.

In North Korea, which is commonly called the hermit kingdom, the government controls all communications and uses an enormous propaganda apparatus set up by the ruling clan and its supporters to stay in power. The government is nominally a communist government, but in reality it's a brutal dictatorship led by one family. In North Korea the government keeps out information about the rest of the world and carefully spoon-feeds its citizens information. They do this as a means of control.

Those who speak out could be killed outright or sent to prison camps. Whole generations of people are kept in these prison camps in atrocious conditions and put to work on menial tasks, often beaten, raped or starved. There is no fair justice system or democracy in North Korea. The only form of justice is the one that is entirely controlled by the ruling clan.

Sadly, throughout the world, there are still many more brutal governments and terrifying wars that are being fought. It is for this reason that each and every one of us must be diligent. We must remember the sacrifices of those who fought and died or were injured in fighting regimes such as those I have spoken about. If we don't, it's a short walk from here to that kind of brutal reality.

I want to leave you with a thought from a pastor named Martin Niemöller. Martin lived through Nazi-controlled Germany in the 1930s and the 1940s. He often spoke about the apathy of Germans when the government began rounding

up opposition groups that opposed the Nazi government. Martin Niemöller's famous quote goes like this:

“First they came for the communists,  
and I didn't speak out because I wasn't a communist.  
Then they came for the socialists,  
and I didn't speak out because I wasn't a socialist.  
Then they came for the trade unionists,  
and I didn't speak out because I wasn't a trade unionist.  
Then they came for me,  
and there was no one left to speak for me.”

On Remembrance Day, surrounding the cenotaph, we have an honour guard who stand on guard and in remembrance. They stand on Remembrance Day to respect the sacrifices of those that went before them, but they also stand on guard against tyranny and are a warning against those that would try to destroy freedom.

I thank them. I thank them for their service and I would hope that each and every one of us would remember why they do it. Last year at the Porter Creek Secondary School Remembrance Day Ceremony, I spoke about the rights and freedoms Canadians enjoy. I also spoke about the fact that these rights and freedoms are not enjoyed around the world. There are countries in which oppression and violence exist.

Canadians have defended and fought for our rights and freedoms. We have stood with our allies in combat to uphold our Canadian values. Our Canadian veterans have served our nation by serving our armed forces and our RCMP. Our nation asks a heavy price of them in time of war and it is a price each of them has volunteered to pay. They do it for the love of our nation, of our values, of our rights and of our freedoms. As I shared the other day, veterans continue to serve in times of peace, including after they leave active service. I would like to share with this House one example of how one veteran continues to serve.

A friend of our family paid a heavy price for his service to our nation but he continues to find ways to give to Canada. Before I speak about his courage, I need to speak about my niece Jenna.

Jenna was born with a complex medical issue. She was born without the tibia in her lower leg. That's the weight-bearing bone. She was also born with what I understand to be a valgus foot, which is the opposite of a club foot. My brother and sister-in-law were faced with a gut-wrenching decision on what to do. They had the choice to keep the lower leg of their daughter, who would then require surgery — likely every year until she was well into her 20s — plus continuous therapy over the decades, or they could choose to have the leg amputated from the knee down.

In speaking to this in the context of our war vets, both Armed Forces and RCMP, and the incredible support my niece receives from War Amps, it's not hard to figure out what their final decision was. Bert, a World War II veteran, has been there to help my niece since she was about three years old. He provides support and comfort the family cannot, and yet he attests that it is my niece who supports and comforts him. For years now, my niece and Bert have laid a

wreath together every year at Remembrance Day. They have an incredibly special bond.

Just in the last year, War Amps approached my brother's family to inquire whether or not they would be interested in being featured in a War Amps commercial. That commercial can be seen on the War Amps website. Click the YouTube icon and choose the War Amps legacy video. It's really quite something.

As a father of a child with a disability myself, I understand first-hand the importance of support. It seems to me that the War Amps video's purpose is to show the important contribution that our vets and our war amps make to children. There is a focus on the important and significant contribution Canadian veterans make to our nation. It is important that each and every one of us — and not just at this time of year — should express our appreciation for their service to our nation in times of conflict and in times of peace.

Bert and the other veterans like him find ways to continue to contribute to Canada, for which we are all deeply appreciative. Our friend, Bert, and the other veterans like him contribute because of their love for Canada and because of their desire for justice and for freedom. Our veterans, both Armed Forces and RCMP, have volunteered and sacrificed a great deal for the betterment of all Canadians.

Since becoming the Minister of Justice, I have seen a number of sincere requests for assistance brought forward. Some strike an emotional chord when it involves people, especially children with disabilities. Finding the funds to address these needs is always challenging. I appreciate the need for provincial, territorial and federal governments — especially departments of Justice and Public Safety — to be prudent, efficient and thoughtful in how they spend money. I know the requests that come across my desk. I can only imagine the volume and scope of requests that other governments as a whole receive.

Fighting for justice, some of these veterans still carry with them the scars, physical and emotional, of their battles. Our family friend Bert is also an amputee. I know our Speaker and the MLA for Kluane both served. To both of them, to Bert, and to all other vets, we do remember. We remember every day the sacrifice given for our freedom.

Now, in response to the member's last question — and then I can get into some of the previous questions on court video conferencing. These are typically for routine appearances. Video remand allows an accused, who has been remanded to the Correctional Centre, to appear in court using video conferencing technology instead of travelling to the courthouse. The Department of Justice has installed video conferencing equipment that connects the Whitehorse Correctional Centre with the law courts. This allows everyone in the courtroom to see and hear the accused and for the accused to see and hear them.

There are also four interview rooms in the courthouse where a defence lawyer can have a private video meeting with a client held at the Whitehorse Correctional Centre. Court Services successfully tested the video conferencing technology in late June by conducting a video remand

appearance. In late August, staff facilitated a video meeting between defence counsel and a client at the Correctional Centre. Policy and procedures are being developed this fall with a view to implementation in the new year.

Bringing an accused in custody to court has some consequences.

There are personnel and transportation resources required. The accused is in a less secure environment while being transported between the Correctional Centre and the courthouse. Also, because all accused are transported in one trip, they must wait for each other to be finished in court before being transported back. This means they wait in court cells for hours on simple appearances that could potentially just take a few minutes. While held in the court holding cells, which are smaller cells with no windows, accused are unable to participate in work or program opportunities at the Whitehorse Correctional Centre.

Video remand eliminates the consequences of transporting an accused to the courthouse for non-contentious appearances, while still allowing them to participate in their court proceedings. There is no disadvantage to having the accused appear by video conference instead of being physically present.

**Ms. Moorcroft:** It is true that many people carry scars of injustice, and I'm pleased to hear the minister talking about the value of human rights, gender equality and the rule of law. I want to share with the minister that all members of society must be treated with respect and dignity and that the Yukon government must offer those human rights protections to every person it interacts with: its employees, the public at large, people who have been criminally charged, people in the correctional system, families who may be coming to the Department of Justice in relation to maintenance enforcement orders or custody orders.

Again, I'm pleased the minister has acknowledged the value of human rights.

The minister also spoke about Remembrance Day. I look forward to attending and speaking at Golden Horn Elementary School again this year with my colleague, the Member for Mount Lorne-Southern Lakes, at their ceremony tomorrow. The Leader of the Official Opposition will join the minister at the Porter Creek school tomorrow.

The minister, in responding to my question about the video conferencing appearances, indicated those would be for non-contentious appearances and there was no disadvantage, so I just want to repeat that I'm looking for an assurance that, if the accused and his or her lawyer believe that, because of the matter being considered, they need to appear in person, they would be able to make that decision.

I also want to ask the minister for some information in relation to segregation confinement and special handling at Whitehorse Correctional Centre. The minister uses the term "separate confinement" in responding to one of my letters of inquiry, but I'd like to start with speaking about the psychiatric effects of long-term segregation. There has been considerable study about the effects of what is known collectively as isolation sickness for people who are housed in

special handling units or secure housing units or separate confinement.

The Elizabeth Fry Society just last month put on a workshop with an evening discussion and then a full-day seminar up at Yukon College where they looked at solitary confinement as well as other issues. Typical symptoms of this isolation sickness include: affective disorders such as anxiety, paranoia, uncontrollable rage and depression; cognitive disorders such as confusion, inability to focus, oversensitivity to stimuli, obsessive rumination, hallucinations and other perceptual disorders; physical disorders such as headaches, lethargy, insomnia, digestive problems, heart palpitations, fainting spells and bodily aches and pains; and in extreme cases, psychotic breakdown, self-mutilation and suicide.

A study of 100 prisoners in the security housing unit at Pelican Bay State Prison showed that over 80 percent showed signs of symptoms such as anxiety, headaches, lethargy, insomnia, ruminations, irrational anger, oversensitivity to stimuli, confused thought processes and social withdrawal. Many of the symptoms associated with SHU syndrome overlap with post-traumatic stress disorder and with the typical effects of sensory deprivation and social isolation in the free world.

There is a phenomenon known as "prisonization" that Craig Haney wrote about, whereby prisoners who manage to adapt to the situation of extreme control find it difficult to adjust to life outside the control unit. The structure of their life, their relation to space and time, their social relations with others and even their own identity is so thoroughly organized by the prison regime that they find it difficult, or impossible, to initiate or sustain their activity without it. Haney writes, "Because so much of our individual identity is socially constructed and maintained, the virtually complete loss of genuine forms of social contact and the absence of any routine and recurring opportunities to ground one's thoughts and feelings in a recognizable human context, leads to an undermining of the sense of self and a disconnection of experience from meaning."

I wrote to the Minister of Justice in August about the use of segregation at Whitehorse Correctional Centre. I'd like the minister to answer some questions I have about the use of separate confinement at Whitehorse Correctional Centre. I understand from a briefing with his officials earlier in the week that the minister has a detailed briefing note and he should be able to respond to my questions.

How many inmates have been placed in separate confinement since Whitehorse Correctional Centre opened in March 2012? How many days have inmates spent in segregation at the facility, looking at individual inmates? What is the average number of days spent in separate confinement for male inmates and for female inmates? How many of the inmates who were held in separate confinement were on remand status? How many inmates have been kept in the special handling unit and for how long? What assessments are done on the mental and physical health of inmates who are kept in separate confinement?

**Hon. Mr. Nixon:** Before I enter into or start to discuss the issue about separate confinement, I'll address some of the questions that the member asked on Tuesday when we were on the floor.

The Member for Copperbelt South asked whether or not people can refuse to participate in the FASD prevalence study. I addressed this on Tuesday when I said that any correctional population involvement with phase 2 of the research study is completely voluntary. What participants choose to do with the details of their assessments is completely up to them.

Also, the Member for Copperbelt South asked about a cancelled tender for the FASD prevalence study, and I also addressed this on Tuesday. A tender for the services of the clinical coordinator was withdrawn because the two bids that qualified were over the budget limit. It is important for the study to stay within the budget allocation. A different delivery of this part of the study is now being assessed.

The member also asked for further details related to Victim Services projects. I provided very detailed information updating the House on the five areas of focus on the *Victims of Crime Strategy*. The *Victims of Crime Strategy* was developed by the Department of Justice and the Women's Directorate in collaboration with First Nations and community agencies in order to enhance our responses to the needs of victims, families and communities.

The strategy has five core elements: strengthening the focus on the needs of victims of crime; focus on addressing violence against women; exploring legislative options; mentorship and capacity-building in communities; and integrating responses for victims, offenders, families and communities.

Initiatives of the *Victims of Crime Strategy* have included enhanced staffing, enhanced services to rural communities, implementation of Yukon's *Victims of Crime Act* and a communication strategy. Initiatives have also included development of the *Links* project, victims of crime emergency fund, and mentorship and capacity building for workers who respond to victims of crime.

The Member for Copperbelt South asked whether the VictimLINK services were provided by people who are based in Yukon, familiar with Yukon services and Yukon legislation. The persons who respond to Yukon and the three northern communities are trained to provide programming options available through the Yukon government. There have been reports that some northern callers have felt the information they were receiving was not complete. Our Victim Services branch is working with VictimLINK to address this issue and to ensure the service is working at intended.

The member opposite asked whether the RCMP provide specialized training on investigating sexual assaults and child and elder abuse to members of detachments in rural communities.

The answer to this is fairly straightforward. The SRU is a four-member unit with specialized training and an enhanced knowledge of investigation techniques and specific responses appropriate to sexualized assault and domestic abuse. In

addition, the SRU identifies training and divisional needs related to domestic violence and sexualized assault. Any assistance provided by the unit on investigations related to their mandate is used as an opportunity to develop and share their specialized skills and abilities with all police officers in Yukon. The unit provides child abuse interviewing and investigation courses and has trained both police and social workers on best practices in conducting these investigations.

All members in M Division are required to complete a national domestic violence on-line course. I know the SRU is a fairly new unit. I would like to welcome all the members of the RCMP — the four specific members that make up that unit — to the unit and thank them for the incredible work that they do.

The Member for Copperbelt North also asked for some information about the protocol reached between the Watson Lake detachment of the RCMP and the community and the Liard Aboriginal Women's Society. The protocol follows a series of workshops that took place from February 2011 to March 2013. The project was initiated by the Liard Aboriginal Women's Society and was held in both Watson Lake and Whitehorse. RCMP employees joined with Kaska women, the Yukon women's coalition delegates, representatives from government and community organizations.

Sessions carefully focused on the justice system, policing, culture, historical colonialism and residential schools to explore and understand how society responds to women who experience violence. The protocol signed earlier this year establishes principles, objectives and core commitments which capture the new relationship. The purpose of that protocol is to create safety and justice for women through increased collaboration with the RCMP, Liard Aboriginal Women's Society and community agencies in the Watson Lake detachment area.

The member opposite also asked when a protocol agreement might be reached between the Whitehorse detachment of the RCMP and Whitehorse women's groups. Following the signing of the protocol between Liard Aboriginal Women's Society and the RCMP, Watson Lake and the coalition of women's organizations and the RCMP discussed developing a similar protocol between the RCMP and women's organizations in Whitehorse. I am told that the coalition of women's organizations has recently obtained funding to support them in the development of such a protocol. We understand that discussions on process and timelines will now begin.

The member opposite also asked how often in the last three months inmates and elders used the purpose-built First Nation healing room as well as a question asked about how often elders meet with inmates and how often carving, beading and drum-making programs have been offered. I provided detailed information about the elders advisory committee that works with management and staff to provide counsel on aspects of programming and operations at the Whitehorse Correctional Centre to ensure that First Nations traditional values are reflected.

There are a number of First Nation program options available at the Correctional Centre, including beading, carving, crafts, drum-making, traditional foods and traditional medicines. Madam Chair, First Nation offenders also take part in traditional activities such as elders' counselling, spiritual guidance, talking circles and traditional crafts. Recently offenders were participating in a traditional language program for Southern Tutchone, and from April to August 2013, elders performed 29 talking circles where inmates were given the opportunity to smudge. This fiscal year to date, 82 inmates have accessed elders on a one-to-one basis. Meetings are held on the unit or in the healing room as the inmate or elder wish. Elders meetings are facilitated via requests from inmates and then scheduled with the elders.

In August, at the unveiling of the Project of Heart workshop, which was held from May to June, thirty-one inmates participated. Project of Heart involved the creation of tiles reflecting on the effects and experiences associated with residential school.

From May to September, in Southern Tutchone language classes, between two and six participants on each unit participated. From September to October, for the eagle feather workshop on each unit, 15 inmates participated. In October, there was the talking stick workshop and nine inmates participated. Also in October, the talking circle was held with elders on each unit and six members participated.

The First Nations cultural awareness program that was held from October 22 to 23 was presented in the healing room. There were 23 males and four female inmates who participated. First Nations programs of this kind are voluntary. Stats on smudging are not available. Inmates can smudge in the fresh-air yards when they choose to. Elders will often smudge with inmates when they see them on a one-to-one basis, but statistics are not collected on the performance of that ceremony.

The member opposite also asked whether the department has arranged for a land titles registry that could both guarantee aboriginal rights and titles and allow for electronic land registry to serve the needs of First Nations and the general population. The issue of registering Yukon First Nation settlement land in the Land Titles Office is one that continues to be examined and is legally very complex. The Yukon *Land Titles Act* establishes a system for the registration of fee simple land, which is why Yukon First Nation fee simple settlement land is registered in it. It does not contain any titles for lesser interests that are not backed up by a fee simple interest.

Allowing for the registration of less than fee simple interests is something that would require amendments to the *Land Titles Act*. We understand the system the seven Yukon First Nations are considering would be established under the First Nation's legislation and would be independent of the Yukon Land Titles Office and therefore consistent with 5.5.1.4 of the Yukon First Nations final agreements.

We have identified that it would be desirable for whichever supporting computer platform is ultimately used in the Land Titles Office that it can be linked to other land

information systems, potentially including First Nations land registration.

The member opposite was recently asking about separate confinement. The vast majority of inmates have never been separately confined. Forty-four individuals were separately confined at the Whitehorse Correctional Centre this calendar year.

Under the *Corrections Act*, separate confinement can be used for one or more of the following reasons: to protect other inmates and staff from situational or chronic violence; to protect the inmate from others; to isolate inmates with significant physical or mental health problems that cannot be accommodated in other areas; to protect the inmate from self-harm; to isolate an inmate who is believed to be concealing drugs or other dangerous contraband; and to isolate an inmate for the purpose of having his or her mental condition assessed under the terms of the *Mental Health Act*. Inmates may be segregated pending, or as a disposition of, a disciplinary hearing. All separate confinement placements are reviewed by a manager.

All separate confinement placements are reviewed by a manager. The reasons for separate confinement are given to an inmate in writing within 24 hours of the placement. The inmate, in turn, has the right to provide their reasons to the manager regarding whether they believe that the placement is inappropriate or that their circumstances have changed or that an alternate placement should be considered. The *Corrections Act* established a system of independent adjudication to ensure that the rights of inmates are upheld during disciplinary processes. Inmates have a right to appeal disciplinary decisions through the Investigations and Standards Office, either by mail or telephone. All inmates are briefed on this process during their admission to the Whitehorse Correctional Centre. Time already spent separately confined pending a disciplinary hearing may be deducted from a disciplinary disposition imposed by the independent adjudicator.

Inmates are only placed in a separate confinement in a non-disciplinary situation if there are no other options available to ensure the safety and security of the inmate, other inmates, or the Correctional Centre and the staff.

It's important to note that the vast majority of inmates have never been separately confined. Forty-eight individuals were separately confined at the Correctional Centre this calendar year, as I had mentioned. Seven were separately confined for medical observation, three individuals were placed under separate confinement voluntarily, and 36 individuals were separately confined because of their conduct, which resulted in 119 placements under various sections of the Act. Two of those were women — one for medical detox.

Case managers work closely with long-term, separately confined inmates in an effort to return them to regular living units at the earliest opportunity.

**Ms. Moorcroft:** I'd like to thank the minister for reading into the record his answers to the questions I had been in discussion with him about on Tuesday. Some of them he had already answered, but I guess he wanted to make sure for the record that I knew the answer had been given.

The minister answered some of the questions that I had asked in relation to separate confinement, and I'm going to have to review the record, but I believe that he didn't respond to all of those questions. Perhaps, when he is next on his feet, the minister could respond to the question of what assessments are done on the mental and physical health of inmates kept in segregation cells and the special handling unit.

I'd also like the minister to outline what steps are taken to ensure that disciplinary hearings and the adjudicators' process that he spoke about when appealing to the ISO observes the rules of administrative fairness and the rights of inmates to appeal in accordance with human rights law.

I would also like to put on the record the last area of questioning that I have for the minister, which is the capital expenditures for the Whitehorse Correctional Centre infrastructure project building completion.

That is a \$369,000 revote. I'd like the minister to provide the information about what that covers. I know there were some heating equipment items in the budget. I'd like him to indicate what the total cost of the capital construction for Whitehorse Correctional Centre will be with the amounts before us in the supplementary estimates.

**Hon. Mr. Nixon:** First I'll answer the member opposite's question about the ISO. There's a process for inmates to raise concerns or complaints about their treatment at WCC. Those inmates who have a concern must first make a written complaint, which is then investigated and responded to by the superintendent of the Whitehorse Correctional Centre. If the inmate is unsatisfied with the superintendent's response, he or she may request a review by the ISO — and that's the Investigation and Standards Office.

The mandate of the ISO is to provide independent oversight of the Corrections branch. It was established in 2010 with the proclamation of the *Corrections Act* and accompanying regulations. The ISO makes recommendations to the Corrections branch manager to ensure a timely, thorough and fair complaint and discipline process.

The key responsibilities of the ISO are inspections of the Whitehorse Correctional Centre on a periodic basis, reviews of inmate discipline on appeal, reviews of complaints made by inmates or those on probation, as well as investigations. The director of the ISO may investigate any matter with respect to the administration of the *Corrections Act* at my request or that of the assistant deputy minister, or on the director's own motion.

In 2013 so far, the ISO has thus far received 71 complaints or inquiries and 47 appeals of disciplinary hearings. Out of the 71 complaints, 68 have been closed. There was a 91-percent increase of complaints or inquiries due to the ISO in 2012 compared to 2011. This year's complaint stats are expected to be comparable to those of 2012.

When an appeal of discipline is made by either an inmate or the person in charge of the Correctional Centre, the ISO has four available decisions under section 35.6 of the *Corrections Act* regulations: (a) confirm the decision made in the penalty or corrective measure imposed; (b) confirm the decision made

and substitute any available penalty or corrective measure that the person presiding of the hearing could have imposed; (c) rescind the decision made and the penalty or corrective measure imposed; or (d) direct that a new hearing be convened and presided over by a person appointed by the assistant deputy minister.

To date in 2013, the ISO has received 49 appeals of disciplinary hearings. Of those 49 appeals launched, the ISO confirmed the decision and disposition in 31 cases, confirmed the decision but substituted the disposition in nine cases, rescinded the decision and disposition on four cases, and directed a new hearing on five of those cases. When a decision on the penalty imposed is rescinded, the ISO will direct the person in charge of the Correctional Centre to change the inmate's record and reflect that decision.

The member opposite was talking about the increase of \$369,000. Highways and Public Works are the performing department for these funds and work continues on routing the heating/cooling systems at the Whitehorse Correctional Centre. Management Board approved \$369,000 as a revote to complete the infrastructure project building completion. This revote was based on the contract commitment in place as of March 31, 2013, and for outstanding work in progress as identified by PMD, including design and modification to equipment and systems to address items identified during the final testing and commissioning period.

There was an additional \$58,000 that was approved as a revote for the video remand system — a component of the corrections infrastructure project based on the 2012-13 year and a commitment to Northwestel. Supplementary funding of \$63,000 was approved for the video remand system component of the corrections infrastructure project to complete the original scope of work as well as improvements that will improve the functionality and reliability of the system.

**Mr. Silver:** I'd like to begin by thanking the officials from the department for their hard work throughout the year, and in particular, in preparing for today's discussion. Department questions in the House allow Yukoners to learn how the money is being managed. It's an important endeavour. We really appreciate your participation, and we appreciate the minister's time as well. I would also like to thank the Official Opposition for their thorough questions. I do have a few left over.

I'm going to start with Legal Aid funding. Yukon Legal Aid Executive Director Nils Clarke has been advocating for an increase in core funding for Legal Aid for years, as we all know.

The government's current solution of providing funds by injecting periodic money needs to be discussed a bit further here.

The Legal Aid core budget for 2013-14 is listed at approximately \$1.6 million. That is significantly less than the budget for legal aid in the two other northern territories, as we've discussed here. According to the most recent numbers from the Canadian Centre for Justice statistics, the CCJS, report the total amount of money spent on legal aid in the

Northwest Territories for 2011-12 was about \$5.3 million; that year Yukon Legal Aid cost \$1.9 million. In Nunavut it was \$8.3 million; however Nunavut has considerably different challenges.

As the member opposite mentioned in Question Period, this may be comparing oranges to apples, but the amount of cases heard in each district, as a ratio compared to the percentage of territorial contributions in each individual territorial budget for Legal Aid, does show vast differences in the contributions from the Yukon compared to the other two territories. I think that's absolutely worth noticing here in the Assembly today.

Legal Aid in the Yukon has had to suspend some of their services, as we know, that it could offer. It's my turn to ask this question and hopefully with a couple of days to reflect from the last time we asked this question through the Official Opposition, maybe the minister will have a response. Will the government commit to increasing the Yukon Legal Aid funding so that people who have a hard time making ends meet can still have access to justice? When will the government take action to ensure legal aid is adequately funded so that Legal Aid can focus on providing its clients with access to justice, instead of having to work on just keeping the lights on?

Lastly on this issue, aside from the money, the minister has ordered a budgetary review of Legal Aid. Officials are to report back to him before the end of the year with recommendations regarding funding as we are told, and we are just wondering: have his department officials met with Legal Aid representatives yet and, if so, can we get an update on that process?

**Hon. Mr. Nixon:** I thank the member opposite for his question. My department officials continue to meet with Legal Aid. When we talk about apples to oranges — if we in the Yukon had to fly into every single community because of legal aid issues, or to bring people into Whitehorse by fly-in, then we would require as much money as Northwest Territories or Nunavut would perhaps require. The other thing that we need to mention is that in Yukon we have a lower crime rate than both Northwest Territories and Nunavut. That is important to note.

Madam Chair, in 2012-2013 Yukon provided Legal Aid with core funding of approximately \$1.6 million along with almost \$200,000 in additional funding to deal with high-cost criminal cases. A further \$35,000 was provided for lawyer services, specifically related to the Community Wellness Court. Madam Chair, of that \$1,798,751, Canada provided Yukon with \$864,000 through the access to justice services agreement. Yukon contributed the remaining \$934,751, as well as the additional \$35,000 mentioned earlier to do with the Community Wellness Court. Since 2003, federal funding for Legal Aid has remained the same and will continue to be frozen until 2017. This does put added pressure on Yukon to make up Legal Aid's inevitable funding shortfalls.

The Department of Justice officials have been working and will continue to work with Legal Aid to ensure that it has enough funding to cover its high-cost cases and provide its

regular services under the access to justice services agreement. As a result of those discussions, the department provided Legal Aid with a one-time funding increase of \$180,000 in the 2010-11 fiscal year to cover the high-cost cases that were before the courts at that time. The Department of Justice also provided \$235,000 of additional one-time funding to cover Legal Aid's high-cost cases for the 2011-12 fiscal year. This year, the department provided Legal Aid with an additional one-time funding of \$200,000, just in September, to cover the high-cost cases.

This does more than just keep the lights on. Access to justice and the proper administration of justice demands that low-income individuals who are charged with serious *Criminal Code* offenses should be provided with legal representation during the court process. In some situations, citizens charged with criminal offences have a constitutional right to legal aid. The determination as to which applicants are eligible for legal aid is made by Legal Aid itself, according to the *Yukon Legal Services Society Act* and access to justice services agreement and Legal Aid's own eligibility rules.

It's also important to note that Legal Aid has currently a surplus with the Department of Justice of \$200,000.

**Mr. Silver:** I appreciate the answer from the minister responsible. A lower crime rate — absolutely. But yet the sheer volume of cases heard in the Yukon is much more than double that of either of our territorial counterparts. We do agree that the amounts from the feds is of grave concern. It must be difficult for the Department of Justice to cover the rest of those expenses, we agree. However, effective funding to Legal Aid actually means a savings to Yukoners in the end. We're getting an education in how the system works. Legal Aid is constantly being asked in community court to represent those who don't have representation and, in doing so, the savings are going to be passed on because it really clogs the system when there are people without the proper form of legal aid.

There's more on that, but we're going to move on.

We'll talk a little bit about the Ross River decision. The Supreme Court of Canada has dismissed the Yukon government's request for an appeal in the case involving mineral staking in the Ross River Dena Council traditional territory. My question to the Minister of Justice would be, How much money was spent on this case? I'll leave it at that.

**Hon. Mr. Nixon:** I thank the member opposite for his question. Pertaining to the case of RRDC, the bulk of the work was done internally with Yukon government lawyers.

I think we spent under \$20,000 on outside legal counsel on that case.

**Mr. Silver:** Just to clarify, on outside legal counsel — what percentage of the representation would that have made compared to the lawyers who are on the current payroll?

**Hon. Mr. Nixon:** The bill for the RRDC lawyers has not actually been submitted yet. We've currently spent just under \$20,000 on outside legal costs.

As for the other information that you are seeking, that is something that I'm going to have to dig for a little deeper and get back to you on that.

**Mr. Silver:** I appreciate that answer from the minister and the response to get back to us. That's great.

I'll move on to the francophone school board. CSFY launched a lawsuit against the Government of Yukon in February 2009. The lawsuit cites section 23 of the *Canadian Charter of Rights and Freedoms*, a constitutional guarantee for minority language rights, and seeks sole control of the school's annual funding. As of December, 28, 2012, the Government of Yukon had spent \$2.25 million in legal fees fighting this case. The government was ordered by the court to pay \$400,000 in legal fees for CSFY in 2011 and 2012.

Can I get an update on the francophone school board lawsuit? Are we still waiting for the results of the appeal? What has the legal bill been on this to date? Same question for this file — and I'll leave it at that.

**Hon. Mr. Nixon:** I think it's important to note that over the last two years, the level of service that I, as Attorney General and as Minister of Justice, have received from our government lawyers has been truly second to none. I appreciate every single day the level of information and support that they provide the department, so I would like to extend my sincere thanks to all of the lawyers of Yukon government for their hard work, for their dedication and for their knowledge and wisdom.

The case that the member opposite is asking about is a case right now before the Court of Appeal. I think the member from Klondike will appreciate that, as the Attorney General and Minister of Justice, I can't comment on that case right now.

**Mr. Silver:** I appreciate that we can't speak about things that are in front of the court.

My line of questioning obviously is along the lines of — I think an accountable and honest government should have a method to allow the taxpayers to know exactly how much money the government spends in litigation.

Could the minister and his officials comment on whether or not their legal team has increased or decreased in the last decade, or in the last 20 years — maybe a request for a legislative return on the number of staff lawyers and how much that has increased over the last decade?

**Hon. Mr. Nixon:** Currently we have 25 government lawyers and 15 support staff, and that would represent the last 10 years. I'll have to dig a little deeper on the actual stats, but it's about a 25- to 40-percent increase in total.

**Mr. Silver:** Thanks to the minister for the answers. I'm going to switch gears. I have two more topics that are related under the Correctional Centre. The Whitehorse Correctional Centre demolition — I know the Member for Copperbelt South has already asked a few questions on this and I'm just reiterating some of this. After completion of the new Whitehorse Correctional Centre, the old one is being demolished. Has the contract for demolition of the old Whitehorse Correctional Centre been tendered?

In 2010, the budget for the demolition was \$900,000. How much is currently being budgeted for this work? How many estimates does the government have for this work?

**Hon. Mr. Nixon:** A structural review of the old building was done by Highways and Public Works to assess whether the old facility could be put to other uses, such as, perhaps, storage. That review determined that it would be more costly to refurbish the building than to demolish it. The old facility is being cleaned out and is being kept secure until the demolition occurs.

I know the Minister of Highways and Public Works, my honourable colleague for the Klwane riding, has been a tremendous support on this file and I appreciate his help. HPW has developed a plan and preparatory work has been completed for demolition. Management Board approval for the demolition was obtained in September and completion of the demolition is targeted for the end of the fiscal year. The cost to demolish the buildings is approximately \$1.1 million and that did increase because there was some asbestos that had been identified that didn't get caught. It's just primarily in the boiler building, but it did increase the scope of the demolition.

**Mr. Silver:** The other question that I did ask was, how many estimates does the government have for this work? The reason is that in February 2013, the new F.H. Collins School project was put on hold because of — we'll call it "estimate issues", it's less contentious that way. In May of 2013, we learned that the government had underestimated the cost of the arrest processing unit and had to pay to rework part of that project.

In August 2013 the government cancelled the tender for the Beaver Creek fire hall — again related to budgeting issues. So I'd like to know from the minister if he thinks the demolition of the Whitehorse Correctional Centre will come in under this budget of \$1.1 million that has been asked here? What risks are there that his team would have discussed in terms of this project going overbudget? I know the minister had already commented previously in debate here on hazardous materials on the site and also remediation. What other steps is the government taking to ensure that this project will be managed correctly?

**Hon. Mr. Nixon:** I'll just remind the Member for Klondike that it's the Department of Justice on the floor right now, and not the Department of Highways and Public Works. Those questions would be best directed to the Minister of Highways and Public Works.

**Mr. Silver:** We discussed that in caucus earlier and would hate to lose our opportunity here with Justice and have Highways and Public Works come in and then not have the opportunity there. So we're making sure we're —

**Some Hon. Member:** (Inaudible)

#### Point of order

**Chair:** Mr. Cathers on a point of order.

**Hon. Mr. Cathers:** Could the Member for Klondike clarify how a one-member caucus has a discussion?

#### Chair's ruling

**Chair:** There is no point of order. Mr. Silver.

**Mr. Silver:** Thank you, Madam Chair. Seeing as how there is no point of order, I sure would love to answer that

question but I'm going to keep this thing above the belt. I just wish others would as well.

We're going to ask a similar type of question. I might get the same answer here on this as well. For the arrest processing unit modifications, the territorial government is constructing what it has called an arrest processing unit. The facility comes from a recommendation after Raymond Silverfox died in police custody in 2008.

After pouring the slab for the facility, the government learned that it would be approximately \$2 million overbudget if it continued with a building of that size. Then the government redesigned and decreased the size of the facility. It then had to spend money reducing the size of the slab to meet the adjusted arrest processing unit design.

What was the original budget of the construction of the arrest processing unit? What is the current anticipated budget of this work? How many estimates has the government had to complete for this work? Does the minister think the project will go overbudget? What are the risks that his team has discussed in terms of factors that may in fact make this project go further off the track or overbudget?

**Hon. Mr. Nixon:** I thank the member opposite for his question. I'll answer part of that question and then defer the rest of the question on to the Minister of Highways and Public Works. Initially on this project, the Department of Justice had budgeted \$4.08 million. That was approved. After a redesign — because it was taking off and going to be well-overbudget — now we're on track at \$4.98 million for completion. The completion should be in the beginning of next year.

**Ms. Moorcroft:** I'd like to thank the minister for his responses to the questions that we've had. I just wanted to revisit a few matters for the record.

We had a discussion about the land titles registry. I wanted to encourage the minister to ensure that the department works with Yukon First Nations to support having links to any new First Nation systems and Yukon government systems and to consider whether amendments to the *Land Titles Act* might be a means of accommodating the interest of First Nations for registering land titles.

I also want to note that I had put on the record questions relating to the Whitehorse Correctional Centre phone system. I wanted to ask the minister to give some overview of programming. The question I have remaining is, Do inmates have access to programs on a daily basis, on a monthly basis or on a weekly basis? How frequently can inmates access programming? I had asked the minister what, if any, assessments on the mental and physical health of inmates are being done for those who are kept in separate confinement.

I'd like to inquire if inmates have access to an advocate to help them with complaints or appeals before the Inspections and Standards Office, and I'd also like to ask if the procedures follow rules of natural justice and administrative fairness.

The member for Klondike also asked some questions about the demolition of the old Whitehorse Correctional Centre — which is, in this capital budget in the supplementaries \$1.1 million for the demolition. I'd like to know if the minister does in fact anticipate that being on

schedule for March 31, 2014? He may have responded to that on Tuesday, but I just wanted to confirm because I didn't see it when I reviewed the record. With that, I would complete my questions for the minister.

**Hon. Mr. Nixon:** The inmate phone systems are commonly in correction centres across Canada. They provide the necessary technology to monitor and record phone calls to protect victims and enhance public safety and the safe operation of the facility. Monitoring recorded calls will only occur when the individualized responsible grounds to believe that an inmate's conversations may disclose involvement in illegal activities, harassment or harm to others, or possibly a threat to public safety or a threat to the management, operation or security of the Correctional Centre.

There are telephones in every unit, available to inmates for phone calls. Phone calls are free to lawyers, the Ombudsman, Offender Supervision and Services, which is probation, the MP, Members of the Legislative Assembly, the ISO, community justice workers, aboriginal court workers, ATIPP, family law centre, maintenance enforcement, and Health and Social Services.

The member also asked about the completion date for the arrest processing unit, and so far it's on target to be open for the end of this fiscal year. The member opposite also asked about offender programming at WCC. One of the key strategies of the correctional redevelopment initiative 2008-2012 was, in fact, the adoption of evidence-based rehabilitation programming to reduce recidivism. Offenders are referred to programming based on their specific needs. For example, if an offender is violent they will be referred to a program that addresses violence.

The following programs are delivered to offenders based on the assessed needs. There is the changing offender behavior program, respectful relationships, the relationship violence program, violence prevention program, emotions management for women, relationship skills for women, substance abuse management, sex offender treatment, and sex offender maintenance — just to name a few here. I could go on to the other programming that's offered at WCC. I think I have done it on a number of occasions on the floor of the Legislature so I won't repeat that unless the member opposite would want me to. I think that covers the questions from the member.

**Chair:** Is there any further general debate on Vote 8, Department of Justice?

We're going to move into line-by-line debate. We're going to start with operation and maintenance on page 11-4.

***On Operation and Maintenance Expenditures  
On Management Services***

***Management Services in the amount of \$567,000 agreed to***

***On Court Services***

***Court Services in the amount of \$420,000 agreed to***

***On Legal Services***

***Legal Services in the amount of \$426,000 agreed to***

***On Regulatory Services***

**Ms. Moorcroft:** Could the minister just please read into the record the breakdown for this line item, because we did not discuss it in general debate?

**Hon. Mr. Nixon:** The Worker Advocate Office will have an increase of \$10,000 in expenses this fiscal year. This increase is to align the budget submitted and approved by the board with the Justice main estimates and O&M expenditures. That's \$10,000.

The Department of Justice will receive an additional \$45,000 from the Yukon Energy Corporation in 2013-14 for costs associated with rate application hearings. A one-time increase of \$6,000 and an ongoing increase of \$25,000 has been allocated to fund collective agreement increases, and a one-time increase of \$10,000 and an ongoing increase of \$4,000 was approved to fund management group salary increases.

*Regulatory Services in the amount of \$100,000 agreed to*

*On Community Justice and Public Safety Division*

**Ms. Moorcroft:** Again I would like to ask the minister to please provide a breakdown for these amounts.

**Hon. Mr. Nixon:** The Department of Justice has approved to continue work on the project funding agreement with Justice Canada, and that's \$500,000.

The Department of Justice has also approved a project for funding agreement with Justice Canada for \$5,000. Justice has a memorandum of understanding between British Columbia and Yukon for \$10,000. There is a transfer of \$95,000 that was approved to reallocate funds from lapsing personnel dollars. Public safety and investigations program director's office will be conducting a resource review as part of the *Sharing Common Ground* project — that's \$55,000. A review of the RCMP air services was \$60,000. Management Board also authorized a time-limited operation and maintenance funding of \$205,000 and an ongoing O&M increase of \$90,000 into 2013-14 to continue the implementation of *Sharing Common Ground* recommendations. There is also a one-time increase of \$59,000 and an ongoing increase of \$317,000 that has been allocated to fund collective agreement increases and, finally, there is a one-time increase of \$15,000 and an ongoing increase of \$40,000 that was approved to fund management group salary increases.

*Community Justice and Public Safety Division in the amount of \$1,261,000 agreed to*

*On Total of Other Operation and Maintenance*

*Total of Other Operation and Maintenance in the amount of nil cleared*

*Total Operation and Maintenance Expenditures in the amount of \$2,774,000 agreed to*

*On Capital Expenditures*

*On Management Services*

*On Information Technology Equipment and Systems*

**Ms. Moorcroft:** I'd like the minister to provide a breakdown for this line item. I'm aware that one of the projects that it refers to is the courts video conferencing project and another is replacing the court registry information system. I'm wondering if the additional amounts are because

it costs more than anticipated. Why was it necessary to bring in a supplementary?

Aside from providing the breakdown of the management services capital line items, I just want to go back to the question relating to the video conferencing project that I had. I do support the project. I understand that it can be quite helpful. I did ask the question though if an inmate and his or her lawyer felt that it was a substantive matter and they wanted to be present in the courtroom, the availability of a court video conferencing appearance would not preclude the ability of attending in court if the accused and the lawyer argued that it was a matter where they wanted to have the accused appear in person.

**Hon. Mr. Nixon:** I thank the member for the question. The answer to that question is that the policies are still being reviewed and created, so situations like those are ones that Justice is looking at as we move forward.

Management Board approved \$231,000 as a revote to continue work on the JEIN system. Project delays occurred in 2012 and 2013 due to changing the scope of the project, re-evaluating and regrouping to ensure success upon project completion. This revote has been endorsed by IRMC, so I'd like to thank the Minister for Highways and Public Works on that.

Management Board also approved \$49,000 as a revote to continue work on the quartz video conferencing project, as the member opposite had indicated. This project was delayed due to time spent on consulting with clients to develop project tender specifications. The project, once completed, would allow for the facilitation of remote remand court appearances. This revote has also been endorsed by IRMC.

**Ms. Moorcroft:** The notes that I have from the Opposition briefing indicated that, as well, there was an \$80,000 revote allocated to complete the snow and ice melter project for repairs to the heated elements under the concrete ramp to the underground parking at the Law Centre, as well as \$25,000 for a one-time supplemental to continue work on the Court registry renovation project.

*Information Technology Equipment and Systems in the amount of \$280,000 agreed to*

*On Building Maintenance, Renovations and Space*

**Ms. Moorcroft:** Could the minister give a breakdown please?

**Hon. Mr. Nixon:** I'd be happy to give a breakdown on this item. The Management Board approved \$80,000 as a revote to complete the snow and ice melter project for repairs to the heated elements under the concrete ramp to the underground parking lot at the Law Centre. Management Board has also approved \$25,000 as one-time supplemental funding to continue work on the court registry renovations project. A one-time reallocation of funds has been approved by Property Management division from the Health and Social Services project entitled "Mechanical Upgrade — Mayo Nursing Station", Project No. 00049, to the Department of Justice's capital building maintenance projects to fund the Justice project entitled "Fire Alarm Replacement — Yukon Justice Centre".

*Building Maintenance, Renovations and Space in the amount of \$505,000 agreed to*

**On Court Services**

*Court Services Furniture and Equipment*

**Ms. Moorcroft:** Could we get a breakdown for the amount of \$100,000 please?

**Hon. Mr. Nixon:** Management Board approved \$6,000 as one-time supplemental funding to finalize work on the installation of bullet-resistant glass for the judges' chambers. There was also a Management Board approval of \$17,000 as a one-time supplemental funding to continue the work on the Court Services sound booth project. Management Board also approved \$27,000 as a one-time supplemental funding for courtroom furniture refinishing and a transfer was approved in the period 5 variance report to reallocate \$50,000 in capital funds from institutional facilities, correctional facilities renovations to Court Services capital, furniture and equipment to facilitate the replacement of the courthouse cell doors.

*Court Services Furniture and Equipment in the amount of \$100,000 agreed to*

**On Community Justice and Public Safety Division**

*On Correctional Facilities Equipment*

**Ms. Moorcroft:** There are three correctional service line items here. I'm not certain which of the line items this question would fall under. I'll just put the question on the record.

I had asked the minister to provide a total figure amount for the Whitehorse Correctional Centre infrastructure project, and the building completion is one of the line items in the Community Justice and Public Safety division.

**Hon. Mr. Nixon:** As we know, this project happened over a number of years and funds were allocated for the project each year: in the 2006-07 fiscal year there was \$102,000 allocated; in the 2007-08 fiscal year there was \$731,000 allocated; in 2008-09 there was \$2,554,097 allocated to the project; in 2009-10 there was \$24,465,140 allocated for this project; in 2010-11 there was \$27,017,621 allocated to the project; in 2011-12 there was \$13,962,719 allocated to the project; in the 2012-13 year there was \$1,533,000 allocated to the project — for a total project cost for the Yukon corrections infrastructure project of \$70,366,000.

*Correctional Facilities Equipment in the amount of \$9,000 agreed to*

*On Correctional Facilities Renovations*

*Correctional Facilities Renovations underexpenditure in the amount of \$59,000 cleared*

*On Corrections Infrastructure*

**Ms. Moorcroft:** Could the minister provide us with a breakdown for this line item please?

**Hon. Mr. Nixon:** Management Board approved \$369,000 as a revote to complete the infrastructure project building completion. In addition, \$58,000 was approved as a revote for the video remand system.

*Corrections Infrastructure in the amount of \$490,000 agreed to*

*On Arrest Processing Unit*

**Ms. Moorcroft:** Could the minister explain what the increased \$516,000 supplementary item is for, for the arrest processing unit please?

**Hon. Mr. Nixon:** Management Board approved \$116,000 as a revote to complete construction of the APU. Management Board also approved an additional amount of \$400,000 as supplemental funding to support the arrest processing capital project.

*Arrest Processing Unit in the amount of \$516,000 agreed to*

*On Old Corrections Centre Demolition*

**Ms. Moorcroft:** I'd just like to ask the minister when they anticipate the tender will go out for the demolition of the old Correctional Centre and if the minister anticipates that it will be completed on time for March 31, 2014.

**Hon. Mr. Nixon:** I understand that the tender has been in the newspaper, but the question about the tendering process really needs to be taken up with the Minister of Highways and Public Works.

**Ms. Moorcroft:** Another question that I have in relation to the demolition of the old Correctional Centre, which is on the grounds where the building that was formerly a women's inmate facility was housed. Can the minister tell the House when the fence will be taken down around the building that is now a group home?

**Hon. Mr. Nixon:** I'm certain that the Minister of Highways and Public Works would be happy to answer that question when he's defending his supplementary budget.

*Old Corrections Centre Demolition in the amount of \$1,100,000 agreed to*

*On Total of Other Capital*

*Total of Other Capital in the amount of nil cleared*

**Total Capital Expenditures for the Department of Justice in the amount of \$2,941,000 agreed to**  
**Department of Justice agreed to**

**Chair:** We're going to move on to Department of Community Services, Vote 51. We will recess for 15 minutes.

*Recess*

**Chair:** Committee of the Whole will now come to order. The matter before the Committee is Bill No. 11. We're going to proceed with Vote 51, Department of Community Services.

**Department of Community Services**

**Hon. Mr. Cathers:** It's a pleasure to begin here this afternoon to appear before the House in my first opportunity in Committee of the Whole as Minister of Community Services.

In introducing the debate in Committee of the Whole on the department's supplementary estimates for 2013-14, I'd like to identify a few of the highlights from it. The supplementary estimates before us consist of a \$10.83-million

increase in operation and maintenance expenditures and an increase of \$4.267 million in capital expenditures.

As I will detail in a moment, the significant part of the increase in cost was related to the unusually high cost of our fire season this year. As members will recall from previous years, I suspect our budgets typically have a range they operate within based on the average fire season. But when those higher fire seasons arrive, such as this one, that is not something that can be predicted in the spring, and even during the fire season it is something that is a daily challenge that meteorological staff at Wildland Fire Management do face, trying to predict what the next few weeks of summer will entail.

The department's overall operation and maintenance recoveries increased by \$197,000, mainly due to support for community recreation and particularly the various parent bodies of our numerous sports groups.

Operation and maintenance revenue increased by over \$1 million due to an increase in property tax volumes. Yukon's population continues to grow. Along with this growth comes an increase in the number of properties in the territory, as well as the value of those properties. The department's capital recoveries have decreased by \$590,000. This decrease is mainly due to some Building Canada projects being deferred to 2014-15.

The department's combined operation and maintenance and capital budget for 2013-14, including the supplementary estimate, is \$183,892,000. This represents a significant increase in programs and services that directly benefit Yukon people and communities by developing and improving community infrastructure, enabling the department to assist and respond to emergency events, building strong local governance, promoting and developing sport and recreation across the Yukon, enabling a broad range of licensing and business and regulatory services for the health, safety and protection of the public. The department continues to work to achieve goals set out in our strategic plan, which enables the Yukon government to deliver on our commitments to moving forward together and to achieve a better quality of life for Yukoners, promote a healthy environment, grow the economy and practise good governance. The Department of Community Services remains committed to vibrant, healthy and sustainable communities in the Yukon, and this supplementary budget contributes to this vision.

I will move to a few specific program areas. In the area of Protective Services, each year Yukon experiences emergencies from things such as wildfires, floods, avalanches and extreme weather-related events. Protective Services is the division of Community Services that provides public safety through emergency medical services, wildland fire management, emergency measures, structural fire protection, building safety and animal welfare.

By continuing to invest in equipment, training and infrastructure, the Yukon government has strengthened integration and coordination among the territory's emergency response agencies to bolster their preventive and response capacities.

This supplementary budget includes an \$8.038-million increase toward operation and maintenance of Protective Services division. In spring 2013, the Emergency Measures Organization, or EMO, coordinated the integrated, interdepartmental and inter-agency response to the spring floods in Rock Creek and Ross River. Both communities were significantly affected by separate ice jams and flood events that occurred concurrently. This supplementary estimate includes \$225,000 toward expenditures that deal with the spring and summer flooding at Rock Creek and Ross River and also assisted with the response to flooding in Mayo.

\$100,000 is allocated in this supplementary estimate to support oil-fired appliance inspections and permitting, including funding to recruit an oil fire and heating inspector as well as travel, training and other support costs.

This past fire season, as I mentioned, was higher than normal, in terms of the costs associated with protecting communities and fighting those fires. It was the fifth-most serious on record, and that necessitated \$7.4 million in increased costs as part of the supplementary estimate for Wildland Fire Management due to the high volume of fire starts and the high costs of dealing with some of the specific fires, including those close to communities — notably the fires that were at the Mandanna Lake and Little Salmon fires that were in proximity to both the highway and the community of Carmacks.

In 2013, 174 fires consumed some 260,000 hectares of vegetation. Wildland Fire Management fought 67 of them with no serious loss of property and no loss of life. The warm and dry extended fire season also saw several large lightning-caused fires burn near communities, such as the one that caused severe smoke conditions in Carmacks for several weeks. Wildland Fire Management protects Yukon communities and infrastructure from wildfire and other natural or human-caused disasters and helps to prevent personal injury, loss of life, and property damage. It achieves this by means of preparedness, early detection and rapid response.

We also had an increase of \$487,000 to Protective Services due to impacts of the new collective agreement and market adjustment impacts for staff. We also see an increase of \$2.78 million in capital expenditures to Protective Services as part of this supplementary budget. This includes a \$2,567,000 revote for projects carried over from the 2012-13 fiscal year for completion in 2013-14, including completion of the new emergency response centre at the top of Two Mile Hill in Whitehorse.

As I believe you know, earlier this week the Premier and I, along with the Minister of Education and Member for Whitehorse West and former Minister of Community Services, opened this and it is now officially in operation. Built to post-disaster construction standards as well as LEED energy efficiency standards, the building now houses Whitehorse's primary ambulance station. The ambulance station near the hospital now complements the emergency response centre by serving as Whitehorse's secondary station.

The key part of building the facility, which has been in the works for a number of years, is the intention to improve response capacity within the City of Whitehorse by having a more centralized facility that better enables staff based out of that facility, to respond to all areas of Whitehorse and to respond to rural areas outside of Whitehorse, including my constituents on the north side of Whitehorse and people on the south and southwest sides.

The motto of Protective Services is “semper paratus” — always prepared. The Yukon government’s priority is to have safer, less vulnerable communities while sustaining key government programs and services. This approach has produced many benefits for Yukon residents and organizations by ensuring emergency management, life safety and first response programs are always in a state of readiness.

As I mentioned earlier today in the House, there have also been, in recent years — and particularly last year — increases to the budgets for the Fire Marshal’s Office to better enable us to support our volunteer fire departments. The schedule in recent years of replacing fire equipment and updating the fleet vehicles has resulted in a dramatic change to the age of the fleet of Yukon fire-response vehicles.

Earlier this year I was pleased to join the then Minister of Community Services in providing Hootalinqua volunteer fire department, which is in my riding and serves one of the largest areas of families and homes for our volunteer fire departments, with a new pumper tanker truck that is state of the art — has pump and roll capacity and a bumper-mounted spray turret. This adds to the one that was provided to the Ibex volunteer fire department last year and a similar one provided to, I believe it was Golden Horn fire department — but it’s a new era and a new age of state-of-the-art equipment being provided to our volunteer fire departments.

In addition, the wildfire training trailer is another significant investment in helping our volunteer fire departments as well as rural municipal fire departments. I had the opportunity to see it in action in the community of Faro when I was there this fall with the Member for Pelly-Nisutlin. The feedback I have heard from volunteer fire departments and municipal fire departments in rural areas is that they think this new training equipment greatly improves the ability for firefighters to experience real-life type situations in a controlled environment that allows the controller of the unit to shut down all flame if there is any adverse event that could cause a risk to those firefighters who are within the unit.

Moving on to the area of lot land development — over the last number of years, the Government of Yukon has worked with municipal governments to make land available. At the same time, we’ve worked to ensure that home ownership becomes a reality for low-income families.

As I mentioned earlier today, in fact, work has been done under contract for the Department of Economic Development for an assessment, primarily in an attempt to identify things that might be a barrier to people working for Yukon’s producing mines who choose to live in the territory and pay taxes here. In fact, I would again quote from a report by Ecofor Consulting, “There is clear indication that Whitehorse

is not as expensive as commonly perceived. The cost of living comparison indicates that although the majority of BC locations are less expensive to live than Whitehorse, the majority of other cities/provinces in Canada are not. In addition, the average cost of housing when purchased through a realtor is significantly less expensive in Yukon than in provinces such as BC, Alberta, and Ontario. When housing costs are factored in, it would appear that Yukon is in fact more affordable than commonly perceived.”

So, again, investments through land development — you’ll see in the supplementary budget that we’ve invested another \$150,000 for a duplex lot for Habitat for Humanity in phase 2 of Whistle Bend subdivision. This builds upon the other duplex lot that was gifted to Habitat for Humanity in phase 1 at Whistle Bend. Through the dedicated work of that organization and its volunteers and supporters, we’ve seen a number of projects built by Habitat for Humanity that have provided affordable housing opportunities for Yukon families and have provided benefit, both to them and to the community.

Since 2005, the Yukon government has made land available to help Habitat for Humanity provide 13 families with affordable, sustainable home ownership.

The Community Development division of Community Services includes municipal affairs, community operations, public libraries, sport and recreation and infrastructure development. These programs and services provide a vital link to our communities and ensure safe drinking water, wastewater treatment in unincorporated Yukon, manage solid waste sites, support municipal governments and provide a range of services that benefit citizens and communities.

The supplementary budget includes an increase of \$1.741 million, or \$1,741,000, in operation and maintenance expenditures and a capital expenditure increase of \$1,386,000 — that’s in Community Development. We are working to create a modern solid-waste management system in Yukon that will adapt to the changing needs of future generations of Yukon communities, as well as finding opportunities for efficiencies and reducing the cost of operation in the current model.

The department is progressing on the *Solid Waste Action Plan* to continue to develop workable solutions that enhance our efforts for recycling, waste reduction and diversion, explore potential new waste management programs and technologies, work with communities to develop measurements and targets for waste reduction, and ongoing monitoring and review — and explore potential partnerships and business opportunities, as well as assessing future impacts and looking for opportunities for improvement. Staff is working hard at modernizing solid-waste management in the Yukon and attempting to balance the needs of citizens with best practices at reasonable cost.

In this supplementary estimate, \$500,000 will go to solid-waste site preparation and metal waste removal in the community of Old Crow.

The Building Canada fund has been a key infrastructure funding program in the Yukon, allowing us to address vital

community infrastructure projects in the categories of water, waste water, solid waste, roads, green energy and northern infrastructure.

Entering our sixth year of the Canada/Yukon Building Canada agreement, 76 projects have been identified and actioned through the territory, with eligible costs totalling over \$265 million. This year alone, over \$39 million will be spent on Building Canada projects through the Department of Community Services.

Moving on to the “Our Towns, Our Future” process — the “Our Towns, Our Future” process is a proven model for collaboration and innovation. It was through this project that we found a way to address comprehensive municipal grant funding and launch a review of the *Municipal Act*. A \$57,000 revote will support the “Our Towns, Our Future” municipal review that will continue to support this important process and this important working relationship.

The supplementary estimate also includes an increase of \$338,000 in costs associated with grants-in-lieu of taxes to property assessment changes in various municipalities. Within Community Development, this supplementary estimate includes a \$239,000 increase due to a new collective agreement, market adjustment impacts and other personnel changes.

Changes to capital expenditures in the supplementary estimates include \$440,000 in revotes for projects carried over from 2012-13 for completion, including \$215,000 for the Ross River rec centre that was recently completed and will be of significant benefit to the community.

A reduction of \$216,000 is due to deferred costs from 2014-15 for some gas tax products for unincorporated communities. A total of \$142,000 in supplemental capital expenditures will go to support Watson Lake in their Lakeview water and sewer project. \$650,000 in capital funding will support flood mitigation work in various areas, including Upper Liard, Mayo, Old Crow and Carcross.

This supplementary estimate provides \$2,514,000 for revotes associated with the federal government’s Canada Strategic Infrastructure Fund to complete projects associated with the Whitehorse waterfront project. As I believe you know, this project recently won a Canadian Urban Institute Brownie Award for excellence in project development in the neighbourhood scale and we’re very pleased to see this project recognized with that award. Once again, I want to congratulate everyone who was a part of that multi-year project that resulted in over \$40 million in expenditures through work with the City of Whitehorse, Government of Canada, Kwanlin Dun First Nation and Ta’an Kwäch’än Council, as well as many individuals, businesses and citizens who participated in discussions that developed the vision for redevelopment of the Whitehorse waterfront.

Madam Chair, I believe you’re signalling me that my current time has elapsed.

**Mr. Barr:** I’d like to thank all those folks in my riding of Mount Lorne-Southern Lakes and those folks who have sent personal notes of their thanks for my efforts, both here in

this House and on the streets of the communities in which we live.

It is my honour to do this work on behalf of those we serve. I’d like to thank all those hardworking public servants, volunteers and families who give of themselves on a daily basis to make Yukon a place we’re all proud to call home. We have all chosen to live here and raise families, and many retire here.

I’d also like to congratulate the minister on becoming Minister of Community Services and his new Cabinet position and to thank the official here today from Community Services, especially for the briefing the other day. That was most helpful. Thank you for the ongoing hard work that those in the Department of Community Services do on a daily basis.

I’d also like to say that I look forward to having lunch with the Minister of Community Services, which we previously discussed, to share ideas and foster a more congenial working relationship in hopes that we serve the people of the Yukon as effectively as we can.

I’m going to keep these comments brief in hopes that we can get right into some questions about the supplementary budget. I would like to just start with is the Ross River bridge. It is a topic that we’re concerned about these days. I appreciate that the minister has called a timeout on the demolition of the heritage Ross River suspension bridge and announced that a peer review process is a way to hear the differing opinions.

I would like to get some detail about the peer review that the minister spoke of the other day. Maybe some of the questions of that detail could explain if this is a standard where differences of opinion in engineering arise, and who might be the new engineer that this minister speaks of — or is that even that the way this will go? If the bridge is ultimately demolished, will the minister commit to building a new bridge? I would just like to start with that.

**Hon. Mr. Cathers:** Before I resume the notes that I didn’t have time to read from my introductory speech, I’ll just specifically answer the Member for Mount Lorne-Southern Lakes’s questions regarding the Ross River bridge.

First of all, I would like to set the context for this and again note that, earlier this year, Management Board had approved the \$1.1-million project for repairs on the Ross River suspension bridge due to the potential damage from the ice jam and flooding that occurred in the spring of 2013.

An additional assessment with the bridge was conducted in September that was undertaken by David Nairne and Associates, which was the engineering contractor who was retained to undertake the repairs on the bridge, as well as by the welding contractor who was on-site there when they did the inspection, both from the ground and by crane. The assessment of the bridge that we were provided by the engineer was dramatically different from what we had previously heard, and we went on the assumption that the bridge would be fixed within a \$1.1-million budget and that those would be the repairs that were necessary to keep the bridge in good structural condition and reopen it to foot traffic, since it had been closed since last summer. I

understand, though, from community members and constituents that, despite the notice not to use it, there were some who were continuing to use it as they felt those warnings were from an abundance of overcaution.

The assessment we received from David Nairne and Associates, the engineering contractor that had successfully bid on the project — \$1.1 million was allocated to repair the Ross River suspension bridge — indicated the Ross River bridge is at the point of failure and can collapse at any time without warning. The memorandum from them — I'll also table a copy of for the record of members here. The September 30, 2013 memorandum we received from David Nairne and Associates — I'll table a copy of that now so members can review it later.

It states: "Memorandum re inspection of bridge towers. This memorandum summarizes our findings and recommendations following the results of a site inspection of the north and south bridge towers, carried out by Klondike Welding Limited on September 26 and 27, 2013" — the date of this memo, I should have noted, is September 30, 2013. Resuming with the memo, "...Finding number one: here is severe structural damage occurring in the north tower head beam. This damage is much worse than anticipated. The head beam is overstressed and laterally unstable and can no longer safely support the bridge suspension cables. The north tower head beam is in a critical condition and is at the point of failure and can collapse at any time, without warning. The collapse of the head beam will result in the collapse of the bridge deck, and possibly the collapse of the north and south towers. The north tower head beam is structurally unsafe in its present condition and we recommend that no further inspection of it or any repairs to the head beam be carried out. Finding number three: in consideration of the critical condition of the north tower head beam and the poor overall condition of the bridge structure, we believe that it is no longer practical from a structural and construction-safety perspective to repair and salvage the bridge. As a result, we recommend that the bridge be demolished as soon as possible for safety reasons. In the interim, the bridge should continue to be securely closed to all public use, with a danger zone established around the base of the north tower."

So, Madam Chair, I would again like to correct the record and correct the member's understanding. He characterized the current situation as me having called a time out on demolition of the bridge. I would like to emphasize the fact that there may have been assumptions by some in the public that — because we acted quickly on the engineer's recommendations to establish a danger zone and because the Department of Highways and Public Works acted quickly to, first of all, immediately and temporarily cease the use of the ferry because of concern of operation, and then after discussions regarding potential ways to safely operate it in the interests in bringing back people who are on the other side of it — they came up with a solution that it could be operated twice daily to bring back as many people as were on the other side at that point in time.

They did so with a search and rescue boat alongside so that, in the event that the bridge started to collapse, it would give sufficient time for them to move staff out of the way and avoid a tragedy or a loss of life as result of a bridge collapse. They transported only passengers' vehicles across, while moving people across with the search and rescue boat — I believe the RCMP boat was also employed at one point to bring people across. There may have also been private boats. I don't have all of that information in front of me.

The intention of that was to ensure that members of the public were not put at risk — that as few people as were required to operate the ferry and operate the search and rescue boat were in the situation where they would be in its path if the bridge collapsed. The whole point of having that boat in place was to enable staff to get out of the way rather than being stranded on a very slow-moving ferry that is propelled on a cable.

To reiterate, the only immediate action that was taken was to secure the area for public safety. Government had not and has not yet reached the conclusion that the only option is to demolish the bridge. We have shared the engineer's recommendations and attempted to make it clear that we think we have to treat that quite seriously.

Work was underway. I don't have the details yet on the name of the individual or the timelines, but I can provide that to the member at a later date regarding the name of the individual who is being contracted to do the peer review. Staff were in the process of trying to get a respected expert in this field to review the recommendations of the engineer and provide us with information. That work was being done and as soon as there are more details we can announce, we will do so.

Before returning to my other remarks from my introductory notes, since we're on the topic here, I'll briefly lay out some of the other key elements regarding the Ross River suspension bridge. The financial records for expenditures on the bridge only go back to 1995. Since then, the Yukon government has spent \$583,000 on repair and inspections for the bridge. For the known maintenance history of the Ross River bridge, a few of the highlights are: in 1979 they removed the access ramp and replaced it with stairs, repaired sway anchor posts, replaced decking, adjusted sway cables and replaced guide railing. In 1984 the Transport Canada inspection report I referred to earlier in this House was the first report to identify that the bridge was nearing the end of its lifespan and the conclusions of that report were for major repairs or demolition or appropriate action.

From 2005 to 2009, there were decking and railing repairs, A-frame repairs, an anchor condition assessment, condition assessment, tower base repairs, and geotechnical investigation. From 2010 to current, there were engineering inspections, decking repairs, A-frame repairs, environmental detail design for extensive repairs — and those were just a few of the areas.

Again I want to emphasize that our priority for this is to take quite seriously, as we must, the recommendations of the engineer who identified safety issues, but also recognize the historical importance that many people attach to the bridge

and the importance of it, both the community of Ross River and other Yukoners who have previously lived in or spent time in the Ross River area. We are continuing to look for whether there are options that would be safe and reasonable to consider doing.

Moving to a few other specific details that are relevant to that — just to get it on the record, since I know this is a topic of concern for the member — and moving to recent chronology here: on September 27 the contractor and consultant discussed site inspections for findings, and additional photographs of the south towers were forwarded to the consultant later in the day. On September 28, the contractor DNA and the Infrastructure branch reviewed the damage through photo and video of the north head tower beam. On September 28, the Ross River suspension bridge was declared at risk of imminent failure by DNA engineering and then the memo that I referred to was their formal written assessment of the notice that they initially provided in a less formal form. That was immediately acted on at the end of September and the first few days of October.

A 1984 inspection and evaluation report done by Public Works Canada determined corrosion of cables and towers, decay of timber, truss members, weathering of the bridge deck, bridge severely overstressed, under code loading for pedestrian bridge. This again is from information prepared and presented by David Nairne and Associates Ltd.

Bridge repairs done in 2005: level and reinstate timber bridge deck, repair damaged timber members, repair tar-based pedestals and repair broken cable. 2007 bridge repairs: repair timber guard railing and repair concrete tower pedestals. A 2009 September field inspection identified other areas as well, including the need to tighten sway cables, repair damaged timbers, repair northern tower head beam, paint towers, modify southwest sway tower and modify hangers. In 2010 another inspection noted that there was more damage to the bridge that had occurred since 2009. In the reports from DNA, my understanding is that from 2009 to present, the one tower at that point had been leaning at an angle of four degrees, and my understanding is that angle has increased to leaning at a 12-degree angle, which is a significant shift.

I do actually have significantly more details here, but I think I've outlined some of the key points here. Again, quoting from David Nairne and Associates: the bridge is over 69 years old, has exceeded its design life and is in poor structural condition. The bridge is severely overstressed for use as a pedestrian bridge. Critical members are deteriorating rapidly, with the north tower head beam at the point of collapse. It is not feasible structurally to repair or salvage the bridge. Again, that's the engineer's recommendation. It's one we have to treat seriously.

As I mentioned earlier in the House, based on the requests from, first and foremost, the Member for Pelly-Nisutlin on behalf of his constituents, the Chief of the Ross River First Nation on behalf of his citizens — as discussed by him, along with the Member for Pelly-Nisutlin, the Deputy Minister for Community Services — when I was in Ross River this fall to visit the community and meet the chief and view some of our

facilities, including the Ross River arena and the new Ross River protective services and water treatment plant building, we did have that discussion. Pursuant to the commitment that I made to the chief and the Member for Pelly-Nisutlin at that point, we looked into options, which we were then pursuing, to find an engineering peer review and to look into whether there are potential options for salvaging the bridge.

Should it be determined that cannot be done, another option that is being given some consideration is whether there are options that would potentially do things like dropping down the bridge deck itself — which is the serious source of load and is, in fact, significantly heavier than the bridge was originally intended to carry. The bridge was originally intended to carry an oil pipe of 50,000 pounds and it is currently at a 230,000-pound load — a significant load and higher than the bridge was originally intended to carry. Options like whether there is the ability to perhaps leave towers intact and remove the significant load source to prevent a collapse, while recognizing the interest in seeing as much of the bridge as possible remain — we recognize that the preference from those who have an attachment to the bridge is to see the entire bridge remain and be in fact operational. We will give consideration to all options that seem reasonable and appropriate. Of course, I will again reiterate the fact that government has to treat engineers' reports that identify potentially catastrophic failure of bridge infrastructure quite seriously and we have to take the safety issues related to that quite seriously as well.

Madam Chair, returning to my notes that I ran out of time for with the Whitehorse waterfront project — as I was saying before I last ran out of time, over \$40 million on 16 projects was spent on the Whitehorse waterfront.

Collective work with the partners of the City of Whitehorse, Kwanlin Dun First Nation, Ta'an Kwäch'än Council and the Government of Canada has resulted in the Whitehorse waterfront being reinvigorated and becoming a year-round destination for residents after many years. As long-time residents of the Yukon will recall, there were decades of discussion about what might happen one day with the Whitehorse waterfront. Though there was a long period where not really a lot was occurring on the waterfront, the net result through a contribution of many individuals and a number of government projects, led by the Yukon government — with full recognition to all partners in that — has resulted in the Whitehorse waterfront being transformed into an area that has much more use and is, for many people, now a part of their daily lives, rather than an area that a lot of people really weren't comfortable going back in the days when it was somewhat industrial and didn't have good walking paths or really good lighting in certain areas. The upgrades and improvements to this vital area have resulted in important social, cultural and economic benefits, enhancing Whitehorse as a destination place to live and do business.

Moving on to other areas within the budget, the supplementary budget includes a \$110,000 revote for the First Nation of Na Cho Nyäk Dun's geothermal project funded under Canada's municipal rural infrastructure program.

I believe, Madam Chair, that you are signalling that it's time for me to sit down again.

**Mr. Barr:** I do thank the minister opposite for answering the questions around the bridge and for giving more detail around the peer review. From what I understand, the minister is saying the peer review will be studying the engineer who has recommended the bridge is unsafe at this time. Will this peer review person also be looking at the engineer — who I know met with the minister's deputy minister and others in the department — with the opinion that the bridge can be saved and reviewing the beam diagrams? In his opinion, will the peer review weigh both of those to look at both sides of that? Will the minister commit to that?

**Hon. Mr. Cathers:** What I would note is that the peer review will look at options and provide to us whether there are ways that repairs can be safely done, and I would trust that various opinions, including the view of one engineer — I would again point out with all due respect to the individual that there is a difference between an engineer who has been on-site and visually inspected at close range, with a crane, certain parts of the bridge, and someone who is looking at it from the ground and based on pictures. There are differences between the two.

I'm not an engineer and I'm not going to get into an argument of dueling engineers, but because the officially contracted review from the successful bidder on the engineering contract provided us with those serious recommendations, I would again note that we don't want to rip down the bridge. If it weren't for this recommendation from an engineer who says that's the recommended option for safety reasons, we wouldn't even be considering it. That's the only reason that consideration is being given to that option. In this type of case when it deals with a matter of safety, there's also an obligation on government to be somewhat cautious, careful and prudent when it comes to perhaps debate among engineers on whether it can or can't be done. That's why staff have been working on trying to come up with somebody who is considered an expert in the field, so we can have the benefit of that advice prior to decisions being made in this area.

Moving back to other details of my remarks on the budget, for Sport and Recreation we are pleased to provide \$400,000 as part of the supplementary budget to support Team Yukon's participation at the Arctic Winter Games in Fairbanks, Alaska, in early 2014. Yukon's athletes always do our territory proud and represent their fellow Yukoners with great enthusiasm and dedication. We look forward to cheering them on as they compete again in Alaska this winter.

We've also allocated \$173,000 for athletes and coaches due to a contribution from the Yukon Lottery Commission. \$50,000 has been committed this year to Softball Yukon to help them prepare for hosting the 2014 world junior fastball tournament. Tournaments like this are of significant economic and social benefit to the Yukon and Softball Yukon continues to attract world-class athletes while delivering world-class events. \$60,000 has been committed to sport governing bodies due to the signing of a bilateral sports agreement with Canada.

In the area of Corporate Services, there is a \$128,000 increase to Corporate Services due to a revised collective agreement and market adjustment impacts for personnel. An \$11,000 increase to Corporate Services is due to a revote for the corporate registry system.

In the area of corporate policy and consumer services, the remaining items under the community supplementary estimates fall under this area and those are detailed through \$218,000 in this area allocated toward revised collective agreements, market adjustments and other personnel costs, as well as an increase of \$208,000 in homeowner grant costs due to an increased number of eligible taxpayers.

Finally, a total of \$50,000 was provided to assist the Yukon Medical Council with administration, travel, training and contracting.

Madam Chair, in closing my introductory remarks — I'm past my introductory remarks but not past my notes — the Department of Community Services values collaboration, respect, integrity and service excellence. It has been a pleasure during my short time as minister to work with the department and their dedicated staff and to have the opportunity to visit all of Yukon's incorporated municipalities and a number of other areas.

As I mentioned earlier, I look forward to visiting more communities in the Yukon and sitting down with local advisory councils and First Nations that provide services to their citizens. Due to time constraints before the House came in, I was not able to make it everywhere within the territory plus deal with my duties here at the office and other meeting requests that have come in from people who have wanted to meet with me, either due to new issues or to discuss ongoing relationship issues that they dealt with my predecessor on.

So again, it has been a real pleasure. I very much appreciate the work of staff in the Department of Community Services and also the volunteers who provide the services in relationship with the department but are not direct employees of the department. In the areas of emergency medical services, our dedicated ambulance volunteers in Yukon communities are a key part of our ability to respond to emergency health situations in all Yukon communities. Through the service of those dedicated volunteers it does save lives. It is a key part of the service that is provided to Yukon communities through government, but not directly through government staff.

As well, our volunteer fire departments — again these dedicated volunteers also respond quickly with little notice, and like the ambulance volunteers, they put their lives on hold. They rush into situations where in some cases there is the possibility of personal risk in dangerous situations. They put their communities and neighbours before themselves in doing that work. Between those two important volunteer groups, they save people's lives, they save people's houses and also respond to other critical incidents, including accidents on the highway that can involve emergency medical services and/or fire departments. Additionally, the volunteers we have within search and rescue, though not called as frequently, do in those situations perform a very important service to assist Yukoners in those types of events.

We recognize the importance of strong relationships between the Yukon and other governments, including First Nation governments, municipal governments and the federal government, as well as the two other territorial governments and the provincial governments. We recognize the importance of the relationship with Yukon people, Yukon citizens across our territory, and other important community partners and those who receive services.

The Department of Community Services continues to invest in Yukon communities and Yukon citizens, and this supplementary budget reinforces the commitment of both the department and the Yukon government through the many projects and programs that are underway.

Community Services is not as much of a subject within my budgetary notes, but it should be noted that Community Services performs a number of important regulatory roles including those related to health professions, where, for a number of health professions, Community Services is the regulator, while Health and Social Services has the direct relationship and is the employer in many of those cases.

As well, the work that is done by staff in Community Services includes working with the Yukon Medical Council and supporting them — related to that very important area of ensuring that we have an appropriate system to licence physicians so as to ensure the qualifications of physicians that are licensed within the territory and, in rare cases, if necessary, to deal with issues related to problems with physician services. Again, that relationship is an important part of the relationship Yukon government has with our dedicated health professionals in all of our health professions. In the case of those who are not employees, but are volunteers who are trained in emergency response as paramedics, emergency medical responders and so on, it plays an important part in the services we provide to all of Yukon and all of our communities.

I will look forward to more questions from the member for Mount Lorne-Southern Lakes.

**Mr. Barr:** I'd like to thank the minister for giving more clarification on the peer review.

While we're speaking of EMS and volunteers and volunteer fire departments a bit — which the minister was just speaking about — I'd like to ask with regard to our EMS volunteers — I know that all the volunteers who are providing these essential services work very hard to keep our communities safe. There have recently been some calls to our office regarding the new made-in-Yukon training regime. I would ask the minister if he could describe this training regime for EMS volunteers in detail and how will the volunteers get the training they need? Who will be responsible then for the ongoing training within EMS in rural areas particularly?

**Hon. Mr. Cathers:** First of all, what I would note is that staff of Protective Services have been considering options for how to best address the training needs of our rural volunteers in Emergency Medical Services. The possibility of Yukon-specific training that varies from the standard courses offered through the Red Cross and others is not an option

which has been settled on. It is an option that is being considered.

I have also, in my visits to communities and through sitting down directly with almost all the rural volunteer supervisors, heard the concerns that some of them have with what was being considered. I can assure the member that a priority for me is going to be working to strengthen the relationship between me and the rural supervisors for emergency services, as well as the relationship with the department, ensuring that we are strengthening the support that the Yukon government is providing to our rural EMS volunteers. We are in the process right now of working on additional steps that I look forward to announcing shortly for increased support to these very important rural service providers.

If the member has any specific information or concerns, he can certainly provide them to me. As I have indicated to the rural supervisors I've sat down with, I'm very much open to discussions with them either at my level or the department level to hear their concerns, suggestions and views on where we can better support our volunteers in Yukon communities that provide ambulance services.

I didn't sit down with all of the emergency medical supervisors due to their availability and, in the one case — I believe within the member's riding — there is a new supervisor in place. To those I haven't met with, I'm very happy to talk to them and very happy to hear their suggestions about which potential options being considered are the best ones to choose to ensure that we're fully and effectively meeting the training needs of our EMS volunteers in rural communities.

**Mr. Barr:** I thank the minister for his response. I'll just quickly provide him with some of the stuff I know. I would be happy to forward, in the interest of time, some other information.

Specifically, the supervisors feel they already have enough to do, and their response to me was that they're not trained to train, so that's one of the things that was a concern. They also like what is happening now. The concern around who will be beside them when they're out on calls — the differences in the training — creates stress in knowing the different levels or the differences in training, and if they will be able to effectively support each other in the field. Those are just a couple of things, but I'll be happy to pass them on.

**Hon. Mr. Cathers:** I thank the Member for Mount Lorne-Southern Lakes for sharing that information. That is something that I appreciate. If there are concerns with the options that are being looked at, I want to understand the concerns and will reiterate that the options that are being considered have not been chosen yet.

When I have heard concerns and questions from the supervisors of volunteers for Emergency Medical Services, I have instructed the department to take those concerns and viewpoints very seriously. I believe that our supervisors and volunteers in rural communities often see things from a perspective that, on the ground, might not be fully understood within Whitehorse. My focus is on trying to ensure that I

understand and that everyone is very much aware of the importance of understanding the perspective of our rural volunteers, understanding where they think that, through additional supports or through the types of training provided, we can better support those who are currently volunteers, can put in place additional supports that increase the likelihood of volunteers remaining volunteers for a long period of time, and make it attractive to new volunteers to join those important units within our rural communities.

I thank the member for passing on what he has heard. I would like to emphasize the fact that I do very much appreciate also the dedication of our Whitehorse EMS staff, both those within the administrative and management structure and those who operate the ground ambulances and our medevac crews. They are a very important part of our ability to provide services as well.

I can assure the member that I recognize that there are differences in each community and recognize that the Yukon government needs to give full consideration to the challenges faced by our volunteer supervisors in rural EMS and that we need to listen to their input, which is what we are doing, and need to act upon that input in an appropriate manner, which is what we are doing as well.

**Mr. Barr:** I am happy to hear the minister's response and the insight into the retaining of our volunteers in the rural communities, especially when the pool generally comes from such a small pool. In the past it has been expressed that the more red tape — or the demands of the volunteer to be able to go out on a call, has changed from the past where you get on your boots and we'll get the job done. I understand his reasons for being trained and safety and such. However, he needs to be aware that we do depend on these pools that are often stretched in the communities. It is different in each community, so I thank the minister for his response.

I would just like to go back to Ross River. I see here that I had brought this up previously in the House. There is still concern when I spoke with people in Ross River around the violating of the water licence for the sewage pit.

The sewage continues to be dumped one kilometre upgrade from the community in violation of the water licence. The water testing of the monitoring of the wells around the pit have found ammonia at nearly twice the allowable rate. I'd like to know from the minister when the government will deal with this toxic problem and keep its promise to the people of Ross River.

**Hon. Mr. Cathers:** First of all, with regard to Emergency Medical Services volunteers, when the member refers to increasing standards around training, one of the things that should be noted is that for many years in the Yukon, the reality in our rural EMS units was that, for response, they would have someone who would at least have standard first aid and someone who had a class 4 licence. The model behind that has been sometimes referred to within the department and the volunteer units as a scoop-and-drive model — which was a bit of a crass way to put it, but it is the term that has been used. The theory behind it for years in the earlier era of our rural emergency services is it was not

feasible at that point in time to have people with higher levels of training in rural areas. The view was that it was necessary to have somebody who was capable of stabilizing someone and then shipping them to a nursing station as quickly as possible.

The increase in the training level, the minimum standard, has not gone up through government rules or expectation but starting under my predecessor as Health minister back in 2004-05, the then Minister of Health and Social Services Peter Jenkins, we had taken the first steps toward increasing and providing our support for training for the emergency medical responder level. That's something that, during my two and a half years as Minister of Health and Social Services, was a focus for me and my department staff — to provide more training opportunities. It's really more due to the expectations of volunteers and what they see as appropriate competency levels that drive an increased standard, rather than government regulatory standard creep.

Having heard from volunteers and from supervisors, the importance that they place on having the higher level of standard first aid, whenever possible within communities, I can assure them that we're going to continue to make training for rural volunteers a priority and look at methods to enhance it from what it has been at recently to respond to what we've heard from them.

Moving to the Ross River waste-water issue: first of all, I would note here that this is a matter that the Member for Pelly-Nisutlin and I did discuss with Chief Ladue during our visit to Ross River this fall. There has been work to address it. We did go to the site; we did inspect it. Understand that one of the issues — and this is sometimes the benefit you get when going to communities — the information you find out from personally going there and hearing from community members — and the ammonia contamination the member referred to appear to relate to the methods with just the one septic truck that was dumping into there, not properly hitting the entrance to the pit and dumping short of the septic pit itself.

There was a report in November 2012 by Water Resources branch that indicated the Ross River septic pit was not in full compliance with the regulation. Community Services is in the process of applying for an amendment to the existing water licence as an interim solution while a permanent solution is sought. The department has engaged a consultant to review the options for treatment of waste water and to complete an environmental assessment.

Community Services staff will hold a public meeting in Ross River to present the consultant's preliminary report findings and the result of an environmental assessment. Aboriginal Affairs and Northern Development Canada has committed to working with Community Services on an appropriate waste-water solution for the community.

I would point out that staff have indicated to me that a number of the issues of non-compliance were not as serious as I believe the member first understood them to be, based on some of his questioning in previous sittings of the House.

The report that was provided by Water Resources branch, to which I referred, indicated that non-compliance issues with

the Ross River septic pit were due to a number of mainly administrative issues, including missed reporting requirements. So again, to emphasize what staff have advised me, a number of those issues of non-compliance were due to reports that should have been filed on the usage of the pit that were not addressed, but were not themselves related to non-administrative issues.

Staff are working with Water Resources branch to take appropriate steps to come back into compliance. Department officials have been working with Water Resources branch to review and discuss and come up with a compliance plan. From the regulator's perspective, the options that have been considered appropriate are either building a new sewage facility or applying for an amendment to the license which fully recognizes the existing pit.

Madam Chair, I think that has addressed that issue. Seeing the time I move that we report progress on Bill No. 11, *Second Appropriation Act, 2013-14*.

**Chair:** It has been moved by Mr. Cathers that the Chair report progress on Bill No. 11, *Second Appropriation Act, 2013-14*. Are you agreed?

*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. 11, entitled *Second Appropriation Act, 2013-14*, 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:** Mr. Speaker, I move that the 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 stands adjourned until 1:00 p.m. Tuesday.

*The House adjourned at 5:29 p.m.*

### The following documents were filed November 7, 2013:

33-1-64

Recent Judgment of Inquiry Reports of the Chief Coroner, letter re (dated August 28, 2013) from Doug Graham, Minister of Health and Social Services to Craig Tuton, Chair, Yukon Hospital Corporation Board of Trustees, and Chief Coroner Report — Two Patient Deaths — Watson Lake Hospital, letter re (dated October 4, 2013) from Craig Tuton, Chair, Yukon Hospital Corporation Board of Trustees to Doug Graham, Minister of Health and Social Services (Graham)

33-1-65

Yukon Hospital Corporation accountability, letter re (undated) from Doug Graham, Minister of Health and Social Services to Jan Stick, Member for Riverdale South (Stick)

33-1-66

Inspection of Bridge Towers (Ross River Suspension Bridge Repairs), memorandum re (dated September 30, 2013) from Jerry Lum, P. Eng. Struct. Eng. to Jack Bowers, P. Eng. and Jennifer Macgillvary (sic.) (Cathers)





# Yukon Legislative Assembly

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Number 107

1st Session

33rd Legislature

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## HANSARD

Tuesday, November 12, 2013 — 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

## CABINET MINISTERS

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

## GOVERNMENT PRIVATE MEMBERS

### Yukon Party

<b>Darius Elias</b>	Vuntut Gwitchin
<b>Stacey Hassard</b>	Pelly-Nisutlin
<b>Hon. David Laxton</b>	Porter Creek Centre
<b>Patti McLeod</b>	Watson Lake

## OPPOSITION MEMBERS

### New Democratic Party

<b>Elizabeth Hanson</b>	Leader of the Official Opposition Whitehorse Centre
<b>Jan Stick</b>	Official Opposition House Leader Riverdale South
<b>Kevin Barr</b>	Mount Lorne-Southern Lakes
<b>Lois Moorcroft</b>	Copperbelt South
<b>Jim Tredger</b>	Mayo-Tatchun
<b>Kate White</b>	Takhini-Kopper King

### Liberal Party

<b>Sandy Silver</b>	Leader of the Third Party Klondike
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## LEGISLATIVE STAFF

Clerk of the Assembly	Floyd McCormick
Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Rudy Couture
Deputy Sergeant-at-Arms	Doris McLean
Hansard Administrator	Deana Lemke

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

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

*Prayers*

**Withdrawal of motions**

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

**DAILY ROUTINE**

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

**INTRODUCTION OF VISITORS**

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

Could all members can join me in welcoming them?  
*Applause*

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

*Applause*

**Speaker:** Are there any returns or documents for tabling?

**TABLING RETURNS AND DOCUMENTS**

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

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

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

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

**NOTICES OF MOTIONS**

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

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

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

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

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

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

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

**INTRODUCTION OF VISITORS**

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

*Applause*

**NOTICES OF MOTIONS**

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

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

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

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

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

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

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

## QUESTION PERIOD

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

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

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

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

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

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

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

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

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

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

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

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

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

### Question re: Dawson-Fairbanks flights

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

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

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

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

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

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

#### **Question re: Dawson-Fairbanks flights**

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

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

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

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

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

#### **Speaker's statement**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Question re: Catholic school sexual orientation policy**

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

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

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

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

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

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

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

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

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

**Question re: Atlin Lake campground**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Speaker:** The time for Question Period has now elapsed.

### Notice of government private members' business

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

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

## ORDERS OF THE DAY

### GOVERNMENT BILLS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Last spring, we debated a motion by the Member for Takhini-Kopper King that read that this House urges the Government of Yukon to immediately implement all the recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles and to immediately develop and implement a plan in conjunction with user groups to protect environmentally sensitive areas from off-road vehicle use, while allowing responsible access to the back country.

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

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

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

This legislation does not address registration or insurance.

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

### Speaker's statement

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

**Mr. Tredger:** Pardon me?

**Speaker:** Speak to me.

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

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

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

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

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

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

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

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

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

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

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

"While Yukon currently has some protected areas, legislation, and management plans in place that impose certain restrictions or limitations on outdoor recreational use within the territory, Yukon is the last jurisdiction in Canada without legislation specifically governing the operation and use of off-road vehicles.

"This issue is important to Yukoners and to the Yukon. There will be some tough decisions to be made and, given the

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

"The Committee believes that legislative tools and education programs that discourage poor practices, prevent ecological degradation and teach ecological stewardship are required. Yukon's regulatory framework must be established and implemented in an objective and unbiased fashion. All users, motorized and non-motorized alike, and the scale of environmental impact must be considered when developing operational, safety and environmental standards. Our approach must not only be responsible and progressive, it must be respectful of all Yukon citizens."

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

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

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

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

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

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

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

our part, we, of course, committed to implementing the recommendations made by the all-party committee on off-road vehicle use in its unanimous report to the Legislature. That included recognizing the importance of users and uses, including recreation, hunting, trapping, outfitting, resource industries and tourism. We committed that we will ensure legislation and regulations governing the use of off-road vehicles are inclusive and do not exclude anyone to the advantage of another. We recognize that many people regard the ability to travel in the back country by ATV and snowmobiles as a very important personal freedom. We committed that government actions must be fair and balanced to all user groups and citizens and appropriately protect our environment and wildlife.

More specifically, when it comes to the issues related to the environmental issues associated with ORVs, we committed that we will review legislation and regulations to determine whether existing mechanisms such as habitat protection areas and special management areas provide appropriate ability to restrict the growth of trail networks in sensitive areas, to close trails or over-used areas as necessary, to exclude off-road vehicles from specific types of land or habitats and to have certain areas designated as access routes only.

We recognized in our commitment in the election that there are some areas where new steps need to be taken to protect wildlife and the environment from ATV damage. Actions we committed to will be targeted to areas where problems exist or are developing.

Access to existing use areas will not be reduced unless necessary for environmental protection. We committed to consulting with Yukoners prior to implementing any proposed restrictions and we committed that we would review penalties for environmental damage caused by any method, motorized or non-motorized, to ensure penalties are appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

One thing I did want to highlight is some of the excellent work done to date by the departments of Environment and Highways and Public Works relating to education. Our two departments — the Minister of Highways and Public Works' and my department — have come together to support doing an educational campaign each year that aims to educate Yukoners about the importance of responsible use of ATVs, both for safety reasons and for reasons of protecting the environment. We publish newspaper ads and provide educational materials to schools as well as — I believe we have reached an agreement to provide information in the Yukon *Hunting Regulations Summary* booklet which many a hunter refers to for understanding regulations of any nature. In those educational materials, we remind Yukoners that fragile alpine and sub-alpine landscapes damage easily and take years to heal. Damaged habitat can threaten the well-being of plant, animal and insect species.

ATV noise can also adversely affect animals, especially during sensitive times of the year, such as lambing or calving or the rut. Responsible ATV use is appreciated by everyone who enjoys the outdoors and we suggest a number of precautions that ATV users can take, including: staying on roads, existing trails or other designated routes for ATV use; staying in the middle of the trail to avoid widening it; crossing streams slowly and only at designated fording points where the trail crosses the stream at 90 degrees; avoiding roosting around the apex of the turn when climbing or brake sliding during descent, both of which gouge the trail on switchbacks; moderating the throttle and use of the clutch to gain maximum traction with minimum wheel spin on slick trails; avoiding muddy trails and saving them for future trips when they are dry and less likely to be gouged; and packing out what you pack in.

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

As the information package concludes, Mr. Speaker, ATVs are a popular way to access backcountry Yukon. Whether you are hunting, viewing wildlife, or simply enjoying the great outdoors, be sure to respect our environment by using existing trails. That sentiment is exactly what has guided us so far and the sentiment that we are trying to achieve with this legislative change, as well as the subsequent regulations that will come.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

It is why, as well, the approach that my colleagues and I committed to in the 2011 election campaign was to take a targeted approach. We emphasized in our commitments the principles of equality and fairness, that we recognize the importance of users and uses including recreation, hunting, trapping, outfitting, resource industries and tourism. We will ensure legislation and regulations governing the use of off-road vehicles are inclusive and do not exclude anyone to the advantage of another.

Second, we recognize that many people regard the ability to travel in the backcountry by ATV and snowmobile as a very important personal freedom. Government actions must be fair and balanced to all user groups and citizens and appropriately protect our environment and wildlife.

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

We also stated that we recognize there are some areas where new steps need to be taken to protect wildlife and environment from ATV damage. Actions will be targeted to areas where problems exist or are developing and access to existing use areas will not be reduced unless necessary for environmental protection.

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

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

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

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

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

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

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

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

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

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

I think this legislation is one that does provide, as the Minister of Energy, Mines and Resources noted, for the ability to develop regulations that target measures to where problems exist or are developing. I would also note — as I think my colleague, the Minister of Environment may have noted — that amending this legislation is something that we indicated to stakeholder groups, including Trails Only Yukon, we would be doing earlier this year. We noted, in a letter dated January 11, that our intended outcome is to ensure government has the adequate tools to target specific areas like key wildlife habitat or particularly sensitive areas where it is determined that problems resulting from off-road vehicles are occurring or are likely to occur. Consequently, we have determined that the best alternative will be pursuant to the *Territorial Lands (Yukon) Act*, and the *Summary Convictions Act*.

Several objectives consistent with the recommendations of the committee have been developed to scope any regulatory changes under the *Territorial Lands (Yukon) Act*. The regulatory objectives include having the ability to manage environmental damage and cumulative impacts, manage or prevent the growth of trail networks in sensitive areas and restrict or prohibit use in certain areas where problems are occurring or are likely to occur.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

freedoms and those who express support for environmental protection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Speaker:** Are you prepared for the question?

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Pasloski:** Agree.

**Hon. Mr. Cathers:** Agree.

**Hon. Ms. Taylor:** Agree.

**Hon. Mr. Graham:** Agree.

**Hon. Mr. Kent:** Agree.

**Hon. Mr. Nixon:** Agree.

**Ms. McLeod:** Agree.

**Hon. Mr. Istchenko:** Agree.

**Hon. Mr. Dixon:** Agree.

**Mr. Hassard:** Agree.

**Mr. Elias:** Agree.

**Ms. Hanson:** Agree.

**Ms. Stick:** Agree.

**Ms. Moorcroft:** Agree.

**Ms. White:** Agree.

**Mr. Tredger:** Agree.

**Mr. Barr:** Agree.

**Mr. Silver:** Agree.

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

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

*Motion for second reading of Bill No. 64 agreed to*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Some Hon. Member:** (inaudible)

**Speaker:** Order please.

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

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

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

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

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

**Some Hon. Member:** (Inaudible)

### Point of Order

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

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

### Speaker's ruling

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

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

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

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

**Speaker:** Are you prepared for the question?

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Pasloski:** Agree.

**Hon. Mr. Cathers:** Agree.

**Hon. Ms. Taylor:** Agree.

**Hon. Mr. Graham:** Agree.

**Hon. Mr. Kent:** Agree.

**Hon. Mr. Nixon:** Agree.

**Ms. McLeod:** Agree.

**Hon. Mr. Istchenko:** Agree.

**Hon. Mr. Dixon:** Agree.

**Mr. Hassard:** Agree.

**Mr. Elias:** Agree.

**Ms. Hanson:** Agree.

**Ms. Stick:** Agree.

**Ms. Moorcroft:** Agree.

**Ms. White:** Agree.

**Mr. Tredger:** Agree.

**Mr. Barr:** Agree.

**Mr. Silver:** Agree.

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

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

*Motion for second reading of Bill No. 61 agreed to*

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

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

*Motion agreed to*

*Speaker leaves the Chair*

## COMMITTEE OF THE WHOLE

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

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

**All Hon. Members:** Agreed.

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

*Recess*

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

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

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

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

#### Department of Community Services — continued

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

forward 911 out of all communities into one centralized dispatch.

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

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

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

I hope that has answered the member's question.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Motion agreed to*

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

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

*Motion agreed to*

*Speaker resumes the Chair*

**Speaker:** I will now call the House to order.

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

#### **Chair's report**

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

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

**Some Hon. Members:** Agreed.

**Speaker:** I declare the report carried.

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

*The House adjourned at 5:30 p.m.*

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

Motion No. 518

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



# Yukon Legislative Assembly

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Number 108

1st Session

33rd Legislature

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## HANSARD

Wednesday, November 13, 2013 — 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

## CABINET MINISTERS

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

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### Yukon Party

<b>Darius Elias</b>	Vuntut Gwitchin
<b>Stacey Hassard</b>	Pelly-Nisutlin
<b>Hon. David Laxton</b>	Porter Creek Centre
<b>Patti McLeod</b>	Watson Lake

## OPPOSITION MEMBERS

### New Democratic Party

<b>Elizabeth Hanson</b>	Leader of the Official Opposition Whitehorse Centre
<b>Jan Stick</b>	Official Opposition House Leader Riverdale South
<b>Kevin Barr</b>	Mount Lorne-Southern Lakes
<b>Lois Moorcroft</b>	Copperbelt South
<b>Jim Tredger</b>	Mayo-Tatchun
<b>Kate White</b>	Takhini-Kopper King

### Liberal Party

<b>Sandy Silver</b>	Leader of the Third Party Klondike
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Sergeant-at-Arms	Rudy Couture
Deputy Sergeant-at-Arms	Doris McLean
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Wednesday, November 13, 2013 — 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.

Introduction of visitors.

Are there any returns or documents for tabling?

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motion?

## NOTICES OF MOTIONS

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

THAT this House urges the Yukon government to ensure expansion of the Whitehorse General Hospital:

(1) does not cause any interruption to the operation of the Riverdale ambulance station; and

(2) does not require the use of temporary facilities for ambulances and staff during the construction of the hospital expansion.

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

THAT it is the opinion of this House that with the introduction of amendments to the *Territorial Lands (Yukon) Act* as its only action to date, the Government of Yukon has not treated the safe use and operation of off-road vehicles with the urgency and attention it deserves or that the public expects; and

THAT this House urges the Government of Yukon to implement all 14 recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles, which reported over two and a half years ago.

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

THAT this House urges the Government of Yukon to follow the Alaska-Yukon Intergovernmental Relations Accord as a framework for cooperative work on both sides of the border, to work diligently and proactively with the private sector and in response to private sector requests to ensure Air North is able to fly directly between Fairbanks, Alaska, and Dawson City, Yukon, by the start of the 2014 tourist season.

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

## QUESTION PERIOD

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

**Ms. Hanson:** Yesterday, the Official Opposition tabled in this House two coroner's judgments of inquiry into the death of Teresa Ann Scheunert. The original report was issued to the family, the Yukon Hospital Corporation and the Workers' Compensation Health and Safety Board on June 14, 2013. The second report was issued on July 9 and released to the media.

The issuing of two judgments of inquiry for the same death is unusual, perhaps even unprecedented, and it raises questions and doubts about due process.

Can the minister tell this House what legislation or regulation allows for the coroner to issue a signed final judgment of inquiry and then issue a second substantively changed judgment on the same death?

**Hon. Mr. Nixon:** We've looked at a number of things in the coroner's department. We've looked at the job description for the chief coroner and have made significant changes. The new job description acknowledges that the chief coroner's role in managing the coroner's service and elaborates on the duties in the *Coroners Act*. For instance, one of the duties of the chief coroner is to communicate the recommendations from inquests to the appropriate agencies.

Following the recruitment for the position, a new chief coroner has recently been appointed and I'd like to welcome her to her role.

Once the chief coroner has been operating under a new job description for some time, we will look again at any legislative changes that may be required, Mr. Speaker.

**Ms. Hanson:** This question is about process — about the legality of issuing two substantively different judgments on the same death. It's not about a job description.

I'm not a lawyer and unlike the ministers, I do not have access to legal counsel. However, legal professionals have suggested that options for a coroner to change a judgment after it is issued are limited. For example, the coroner could make amendments to the original judgment as an addendum or if a coroner wanted to rescind the final signed judgment, that should be by a court order. Yukoners want to know if due process is being followed.

Mr. Speaker, what due process of law did the coroner follow to issue a second judgment of inquiry into the death of Teresa Scheunert of mixed-drug toxicity at the Watson Lake Hospital?

**Hon. Mr. Nixon:** I thank the member opposite for her question. Mr. Speaker, all reports of major inquiries and inquests, including the recommendations, are now being published on the coroner's website. This will improve the transparency and accessibility of the coroner's office.

As always, if an interested member of the public would like to request a report occurring prior to the new policy of publicly posting, a request can be made to the chief coroner.

Mr. Speaker, in this case, after the first report had been issued to the family, new facts came to light. The new facts

necessitated an amended report so that the public record would be accurate. The family was immediately advised of the error and that the original report had indeed been retracted. The new facts did not change the toxicological findings nor the cause or manner of death.

**Ms. Hanson:** The fact is that two judgments of inquiry into the death of Teresa Scheunert are significantly different. The coroner said in the media that new information came to light and that work that took her a year to complete, and I quote: “The first one was inaccurate. It’s just as simple as that.”

Nothing about this process has been simple for the family. The death of their mother and their sister Teresa Scheunert was not simple. Getting an autopsy was not simple. Getting clarity about how the system failed and how it will be fixed has been anything but simple for the family.

The coroner’s second judgment of inquiry into Teresa Scheunert’s death by mixed-drug toxicity in the Watson Lake hospital eliminates numerous points and two recommendations from the original judgment. By what legal mechanism can the coroner declare the June 14 judgment that she signed null and void?

**Hon. Mr. Nixon:** As I mentioned to the member opposite, we have had a number of changes within the coroner’s office. We’ve looked at policy. We have a new coroner who has just accepted her new role at the office. There have been a number of changes, as I have mentioned.

This is quite a circumstance and my sincere condolences go to the family. We have confidence that the hospital staff are doing everything that is required and that the coroner is doing everything that is required. In fact, she has retracted the initial report and has put forward an amended report. I’m satisfied with the work that was being done, even though the situation — again, my condolences go to the family.

**Question re: Coroner’s report re death at Watson Lake hospital**

**Ms. Stick:** The family of Ms. Scheunert received the original coroner’s decision on June 14, 2013. The coroner indicated to the family that she would also send the report to the Yukon Hospital Corporation and to the Workers’ Compensation Health and Safety Board that day. Less than five hours later, the family was told that a point was not entirely accurate and that the coroner would have to amend the report. The family was not told that, in the end, several points including recommendations would be changed. Mr. Speaker, in those few hours after signing and issuing the original report, what happened to prompt the coroner to not just correct a point, but to make several substantive changes and issue a completely new judgment?

**Some Hon. Member:** (inaudible)

**Speaker:** Nobody’s rising.

**Ms. Stick:** I’ll move on to my second question. Close to a year after the death of Teresa Scheunert by mixed drug toxicity in the Watson Lake hospital, the coroner’s original judgment of inquiry was signed and distributed to the family, to the Yukon Hospital Corporation and to the Workers’

Compensation and Health and Safety Board. It was a new judgment — completely different — three weeks later.

Mr. Speaker, the coroner researched Ms. Scheunert’s death for almost a full year and wrote and signed a comprehensive report on it. Yukoners are being asked to believe that within hours of issuing the original report, suddenly the coroner found a mistake without talking to anyone.

Who brought this new information forward after a year that caused the coroner to issue a new judgment of inquiry? Could we have an answer?

**Hon. Mr. Graham:** This government respects the coroner’s office and respects the fact that the coroner has a duty and a responsibility to fulfill under the applicable legislation. We’re confident in the coroner’s independence to act in an independent quasi-judicial manner, and we are convinced that in this case what the coroner did was appropriate. I’m not, of course, certain of exactly what facts came to light nor what cause her to change her report, but we are quite confident that she did it in a completely above-board manner and, as she said in her report, new facts came to light. It’s as simple as that.

**Ms. Stick:** We’re not convinced that issuing two reports is appropriate. A year is a long time for this family to wait to learn what happened to their mother and how future tragedies are going to be prevented. Having to wait so long for the coroner’s report has had consequences. They worked very hard to get legal representation but were repeatedly told to wait for the coroner’s report. There are statutes of limitations on actions the family could have taken. These were compromised by the length of time the coroner took to complete her judgment. Doors were closed on this family. When they finally got the report, within hours they were told it had to be changed. This raises many questions and flags, such as: What was this new information? Who sent it to the coroner? Why such substantive changes?

How can the family feel confident in the second coroner’s judgment of inquiry since it was changed so dramatically from the original judgment of inquiry?

**Hon. Mr. Graham:** Mr. Speaker, I’m very sorry, but I don’t have that information available to me at this time. Within the bounds of the applicable legislation, I’ll ask my colleague, the Minister of Justice, to review the Blues and ask his department for a report — again, within the bounds of the applicable legislation — and we would be happy to bring an answer back to the Legislature.

**Question re: Economic outlook**

**Mr. Silver:** Mr. Speaker, I have a question for the Minister of Economic Development. Earlier this summer, the minister told Yukoners that the numbers don’t matter. He was speaking about the Peel watershed, of course. I disagreed with him at the time and I still do. It appears that the minister’s way of thinking extends to the Yukon economic outlook. This is an annual preview of what the minister’s economists see on the horizon.

It is usually released in April or in May, but this year it was not made public until late September. Other than the fact that the numbers don't matter, can the minister explain why this report was delayed for so long?

**Hon. Mr. Dixon:** Mr. Speaker, the answer to that is quite simple: we have changed some of the ways that we plan on doing economic reporting and forecasting in the territory. This is under the advice of our economists in the Department of Economic Development, who suggested that it may make more sense to table an economic outlook in the late summer/early fall and then have an updated outlook come forward in the winter of early next year. So we're in the process of switching to a once-a-year economic forecast to a twice-a-year economic forecast, and that's the reason why we have had some changes in the timing and nature of reporting that we are experiencing.

**Mr. Silver:** If they're switching to a biannual report, they missed a complete season. A really good reason why this report was held back was that the numbers were horrible, so the government delayed releasing them, hoping that they would improve over the course of the summer. The numbers show Yukon will be 11<sup>th</sup> out of 13 jurisdictions when it comes to GDP growth this year. We are near the bottom of the barrel.

In the letters to the editor this summer, the minister boasted, "We have not only weathered the storm better than most, we have flourished through it."

Our GDP growth this year will be less than one percent. We are certainly not flourishing. The Yukon Party likes to take credit when things are going good, but it seems like they have a problem taking responsibility when our economy stalls.

Is the Yukon government willing to take responsibility for the Yukon having the third lowest economic development in the country this year?

**Hon. Mr. Dixon:** Obviously I disagree with the member opposite's speculation as to the timing of our releasing of the economic forecast. As I said before, we've switched to a new system of reporting and that's the explanation for why we are reporting now in the fall instead of the spring with our economic forecast.

I also disagree with his interpretation of what that forecast says. What the forecast says is that even in a climate of weak mineral prices and of soft markets for investment — a very challenging market on the whole for the junior mining sector in particular — our economy is still growing this year. That's a positive sign. What the forecast says as well is that next year it is anticipated to rebound to a higher level.

I am the first admit that economic forecasts are just that — forecasts — and they are not written in stone, but what they do point to is a direction — direction of growth and what we hope to be further prosperity for this territory.

I know we've got more work to do but we are committed to doing it and I look forward to reporting back in the spring with a new update on the forecast. We will have I'm sure some conversations about it then.

**Mr. Silver:** Mr. Speaker, we've seen countless examples of Yukon Party ministers taking credit for the Yukon's economy in the past. In 2007, we heard: "I will take

credit for becoming the hotspot in Canada." In 2010, we heard: "We, the Yukon Party, made the Yukon an attractive place to live." In 2011, we heard: "It is everything to do with us, this government." Now it's 2013 and our GDP growth for this year is almost the lowest in Canada and this government won't take any responsibility for this poor showing.

Here is a previous Yukon Party economic development minister — and I quote: "Certainly it is not world mineral prices that are responsible for the economic boom that we are seeing today."

Mr. Speaker, will the current Yukon Party accept responsibility for our poor showing for this year?

**Hon. Mr. Dixon:** With regard to the member opposite's quote, I would have to disagree of course that mineral prices have nothing to do with our economy. Of course world markets affect our economy. Yukon, most certainly is not an island. We are affected by global economic trends and conditions and in this current situation where we have weak mineral prices and a soft investment climate — a situation that is, as I said, generally very challenging for the mining industry across the country and across the world.

These challenges aren't unique to Yukon. They affect other parts of Canada as well. But, as I've said, let's focus on what's happening right now. We're seeing positive signs about next year. We hope that 2014 will be a strong year. Of course, Yukon government's economic forecast suggests economic growth of 8.8-percent GDP growth. The Conference Board of Canada predicts close to six.

So you generally see a positive outlook and a positive trend going forward. I know the member opposite doesn't like to acknowledge the good work done by economic forecasters like those in the department or in the Conference Board of Canada, but of course we respect the role that those economic forecasters play and the important contribution they make to understanding our economy here in the territory.

#### **Question re: F.H. Collins Secondary School reconstruction**

**Ms. Moorcroft:** Mr. Speaker, last week I raised the issue of the design of F.H. Collins and the City of Whitehorse's requirements for building insulation. All the public got was the Minister of Highways and Public Works explaining that it's not easy building a school.

The City of Whitehorse's Building and Plumbing Bylaw 99-50 requires a minimum standard of insulation that is suitable for our northern climate. While the minister referenced an exception for some insulation through computer modelling, the requirements for doors, windows and exterior walls insulation are not exempt from the bylaw. The bylaw is clear; it cannot be varied.

Will the Minister of Highways and Public Works explain to this House why the tendered design for F.H. Collins does not meet the City of Whitehorse's bylaw requirements for insulation of windows and exterior walls?

**Hon. Mr. Istchenko:** I said it in the House before and I guess I will say it again. In order to get into a building, whether you're a private person or a student, the building has

to be built to code. Whether you're in Haines Junction or whether you're in Whitehorse, it has to be built to the code of the community. The City of Whitehorse has a code. This building will be built to City of Whitehorse's code. The new F.H. Collins is being designed to meet LEED silver energy efficient standards. This is LEED standards for leadership in energy and environmental design and sets a benchmark for design construction and operation of high-performance green buildings.

I look forward to this project going forward. I look forward to a great new place for students to go learn.

**Ms. Moorcroft:** It would seem that the minister needs to understand the bylaw. In this specific case, the modelling exception in subsection 84(3) of the City of Whitehorse's Building and Plumbing Bylaw only applies to some criteria, which are set out in subsection 84(2). The modelling exception does not apply to doors, windows and exterior walls, which are sub-sections 84(4), 84(5) and 84(6). For the record, the windows and exterior wall insulation must comply with the city's minimum standards. Those standards cannot be modeled or varied. The minister says that he is going to build to code, but he's not.

Again, will the minister explain to this House why the tender design does not meet the City of Whitehorse bylaw requirements for windows and exterior wall insulation?

**Hon. Mr. Pasloski:** I believe that the minister has been very articulate in the fact that we will build all buildings to code. That's the expectation whether it's the private sector or it's the public sector. When you build something, there will be inspections. Everything needs to be built to code, and I am confident that we will be doing that.

What we hear from both parties on the other side is their low opinion of government employees, implying that they are not going to live up to their professional obligations and do the job to the higher standards and to the expectations that are expected of them on behalf of all Yukoners. For them to again come out as they have — for example, with employees from the Department of Health and Social Services, employees from Energy, Mines and Resources, and on infrastructure projects — here we go again hearing the opposition with their assessment, their low opinion of government employees.

This government stands up for their government employees. In fact, I was proud to be at the Long Service Awards last Friday, recognizing the professional service and the long-standing impact for all Yukoners made by our public service employees every day.

**Ms. Moorcroft:** It would appear that the Premier or the ministers opposite have a low regard for the recommendations of the building advisory committee, which they chose to regard, and that they have a low regard for the City of Whitehorse bylaws, which they've chosen to ignore.

We're hearing the government say, besides the refrain that building a school isn't easy, that it's all right to ignore city bylaws, especially when you sole source a contract to an outside company for \$1 million. That's an interesting message to send to builders, homeowners and tax payers. The Yukon Party's message is not fiscal responsibility, it is not good

government, and it's definitely not something that this side of the House can support. This government has already had to go back to the drawing board on F.H. Collins once, and now when they're rushed to get a school built for the next election, they are willing to cut corners and ignore city bylaws. I have a low regard for that.

Is this any way to run a government?

**Hon. Mr. Istchenko:** Thank you member opposite for the question or whatever that was. I don't dabble in the finer points, like the Premier spoke to, of contracting. I don't design it.

I heard the member opposite say "tender design". It's not a tender design; it's a design/build. Section 84.(3) of the City of Whitehorse bylaw clearly states that alternatives to insulation requirements "...may be determined through the use of energy computer modelling resulting in an equivalent performance." That modelling is underway. That's for the department to do.

I'm not sure what I hear all the time in this House, but before the House sat I listened to the media. I listened to the Leader of the Official Opposition talk about a school of 450 and the tender not coming out until next year. The tender is out — get your facts straight.

That's all I have.

#### Question re: Highway signage

**Mr. Tredger:** Winter is now here and the growing hours of darkness make highway travel much more difficult. Throughout my riding of Mayo-Tatchun, the inadequate highway lighting and signage approaching Carmacks, Pelly, Stewart and the sight-see entrance at Mayo is a concern for residents and travellers. The highway approaches to Faro and Ross River are also inadequately lit and signed.

When I raised this issue back in May, the Minister of Highways and Public Works said the issue was near and dear to his heart, that he had tasked the department, that it's a priority and that he was committed to safety for the travelling public — lots of words but no action.

This is a safety issue. When can the residents of Carmacks, Pelly Crossing, Stewart Crossing, Mayo, Faro and Ross River expect to see proper highway lighting and signage in and around their communities?

**Hon. Mr. Istchenko:** It is near and dear to my heart. I have to drive through rural Yukon too, so it's very important. I've heard from the residents of Pelly, as well as the residents of Haines Junction — I've heard from the residents of Beaver Creek on signage and lighting. I tasked the department to come forward. Through development and a good Yukon economy — that I'd like to say we can take credit for on this side of the House — it has created some development and some challenges to meet on a daily basis.

The department is out there. I have full confidence in the department to make sure that our roads are safe. They are safe and we look at ongoing issues as they come forward. I've tasked the department now to look at new flashing signs such as we've seen on southern parts of the Alaska Highway and within the city limits of Whitehorse and look at these issues.

**Mr. Tredger:** We'd been raising this issue for years without any action from the Yukon Party government. It should not take years to get basic, safe and proper lighting and signage in our rural communities and highways.

I want to tell the minister about a couple of problem spots on the North Klondike Highway. The narrow Pelly River bridge, which is used by pedestrians, is at the bottom of a long hill. There is inadequate warning signage and poor lighting — an accident waiting to happen. The site-see entrance to a major subdivision near Mayo also has inadequate approach signs, no lights and no turning lane. The cruel irony for my constituents, when they navigate in the darkness to Whitehorse, is the bright orange lights and carefully plowed roads to the relatively unoccupied Grizzly Valley subdivision. These priorities are out of whack.

Can rural Yukoners expect improvements to our highway signage and lighting or will the minister continue to leave them in the dark?

**Hon. Mr. Istchenko:** Absolutely you can, Mr. Speaker. Capital improvements to roads, bridges and airports totalling \$55.3 million with an additional \$2.9 million spent on planning, engineering equipment upgrades — and that engineering and planning is looking at lights and signage.

#### **Question re: Garbage burning**

**Mr. Barr:** In the minister's many years at the Yukon Party Cabinet table, he will recall that it was not long ago that all manner of garbage, tires, plastic, hazardous materials and materials that could be recycled were burned at rural dumps. With the *Solid Waste Action Plan*, the government made a significant step forward and in 2011 the Premier made an election promise to target 50-percent waste diversion by 2015.

Can the minister provide a progress report on whether the minister's promise will be met by 2015?

**Hon. Mr. Cathers:** I thank the member for the question. As the member acknowledged — and I appreciate that he did acknowledge the fact that it was in fact during our time in government that the move was made toward ending the burning of garbage at dumps. That had been an issue for Yukoners in communities, including my own constituents, who were not happy with having smoke that contained known toxins within their communities. The government did take the steps to implement a transfer station at our waste facilities and to move to the point where only clean brush and clean wood is burned at facilities.

We are as well — in terms of the diversion part of it — continuing to work with partners in that. An important thing that the member should note is it is not just the Yukon government that has a role in this; the City of Whitehorse is the single-largest player in waste diversion and reducing, recycling and reusing. Every Yukon municipality that manages dumps also has a role to play and of course the Yukon government does with the unincorporated communities.

We will continue to strive toward the goal that we committed to endeavouring to meet, but we will do so in a

manner that respects the realities of all areas and all Yukon communities and we will work with our partners in doing so.

**Mr. Barr:** When residents of Tagish, Marsh Lake, Carcross, Pelly Crossing and Beaver Creek — to name a few — make their regular trip to the solid-waste facility, they are met with overflowing bins of recycling materials like cardboard and plastics. This has been ongoing since spring. The people are frustrated. On many days there is absolutely no room in the bins for recyclables. The hardworking staff shrug and say there's no choice but to throw the recyclables in compactors bound for the Whitehorse landfill. Can the minister who is ultimately responsible for the management of these facilities explain why recyclables in rural dumps are ending up in the landfill?

**Hon. Mr. Cathers:** What I would note to the member is the simple answer to his question — moving away from what was a very cheap solution for Yukon government and Yukon municipalities of throwing a match to garbage and lighting it is the cheapest way for governments to deal with solid waste. It is not one that is most environmentally responsible or the most health responsible, which is why we've moved away from it. Significant changes in the volume of garbage being dealt with and being shipped and transferred — as well as increased success in diversion efforts and increased volumes of recyclables being dealt with — has resulted in significant changes to the operational model for both the Department of Community Services and Yukon municipalities.

It has created some bumps in contracting in the flow of this. That is one of the issues that I discussed with Yukon municipalities, sitting down with mayors and councillors and officials during my tour of Yukon communities this fall. We're working with them on ensuring that we operate the garbage system collectively effectively now, as well as taking steps to increase diversion, increase recycling and reduce the amount of garbage that's going into landfills.

**Mr. Barr:** The bumps the minister opposite is speaking about have been going on for the last couple of years. I understand he has just taken over this department and I hope we can get some results. The Yukon Party mothballed the solid waste advisory committee; they ignored all sorts of problems with contracting. Instead of clear year-long contracts, transporting solid waste and recyclables have been handled in an ad hoc, one-off approach, called convenience contracts. There have been late payments to contractors for essential work and the public has been given confusing directions about what can and cannot be dumped. We are seeing the results of the lack of leadership. Facilities are filling up and recyclables are ending up in the landfill.

I've been to these landfills out and around the Southern Lakes and it's not a pretty sight. After taking one step forward in territorial solid-waste management, why is the Yukon Party taking two steps backward?

**Hon. Mr. Cathers:** It's really unfortunate to hear the characterization the member is making. In fact, there were significant changes to the operational volumes and the way garbage is being handled as a result of moving away from

burning and increased efforts to increase the amount of recycling and waste diversion. That caused challenges both for the Department of Community Services and for municipalities. We have worked with them through the “Our Towns, Our Future” approach, which came in after the solid waste advisory committee. These discussions have occurred; they have been achieving results.

I would point to the agreement the Yukon government struck with the Town of the City of Dawson around cost-sharing for operation of their facility, recognizing the contribution of placer miners and others in the rural area of Dawson to that facility.

As I noted, I myself sat down during my early days as Minister of Community Services with Yukon municipalities and municipal staff to discuss where things were working well and where there was opportunity for improvement. What I can assure the member of is that the focus of myself and staff is in working with our partners in this area to ensure that we have effective operation of our solid-waste system today, and that we continue to take the steps to reduce the amount that is being put into household garbage by improving recycling and other diversion efforts. That is exactly what we’re going to continue to do.

**Speaker:** The time for Question Period has now elapsed.

## INTRODUCTION OF VISITORS

**Speaker:** Hon. Premier on a point of order.

**Hon. Mr. Pasloski:** I just would like your indulgence to recognize a couple of people in the gallery today. Darren Parsons, someone who is known by all members of this Legislative Assembly — and Red Grossinger is also here — a veteran, Legion member — and I want to personally thank him for the large role that he plays every year in the Remembrance Day ceremony that occurs here in Whitehorse. I invite all members of the Legislative Assembly to welcome them today.

*Applause*

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

## ORDERS OF THE DAY

### GOVERNMENT PRIVATE MEMBERS’ BUSINESS

### MOTIONS OTHER THAN GOVERNMENT MOTIONS

#### Motion No. 509

**Clerk:** Motion No. 509, standing in the name of Mr. Elias.

**Speaker:** It is moved by the Member for Vuntut Gwitchin:

THAT this House urges the Government of Canada to respect the service and sacrifices of Canada’s veterans by working with organizations representing veterans to enhance services and improve service delivery to Canadian veterans.

**Mr. Elias:** Mr. Speaker, it’s an honour and a privilege to rise today and represent the motion I signed and dated, which is No. 509:

THAT this House urges the Government of Canada to respect the service and sacrifices of Canada’s veterans by working with organizations representing veterans to enhance services and improve service delivery to Canadian veterans.

It is clear from the Remembrance Day ceremonies held throughout the territory on Monday and throughout the weekend that Yukoners recognize and respect the service and sacrifice made by Canada’s veterans throughout our nation’s history.

Canada, and Yukon in particular, has a rich history of military service and sacrifice that is a source of immense pride to all Canadians. This history is full of examples of both individual and collective dedication and heroism on the part of the brave men and women who serve and have served in our armed forces, not to mention our history of kindness and giving to war-ravaged areas around the world.

I believe we in this House all agree that our nation that sends its men and women in uniform into harm’s way must also stand and support them when their service is complete. That is the purpose of my representing this motion in the House today, Mr. Speaker. There is no service award or accolade sufficient to reconcile the debt Canada owes its men and women in uniform. We in government cannot claim to match the nobility of the nature of their service to this country nor should we try.

Yet we can and should express our gratitude to them in words, as many of us did on Remembrance Day. More importantly, we must express our gratitude in action and ensure that the services available to those veterans, and the respect we show them, is equal to their heroism. This is our national pledge to our Armed Forces. Upholding this pledge in policy is the responsibility of government. Upholding it in our day-to-day lives is the responsibility of all Canadians.

While many veterans return home without any direct need for Veterans Affairs, not all veterans are able to make a smooth transition. Some become at-risk or homeless. Many are unaware of the support that is available through Veterans Affairs Canada and now Service Canada. We must work to change that.

The federal government has invested almost \$4.7 billion in new funding to enhance veterans’ benefits, programs and services since forming government. That includes \$1 billion in investments since last November. In addition, the federal government has made a series of improvements to the *Enhanced New Veterans Charter Act*, which provides a comprehensive suite of tools, including income replacement that ensures their annual income does not fall below 75 percent of their pre-release military salary, with a minimum pre-tax salary being set at \$42,426.

There is an additional monthly financial benefit of up to \$1,709.27 for those who suffer from lost job opportunities because of permanent and severe injuries. In the event that a veteran has been severely injured in the service of Canada and cannot find suitable employment on a permanent basis

because of those injuries, an additional monthly support of \$1,047.53 is available.

Those who have completed rehabilitation and are able to work, but have not been able to find a job or have a low-paying job may also receive a tax-free monthly payment of up to \$2,593.32, plus an additional \$328.64 per dependent child.

A one-time tax-free award for injuries up to a maximum of \$298,583.97 is also available. Up to \$194.47 per month for wear and tear on specially maintained clothing to support a disability is also available. In addition, veterans and their families may benefit from a range of programs offered by Veterans Affairs and the Department of National Defence.

The *Enhanced New Veterans Charter Act* includes several other provisions. One of the most important of these is regarding career transition services. One of the most important things veterans seek upon release from service is a quality job. Veterans Affairs can help veterans find civilian employment by reimbursing eligible individuals for career services such as aptitude tests, job market analysis, résumé writing, career counselling and interview techniques.

Such services enable veterans to move forward with their lives and careers after release from service and allow them to continue to contribute to our country as members of the work force.

Another service available through the *Enhanced New Veterans Charter Act* is case management. This service is offered to veterans, the Royal Canadian Mounted Police and their families who may be finding it difficult to navigate a transition or change in their lives. These transitions can include such things as a loss of a job or even a loss of a loved one.

Detention benefits are another benefit offered to veterans who were in the appalling situation of having been detained by the enemy, opposing force, or person or group carrying out terrorist activities. Disability pensions, meanwhile, provide monthly tax-free payments to eligible war service veterans of the Second World War and Korean War, civilians who served in close support of the armed forces during wartime, current and former members of the Royal Canadian Mounted Police and many members and veterans of the Canadian forces, who, in many cases, may be eligible to receive a disability award through the *Canadian Forces Members and Veterans Re-establishment and Compensation Act*, in addition to this pension.

A suite of other financial benefits is available to veterans through the enhanced charter including earnings, loss benefits, permanent impairment allowances, supplementary retirement benefits and Canadian forces income support. The veterans charter, which describes these services, is a living document, Mr. Speaker. The federal Minister of Veterans Affairs has stated that the government is willing to revisit the charter to address gaps and ensure that services to the veterans are improved.

This motion lends support to that endeavour, yet while services and service delivery make a significant impact on our veterans, equally important is the action Canadians take to honour our veterans. This year, 2013, was dedicated to the

Korean War veteran. A new memorial for the Republic of Korea was dedicated to the Canadians who helped give that country the chance to become the free and prosperous country it is today.

On another continent, Canada is helping to construct a memorial centre at Vimy Ridge, where the heroism of Canadian soldiers demonstrated Canada's coming of age at the beginning of the 20<sup>th</sup> century.

Last year, Canada marked the bicentennial of the War of 1812, the war that guaranteed Canada's independence and shaped our national trajectory. Canada has also unveiled the travelling Afghanistan memorial, first displayed in Parliament's Hall of Honour before travelling across Canada.

A few months ago, veterans of the Canadian Dahmer Command of the Second World War were finally awarded long-overdue recognition for their heroic service to this country in one of the most dangerous, albeit controversial, campaigns of that war.

I am encouraged by the federal government's commitment to ensure that services and service delivery to veterans do not suffer regardless of structural or policy changes.

As civilians, our job is to never forget what our armed forces who are still active and our veterans have pledged in that covenant to us, and our job is to pledge our unwavering gratitude and support in return. It is with this view to upholding this pledge that I urge the members of this House to support this motion, Motion No. 509.

**Ms. White:** I want to thank the Member for Vuntut Gwitchin for his intent in calling this motion forward. I appreciate his feelings toward veterans, but he and I, however, will have a difference of opinion regarding the treatment of veterans by the federal government and Veterans Affairs.

Last week in a tribute to our veterans, I quoted Conservative Prime Minister Robert Borden. I believe, though, that the quote is as relevant to this discussion today as it was last week, so I ask your indulgence. In 1917, just prior to the Battle of Vimy Ridge, he had this to say to the servicemen ready to be deployed: "You can go into this action feeling assured of this, and as the head of the government I give you this assurance: That you need not fear that the government and the country will fail to show just appreciation of your service to the country and empire in what you are about to do and what you have already done. The government and the country will consider it their first duty to see that a proper appreciation of your effort and of your courage is brought to the notice of people at home... That no man, whether he goes back or whether he remains in Flanders, will have just cause to reproach the government for having broken faith with the men who won and the men who died."

There are many organizations in Canada that are in existence to pick up where the government has left off or where they have dropped the ball completely when it comes to dealing with veterans and veterans' issues. Physical injuries are much easier to deal with than those that are hidden. When a veteran leaves service, sometimes mental conditions are not

yet diagnosed. Many veterans struggle to ask for the help that they need and with the acknowledgement and acceptance of their injury, they have a hard time moving forward, especially when that injury is invisible.

Due to past, present and historical experiences with Veterans Affairs, many veterans have a fear of government organizations and this is where non-governmental organizations play such an important role. These places are where veterans hear from other veterans that help is available and that they are not alone. In many respects, Veterans Affairs needs to come out of its bureaucratic box and offer more support to these valuable resources.

During my tribute last week, I spoke of the Veterans Transition Network. The Veterans Transition Network is a national non-profit initiative created to help reintegrate Canadian veterans with their families and their communities. Their mission statement reads as follows: “For many veterans coming back from battle, including the 40,000 Canadian men and woman recently returned from Afghanistan, it is difficult to reconnect with the lives they left behind or find a meaningful way to move forward. When this results in isolation from family and community members, it can lead to depression, substance abuse, or even suicide. In our one-of-a-kind program, veterans are helped by other vets and specially trained psychologists to work through their experiences and reorient themselves towards a fulfilling future.

“The Veterans Transition Program (VTP) is the first group-based program for veterans transitioning from military to civilian life. For three months, participants in each program spend 80 hours over three weekends living with and helping each other identifying and potentially removing barriers that hinder their transition. Sessions take place in a completely confidential environment facilitated by clinicians and paraprofessionals, focusing on the transition process, the effects of trauma on the person, building skills for self-regulation, communication skills, and completing ‘unfinished business.’”

I know that there are two people in this room who have been very affected by the work of the Veterans Transition Network, and for me that means that this service is invaluable and that more people should have access, so I’m grateful that they exist.

Another organization of interest is Wounded Warriors Canada. Founded in 2006, Wounded Warriors Canada is a non-profit organization that helps Canadian Forces members, be they full-time reservists who have been wounded or injured in their service to Canada. Through a wide range of programs and services, they help find solutions where gaps have left soldiers in need. Currently their primary focus is on mental health — in particular, the staggering impact of PTSD perpetrated by operational stress injuries. Overall, their mandate is to help any veteran in need as they transition to civilian life. What caught my eye about this organization is their establishment of a hand-up program — so it’s not a handout; it’s a hand-up — and their outreach programs to homeless veterans.

Much of the money our Royal Canadian Legion collects while selling poppies goes to help fund Honour House Society in Vancouver. Honour House Society is a refuge — a home away from home for Canadian Forces personnel, emergency services personnel and their families to stay while they are receiving medical care and treatment in the metro Vancouver area.

I believe a poem by New Westminster poet Sue McLeod best describes what Honour House does and she wrote this when she realized that it was going to be on St. George Street. It’s called *Honour House*:

“Defenders will battle ‘til weary and wanting,  
And often their wounds will be hidden away.  
And even when healing their struggles are daunting,  
Continuing on while the memories stay.  
The horrors that weaken restorative waters,  
The nightmares that menace the calm of the night.  
Distorted deceptions of horrible slaughters,  
The longing and prayers for return of the light.  
A refuge was needed to clear the confusions,  
A harbour of safety to weather the storm.  
Support to relinquish the shadow illusions,  
Restorative peace for returning the norm.  
With patience and courage the aid will be given,  
With comfort, the healing advantage is clear.  
With knowledge and kindness the helpers are driven,  
And pleasures are welcomed when loved ones are near.

St. George fought the dragon, was pierced but was healed,

And so can our heroes reclaim what was dear.  
Removing the burdens ‘til love is revealed,  
Suppressing return of the things that they fear.  
We value those choosing an arduous vocation,  
Who bravely respond when the dangers are clear.  
We honour their valour and strong dedication,  
And offer a solace in Honour House here.”

I’ve heard about this place. This sums it up beautifully. It sounds like a safe refuge in the storm.

These three organizations are only an example of the supports that Canadians know their veterans need. These are Canadians who sometimes are directly affected, and sometimes indirectly affected and sometimes Canadians who don’t even know a veteran by name. But what these people share is a respect and honour of the contributions of veterans who have given so much.

My problem is: where is the federal government? Tax credits are not enough. The federal government has cut programs for veterans and continues to cut programs and services that directly affect the day-to-day life of veterans.

Excuse me, I didn’t know this was going to happen. I’m sorry, Mr. Speaker, it turns out that veterans’ issues are very near and dear to my heart. Two years ago, I never would have guessed that this is where I would be.

To fill this increasing gap in programs and services caused by the federal cuts and changes, non-profits like those I mentioned have stepped forward to fill these gaps. Not only does the federal government need to revise the changes they

made to the veterans charter, but they must also support the good work of these non-profits by more than just tax cuts to people who make donations. Government alone cannot support our veterans. They need groups like these to complement their services. Instead we see the government increasingly turning their back on veterans and leaving it to these groups. This is not acceptable.

With the changes to the veterans charter in 2006, the Government of Canada has created a two-tier system of veterans. Even the Veterans Ombudsman has weighed in on the poor treatment our veterans are receiving. Guy Parent, the Veterans Ombudsman, has stated that the federal government's new veterans charter is putting the most severely wounded veterans at risk of hardship and poverty. He has called on the federal government to fix this problem.

It's never easy to be a veteran, but never before have we seen the number of veterans suing the Canadian government like we do today. For years, veterans have raised concerns about the programs and compensation under the veterans charter. Under the legislation, ex-soldiers saw the decades-old pension-for-life system replaced with a workers-compensation-style approach of lump sum awards and allowances. Imagine being told that your security is being taken away. Imagine being told that the life sacrifice that you made for your country is only worth a one-time payout.

Worse yet, nine Veterans Affairs offices are set to be closed by February 2014, and that means that veterans in these nine jurisdictions will no longer have face-to-face access to the services that they need or that they deserve. This only adds to the current environment that Canada's veterans are finding themselves in, an environment that can only be categorized as confusing, challenging, complicated and disappointing.

As I noted last week, it is challenging for veterans and their families to navigate through the various systems and structures.

The amount of paperwork involved in the process to obtain benefits is extremely complex. Now two government departments are involved. There are two rehabilitation programs, and the application, as I mentioned, is 18 pages long. Applying for a gun licence is easier than applying for this. This paperwork decides a veteran's future.

Mr. Speaker, the Minister of Veterans Affairs is on record for saying that no veteran will ever be forced out of service before their 10 years is up, as long as they wish to stay. We know now that that is a lie. Unfortunately, there are many cases of just this happening, including for veterans who have lost limbs but can still do other work, veterans who are facing troubles with PTSD and so on. Because they are no longer battlefield-ready, they are being asked to leave the service. Again the system and our federal government are letting them down.

Mr. Speaker, the role of the federal government in honouring, respecting and meeting our social obligations to veterans cannot be understated. Sadly, as I have noted, our federal government has turned its back on the men and women who have given and who still give so much. We cannot allow

this to happen, and our backs should never be turned on those we ask to risk life, limb, soul and spirit.

A good-faith move in this direction would be to reverse the decision to close nine district Veterans Affairs offices.

*Amendment proposed*

**Ms. White:** I move:

THAT Motion No. 509 be amended by adding after the phrase "Canadian veterans" the following: "and reversing the decision to close nine Veterans Affairs offices across Canada."

**Speaker:** It has been moved by the Member for Takhini-Kopper King:

THAT Motion No. 509 be amended by adding after the phrase "Canadian veterans" the following: "and reversing the decision to close nine Veterans Affairs offices across Canada."

**Ms. White:** In speaking to the amendment, I believe that asking our federal government to reverse their decision to close the nine Veterans Affairs offices across Canada is a much more doable than asking them to revise the veterans charter. I believe that this strengthens our motion and our dedication toward veterans, and I hope that everyone will support the amendment.

**Hon. Mr. Pasloski:** I rise on the amendment to the motion. First, I want to acknowledge the Member for Vuntut Gwitchin for putting forward this motion. I also want to acknowledge people like Mr. Grossinger, who is the gallery today, and the work of the Royal Canadian Legion and other organizations who have provided incredible support for the thousands of veterans we do have among us today — not only those who have served in the past, but those who continue to serve on behalf of all Canadians today, either in the military or with the RCMP.

I also acknowledged in my tribute last week just some of the sheer numbers when it comes to people who have in fact put their life on the line for us. I mentioned that in World War I, 30 million soldiers were either killed or injured in that war. I mentioned 117,000 Canadians have died in those wars or other wars such as the Korean War, which has been recognized this year as well.

It's certainly something that is very near and dear to us. I think the House also knows that one of those small gestures that this government could do was recognize the veterans with the renaming of the Yukon portion of the Alaska Highway to commemorate the work and the sacrifice of those veterans both today and in the past, and those who will serve us as well in the future.

With regard to the amendment, last week we were quite excited when the NDP put forward their motions that they wished to debate on last Wednesday that we were going to see a motion on veterans because it was Veterans' Week. We thought it was very appropriate. However, there were two motions and unfortunately the motion brought forward by the

Leader of the NDP proceeded to filibuster her own motion for almost three —

**Some Hon. Member:** (inaudible)

#### Point of order

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

**Ms. White:** Sorry, 19(g) — imputes false or unavowed motives to another member.

**Speaker:** In what way?

**Ms. White:** By using the word “filibuster,” the Premier’s inferring that the Leader of the Official Opposition purposely wasted time; she did not.

**Speaker:** Government House Leader, on the point of order.

**Hon. Mr. Cathers:** I believe the Premier was simply using a common turn of phrase that is used when a member spends nearly three hours talking to a motion.

#### Unparliamentary language

**Speaker:** The word “filibuster” is used a lot, and generally it does infer that a long and unnecessary presentation was done. Having been here and listened intently to the Leader of the Official Opposition as she spoke to a rather long and complicated motion, I’d have to say that it was long, but it did cover all the subjects within the motion that she put forward. It wasn’t an intentional filibuster to waste the time of the Legislature; it was in fact just a long and complicated motion.

In this case, I would ask the Premier to apologize for the intent of implying that the member was wasting time.

#### Withdrawal of remark

**Hon. Mr. Pasloski:** Thank you, Mr. Speaker, and I will retract the intention, or the means by which you define filibuster as wasting time. I will rephrase to say that the Leader of the NDP did bring forward a motion on the economy and then spent almost the entire afternoon speaking to it.

Unfortunately, it was a motion which did not even get to a vote. Unfortunately, we are not able to bring forward the second motion, which certainly the government’s side of the House was very excited and interested in debating.

I think what we have heard is that there has been some concern by some of the veterans across this country about the proposed changes that the federal government has been bringing forward. I believe that such concerns need to be considered seriously when it affects the potential service delivery to seniors. We’ve also heard from some seniors that they feel that this new service model will provide better access or service to veterans through the Service Canada model simply because there will be — I believe over 600-more locations will be available.

We won’t be supporting this amendment to the motion because what we feel this is really doing is making this issue political. We believe on the government’s side that we want to show the Government of Canada our concern for this issue,

but not make it a partisan statement. What is important to all of us here is that we ensure that the government works with the veterans and works with those organizations to ensure that we not only meet those expectations but improve those outcomes for seniors right across — I’m sorry, for veterans — right across this country. I think that’s really what speaks to the intent of our motion. We can express our concern.

We want to ensure that however this is moving forward, the outcome for veterans is that there is an enhancement to the delivery of service for all veterans across this country. We hope that what we will see is unanimous support for our motion, which says that it urges the government of Canada to respect the service and sacrifice of Canada’s veterans by working with organizations representing veterans to enhance services and improve service delivery to Canadian veterans.

**Mr. Silver:** I appreciate the opportunity to get up and to speak to the amendment. I will be brief.

How we treat our veterans is how we should be treated as a nation. When you sign on the dotted line to serve your country, you commit your life to protecting our nation and every living soul in it.

The words that the member from Takini-Kopper King spoke about — conservative Prime Minister Robert Borden making prior to the battle of Vimy Ridge in 1917 and making a pledge to our soldiers — I don’t need to put it back on record. It’s been put on the record a couple times here now. I think what does need to be reiterated is the point of those now famous words. If you pledge your service and if you are willing to give your life to your country, you should have faith in your government to take care of you. Yet here we are in 2013 cutting servicemen out of pensions. Canada’s last three defence ministers promised that this would never happen.

Canadian soldiers are supposed to qualify for a full pension after 10 years of service, as mentioned here, yet the federal government has found loopholes to deny soldiers their pensions because they are no longer eligible to serve. Why can’t they serve? It is because of injuries that they sustained while fighting for their country.

Less than 100 years later, Prime Minister Borden’s promise has been all but forgotten. Here we are under the current federal government closing Veteran Affairs offices — from the frontlines to waiting in lines at Service Canada offices. Yes, there are a lot of Service Canada offices, but this isn’t the type of service and the type of giving back that’s deserved by our soldiers. I personally don’t mind waiting a couple of days to get my passport renewed, but I don’t suffer from post-traumatic stress disorder.

Now what the NDP have done with this amendment is to change this motion from the Member for Vuntut Gwitchin’s to basically the motion that they tabled last week, but didn’t get to. Friendly amendment or not, this needs to get passed today. We need to put aside our political and partisan views and we need to embrace the fact that this government should be urging the federal government to do all they can for our veterans.

The Premier mentioned last week during his Remembrance Day tribute that we need to show actions when we're talking about remembrance and I really, honestly hope that we can all look past our partisan views, past our words used here, and rally behind an action. You can guarantee that this motion will not be laid to rest. I will keep this government to keeping this promise and I will be enquiring as to how they will lobby their federal counterparts.

We need actions. Pass these motions, otherwise our efforts here will indeed be wasted. I am in support of the amendment. I am in support of the motion. That is all I have to say.

**Ms. Hanson:** Sometimes I'm surprised, but I'm rarely appalled by what I hear in this Assembly. I am appalled by the comments made by the member opposite. The decisions about whether and how to deploy veterans are in their essence political. To suggest that it is a partisan motion to support the work of the federal department that was established by the Government of Canada for the covenant that the member for Takhini-Kopper King referenced, that the member for Klondike referenced — that I heard Mr. Grossinger from the legion reference again last week — the solemn covenant made by the Government of Canada in the second-last year of the First World War — and to suggest that that covenant can be broken, or should be replaced — by what? You know, Mr. Speaker, as much as we honour and respect the work that is done by the many non-government organizations and charities to raise money and enhance the services and improve service delivery for Canadian veterans — people like the Royal Canadian Legion and the War Amps and many other organizations do amazing work.

But the language that this government was pushing forward this afternoon without this amendment is not a very subtle way to escape the fact that the federal government has reneged on a solemn promise.

The Premier may not be paying attention to the media; the Premier may not be listening or reading what the Veterans Ombudsman has said in his damning report in October; the Premier may not care what people say — respected veterans who have dealt with post-traumatic stress disorder like Senator Roméo Dallaire and what he has said about the impacts of these cuts — and they are cuts, Mr. Speaker. Make no mistake about it. We are talking about the closure of nine offices. Veterans Affairs is scheduled to eliminate 870 positions. This is equivalent to one-quarter of its staff — one-quarter of its staff. The largest proportional cut will be to the program that supports the disability, death and financial benefits for veterans, where 32 percent of the positions will be cut. The largest absolute cut will be to veterans' health care, where 380 positions will be eliminated, or 20 percent of the program staff.

Mr. Speaker, to suggest that there is no need to urge the federal government to reverse the decision to close these offices is appalling. I cannot understand why the government would not support this friendly amendment. After all, when we ask people to serve us, we recognize and we will say fancy

words, but the reality is they fight for our freedom and they should not have to fight for dignity.

**Hon. Mr. Cathers:** It's really quite unfortunate to hear the tone we're hearing from the NDP on this. I would remind the members of the facts as we're debating this amendment. A week ago today, when the NDP had identified two motions to be called for debate, I indicated at House Leaders that the government would be providing a friendly amendment to the NDP, which we did later that morning — that we were hopeful the motion would be amended and unanimously passed that day — the Member for Takhini-Kopper King's motion. We did so early in the day. Then, that afternoon, to our intense disappointment, we got to listen to two hours and 50 minutes of the Leader of the NDP talking to her own motion, in what to me appeared to be a lot of unnecessary rhetoric.

Mr. Speaker, we would like to move on in a positive manner. I am very disappointed to hear the NDP choosing to misinterpret what the Premier said in speaking to this amendment. The Premier was quite clear in indicating that our net objective is that we believe it is absolutely imperative that any steps the federal government takes in this area result in a net improvement to the delivery of services to veterans.

Nine offices — we understand the concern about the closures. But nine offices are not sufficient to provide that service delivery to Canada's veterans. It has to be delivered through other means — whether it's through regional offices, whether it's through Service Canada, whether it's through working in partnership with veterans organizations or through some other mechanism. There are many different ways that service delivery improvement could be achieved.

We are not fixated on which path the federal government takes. What we are fixated on is encouraging the federal government — hopefully with unanimous support of this Legislature — to treat the concerns of veterans organizations seriously, to hear their concerns about where they think steps the federal government is currently planning to take will result in a reduction of service, to hear those concerns of veterans organizations, to treat those concerns seriously, and to work with veterans organizations to come up with solutions that result in a net improvement to services and service delivery for our veterans.

Our focus is the objective. We felt that the member's specific wording in the amendment, which was the text of her motion last week, is one that the federal government would interpret as being a partisan political statement rather than a strong encouragement to the federal government to focus on the core objectives of hearing from our veterans and the organizations that represent them — hearing from them where they have concerns about the current service delivery model and what they think is the best path forward to improve that service delivery to veterans and to improve the accessibility of that service to veterans.

I hope that that has clarified it for the NDP. I am very disappointed by the partisan tone that their leader has chosen

to take in this because our objective, as we indicated, is to pass what we hope will be a unanimous and clear statement.

It is very simple. It leaves flexibility for both Canada and veterans organizations to determine what the solutions are. Again, the motion as tabled by my colleague, the Member for Vuntut Gwitchin, urges the Government of Canada to respect the service and sacrifices of Canada's veterans by working with organizations representing veterans to enhance services and improve service delivery to Canadian veterans.

Within that statement, we think it is evident that one of the things that the federal government should be considering is reconsidering the decision to close the nine offices, as they've heard from veterans organizations, and to determine the steps — and what the various possible solutions are — to come up with ways that improve service delivery to Canada's veterans and give full respect to the strong concerns we've heard from members, including members of our local Royal Canadian Legion, and where they feel that the current path forward is not acceptable and will result in a reduction of service.

We commend those veterans organizations for the work they do in representing our veterans. We support them and want to support them in bringing their concerns forward to the federal government — and for the federal government understand that the Yukon Legislative Assembly also shares those concerns. But we do not want to see a partisan motion. We want to see one that focuses on the objective and that is why we believe that the motion as tabled by my colleague is better than taking the more specific, detail-focused and partisan angle that the NDP has chosen to put on it here.

In closing my comments on the amendment, I hope that the NDP will recognize that in the motion tabled by my colleague — under the broad statements that focus on objectives rather than on specific offices or service delivery mechanisms — we're focusing on the core objective of improving service delivery and respecting veterans in the organization, including treating very seriously the concerns that they have brought forward about current federal plans.

In closing my comments on the amendment, I just want to again thank all of Canada's veterans, both past and present and including those who have fallen in wars overseas. I hope that we will be able to come up with a motion that is unanimously supported, and I hope that members of all parties will temper their language and not use inflammatory language such as that used by the Leader of the NDP. I think it is not a positive inclusion to this debate because again, in closing, I want to emphasize my strong belief that the federal government needs to hear what veterans and the organizations representing them are saying to them and consider what steps and what possible solutions are appropriate and would result in an improvement to the services to our veterans, including appropriate treatment of veterans who have served in terms of the model around the disability pensions and pensions for veterans who have retired.

In closing, I want to reiterate my personal gratitude and the gratitude of the government to all who have served Canada in recent and in past conflicts. Without their service we would

not have the freedoms we enjoy today. I want to acknowledge particularly Canada's war veterans for their service and also those who have served us in peacetime and done their best to avoid Canada being placed into a situation where we would be in a war. As I hope members recognize, it is important for a country to remain peaceful. It's important to have a strong military that defends our national borders and protects our interests overseas.

With that, in opposing the amendment brought forward by the Member for Takhini-Kopper King, I want to again state my personal — and this government's — strong support for our veterans and strong appreciation of their viewpoints and their concerns.

**Ms. Stick:** I will speak to the amendment. I just want to start off by saying that I am confused because I heard that last week there was going to be a friendly amendment to our motion and that the government hoped it would be passed unanimously. Well, if we look at this amended motion, it's the same, except the two items are reversed. There is no difference; it is the same. By passing that unanimously —

**Some Hon. Member:** (Inaudible)

#### Point of order

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

**Hon. Mr. Cathers:** I would encourage the member to actually look at the wording that was presented because she just made a factual misstatement.

#### Speaker's ruling

**Speaker:** Not having seen the amendment to the original one that the NDP had brought forward, I can't give a ruling on this. I don't have the facts in front of me.

**Ms. Stick:** Mr. Speaker, there's not much difference in this proposed amended motion today. It is the same. By passing it unanimously, it's not partisan. We are urging the government to do exactly what the member opposite said — we are urging them to listen to veterans, to their families and to the public who have demonstrated, marched, written letters, protested, written reports and publicly spoken out against the closure of nine offices. What goes with that? We already heard the statistics about the staff who will be lost.

Veterans in the Yukon have said these cuts — and they have been going on; this isn't new — in the last number of years have resulted in no visits from Veterans Affairs staff, when at one time case workers came to the Yukon a couple of times a year to work with veterans, their families and to give them assistance. This has not happened for over two years. That is not good service.

By asking the government — urging the government, to do this one thing — to keep these nine offices open and what that means in terms of staffing and services to veterans — is not partisan. It is simply listening to what veterans and their families and the public have been asking for, not just last week, but for a long time now. This isn't something to be

debated once a year. This is something that should be in the forefront all the time, year-round.

I support this amendment and I think we could pass it unanimously without it being partisan.

**Speaker:** Does any other member wish to be heard on the amendment?

Are you prepared for the question?

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Pasloski:** Disagree.

**Hon. Mr. Cathers:** Disagree.

**Hon. Ms. Taylor:** Disagree.

**Hon. Mr. Graham:** Disagree.

**Hon. Mr. Kent:** Disagree.

**Ms. McLeod:** Disagree.

**Hon. Mr. Istchenko:** Disagree.

**Hon. Mr. Dixon:** Disagree.

**Mr. Hassard:** Disagree.

**Mr. Elias:** Disagree.

**Ms. Hanson:** Agree.

**Ms. Stick:** Agree.

**Ms. Moorcroft:** Agree.

**Ms. White:** Agree.

**Mr. Tredger:** Agree

**Mr. Barr:** Agree.

**Mr. Silver:** Agree.

**Clerk:** The results are seven yea, 10 nay.

**Speaker:** The nays have it. I declare the amendment defeated.

*Amendment to Motion No. 509 negatived*

### Speaker's statement

**Speaker:** Before returning to debate on the main motion, the Chair would like to make a brief statement.

During her speech to the main motion, the member for Takhini-Kopper King referred to assurances made by the federal Minister of Veterans Affairs as a "lie". While the Standing Orders are designed primarily to protect members of this House during debate, members should also be careful about how they refer to the words or actions of other persons who do not have the ability to defend themselves within this place.

It's something to keep in mind in future please.

Does anybody wish to be heard on the original motion?

**Ms. Hanson:** With respect to the motion as unamended, I think that it goes without saying that the Official Opposition does very much respect the work that's done by non-government organizations, by the Royal Canadian Legion and others. But I don't think that we can

escape — as I said earlier in speaking to the other motion and I will say again: I don't think we can escape the fact that the primary relationship between those who serve Canada, whether it is a veteran of one of the Armed Forces or the RCMP, is between Canada and that person — the veteran.

So I speak with concern about this motion because it really does skirt around the very real fact — as my colleague from Riverdale South, my colleague from Takhini-Kopper King and the Member for Klondike spoke to — skirt around the fact and the reality that the federal government has systematically moved itself away from delivering on the commitments made, as referenced earlier, by the federal government toward the close of the First World War.

Mr. Speaker, I would urge members to remember that that covenant undertaken by the federal minister of the day was on behalf of all Canadians for all time. It had no best-before date. You didn't say that we might change our minds someday and we won't owe vets as much, or we won't have to do anything for them.

I believe, and I believe many Canadians believe, that that kind of covenant is a solemn covenant and is in behalf of all of us, and that it was for all time. I believe that the primary responsibility and accountability rests with government.

Mr. Speaker, we all have different images that come to mind when we think about the word "veteran". For me, it is an air traffic controller, a public health nurse, a mechanic and a social worker. The air traffic controller was my father. During the Second World War, he served as a flight instructor as part of the Commonwealth air training plan, serving in both Canada and Britain.

The public health nurse was my aunt Maggie who was one of 4,000 or so Canadian nurses who served Canada as a nurse, often in trying and very difficult circumstances. When nurses were deployed, the military hierarchy of the time was uncomfortable — often uncomfortable with the notion of much profile being given to the role played by women in particular in the front lines.

It often went unacknowledged, and I can tell you, Mr. Speaker, that my aunt's experience in Europe was often very difficult. The military history and the history of Canada often hide that fact because they believed that we would be uncomfortable with the knowledge that Canadian women were subject to the violence and horrors of war. That was true in the Second World War, and I think sometimes it is equally true of the active duty roles that women play in the Canadian military today.

The mechanic was my uncle. He was a mechanic in civilian life, but during the Second World War he served with the Canadian military and was part of the Aleutian Islands Campaign.

The social worker is a friend who had never talked with me about his military service. He was young. It was the mid-1970s and we were in London at studies at the LSE, and on a walk at Hyde Park there was a loud retort. My friend hit the ground, visibly shaken, and it turned out that although he's a Canadian, he had served in Vietnam and struggled with what we today call PTSD.

I'm reminded that when we ask people, men and women, to fight for our freedom, we ask them to do that on behalf of all of us. We shouldn't ask them to have to fight their own government to ensure that their rights are respected, that they are respected as human beings.

On Monday — on Remembrance Day — I had some people coming over for dinner and, as my want on Remembrance Day, I usually put on a CD by John McDermott. Some of them are kind of sappy songs and some of them are powerful songs. One of the ones that I forgot about and was played that afternoon put it very graphically. It's a song by Eric Bogle. He's an Australian songwriter and you may know it. It's called *And the Band Played Waltzing Matilda*. It tells the story of a young man in Gallipoli. It's a harsh ballad that reinforces the importance of the covenant made by governments.

In that song, he talks about being a young man who lived the life of a free young man, and then his country said in 1915:

"It's time you stopped rambling, there's work to be done.

So they gave me a tin hat, and they gave me a gun, and they marched me away to war.

... and as the ship pulled away from the quay,

And amidst all the cheers, the flag-waving and tears, we sailed off for Gallipoli."

And he says in that song,

"And how well I remember that terrible day, how our blood stained the sand and the water.

And of how in that hell that they called Suvla Bay, we were butchered like lambs at the slaughter.

Johnny Turk he was waiting, he'd primed himself well. He shower'd us with bullets,

And he rained us with shell. And in five minutes flat, he'd blown us all to hell...

But the band played Waltzing Matilda...

And those that were left, well we tried to survive, in that mad world of blood, death and fire

And for ten weary weeks, I kept myself alive, though around me the corpses piled higher

Then a big Turkish shell knocked me arse over head, and when I woke up in my hospital bed,

And saw what it had done, well I wished I was dead. Never knew there was worse things than dyin'...

So they gathered the crippled, the wounded, the maimed, and they shipped us back home to Australia.

The legless, the armless, the blind, the insane, those proud wounded heroes of Suvla

And as our ship pulled into Circular Quay, I looked at the place where me legs used to be.

And thanked Christ there was nobody waiting for me, to grieve, to mourn, and to pity.

But the band played Waltzing Matilda, as they carried us down the gangway.

But nobody cheered, they just stood and stared..."

Mr. Speaker, the reality is that war is hell, and we ask people to do it on our behalf. Then when we decide at some point, for some reason, that we're going to, not with thought

or care, make across-the-board cuts to what government looks like, we don't think of the impacts. The reality of the impacts of that is, in the name of budget cuts, the federal government has gutted the federal department charged with serving our veterans.

As I said at the outset, I have great honour and respect for the many non-government organizations and charities and volunteer organizations that also rise to the challenge of providing specialized services and support to veterans in many ways, but the fact of the matter is that the covenant, the relationship between those veterans, is between the federal government and the veteran.

The 2012 federal budget cuts gave assurances that the cuts would only target the back office and avoid cuts to services. Unlike the Member for Vuntut Gwitchin, I do not have any confidence that the federal Conservative Party will ensure that veterans, as human beings and as people who have served this country, will not see cuts to services. As I pointed out earlier, and I'll repeat for the record, the annual reports on plans and priorities, published by federal departments, make it clear that Veterans Affairs — this is the 2012 budget. But as of this year, in addition to the 870 positions that Veterans Affairs is scheduled to eliminate — the initial cut was 24 percent — the government has now decided to transfer the last veterans hospital to the Province of Quebec, which is an overall increase to 1,295 person years, or a cut of 40 percent. I don't understand how that can be justified.

The public servants who work with veterans have been dealing with this and, as good public servants, trying to do their jobs under the stresses of these cuts. They have tried to deliver with decreased resources.

One of the public servants from the Union of Veterans Employees said, and I'll quote: "...employees have 'helplessly watched' as their department has been 'systematically disembodied limb by limb. We used to be a well-oiled machine. We now lack the structure to even be relevant or operate efficiently.'" He also said that those austerity measures weren't supposed to impact client services, but across the country those services are diminishing. He said that, right now, as a department, we are failing the veterans. We are not doing what we've been mandated to do.

Veterans echo the voices of the employees. A veteran named Shane Jones, who lives in Sackville, Nova Scotia, came back from Afghanistan in 2008 — and I'm quoting here — he feels like he's still at war. He said: "We go overseas, we fight for our country, we do what we're asked, and when we come home it's like we've got to start another war all over again just to get the medical help that we need."

Because of cuts, since his release, he's had seven or eight caseworkers, including three since June. Each time a new one is assigned, the family must start over. I'm not sure if anybody in this room has ever had to deal with trauma, but having to restate it repeatedly is very difficult.

The difficulties that that veteran has experienced are repeated time and time again. He said that it's been hell. I'm quoting here: "Jones scoffed at claims by Prime Minister Stephen Harper, made as recently..." — this was done two

weeks ago — "...that the government is providing troops and veterans with the supports they need."

He said, and I quote — because I know the language cannot be unparliamentary — but he said, "I think that's just a baldfaced lie. He's taken everything away from us... Why am I begging for help?"

**Some Hon. Member:** (inaudible)

### Point of order

**Speaker:** Minister of Community Services, on a point of order.

**Hon. Mr. Cathers:** You just ruled earlier, reminding a member of the principle around accusations directed at members inside the House, and the principle that members cannot do indirectly what they can't do directly has been ruled on many times in this House. I think the member crossed the line.

### Speaker's ruling

**Speaker:** I deplore the word "lie" or "liar" being used here and it actually upsets me quite a bit. The context in which it is used sometimes might make it allowable and such. In this particular case or in the previous case, the Member for Takhini-Kopper King said that we now know that it's a lie, referring to the fact that we're reading in the paper of the actions or inactions of various people based in the statement.

In the case of the Leader of the Official Opposition here, she was actually quoting somebody verbatim and premised it with the quote. She in fact did not accuse anybody of lying. But at the same time, in any situation like this — whether you're quoting a poem, a quote or a statement by anybody in this House or outside the House — and you have to premise it with, "I'm not making this on my own," I would strongly recommend that you paraphrase it because once you say it in this House, you own it.

I'm not going to ask for any retractions or extraction at this time. I just want to warn everybody that I am getting frustrated with it and the more frustrated I get, the less you are going to like it.

Leader of the Official Opposition, please continue.

**Ms. Hanson:** Thank you, Mr. Speaker. Canada's Veterans Ombudsman, Guy Parent, says the federal government is failing some of the most severely wounded and disabled soldiers and the government must address its urgent shortcomings. His report, issued in October, highlights serious issues about the level of financial support given to veterans, especially those who are permanently disabled in combat. There are many aspects of the Ombudsman's report that are disturbing — and they should be disturbing to us all — as we heard last week from members of the Royal Canadian Legion when they spoke out about the cuts.

The Royal Canadian Legion has said that it has been raising the same issues for years and they are going to actively push the government to try to make changes. We, too, should be supporting those veterans to make those changes. Mr. Speaker, the covenant between those who serve Canada, even

unto death, is first and foremost between veterans and the people of Canada as represented in our parliamentary democracy that many gave their lives to defend.

In closing, I think we would do well to think about and reflect on the words of a well-known Canadian songwriter, Buffy Sainte-Marie, who described what a soldier is. She said,

"He's five foot two and he's six feet four,

He fights with missiles and with spears

He's all of 31 and he's only 17

He's been a soldier for a thousand years

He's a Catholic, a Hindu, an atheist, a Jain,

A Buddhist, a Baptist and a Jew...

He's fighting for Canada...

He's fighting for democracy...

He's the universal soldier...

His orders come from far away no more...

They come from... you and me."

**Hon. Mr. Istchenko:** I'm honoured to speak today on the motion put forward by the Member for Vuntut Gwitchin. I thank him for that. I'm glad that we get to speak to this motion in the House.

I'm probably one of the few people who got the opportunity to spend some time in East Germany and Hungary when they were communist countries and had to worry about making it back to safer ground. When I retired from the military in 1990, the military asked me a few questions. "Do you have a heartbeat?" Check. "Can you see?" Check. "Can you smell that?" Check. "How are your teeth? Do you want more or less, or are you happy with what you've got?" Check — et cetera. "Down the line. Have a nice day."

I've seen many improvements since then. Post-traumatic stress — I don't know what my grandfather went through when he came out of the war, but I know they didn't ask me if I had any issues with what my thoughts were. I know they do that now. Veterans Affairs reviews their records now with them. They do a better job. They check the clarity of it and some of the potential stuff that could happen. But things are still missed.

Quite often a member will be suffering and not be aware or it or understand it or feel that they deserve help — often feelings are interfered with from somebody seeking help. There are members who lose everything. They lose their homes, their families, their self-respect and their self-esteem. They're the ones we call the lost ones.

We have heard much about loss of services with the closing of some offices. Veterans Affairs is not the only organization that is changing their point of access. More and more is going on-line. When I first heard of this — not seeing everything — I was happy to see that there was a Service Canada office here that a veteran could go to.

During the week of remembrance, we remember the deeds and commit to never forget. If we forget the past, the future will not look good. Most are afraid or unsure of how to help when you see someone in need.

Remembrance Day was last Monday. I just want to thank my community and those people and organizers who came

out. We had more wreaths this year than ever before, which is more money that will go into the poppy fund that the Legion and this Branch 254 of the Royal Canadian Legion has the opportunity to administer for us. The Legion is a leader in Canada on helping veterans. Veterans Services is helping veterans. Health and Social Services — the Minister of Health and Social Services sees a lot of that — not personally himself, but in his shop he does.

When I got out of the military, one of the things that helped me was fellow soldiers. I got the opportunity to become a Canadian Ranger right after. Meeting the other soldiers was very helpful. When the troops went to Afghanistan and after a couple planes crashed into a couple of big buildings, we saw soldiers coming back from their tours in Afghanistan needing a break and getting the opportunity to go somewhere. They had the opportunity to come north to be ranger instructors. I met quite a few of them and there quite a few of them that I met that had some issues.

I remember talking to one of my friends — and he's still a good friend of mine today and he's doing very well for himself — his wife said: "He never talked to me for a year." He wouldn't talk to his kids. He just sat outside. He came here. Myself and a young man in my community who's just a Canadian Ranger — he was 20 — became good friends with him through conversation and talk. It helped him a lot. There's a lot of stuff out there.

Every year at Christmas time I'm encouraged by the fact that we used to give out baskets and pass on bottles of wine. I'd just send a card to everybody and tell them I'm donating to the Wounded Warriors fund. It's another great organization.

A friend of mine, a fellow veteran, gave me something earlier today and it's something I found quite appropriate. I think it really heeds to what were speaking to today. It's something from the TV show *The West Wing*. A man is walking down the road and he falls in a hole. He tries to get out but he just can't get out of the hole. After some time, he's just exhausted and he can't do anything. Then he sees a preacher and he hollers at the preacher, "Can you help me out?" The preacher looks in the hole, writes out a prayer and throws it to him in the hole and walks on. The man tries again and after great effort he is exhausted and he can't get out of that hole again.

Then he sees a doctor coming out and says, "Hey doctor, can you help me out?" The doctor looks at him and he writes a prescription and throws it in the hole and walks on. The man tries again and again and he fails. After some time, he sees a friend and he asks, "Hey buddy, can you help me out?" The friend looks in the hole and then he jumps in. The man looks at him and says, "What did you do that for? Now we're both stuck down here." The friend says, "Been there before. I know the way out."

We all owe it to ourselves and to each other often just to be that friend. Whether you're a public servant in Health and Social Services or Veterans Affairs or just someone on the street, you owe it to a veteran to help them.

**Hon. Mr. Kent:** It's indeed a pleasure for me to speak to this motion brought forward by the Member for Vuntut Gwitchin today and I thank him for bringing it forward.

I know many who have spoken today have spoken about making sure that we have a net improvement for service delivery for our veterans and that's something that is extremely important to me. There's a respect that I have for those men and women who have fought for us that was really instilled in me by my dad, who was a veteran as well.

Prior to gaining elected office, I would do my part selling poppies for the Legion, buying poppies, wearing poppies, having a beer at the Legion on occasion just to continue to support that organization and ensure that they can continue to do the great work that they have done.

We've seen the local branch of the Royal Canadian Legion make significant donations to local charities, such as the Yukon Hospital Foundation, which I used to be involved in prior to being elected.

Since being elected, I've had the pleasure of being part of a government caucus and Cabinet that has done many things to support our veterans, such as the highway dedication the Minister of Highways and Public Works did recently, dedicating the Yukon portion of the Alaska Highway to all veterans.

Something that was very important to me — my wife and I have frequently travelled to Alaska, driving on the Alaska Highway. As soon as you cross that border, you notice that the Alaska Highway also became the Purple Heart Trail. In the number of travels we did to Alaska, I thought that was something that would be an excellent opportunity for the Yukon to do. Most of those travels were prior to my being elected.

Last summer, I had the privilege of travelling to Nova Scotia for the national Education ministers conference, and my wife and I spent some time in that beautiful part of our country — the first opportunity we ever had to do that. One of the highways — forgive me, but perhaps the Member for Klondike or the Minister of Economic Development who know Nova Scotia a little bit better than I — was dedicated to our veterans. I was able to come back and was advancing the idea to dedicate the Yukon portion of the Alaska Highway to our veterans and was very pleased to know that the Minister of Highways and Public Works had already started work on that important initiative. That's one of the respectful ways that we as a government have been able to honour our veterans.

One of the other aspects has been the support that, as a previous minister responsible for the Yukon Housing Corporation, I was able to give to the Vimy Heritage Housing Society to support their efforts to bring an assisted living facility here to the Yukon, not only for those who are veterans, but for other seniors who require that kind of service. I know the community development fund has allocated just under \$75,000 to advance this project. I'm looking forward at some point to catching up with the proponents of that and getting an assessment of where they're at in advancing that project and making that a reality here. I know that is something that you, Mr. Speaker, advocated a

number of years ago prior to your being elected. I think it would be an important addition to our community.

Finally, as ministers we often receive cards and letters of congratulations or thanks for many of the things we're able to work on. I thank everyone who sends them. They often end up in a file in my desk drawer, but there's one I keep by my computer. Perhaps if members will indulge me, I'll read it into the record here.

It's dated June 16, 2013 and states: "Dear Minister Kent, thank you for your letter and action on my request to bring the National Day of Remembrance and Action on Mass Atrocities to the attention of students in the Yukon. In my ongoing hopes to engage young people on the prevention and response to mass atrocities, your support this year and in years to come is sincerely appreciated. Best regards," — and it's signed from Senator the Hon. Roméo Dallaire.

Mr. Speaker, I think why this particular card stays by my computer is the respect that I have for the man and the respect that I have for the military. As I mentioned, much of that was garnered when I was young. My dad — it was funny to read the article in last week's *Yukon News* about a young man who signed up as a teenager and ended up as a tail gunner in a Lancaster in, I believe, what was the Royal Air Force. That story could have been written about my father. He signed up at the age of 17. I've seen the photos. I don't know how he passed for even 15 or 14 at the time, but he managed to make it in and ended up as a tail gunner in a Lancaster for the Royal Canadian Air Force — thankfully not seeing any action over the skies in Europe, but nevertheless he was posted overseas and brought back some great wartime stories about his time there and some stories that bring a smile to my face. I certainly respect his commitment at such a young age to the duty that he saw as a young man growing up in a small prairie town.

Perhaps it's his brother, King. These are the nicknames that they had for his brother and his cousin — King served in the infantry and did see action overseas — or his cousin, Hub, who was also in the Royal Canadian Air Force. Or perhaps it's my mom's father, Stanley Tetlock, who served during World War II on the home front, guarding prisoners of war, or my mom's brother Lloyd, who was too young to serve in World War II, but did end up serving in Korea and then made a career in the military until his retirement, where he made a very successful transition into the private sector.

Or perhaps it's my mom's five uncles: Hugh McPherson, Bill McPherson, Mick McPherson, Doug McPherson or Ken McPherson. I can't imagine what it was like for their mother, my great grandmother, to have those five boys serving overseas in World War II.

I remember as a young boy I spent some time on my mom's Uncle Ken's farm just outside of the town in Saskatchewan where my family is from — and maybe it was a little bit of the libations that they were enjoying — but it was the first time I had heard a veteran tell some of the stories of his experience overseas and some of the memorabilia he brought back — and really respecting those stories that he told

as a young man. I believe I was only in grade 1 or 2 at the time and it's a story that has stuck with me to this day.

Mr. Speaker, I mentioned earlier my wife and her strong commitment and respect for veterans, and perhaps that came from people like her maternal great-grandfather. His name is John Alexander Smith and he was the youngest captain in the British Army at that time. He left Ireland as a captain for the Boer War and remained in South Africa after the war, where my wife's grandmother and then her mother were born before they immigrated to Canada in the 1950s. I have a great deal of respect for my father-in-law, Tom Van Soldt, who was born in Nazi-occupied Holland. I can't imagine what it was like for his mother and father. They had four boys born there and I know within 10 years of the end of the Second World War he moved his family to Vancouver to get away from ever having to deal with the atrocities of war ever again.

When it comes to services for veterans, I know that my dad, who immediately after the war worked for the Saskatchewan Wheat Pool as a grain buyer and worked in an elevator throughout the prairies, before he transitioned into a job with the federal government and was hired by the federal government in large part, I believe, due to his time in military service — he was also able to take advantage later in life of some of the services that Veterans Affairs offered — home care services for him, as he was in his later years before he passed away, that were offered to him as a veteran.

I guess my respect for veterans extends well beyond bloodlines. In talking to my dad's cousin last week — just prior to debate on last Wednesday's private member's motion that we didn't quite get to — from the small town in Saskatchewan just east of Regina on the No. 1 Highway. I asked him if he had any numbers of the individuals who had served in the wars from the Grenfell area, which is the small town I have been referring to. He didn't have the number of those who had served, but he did have the number of casualties. A town that is approximately the size of Haines Junction — maybe a little bit bigger — 1,000 people at the time — in World War I there were 56 casualties; in World War II there were 25 casualties.

In speaking with the Premier on CHON FM on Friday, I was able to relay that story to the listeners. I think that those small towns exist across this country — across the Prairies, British Columbia and into Ontario and Quebec and, of course, the Maritimes and Newfoundland and Labrador, which was not part of Canada at the time.

My respect is not only for my blood relatives and my wife's family, but those individuals from those small towns who fought, and many of whom died, for our freedom. It extends to individuals who live in my riding of Riverdale North, such as Red Grossinger, Ron Fox, Doug Bell — many of the individuals who have served this country. It also extends to my best friend's brother, Gord Cullen, who is currently a member of the military and who has served multiple tours in Afghanistan. He was very close to some action and was very close to harm's way. He served at a time when it was a very difficult operation in Afghanistan for the Canadians when they were on the extreme frontlines.

I will continue to advance the needs of veterans, whether it's at our caucus table, or at our Cabinet table, or wherever I am. Those individuals who have served our country I have the utmost respect for and I too am looking for improvements in the service delivery for those individuals that make sense for them. I'll continue to fight for them just as they fought for us.

**Mr. Barr:** I'm honoured to speak to this motion put forward today by the Member for Vuntut Gwitchin. I'd like to give thanks to those veterans who are with us today and acknowledge their service. I would like to acknowledge Red Grossinger, the Minister of Highways and Public Works, and the Speaker of the House — those I know of, but if there is anyone else in here, my apologies, but those men I mentioned we owe our utmost respect to.

Canada's veterans — I think we are falling short of our duty to honour these veterans from the past and the veterans of now both in government and the public at large on a daily basis. We must do more, and in saying that I do not want to ignore the efforts of those who do recognize the greatness of veterans past and present. It's not all doom and gloom. There are people who are fighting and trying to come together to make sure that the duty served and the duty of gratitude never ends to those who did so.

I think back to when I was a younger man. I had just turned 18 in North Bay, Ontario, and I had worked in restaurants for many years. At that point of 18, I ended up with a dining lounge. It was called the Pepper Pot Dining Lounge, and it was in a hotel. It was one of those hotels that had a rock and roll bar on one side and an old country bar on the other side. You can imagine in a small town — it was generation drinkers in the old country bar and the young rockers next door at night, and they called that "the zoo". If you were around at closing time, you'd know why they called that "the zoo".

Being a young guy already with a couple of children and married, I worked hard and in the morning there would be two elderly gentlemen who would come in there. One's name was Garnet and the other was Henry, or Henri — he was very French Canadian. He carried a picture of his mom in his wallet. She was over 100 years old when she passed. She was in the casket in this picture and he would show that to me. He loved his mother. I had never seen a photo of someone's mom in a casket. This angelic-looking lady was laying there. He would bring that out.

They didn't talk much, but they'd come down every morning for breakfast. Then they'd kind of sit there and motion to me — it wasn't that busy in this place. Long story short, it wasn't long that I had had that place and Remembrance Day was coming around. They both showed up that morning and they were veterans. They were silver-haired grey veterans. Henri was a tall man, Garnet was a short man. They were World War I veterans. They were both quite elderly. They lived in the hotel room. In the countryside, there were hotels up there.

They were proud that morning when they walked in with their medals. Garnet had a cane. Thinking back — this was in

the early 70s; these are memories that just came to me today. I had other things I was going to say, but I'm just kind of winging it right now. When those guys walked in that day, I hadn't known. As I said, they didn't talk much. Certainly one drank a lot. There were always a few — and I don't say that in a derogative way — young guys with one of them who would sit in the room and drink the wine until the money was gone from the pension, then they would come back around next pension pay. That was the life that I saw happen, day after day.

Henri didn't indulge that much — I would often see him just sitting by his window, looking out that window when I was walking down the street.

I saw them alone a lot. In talking with them, I found out what their favourite foods were and I would make it a point. Henri liked pike fish, boiled. So I used to go ice fishing and I would make sure that I would get some pike for Henri and I would boil it. They weren't on the menu. Garnet liked good sausage and he liked steak, so I would make sure I would get him a nice porterhouse steak that wasn't on the menu. I cooked those fellows the food they liked to eat from time to time at no charge.

I think of us as people — human beings who owe our service on a daily basis, and that's what I mean. Not only is it up to us to let the government know specifically at times where they're falling short so they can make informed decisions about what we are doing and what we are not doing for those people we serve, but also to think about the veterans who are looked over. When we're walking down the street, there might be an old person and just look in there and John Prine says, "Hello in there" in some of his songs.

I think of the First Nation vets with Kwanlin Dun when I was about to meet with some of the elders, who have all but given up hope and have never received a pension. They don't really know how to maneuver through those hoops from years past and today, as I understand it, there are many more hoops. I believe we should be making it simpler, not more difficult, and asking how we can help — not just say this is how you must do it now.

I want to acknowledge the comments from my colleague from Takhini-Kopper King earlier and her passion. I hold them in the highest regard. I think we should all take a note from this member and her words earlier and pass them on to those who would listen to make sure that we're not having to be in this Legislature today to pass motions or to talk about amendments to motions of what the government is not doing — and slowly decreasing what they're not doing — but maybe be able to stand up here in the future and say, wow, we're finally getting it right.

Facebook is huge these days, Mr. Speaker. I was looking at all the posts from Facebook and some of the stuff that is going on that honoured people, the veterans — the Remembrance Day parades. There are some things that caused me quite a bit of alarm and there were things that made me feel good. I noticed in one of the ongoing little sagas on Facebook — it's not a little saga really, it's something that people seem to have lots of words for because everybody has

got an opinion — where a native veteran was arrested for trying to carry his native flag in the parade. He was veteran of five years and it was a police officer who — he was arrested — shouldn't do that. The veteran got upset and said some nasty things — and I don't know what came first, the chicken or the egg; however, his flag wasn't allowed to be walked in there. Then I looked at another post and there it was in Timmins, Ontario and there were veterans walking in the parade with Canadian flags, Legion flags, First Nation flags, flags of Canada — not quibbling, not deciding who was right and who was wrong, but just honouring and we honour in the way we do.

A little gal that I met last week said to me, "What are you doing this weekend?" I said, "Well, I'm doing this and that and then Monday I'm going to be presenting a wreath" — which I might add I was very honoured to do so in Carcross on Remembrance Day. I said, "What are you doing?" And she said, "I don't go to those things." I said, "Oh." And sometimes as we do, as human beings, I kind of said, "Hmmm, why not?" — kind of making a little judgment around that. I was quickly relieved or let known my own shortcomings. "I do this in my own way," she said. "I always make time to walk out there and say thank you." She walks in the bush and says a little prayer. So we can be pretty quick to judge.

I, and we, will be supporting this motion today. I would like to say that I look forward to the day when we can all just do the next right thing. We must show leadership, not only in this House, but as human beings on a daily basis of what that next right thing might be. I believe that and this is not about our egos or scoring points. This is about the veterans past and present and future — clear and simple. Lest we forget.

**Hon. Mr. Cathers:** I'd like to thank the Member for Mount Lorne-Southern Lakes for his comments and I appreciate his constructive addition to the discussion this afternoon. I'll give him credit; I think he summed it up quite nicely.

They key point that all members of this House should take in debate this afternoon is that this is not about us. This motion is about veterans. It is not about where one aligns at the federal level, whether they would like to score points against the federal government because of the concerns veterans have had with some of the changes what are being proposed or anything of that type.

I'd just like to reiterate that our intention in the phrasing in the motion as it was and in not supporting the amendment brought forward by an NDP member was that we think that for this message from the Legislative Assembly to have the best chance of being heard by the federal government and being treated seriously, we need to ensure that they understand that this is not about attacking their intentions. This is not about getting too far into to the details of exactly how the federal government addresses service delivery and responds to concerns from veterans about service delivery. It's focusing on the principles that should apply to it.

First and foremost, it's important to recognize where there have been concerns expressed by veterans and veterans

organizations about the current status of service delivery and about the planned changes in certain areas — to treat those concerns with respect, to work with those organizations, bring them forward and to try in coming together — and in this, the key players would be Veterans Affairs and veterans organizations — to come up with solutions that ensure that whatever path is taken — whether they are services available through a veterans service office or a Service Canada office or through some other form or venue — so that we don't lose sight of the two key objectives: supporting veterans and improving services.

In speaking to this motion, I'd like to just make a few comments personally. I know everyone has their own experience with veterans and most have family members who have served, but although it's the week following Veterans' Week, it still is an appropriate time to commemorate veterans. In fact, as some have said, every day should be Remembrance Day because it's too easy in our society today to see past conflicts as distant. It's too easy to not see them as relevant to people's lives today or to not see the risks as relevant.

Although we have seen an increased awareness among citizens with the number of Canadians who have served in Afghanistan, I think there has been an increased awareness of the role of the military and the role of the men and women — the Canadians who put themselves in harm's way along with our allies to protect our freedoms. I think for many people it's very easy to go about their daily lives and not really understand or think about why we have the freedoms we have now, and who is standing up today to ensure that that our shores remain safe and that our country remains protected.

I would like to acknowledge — as many have and far more eloquently than I — the contribution of veterans in World War I, World War II, the Korean War and the peacekeeping engagements in Afghanistan. Those are the ones that commonly come to mind, and all those examples of service and situations are very key and important parts in our country's history and the history of the men and women who have stood in our service and put themselves in harm's way and, in some cases, have paid the ultimate price for defending us and our freedoms.

There are also other cases. I am not going to go through an exhaustive list. I'm sure I would miss significant events. There would be situations, particularly in the context of situations like the Cold War, where significant events are probably not widely known, except to a handful of people who averted a more serious conflict occurring and who kept us safe during that time.

The Cold War is an example where when people give speeches and talk about veterans' service, there's often not a lot of recognition paid to those who served in the Cold War. I think that's something that needs to be corrected. I grew up during the Cold War. As one who started to become aware of events going around them, I — largely through being in a remote location without a lot of friends around of my own age because the closest ones were across the lake — was involved a lot in conversations with my parents and other adults, and

listened to the radio and heard the news and listened to current events on the radio.

Probably at an earlier age than most, I became aware of some of these things. I recall the effect it had on me — hearing about the threat of nuclear war and World War III that existed in the Cold War. That is something that is not an experience unique to me. There are many others who grew up in that time period with that recognition. It's too easy — because that never resulted in World War III, as we all feared it would during the period of the Cold War — to forget about the fact that it really is to the credit not just of the diplomats, but of the soldiers who stood the line each and every day throughout the Cold War and prevented the communist countries from deciding they wanted to expand and stray over to the west.

As I was listening to my colleague, the Minister of Highways and Public Works, the Member for Kluane, talk about his service, it struck me that he doesn't talk about it much. We're all aware that he's a veteran and very proud of his service in the Rangers and others who have served there. I'd like to thank him personally and I'd like to thank others who served during that time.

The fall of 1989, I recall, was a fairly eventful fall. I'd gone down with my mother and sister to Ontario for my grandparents' 50<sup>th</sup> wedding anniversary. For me it started off as exciting — the first time I'd ever flown across the country. I was down there and during that time period the events around the fall of the Berlin Wall occurred. I recall sitting in the kitchen with my grandparents and listening to this. I know it struck me with disbelief, and I don't think I fully appreciated either what it meant to them and others who had lived through a longer period of the Cold War and all that it meant. It was also that November that seeing my grandfather — the first time I'd been with him since I was quite little — on Remembrance Day as he cried, thinking of friends who had died. Later that month my grandfather passed away, so that was one of the last times that I saw him.

In speaking to this, I think it's important that this has a personal connection to everyone. We all — or most of us — have relatives who have served, have friends who have served. Mr. Speaker, I appreciate your service and that of the Member for Kluane. I recall also Red Grossinger coming and visiting us shortly after — if memory serves — he returned from overseas on deployment. He was boating up or down Lake Laberge one day — I can't recall which.

Hearing some of those experiences — and I think also of our former long-time Member of Parliament, the Honourable Erik Nielsen, for his service to the territory and his decorated service for his role in that.

I think of the stories that I've heard of great-uncles and great-great-uncles who served overseas. My mother was talking recently about the time that one of her great-uncles volunteered for World War I. He was overseas. They had him on the front. He was wounded in a battle. That's when they realized that he was significantly underage. From what I understand, it seems that at that point, if they were under the age of 16 — I believe that was the age they were supposed to

serve — that typically at that point, if they were 15 or approaching 16, they probably would keep them somewhere behind the lines and keep them overseas there. It was only if they were under the age of 15 or closer to 14 that they would ship them back home. We're actually not quite sure what age he was, but they shipped him back home to his mother in southern Ontario. That is one specific example, but it is really illustrative of the type of dedication of some of the young Canadian men and women who, in past conflicts — particularly and especially during world wars — took great pains and tried hard to find a way to serve their country.

I recall my great grandfather in World War I went to Owen Sound in southern Ontario where the recruiting office was. He wanted to volunteer, but he owned the only grocery store in town and they sent him back and said it was more important for him to continue to operate the store. I know that was hard for him too, when he saw friends and neighbours and peers going overseas.

Mr. Speaker, I was going to talk about my grandpa again, but I don't think I can get through the example. I just want to talk about my relatives and friends who served; I just want to express the greatest appreciation.

One of my honoured possessions is my grandma gave me the patches from my grandpa's uniform during World War II. I know the difficulty it was for him in serving and in seeing friends come back from the war. He was fortunate and was stationed on the east coast of Canada. He was in active service but not shipped overseas, but I know that he worked hard to support the other service personnel and was proud of his military service. It's just an honour to have those patches.

Pardon me, Mr. Speaker, for choking up.

In closing, I hope that all members will stand in support of this motion and will be united in sending a strong clear statement to the federal government that we've heard the concerns of veterans, we understand that there is room for improvement and that that message needs to be heard loud and clear and needs to be treated with the respect it deserves by the federal government and Veterans Affairs and they need to work together to figure out what the best solutions are to improve service to our veterans.

**Ms. Moorcroft:** I would like to start by acknowledging the veterans' presence today in the public gallery of the Legislature and the veterans who are present who serve in the Chamber and by thanking all veterans for their service and sacrifice.

This Remembrance Day, November 11, 2013 — two days ago — as Canadian veterans reported feeling abandoned by the Government of Canada, which has announced its plans to close Veterans Affairs offices in nine communities across the country, is an opportune time for this House to urge "...the Government of Canada to respect the service and sacrifices of Canada's veterans by working with organizations representing veterans to enhance services and improve service delivery to Canadian veterans."

I support the motion brought forward by the Member for Vuntut Gwitchin.

Again this year I attended Golden Horn Elementary School's Remembrance Day ceremony with my colleague, the Member for Mount Lorne-Southern Lakes. It was the most moving Remembrance Day ceremony I have taken part in. The students had prepared great artwork, which was displayed on the walls of the gymnasium. RCMP Cpl. Dwayne Latham and student flag and wreath bearers were part of the colour board. Five grade 7 students read thoughtful poems they had written. Their poems moved us to tears. Grade 3 students presented an amazing tableau of images of war and peace. We heard a moving choral performance of *One Voice*, with beautiful singing and harmonies by the soloists and the Golden Horn Elementary School choir.

Legion representative Max Fraser presented his short video, *How Michael Got His Medals*, based on a young boy from Canada who joined veterans on a tour of World War II battlefields in Italy and came home with a chest full of medals. Eight-year-old Michael learned about the sacrifices of Canadian soldiers in World War II as he travelled with his dad and a group of veterans who visited battlefields, cemeteries and museums. He also met some of today's soldiers, veterans of the war in Afghanistan. Michael impressed the whole tour group with an impromptu speech at the Moro River Cemetery after a visit to Ortona.

As I said at the Golden Horn Elementary School Remembrance Day ceremony, World War II came to the Yukon. Yukon men and women joined the army, the air force or the navy to fight for peace.

Five regiments of the United States Army Corps of Engineers came north to build the Alaska Highway as part of the war effort, so the highway many of us drive every day was built by U.S. soldiers, two regiments of which were black soldiers. It is fitting that the Yukon portion of the Alaska Highway has been dedicated to all war veterans as a means of remembering soldiers and veterans who served their country.

As the soldiers, pilots, sailors, nurses, cooks and secretaries were sacrificing for the war effort, they were singing about what the world would be like when the war was over and they would have peace. Nobody loves peace as much as those who don't have it. People who are caught up in war are always looking forward to the day they will have peace.

That's how we must remember our Canadian veterans. They were fighting for a safe, peaceful world, believing that we, here, would be able to live our lives in peace. That's everything they were working for and how they want us to remember them. Today, as we remember, we can decide to work for peace.

In the United States, Veterans for Peace calls for the observance of November 11 as a day to be dedicated to the cause of world peace. The ceasefire on the 11th hour of the 11th day of the 11th month of 1918 along the European western front was such a relief to all those involved, as the world had never seen such horror and carnage as World War I. The horrible conflict that had come to be known as the "war to end war" brought the bulk of humanity to contemplate abolishing war. There is no better way to honour the dead than

to protect the living from the fear, terror and moral deprivation of war.

I would like also to acknowledge some of Canada's international peace efforts. During the first half of 20th century more than 1.5 million Canadians were called upon to defend international peace and freedom in the First and Second World Wars and the Korean War. More than 110,000 Canadians lost their lives.

Following these terrible conflicts, our country began looking for ways to prevent war. Peacekeeping and other peace support efforts are a natural extension of Canada's longstanding commitment to the principles of peace and freedom. In recent years the role of Canadians in peace support operations has expanded to include the delivery of humanitarian aid, the repatriation of refugees, the disarming of warring factions and the restoration of shattered landscapes through the clearing of mines.

An increasingly important aspect of our peace efforts is helping nurture stable government and human rights, including the organization of electoral systems and the training of police forces and the judiciary. These new international peace support activities now involve many Canadian civilians, in addition to the Canadian forces. Soldiers are still putting their lives on the line to help others achieve peace and freedom. Tens of thousands of Canadians have served in more than 40 international peace support operations, but Canada's contributions have come at a great cost. Canadians have died in such efforts around the world in the post-war years and many more have been wounded, returning home with injuries to body and mind that can last a lifetime.

In 1988, the Nobel Peace Prize was awarded collectively to UN peace keepers in recognition of their efforts over the years to curb violence and restore peace. Canadians led the way in promoting peacekeeping as a tool to help end conflicts and Canadians have long had an international reputation for putting their lives on the line to support peace. The veterans of those efforts deserve pensions, medical care and respect from their national government, but what is happening is that the Government of Canada has, and is, cutting services to veterans. That is unfortunate.

The Premier said that the Yukon Party would not support my colleague's amendments to reverse "the decision to close nine Veterans Affairs offices across Canada" because it's too political. Mr. Speaker, as elected political representatives, we are employed to engage in public policy debate. That's our job. Where else but in this Chamber should we be debating the matter of respecting the services and sacrifices of Canada's veterans?

My colleague, the Member for Mount-Lorne Southern Lakes, spoke about the contributions of Yukon First Nation veterans who deserve a pension. Do you know what, Mr. Speaker? Yukon First Nation veterans didn't get a pension without a political struggle and we, as politicians, must engage in the struggle for justice for today's veterans.

As my colleague, the Leader of the Official Opposition, the Member for Whitehorse Centre, said, the report of

Canada's Veterans Ombudsman and its recommendations should be supported by elected political leaders in this House and in the House of Commons.

The Premier said a few days ago that there was no formal link between the Yukon Party government and the federal Conservative Party government. Today we see their words then are different from their actions today. The Yukon Party government is not willing to send a message to the Government of Canada that closing nine Veterans Affairs offices across Canada is a disservice to veterans. Yukon veterans have said so; Canadian veterans have said so. Why is the Yukon Party government quick to defend the federal Conservative government's cuts? I'm puzzled by that. The Government House Leader said he wants the Government of Canada to reconsider that decision to close nine Veterans Affairs offices, but he wouldn't support the amendment calling on the Government of Canada to reverse its decision to abandon veterans and close nine Veterans Affairs offices. He referred to that decision as a "detail". I'm disappointed by that.

Considering this motion is that we as the elected members of this Assembly want to urge the Government of Canada to respect the service and sacrifices of Canada's veterans by working with organizations representing veterans to enhance services and improve service delivery to Canadian veterans, we must speak out in support of that service. Only veterans and their families truly know the horrors of war. It was as a result of the World War II atrocities and genocide practiced by the Hitler regime in Germany — the slaughter of Jewish people in the gas ovens; the torture and death of homosexuals, lesbians and gypsies; the so-called "medical experiments" that resulted in so many deaths — that nations around the world met to try to ensure such atrocities would never occur again. Sadly, war and atrocities do continue around the world today.

I would like to conclude by quoting Eleanor Roosevelt who worked hard for peace in the efforts to form the United Nations and who contributed to the adoption of the United Nations declaration on human rights, incorporating the *Universal Declaration of Human Rights* principles into the daily work of government and the social fabric of our communities as a way to achieve peace. Eleanor Roosevelt said this: "It isn't enough to talk about peace. One must believe in it. And it isn't enough to believe in it. One must work at it."

**Mr. Tredger:** I just want to add a few things to the discussion. First of all, I would like to honour and respect all our veterans — all those who committed to Canada and put their lives on the line for Canada. Such a commitment has a deep and lasting effect on those who made it and who are making it this day.

I had the honour to be at a Legion dinner on Friday night and to hear various veterans stand up and quietly speak of their service. I emphasize quietly, because with great dignity they stood up and spoke of Kosovo, of Somalia, of Afghanistan — places around the world where they served.

I grew up near Cold Lake. There is a Canadian Forces base there. My playmates' parents were in the Canadian Air Force and later the Canadian Forces. Some of them served overseas in the Cold War in Lahr; some of them did tours of duty without their families. I saw first-hand some of the effects and sacrifices that not only the veterans made, but their families made. I can remember coming in from the hockey rink with one of my friends and his dad was in the living room crying. But he never reached out for help; he believed in keeping it to himself. He believed that he needed to be strong for his family.

I want to thank the Member for Vuntut Gwitchin for bringing forth this motion. I want to thank all those who spoke to it, but it concerns me that we even need to debate this issue and that all of us here feel a need to urge our government, our federal government, to live up to its obligations. It concerns me what the implication of that is — that our federal government needs to be reminded to respect the service and sacrifices of Canada's veterans.

We made a bargain. We made a commitment. We made a covenant with those who serve in our military and our RCMP. We made a pact with those who chose to serve Canada, willing to sacrifice up to, and including, their lives. We made commitments to their families. That we are here debating and all supporting a motion that we should live up to it, is somewhat concerning.

I want to commend the Member for Takhini-Kopper King for her commitment and her complete representation of veterans. As she said, two or three years ago she was a newbie at it. I stand beside her impressed with her commitment, with her belief, and with continually striving to improve the life of her fellow citizens.

I've heard people talk about post-traumatic stress. My friend's dad — had that term been invented — probably was suffering from it. One of the consequences is that it is not a visible affliction. It is something inside and people are very reluctant to talk about it, to bring it forward, and that strikes to the very heart of what happens when we close agencies, when we shut off the opportunity for face-to-face talk. When we tell people they can apply on-line, they become another number. They become something in the system.

The people I met don't want to be a number. They want to be listened to. They want to be heard. Some of them need to be talked to and helped to get the energy to apply for a pension, for help with something, or for things that we committed to give them and now we're putting them in a position where they have to ask for it and where they have to suffer their pride.

Some people are able to go on-line and fill out a 20-page form or to sit on hold for one or two or three hours while they wait for an answer. Many people aren't. Many people get frustrated and give up. I commend the Member for Takhini-Kopper King for bringing forth her motion because she listened. She spent time with veterans and heard from person after person. They needed a caseworker. The last caseworker who came helped with this person or that person — if only.

And she had the courage, after having listened, to bring it forth as an amendment and I thank her for that.

I will keep my remarks brief.

I do support this motion, but I urge everyone who votes in favour of this motion to make every effort possible that it not be a platitude, that it not be an empty motion. As I said, I wonder why we had to spend an afternoon urging our own government to respect veterans, but we did. All of us here thought it was important to do that. I would urge each and every one of us to take it to the next step and to have the courage, the strength and the fortitude to ensure that this is indeed a meaningful motion, that the Member for Vuntut Gwitchin who brought it forth is supported, that this government is supported in our urging, and that we know and we show each and every one of our veterans that we support them, that we respect the service and the sacrifices that they have given to us and to our country.

**Speaker:** If the member now speaks, he will close debate.

Does any other member wish to be heard?

**Mr. Elias:** It is my hope that passing this motion unanimously today, with each and every member in the House voting to send a united message with very strong words like “respect”, “working with”, “enhance” and “improve” service delivery to our Canadian veterans in itself — because it’s coming from our elected Legislature — is going to be able to say something.

I listened to each and every member in this Assembly today, but I have issues with one member’s words, Mr. Speaker. It’s the Leader of the Official Opposition when she suggested that the motion that I thought about for a long time is skirting around the real issues with regard to Canadian veterans, and I’ll challenge that anytime, anywhere, and any place.

The only amendment that she suggested to strengthen this and to send a message to our Government of Canada was to reverse their decision of the shutting down of the nine Veterans Affairs offices across our country. She neglected to mention the cutting of red tape to reduce waiting times for veterans. She neglected to mention eliminating 2.5 million unnecessary transactions between veterans and Veterans Affairs Canada. She neglected to mention the issue of making it easier to get reimbursed for travel to medical appointments. She neglected to mention the issue of working with Service Canada to make veterans services available in more than 600 additional locations across Canada. She neglected to mention, Mr. Speaker, that veterans can go down to our Service Canada representative right now and receive 29 different services that are addressed to veterans.

Those issues she forgot to mention in the motion. The Member for Whitehorse Centre also neglected to represent the issue of communicating clearly and in plain language so that veterans can get the information they need quickly and easily as possible. That’s an issue, but it wasn’t in the motion. She also neglected to mention supporting research into other ways

to help veterans, including the study of post-traumatic stress disorder and the benefits of therapy animals. That wasn’t an issue, but it is an issue to veterans. Changing how the war veterans allowance is calculated so disability benefits will not be deducted and veterans will receive increased support — that’s an issue but it wasn’t in the motion.

Reaching out to homeless veterans, to help give them the support they need — that’s a veterans’ issue, but it wasn’t suggested in the motion. Encouraging the major companies in our country, universities and our top employers to join in the hire a veteran initiative — that’s an issue to veterans, but it wasn’t important enough to go into a motion of the Leader of the Official Opposition.

There are a multitude of gaps and issues around this country and we wanted to send a united message — not just picking one and being prescriptive to the nine offices that were closed; we wanted to leave it open. However in saying that, I am encouraged by the reverence for our veterans I see emanating from members of this House, Yukoners young and old.

We can never fully appreciate the sacrifices of our men and women in uniform because we can never fully understand the realities of war. Most of us will never know what it feels like to make a covenant with our country that pledges our lives to its defense should that should that sacrifice be necessary.

There were many veterans who were mentioned today by name. I also want to mention some veterans and their service to our territory. Many of the aboriginal veterans — I might miss some, but I’m going to do this anyway because I think that it’s important to recognize the efforts of many aboriginal veterans who have served their country — Mr. Pete Sidney, Mr. George Sidney, Mr. Bobby Austin, Mr. Edward Good, Sandy and Malcolm McLeod, Mr. Harry Davis, Mr. John Adamson, Mr. Elijah Smith, Mr. Charlie Craft and of course Mr. Alex Archie and Daniel Van Bibber.

Archie Van Bibber is the great-grandfather of my children. One day we were watching this six-part series that was about the Second World War. I believe it was even called *Apocalypse: The Second World War*. So I was watching The History Channel with my sons this past summer and there was a veteran on there who was speaking about his experiences and this quote resonated to me because I was in disbelief of the newly released classified footage that The History Channel made a six-part series about. In talking about his fallen patriot, when he got home to Canada, the veteran said, “He was everything a young man wanted to be. He wanted to get married and have children and grow old enough to see his grandkids. And then someone shot him right beside me. I guess there was no mercy. And I said, ‘Dad, I made it home. And I’ve seen things I never want you to see. I will never speak of this again to you because I also killed my fellow man.’”

We call on the Government of Canada to make that pledge with us and respect the service and sacrifices of Canada’s veterans by working with the organizations representing veterans to enhance services and improve service

delivery to Canada's brave veterans. We will stand up for them and may we never forget.

**Speaker:** Are you prepared for the question?

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Pasloski:** Agree.

**Hon. Mr. Cathers:** Agree.

**Hon. Ms. Taylor:** Agree.

**Hon. Mr. Graham:** Agree.

**Hon. Mr. Kent:** Agree.

**Ms. McLeod:** Agree.

**Hon. Mr. Istchenko:** Agree.

**Hon. Mr. Dixon:** Agree.

**Mr. Hassard:** Agree.

**Mr. Elias:** Agree.

**Ms. Hanson:** Agree.

**Ms. Stick:** Agree.

**Ms. Moorcroft:** Agree.

**Ms. White:** Agree.

**Mr. Tredger:** Agree.

**Mr. Barr:** Agree.

**Mr. Silver:** Agree.

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

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

*Motion No. 509 agreed to*

### Speaker's statement

**Speaker:** As the Speaker, I can only speak on behalf of the Members of this Legislative Assembly and as directed by those members. Today, I would like to indulge your privilege. Allow me to take the liberty to speak just quickly as a veteran — as a veteran who has served, suffered and continues to suffer. I want to thank you all for your very impassioned support for those who currently serve and those who have served.

I'd like to leave you with something to think about. The book I have here is entitled, *What It Is Like To Go To War*, by Karl Marlantes. In his preface, I found something that has given me reason to think long and hard this past Remembrance Day and all the way through your debate. In the words that I heard today, I felt I needed to pass on and give you something else to think about. I wasn't going to do this originally.

It says in here: "All conscientious citizens and especially those with the power to make policy will be better prepared to make decisions about committing young people to combat if they know what they are about to ask of them. ... The violence of combat assaults psyches, confuses ethics, and tests souls. This is not only a result of the violence suffered. It is

also a result of the violence inflicted. Warriors suffer from wounds to their bodies, to be sure, but because they are involved in killing people they also suffer from their compromises with, or outright violations of, the moral norms of society and religion."

Thank you again for your committed, impassioned and very emotional support.

### Motion No. 510

**Clerk:** Motion No. 510, standing in the name of Mr. Hassard.

**Speaker:** It has been moved by the Member for Pelly-Nisutlin:

THAT this House urges the Yukon government to continue to implement the housing and land development commitments outlined in the Yukon Party's 2011 election platform, "Moving Forward Together," by:

(1) developing a housing action plan that builds on strategic investments and addresses the needs of Yukoners for a variety of housing options; and

(2) seeking innovative ways to partner with the private sector, NGOs and other governments to meet the housing needs of Yukoners.

**Mr. Hassard:** It's a pleasure to rise today and speak on behalf of Motion No. 510. Mr. Speaker, in October of 2011, the Yukon Party government won its third consecutive majority government and this win was based on our platform, "Moving Forward Together."

This "Moving Forward Together" document held housing as a very high priority. In that document, we identified five major points on housing: to implement a comprehensive strategy to address the housing needs of Yukoners, including working with an NGO to establish a youth centre in downtown Whitehorse; working with the Salvation Army to expand or replace their existing homeless shelter in Whitehorse; ensuring further housing options are available to those most in need, such as seniors and persons with disabilities throughout the territory; making Crown land available to the private sector to ensure new rental accommodations are made available in the Yukon; implement the recommendations of the Select Committee on the *Landlord and Tenant Act* to modernize the legislation; explore options to assist Yukoners who are in social housing to their own homes; and to work with First Nations to make their land available for residential development.

It's hard to expand on housing without land, so also in our platform we discussed the issues of land. In the platform it said that we will continue to make land available to Yukoners for community, residential, recreational, agricultural, commercial and industrial purposes, while respecting the interests of existing landholders as one of the highest Yukon government priorities by streamlining the land application process and ensuring that appropriate policies and administrative structures are put in place to manage Crown land in the territory, to modernize the legislation related to the

land titles process, to utilize technology, to improve the timelines of transferring land titles, to work with the city to ensure the provision of the land protocol that requires a constant supply of residential lots is followed, and to work with other municipal governments to make land available for residential and recreational lots. We committed to these things in our platform, and we are carrying through on all of these commitments.

In 2006, the Government of Canada provided \$50 million to Yukon through the northern housing trust. In recognition of the housing needs of First Nation citizens, \$32.5 million went to the First Nations. The remaining \$17.5 million went to the territorial government. It was allocated under the northern housing trust. The Yukon government invested approximately \$4 million of that money to construct a 10-suite, second-stage housing facility in partnership with Kaushee's Place.

This government did not waste the rest of that money. In fact, it is hopefully able to leverage the remaining \$13 million into at least a \$26-million investment in affordable rentals. Both NGOs and private sector proponents are eligible, and there are provisions to ensure that the funds are not expended solely in Whitehorse.

Just recently, the Yukon Housing Corporation put out an RFP to seek proposals to construct new affordable housing in the Yukon. The process was to ensure that proponents provide at least 50 percent of the total cost, effectively doubling the housing investment. Yukon Housing will not be an owner or a proponent and, as such, there will be no ongoing O&M costs to the Housing Corporation. The target is affordable housing, not social housing, and the objective is to fill the gap in rental housing that has been an issue for several years.

This government recognizes that adequate, available and affordable housing is fundamental in building and maintaining strong Yukon communities. We are striving toward ensuring everyone has shelter, helping homeowners through repair, upgrade and financing programs and working with our partners in the communities to assist vulnerable and at-risk people who require additional services and support to live independently.

We continue to build on our recent accomplishments and ensure our efforts are coordinated and meet a range of housing needs for Yukoners. The government is currently developing a housing action plan, and Yukon Housing will be leading this initiative and will seek contributions from a number of organizations and stakeholders.

The action plan was announced in March 2013 and will take into account strategic investments in housing and land already initiated or completed by the government. These include land development, an expanded youth shelter, new second-stage housing for women and children fleeing violence, expansion of the Options for Independence facility for adults with fetal alcohol spectrum disorder, and seniors housing, such as the replacement at the former Alexander Street residence and the recently announced seniors housing facility in Mayo.

Some of Yukon's most vulnerable citizens are homeless or at risk of becoming homeless due to poverty and other

barriers to living independently. The Yukon government is working with agencies and organizations to assist vulnerable and at-risk populations that require additional services and supports to live independently. Emergency shelters are a place for people to sleep on a temporary basis and they are usually a last alternative.

The Health and Social Services department, with the work of the Minister of Health and Social Services, has been working the Salvation Army to support their plans to consolidate, expand and relocate its shelter and other services to a larger facility. Health and Social Services has provided the Salvation Army with the seed funding to develop a functional plan for this new facility. I believe it is somewhere in the neighbourhood of about \$100,000. It is anticipated that this plan will be completed before the end of the year. Health and Social Services provides funding to relocate and expand the number of youth shelter beds at the Sarah Steele facility to a different building. The youth shelter is operated by the Skookum Jim Friendship Centre, and Yukon Housing Corporation actually provided a house or a unit so that they could move and get that opened up.

Health and Social Services and Yukon Housing also worked with the Dawson Shelter Society to expand the women's shelter to provide increased space for programming and more bed capacity for women and children in need.

In terms of transitional housing, which is intended to be short- or medium-term housing provided on a temporary basis, the Yukon government via the Women's Directorate has committed \$4.5 million for the construction of a second-stage housing facility in Whitehorse. Betty's Haven is providing 10 units of supportive, secure and affordable transition housing. This housing is intended for 12 to 18 months for women and children who are fleeing abusive relationships.

The new Salvation Army facility will include a transitional housing component and this will provide residents with individualized assistance and support to develop skills for independent living.

Supportive housing is medium- to long-term housing, combined with on-site support services to assist people with more complex needs to live independently. The Yukon Housing Corporation provided funding for the Options for Independence, or OFI, to build a 14-unit supported independent living project for adults with FASD. This will be an expansion to their existing complex and the project will be owned, managed and operated by the Options for Independence. This project also received capital funding support from the Canada Mortgage and Housing Corporation under the affordable housing initiative. Health and Social Services is providing the O&M funding for this project.

The Women's Directorate, as well as Yukon Housing Corporation, received funding for a full-time employee to continue with the implementation of the programming at the Whitehorse affordable family housing complex for single-parent families in Riverdale. This was a commitment to run through 2017-18 and includes a program coordinator on-site at half-time to provide programming and support services.

Health and Social Services has provided funding for group homes and a range of other housing options for persons with disabilities who require additional assistance and support to live independently.

They also provided funding to open the Takhini Haven, which is a supportive housing project for persons with a disability who have complex care needs. Takhini Haven is operated by Challenge Community Vocational Alternatives and is located in the former women's transitional living facility.

Social housing is something that is normally owned by the government or non-profit organizations and rented out to people with low to moderate incomes. Here in the Yukon the government provides social housing in most Yukon communities through the Yukon Housing Corporation. It's on a rent-g geared-to-income basis. This sees tenants pay 25 percent of their gross monthly household income for rent and heat. However, victims of violence receive priority consideration on the waitlist for Yukon Housing Corporation units by applying under the Yukon Housing victims of violence policy.

Some of the new social housing over the past few years put in place by the Yukon Housing Corporation include: a seniors complex in Watson Lake; two seniors complexes — one in Teslin and one in Faro — and those are in my riding — as well as Haines Junction and Whitehorse; the Turner Street apartments in Dawson City; the Whitehorse affordable family housing project and the Whitehorse family six-plex in the Ingram subdivision.

In terms of social housing, since 2005 this Yukon government has constructed over \$90 million worth of social housing. This includes nearly \$37 million between 2005 and 2008, which included the seniors housing in Haines Junction and Whitehorse, along with the affordable housing for students at the Yukon College.

Since we don't want everything to be about the government, there are also a variety of housing options that are available through the private rental market. However, the vacancy rate in Whitehorse has remained low over the past several years. In June 2013, the rental vacancy rate was at 1.4 percent and the median rent was approximately \$875.

While the government usually has no role in regulating the cost of private rental accommodations, the Yukon Housing Corporation does offer several programs aimed at increasing the number of units and improving the quality of accommodation. Some of these initiatives include a rental rehabilitation program, which helps owners of rental housing upgrade their accommodations. Another one is the rental suite program, which helps homeowners to either build a rental suite or upgrade an existing rental suite within their place of residence.

The Yukon Housing Corporation also has a rent supplement program. This is only available in Whitehorse, but it's where tenants in private markets pay 25 percent of their gross household monthly income for rent and heat and the supplement makes up the difference to the landlord. This program does not increase the number of private market rental

units, but it does make units more affordable to program participants. Though this is operated through the Yukon Housing Corporation's social housing program, it is an example of rent subsidy in the private market.

Many people choose or desire to own their own home and, while the Yukon government also doesn't have a role in regulating the cost of real estate, several programs are offered to assist Yukoners with the purchase or renovation of their own home.

Yukon Housing Corporation provides mortgages to eligible persons who are not eligible for traditional bank financing. Maybe someone — young people — don't have a credit rating yet. They also offer loans — below bank interest rates — to homeowners who need to renovate their home to address safety or structural issues or overcrowding or energy deficiencies in their homes.

All clients benefit from the financial expertise of the Yukon Housing Corporation staff to ensure that their housing goals are consistent with the family budgets. Yukon Housing has a down payment assistance program. This is intended to assist households that may be eligible for bank financing but have not accumulated a sufficient down payment. This can work toward homes, condominiums or townhouses and assistance is provided in the form of a deferred loan and registered on title as a second mortgage.

Under the mortgage financing program, Yukon Housing Corporation offers mortgages of up to \$360,000 to clients who are not eligible for bank financing, with a minimum down payment of only 2.5 percent compared to five percent, which would be the minimum down payment required by a bank.

The owner-build program offers tiered interest construction financing and technical assistance for those people who want to construct their own homes in rural Yukon. The home repair program is a longstanding and well-utilized loan program that helps qualified applicants address safety, structural and space issues, while improving energy efficiency in their homes. Clients can also receive technical assistance from the Yukon Housing Corporation staff and applicants may qualify for a subsidy to reduce their loan payments.

As well, there is the home repair enhancement program, the home completion program, which offers rural clients funding to complete construction for those who maybe started their house and then, due to circumstances, were unable to finish.

I spoke about land a few minutes ago and we understand that increases to the Yukon's population in recent years have increased pressures to provide land for a wide range of housing projects and the Yukon government, I'm happy to say, is working to increase the availability of land in all communities.

In 2012 Community Services and the City of Whitehorse completed the first phase of the Whistle Bend subdivision — 90 single-family residential, 14 duplexes and seven multi-family lots were all made available through a lottery and tender sale process. As of September of this year, 23 single-family lot purchasers have entered into agreements for sale, all seven duplex sites and three multi-family lots have been sold.

In October of 2012, as part of its commitment to increase land availability, the Land Management branch held a builders draw for the Whistle Bend subdivision phase 1 to make the remaining single-family lots available to contractors. This draw allowed the opportunity for contractors to purchase up to 10 lots. The lots remaining from this draw, as well as the multi-family lots, were made available for sale over the counter at the Land Management branch office.

In September of this fall, the second phase of Whistle Bend subdivision was released to the public through a lottery and tender process where we saw 57 single-family lots, 20 restricted residential lots, 11 duplex lots and 11 townhouse sites offered up for lottery on September 18. Tenders for five multi-family lots were opened on September 20 and a pair of duplex lots from phase 2, which will accommodate a building for two families, was set aside for Habitat for Humanity.

As there were no applicants resulting from the lottery and tender process, phase 2 lots are now publically available over the counter in the Land Management branch. The Land Management branch will also be releasing three residential lots and two industrial lots in Carmacks, along with 21 country residential lots in Teslin. I hope to see those all out before the end of the year.

As a part of a wider initiative, the Land Management branch has completed the first phase of a multi-phase inventory of vacant Commissioner's land within municipalities and unincorporated communities, and this will be used to identify sites for potential future disposition of land and subdivisions.

Phase 1 focused on Whitehorse and identified several undeveloped lots of Commissioner's land for potential sale. Land continues to be made available for a variety of purposes, including rural residential and areas outside municipalities, and these are all delivered by the Land Management branch.

Energy, Mines and Resources is working with First Nations on a variety of projects to encourage development of settlement land for recreational and residential purposes. A couple of examples of that would be in my riding of Teslin with the Teslin Tlingit Council where we just finished a subdivision of country residential lots, as well as the recreational lots on Little Teslin.

Mr. Speaker, recommendations of the Select Committee on the *Landlord and Tenant Act* to modernize legislation were taken into consideration and built upon as this Legislature debated and passed that *Landlord and Tenant Act*. I'd also like to add that the bill was passed unanimously.

We've heard on numerous occasions from the Opposition that the government needs to do something about the fly-in/fly-out workers as we tend to call them and ask why they don't live in the Yukon.

Why do we have fly-in/fly-out people? It seems to be criticized that a lot of it is due to the fact that there is no housing or they can't afford the housing. This is kind of interesting because the Department of Economic Development put out a competitive RFP and they engaged Ecofor Consulting in February 2013 to complete a project to explore issues related to residency. Specific requirements of that

project included: examination of potential barriers to residency; review of initiatives, programs and benefits that are already in place in Yukon to address residency issues; and a review of external programs used in other jurisdictions to address the issue of residency. These external programs and initiatives would be reviewed in terms of their applicability to the Yukon context, provide baseline context of Yukon in terms of the current costs of living in comparison to other communities, a description of the current composition of the mining labour force and how an increase in population may impact the territory, and a summary of findings and recommendations related to promotion of Yukon residency and increased employment capture.

The report provided to the department identified several perceived barriers to residency in the Yukon, including a high cost of living, climate, access to larger centres, and employment for spouses and families.

The report also notes that many of these misconceptions are not based in fact. Housing costs, for instance — the report suggests that housing costs of Yukon are actually somewhat comparable to similarly sized and located jurisdictions. If I could just quote from that report: "There is clear indication that Whitehorse is not as expensive as commonly perceived. Although the SPS indicates that specific cities/regions within BC were less expensive to live, it also showed within the CPI tables that Whitehorse is rated one of the more affordable places in Canada (when comparing the provincial averages in major cities). In addition, the average cost of housing when purchased through a realtor is significantly less expensive in Yukon than in provinces such as BC, Alberta and Ontario. The cost of living comparison indicates that although the majority of B.C. locations are less expensive to live than Whitehorse, the majority of other cities/provinces in Canada are not. When housing costs are factored in, it would appear that Yukon is in fact more affordable than commonly perceived. The research indicates that there are differences in costs of living across the country. It is recommended that strategies to attract workers from outside Yukon should be strategically directed to provinces and cities with higher prices. This strategy eliminates the barrier of 'cost of living' and potentially increases the financial benefits for the individual and family."

The report also notes that for a sizable portion of those surveyed — about 35 percent of them, in fact — no type of incentive would result in relocation to the Yukon as they simply prefer to live elsewhere. Several recommendations are included in the report, such as targeted recruitment and strategies, increased accessibility to urban centres, and investment in employment options for spouses and families.

In closing, I'd just like to say that to me — and I hope to everyone out there listening — it's quite obvious that this government has taken the issue of housing very seriously. This government will continue to work with NGOs, other governments and the private sector to continue to try to find ways to improve not only housing, but the quality of life for all Yukoners.

I look forward to hearing ideas and the debate from others in the House here today. I hope that, time permitting, we'll be able to take this motion to a vote.

**Ms. White:** I thank the Member for Pelly-Nisutlin for his thoughts, for his informative walk through the services offered by the Yukon Housing Corporation and various other government departments.

This is the third time we will be debating what this territory needs in terms of a housing action plan.

This shouldn't come as a surprise that there is still a homelessness issue in the territory. There are still more than 100 people on waiting lists for social housing. There is still a desperate need for supportive housing. There are still people couch surfing, sleeping rough. There are still people who pay much more than 40 percent of their monthly income toward rent. It turns out that the government's debates and press releases are not actually helping house the people who are in the greatest need of housing.

As this is the third time, I don't mind reiterating the Yukon New Democratic Party's position regarding housing. I will continue to speak to the first such motion we debated, the one I brought forward in December 2011. I just wish that the words we speak in this Chamber would make a difference for those living with either no housing, unsecured housing or housing they can't really afford. One thing I notice about today's Yukon Party housing motion is that they are starting to follow the NDP lead. In December 2011, the motion I brought forward read:

THAT this House urges the Government of Yukon to work with all governments, including First Nations, as well as non-profit and private housing providers, to develop a Yukon housing strategy and policy framework that will:

- (1) include all Yukon communities;
- (2) have performance and risk management measures;
- (3) be comprehensive, innovative, practical and achievable;
- (4) increase the housing supply;
- (5) improve housing affordability; and
- (6) support individuals and families in greatest housing need.

In today's motion, we see reference to innovation, to the private sector, to NGOs, and to other governments — all points brought forward by me in December 2011. Mr. Speaker, the Yukon Party platform in 2011 was pretty weak on housing and the crisis of homelessness continues to worsen under their watch.

They didn't actually have an action plan or strategy until last spring, when it was announced that one was going to be developed. When I asked a question about the Housing First approach last week, I referenced *Groundhog Day*, Mr. Speaker — the film where Bill Murray lives the same day over and over again. In his case, eventually repetition led to an increase in tolerance and compassion. As I debate another housing motion, I too hope that repetition leads the government to a more compassionate and effective approach to housing.

On April 17, 2013, we debated this motion:

THAT this House urges the Yukon government to continue to implement the housing and land development commitments outlined in the Yukon Party's 2011 election platform, "Moving Forward Together," by developing a housing action plan that builds on strategic investments and addresses the needs of Yukoners for a variety of housing options.

Well, Mr. Speaker, it's verbatim actually from today's Motion No. 510, we have both the urge part and number one. So we've been on this ground before. So, in April 2013 we debated this motion.

The Yukon Party and Conservative ideology alone is not delivering results, like actual affordable housing or living wages. I'm talking about the persistent trickle-down theory the Yukon Party favours. When it comes to housing, the trickle-down theory goes like this: currently, housed Yukoners will upgrade their house and buy bigger houses or build on new, expensive lots like those we find out in Grizzly Valley. As they vacate the houses that they are in right now, that upward mobility will supposedly lead to an increased supply of more affordable vacancies to rent or to buy.

It didn't work then and it isn't working now. The trickle-down theory, it turns out, does not hold water. So, once more through the spectrum of housing needs we go. Many workers with well-paying jobs are flying in and out of the territory because, even though employed in good jobs, they cannot find affordable housing. We heard the member's thoughts on that. For low-income workers, there are not affordable rental units. Prices continue their upward climb and landlords can raise the rent as much as they like, though now they can only do it once a year.

For people looking to buy, real estate prices simply are not affordable for many Yukoners even with the new down payment assistance program, especially in this economy that is creating a growing gap between the rich and the poor. There are still more than 100 people in Whitehorse who are homeless or tenuously housed. Housing challenges exist in almost every community in the territory. Vulnerable seniors looking for appropriate housing get put on a wait-list of over 100 people with no knowledge of where they are on that list or how long the wait will be.

And then there is supportive housing. We question whether the minister knows how many Yukoners are wait-listed for supportive housing. We encourage the minister responsible to get a clear sense of the need for supportive housing. What are the numbers of people in need and what are the supports that will enable them to live with dignity?

From our casework letters, the minister may recall some questions we have asked about evidence pointing to the need for more supportive housing. We asked if the minister is aware that there may be a population living in social housing that may not reasonably be expected to comply with the tenancy agreement. For example, people with brain injuries are likely to have a hard time remembering rules and following them at all times. The minister has not yet answered

that correspondence, but hopefully the minister will commit to determining Yukon's need for supportive housing.

One reason why all of the talk about how housing is not delivering results is that this government refuses to establish meaningful targets and timelines. One-off projects do not a strategy make. How will progress on housing be measured? What are the benchmarks? To be effective, a plan needs a clear starting point and baseline information about housing needs. We need numbers of homeless in the Yukon. We need a clear, accurate number of how many people are living on the streets and then with that we can make a to-do list and resource it adequately.

When it comes to partnering with the private sector, we do not relish repetition. The Yukon Party approach to partnering with the private sector was first seen on Lot 262, and that was a total fiasco. We all remember that, but what has changed to date? What did the government learn?

Now we have a new announcement addressing affordable housing, and I hope it turns out differently than Lot 262.

We urge the government to work well with the private sector, but here's the thing: the housing crisis is a societal problem. It has causes beyond actual housing stock. Whether it is poverty, lifelong disability or old age, many people simply cannot afford housing. Why should the government step in to deal with homelessness? If it's not for compassionate reasons, then surely it's for economic reasons. The Housing First approach is based on evidence that it costs less to end homelessness than to perpetuate it through inaction. Homelessness costs in terms of suffering and in terms of costs to other parts of our public services — health and justice services, for example.

This side of the House has no issue with effective partnering. We cherish it; we look forward to seeing its successes. But the results for homeless Yukoners depend on baseline knowledge. What are the needs in each community? What kind of housing supports will serve? What are the roles of the government and the roles of partners? What are the targets? Is it housing for seniors, for disabled folks or for low-income people? What are the baseline needs? What are the targets and those timelines? Then, potential partners need the government to be clear in the expectations of what they need to do. The housing crisis in the territory is wide, so plans and strategies need to consider different challenges between rural communities and their requirements for housing.

We've heard today concerns around partisan politics and right now I'll raise my own. Just like the last time, I tried to amend Motion No. 509, making it stronger by removing reference to the Yukon Party's 2011 election platform, I'm going to try again. I believe that Motion No. 510 will be stronger if it leaves partisan politics aside.

*Amendment proposed*

**Ms. White:** I move:

THAT motion No. 510 be amended by removing the phrase, "to implement the housing and land development commitments outlined in the Yukon Party's 2011 election platform, Moving Forward Together, by".

**Speaker:** The amendment is in order. It has been moved by the Member for Takhini-Kopper King:

THAT Motion No. 510 be amended by removing the phrase "to implement the housing and land development commitments outlined in the Yukon Party's 2011 election platform, Moving Forward Together, by".

**Ms. White:** As amended, the motion would read:

THAT this House urges the Yukon government to continue:

(1) developing a housing action plan that builds on strategic investments and addresses the needs of Yukoners for a variety of housing options; and

(2) seeking innovative ways to partner with the private sector, NGOs and other governments to meet the housing needs of Yukoners.

I believe that by removing the reference to the 2011 election platform, it makes the motion stronger. I believe that this is a way to move forward in a non-partisan fashion.

**Hon. Mr. Kent:** It's my pleasure to rise to speak to the amendment introduced by the Member for Takhini-Kopper King. Of course, the government side won't be supporting this amendment and I think there are a number of reasons that I'd like to speak to as to why we won't be supporting this amendment introduced by the Member for Takhini-Kopper King.

The commitments that were outlined in the Yukon Party's 2011 election platform, "Moving Forward Together" — many of them were addressed by the Member for Pelly-Nisutlin in his opening remarks.

I think that when the election was held in 2011, each party had a plan for housing that was put forward. Some of those commitments overlapped, but many were unique to the party that proposed them. I know for instance the Yukon Liberal Party proposed something similar to the home-owners grant, but for renters. I can't remember exactly what it was. We spoke in December 2011 and the NDP wanted to introduce a housing plan. I think one of the biggest problems with that was that there seemed to be an expectation that we would stop doing housing while we developed a housing action plan that the NDP brought forward in that motion.

On the amendment that I brought forward at the time, there was a very emotionally charged debate in the House that day. The amendment that I brought forward at the time, I believe, strengthened the motion, but you know that wasn't agreed to by all parties in the House at the time.

I think there are a number of commitments — Mr. Speaker, perhaps I could speak in my experience as minister responsible for the Yukon Housing Corporation up until early August of this year when there was a reassignment of portfolios. I have quite a bit of experience obviously at the forefront of addressing the housing issues and implementing the Yukon Party's 2011 election platform. I think it's important to speak about those issues and why government members and I feel that it's important to leave this reference

to our platform in the motion as presented by the Member for Pelly-Nisutlin.

First and foremost, the Options for Independence project is nearing completion. I believe it's nearing occupancy, and that is certainly a commitment that we had made. I'm very pleased and proud to have delivered on that from a number of standpoints — with Yukon Housing Corporation following through on my mandate letter from the Premier to assist that particular NGO with the construction of the new building on Fourth Avenue here in Whitehorse, and the Minister of Health and Social Services with the commitment on the operation and maintenance side to that organization to ensure that that facility is a tremendous success. We were pleased when it was able to get off the ground and pleased that the individuals involved in constructing it were able to get that work completed.

One of the commitments that we made in our platform that I don't believe the other parties made — certainly not the NDP; I'm not sure if the Liberals spoke to this specific project or not — was a commitment to build the Mayo seniors complex. Members will know that work continues under the current minister responsible for Yukon Housing Corporation, who will be more up to date on this. We've identified some land; there is some remediation work that needs to be done. I know that when the Premier, the Minister of Health and Social Services and I travelled to Mayo and talked about that particular parcel of land, there was quite a bit of excitement generated with respect to that project. We are looking forward to the remediation work being completed and design work and construction proceeding during this mandate of our government — a much-needed commitment that was made in our platform for the people in Mayo.

Much has been said about the Alexander Street project, but I'd like to elaborate a little bit more because that's tied to a platform commitment of ours to ensure that more housing is made available to seniors in particular. As mentioned, there has been a substantial amount of investment over the past — I would say, since about 2007 — with the initial construction of the seniors and student facilities, which was the athletes village at Yukon College, through to where we are right now as far as investments in seniors housing.

The Member for Pelly-Nisutlin mentioned many of the communities where those investments were made, such as Teslin, Faro, Haines Junction and Watson Lake — new social housing not directed specifically for seniors, but social housing development in Dawson City.

Then of course there is the development of the Alexander Street housing project. The tender calls went out in late May as was announced. At the time, as minister responsible for the Housing Corporation, I was able to put out a press release that spoke to addressing the housing needs of seniors and providing high-quality, affordable housing options for them as their health and mobility needs change.

One of the interesting aspects that we introduced with respect to that project was — I guess turning the clock back a little bit to an early time as the minister responsible for the Housing Corporation, I spent a lot of time in the early days

after the election travelling around to different communities and visiting many of the projects that had been constructed. Of course, one of the things that was a big issue for the residents was accessibility.

There were calls by members opposite, even members in the government caucus, for the Yukon Housing Corporation and me to address things on a one-off basis. Rather than do that, I thought it was — working with the Yukon Housing Corporation Board of Directors and their staff, we came up with a housing accessibility advisory committee. We implemented it. The first project that that was implemented was again for the Alexander Street replacement. Perhaps what I'll read into the record is a quote from one of the members on the committee. Dorothy Drummond, who represented the Yukon Council on Aging, said, "Accessibility is one of the key values seniors look for in order to live independently. The accessibility features in the new Alexander Street facility will be welcomed by the senior tenants."

Design features include accessible suites with storage and balconies. The four-storey, 34-unit building will include two elevators, common rooms, and a large lobby area facing Alexander Street, and parking will be off the lane at the back of the building. Four of the suites will include wheelchair-accessible showers. There is obviously a commitment to energy efficiency and using low-maintenance materials to reduce operation and maintenance costs — again, following up on our party's election platform and really enhancing some of those commitments that we made so that we can address this very important issue.

This is for individuals who are going to be moving into our new facilities like the Alexander Street residence or the new Mayo Seniors housing residence, but it is also addressing existing facilities as well and looking to ensure that they are accessible for individuals.

Mr. Speaker, again, building on commitments in our platform and "Moving Forward Together" and looking also for new and innovative commitments that come from individuals — individuals who are serving Yukoners on the Yukon Housing Corporation Board of Directors with the very dedicated and talented officials who work for the Yukon Housing Corporation and departments like Community Services and Health and Social Services — we came up with ideas such as the down payment assistance plan and helping individuals.

Again, updated information will be available from the current minister, but I believe there were over 20 or 25 families who were in various stages of application or approval for that down payment assistance program. Again, it's something that I think we can all be proud of as we try to stretch the dollars that are available in the loan portfolio and ensure that we can assist more Yukon families in meeting their housing goals.

For many Yukoners, home ownership is that ultimate housing goal, and I know that's shared by many families. That's something we wanted to build on from our platform "Moving Forward Together".

Again, another innovative approach that we have taken — and it's really coming out of the Housing Outside the Box, the northern housing conference that was hosted here in March. At that, I was pleased to be able to announce our housing action plan and the work that is going to continue on that as we move through the next year or so. We are looking to having that plan in place.

One of the most important things that we need to keep in mind is that housing can't stop while we develop and implement that plan. That's why programs such as the northern housing trust request for qualifications and request for proposals have been implemented during that time. Yukoners don't expect us to just halt all housing while that plan is being developed.

I think it is going to prove to be a very inclusive exercise. We have a number of committee structures, as well as senior officials who will be overseeing the development of that plan. There is very much a lot of grassroots input into it as it is being developed by a number of NGOs and groups, including someone from the mining community who is going to be engaged and involved.

There has been much talk about reducing the number of employees who don't live here in the Yukon, and that's something we are committed to through our platform commitments with respect to training. Looking at the housing issues that face those workers, the Minister of Economic Development commented last week during Question Period, I believe, that one of the main issues for people is the weather. Some things we can't change, but we do want to change the other opportunities for Yukoners.

I know that the private sector is also getting involved. In recent meetings with senior officials from Capstone Mining, who own the Minto project, they have a number of senior managers and senior officials who have relocated to the Yukon through incentive packages that they've offered. Of course, we've communicated some of the opportunities that exist here for home ownership or rentals, where they would qualify to relocate to the Yukon.

For instance, the mine manager at the Minto mine and his family live here in Porter Creek — Porter Creek South is the riding they've chosen to live in. His wife is a school teacher here in the Yukon and I believe there are three children — so they are very much making the Yukon home and adding to the fabric.

What we've been able to deliver on coming out of our election platform, as well as the new programs that have been built and the innovation shown by members of the Yukon Housing Corporation Board of Directors and other officials, has been very important. I sit on a committee that's chaired by the minister responsible for Community Services and in his portfolio as minister responsible for Yukon Housing Corporation, joined by the Minister of Health and Social Services, and me in my role as Minister of Energy, Mines and Resources. We have a committee that deals with housing and land availability issues. Again, that's Cabinet ministers getting together with senior officials to address specific issues related to housing and land availability.

The work is very much done at a senior level as we look for new and innovative ways to build on our platform commitments and deliver housing and address land-availability needs for Yukoners.

In closing, and why I think it's so important that this stay in the original motion — I know that the Member for Klondike wants to speak to this amendment as well, so I won't take much longer. One of the issues I'd like to talk about is the availability of lots. The Yukon Party government from 2002 to 2013 has made over 1,300 more lots available, or developed 1,300 lots for Yukoners. Currently, there are 350 available that are in inventory in communities, ranging from five in Carmacks to 17 in Dawson City, four in Destruction Bay, five in Faro, and 17 in Grizzly Valley. Haines Junction has a variety of lots available — 62 in total; and there are 20 in Watson Lake and 220 in Whitehorse — 219 of those are in the City of Whitehorse-planned Whistle Bend subdivision that we were pleased to assist them in delivering.

When it comes to the commitments that we made in the election platform, I believe we are delivering on them.

One last thing I'd like to mention is the recent announcement of the expanded reserve for Yukon College. Again, another commitment we made in the election was to provide additional land to the college, not only for the expansion of the Centre for Northern Innovation in Mining, but also potential expansion of the student residence building.

As you can see, Mr. Speaker, we're moving forward together on these election commitments, but not putting an end to all housing by any stretch of the imagination. We need to continue to work for Yukoners and deliver for Yukoners on their housing and land availability needs.

**Speaker:** Does any other member wish to be heard?  
Are you prepared for the question on the amendment?  
*Amendment to Motion No. 510 negatived*

**Speaker:** Does any member wish to be heard on the motion as presented?

**Mr. Silver:** For Hansard, I'm going to blow the fingers off the keyboards. We don't have a lot of time left and I have a lot to say.

Item (1) of this motion states that we will be "developing a housing action plan..." I must be having a bit of déjà vu, Mr. Speaker, for I thought that the minister responsible for Yukon Housing Corporation already launched a housing action plan. This was his response to questions on housing last spring. So it leads me to ask this question: are we scrapping that action plan and are we starting over with a new one? That's surely how this motion reads. Or are we to assume that no work has been done over those eight months since we first started hearing that an action plan was in the works?

I hope that the new minister responsible for housing can shed some light on that. I have a press release right here — March 26, 2013: "Housing action plan to be developed for Yukon". It goes on to state the process and so I'm just very confused as to why the new motion here has item (1) basically

saying that we are developing an action plan. Maybe the new minister can speak to that. Here we go again. A new minister responsible and a new kick at the action-plan can. It's kind of like Fred Flintstone breaking into a run. The feet look like they're moving, but he hasn't moved an inch.

So, here we go again. I will support this initiative through this motion — absolutely. It was a good idea almost a year ago and it still is a good idea. I really don't think that we need a day in the Assembly to rally behind this. The Yukon Party has a majority. Let's just do it already.

I do have some recommendations though. I do have faith in the public servants on this file as well. Two years ago, NGOs in Dawson who had spent much time and effort mapping out available lots and who owned them were doing consultation in the form of surveys and analyses had to wait a year for a response for their action items.

The team over at Yukon Housing Corporation is new and this is a new push but, by all accounts and by all reports that I have received, they are moving in the right direction.

I'm just going to read a quote from people working in non-government agencies on housing and how they're working with this new team — and I'm quoting: "Yukon Housing Corporation has some very well-intended and smart people at the top right now who have been excellent to work with to date over the last several months and have been listening and have been learning. They have built good relationships and they went out of their way to invite us to a meet and greet when the Yukon Housing Corporation Board was in town, and they actually have come a long way and they get it."

So hopefully the Yukon Party will allow this good work to get off the ground this time, and hopefully they are going listen to recommendations. The recommendations that I will put forth today are largely about allowing for the free market to do their jobs. Previous government involvement in real estate development has left taxpayers funding Yukon's very own billion-dollar Area 51. We have confidential lawsuit settlements adding another half a million dollars to that tab.

We have been told that Whistle Bend lots were put up to market value, and that is not correct. Market value is the price at which something will actually sell in that market. It is what a reasonable person will pay. We have seen no response to the second-stage of Whistle Bend lots. They are clearly overpriced. With no uptake from residents, the City of Whitehorse has no interest in taking these burdens over either. This leaves the liability in the hands of the Government of Yukon and of Yukon taxpayers. Past performance tells us that we cannot leave it to government to tell citizens what they want and we can't leave it to government to effectively deliver what these citizens want. Pass this on to the private sector.

Now that I've gotten this off my chest, I will ensure to take a positive tone here and I'll have my comments being constructive criticism. This file is way too important and way too troubled for us to use.

As far as access to land, my first recommendation is to make progress on access to land for development. I speak regularly with people who have money to build houses and

who also have the skills to build these houses. I'm sure that other people here will also do that. I'm sure you've heard these conversations too, Mr. Speaker.

The first group would like to pay the second group to get what they want. This is called free commerce. However, successful governments have taken control of access to land. In Dawson alone, the combined Yukon and municipal bureaucracies have not seen fit to facilitate a new urban subdivision on that land in nearly 20 years. There is zero inventory for sale and it has been that way for years. Now there is nowhere to build houses with no work for our talented builders who are driving to Mexico for the winter.

Across the Yukon, increasing land prices have contributed considerably to the overall price increases. Land costs, as a percentage of single-detached house prices, increased from below 25 percent in 2002 to almost 40 percent in 2012. This results in higher prices for citizens and lower returns for Yukon companies and their employees. We need to actually fix land development instead of talking about it. To do this we will be a long way forward in addressing our housing issues.

Next I want to discuss reform in government housing. This one is a political hot potato, I must admit, but we need to be bold and we need to rethink this. I have personally seen this effect in Dawson. We give houses to citizens with good jobs and then we charge them well below the market rate at \$600 a month with no fixed end date. This rent is way below the cost of operating and a replacement, so the taxpayers foot the bill.

I'm guilty. When I first arrived in Dawson City to teach at Robert Service School I was very thankful for Yukon Housing Corporation. I needed the housing. I would say, however, after two years I really didn't need that housing. As I made many connections in my community, I rationalized with myself: why would I leave — \$600 a month for a three-bedroom house?

I rationalized myself out of a mortgage in Dawson, out of growing roots — and for every one person like me who finally, after six years of Yukon Housing housing, decided to grow roots and actually to build, there are many, many others who never do and there are many who also leave because they can't find land to build on.

Meanwhile, social housing tenants frequently pay more than these citizens with well-paying, stable jobs. The current policies leave no incentive for those who can afford it to move out into the private market so their units can be freed up for newcomers. Practically speaking, staff tenants should be moved to the 25 percent of the income social housing rate after two or three years or simply be required to move to the private sector like everyone else. I know this would not be popular in some circles, but the current program is an intervention and distortion of the marketplace.

Finally, Yukon Housing Corporation lending will also need to be reformed. The bulk of the money under these programs goes to Whitehorse, even though the private lenders are active, competitive and fully able to meet borrowing needs. There is no need for the government to be tying up tax

dollars and meddling in the Whitehorse lending markets. These programs could be qualified and restricted to rural areas, unusual circumstances and unconventional housing situations where private lenders truly won't go.

In conclusion, we need to allow the free market to do its work on housing. We need to ensure that when we say "partner" we mean "partner" — that we share the risks and the rewards. Government can support, but it should not replace, the private sector. Too often partnership in this territory has meant, "We'll give you the money and we'll take the risk," as opposed to a real partnership of shared moil and toil, through thick and thin, to achieve mutual goals.

With true partnership, however, we can really do something. My recommendations are clear. We need improved access to land and to encourage development. We need to reform government staff housing to give more fair access to housing, especially for those in need, and finally we need to reform Yukon Housing Corporation's lending programs to allow access to funding and financing in communities that do not have independent learning institutions.

I will be supporting this motion, Mr. Speaker. If I were to amend this motion, I would only add that we're really going to do it this time.

**Ms. Stick:** As mentioned earlier, we've had this debate in the past. I'm not sure why we're here debating it again. But in listening to all of the housing that the government likes to expound on that they have provided, there is a group of people that has been left out and I think this is important to consider.

There is information available. We've all heard it; we should have read it, and I think this government needs to consider it as part of their housing strategy. Even the federal government of Canada, through Canada's Minister of Social Development, has held up the Housing First approach as a good, economic approach to homelessness. This is a group we have not addressed. We are still having individuals at the Salvation Army in crowded, sometimes mixed groups, sleeping on mats on the floor. That is not housing. That is emergency shelter, but we have not addressed the housing needs of these individuals.

Housing First is a hard one for some people because it means providing shelter to the hardest to house with few strings attached. It means allowing homeless alcoholics, drug addicts, to continue drinking in subsidized housing. But the result of that — and this is what the Minister of Social Development spoke to — was the economic benefits of this and the human benefits of this.

First, someone has a permanent roof over their head — something we all deserve. We know there is proof; there is research that this improves health outcomes for these individuals. We know it encourages individuals to consider other healthier options. We know it improves access to mental health services. We know it reduces ER visits. All of these are economic pluses and beside that, it's providing housing. Everyone deserves a roof over their head. Every individual should have a safe place to live.

We're not asking for big things. We've seen projects in the past in other jurisdictions where it's just a room with a bed and a small kitchen area. Those individuals — many, not all — are able to see themselves doing better because they have a safe place to live, because they have a place to call home.

We know about this in Alaska, in Calgary, in other jurisdictions across this country. We've had an NGO — and they spoke to this in the motion — seeking innovative ways to partner. We've had private sector, we've had NGOs come forward with good plans, with financing, with land, with the support of Yukon Housing, or CMHC —

**Speaker:** The time being 5:30 p.m., this House now stands adjourned until 1:00 pm tomorrow.

*Debate on Motion No. 510 accordingly adjourned*

*The House adjourned at 5:30 p.m.*





# Yukon Legislative Assembly

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Number 109

1st Session

33rd Legislature

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## HANSARD

Thursday, November 14, 2013 — 1:00 p.m.

Speaker: The Honourable David Laxton

# YUKON LEGISLATIVE ASSEMBLY

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**DEPUTY SPEAKER** — Patti McLeod, MLA, Watson Lake

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**Yukon Legislative Assembly  
Whitehorse, Yukon  
Thursday, November 14, 2013 — 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 remembrance of Richard North

**Mr. Silver:** Mr. Speaker, I rise today on behalf of the Assembly to pay tribute to Richard North.

The Yukon loses a lot of writers. It's the kind of place that inspires people; it pulls them in from all around the world. We draw a lot more than our fair share of artists, musicians and writers, but we rarely get to keep them all for long. This is a very inspiring land, but it isn't an easy place to live. Pierre Berton lived here with his mother until he was only 12 years old. The house where he lived in Dawson has become a residence for other visiting writers. Robert Service was here for eight years. His cabin is a popular tourist attraction in Dawson. It is situated just down from the road from the museum dedicated to Jack London, who was only here for one winter.

These writers made their reputation writing about the Yukon, but spent most of their lives elsewhere. The Yukon loses a lot of writers, Mr. Speaker, and it recently lost another. Unlike London, Berton and Service, Dick North didn't leave us for the comforts of South; he passed away in September in his home in Whitehorse. In losing him, we lost a very special kind of artist, a man who was dedicated to witting about the Yukon with a voice from someone who truly knew it.

Dick North moved to the Yukon as a young journalist and he spent the bulk of his life in the territory, hiking and snowshoeing through the wilderness here. This was his home. It showed in every one of his books that he wrote; whether he was writing about the territory's history in *The Mad Trapper of Rat River* or *The Lost Patrol* — or his own history, in *Sailor on Snowshoes*. He was appointed a member of the Order of Canada in December of 2007, an honour he received with the humility and bemused pleasure one could only expect from a true bushman. He said, at the time, "It was pretty neat."

Dick's contributions aren't limited to his own writings. The Jack London Museum that I mentioned a moment ago is his brainchild. We owe its existence to his tenacity in sorting through rumours about the location of Jack London's Cabin and organizing the expedition to recover it. Thanks to Dick, that cabin has been found, has been moved to town and now sits just outside the museum on 8<sup>th</sup> Street. It is one of our most popular tourist attractions.

The Member for Riverdale South wanted me to add that Dick would often visit the bookstore and would ask to see all of his books and she would gather all of his books so that he could sign them all. Now this is a great selling point, that's for sure, for her store. You would be hard-pressed to find an unsigned Dick North book in that building.

The Yukon loses a lot of writers, Mr. Speaker, but Dick North was very special. He was one of the greats. That he stayed with us so long was not only a blessing to the communities where he lived and the people who lived in them, but to folks around the world who still read his printed words. We were very lucky to have him and we mourn his passing.

**Hon. Mr. Graham:** In light of the fact that the Member for Klondike was able to give a short tribute to Dick North, I thought that I would like to respond because Dick and I had a very long and, for me, beneficial relationship. I'm not so sure if it was mutually beneficial in all cases.

We began working together in the late 1960s and early 1970s at a magazine here in Whitehorse that I co-owned at the time, called *Midnight Sun*. Dick not only wrote probably 90 percent of what went into that magazine, he also did all the layout, he did the editing of anything that anyone else wrote and he took photographs. He virtually produced the magazine on his own. He was just a wonderful person. I spent many, many days working with Dick during those few years that we had *Midnight Sun* in operation, and some of the stories he told about Yukon — and I had lived here all my life — that I didn't even know were absolutely wonderful.

Just this summer, I also had the opportunity while I was in California to visit Oakland where I found the other half of Jack London's cabin. It was truly wonderful to see that Dick North was able to put together that expedition and actually move the original logs to Oakland, and there they sit in the square in Oakland on the waterfront, truly a wonderful location. I encourage all Yukoners, if they happen to get down there, to visit it. Dick was truly a unique individual — and I consider him a Yukon individual — and we'll mourn his passing.

### In recognition of World Diabetes Day and Diabetes Awareness Month

**Hon. Mr. Graham:** Today is also World Diabetes Day. November is Diabetes Awareness Month and today, November 14, is Diabetes Day.

Between 1998 and 2009, the prevalence of diagnosed diabetes among Canadians increased by 70 percent. This is according to the Public Health Agency of Canada's 2011 report on diabetes in Canada. According to the Canadian Diabetes Association, more than nine million Canadians are living with diabetes or prediabetes, including an estimated one million persons living with undiagnosed diabetes. I think it's safe to say, Mr. Speaker, that we do have a problem in this country.

Diabetes is a complex disease. It's characterized by resistance to insulin, which helps our bodies break down

carbohydrates and turn them into glucose. This glucose in turn feeds our cells. When our bodies become resistant to insulin the cells have trouble responding to insulin and the glucose, or sugar, accumulates in our blood.

Dr. Brendan Hanley, Yukon's Chief Medical Officer of Health, gave a very concise description of what diabetes can do during a recent CBC interview that he conducted. He said that diabetes accelerates vascular disease and leads to increased risk of heart attacks and strokes. He further said that it's the leading cause of blindness, of kidney disease and non-traumatic limb amputations.

The principal causes of type 2 diabetes are genetic predisposition and lifestyle. A diet centered around processed foods linked with inactivity can change our metabolism. Dr. Hanley emphasized the value of physical activity and healthy eating as a way to control or even delay the onset of diabetes. He added that it's important to get tested to determine if we are at risk of developing the disease.

The Canadian Diabetes Association has launched a national awareness campaign, the theme of which is "Who are you fighting for?" The campaign gives a voice to people affected by diabetes, either those who have the disease or those whose loved ones have the disease.

Here at home we have two fine programs to help educate us about diabetes and provide positive help to everyone. The Diabetes Education Centre, which is run out the Whitehorse General Hospital, has nurses and dietitians who provide fact-based advice and assistance. As well, the Chronic Condition Support program of the Department of Health and Social Services has nurse educators, exercise physiologists and health coaches who can help clients and health care providers manage this chronic disease.

For Diabetes Awareness Month, the Chronic Conditions Support program is bringing up Joe Solowiejczyk on Friday. Mr. Solowiejczyk is a family therapist, diabetes nurse educator and social worker. He is also a long-time diabetic and a dynamic speaker. He will be giving presentations to health care providers during the day and a free public health talk that evening at 6:30 at the High Country Inn. He will be talking about the effect of family dynamics on diabetes. I encourage everyone to take advantage of this opportunity to learn more about a disease that has become truly an epidemic in our society.

**Ms. Stick:** I rise on behalf of the NDP and the Third Party to pay tribute to World Diabetes Day and diabetes month. According to our chief medical officer, the number of adults in Yukon with diabetes is five percent and growing. That is a large number of Yukoners whose health is compromised, and that percentage does not include the increasing number of young children and teens who are being diagnosed with juvenile diabetes.

Diabetes has been linked to heredity but increasingly it is linked to obesity in our population. I could go on about what diabetes is and the different types but, more importantly, I believe we need to educate ourselves on the life-threatening pathology of this disease, and we need to talk about

prevention and care. Diabetes does kill. The most common ways are heart attacks and strokes caused by accelerated vascular disease — one of the impacts of diabetes.

Diabetes is also the leading cause of blindness and non-traumatic limb amputations and the leading cause of kidney disease. The minister across the way mentioned that but I think it's important to repeat it.

All of these conditions come with a huge price tag on our health care dollars and impact not just the individual but families and communities. As I mentioned, some individuals have a genetic predisposition, while for others lifestyle is the largest cause — and that is something everyone can address. Lifestyle changes such as increased activity, less processed food, more fruit, vegetables and healthier foods can all help. I think I heard my mother say that — more activity, better food. We've all heard that mantra, if only we would listen.

If individuals have concerns or would like more information, they should be talking to their family doctors, their community nurses and asking for referrals to the Diabetes Education Centre or to the Yukon chronic disease program. This is one disease we really can do something about.

**Speaker:** Introduction of visitors.

Are there any returns or documents for tabling?

## TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Kent:** I have for tabling the following two documents: the 2012 annual report of the Yukon Energy Corporation as well as the 2012 annual report of the Yukon Development Corporation.

**Speaker:** Are there other returns or documents for tabling?

Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

## NOTICES OF MOTIONS

**Ms. Moorcroft:** I rise to give notice of the following motion for the production of papers:

THAT this House urges the federal government to adopt the principles set out in the Canadian Bar Association Resolution 13-12-A: Accommodating the Disability of Fetal Alcohol Spectrum Disorder to Improve Access to Justice and thereby reaffirm the commitment made by the federal Minister of Justice to address the issue of FASD in the Canadian legal system.

**Mr. Silver:** I rise to give notice of the following motion for the production of papers:

THAT this House do order the return of any and all records regarding the uptake on the down payment assistance program operated by the Yukon Housing Corporation, including:

- (1) how many individuals have applied and how many have been accepted;
- (2) the amount of money loaned to date; and
- (3) the total budget set aside for the program.

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

## QUESTION PERIOD

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

**Ms. Hanson:** Teresa Ann Scheunert died of mixed-drug toxicity at the Watson Lake hospital, a publicly funded health care facility. Her family has been trying to understand what happened to their mother and sister to prevent it from ever happening again. The family did file a complaint with the Yukon Medical Council. The College of Physicians & Surgeons of Alberta will eventually send their report to the Yukon Medical Council and to the family. It will not be made public.

Far from acting immediately, the Yukon Hospital Corporation waited almost a full year before initiating an independent patient safety review. This report will not be made public. Yukoners who own our public health care system have a right to know what happened.

How will the minister responsible for Health and Social Services, the *Hospital Act* and the Workers' Compensation Health and Safety Board ensure that the public is informed about what happened before and after the tragic death of Teresa Ann Scheunert?

**Hon. Mr. Graham:** I'm quite surprised to hear this question, given the recent conversations with respect to the new *Health Information Privacy and Management Act* that has been tabled in this Legislature. The member opposite should know that we cannot publicly release medical records of any kind, unless authorized by the individual in question. In this case, the privacy of these medical records follow that person, even after death.

**Ms. Hanson:** I'm not talking about releasing private data. It's a public system, funded by the public purse and all threads of this sad story lead back to government responsibility.

Yesterday the Minister of Justice couldn't explain what law or regulation, if any, allows the coroner to sign and issue two significantly different judgments on the same death. We raised concerns about legislation that needs to be modernized and about inter-agency partnering. Mr. Speaker, it was a system failure and so far this government has refused to provide answers.

When will this government stop hiding behind its arm's-length institutions and how will the government members fulfill their ministerial responsibility for the system failure that resulted in the death of a 47-year-old registered nurse at the Watson Lake hospital?

**Hon. Mr. Graham:** Mr. Speaker, with respect to the Hospital Corporation itself — on November 7 of this session, I tabled a letter from the chair of the Yukon Hospital

Corporation that clearly addressed the changes that the Hospital Corporation has initiated as a direct result of the recommendations from the coroner's report. A Patient Safety Review is being or has been completed. I will not have that report, nor will I see it. The member opposite should understand what a Patient Safety Review report is. It's done under section 13 of the *Evidence Act* so that all the people involved, or all of the medical experts involved, can reveal what happened in a safe and secure environment to make sure that it doesn't happen again within the confines of the Yukon Hospital Corporation.

For the member opposite to ask that that now be made public is absolutely ridiculous. We understand that a high-alert medication strategy has been developed within the hospital. Another activity taking place is enhanced pharmacy support. A pharmacy operational review has taken place within the hospital. So all of these things are being done by competent medical practitioners, Mr. Speaker, and I trust them to do their job properly.

**Ms. Hanson:** The point was that it would not be made public. This week the minister expressed frustration that there wasn't enough cooperation in addressing the issues around Ms. Scheunert's death. Collaboration and cooperation are things the family would have loved to have had throughout this process. It's not hard to get in touch with the family. In fact, the minister has had their contact information since late January when the family wrote the minister pleading for help. This was an opportunity for the minister to arrange his own meetings and inform himself. What we have done on this side is listen to a Yukon health story and we have brought the concerns forward. It is not too late for the minister to learn more from the family about what failed and what the impacts have been on Teresa's surviving family.

Will the minister agree to meet with the family before Sunday to hear their full story, to hear from them the impacts of the system failure and commit to doing all he can to ensure nothing like this ever happens again?

**Hon. Mr. Graham:** I hear sounds coming from the opposite side, but I'm not sure they even listen to themselves sometimes. First of all I would like to clarify the role of the coroner. The coroner's goal is to provide facts. The coroner has the authority to correct a report at any stage. It's based not only on the act, but also on common law. Given that the coroner's job, the coroner's goal, is to provide facts, the coroner has a duty and an obligation to correct the record in light of new facts should they become available. The coroner is a quasi-judicial body, as I've said over and over in this Legislature. We don't interfere with the workings of that office. We respect the office of the coroner and we respect that office to get the job done correctly.

As to the other question, I have never, ever refused to meet with anyone. If the family would like to meet with me I would be only too happy to meet with them to hear their story, as I would have done at any time in the future.

So I look forward to that meeting Mr. Speaker. I reiterate that it's with the family.

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

**Ms. Stick:** Again, Teresa Scheunert died of mixed-drug toxicity. That finding and the coroner's report will not change. One of the disturbing differences between the original coroner's report of June 14 and the significantly altered July 9 version is the disappearance of any mention of 100 tabs of dilaudid and 110 tabs of OxyNEO prescribed over three days, June 14, 18 and 19, in the week prior to Ms. Scheunert's death. I quote from the original coroner's report:

"These prescriptions were written by a physician familiar with the medications being administered to Ms. Scheunert by the Watson Lake Hospital".

All prescribed opiates should be included in the coroner's report. Why should Ms. Scheunert's family settle for the watered-down July 9 judgement of inquiry which has eliminated references to hundreds of tabs of opiates when mixed-drug toxicity has been identified as cause of death?

**Speaker:** The member's time has elapsed.

**Hon. Mr. Graham:** Obviously the member opposite hasn't read the recent release from the coroner's office explaining the reason that the information was corrected. I reiterate, Mr. Speaker, that the goal of the coroner's report is to provide facts. If the coroner becomes aware that parts of what she has put in a report are not accurate, then it's not only her responsibility, but her duty to correct those facts.

I'm not here, Mr. Speaker, to explain on the coroner's behalf what happened between one report and another; that's not my job. The coroner is a quasi-judicial office, as I've stated previously. We don't interfere with the workings of that office. I realize the member opposite would be in there with her finger stirring the pot at every opportunity. We don't do that. We trust our officials and our people appointed by this government to do their job.

**Ms. Stick:** Mr. Speaker, oxycodone, also known as "oxyNEO", prescribed to Ms. Scheunert was detected in her post-mortem blood at an acceptable range. It was the fentanyl that was in the lethal range and, of course, it was the mixing that proved fatal. Those were facts. The coroner clearly stated that for the care providers, there was pre-existing knowledge of all medications being provided to Ms. Scheunert, both prescribed and administered at the hospital. Changes made to the coroner's second judgment appear to be an attempt to not discuss all the drugs that were prescribed.

Does the Minister of Health and Social Services see anything wrong with removing mention of hundreds of tabs of opiates in a coroner's report about a death by mixed-drug toxicity?

**Hon. Mr. Graham:** Mr. Speaker, I don't know what part of my last answer the member opposite didn't understand. The coroner is a quasi-judicial office. She works independently. I'm not in any way responsible for what she puts in her coroner's report. I accept the fact that what she does put in that coroner's report is accurate, given the information that she has — given that it's her duty and her obligation to provide a factual report. That's what we have before us.

The final report appears to be a factual report. Why the information in there is as it is, I have no idea. I accept that report as a factual report.

**Ms. Stick:** Ms. Scheunert was only taking drugs prescribed at the hospital where her pain had been managed. All the opiates prescribed to Ms. Scheunert came from the physician familiar with the medications being administered. All opiates prescribed to Ms. Scheunert should be included in reports and investigations that have the goal of preventing future tragedies. The public has a right to know what happened in a public hospital funded by taxpayers. Why should the public settle for a watered-down report that just doesn't tell the whole story?

We heard from the minister that it was about her independence, but I would still like to hear how she was even allowed to make a second report from the original?

**Hon. Mr. Graham:** The coroner has no statutory restrictions on how she releases results of death investigations. How she conducts these investigations is covered by the *Coroners Act* and a large body of common law, as I understand it. With respect to the *Coroners Act*, the coroner is covered by her two main functions, which I have stated over and over: to ensure that facts surrounding a death aren't overlooked and the second is to prevent similar deaths from occurring in the future.

In this respect, I believe that the coroner has fulfilled her duty. Again, we don't interfere with the report or the office of the coroner. I don't quite get where the member opposite is coming from. We don't interfere. If there's clarification requested from the coroner, perhaps the member opposite should request that clarification from the coroner's office. We won't.

**Question re: Economic outlook**

**Mr. Silver:** After delaying the release of this year's economic forecast for several months, it finally saw the light of day in September. We know the Yukon's economy will grow only 0.6 percent this year and that will put us 11<sup>th</sup> out of 13 jurisdictions in Canada for 2013. On the surface, the numbers for 2014 look better but they raise a bunch of questions. The Whitehorse Chamber of Commerce, for example, has said publicly that they are a little bit skeptical and that they would like to see some facts. They didn't believe the minister's hype and neither do I, Mr. Speaker.

The forecast assumes that both Eagle Industrial Metals and Bellekeno will be producing ore in 2014. Will the minister confirm for the record that he believes this is the case? Does the minister think both these mines will be open and processing ore next year?

**Hon. Mr. Dixon:** It's very interesting to hear that the Liberal Party is cheering against these mining projects in the Yukon. I'll be happy to convey to the owners of those two mines — the Whitehorse Copper project and the Bellekeno mine — that the Liberal Party of Yukon would like to see those projects not proceed and that he's rooting against them and thinks they won't go forward, despite what the companies

themselves have put on the record. They have said they do plan to reopen the Bellekeno mine.

It's very disappointing to hear the member opposite from Klondike suggest that he hopes those mines won't go forward. We're very optimistic that the companies, when they put forward information, do so honestly and in proper accordance with the law and with what they're required to put out on the public record.

As to the forecasts, they aren't my predictions. They are the predictions of the economists within the Department of Economic Development and they are based on the best available data that they have as to what companies plan to do. They aren't written in stone. They aren't guarantees. They are simply forecasts. If the Whitehorse Chamber of Commerce or any other chamber or body has questions or skepticism about them, that's fine. They are entitled to that. All that the department can do is publish a forecast based on the best available data at the time of publishing.

**Mr. Silver:** I guess berating me while I ask questions from the mining industry itself is not beneath the Minister responsible for Economic Development.

The forecasts for next year, I believe, are quite optimistic and I'm not alone. The government seems to think that they're bang on. If you support the conclusions then you must support the assumptions that go into this report. The conference board estimates are based upon Victoria Gold Corp. and Copper North Mining Corp. Carmacks projects both opening construction in 2014. Many people who I've spoken to in the mining industry don't see either of these things happening in 2014. It doesn't mean they don't want these things to happen and it doesn't mean that I don't these things to happen, it means they don't believe it. Will the minister confirm for the record that the government thinks that both of these different mines will begin construction next year?

**Hon. Mr. Dixon:** If a company has a proposal to build a mine and they have on paper publicly available — either through a website or reporting mechanisms through their national instruments — a plan to build a mine in a certain year, then the government takes that information very seriously. It's not the place of government to decide whether or not a project will go forward in terms of whether or not they can meet their requirements of raising capital and being able to build a mine. We have to make a forecast based on the best available data that we have. In the case of the forecast that we're talking about today, it is based on that. It's based on what companies are saying they are going to do. It's not a promise.

It's not that we are guaranteeing it's going to happen; it's simply what the companies themselves are saying they're going to do. So if the member opposite wants me to speculate whether or not I think companies are lying, I won't do that. That's not fair. All I can do is ask my economists to make a forecast based on the publicly available data.

**Mr. Silver:** And his economists did and we had to wait months and months to get these numbers.

It is very interesting to see the minister refuse to not make this commitment in the House. This government has been very

busy telling Yukoners to look past this year because things are going to get better next year. But now it looks like even the minister doesn't believe these optimistic numbers recorded in these forecasts. For our economy to rebound, the government is once again putting all of our eggs into one basket. It is very unfortunate that during the good times of 2010 and 2011, the government didn't put more thought into economic diversification. Last year, we lost more than 1,100 jobs in the private sector under this government's watch.

The minister is trying to have it both ways. He says, "Look at the report. Good news is on the way," but at the same time, he is unwilling to put on the record that he is confident that these mines are going to open up next year.

Why should Yukoners believe these reports when even the minister won't endorse them?

**Hon. Mr. Dixon:** Mr. Speaker, I've explained a number of times that we've changed the timing of when we release these economic forecasts to a biannual situation and the member opposite knows that. He knows that companies publish their planned intentions for what they plan to do in the coming years. We make our forecasts based upon what they tell us and what they say they're going to do. Of course I can't promise that a mine is going to go forward. I'm not in a position to make that kind of promise or guarantee. All I can do is ask economic forecasters — the economists in the department — to make decisions and make forecasts based on the best available data.

It's very disappointing for me to hear from the Liberal Party rooting against these mines because, for them, it's a political win. He's cheering against economic development because he sees a political gain in it.

Mr. Speaker, we won't do that. We're advocates of the economy, we're advocates of creating jobs in this territory and we won't root against mining projects in the territory. What the NDP and what the Liberals would have us do is ban mining in large tracts of the territory, increase royalty rates, eliminate the free-entry staking system and undertake an online staking program as committed to by the Liberal Party in the last election.

#### **Question re: Coroners Act**

**Ms. Moorcroft:** Mr. Speaker, as the Yukon *Coroners Act* now stands, the coroner and coroner's legal counsel, designated in the act as Her Majesty, or in other words, Crown counsel are the only people entitled to participate in a coroner's inquest. The Yukon *Coroners Act* does not provide families the right to be represented by a lawyer at an inquest into the death of a family member. The Yukon Court of Appeal in its Silverfox v. Chief Coroner decision this year reaffirmed that family members do not have any legal standing at a coroner's inquest.

Mr. Speaker, the law must be fair. Does the Minister of Justice think it's fair that families do not have the right to legal standing or to be represented by a lawyer at an inquest into the death of a family member?

**Hon. Mr. Graham:** Once again, I go back to the simple fact that the coroner has the authority to correct reports

and to publish reports. Given the fact that the goal of the coroner is to provide facts, we have a duty and an obligation to provide those facts in a manner that they see fit.

The number of inquests or death investigations in the past three years has varied between 51 and 73. Twenty-six coroners serve all Yukon communities, and we average one or two inquests per year. Therefore, we feel that since is the only one that we've had this kind of difficulty with, the system appears to work fairly well under the current system.

**Ms. Moorcroft:** Perhaps the Minister of Health and Social Services did not hear my question. It's about the *Coroners Act*. Yukoners are concerned that the *Coroners Act* does not provide for mandatory inquests where it is unknown how or why or under what circumstances the deceased died, or where it is in the public interest, or where there is a concern for public safety.

In the Yukon currently, inquests are only mandatory for deaths of persons in custody. A family member should be able to request an inquest, have legal standing and have timely disclosure of evidence and other means to ensure that an inquest is fair and transparent.

Will the Minister of Justice direct his officials to immediately establish regulations that recognize that families of the deceased have a right to participate in a coroner's inquest?

**Hon. Mr. Graham:** In the preamble to the question, I know the member opposite had at least two errors in facts, so I'm not interested in responding to the question when it's preceded by non-factual — in my opinion — information.

We believe that the coroner operating under the current regime is doing a fine job. We won't interfere with the workings of that office. We respect that office, and even though this extremely unfortunate situation that we now find ourselves in has precipitated a number of these conversations, we feel it's not the appropriate time to get into this discussion.

**Ms. Moorcroft:** Neither the Minister of Health and Social Services nor the Minister of Justice seems to be willing to answer my question, which is about the political will of this minister and this government. The office of the Yukon's chief coroner must be unbiased and independent. However, recent events have made it painfully clear that the coroner's office does not have the legislative power, the regulatory tools or the administrative capacity it needs to do its work independently. The Minister of Health and Social Services answers and statements earlier today have made that clear.

The Yukon *Coroners Act* is out of step with current practice in other Canadian jurisdictions. Does the minister have the political will and will the Minister of Justice commit to a full review and public consultations on new legislation governing fatalities, fatality inquiries and coroner's inquests before the fall 2014 legislative sitting?

**Hon. Mr. Graham:** Once again we have preambles that are full of non-factual information and it's difficult to answer any question from the Opposition when it's preceded by so much — I was going to use an unparliamentary term there, Mr. Speaker, but I restrained myself.

Unlike the NDP, obviously, we have a great deal of confidence in the coroner to carry out her responsibilities under the act and regulations. Again, we go back to the same point. The goal of the coroner's report is to provide facts and to ensure that similar situations do not happen again. We are convinced that, under the current quasi-judicial system, the office is independent. I have made no reference whatsoever to experiencing difficulties within that office, Mr. Speaker, so there is one error in fact.

We believe the office is working fairly well at the present time, we respect that office, unlike members of the opposition, and we will continue to do that.

#### Question re: FASD and legal system

**Ms. Moorcroft:** I will attempt a new question to the Minister of Justice. The federal Minister of Justice has acknowledged that fetal alcohol spectrum disorder is a huge problem and committed to address the issue of FASD in the Canadian justice system. The Yukon Minister of Justice and his colleagues have played a leadership role in addressing FASD at the federal-provincial-territorial table. In August 2013, the Canadian Bar Association released a resolution urging the federal government to accommodate the disability of FASD to improve access to justice. The minister met with his colleagues today to discuss FASD.

Does the minister support the Canadian Bar Association resolution urging the federal government to amend the *Criminal Code* and other legislation to finally begin addressing the issue of FASD in the Canadian legal system?

**Hon. Mr. Nixon:** The remarks finally from the member opposite caught me off guard. We have been working on this for a number of years and, in fact, Yukon has taken the lead on FASD in the criminal justice system across Canada. Over the past couple of days, with my colleagues from across the country, we've had great discussion on issues pertaining to FASD and access to justice. In fact, Yukon currently is undergoing an FASD prevalence study and the whole country is looking forward to information coming from that study.

It will give us great information on assisting those with FASD within the corrections system. We continue to do the good work up here. We have been rolling up our sleeves in Yukon since 2010 specifically on this issue and bringing it to the federal, provincial and territorial justice ministers' table.

**Ms. Moorcroft:** Mr. Speaker, people who are diagnosed with FASD or are suspected of having FASD are living with an organic brain injury. It is a permanent disability. People living with FASD often come into conflict with the law, and the legal system ends up criminalizing someone with a disability. Assumptions behind rehabilitation and deterrents underlying criminal law are not valid for these individuals. Often people living with FASD cannot foresee the consequences of their acts and suffer from poor impulse control and impaired judgment.

Is the Minister of Justice willing to amend the *Corrections Act* to consider the relevance of FASD in our legal system?

**Hon. Mr. Nixon:** Mr. Speaker, the member opposite was talking about the CBA resolution. Once again, we need to recognize the importance of those efforts to improve access to justice for people with FASD at their recent meeting and, of course, at our recent meeting just over the last couple of days. It is our belief that, in order to move forward in properly addressing this issue, due diligence is required to defining this complex issue, which is why we have approved the work currently being done by the federal, provincial and territorial officials. There is good work being done here in the territory and, as I said, jurisdictions from across Canada are watching very closely what we are doing.

I can also assure you that we look forward to the opportunity to further dialogue with organizations such as the CBA and other justice system professionals to address this issue and develop appropriate systems. I had indicated that we have a prevalence study underway in Yukon. I commend the federal government for their participation and relationship-building on this prevalence study. We look forward over the next couple of years to accessing more information about FASD in the correctional system.

**Question re: Carcross Community Centre**

**Mr. Barr:** Today I would like to come back to an issue I have raised many times in this House. The Carcross Community Centre is over 60 years old and was built by volunteers. It houses our territorial court. It is our local polling station. It is where community meetings happen and is a place for recreation. Until recently, the local advisory council, our local government body, met there, but because of the condition of the building they are now meeting in the local school.

When will this government build a new community centre, an important piece of community and government infrastructure that is part of the lifeblood of Carcross?

**Hon. Mr. Cathers:** What I would point out to the member is that we do recognize the work that has been done to assess the condition of the community centre in Carcross and we'll take that into consideration, as well as other priorities that have been identified by the community. We encourage the members of the community and the Carcross-Tagish First Nation to work together in trying to come up with a common set of priorities in terms of infrastructure development.

As the member should be well aware, there have been several different ideas and requests for government funding. Government can't build multiple structures with similar purposes but different visions in a community of that size, so there does need to be an effort by the community and First Nation to come together on common priorities and we're certainly happy to work with both of them in that regard.

**Mr. Barr:** Each time I raise this issue that the Carcross Community Centre needs to be replaced, the government comes up with some reason or another not to act. Community members routinely write to the minister requesting action. One prominent citizen and community leader in a recent letter states that she feels like writing to the

minister has become an annual exercise. The frustration of the letter-writer cumulates with, and I quote: "Every time we bring this request to your government we are advised that we need to get input from the community. We have had numerous community meetings, met with local organizations, done surveys, and tried to comply with all that has been requested over the past 15 years."

Mr. Speaker, frustration and disillusionment is mounting. Will this government commit to build a new community centre in Carcross in next year's capital budget?

**Hon. Mr. Cathers:** What I would again note is that the member is failing to recognize the significant government investments that have gone into Carcross. We work with every community in trying to gain an understanding of their priorities, but there are many competing priorities and we don't have the budgetary resources to do everything that everyone wants at once. We have to work with communities on picking realistic priorities and determining what investments can be made. Recent investments in Carcross include over \$12 million in investment in the waterfront development that was as a result of working with the community to understand their priorities.

There are few communities in Canada the size of Carcross that have seen that much investment by the territorial or provincial government in tourism development — over \$12 million in investment in recent years. We will of course work with the community in identifying future priorities, but again I point out to the member that there have been different views from the members of the community, as represented by the LAC and the First Nation, on what their infrastructure priorities are and we can't build everything at once.

**Mr. Barr:** The existing community centre building has plumbing and electrical problems, including not meeting current building codes. The roof does not meet the territorial building codes either. The insulation is not adequate and the building is very expensive to heat. The foundation is rotting. There is also the issue of mold. This is our court house, our polling station, the place where our local advisory council used to meet and a place for community gathering, celebrations and weddings. This is just not acceptable, Mr. Speaker.

Last year, in response to a challenge from the minister's predecessor, we held a large community meeting and got consensus on building a new community centre. What else do we need to do to get the government to act? Will the minister come with me and see the state of the Carcross Community Centre for himself?

**Hon. Mr. Cathers:** What the member is conveniently leaving out of his question is my understanding that the community also agreed that they would like a potlatch house and supported both a new community centre and a new potlatch house. The government is prepared to talk to both the First Nation and the LAC about advancing priority projects within Carcross and we remain open to discussing both of those potential options, but it's simply not a case that we can build both a potlatch house and a community centre and do it right away in Carcross.

There are other communities that have priorities as well. There are other areas we've had to invest in, including the water and waste-water investments in many Yukon communities, in part driven by changes to federal standards around drinking water quality.

We will work with the community of Carcross and with the First Nation in discussing and hopefully coming to a common view of what the priorities are. We also need to consider the needs of other Yukon communities and work through a budgeting process in determining where those investments can be made. We appreciate the importance the community places on this but what the member is failing to reflect is there is not at this point a common view of which project is a priority. As of the latest conversations I've had with the local advisory council, that was my understanding from them and that's my understanding from my predecessor, the Minister of Community Services.

**Speaker:** The time for Question Period has elapsed.

**Some Hon. Member:** (inaudible)

## INTRODUCTION OF VISITORS

**Hon. Mr. Nixon:** It gives me great pleasure to introduce some of my colleagues from across Canada. First we have Minister Meilleur, Community Safety minister from Ontario; Shane Gonsalves, chief of staff; Minister Gerretsen, the Attorney General for Ontario; Sabrina Grando, chief of staff; and finally we have Minister Swan from Manitoba and Matt Schaubroeck, special assistant.

*Applause*

## ORDERS OF THE DAY

### GOVERNMENT BILLS

#### **Bill No. 58: *Child Support Administrative Recalculation Act* — Second Reading**

**Clerk:** Second reading, Bill No. 58, standing in the name of the Hon. Mr. Dixon.

**Hon. Mr. Dixon:** I move that Bill No. 58, entitled *Child Support Administrative Recalculation Act*, be now read a second time.

**Speaker:** It has been moved by the Acting Minister of Justice that Bill No. 58, entitled *Child Support Administrative Recalculation Act*, be now read a second time.

**Hon. Mr. Dixon:** Thanks to colleagues for hearing this second reading speech regarding the *Child Support Administrative Recalculation Act*.

I'd like to start out by first of all thanking the Justice staff who have taken the time to not only write and prepare this bill, but also prepare me as minister to present it to the House. As folks know, and I'm sure members of this House will appreciate, a significant amount of work goes into the drafting and policy work around creating legislation. It takes a lot time, resources and effort, and that effort is especially put forward by department staff. I would like to recognize the ADM of

Justice, Thomas Ullyett, as well as Lesley McCullough, Carole Williams, Lawrence Purdy, Lori Zazulak, Sue Christianson and Dan Cable for the work they've done in preparing this bill in preparation of its tabling in the Legislature.

I am here today to present the second reading of Bill No. 58, the *Child Support Administrative Recalculation Act*. This legislation will institute a service to recalculate child support payments when the income of a parent changes. Instead of applying to court for a variance of the original child support order, either parent could apply to this administrative service to have their child support payments recalculated.

The act covers all child support orders made in Yukon courts and those made under the federal *Divorce Act* regardless of when they were made with certain necessary exclusions.

We are entering negotiations with the federal government to include orders under the federal *Divorce Act*, which is noted as a possibility in the act. We expect an agreement to be in place by the time the act comes into effect. Similar services are in place in seven other jurisdictions and we have tailored our service to the needs of Yukoners following the consultations we conducted this summer. This legislation addresses an access to justice issue and is part of this government's commitment to support families.

We know that going to court means a commitment of time and money that some parents are unable to make. We also acknowledge that the issue of child support is an emotional one and many separated parents would rather avoid confrontational court appearances in deciding on the amount of child support to be paid. Other parents may decide that it is only in court that a full hearing of all the circumstances will result in a fair decision. This legislation therefore makes an administrative recalculation available to those parents who request it, but retains the option of going to court instead. This act will affect a sizable population in Yukon. According to the 2011 census, there were 1,915 lone-parent families in Yukon, of which 1,390 were led by women. Not all would be subject to child support orders, but in 2012, 1,365 child support orders were made and that would be close to average over the last few years.

As I'm sure any parent will tell you, the cost of raising a child is considerable. The Fraser Institute this year estimated that it costs \$3,000 to \$4,500 per year to provide basic essentials to raise a healthy child in Canada. Other experts have noted that the Fraser Institute's estimate did not include the costs of daycare, accommodation, toys, sports, music and extra educational resources.

Yukon is a great place to raise kids and all these wonderful resources are available here. Yukon parents would want their children to be able to take advantage of them if they could afford it. A minimalist approach to raising our children is probably not what most Yukon parents would want for their children.

A Supreme Court ruling in 2006 affirmed that parents have a responsibility to provide for their children to the greatest extent of their income. In these times of economic

prosperity in Yukon, incomes are going up and it is right that our children should benefit. Although parents must agree with that in general, when it comes to making arrangements to pay more for child support there might be some reluctance or procrastination in putting those arrangements in place.

This new service will make it easy for them. On application, a neutral administrative service will recalculate the child support and notify the parents of the new amount. In deciding which child support orders to include in this service, the Department of Justice contacted parents, lawyers, women's groups and First Nations. They also consulted internally with Family Law Information Centre officials and the maintenance enforcement program. Since the recalculation will necessitate timely submission of information and notification, it was decided to restrict the service to child support orders where the payor was a resident of the Yukon.

Many jurisdictions restrict their service to both payor and recipient being residents, but we thought it would be doable to have only the payor residing in Yukon. The feasibility study conducted in 2009 recommended that shared custody orders not be included because that would necessitate obtaining income information from both the payor and the recipient, but government decided, after consulting, to include them. Shared custody orders are the most common child support orders, so excluding them would lessen the effectiveness of the service. It is our intention to institute a service that is easy to administer and utilizes the formula in the child support guidelines where the income of the paying parent determines the amount of the child support. We have therefore decided to include only straightforward orders and not those where there are special circumstances so that the child support guidelines cannot be followed.

In recalculating the new child support, it should simply be a matter of inputting a revised income amount into the formula. Where there are complexities, parents always have the option of applying to the court for a variance. Although the act makes clear the child support orders that are to be included in the new recalculation service, there is also provision for future flexibility so that other child support orders can be addressed or it can be added later by regulation.

Here is how the recalculation will work. Either parent may apply to have their child support order recalculated. The recalculation officer then decides whether the child support order is eligible according to the criteria I just outlined. Notification that the recalculation is to be performed is then sent out together with a request for the latest income tax assessment of the payor. The act makes the submission of this income tax information obligatory.

This information is necessary for the accuracy of recalculation and privacy is guaranteed under the provisions of the *Access to Information and Protection of Privacy Act*. On receipt of the income information, the recalculation officer makes the calculation using the child support guidelines and informs the payor and recipient of the result. This is the amount that now replaces the child support amount in the original order. If either parent disagrees with the new amount, they can apply to the court.

If the recalculation officer believes that a court might come to a different amount — for instance, because it would be able to access longer term or other income information — the recalculation officer can refuse to make the recalculation and then the applicant would have to take the application to the court.

Government has decided that the recalculation will not be performed in every subsequent year after the application has been accepted once. The reason for this is we want to make sure the service is activated by the applicant according to their circumstances and wishes, and those might change from year to year.

Although annual recalculation would reduce time, effort and stress for some applicants, for many it would be wasted effort by the officials because the payor's income had not increased sufficiently to make a significant difference in the child support. The act recognizes a difference of \$5 per month as significant enough to trigger notifying the parents of a new amount.

The new service will be located in the Family Law Information Centre on the first floor of the Law Centre, which is easily accessible to parents who are in Whitehorse. Information and applications will also be available on-line to accommodate rural parents and parents in other parts of the Yukon. We are aiming for the act to be proclaimed and come into force in June of next year. Procedural details will be published in the regulations, which will come into effect as the same time as the act. Regulations will accord with policy in the act, which has been informed by the consultations already completed.

The act before the House has been designed to fit the unique needs of single parents in Yukon. It will provide an easy and timely process for aligning child support payments with changes in income. I urge members of the House to pass the *Child Support Administrative Recalculation Act* to ensure that Yukon children can receive the level of support that they deserve.

I look forward to hearing second reading input from other members of the House and will look forward to discussing this bill with the support of officials from the Department of Justice later in Committee of the Whole. I will be prepared to answer any questions that members may have at that time.

Again, I'd like to thank the Department of Justice for the work they have done on this file and the individuals that I listed earlier in my second reading speech. I thank them again for their hard work in preparing both this bill and me for presentation to the House.

**Ms. Moorcroft:** I rise on behalf of the Official Opposition in support of Bill No. 58, *Child Support Administrative Recalculation Act*.

I want to begin by thanking the Department of Justice officials who gave us a thorough presentation on the act earlier in this sitting. The Acting Minister of Justice read their names into the record in his second reading speech, so I will just add my appreciation for their work.

The 2006 Supreme Court of Canada ruled that people paying child support have an obligation to maintain a level of support to their children that is proportionate to their income underlies this work. The court also acknowledged that federal and provincial governments could enter into agreements under the *Divorce Act* for the purposes of providing recalculation services to parents and to help them meet their child support obligations. I was pleased to know that the Yukon is in negotiations and expects to reach an agreement before this act becomes implemented.

As officials informed us at the briefing, a number of other jurisdictions in Canada have adopted similar administrative services to recalculate child support without needing to go through costly and time-consuming court proceedings.

The Yukon New Democrats support access to justice for families. When families separate, children's needs must still be met by the parents. Administrative child support recalculation services are an important way in which a just and fair updating of child support can be managed between parents or guardians of children.

This is especially important, given the fact that a parent or guardian receiving child support often does not have the time and may not have the means to go to court to have a child support order changed when the payor's income or other circumstances change that warrant recalculation.

During the briefing, I asked about application of the bill to same-sex couples because we have heard from some same-sex couples about having problems in this regard, so I will be following up with the minister on that.

As the acting minister said, where there are complexities, there is an option to appear in court that remains available to parents. I understand that the recalculation service will only be applied to simple cases and that the joint custody or unstable income cases would not be considered. I'm wondering whether the government intends to expand the service at some point in the future to cover more complex cases.

I hope that the effectiveness of this service for parents will be evaluated so that improvements can be made on an ongoing basis. Ensuring a parent who is caring for their child or children gets fair support is an important part of ensuring that families and children can live in security.

One of the issues parents face in raising their children is access to affordable housing and affordable daycare. We need to recognize that there are many other factors that make it difficult for separated parents to meet the financial needs of their household. Indeed, the acting minister has pointed out that there are many lone-parent households in the Yukon and that many of these are managed by single mothers.

We understand that the service may handle some high-conflict cases and that recalculation staff will need the necessary support to deal with potential conflict. What measures will be taken to ensure that the government workers providing this service are given the proper training to deal with these situations?

Mr. Speaker, before closing, I am pleased that the government in developing this act considered input from women's groups, from First Nations, from many other Yukon

stakeholder groups and the general public and I commend that. I think it is work that needs to take place in developing legislation.

**Mr. Silver:** It's my pleasure to stand in support of Bill No. 58, *Child Support Administrative Recalculation Act*. This bill enacts the *Child Support Administrative Recalculation Act*. The new act creates a government service that can be updated based on changes to the payor's income — the amount of child support payment under a court order. Either the payor or the recipient of the support can request this service and it will be available for both existing and future child support orders.

Mr. Speaker, I'm very happy to rise today on behalf of the Liberal Party to speak about this recalculation act. We will be supporting this bill, as it will help caregivers receive adequate child care support. The ability to change current arrangements through an administrative process will reduce financial burdens and personal stresses that are associated with going to court. That is all I have to say for opening remarks and I look forward to discussing this further in Committee of the Whole.

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

**Hon. Mr. Dixon:** I look forward to support from all parties on this. It sounds like we have agreement on passing this in second reading. I look forward to getting into Committee of the Whole and answering questions on the details, along with officials, later on today.

*Motion for second reading of Bill No.58 agreed to*

### **Bill No. 62: *Animal Health Act* — Second Reading**

**Clerk:** Second reading, Bill No. 62, standing in the name of the Hon. Mr. Dixon.

**Hon. Mr. Dixon:** I move that Bill No. 62, entitled *Animal Health Act*, be now read a second time.

**Speaker:** It has been moved by the Minister of Environment that Bill No. 62, entitled *Animal Health Act*, be now read a second time.

**Hon. Mr. Dixon:** It is a real pleasure for me to rise and speak to this *Animal Health Act*. It's something that along with my department, I have worked on over the past two years in my time as Minister of Environment. I'm pleased to finally see it come to fruition in its finality here in the Legislature in this fall sitting.

We've discussed this particular act a few times over the last few years in the House, but I'm pleased to provide a bit of background for this act and how we arrived at where we are today.

Before I do get into the details of the legislation itself, I did want to thank the officials who have made this legislation possible and their work both in drafting, writing and doing the policy work in the background as well as preparing me as minister for this legislation discussion.

The most obvious individual in the Department of Environment who has been involved in this is our chief veterinary officer, Mary VanderKop. She has been fantastic to work with, and I appreciate her guidance and patience in explaining what are sometimes very complex scientific issues to me. As a layman, I must sometimes frustrate her with my lack of knowledge of various diseases and issues, but her patience is much appreciated and her understanding and explanations are always helpful.

As well, I would be remiss if I didn't note the policy folks in Environment who have put a lot of time and effort into this. While Mary VanderKop, the chief veterinary officer, is sort of rightly the face of this legislation, folks like Diane Nikitiuk in the policy branch of Environment Yukon deserve an incredible amount of praise and thanks for her hard work. Of course, there is Dan Paleczny, as well, the director of policy, and any of the other policy staff in Environment who have had a hand in crafting this legislation. The drafters in Justice, while I don't recall their names, deserve a great deal of thanks and recognition. Drafting legislation, of course, is no easy task and takes a lot of resource time and effort.

The *Animal Health Act* came into force in 1997 originally. This legislation is shared between the departments of Energy, Mines and Resources and of Environment. The chief veterinary officer position was established in late 2009/early 2010 to provide leadership to an animal health unit consisting of a program veterinarian and a laboratory coordinator. As I said earlier, the chief veterinary officer, Mary VanderKop, and her program veterinarian, Dr. Jane Harms, have been fantastic to work with and I'd like to thank them for their work, as well as the laboratory coordinator.

These individuals make up the animal health unit of Environment Yukon. The animal health unit is responsible for education, information and disease response for issues affecting animal health in Yukon within the scope of the *Animal Health Act*.

This includes supporting Yukon's growing agriculture sector and monitoring the health of wildlife populations. The CVO provides advice to Health and Social Services and the chief medical officer of health on issues of food safety and diseases transmitted between animals and people.

The overlap between animal and human health and welfare is increasingly recognized. Yukon's *Animal Protection Act* is administered by Community Services and the CVO advises on the veterinary aspects of animal welfare along with the staff at Community Services who administer the *Animal Protection Act*.

A revised act will enable a more comprehensive response to animal diseases and ensure the Yukon government can deal with risks to livestock and wildlife health as well as support local food security and the protection of public health. It is similar to legislation in many provinces and it will support government decisions and actions that will be science-based, transparent and accountable.

A review of the current *Animal Health Act* was a key step to identifying the changes needed to ensure Yukon's legislation is current and effective. New threats to animal

health, many with human health implications, have emerged in the past decade. Examples of those include SARS, influenza, West Nile virus and many others that we see in the media from time to time since the act was last amended. It is important for government to have the legislative authority to respond appropriately to these threats.

A comparison of Yukon's *Animal Health Act* and similar legislation across Canada found opportunities that would enhance an effective response by the Yukon government to animal health concerns. Yukon stakeholders and First Nation governments were asked to comment on five key areas where changes were being considered to the *Animal Health Act*. The key issues included expanding the scope of the act, defining the role of the chief veterinary officer, addressing compensation for losses from an order under this act, introducing a process to appeal decisions and aligning penalties to other jurisdictions.

In completing the work on this act, the Department of Environment conducted a fairly robust public consultation and received significant input from the public as well as interested stakeholder groups.

This act recognizes that government action taken in the public interest can result in financial and personal loss to individuals, and thus includes provisions to address this loss. In the future, the detailed regulations required to support the modernized act will be developed through engagement of stakeholders.

As I said earlier, the Yukon public was invited to offer opinions and comments through a survey that was available from government offices or on-line. The invitation was extended through a news release and promoted through advertisements in the newspapers and television, as well as through social media, including Facebook and Twitter.

In addition, invitations to comment were mailed to 15 agriculture and wildlife stakeholder groups, 87 agricultural producers and service providers and all Yukon veterinary clinics. The review period was 60 days and that ended on May 31 of this year. Government representatives met with stakeholder groups upon request to explain the legislation review process and the proposed changes, as well as to answer any other questions individuals might have.

Meetings were held with the Yukon Agricultural Association, Yukon Game Growers Association, the Yukon Horse and Rider Association, Growers of Organic Food Yukon, and an interested group of agriculture producers. The chief veterinary officer presented information at the renewable resources councils chairs' meeting and to the Yukon Fish and Wildlife Management Board.

In addition to the comments received, there were a number of additional questions asked. As best we could throughout the process, the staff who conducted these consultations endeavoured to answer them as completely and as wholly as possible. In all, the Yukon government received a total of 71 completed surveys and three e-mail responses. Written responses were also received from the Yukon Agricultural Association, Mayo District Renewable Resources Council, Laberge Renewable Resources Council and the

Dawson District Renewable Resources Council. Letters were received from the Champagne and Aishihik First Nations and Teslin Tlingit Council. Of course, the information and *What We Heard* document is available on-line on Environment Yukon's website.

The questions that the survey that I referenced asked related to the scope of the act, the role and the authority of the chief veterinary officer, compensation, the appeal process, increasing penalties and the highest penalty for a first offence.

As I said, we received significant input from those who participated in the public consultation. I know that in terms of feedback we received a lot, especially from the agricultural industry. While some expressed a certain degree of questions about the necessity and role of the CVO, I think in all, everyone agrees that concerns about diseases found in farm animals could detrimentally affect wildlife species and that this legislation that provides protection to wildlife — specifically wild sheep from domestic sheep and goats — is long overdue. On the whole, I think it's fair to say many Yukoners are excited to see this legislation come forward.

The process, as I said, for this will entail passing of this legislation in this sitting, including the second reading. It will then, in the coming months and years, provide government with an opportunity to create regulations pursuant to this amended act or this new modernized act. I believe that there are 20 different regulation-making powers within this act. As we move to implement them, we will consider which to begin with.

Another key component of the chief veterinary officer's role as articulated by this act relates to the education and promotion of information related to the agricultural and livestock sector. I am happy to say that the chief veterinary officer is a regular contributor to the Agriculture branch's normal mail-out, entitled *InFARMation* and she is a regular contributor to that, so her comments can be found quite regularly in various issues of that publication.

As I said, the updated act specifies clear, science-based, transparent methods to deal with health risks that will enable an effective response by government without requiring changes to existing farming practices and provides the CVO with modern tools for responding to hazards and potential problems that may occur.

One of the issues I should highlight is the ability and requirement to respond to diseases of a federally reportable nature on a list that is compiled by the federal government — the Canadian Food Inspection Agency — which maintains a list on a monthly basis. That list of federally reportable diseases is available on the federal government's website. This new animal health unit, under the modernized act, will allow a more seamless interaction between the federal government's CFIA branch and our department.

I'm very excited about the possibilities it entails for further work with CFIA, and I'm sure that will be an important part of implementing the act. A great deal of work has gone into this over a substantive amount of time and I'm very proud of the work that has been done by officials to date. I did highlight a few individual in Environment Yukon but I

would remiss if I didn't add the significant contributions of the Agriculture branch of Energy, Mines and Resources — in particular Tony Hill, the director there. He has a very strong working relationship with the chief veterinary officer as she does serve all of government, but particularly Energy, Mines and Resources and Environment.

So I would like to thank the staff in the Agriculture branch of Energy, Mines and Resources for their input and work on this piece of legislation and I look forward to discussing the details of this particular legislation in Committee of the Whole at some point in this legislative sitting. I would be happy to answer questions from members of the Legislature at that point.

With that, I'd like to commend this legislation to the House and look forward to hearing from other members on their thoughts and views on this very important piece of legislation.

**Ms. White:** It gives me great pleasure to speak to Bill No. 62, the *Animal Health Act*. Mr. Speaker, I would also like to take this opportunity to acknowledge the excellent work of employees at Environment Yukon — and in particular, to Mary VanderKop, the chief veterinary officer, and the team that she works with. I heard from many people before I had a chance to meet her that hiring Ms. VanderKop was an exciting moment for the department and after seeing the work that she and her team have put into this bill, I can understand why.

Not being an expert in animal health and disease and how that works, the explanation is very comprehensive and has laid out a new set of rules and guidelines for both enforcement officials and owners of livestock to follow. It deals with all aspects. It encourages the reporting of hazards by making it a more transparent process so that everyone understands what happens when that is initiated.

It has new tools to control disease outbreaks in the animal/human health aspect. It has a clear list of responsibilities for both enforcement staff and animal owners. It has great aspects of the ability to appeal decisions and it gives the minister the ability to create an appeal board, which has also been very well received by the farming community. Definitely an important aspect to all of this is that it's really taking into account that for people who are involved in farming, the livestock are their livelihood. The fact that compensation is actually created right into the act has been really important and well-received, so there's no longer that fear of reporting that you might have concerns about your animal health — that that will affect your livelihood.

With all those reasons, it's a fantastic act and I look forward to discussing it more in Committee of the Whole. I just want to congratulate the department on the good work they've done.

**Mr. Silver:** It gives me great pleasure to rise on behalf of the Liberals to speak to Bill No. 62, *Animal Health Act*. We are glad to learn about the details of this bill from officials in Department of Environment. The chief veterinary officer and officials in her department have clearly done a lot of hard

work on this bill. The extensive consultation done in developing this bill is welcome and proof of the benefits of these consultations can be found throughout the bill.

The bill moves a long way forward in protecting Yukoners, as well as domestic and wildlife populations. Measures in the bill that provide compensation for animals that have been destroyed will help Yukon farmers and wildlife caretakers deal with disease outbreaks. This bill also helps encourage open information and self-reporting around disease outbreaks. This is critical in early identification of diseases.

Not much more to say, other than I will be supporting this bill and looking forward to asking some more questions on this bill during Committee of the Whole.

**Hon. Ms. Taylor:** I just want to provide a few remarks in support of this particular bill coming forward, the *Animal Health Act*, and I want to commend the Minister of Environment for his efforts and to his staff of the Department of Environment for doing this very important work.

I was actually the Minister of Environment when we introduced a new animal health program that was inclusive of a new chief veterinary officer as well as support and administrative staff. At that time and leading up to the time, we all witnessed a number of changes in our environment due to climate change and other factors.

As we see these changes occur within our environment, so also have we seen changes in how we manage wildlife and livestock in the agricultural sector, particularly as we see growth in the agricultural sector.

When I served as Environment minister, there was a lot of work done and continues to be done in support of elk management, for example, and bison management. There were a number of frameworks that were developed in support of adaptive management of these particular populations. It was really directed at diseases, as we see changes in our climate and we see the arrival of diseases that have come to Yukon and we have had to adapt the way in which we manage those arrivals, whether it has been ticks or others.

I think that this legislation really speaks to the importance of the animal health program, the unit itself and the role of the chief veterinary officer. As was already mentioned by the Minister of Environment, that particular role has been very integral in working in collaboration with the chief medical officer within Health and Social Services, but also working in collaboration with Community Services, which is responsible for animal protection, and, of course, with EMR in terms of the department responsible for the agriculture industry.

I believe that what this particular piece of legislation does is provide clarity to the scope and to the role of this particular officer and it also provides clarity in terms of providing those modernized tools to be able to respond to those emerging issues of importance. The emphasis on education and promotion are of utmost importance — providing clarity and providing more tools available to those who work with livestock on a daily basis in support of Yukon families and in support of those who work within our government agencies as

well, and providing that added scope and clarity to their particular roles.

I'm very pleased to see this work coming to fruition and being able to have an individual such as our CVO able to work through all of our existing policies, regulations and our legislation and bring further clarity and modernize those particular pieces of statutes and regulatory tools, as well as respond to the challenges and the opportunities that present themselves in the 21st century.

Without further ado, I would again commend the Minister of Environment and thank the many individuals in the Department of Environment who worked very well on this progressive piece of legislation. Of course, thanks to the many individuals throughout the Yukon who also contributed to what we have here today.

**Mr. Tredger:** It gives me pleasure to rise on behalf of the Official Opposition and my constituents in Mayo-Tatchun to speak to Bill No. 62, *Animal Health Act*.

I'd like to begin by thanking the staff of Energy, Mines and Resources as well as Environment, particularly the staff at the Agriculture branch for the work they put into this and the careful consideration they gave to it. This is an important act. The more I read it and the more I think about it, the more I realize the magnitude of it and the importance of getting it right.

This contemplates where the expansion of our burgeoning agriculture industry meets wildlife in our less populated areas.

For thousands of years, First Nations have hunted and gathered on the land, harvesting living in harmony with their land. It is through the harvesting of animals, fish and birds that they developed their culture and transmit their culture. Their way of life, their language, the customs and their spirituality are all part of the land and part of the water.

With climate change that way of life is at a very vulnerable stage. I know in the Mayo-Tatchun area, plant life is moving north. Different animals that haven't been seen are moving. The salmon industry is threatened and declining.

On the other hand, Yukon has a burgeoning agricultural industry. We support efforts to build that industry — small entrepreneurial, innovative farmers reaching out onto the land and building an industry. It's important that when we consider and contemplate this act, we get it right and we achieve a balance between the protection of wildlife and the support for a burgeoning industry.

When I talk about a burgeoning industry, that industry has been around for over 100 years. Mines were supported and farms were developed to support our communities. There is a bit of concern in the agricultural community that sometimes the regulations are established for large-scale agriculture, modeled on agriculture developed in the south where farms are close together and much more intensive. Upon first reading of this act, it seems to have achieved a good balance. As we delve into it, I will be looking for that balance. I'll be asking questions as to how we support the agricultural industry through education, sharing of ideas, sharing of research, and if we separate those officials who will

be delivering that from those who will be involved in inspection and enforcement.

As I said, I enjoyed the read. I found it very informative.

I commend the departments and officials involved for their involvement and the way they went about consultation. I look forward to discussing the act in further detail as we get into the meat of it in future sessions.

**Hon. Mr. Kent:** It's my pleasure to speak at second reading to this act brought forward by the Minister of Environment. The Department of Energy, Mines and Resources played a very important role in the development of the act. Much of the heavy lifting from a ministerial perspective was done by my predecessor in this role, but I was very pleased, upon assuming responsibility for Energy, Mines and Resources, to be involved with the Minister of Environment in bringing this through to its tabling and, as we progress through this bill, into third reading and assent later on this session.

As Minister of Energy, Mines and Resources, I am responsible for agriculture and agriculture programs. I'd like to touch on a couple of the things the government is doing to support agricultural development in the territory. The Growing Forward 2 agreement between Canada and Yukon has been renewed. It's a strong commitment to Yukon's agriculture sector by the federal and territorial governments working together in building the productivity, profitability and competitiveness of our agriculture industry.

It builds on a previous agreement, but places more emphasis on proactive strategic investments and innovation, market-based profitability, adaptability and long-term sustainable growth. What this agreement will provide is \$1.48 million annually for the next five years, which began on April 1, 2013, for a variety of agriculture and agri-food processing projects and activities. The government is committed to working with farmers and industry associations to increase the production of locally grown foods in a sustainable and profitable manner.

I had the opportunity this year to attend the North of 60 Agriculture Conference and banquet here in Whitehorse. I was able to stop in to some of the sessions during the day as that conference proceeded. Last night, I attended a meeting of the Growers of Organic Food Yukon society at Yukon College. It was very informative and well-attended. As I get more and more comfortable with the agriculture portfolio, it's important for me to reach out to organizations like that and visit with them first-hand and hear their issues and concerns. Going forward I'll also be meeting with other associations — the Yukon Agricultural Association, for example, as well as the Yukon Game Growers Association.

One committee that I'll be visiting with early in December is the Agriculture Industry Advisory Committee. It brings together a number of the stakeholder associations and community groups that are involved in agriculture to identify issues and concerns and reach some resolution, if they can, on those issues and concerns. I've heard very encouraging things from the work of that committee, the officials involved and

the organizations involved. I think it's very exciting to see that work move forward in a collaborative manner, especially on some of the tougher issues that have been raised previously in this House with respect to agriculture and the things that are going on.

I'm going to be brief at second reading here, but there are so many things that the Agriculture branch programs do to support industry. Of course, the release of agriculture land by way of spot land sales for farming and livestock grazing is incredibly important. When we talk about agriculture lands — and it came up again last night at the meeting I attended — availability, affordability and suitability seem to be certainly the buzzwords that we hear from many of the farmers who are active and many of the individuals who are trying to break into the agriculture section here.

Extension services that provide professional education and technical services to farmers and research and demonstration projects designed to improve the economic delivery of northern agriculture — I heard of some of the educational programs that are being offered by our organic farmers at the meeting last night, as well as some of the research that is currently being conducted by the agriculture research committee and the work that is being done in conjunction with the Yukon College Research Centre with respect particularly to the greenhouse that is located at Yukon College.

There are a number of meat inspection services, including operation and maintenance of the mobile abattoir and animal health testing programs.

I already spoke about the \$1.48-million annual Growing Forward 2 agreement that is now in place to address many of the projects that are brought forward — again, targeting those three strategic outcomes of innovation, competitiveness in market development, and adaptability and sustainability.

I think there are tremendous opportunities that exist within our agricultural industry here. I know this act is designed to provide some clarity to much of the game-growers and livestock owners who are active in the Yukon. We're excited about that and incredibly excited about the opportunities.

Just in closing, at the agriculture banquet I attended, it was curious for me to learn that of the \$100 million annually spent by Yukoners on food, only two percent of that comes from the local agriculture industry, so there is a lot of room to grow in that industry. I look forward to working with the stakeholders and department officials in Energy, Mines and Resources, as well as the partners in Environment, to ensure we continue to see Yukon foods and Yukon food products achieve the value that they deserve in our local market and our domestic market on a going-forward basis.

**Hon. Mr. Cathers:** In speaking to this legislation, I will be brief, but I did want to note a couple of key things that should be understood for those who are wondering or trying to understand what this legislation is intended to do and why it's coming forward.

In part the Canadian food system and the rules around it — primarily through CFIA — Canadian Food Inspection Agency — but also involving every province and territory — there have been changes made to the food system, particularly in the wake of events that occurred such as years ago with BSE and the issues that occurred in B.C. around the outbreak within a number of chicken farms of avian influenza.

Those are some of the things that have been driving the national agenda and the changes that CFIA and provinces have made around traceability of product and around looking at what would occur in similar situations to what happened in British Columbia. The changes that are being made to Yukon's *Animal Health Act* in part reflect the fact of what we saw from the B.C. experience and the need to have legislation that provides — in the case of an outbreak of a communicable disease within an animal population — particularly one that could be spread to humans — that every government needs to ensure it has the ability in that type of situation to take appropriate steps and that includes having legislation that allows for incremental steps to be taken to establish quarantine zones, et cetera, to avoid government using the blunt tool that governments can use in the most extreme cases of invoking their respective emergency measures acts in the provinces and territories.

A significant part of the priority of this update to the *Animal Health Act* is to allow for quarantine zones to establish for surveillance and control on the basis of science and also to put in place an appeal process for those decisions.

Another thing that was not prohibited by legislation before, but was also not explicitly provided for, was compensation to animal owners in the event of losses. That is another important change that is being made here because, should we ever get into a situation during Yukon's future where there were an outbreak of some disease that was communicable, it's appropriate that we have incremental tools to use that are proportionate to the problem and don't cause unnecessary impact to others as well as to have legislation for action to be taken quickly to prevent problems spreading and having a greater effect both on other animals and on humans. A key priority for us in amending this legislation was ensuring that there is the ability for farmers to receive compensation in that type of situation because those things can be quite devastating to a family — to their income — and in the case where B.C. was forced into the situation to take action related to an outbreak of influenza within a number of poultry farms, the economic consequences to people who were involved was also quite significant.

That's something we believe is appropriate to ensure that we have the ability, should such an unfortunate occurrence ever happen at some point in Yukon's future, to treat people compassionately in those situations and recognize both the economic and emotional value that farmers place on their livestock.

With that, I think I've addressed the key parts in that area. I would note that during the consultation that occurred, there were changes and concerns that came from Yukon farmers that there were amendments made to the draft legislation, and

we tried to incorporate what those concerns were and, where there was good input, ensure that this legislation was recognizing what we were hearing from Yukon citizens.

With that, I will conclude my remarks and thank the members opposite for their comments in support of this legislation.

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

**Hon. Mr. Dixon:** I'd like to thank members who have spoken earlier to this legislation in second reading and to thank them in advance for their support. From what I heard, it sounds like we will have a fairly strong degree of support for this legislation moving forward.

I did want to reiterate a few items and mention a few things that I did forget to mention in my second reading speech earlier today.

This isn't the first step forward for us in terms of animal health in the territory. We have done a number of things since I've been minister, as well as going back to previous governments that actually created the animal health unit beginning in 2009. One aspect that I did want to mention was that, as important as it is to have the tools in place to deal with the outbreak or spread of a potential disease in the territory, the best remedy we can undertake is prevention altogether. If we can prevent diseases from entering the territory, we don't have to deal with their spread.

One of the diseases that we have identified as being of great threat and something that other jurisdictions have dealt with to their detriment is chronic wasting disease. That's why I was pleased to announce earlier this year that the Yukon government is prohibiting the import or possession of cervids killed outside of the Yukon — those are members of the deer family — to minimize the risk of introducing chronic wasting disease to Yukon wild game populations, both farmed and wild.

The new rules that we put in place will help maintain Yukon's natural healthy meat supply, and it will also protect the economic interest of game farmers, outfitters and tourism operators. Chronic wasting disease has not yet been found in Yukon animals and these rules put in place earlier this year will complement the current prohibition on importing live cervids to the Yukon.

For many years the Department of Environment has asked Yukon deer and elk hunters to voluntarily refrain from bringing home certain body parts from animals harvested outside of the territory. The wildlife regulation will now ban the import, sale or possession of scent lures sold for the hunting of cervids, which include deer, elk, caribou and moose, that contain animal body fluids or tissues that could introduce disease agents, particularly CWD, to Yukon.

The import or possession of the whole carcass or any part of a cervid that has been killed or has died outside the Yukon is also banned, with the following body parts exempted: meat, not including bones, or portions of the carcass where the spinal column and head have been removed; finished

taxidermy mounts, tanned hides or raw hide kept in a protective container that will be tanned within five days of entering Yukon; teeth, if completely removed from the head; and antlers with or without an attached skull cap if no tissue or hide remains.

Cervids harvested in the Northwest Territories or in the two most northerly hunting zones in British Columbia are also exempt, as are cervids that are in a protective container and being transported through Yukon. In the event that cervids or cervid parts brought into Yukon test positive for CWD, the person responsible for importing the animal must immediately notify a conservation officer.

The new rules align with those in place in Alaska, British Columbia and Alberta. They will not prevent the natural movement of animals across borders, so the risk of introducing CWD, while low at present, is not eliminated. The new rules will be set out in a 2013-14 hunting regulations summary that is currently available and can be viewed at [www.env.gov.yk.ca](http://www.env.gov.yk.ca).

Mr. Speaker, that was one of the preventive actions we took earlier this year to limit the possibility of a particular disease — chronic wasting disease — entering Yukon. I thought it was a reasonable action to take, given the spread of the disease in southern parts of the country as well as the United States, and it was a logical next step for us.

We did take that action in consultation with a number of groups, including outfitters, both in Yukon and British Columbia who operate in northern British Columbia, and taxidermists and hunters. I think once we explained the intent and method of application of this new regulation, all those groups supported moving forward with the regulation to ban these cervid parts being brought into the Yukon.

Hunters who go down to Alberta and Saskatchewan can still bring their meat home and they can still bring their antlers home, but they can't bring those parts of the cervid body that have a high risk of transferring CWD, including the spinal column and other body fluids. As well, the risk of spreading the disease is also apparent in fluids that are drawn from an animal or a cervid and some of those fluids can be used in scents or lures that were previously available for sale in Yukon. So they are no longer available. I believe there was one store that had sold them. We were able to accommodate them to no longer import that and they were happy to do so, is my understanding.

Turning back to the animal health unit itself — I mentioned earlier today that it is made up of chief veterinary officer, Mary VanderKop, and the program veterinarian, Dr. Jane Harms. I didn't mention the laboratory coordinator, Meghan Larivee, who deserves recognition as well as being an important component of the animal health unit. So I did want to mention her name as well in thanking staff for the work they've done on developing not only this piece of legislation, but the animal health unit as a whole.

Turning back again to this legislation — as I said earlier, it's in response to Yukon's growing agriculture sector and the need to better respond to emerging animal health issues. While we have today at least focused primarily on animal

health, I think it's important to recognize that these animal health issues are also very important for human health as well. We have seen over the past several years examples of fairly high-profile disease outbreaks in animals that also pose a threat to human health. I listed a few before, but a few others are mad cow disease, E. coli, West Nile virus and avian influenza. These are all examples of animal health issues, but they have a significant impact on human health potentially as well.

The new act as it is tabled here in the House today — or as it is before us currently — will help protect livestock and wildlife health. It will also support local food security and help safeguard human health. It reflects the input received from the public review held earlier this year and supports existing farming practices and processes.

The act here differs from the current *Animal Health Act*. This modernized act ensures orders for quarantine, surveillance and control are science-based and clearly communicated to individuals. It modernizes the tools to manage hazards to animal health and it provides for compensation to animal owners in the event of losses and introduces an appeal process.

We did hear clearly through the public review that animal health decisions need to be made on the basis of science and that a new act gives government the — as I was saying, the decisions need to be based on science. The new act gives government the tools and authority to deal with hazards to animal health.

As well, the new act reflects public input that all animals are valued by Yukoners and livestock have emotional as well as economic value to farms. I think that's an important thing that needs to be understood as well. Animals, of course, have a certain relationship with humans and even livestock tends to have more than an economic value to people. It ensures that when action must be taken to control disease, owners are given fair notice and the actions are fully justified. As I mentioned earlier, the *Animal Health Act* will continue to complement the federal responsibility for animal health carried out by the Canadian Food Inspection Agency.

The act offers a wide range of penalties and provides flexible options for the courts to tailor the penalty to the severity of the offence and the personal circumstances of the individual. As I said earlier today, Mr. Speaker, one of the key components of the animal health unit is providing educational materials for the public related to both animal and human health as they pertain to livestock.

I did mention the article that our chief veterinary officer provides to *InFARMation*, the Agriculture branch's newsletter. I should also note that there are a number of other ways that we are advancing educational opportunities related to animal health. Those include a number of examples prepared for distribution to the Yukon public. There are fact sheets that are available on Yukon Environment website and available in Yukon government offices and those fact sheets are on specific diseases and specific health issues related to animals that are very valuable to a lot of Yukoners.

I spoke a little bit earlier about chronic wasting disease and why CWD is a challenge and something we should be aware of.

Of course the animal health unit provides a fact sheet on CWD and how to limit the chances of bringing CWD back home if you hunt outside the Yukon. There is also information about winter ticks in Yukon, which is an issue not just in Yukon but across northern Canada. There are a number of other ones, including equine infectious anemia, but I don't need to list them all. I did want to note that there is another publication on diseases you can get from Fish and Wildlife, which has been widely distributed to hunters, trappers and farmers, and a new *Poultry Health Handbook*, which has just been finalized.

I think we have covered the gamut in terms of why this act is so important, and I look forward to voting in favour of it and speaking about it in Committee of the Whole. I look forward to members' questions at that time.

**Speaker:** Are you prepared for the question?

**Some Hon. Members:** Division.

#### Division

**Speaker:** Division has been called.

*Bells*

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Pasloski:** Agree.

**Hon. Mr. Cathers:** Agree.

**Hon. Ms. Taylor:** Agree.

**Hon. Mr. Graham:** Agree.

**Hon. Mr. Kent:** Agree.

**Hon. Mr. Nixon:** Agree.

**Ms. McLeod:** Agree.

**Hon. Mr. Istchenko:** Agree.

**Hon. Mr. Dixon:** Agree.

**Mr. Hassard:** Agree.

**Mr. Elias:** Agree.

**Ms. Hanson:** Agree.

**Ms. Stick:** Agree.

**Ms. Moorcroft:** Agree.

**Ms. White:** Agree.

**Mr. Tredger:** Agree.

**Mr. Barr:** Agree.

**Mr. Silver:** Agree.

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

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

*Motion for second reading of Bill No. 62 agreed to*

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

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

*Motion agreed to*

*Speaker leaves the Chair*

#### COMMITTEE OF THE WHOLE

**Chair (Ms. McLeod):** Committee of the Whole will now come to order. The matter before the committee is Bill No. 58, *Child Support Administrative Recalculation 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. 58: Child Support Administrative Recalculation Act**

**Chair:** The matter before the Committee is Bill No. 58, entitled *Child Support Administrative Recalculation Act*.

**Hon. Mr. Dixon:** I look forward to hearing questions from the members opposite on this important piece of legislation.

**Ms. Moorcroft:** As I said at second reading, the Official Opposition supports this bill and I have a few brief questions I'd like to ask the minister to respond to. I'm going to start with a matter I spoke to officials about. When it comes to the application of this act, how does it apply to same-sex couples, to common-law spouses, as well as married couples? We have had some comments from same-sex couples who have indicated they have had some challenges in child support matters.

Perhaps the minister can give a brief explanation.

**Hon. Mr. Dixon:** This legislation speaks to the payor and a recipient and it has no relevance on the sex or gender of the couple, so same-sex couples — or former couples, if they're separated, as they would be in this situation — would be treated no differently from anybody else as is the common practice or common law.

**Ms. Moorcroft:** The *Child Support Administrative Recalculation Act* is designed to provide cost-efficient access to justice, and we appreciate that. The Acting Minister of Justice indicated that this act will only apply to cases that are not complex. I'm wondering if he has any information about how many cases overall would be considered complex? Is it about 10 percent of the cases that come forward, or do they have any idea of the numbers?

**Hon. Mr. Dixon:** We don't have a specific number, but I think we can say with confidence that it would apply to most or the vast majority of cases.

**Ms. Moorcroft:** Following up on the fact that the recalculation service would only be applied to simple cases —

and it's my understanding that cases involving joint custody of children or unstable income would not be considered — would all joint custody cases be precluded or are some of the joint custody cases, in fact, simple rather than complex?

**Hon. Mr. Dixon:** Shared custody arrangements will be considered under this system.

**Ms. Moorcroft:** Then is shared custody the same as joint custody?

**Hon. Mr. Dixon:** Based on the intent of the question, I think the answer is yes. I think there is some detail there. But based on where it seems the member is going, we believe the answer is yes.

**Ms. Moorcroft:** At the briefing that we had last week, I raised the subject of the effectiveness of the service and how it would be evaluated so improvements might be made. How will the department be monitoring how the child support administrative recalculation service is being implemented and developing potential improvements.

**Hon. Mr. Dixon:** At this point we already keep very detailed statistics about the cases and users of the system as it is. Of course, as we implement the new legislation and as we undertake the new services, we'll be monitoring to determine if there are new statistics or metrics we need to consider. If there are, of course, we will take that into consideration and make adjustments as necessary.

I think we're confident with the level of information that we have currently and we're confident that that amount of data and statistics should be sufficient to give us information on the effectiveness of the program going forward.

**Ms. Moorcroft:** Would the minister, for the record, please confirm that the new *Child Support Administrative Recalculation Act* will fall under the *Interjurisdictional Support Orders Act*?

**Hon. Mr. Dixon:** If the pair is in Yukon, then it will apply to orders under the act the member mentioned.

**Ms. Moorcroft:** Just to follow up on that question, if one parent is living in the Yukon and another parent is living in another jurisdiction in Canada or elsewhere where the Yukon has an interjurisdictional agreement, will that interjurisdictional agreement fall into play?

**Hon. Mr. Dixon:** If the support order and the payor are resident in Yukon, they will apply.

**Ms. Moorcroft:** Have the other jurisdictions that have already brought forward their own child support administrative recalculation act — and there are several of them — had the act in place for long enough to have considered interjurisdictional maintenance enforcement orders and to have developed regulations or policy on that?

**Hon. Mr. Dixon:** Not all jurisdictions do include those orders, but Yukon will.

**Ms. Moorcroft:** The final question that I have for the minister is also one that I mentioned in the second reading debate earlier today. We understand that the service will handle some high-conflict cases and both the recalculation staff and maintenance enforcement staff need supports to deal with potential conflict. They do a good job under what can sometimes be trying circumstances.

What measures will be taken to ensure that the government workers who are providing this service are given proper training to support them in their work to deal with any kind of high-conflict situations?

**Hon. Mr. Dixon:** There are opportunities available for our staff to be trained in a number of ways and those training opportunities will be made available to any staff who have to deal with the situations the member is talking about. The training opportunities include difficult conversations with challenging individuals or folks who are difficult to deal with on a personal basis. There is training provided to deal with those individuals and to deal with those difficult conversations. One particular type of training is verbal judo, I understand, and that's apparently quite useful.

**Chair:** Is there any further general debate? We're going to move onto clause-by-clause.

*On Clause 1*

*Clause 1 agreed to*

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

*Clause 4 agreed to*

*On Clause 5*

*Clause 5 agreed to*

*On Clause 6*

*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*

*Clause 11 agreed to*

*On Clause 12*

*Clause 12 agreed to*

*On Clause 13*

*Clause 13 agreed to*

*On Clause 14*

*Clause 14 agreed to*

*On Clause 15*

*Clause 15 agreed to*

*On Clause 16*

*Clause 16 agreed to*

*On Clause 17*

*Clause 17 agreed to*

*On Clause 18*

**Ms. Moorcroft:** I would just like to ask the Acting Minister of Justice if he can give us a timetable on when he expects this bill will be brought into effect and when he anticipates that the regulations will be completed?

**Hon. Mr. Dixon:** We are aiming for the act to come into effect in June of 2014 and the regulations in accord with

the policy in the act, which has been informed of the consultations, will be completed then as well.

*Clause 18 agreed to*

*On Clause 19*

*Clause 19 agreed to*

*On Clause 20*

*Clause 20 agreed to*

*On Clause 21*

*Clause 21 agreed to*

*On Title*

*Title agreed to*

**Chair:** Thank you. That clears Bill No. 58.

We're going to proceed with Bill No. 11, *Second Appropriation Act, 2013-14*, continuing on with Community Services. Committee of the Whole will break for 10 minutes.

*Recess*

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

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

**Chair:** The matter before the Committee is Vote 51, Department of Community Services, in Bill No. 11, entitled *Second Appropriation Act, 2013-14*.

Mr. Cathers has the floor with 13 minutes and 45 seconds remaining.

#### **Department of Community Services — *continued***

**Hon. Mr. Cathers:** I certainly won't take all that time here this afternoon. I look forward to hearing further questions from the Member for Mount Lorne-Southern Lakes.

**Mr. Barr:** Welcome back to the staff of Community Services — it's nice to have you back. I have not too many more questions left for the minister, so I'll just get right to them.

In regard to the *Residential Landlord and Tenant Act*, we're still living under the old act and regulations. I understand they need to be crafted and passed for the new act to take effect. Can the minister let us know what the timelines will be for the regulations to be brought forward?

**Hon. Mr. Cathers:** I would first of all like to note that the *Residential Landlord and Tenant Act* work was a significant policy initiative and I recognize the work of the former Minister of Community Services, as well as staff of Community Services, for their good work in leading this initiative — as well as other departments and agencies that were involved, including another area of my portfolio, the Yukon Housing Corporation staff — for their involvement in that. Community Services staff led the public consultation and the policy work on this and I'd like to thank people who contributed to that initiative and commented during the act.

The regulations also have a significant amount of policy work related to them. There are areas of the regulations that will be going out for consultation later this month. The

member should stay tuned for an announcement soon regarding the request for public comment on the regulations under the *Residential Landlord and Tenant Act*, which will be out before the end of November.

**Mr. Barr:** In keeping with the regulations, I'd also like to inquire as to when the regulations for oil-fired appliances will be coming.

**Hon. Mr. Cathers:** First, contextually, the Yukon established an Oil-Fired Appliance Working Group to make recommendations that led in the spring of 2013 to the *Oil-Fired Appliance Safety Statutory Amendment Act*, which was passed by the Yukon Legislative Assembly. The changes provide for the ability to create new regulations to improve the safety and installation of oil-fired appliances.

Through the good work of my two predecessors in Community Services and Yukon Housing Corporation respectively, there is also input from the public in the community tours that heard what concerns were from rural Yukon. I can tell the member that in putting forward the legislation and developing the regulations, our focuses are on making improvements to the safety of Yukon heating systems, but also doing so in a practical, common-sense manner that acknowledges and understands the realities of rural Yukon in particular, and proceeds in a reasonable manner to address those concerns.

In addition to that, I would note that in the legislation we have moved forward with requiring carbon monoxide detectors in residences, which I believe is the first jurisdiction in the country to do so. Other steps include commitments we made to launching an oil-burner mechanic training program and conducting a public awareness campaign on heating system safety. The public consultation on that will enable us to ensure that we have an appropriate range of regulations that respond appropriately to the areas where we can improve safety while doing so in a realistic manner.

**Mr. Barr:** I must have missed when the regulations would be coming forward on that. I understand there is a lot to do. The specific question was: when can we look forward to having the regulations coming forward?

**Hon. Mr. Cathers:** I'm not at this point able to give the member more specific details or timelines, but I look forward to being in a position to do so before too long. What I would note to the member is that, as I suspect he is probably aware — but just to reiterate to him and others — the number of policy initiatives Community Services has been working on is quite substantial. The *Residential Landlord and Tenant Act* and *Oil-Fired Appliance Safety Statutory Amendment Act* are both initiatives that require significant policy and legal work, so the investment of time by staff of Community Services as well as legal drafters in the Department of Justice is significant and there are only so many things that any one person can do at one point in time. We have confidence that staff are doing the good work that is necessary in these areas.

We look forward to doing our level best to come up with an end result that reflects what we have heard from Yukon citizens and develops regulations that improve safety of oil-fired appliances, but also that we do so in a matter that

recognizes what I have heard, what my predecessor as Minister of Community Services heard — as well as my predecessor as minister responsible for Yukon Housing Corporation — and what staff of both that department and corporation heard from Yukon citizens and Yukon communities.

**Mr. Barr:** We on this side of the House know that there is a lot of work, and also we very much identify with the people who have been waiting for both the *Landlord and Tenant Act* and the regulations for oil-fired appliances to end up being in effect so people can actually live in and have the comfort of living in rental units with oil-fired appliances — I myself have an oil-fired appliance — and know that they are safe. I recognize the hard work of the folks in Community Services and look forward to the action coming sooner than later. I just wish them the best in their endeavours in doing this so we can get on with this important work.

I will move on to the Beaver Creek fire hall. I notice there is nothing in the budget for that. I understand that developing a plan and the budget has had some setbacks. I know that it was a major promise by the Yukon Party government.

I also recall at the time that although Carcross, to my understanding, was to be next in line for a fire hall — which has now become part of the infrastructure needs identifying Carcross. We spoke earlier today that within that facility itself, the fire hall, EMS and search and rescue be housed in one place. It is quite in disarray at this point. However, my understanding is that the government felt Beaver Creek required this work and yet there is no action as to any actual building going on. Can the minister tell me where the work is at for the Beaver Creek fire hall?

**Hon. Mr. Cathers:** First of all, I want to correct the record. The member had a couple things that I do need correct. First, his characterization of the status of the Beaver Creek fire hall project is portrayed in a more negative light than what is really appropriate for the situation. In fact, the project work is ongoing on that. The issue that occurred in that case is that the lowest bid received for construction of the facility came in well above the approved budget. Design changes have been approved that will reduce the complexity of the building and come back within budget.

I would point out that in this area — although this situation was a project that was separately tendered — we are making efforts and looking toward standardizing the designs for our fire halls, because we have had examples of our buildings where we know that they work and we know that they're functional. We don't need or want to see in the future designs coming in that may be very reflective of an architect's vision, but are too expensive for government resources and really go beyond what is a functional building. So we're focusing on that and have taken steps to ensure we're doing what's necessary in the future in this area.

Madam Chair, the other point I would note to the member is that in the 2011-12 facility condition index, Highways and Public Works ranked the Beaver Creek fire hall as one of the buildings most in need of action. So the member's view — and it may be a perception the member heard — that the

Carcross fire hall would be the next fire hall built and would be built before Beaver Creek — but based on information provided by officials resulted in determining that this project should be moved forward quickly. We do recognize that the Carcross fire hall does need to be looked at and that at some point in the not-too-distant future there will need to be work in that area.

The facility for Beaver Creek will house the Beaver Creek volunteer fire department, Search and Rescue and community EMS — the rural EMS crew for Beaver Creek.

The other thing that I would note — and this is something we have committed to — we are committed to getting that work done as quickly as it can be done. Because the design provided by the architect went outside the cost that we were prepared to spend and we felt we needed to spend to get a perfectly functional, operational building in that area, the architect was then asked and tasked to do some additional work and reduce the cost of the structure, while meeting the core objectives for that project and ensuring that the facility met the operational needs that were originally intended to be part of that facility. The facility will do exactly what we intended it to do, and that's why the design is being updated.

Our plan is to begin construction of a new fire hall in 2014-15, and this project is a priority that we have committed to doing and are focused on delivering in a timely manner. The revision to the design was necessary to reduce the cost of the building while achieving its core objectives.

The other thing I would just note in reference to Carcross fire hall specifically, as well as the other community projects that the Member for Mount Lorne-Southern Lakes raised — if the member will look back to one of the letters he was referring to earlier, he'll see that in fact there is a fairly long list of conceptual projects that were suggested by the author of the letter.

While we do appreciate that every one of Yukon's communities will continue to have projects into the future, there is a limited amount that can be done at one point in time and we need to work with communities to reduce the wish list that may reflect what someone would ideally like to have down to jointly coming up with what priority items are for Yukon government and municipalities or unincorporated communities to work together on — jointly get a sense of the need and the usage a community would place on various facilities and various projects.

We have to consider the priorities of other communities and the various cost pressures that are placed on all municipalities and on the Yukon government itself when we are making those budgetary decisions. That's why we work with our partners in the municipalities and with local advisory councils as well as hear from our constituents and from other Yukoners, and that's why we also work with our dedicated and capable staff to try and determine which projects can be built in any fiscal year and when we're able to proceed forward with designing other projects that will be built in future fiscal years.

**Mr. Barr:** I do think that it will be happy news that the folks in Beaver Creek will be looking forward to a new

facility, given the dates reflected by the minister's comments of 2014-15.

Further to my response to the comments, I would again suggest that the minister come out to Carcross — maybe meet with some of the local folks and have a look at our community centre, for example, and anything else to help the government with their vision of the priorities throughout the territory — and have a chat with some of the folks who were working on these endeavours long before I — and even before the minister opposite — was in this position. I know it has been a long time. I'm aware that other communities are vying for the same dollars, but I think it might be helpful to just come out and have a look around and see.

One of the recent letters and feelings of the community is that, as has just been pointed out and as the minister may well know, generally our potlaches and community dinners and such are held in the school gymnasium. However, recently the Department of Education has decreed that the school is not be used by the community for these events that include food and drink, as such.

It leaves us with not a lot of options. When we're trying to host 200 or 300 people, the community club just does not — I think we can maybe get 60 in there. The kitchen facilities in the club are highly questionable.

In that regard, I'd just extend the chance to come out and speak directly with some of the local community leaders who have been at this for a while. We could have a coffee after over at Caribou Commons and enjoy some of the good eats that are there now. I believe they are going to be closing in the first few weeks of December for a few months. I just put that out there.

I'll speak on solid-waste facilities, and one of the things that has come to my attention is that the lifespan of our solid-waste facilities are coming to an end. I know that in Marsh Lake, for example, it has been brought to my attention that maybe they have a year left. In Carcross they may have one or two years left — I'm not sure — and Dawson is similar.

There was a study that was brought forward. The government asked consultants from outside to maybe address this issue, and it recommended that a berm go up around the actual landfill site to extend it by maybe a couple of years. From speaking with a few of the contractors out that way, they had suggested the same thing at no charge. However, it's final and they are going to do the berms, and I think that may be what happened in Carcross.

But I guess the major concern is the vision and the planning throughout the territory that would have to be in place now — to have alternate sites for our solid-waste facilities because they are coming to their life expectancy. One of the things that adds to that life expectancy — when I was at the LAC in Carcross just the other night and it's happening around the territory in other solid-waste facilities — is that contractors, because there are no tipping fees, are driving outside of Whitehorse to off-load their material, which is filling our solid waste at a more rapid rate than we would have ever expected. I have heard some of the folks will drive as far as Dawson, so it's creating quite an issue with our

capability at a local level — the infrastructure needs, with sewage. One of the possible considerations is the groundwater levels — that it would go into the nearest creek that leads into Nares Lake, which eventually leads into the Yukon River, which passes right by Dawson and into the Bering Sea. It affects quite a broad spectrum of situations. I'll just leave it at that.

Before I do that, I'll just say some of the solutions — possibly having a brainstorming session as to how each community can best regulate who is coming, whether it's in Dawson, Marsh Lake or Pelly, and so it's local folks who are dumping off their stuff and not having construction companies showing up where there are no tipping fees.

**Hon. Mr. Cathers:** I think some of the information the member has is not actually accurate about the age of the facilities here. What has occurred here is that most of the solid-waste facilities operated by the Yukon have been changed over to transfer stations, where household garbage is hauled to the City of Whitehorse landfill. As I mentioned before, there have been steps taken by the summer of 2012. Community Services had converted 16 of its 18 solid-waste facilities from open-pit burning to transfer stations.

I would again note that previous governments were burning garbage there and it was ourselves — we took the action to move away from burning at transfer stations. I know that the member was not in previous governments, including the previous NDP government, which continued to burn solid waste, so I will acknowledge that. I know this is his first term in the Legislature. We are proud of the fact that we are the ones who recognized that burning all of the solid waste dumped at dumps was not either an environmentally appropriate or health-appropriate method of disposing this garbage. It was a method that would result in toxins entering the air. Again as I noted, in the summer of 2012, Community Services had converted 16 of its 18 solid-waste facilities from open-pit burning to transfer stations. Moving away from burning was a key objective in the *Solid Waste Action Plan, Yukon*.

As I mentioned before in responding to questions from the member, the changeover from the simpler and cheaper solution of burning garbage is one that had a significant cost to it. It also has meant a significant increase to the volumes of solid waste that were being transferred from Yukon government facilities and the challenges that municipal facilities were facing with similar increases in volume as a result of also moving.

The steps that were taken that the Yukon government — again the *Solid Waste Action Plan, Yukon* came out in November 2009. Steps that were taken to move away from burning were very important, but also created a significant challenge in the increase of operational requirements related to the amount of garbage that was being transported as we moved from landfills to transfer stations.

The reason for doing that — for those who are not quite clear on the reasons why garbage would be transferred from areas rather than being put into a landfill — is the changes made through the Department of Environment to the standards

around our dumps and the need to test groundwater. There is also, as we move to more modern dump styles, the need to have an impermeable liner in dumps and to test for leachate as a significant cost. In fact, it's cheaper to have a limited number of landfill sites and transfer garbage than it is to operate every one as an engineered facility and to test for leachate, which is why we have done things including entering into a regional solid-waste agreement with the City of Dawson and entering into the agreement with City of Whitehorse to ship garbage in from rural areas into the Whitehorse landfill.

We've also invested in the City of Whitehorse's composting program, including an investment that I signed roughly a month or six weeks ago, I believe it was — might have even been two months ago — of roughly over \$1 million — I can't recall the exact number off the top of my head — investing in Whitehorse's composting program through the gas tax funding that we have available. We worked with them on that and provided that investment to them in accordance with their allocations identified under gas tax funding.

The simple answer to the member's question is that I think some of what he's heard about the status of the facilities is not quite accurate but we are in fact, as I noted, currently hauling household garbage from transfer stations to the Whitehorse landfill, including all of the transfer stations within the Whitehorse periphery.

The work that is being done right now is that now we have had the experience of a couple years of operating facilities at the new volumes of garbage, staff get some time to understand it and work with our partners including local advisory councils and municipalities to discuss their challenges. I personally took the opportunity this fall during my visits to Yukon communities to talk to all of Yukon's incorporated municipalities as well as to a number of the others. As I believe I mentioned earlier, I met with some, but not all, of the local advisory councils due to time constraints and some, but not all, First Nations that are involved in providing services and I look forward to continuing with those who I was not able to yet speak to. Once we're out of session, I look forward to doing more community visits.

With regard to the member's specific suggestion of visiting Carcross' facilities, I did meet with the local advisory council and discussed issues including some matters they wished to discuss that were not primarily facility related. Due to time constraints, I was not able to visit Carcross prior to session, but look forward to doing so once the House has risen. I look forward to working with the local advisory council and Carcross-Tagish First Nation to discuss their priorities to hopefully come up with a common set of agreed priorities for moving forward in the Carcross area.

As I mentioned to the member, my understanding, based on the last conversation that I had and with previous correspondence related to this matter, is that the local advisory council and the Carcross-Tagish First Nation were not of the same view in terms of what the priority was for investment in Carcross. A long list of projects that a community would like to see is helpful but, as I mentioned earlier, we need to work

together to focus on priority projects because of the limitations of the dollars we have available to us.

What else did the member ask? The member ascribed contractors dumping at transfer stations to the lack of tipping fees at those transfer stations. What I would point out is the other angle on that, which I have mentioned to several members of Whitehorse City Council during discussions at Association of Yukon Communities — the experience we've seen as a result of tipping fees — we understand why Whitehorse has done so and why others might look to doing so. But issues around garbage dumping — roadside dumping, dumping in gravel pits and dumping on First Nation land in the periphery of Whitehorse — started happening directly after Whitehorse put in place tipping fees.

One thing is that I understand the challenges they have, but in terms of whether we would look at doing that at facilities, one thing we have to take very seriously and consider is if there are people, as we have seen, who are prepared to dump their garbage somewhere to avoid a tipping fee.

If we don't have an effective and realistic enforcement program, which also has a high cost to it, and if we can't enforce and prevent roadside dumping, we have to take seriously and consider what the unintended consequences are of charging tipping fees rather than looking at other alternatives such as if fees are being charged, doing so in an upfront manner, such as occurs in a number of municipalities for certain services like water and sewer services.

So that is an area that again, I would make the point to members that, as far as contractors go, we also can't prevent them from dumping at those facilities. They are legally allowed to use them, although they are strongly encouraged not to. What we have done is taken some steps, such as the work being done by my colleague, the Minister of Environment and his department, to review the beverage container regulations to look at increased fees for recyclables and increased refunds for most currently recyclable beverage containers. As well, through Designated Materials Regulations, looking at adding additional products to it as was done with tires being an example several years ago. Charging upfront fees for certain types of products is a way that, by not penalizing someone from dumping where you want them to dump the garbage, does have an effect of reducing harm that is caused if someone dumps garbage, especially garbage with toxins in it, in a gravel pit. Then you have a contaminated site that can be difficult to clean up.

In the case of First Nation land, it poses a challenge for them and becomes an area where we aren't in a position to go in on their settlement land and take action. It poses challenges for them figuring out what steps to take to address settlement land that, because of illegal dumping, has become an area that has some potential contamination issues.

Those are some thoughts I would leave the member with and encourage him to give some thought to before suggesting that the solution to all garbage problems must be tipping fees at all facilities. We are continuing to work on these additional steps within the solid-waste operation to improve it, to find

efficiencies based on our experience to date. We are continuing to also work with the municipalities on finding ways to improve the way we are working together in the modernized solid-waste system that came about as the result of moving away from burning garbage.

Madam Chair, I would note that in modernizing solid-waste management, we're trying to adapt to current needs as well as having a system that works today and takes steps to plan for tomorrow, including increasing our efforts around recycling and diversion.

As I noted earlier, the steps taken by Environment to further encourage diversion through designated materials regulations and garbage container regulations are significant. We have also put in place for this year — and will evaluate the success of that program — credits similar to what the City of Whitehorse had put in place that have been referred to as “diversion credits.” These provide the Yukon's two recycling companies with the opportunity, rather than taking a loss on the transfer and sale of certain recyclable products, to address the issues around cardboard, in particular, by providing them with a credit for what they are diverting out of landfills based on an evaluation of their receipts when they sell those products down south.

That was something we were asked to do by both of Yukon's two recyclers in a letter they sent to me and the Minister of Environment earlier this year, and that we have put in place to provide additional incentives for the diversion of those types of materials. We will be evaluating the success of that to see whether it is something that it is appropriate to expand to other products. We are certainly very interested in composting initiatives, recycling initiatives and other realistic manners of diverting waste from our dumps and meeting our commitments around increasing diversion, but we do need to do so in a way that we're evaluating how well the programs are working and determining if there are ways that they can be improved.

That in a nutshell is also exactly what we are doing with our own solid-waste operations right now. After having some time to have them implemented, we are working with municipalities on coming up with a clear understanding of operational needs now and finding efficiencies now, as well as taking steps for and planning for what changes will mean as recycling and diversion efforts continue to gain greater results.

We are currently establishing 10-year operating plans for solid-waste facilities in unincorporated communities as well as working with municipalities on theirs to ensure they're in compliance with regulatory and permit requirements. We will continue to engage with them to acknowledge local perspectives on solid waste, to establish levels of service appropriate to each community, as well as to update and revise those plans if it becomes evident that there are ways we can find operational improvements within them, particularly for coming up with increased efficiencies in those areas.

Madam Chair, another area I should mention is insulation of groundwater-monitoring wells, which resulted in new costs for Yukon government and for municipalities that provide landfills. Those water-monitoring wells were not a

requirement years ago but it is part of moving out of the antiquated waste-management system that we inherited from the Liberals and NDP during their time in government toward a modern and environmentally sensitive —

I hear the Member for Mayo-Tatchun laughing but the facts are the facts. The NDP, during their time in government continued to burn —

**Some Hon. Member:** (inaudible)

**Chair:** Order please, Mr. Cathers has the floor.

**Hon. Mr. Cathers:** The NDP during their time in government continued to burn landfills. That was an issue that we inherited; it was an issue of concern and we are the ones who acted to end that practice. So the facts are the facts.

On the environment, the NDP talks a good line but we're the ones who actually take realistic, positive steps that acknowledge the importance of improving our environmental management and the steps we take to recognize health issues around things like the antiquated burning of garbage we inherited from the other two parties — which talk a good line in this area but, as with the housing file, don't do as much as we have done.

With that, in a nutshell, I think I've laid out what we're doing on the solid-waste area and look forward to continuing to work with municipalities, local advisory councils and the societies that are set up for waste management in some of our peripheral areas to find ways we can continue to improve operations and reduce costs of those operations, find efficiencies within the system and improve the management of our solid waste while increasing recycling and diversion.

**Mr. Barr:** I thank the minister opposite. Perhaps he misunderstood some of the questions or comments I made regarding the solid-waste facility. The actual question came forward from the LAC, which I said I would pass on, and there will be correspondence coming from the LAC on their concerns of the solid-waste facility. We know people are glad to have the recycling, although with the contracts, as the minister mentioned, there have been several bumps that have been disruptive.

But the LAC's concern is that it's the contractors who have been dumping at the facilities that are filling up the facilities themselves, and they were looking at ways of how to deal with this. They hadn't suggested tipping fees. Maybe that is what the minister thought I was getting at. It was because of the tipping fees that they're driving out with this construction material. It's a concern and they will be following up with correspondence about solutions or conversation regarding this matter.

I do look forward to seeing the Minister of Community Services in Carcross. I would be happy to be there and just have a walkabout. Those are my questions for today. I know that some of the other colleagues have some and I'll let them attend to their questions.

**Hon. Mr. Cathers:** Not having seen the correspondence from the LAC that the member referred to — and I don't think he specified which one — I look forward to hearing their concerns. Certainly, if there are suggestions they have, we're happy to give consideration to them.

One thing I should note in addition to the challenges that were posed as a result of moving away from burning garbage and moving toward transfer stations, I know for Yukon municipalities that has also caused challenges for them. There is concern in some of our rural communities about what the new requirements are that are coming next and whether there are additional changes there. I'd just like to reassure them that we understand the challenges those posed, although I'll let the Minister of Environment speak to the permitting issues as those are primarily his responsibility. Both the Minister of Environment and I understand the importance.

If staff were to come forward at some point in the future suggesting there should be changes to the regulations or the standard permit conditions for municipal landfills, I understand that any such changes could have an impact on municipalities. Certainly we have emphasized to staff the importance of ensuring that, before any such changes are implemented, the Yukon government consults with municipalities and shares with them any information that has caused staff to feel that there is a need to change the regulations or the standard permit conditions, and then give the municipalities time to express any concerns or suggestions they have with what staff have brought forward. But my understanding is that there is not an expectation that those permit conditions or environmental testing requirements are going to change. It has gone through a significant change recently with the requirements around testing groundwater and moving away from burning.

Our focus right now is on working within our own system, working with municipalities to help everyone understand what those operational requirements mean and ensure that we are working together to reduce those costs wherever it is possible to do so.

Just to add on that, the issues around handling of special and hazardous wastes is another area that I discussed with Yukon municipalities and with those who were at the Association of Yukon Communities meeting in Carmacks this fall. It is an area where we have joint recognition that there are some facilities that are currently not accepting certain wastes. I emphasized my view to municipalities that we need to ensure that there is a place for people to dump their hazardous wastes and their special wastes, even if it poses a cost for governments to address, both municipal and territorial.

It's something that we need to ensure that people don't become tempted — because of either fees or lack of place to dump garbage — to dispose of used oil or other special hazardous wastes in ditches, in creeks, in back yards and so on. We will work with them to determine what that means in terms of implementing that but it is one that I've discussed with municipalities and with those who were at Association of Yukon Communities and emphasized our view that where municipalities are not accepting certain wastes or any areas — if we are not dealing with it, we need to have realistic and reasonably accessible manners for people to dispose of special waste and hazardous waste.

Including even now with the changes coming down federally around moving away from incandescent light bulbs

toward compact fluorescents, one thing that a lot of people may not be really be aware of is that they shouldn't just be throwing those bulbs in the garbage because of mercury content. There is more of an issue around the disposal of those light bulbs than there has been previously with incandescents. That's another area that Environment ministers from across the country have also been discussing as a matter of national importance around what steps may need to be taken around extended producer responsibility for those types of products.

We are not the only ones who have seen a change to environmental rules and have had to change our systems as a result of it, but the Yukon went through a more dramatic change away from antiquated practices around garbage management. So with that and some of the changes that are affecting other provinces and territories, it does pose a challenge to municipalities, to LACs and to the Yukon government and we will work together on addressing it.

**Mr. Silver:** I would like to thank the department official for showing up today and giving us her time — much appreciated.

There are a couple more issues that haven't been addressed or some additional issues that have been addressed but I still haven't received a complete answer on.

I'm going to start with the 911 strategy. I was pleased to see that the committee struck under the Department of Justice was finally dissolved. It's my opinion that this is a basic preliminary step indicating that the Yukon Party is making some progress on the 911 file. A second step would be some form of statement that any new committee or working group would be spearheaded by the minister, not police or firefighter reps or EMS, but the minister responsible for Community Services or a designate from his office.

Since we have been down this road before, you can see why first-response officials would be less than likely to volunteer their time and their expertise on a working committee without a leadership role coming from the department. That's what happened with the Department of Justice and their 911 working group. I guess once bitten, twice shy, Madam Chair.

If the minister could provide us with an update — who is taking the lead on this file? Is there a new committee struck and is the minister's department taking the lead?

**Hon. Mr. Cathers:** The provision of 911 is something that I'll just note, as I did touch on it briefly earlier in the House. This is an issue we recognize that the Association of Yukon Fire Chiefs, and in particular the chair or president — I can't recall what his title is but he is the fire chief for the municipality of Dawson City, Jim Regimbal — recognized that they see this as a priority and that they believe it will result in improvement to service. We're very interested in looking at this. As I mentioned earlier, we have also heard from municipalities, including Carmacks notably, that at the current time they are thinking that they lean toward not supporting the move to 911 because they're concerned it may have a negative impact on dispatch.

What is important for us here is that the current status of the project is that we're waiting for some technical

information from Northwestel. We did receive a presentation from them in August and we have received additional information more recently, but we're waiting for an additional portion of information that we've requested.

As I said before in the House, and as I said to the Association of Yukon Communities in meeting with them, as well as with two municipalities I've met with, we're very interested in exploring the feasibility of expanding this service to communities. We also see it as very important to consider the municipal viewpoint on this and our agency partners who would be involved in this, which include the RCMP and Emergency Medical Services, including rural EMS units. We have heard that there are some who have concerns about what it would mean for dispatch and think that it's probably a step in the wrong direction.

While personally I think that there are probably ways to do it that would at some point in time improve service, not cause it to go the other way, we need to take a look at those technical issues. We need to discuss them and share them with partners, including the Association of Yukon Communities and individual municipalities. We need to share the information with the Association of Yukon Fire Chiefs.

The working group was struck. As the member I think noted, there was an inter-agency 911 management committee that was reconvened early this year. The committee struck a working group composed of representatives from first responders, the Association of Yukon Fire Chiefs and the Association of Yukon Communities. The working group has been focused on trying to get the job done. The membership of the working group includes, as I noted, representatives from municipalities, the Association of Yukon Communities, as well as the RCMP and City of Whitehorse. Discussions have been positive.

As I think I mentioned earlier, one of the first questions I've asked — we are waiting for the second part of the answer from Northwestel while we are discussing this. Because the issues around implementation and what it means for dispatch. The other issues, as I mentioned earlier — but the member might or might not have caught what I was saying at that point in time, so I'll reiterate it — was that I understand there are issues around line capacity and where it goes to Yukon communities. One of the concerns that Northwestel and providers need to look at is whether there is any possibility of calls becoming held up because of call volume or because of switch capacity in moving to a centralized system. I'm not a techie. That's my understanding of what the issues are. I will leave it to those who are to look at the types of solutions.

The simple answer to the Member for Klondike's first question is: what is the technical feasibility? We need additional information from Northwestel to discuss with all of our partners. One of the first things that I suggested we do in focusing on taking appropriate steps in this area is that, while we are working on this process, is it feasible to put in place a recording in Yukon communities that don't have 911 service so that when you dial 911 it lists the proper numbers for the community in the event that a tourist or a child or someone else — even somebody from Whitehorse who travels up to a

community and maybe doesn't know the community's prefix, or especially recent arrivals to the territory who maybe don't know which four digits to dial for which service, let alone the prefix in those communities. Would there be a way for that 911 to simply say something along the lines of, "For an emergency in your community, call this number for fire, this number for ambulance and this number for police."

Northwestel has provided part of an answer on that. We're waiting for additional information, which I'm hoping they will get to us quite quickly. All I can do from my end is to ask staff to ask Northwestel to provide us that information quickly, and I've said to them that we should convey to Northwestel that this is something we would like to work on. We want to understand the technical feasibility as it relates to putting a recording on 911 in communities while we're discussing whether centralizing dispatch through 911 is a good step for all or some Yukon communities. But taking this interim step is one that would certainly reduce the possibility of there being a gap in service. My view for Northwestel would be that they should perhaps just do it because the life they save might be one of their own — but we're prepared to pay a reasonable cost in doing so to get it done.

Again, the first question is, is this feasible? What is it going to cost? If so, when can we do it? We will continue to press Northwestel to provide us with the technical answer to that as soon as they're able to do so, and we're very interested in hopefully getting to a situation where a recording is put in place as an interim step, assuming it is feasible and reasonable to do so. Unless some surprising information comes forward, it would appear that it is.

On those broader issues around expansion, there has been a fair bit of discussion in the past. I understand the member's concern and I met personally with the chair of the Association of Yukon Fire Chiefs, Chief Regimbal, to discuss the issue. I have spoken to him a couple of times on the phone as well. Certainly we get the fact that it would be nice to determine whether we can do this and do it in as timely a manner as possible but, especially as it relates to technical information that we need to receive from Northwestel, all we can do is ask them nicely to provide us that information as quickly as they can and place a priority on doing our own work and sharing those technical specifics with all the partners who would be potentially affected by any change to the system for calling emergency services in Yukon communities.

**Mr. Silver:** With all due respect to the member across the floor, that was basically, in my opinion, a 20-minute "No."

It's been months that the Department of Community Services has been using the line, "We're waiting for Northwestel to get back to us." That's a long time. I would say at least eight to nine months. It was last session when we asked the same thing about 911. Where are we with 911? Oh, we can't do anything — it's Northwestel that's holding up the process. There's a couple of different things where if you just take a look at the amount of action from the member and from the department, it doesn't seem like the lead is going to be taken by this department and it sounds to me as if, like I said, the answer is "no".

I'm going to move on. I have many more questions on 911, but obviously this is not the place I'm going to get those answers.

I'm going to change gears to the Klondike River erosion question. I sent a letter to the minister from a very concerned business in Dawson, Trans North Helicopters, located just as you're coming around the bend into town in Dawson. They have a huge erosion problem. There is a berm that's on land that is that is, I guess, technically owned by Tr'ondëk Hwëch'in. It is right beside where they are and there used to be a road there. You used to be able to take the biggest pickup truck and drive through there on that berm. Last year, about 80 percent of that got destroyed by the Klondike River as the spring thaw came in. We had so much snow last year that it was just too much.

I was told by the helicopter guys there that they did have a representative of the Yukon government come out and tell them that they can't touch the bank. They are not allowed to — they had an idea to put rocks down and to build up their side of the bank. They were told that they weren't allowed to do that though by the territorial government.

So when I wrote the minister, I was writing with concern because talking to the municipality they say that, "Well, we don't own that land so that's not our issue." They were wondering as far as Department of Fisheries and Oceans goes and if it has been devolved so that that high-water mark is now the responsibility of the territorial government. Tr'ondëk Hwëch'in is asking the exact same thing. It's not their land that's the issue; it's the fact that you are going to have a situation where every year this is going to be an issue. I suspect that if we have a similar winter to what we did last year, that berm is gone. If that berm is gone and the beaver pond overflows, which it will, the next thing to go is the highway coming into town — the only highway coming into town — the ball field on the other side, the soccer field on the other side, not to mention the private sector business that brought this to our attention to begin with.

In the response I got from the minister's office — from the minister directly — it said, and I quote, "I am responding to your letter dated September 23, 2013, to Minister Istchenko" — because I actually sent this letter to the minister responsible for Highways and Public Works — "regarding erosion at the Trans North launch pad and base on the Klondike riverbank. The Government of Yukon appreciates the concerns about erosion and will encourage the City of Dawson and the site owner to come to a mutual agreement on potential remediation of this site."

We took pictures and explained the situation and sent those all to the office. So, if not the territory and if not Tr'ondëk Hwëch'in and if not the city and if not the minister's office, who is going to do some remediation here? We know that in Watson Lake when the banks of the Liard were overreached, the government came in and provided support — same thing with Pelly River — so are we going to wait for a breach or are we going to deal with this issue head-on beforehand?

**Hon. Mr. Cathers:** It appears that, despite my attempts on 911 to explain the structure of the system to the member, unfortunately the angle that he was taking on it is deciding not to listen to the response but take the partisan response to it. Whether the member likes the fact that we have to work with Northwestel as a service provider or not, we do. The reality is that Northwestel is the operator of the phone lines and has to provide us with the technical answers to what it means to make changes to the system they operate.

We did receive a proposal from Northwestel in late summer. Contrary to what the member is asserting, it's not that we haven't heard anything from Northwestel or that staff haven't been working on it. We received information from Northwestel in July and again in August. We have also received information from Northwestel within the last month relating to the question about recording capacity. We're waiting on that specific question for some additional information from them about switch capacity, particularly in those communities that are satellites off the Whitehorse switch.

So again we have been receiving some information from Northwestel and staff have certainly been working on this — in addition to, I might point out, not only continuing to manage and operate Yukon's EMS system in providing ambulance services to Yukon communities but also opening up the brand-new Protective Services emergency response centre — along with the Member for Whitehorse West and former Minister of Community Services, as well as the Premier, I had the pleasure of opening this earlier this month at the top of Two Mile Hill — which is an important part of our commitment to investing in and improving our emergency response capacity. So staff have been busily working on many fronts and are delivering results. In the area of 911, the member can choose, as he appears to be deciding to do, to want to portray this as something that is not being addressed. Once again the member is absolutely wrong.

We look forward to hearing those answers from Northwestel and determining what steps can be taken, whether it's feasible to put in place a recording for 911 on an interim basis — put it in place permanently — but while other steps are being discussed — and then we will work with and continue to share the information we receive from Northwestel with Yukon communities. Where any considered or contemplated changes would have an effect on dispatch within those communities, whether the member likes it or not, we are going to work with those communities. If they have concerns, suggestions, et cetera, related to it, we're going to take those with the respect that we believe they deserve and I look forward to continuing to do so.

Madam Chair, in the case of the questions the member answered, I don't have the letter that he sent me or that I sent him regarding the Trans North site right in front of me so I am going from memory, I don't have the specifics of the letters and our correspondence right in front of me. I point out with the issue that is there, that if the member is asking about First Nation land, that of course is First Nation responsibility. If the member is asking about private land, that's private

responsibility. If the member's asking about Crown land — including that within the ordinary high-water mark — whether or not government is the one that does any improvements that could occur, it requires a permit to undertake that work in the ordinary high-water mark.

As I noted in responding to the member for Mount Lorne-Southern Lakes and relaying the discussions that I have had with the Marsh Lake Local Advisory Council and the steps we've taken for homeowners there, for permits for their personally funded work for erosion protection, erosion mitigation and shoreline protection in front of their properties, just like Marsh Lake homeowners have done in making improvements around their property, nothing is preventing Trans North if they wish to do so from talking to Land Management branch about the ability to get a licence of occupation to do shoreline work that would mitigate or prevent damage there.

However, if the land is not Crown land and it is First Nation land, they do need to work with the First Nation on that. We're certainly happy to have discussions with those involved. I'm certainly open to discussing this with the municipality and to discussing it with Trans North or having staff discuss it with Trans North.

In this particular area — particularly if it relates to acquiring a licence of occupation for shoreline activities — that's actually the responsibility of my colleague, the Minister for Energy, Mines and Resources through the Land Management branch, because they are the ones that issue licences of occupation. Anyone from Trans North who is listening or reads this in the Blues, the Land Management branch is located in the Elijah Smith Building in Whitehorse. The contact information and staff directory is available on-line on the Yukon government's website. The director of Land Management branch, if they wish to speak to him personally, is Colin McDowell. I can't quote his phone number off the top of my head but that information is all on-line. They can also walk into the Elijah Smith Building and climb the stairs or take the elevator up to the centralized location of Land Management branch, Land Planning and Agriculture branch. Staff there would be very happy to assist them in doing that and I hope that has answered the question. If there are issues where the municipality would like to talk to us about efforts involving the municipality or the Yukon government of taking steps around flood mitigation, we're certainly open to those conversations but we do not have unlimited budgets either for flood activities.

We have continued to find areas where we can make investments. In areas, including within the member's riding in the community of Rock Creek, where there have been significant steps taken by government to respond to flooding in those areas and to do what we can to help homeowners receive disaster assistance for damage to their property.

**Mr. Silver:** I do appreciate the minister's response, but mark my words the high-water mark will be breached and I believe that that is under the jurisdiction of the territorial government and that water will go over First Nation land and it will go over the private sector's land and it will flood. The

amount of money that would then have to be spent after the fact will be a lot more than to do some kind of preliminary work now.

The problem is, as well, by the time I was phoned, the folks at Trans North had tried the government already and they were calling a few different times all summer long. Since the actual event happened, they wanted people to come out and, in their terms, they received no love.

I just got an indication from the Minister of Energy, Mines and Resources that he will make the call and I appreciate that very much.

Moving on to the new ambulance bay, I was told that there is garage space to keep six ambulances, but to staff that number of units would actually take 12 practitioners. Fitting four people or two crews in the actual lounge part of the station is pretty much what it appears to have been designed for. You stick more than four of these practitioners in an area that small and sooner or later the fireworks will be flying. As much as I'm sure that the practitioners all do get along with each other, they do spend an awful lot of time together and sooner or later need a private place to retreat and to collect their thoughts. It's a tough job. In my opinion, any more than two crews in there might not be so practical.

Has the minister responsible heard any issues in regard to the space for these practitioners?

**Hon. Mr. Cathers:** The Minister of Energy, Mines and Resources has indicated to me that in the wake of an e-mail that I received last night or the night before from Mayor Potoroka regarding Trans North that I forwarded on to the Minister of Energy, Mines and Resources, the assistant Deputy Minister of Sustainable Resources in Energy, Mines and Resources is up in Dawson at the moment —

**Some Hon. Member:** (inaudible)

**Hon. Mr. Cathers:** I had misunderstood. My colleague is upstairs in the minister's office right now and has already been asked to ensure — in wake of my request to the minister yesterday that follow-up occurs with Trans North directly, so either he or his staff will be personally contacting Trans North.

If Trans North feels in any way, shape or form that whomever they contact regarding this issue was not providing them with the information they were looking for earlier, then that's unfortunate. I have not received a request directly from Trans North and, depending on who they were asking and what question they were asking, there may be issues in communication.

I know the member is scoffing over there. I know he sent a letter and I did respond with a specific request, but there's also an issue sometimes with how well information about the facts is communicated. With this type of situation for Trans North or others, I encourage them to talk to staff of the Land Management branch. Members — particularly the Leader of the NDP — would perhaps find they would learn more from responses if they actually paid attention rather than talking, heckling and making hissing noises.

With this specific situation I would again encourage — Trans North will be receiving a phone call from Sustainable

Resources in Energy, Mines and Resources regarding what would be involved in getting a licence of occupation. Again, I point out that if people do have questions that they feel aren't being answered, we're certainly happy to have staff provide information to them.

As a general rule, and if the member is receiving any requests from constituents related to this, where it relates to land matters, we have centralized most of the services and programs for that area in the Department of Energy, Mines and Resources. Staff of Energy, Mines and Resources would be the ones to talk about permits for land and land activities. As a starting point, they're a good place to go. For municipalities as well — if municipalities or local advisory councils are looking for information about government programs, they can certainly contact my offices or contact our Community Affairs staff within Community Services for information on what department they should be calling regarding something.

Sometimes if the information presented is not clear and the question isn't clear, either ourselves or government staff may respond to what we think the question was from a citizen or individual, but if the specifics of their situation and what they were looking at were not 100-percent clear then sometimes our answer may not be as relevant to the topic as we would like it to be or they would like it to be. In those cases, we would point out that our phone numbers are in the book and our e-mail addresses are in the book, so they can certainly contact our office or staff of departments for assistance. I gave the member some good examples of places for people or companies to start asking questions if they aren't sure who they should be calling about something.

As well, of course, the government information desk, whose number is in the phone book, is another good place to go for information about what government department to contact. As well, I would note that in this modern electronic age, in fact there is a great deal of information about this on Yukon government websites as far as which government offer which programs, who issues permits for licence of occupation, which is I mentioned, is Energy, Mines and Resources and not Community Services.

That information is available on-line, but should people not find it clear or not know where to look, I gave a few examples of where people can go to ask those questions.

**Mr. Silver:** I just need to get this clear because I am new here. I have only been here for two years.

The private sector probably calls the helpline — the 1-800 phone number — or they probably get in touch with a department. The response that they got was no response. I think what normally people do in that case is they contact their MLA. In this case, they did contact their MLA. I went out and basically the same information that they sent to the government they sent to me, along with the pictures and along with the fact that they tried — they really have their own solution and they just wanted to ask if they could have permission for one part and then of course there is another issue with the land beside them. In my response letter from the minister's office, I wasn't told, "Well, maybe we should talk

with the company and go to the Lands branch." I was told that the Government of Yukon appreciates the concerns about erosion and will encourage the City of Dawson and the site owner to come to a mutual agreement on a potential remediation of the site.

So which is it? Which answer are we now giving Trans North? Because when this letter is addressed to the MLA for Klondike, that's where that business is and that's what I responded to them, based upon what the government told me. I just want to be clear for the record here. Which response are we talking about now? Is it the response that I got in a written form or is it the response that I got by having to take this to Committee of the Whole for the department?

**Hon. Mr. Cathers:** As I explained to the member before, the letter that we responded with was responding to the information as it had been portrayed in the letter for the Member for Klondike. He has provided additional information here today that was not shared in the letter.

I would note to the member here that, in fact, the answer to his question about where Trans North could go, and the question of what I said in the letter, is correct. We do encourage them to work with the municipality of Dawson on this matter. But the Town of the City of Dawson has indicated that some of the area is outside of their control and is within the administration and control of the Yukon, based on their understanding, and that the issue is one that is not their land.

That being said, and regardless of who pays the tab for it, we still do encourage them to work with the City of Dawson because whatever is done, even if it's 100 percent funded by the company, it is something that has an effect on an area directly upstream from the municipality of Dawson City. We would hope that they would work with the municipality in trying to come to a shared understanding about what appropriate steps are there. Staff of Land Management branch can certainly assist with any permits for shoreline mitigation. Obviously there will have to be work and consideration done in assessing and understanding what solutions there are to that problem.

I have not, since receiving the letter, been to that site and walked it personally to exactly see the issue. I believe there might have been a photograph and there was a map of the area that provided a general sense of it. I have been to the site, but I'm not an engineer and I don't profess to be one. Whatever the solutions are to that, if indeed actions needs to be taken — and I'm taking the concerns that the member has presented and those presented by Trans North at face value, not actually having reviewed the site myself — then there are steps that can be taken to come up with a solution that addresses any issues around the potential need for mitigating risks of damage from flooding and Trans North's concerns of erosion that could potentially occur due to failure of the land between it and the river.

My understanding is that the town thinks that they may not be in position to assist Trans North with remediation work, and we certainly appreciate their views on that. It is not our position that they have to assist Trans North.

At this point we are having a lot of conversation without technical experts actually looking at it and asking what needs to be done here. The member has a viewpoint about what he thinks the changes should be. I'm not dismissing his perspective, but I would certainly consider it a more accurate assessment of what the risks are and are not in the area to hear an engineer or someone who is an expert in these matters professing their opinion about the risk rather than hearing the member's view that he thinks I should mark his words about what he thinks will happen next spring. We're really not going to accomplish much in this conversation if we're having this debate.

I haven't actually even looked at the site and we haven't had a technical experts look at it. We simply have a self-professed expert, the Member for Klondike, take a look at this situation.

In closing on this issue, we are certainly happy to continue to discuss this matter with the Town of the City of Dawson. My colleague, the Minister of Energy, Mines and Resources, has already directed staff to contact Trans North to talk about what would be done — or what could be done as far as a licence of occupation for work within the ordinary high watermark, but there needs to be a focus on determining an appropriate solution is to this.

The permitting part is relatively easy to address. I'm saying that without it having gone to a technical review, but the process is simple. It may require an assessment through YESAB but the competent staff of Energy, Mines and Resources is more than capable of helping to explain to staff of Trans North what the permitting processes would be. We're certainly happy through Community Services to be involved in the discussion and working with them and with the City of Dawson to discuss what could be done from a flood mitigation perspective.

I would note that part of the problem that we appear to have hit in this is simply that not all of the relevant information that we needed to be able to give the right answer to the question was provided in information we received earlier. It appears that Trans North didn't contact who they should have on this. I understand that the member wasn't sure where to point them.

So, Madam Chair, those are the facts, and seeing the time I move that you report progress.

**Chair:** It has been moved by Mr. Cathers that the Chair report progress.

*Motion agreed to*

**Hon. Mr. Dixon:** Madam Chair, I move that Bill No. 58, entitled *Child Support Administrative Recalculation Act*, be reported without amendment.

**Chair:** It has been moved by Mr. Dixon that Bill No. 58, entitled *Child Support Administrative Recalculation Act*, be reported without amendment.

*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:** 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. 58, entitled *Child Support Administrative Recalculation Act*, and directed me to report the bill without amendment.

Committee of the Whole has also considered Bill No. 11, entitled *Second Appropriation Act, 2013-14*, 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 the 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. on Monday.

*The House adjourned at 5:29 p.m.*

### The following Sessional Papers were tabled November 14, 2013:

33-1-95

Yukon Energy Corporation 2012 Annual Report (and audited financial statements) (Kent)

33-1-96

Yukon Development Corporation 2012 Annual Report (and audited financial statements) (Kent)





# Yukon Legislative Assembly

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Number 110

1st Session

33rd Legislature

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## HANSARD

**Monday, November 18, 2013 — 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

## CABINET MINISTERS

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

## GOVERNMENT PRIVATE MEMBERS

### Yukon Party

<b>Darius Elias</b>	Vuntut Gwitchin
<b>Stacey Hassard</b>	Pelly-Nisutlin
<b>Hon. David Laxton</b>	Porter Creek Centre
<b>Patti McLeod</b>	Watson Lake

## OPPOSITION MEMBERS

### New Democratic Party

<b>Elizabeth Hanson</b>	Leader of the Official Opposition Whitehorse Centre
<b>Jan Stick</b>	Official Opposition House Leader Riverdale South
<b>Kevin Barr</b>	Mount Lorne-Southern Lakes
<b>Lois Moorcroft</b>	Copperbelt South
<b>Jim Tredger</b>	Mayo-Tatchun
<b>Kate White</b>	Takhini-Kopper King

### Liberal Party

<b>Sandy Silver</b>	Leader of the Third Party Klondike
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## LEGISLATIVE STAFF

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Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Rudy Couture
Deputy Sergeant-at-Arms	Doris McLean
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Monday, November 18, 2013 — 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 the Yukon Geoscience Forum

**Hon. Mr. Kent:** Today I rise to pay tribute to the 41<sup>st</sup> annual Yukon Geoscience Forum. From November 16 to 20, miners, geologists, entrepreneurs and the Yukon public will come together to showcase the latest scientific, geological and other discoveries and industry developments.

This type of event is very important. Even though activity across the global mining sector has declined, there still remains a significant interest in Yukon. This industry thrives on having a dependable regulatory environment, a promising resource base and an opportunity to share information and make connections.

The Yukon Chamber of Mines does an excellent job of organizing the forum and I'd like to acknowledge the hard work they do each year to make it happen. The Yukon government also plays a number of roles in the forum. Government geologists from the Yukon Geological Survey are delivering talks, displaying posters of their latest research and, along with regulators, are participating in conversations with the public and industry members.

The YGS provides baseline information on Yukon's geology and mineral potential to support exploration efforts and land and resource management decisions. We support mineral industry associations like the Yukon Chamber of Mines and the Klondike Placer Miners Association. We give them assistance and work on joint initiatives to increase public awareness of the benefits of the mining industry. We have made significant investments in infrastructure development and incentives to assist the mining industry over the past number of years.

All of these government initiatives are discussed at the Geoscience Forum. The knowledge-sharing that occurs over these four days assists us collectively in moving the industry forward in a sustainable and knowledge-based manner.

A number of ancillary events also occur at the forum. On Saturday afternoon, the Minister of Economic Development and Environment and I were able to participate in the Yukon Gold Mining Alliance investor forum. I know that yesterday, the Klondike Placer Miners Association worked to put on an all-day placer mining forum discussing all issues that are important to that industry. This evening is the banquet where the Leckie Awards will be presented.

I would also like to take the opportunity to recognize at this time and thank the mining companies and their service providers for all of the investments they make in the Yukon community, from the MRI and CT scanner at the hospital, to assisting with student attendance initiatives, to sponsoring minor sports teams — those who rely on this industry to make their living help to make our community very much a better place. To them a thank you, and I encourage all Yukoners who can to take in any of the public events that are being offered at the Geoscience Forum over the next number of days.

**Mr. Tredger:** Mr. Speaker, I rise to pay tribute on behalf of the Yukon New Democrats to the Yukon Geoscience Forum currently being held at the High Country Convention Centre.

The Yukon Geoscience Forum is a showcase of achievements, challenges, hopes and dreams of our minerals economy. I was fortunate to attend Saturday's investor forum presented by Yukon Gold Mining Alliance in partnership with the Yukon Chamber of Mines. I found it very informative to hear from a cross-section of junior mining companies of their concerns, their hopes and their potential projects.

It was heartening to hear their visions and, perhaps most importantly, their enthusiasm and belief in their projects and the mining industry in the Yukon.

I also had the opportunity on Sunday, Family Day, to visit a series of educational displays and activities for kids and families. It was a real treat to see the enthusiasm and energy from presenters as well as kids as they explored their environment. The enthusiasm and knowledge of all the presenters was inspirational and infectious. Their stories and obvious love of what they were doing was inspiring. The hands-on, interactive booths perked the interest of many of the younger generation. Thank you to the staff from the departments of Environment and Energy, Mines and Resources for their time, for their knowledge, and most of all, for their teaching.

I was only able to drop in to the Yukon Placer Forum for a short time this year, but did get to renew my acquaintance with several placer miners and those involved in the exploration aspect of the industry. I admire them and their commitments to Yukon and Yukon communities. The contributions of the placer mining industry to Yukon and Yukon people are many and they continue to be a reliable cornerstone of our economy.

I also got to see many of the booths and displays at the trade show proper. I was especially pleased to see many of the booths and companies represented promoting job and career opportunities for Yukon men and women. During my visit to the forum, I was reminded that now is the time we must take advantage of the current lull in activities to fully prepare for emerging opportunities. Leadership from industry, from First Nations and from the Yukon government is critical.

Now is the time for land use planning and the ensuing certainty. Now is the time to make sure our regulatory regime provides a timely, profitable and responsible mining industry.

I heard again the mining incentive program, designed to encourage exploration in the Yukon, continues to provide instrumental seed monies for exploration.

The program was developed by an NDP government for just such times as we are now experiencing and I am pleased to learn this valuable program will be continued and indeed expanded.

During my career in the Yukon, I have been fortunate to work with and alongside many placer miners, as well as with members of the quartz mining industry and their families. I have met them in Mayo, in Dawson, in Carmacks and in Keno, along our rivers and along our creek beds. I have taught their children in our schools. I have worked with them on school councils and coached teams with them. I salute their contributions to our communities. I have met them in local welding shops, in tire shops and mechanic shops. I have worked with them during presentations to children in our schools. I know and appreciate the many ways the mining industry and those working in the industry contribute to our Yukon community and to our economy.

I take this opportunity to congratulate and thank members of the mining community for their commitment to responsible mining in the Yukon. Throughout the events, lectures and displays that I witnessed on the weekend I was inspired and am fortunate to hear from so many people who so obviously love their work and are committed to the Yukon.

The Yukon Geoscience Forum and week is an opportunity to meet with people enthusiastic about the mining industry, to hear their concerns, their hopes and their potential projects, their visions and perhaps, most importantly, their commitment and belief in their projects and the mining industry in the Yukon.

The annual Geoscience Forum is an important forum for the placer and quartz mining industry. It's an important venue to communicate new ideas, share successes and display the success of our mining industry. It continues through the week, and I encourage everyone to drop by and take advantage of the work on display, walk through the show, enjoy the displays, visit with the people engaged in the industry and help celebrate the successes.

**Mr. Silver:** I rise today on behalf of the Liberal caucus to also pay tribute to the 41<sup>st</sup> annual Geoscience Forum and tradeshow. Mining has come a long way from the Klondike Gold Rush. Mining has been the lifeblood of Yukon for over 100 years and is still with us today. Local companies have spearheaded a recent exploration boom, which is considered to be the largest geochemistry experiment in North American history, mostly due to local crews such as GroundTruth Exploration in Klondike. After exploration these prospectors have reached out to junior companies to use their expertise on the ground floor in different capacities — new technologies like GPS and mapping software and drones, for example. With these new techniques, mining and exploration have continued to adapt and to develop.

I think it's worth mentioning that we owe a lot to the efforts of Shawn Ryan, and I'd like to thank him for his

entrepreneurial spirit in this industry and for keeping the initiatives local. Isaac Fage's GroundTruth and Tao Henderson's Talus Exploration are just two examples of local companies that would not be in existence without his vision. They are local, they buy local and that's the way that this industry prospers.

The Geoscience Forum and Trades Show is a great time for the mining industry to gather, showcase their developments in mining and exploration and come forward with their counterparts and companies to share knowledge and new technologies. It is also a time for the industry to come forward and talk about concerns from an investment perspective. For mining companies to continue to invest in the Yukon, we must be able to offer regulatory certainty, road accessibility and significant power. We must also offer skilled labour within the territory so Yukon benefits from job creation in the mining industry.

I would like to congratulate and thank members of the mining community for responsible mining and exploration. I would also like to congratulate the Yukon Chamber of Mines for all of their hard work and commitment. On a final note, I'd just like to see my colleagues join me tonight with the mining community at the Yukon Women in Mining reception in the Kwanlin Dun Cultural Centre.

### **In recognition of the Governor General's Academic Medal recipients**

**Hon. Ms. Taylor:** I rise today of behalf of the Legislative Assembly to recognize persistence and excellence in academic achievement among Yukoners.

The Governor General's Academic Medal was first established in 1873 by Lord Dufferin, Canada's third Governor General. For more than 125 years, the Governor General's Academic Medals have recognized the outstanding scholastic achievements of students in Canada. They are awarded to the student graduating with the highest average from a high school, approved college or university program. Pierre Trudeau, Tommy Douglas, Kim Campbell, Robert Bourassa, Robert Stanfield and Gabrielle Roy are just some of the people who have received the Governor General's Academic Medal at the start of a life of accomplishment.

Today the medals are awarded at four distinct levels: bronze at the secondary school level, college bronze at the post-secondary diploma level, silver at the undergraduate level, and gold at the graduate level.

To date, 155 Yukon high school students have received the bronze medal in recognition of top marks among their graduating classes. In 2012, Jesse Vigliotti became the first Yukon College grad to receive the Governor General's Academic Medal in the college bronze category upon graduating from a renewable resources management program. This year, Diane Larkin was awarded the college bronze medal after achieving top marks among all Yukon College grads when she completed the early childhood development program.

Earlier this month, the name of another Yukon resident was added to the prestigious list of Governor General's

Academic Award winners. Catherine Jones has been a labour market development officer with the Department of Education since this past September. She was in Toronto earlier this month to reunite with classmates and to receive her PhD after six years of economic, labour and religious studies at the University of Toronto.

As I understand, Catherine initially declined her invitation to the graduation ceremony, but when Catherine's professors at the University of Toronto learned she wasn't planning on attending the convocation, they called her up and shared with her something that was supposed to be a surprise on graduation day. Catherine's marks were the highest of all graduate students at the University of Toronto. She had won the Governor General's Academic Gold Medal, the most prestigious award that a student in a Canadian school can receive. Needless to say, Catherine's professors convinced her to make a whirlwind trip to Toronto to receive the award.

So, after six intense years of studies, Catherine ought to be very proud of this very important accomplishment. Just completing the PhD program is difficult. Many people start down the path and they never finish. Catherine said herself that had she known at the beginning just how difficult and long the process was going to be, she probably would have walked away from the program. But she didn't and that's the case in point. One day she found herself at the halfway point and just kept going. That persistence paid off. Catherine credits her family, her friends and colleagues for inspiring her to continue with her studies when the going got tough. She says she is humbled by the recognition this award brings.

This accomplishment is indeed outstanding. We are all very pleased to offer our most sincere congratulations to Catherine and to all other Yukoners who have been awarded the Governor General's Academic Medal.

Joining us here today in the gallery is Catherine Jones herself. Anton Solomon, who works alongside Catherine with labour market programs and services in the Department of Education, and her friend, Eric Moreau as well. I would ask all members to join with us in a warm welcome to Catherine and congratulations.

*Applause*

**Speaker:** Introduction of visitors.  
Are there any returns or documents for tabling?

### TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Dixon:** I have for tabling a news article from *Mineweb* entitled, "Mining issues dominate upcoming Yukon elections", dated September 23, 2011, which outlines the three political parties' platforms around mining.

**Speaker:** Are there any other returns or documents for tabling?

- Are there any reports of committees?
- Are there any petitions for presentation?
- Are there any bills to be introduced?
- Are there any notices of motion?

### NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to recognize the importance to the mining industry of accessing global markets by working with the State of Alaska to ensure that Yukon companies maintain commercial access to the ports of Skagway and Haines.

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

THAT this House urges the Government of Yukon, pursuant to section 2 of the *Public Inquiries Act*, to cause a public inquiry to be made into the death by mixed drug toxicity of Teresa Ann Scheunert at the Watson Lake hospital, as a matter of public concern.

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

THAT this House urges the Government of Yukon to incorporate into its housing action plan a Housing First approach that includes the following principles:

- (1) no housing readiness requirements;
- (2) choice for clients;
- (3) individualized support services;
- (4) harm reduction; and
- (5) social and community integration.

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

### QUESTION PERIOD

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

**Ms. Stick:** Mr. Speaker, last week the family of Teresa Scheunert travelled to Whitehorse to ensure that the death of their mother and sister by mixed drug toxicity at the Watson Lake Hospital, is properly and publicly investigated so that a similar tragedy never happens again. They left empty-handed, Mr. Speaker. They did not receive any indication from this government that all aspects of the system failure that resulted in Teresa's death have been examined, let alone repaired.

The system let down Ms. Scheunert and nothing can change that fact. But we can do right by her family by ensuring all parts of the system are investigated and fixed. Now that the minister has met with the family and heard the whole story, will the Government of Yukon call for a public inquiry into the death of Teresa Ann Scheunert in order to examine all aspects of the system that failed?

**Hon. Mr. Graham:** Mr. Speaker, as the member opposite indicated, I did meet with the family of Ms. Scheunert. Interestingly enough, during that meeting the family never indicated at any time that they were looking for a public inquiry.

As the member opposite should know full well, because I sent her information in a letter of September 3, the Yukon

Hospital Corporation is in the process of doing a patient safety review. That patient safety review — part of the process — includes disclosure to the patient and/or the family that an incident occurred, that the facts about what happened and what is being done to address it will be transmitted to the family. I am sure that once the patient safety review has been completed by the Hospital Corporation, what can be shared with the family as a result will be shared with them.

Throughout the whole questioning about this incident, I have felt that it puts the family in an extremely difficult position because, until Friday, I was unable to ascertain exactly what it was the family was looking for. Now that we've made that determination, we'll proceed and work with the family in the best way possible.

**Ms. Stick:** The patient safety review is a good thing but that's only one piece of the system failure. There were many pieces and many recommendations that came.

One of the more troubling aspects of this tragedy is the issuing of two different coroner's reports into the same death. We asked what happened in the few hours between the issuing of that and the coroner's request for the family to wait for a second one.

After claiming the independence of the coroner's office, the minister said last Friday, and I quote: "I'm speaking hypothetically, but I think that when the report was issued, those errors in fact were discovered by one of the groups that she gave the report to." The minister is telling Yukoners he thinks or speculates that either Workers' Compensation Health and Safety Board or the Yukon Hospital Corporation called the independent coroner's office and got them to issue a second report.

Isn't this a good enough reason to call for a public inquiry?

**Hon. Mr. Graham:** The way the member opposite asked the question, it's as if the Yukon Hospital Corporation or the Workers' Compensation Health and Safety Board had the ability to order the coroner to make changes in her report. Obviously that is not what happened.

Had the member opposite read either one of the information documents put out by the Yukon coroner, she would understand that the coroner found facts that were different from what were in her original report. She took steps, as is consistent with her authority, to correct the facts and issue a new report. It's as simple as that.

I speculated that she was advised of errors by one of the parties that received the initial report. It's as simple as that. If the coroner became aware of mistakes in her report or errors in fact, she had a responsibility to change them and she did, to her credit.

**Ms. Stick:** If the coroner was aware of mistakes, the appropriate action would have been to put an addendum to the original report with the changes and the reasons why those changes were there or to ask for a court order that the first be withdrawn.

Yukoners want to be confident that when mistakes happen, they are immediately and completely investigated so

that policies, procedures and practices can be repaired so no other tragedies occur.

Public safety is not arm's length; it's a matter of public concern. This government did not answer important questions about what triggers an autopsy, patients' rights or about the issuing of the two substantially different reports. The patient was let down and died in a publicly funded hospital.

For the sake of public safety and responsibility, will the government call for a public inquiry into the death of Teresa Ann Scheunert of mixed-drug toxicity at the Watson Lake Hospital?

**Hon. Mr. Graham:** Mr. Speaker, I have attempted over the last few days to answer in as open and transparent a manner as I possibly could all of the questions from the members opposite, in spite of the erroneous and sometimes difficult precludes leading up to the question.

I reiterate what I have said all along: the goal of the coroner — and if the member opposite had read the legislation, it is quite simple — is to provide facts. The coroner has the authority, not only under the statute but under common law, to correct her report if new facts come to light. Given that the goal of the coroner's report is to provide facts, the coroner has an obligation and a duty to do that. It's interesting to hear from the member opposite and to understand that she has now become an expert in coroner's reports or at least in processes under which a coroner's report may be prepared.

The coroner is a quasi-judicial office; she's independent. We don't interfere with the operation of that office and we respect the office of the coroner, unlike the member opposite.

#### **Question re: Klondike Valley fire hall**

**Mr. Barr:** Two weeks ago, the Minister of Community Services assured this House, the public and the residents of the Klondike Valley that the water treatment centre that is attached to the Klondike Valley Fire Department's hall was completed. It has come to my attention this weekend that this may not be the case. It would appear that the heat tape, a very basic part of the design and construction, was not put on the line coming in from the well. The waterline is now frozen and the residents of Rock Creek, Henderson Corner and Bear Creek are again without a water supply.

Is the minister aware that the new Klondike Valley water treatment facility is not fully functional at this time?

**Hon. Mr. Cathers:** In answer to the member's question, first of all I'd point out that I don't go out and personally do inspections on projects after they are completed, nor did my predecessor as Minister of Community Services. That's not the way the system works. Our understanding was that work on the water treatment centre at the Klondike Valley Fire Hall was complete.

If there is an issue around a portion freezing, the member indicated it was due to incorrect installation of heat tape. I won't take the member's conclusion at face value; there may be other issues around the situation, if indeed the water is frozen. I have not received a report of water there being frozen

nor have I heard a department assessment of the reasons for it being frozen — if indeed that is the case.

**Mr. Barr:** Mr. Speaker, I'm sure the folks who are without water are very comforted by the minister's remarks. I know in my hauling of water and having to do such things, to get to someplace and find that it's not available at 40 below is quite a hardship.

When can the residents of Rock Creek, Henderson Corner and Bear Creek expect to have this problem fixed and again have access to clean drinking water?

**Hon. Mr. Cathers:** Again, as I noted to the member, not only am I not a building inspector, I don't personally go out to every community and deal with thawing frozen water lines. That can be a factor in cold weather. It is one that those who are responsible for managing those facilities do take very seriously and take appropriate steps to thaw them as soon as they can.

I would also point out the member that if indeed his objective here was to actually address a problem, he could have alerted me to this situation as soon as he became aware of it rather than waiting for Question Period and I would have immediately raised it with department officials. I would also point out that residents of Rock Creek, if they've not already done so, can contact our capable department staff or contact me if they have issue such as that. I'd urge the member to reconsider his approach. This would have been a much more constructive action on his part if he had contacted me right away rather than waiting until Question Period.

**Mr. Barr:** My replies sometimes take seven months and I think that this is a ministerial responsibility. I just found out myself.

Mr. Speaker, the water treatment system at the Klondike Valley Fire Department's hall is designed to be monitored by a certified technician. Word from the community is that there is no certified technician at this time. To be certified a person requires at least a week of training that is held in Whitehorse. The certified technician would also have to be available year-round to conduct regular testing of the water quality and the system.

What is the government doing, not only to ensure that the new water treatment facility works, but that the water is properly monitored and tested to ensure the health and safety of residents of Rock Creek, Henderson Corner and Bear Creek?

**Hon. Mr. Cathers:** I hear the member saying he just became aware of this problem but apparently had the time to write three questions, not the time to pick up the phone, call my office, and let me know that he'd received a complaint from a citizen that the water was frozen at Rock Creek. Again, as I indicated in my previous response, if we had been made aware of that earlier, I would have certainly forwarded that information to the department — and the information of who to call in the department is something that should be in the hands of the people who use the Rock Creek water treatment centre. If they don't have it they can certainly call me or one of our Community Affairs staff to get the contact information for those who are responsible for that.

I do certainly appreciate the challenge that's caused by water freezing up in cold weather. Like many Yukoners, I have experienced it myself and recognize that in those situations all anyone can do, whether it's your personal system or whether you're responsible for a government facility, is act as quickly as you can to come up with a solution to thaw a frozen waterline. That is one of the realities of living in Yukon, especially early in the season before there's a lot of snow as an insulating cover.

As far as the operations for the water treatment centre, I remind the member that we put in the water treatment centre to ensure that Yukoners in those areas have good quality drinking water.

### Question re: Mining legislation

**Mr. Silver:** As we begin Geoscience week, I'd like to raise some questions that I'm hearing from the mining industry. While some problems on the mining horizon are beyond Yukon's control, there are many things that we can manage right here at home, and that includes regulatory certainty. The government has brought forth changes to our mining legislation this fall that raise many questions about security of tender and regulatory uncertainty.

A prominent local prospector said that he felt a tightening of the noose around his neck as he read the proposed changes. Several people in the industry are questioning why these changes are coming forth at all. They believe that the changes really had nothing to do with the recent Ross River court case and that this decision could have been implemented without them.

Why did the government choose to make changes to the legislation that have nothing to do with the recent court decision?

**Hon. Mr. Kent:** The amendments to each of the acts that are before the House right now are designed to meet the declarations of the Yukon Court of Appeal. They're going to establish the authority to designate areas where notification requirements would be required for low-level class 1 exploration activities.

That's what those amendments are designed to do: to meet the one declaration that was brought forward by the Court of Appeal here in the territory. The second declaration is being met through government-to-government discussions with the Ross River Dena Council and Yukon government as far as identifying lands in the Ross River area that will no longer be available for staking. We are meeting those two declarations and we're working to a court-imposed timeline of December 27 to complete that.

**Mr. Silver:** Mr. Speaker, the changes this government is proposing go well beyond what is required to implement the Ross River court decision. The minister has heard this repeatedly from the mining industry. The changes are very significant, open-ended and will cause significant regulatory uncertainty. A high-profile mining executive recently said Yukon has lost its reputation as a solid place to invest, even when times are good, and it's because of decisions like this one.

It is my understanding that industry and First Nations were working out a way to avoid major legislative changes. In the middle of that process, the government dropped this package of amendments without talking to anyone beforehand.

Why did the minister go the route of amending the legislation instead of working with both sides to come up with a solution that didn't introduce more regulatory uncertainty?

**Hon. Mr. Kent:** Again, these amendments to the act are designed to meet one of the declarations of the Yukon Court of Appeal ruling.

We rely on the advice of our officials in Justice and legal people to let us know how we must accomplish meeting those amendments. The second amendment is with respect to the work that is going on, on a government-to-government basis right now. Members will know that we did appeal that to the Supreme Court of Canada. We were denied that, so we have been working at that government-to-government table very effectively here over the past number of weeks.

Again, with respect to these amendments, they are enabling amendments. There is significant consultation taking place right now by Energy, Mines and Resources with First Nations and industry organizations. In fact, I met this morning with the Klondike Placer Miners Association to discuss these amendments and what the effect will be for their industry.

We continue to have those discussions on the regulations as they're developed as we look to meet that December 27 court-ordered deadline.

**Mr. Silver:** The courts didn't tell the government that legislation had to be changed. The government has chosen to amend the legislation and I disagree with this approach. There are other ways of achieving the goals here. The changes will go well beyond the recommendations of the court and they will introduce a high degree of regulatory uncertainty into that permitting process. It did not have to be that way.

One miner I spoke to said that special operating conditions came out of the blue. The government didn't talk to industry or First Nations before simply imposing the so-called solution.

I won't be supporting this bill in this sitting. As I said, the industry and First Nations had already worked on solutions when government walked in and, without talking to anyone beforehand, brought forward its own answer. It included changes that go well beyond what is described in that court ruling.

Why did the government go beyond what was asked for in the courts?

**Hon. Mr. Kent:** As I mentioned, the court decision outlined Yukon's duty as it relates to any mining activities and what the Yukon government's role would be with respect to consulting on class 1 exploration activities. We've tabled a number of enabling amendments to the *Quartz Mining Act* and *Placer Mining Act* that will allow us to develop regulations and establish the authority to designate areas where notification requirements would be required for low-level class 1 exploration activities.

I think one of the most disappointing things that I hear from the member opposite is that he has already determined that he's not going to support this legislation before he has even heard from officials and received a briefing on the legislation. So he may want to rethink that after he has heard from officials as to why the amendments have been tabled and what they're designed to accomplish.

#### **Question re: Peel watershed land use plan**

**Ms. White:** On November 6 when asked about the Peel Regional Land Use Plan, the government told this House that, and I quote: "Yukon government is currently consulting First Nation governments on the final recommended plan for the Peel watershed. We will conclude our consultation with First Nations before making a final decision on the Peel plan."

Has the Yukon government concluded their consultation with First Nation governments?

**Hon. Mr. Dixon:** The quick answer to the member's question is no, we have not concluded government-to-government consultations with the four affected First Nations with regard to the Peel watershed land use plan. We hope to do so as soon as possible. We've had one meeting at least of the principals, which involved me, the Minister of Energy, Mines and Resources and the Premier. We hope to continue to work through our senior liaison committee as well as on a government-to-government basis from the principals' perspective of ministers, Premier and chiefs.

**Ms. White:** The interim withdrawal of mineral staking in the Peel watershed will expire on December 31 of this year. The minister has said that it would be premature to speak about extending the withdrawal from the *Quartz Mining Act* and *Placer Mining Act* at this time. Mr. Speaker, December 31 is only six weeks away. I would submit that it is not premature to state that an extension would be offered if consultation is not complete. In order to continue that consultation process in good faith with an openness from all parties, would the Yukon government commit to an extension to a moratorium on mineral staking in the Peel watershed basin.

**Hon. Mr. Kent:** As I indicated earlier in this sitting with respect to the staking withdrawal in the Peel watershed region, at this time it would be premature for me to state that we are going to extend it. The Minister of Environment mentioned that we're engaged in the final round of government-to-government consultations and we're looking to conclude those as soon as possible. Again, we're working with our partners to conclude a Peel watershed planning exercise and that's what we're focused on right now. We certainly want to make sure that we come up with a plan that balances economic, environmental and traditional uses of the land, and that's what we're focused on doing right now — again, engaged in principals meetings with me, the Premier, the Minister of Environment as well as chiefs from those four northern First Nations. That's what we're working on right now and that's where our focus is.

**Question re: Coroners Act**

**Ms. Moorcroft:** I've been highlighting a number of serious concerns with Yukon's outdated *Coroners Act* for some time. While coroners acts, fatal inquiries acts and regulations have been modernized in jurisdictions across Canada, this has not happened in Yukon. In April 2012, the Minister of Justice said he would be willing to investigate options such as the medical examiner model for updating legislation dealing with fatalities, inquiries and inquests.

Again in April of this year, the Minister of Justice said the government would investigate those options in public consultations at some point in the future.

Mr. Speaker, will the Minister of Justice finally commit to holding public consultations on a replacement for the *Coroners Act* in 2014?

**Hon. Mr. Pasloski:** As we move through this mandate, we have put forward a number of pieces of legislation. Some of this legislation is identified through the government as things that need or require modernization. Some of this legislation is with regard to meeting obligations that we put forward to Yukoners in our platform when we were elected. Some of this legislation occurs as a result of decisions that are made by the court as well. Sometimes there is legislation that moves forward as a result of tragedies, such as the tragic loss of a young life in Watson Lake with the soccer net or when we saw a family who lost their lives because of carbon monoxide. There are many different reasons why legislation moves forward.

In fact, within this fall session, we have a number — eight pieces of legislation — that we're moving forward. We continue to look at all of the pieces and prioritize to ensure that we can move through as much legislation as we can. There are many different priorities. There are many different pieces of legislation that are important. We will continue to work forward and listen to Yukoners to ensure that we can move forward pieces of legislation that are our priority.

**Ms. Moorcroft:** I believe that updating the legislative regime governing fatalities should be a priority. It doesn't seem as if the Premier does.

Yukoners are concerned that the *Coroners Act* does not provide for mandatory inquests where it is in the public interest. It does not provide for mandatory inquests where it is unknown how or why or under what circumstances the deceased died or where there is a concern for public safety. In the Yukon, currently inquests are only mandatory for deaths of persons in custody. A family member should be able to request an inquest and should have legal standing at an inquest. The courts have ruled on this.

Does the Minister of Justice think it's fair that the Yukon *Coroners Act* does not provide families the right to legal standing or to be represented by a lawyer at an inquest into the unexpected death of a family member?

**Hon. Mr. Nixon:** At this time a coroner model of death investigation is the most cost-effective method of delivering this service. As we know, other models, such as the medical examiner model, are potentially too costly and really

not realistic to carry out death investigations in a territory with small, widely dispersed communities.

The coroner model does allow for the engaging of expertise such as toxicology work, autopsies and forensic investigations as required to carry out death investigations. Expertise in these types of professions is not a requirement for holding this position. In designing any program, the government must be cognizant of the cost as well as the best method for service delivery given the rural reality of Yukon. Our government certainly takes these into consideration when considering this program delivery.

**Ms. Moorcroft:** Mr. Speaker, the fact remains that the Yukon *Coroners Act* is out of step with current practice in other Canadian jurisdictions. Last week when I asked the minister if he was willing to commit to public consultations on a modern-day replacement for the *Coroners Act*, the Minister of Health and Social Services said that the coroner's office was — and I quote — “working fairly well at the present” and that the government will continue with that.

Mr. Speaker, we can set the bar higher than “fairly well”. It is clearly in the public interest that the *Coroners Act* be modernized. Again I ask: does the minister have the political will, and will the Minister of Justice commit today to a full review and public consultations on a replacement of the *Coroners Act* in 2014?

**Hon. Mr. Nixon:** Mr. Speaker, it is my understanding that the member opposite was indeed the Minister of Justice at one point in time for approximately four years. I don't know why the member opposite didn't look at this at that time.

As the Minister of Health and Social Services clearly indicated, the goal of the coroner's report is to provide facts. The coroner has the authority to correct a report, and this is based on the act and on common law. Given the goal of a coroner's report is to provide facts, the coroner has a duty to correct the record in light of any new information that is brought forward.

The coroner is a quasi-judicial office and is independent. We do not interfere with the workings of that office or intend to. We respect the office of the coroner and we would like to sincerely express our sympathy to the family.

**Question re: Liquefied natural gas**

**Mr. Tredger:** In August, Yukon Energy announced that it hoped to begin construction of its new liquefied natural gas generating plant and storage facility near the Whitehorse Rapids dam next May. Yukon Energy then submitted its application to the Yukon Environmental and Socio-economic Assessment Board in August. Yukon Energy said it was confident it could meet its May 2014 deadline despite the short time for assessment and regulatory authorizations of the project. Two weeks ago, the project description was put out for public review. Then, last week, YESAB was informed that Yukon Energy did not have a lease signed with White Pass. Why did Yukon Energy wait two months to inform YESAB that it did not, in fact, have a signed agreement to lease the site chosen for the new LNG plant?

**Hon. Mr. Kent:** As members of the Legislature know, the Yukon Energy Corporation is an arm's-length corporation of government, and although after finding out about this issue with respect to the LNG project, I did ask the president of the Yukon Energy Corporation — through the proper channels, of course — going through the chair of the Yukon Development Corporation is how I access individuals in the Energy Corporation for information — and he did come and provide me with a briefing. To that end, I actually found out about this last Wednesday. I sent an e-mail on Thursday morning to the chair of the Yukon Development Corporation letting her know that I intended to have representatives of the Yukon Development Corporation and Energy Corporation appear as witnesses before the House in this sitting. As soon as we find a mutually acceptable time for them to do so, I will inform members of the House when that is and they can ask these very same questions directly to representatives of the Yukon Energy Corporation.

**Mr. Tredger:** This is clearly a rushed project. This is another example of this Yukon Party government's fiscal mismanagement of a major capital project. Yukon Energy's board is appointed by the government. Its strategic direction comes from the government and the government guarantees its debts. We are being assured that this new plant will cost only \$34 million. This project is already pushing the envelope for timing.

Why should anyone in this territory believe that this project will be completed on time and on budget?

**Hon. Mr. Kent:** I did receive assurance that this project would be completed on time and on budget from the president of Yukon Energy Corporation when I met with him on Friday. Again, I'll reiterate for members of the House that I intend to call the chair and the president and CEO of the Yukon Development Corporation, as well as the chair and the president and CEO of the Yukon Energy Corporation, to appear before this House as witnesses in this fall sitting so that these questions can be asked of those individuals. Clearly they are an arm's-length corporation to government. We do appoint the board of directors, but those are the individuals these questions are best posed to as they're in the best position to answer the questions, not only from the Member for Mayo-Tatchun, but any other member of this Legislative Assembly who would like to ask about the LNG project or any of the other initiatives that Yukon Energy Corporation is undertaking.

**Mr. Tredger:** Once again, I'll remind the minister that the Yukon Energy Corporation board's strategic direction comes from the government and the government guarantees its debts.

For a decade this government has failed to plan for renewable energy. The previous Minister of Energy, Mines and Resources said that LNG is a replacement fuel, not a transition strategy.

We are sinking at least \$34 million into a new system that will tie this territory to fossil fuels for decades to come. Mr. Speaker, why is this government investing in fossil fuels

instead of renewable energy solutions that will reduce our dependency on fossil fuels and help curb climate change?

**Hon. Mr. Kent:** I think the very simple answer to that question posed by the member opposite is that when it's dark and it's 40 below and there's no wind and the water reservoirs are down, if we have a power outage we need a reliable backup system. Everyone recognizes that fossil fuels will provide that reliable backup system. That's what we're replacing.

The Premier and I toured the Yukon Energy Corporation's Whitehorse Rapids power system and saw the 45-year-old diesels that these new LNG units are going to replace.

Again, with respect to the other questions asked by the member opposite, I will remind him that I have committed to bring forward representatives of the Development Corporation and the Energy Corporation in this sitting to answer specific questions about this project, questions that many members of the Legislature may have and indeed that many Yukoners are asking. Of course, they're in the best position to answer these questions, but with respect to this project, while we are moving on a clean power agenda for Yukon, we still need reliable backup for those 40-below nights in the middle of winter when the power goes out. Yukoners need something to keep the lights on.

**Speaker:** The time for Question Period has now elapsed. We will proceed with 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):** Order. Committee of the Whole will now come to order. The matter before the Committee is Vote 54, Department of Tourism and Culture, in Bill No. 11, *Second Appropriation Act, 2013-14*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

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

**Chair:** The matter before the Committee is Vote 54, Department of Tourism and Culture, in Bill No. 11, *Second Appropriation Act, 2013-14*.

**Department of Tourism and Culture**

**Hon. Mr. Nixon:** As Minister of Tourism and Culture, it's my pleasure to introduce the *Supplementary Estimates No. 1* for the 2013-14 fiscal year. Before I begin, I'd like to say a few words about the Department of Tourism and Culture.

As members are aware, the department's responsibilities include working with other governments, Yukon First Nations, not-for-profits and the private sector to strengthen and grow the tourism industry and the arts, culture and heritage sectors.

More than four percent of Yukon's GDP is directly attributable to tourism and each year tourism generates \$200 million in revenue for Yukon businesses. Over one-quarter of all Yukon businesses generate some portion of their revenue from tourism.

In 2012, Yukon hosted over 320,000 visitors from around the world, including nearly 34,000 overseas visitors. Of those visitors, German-speaking Europe and the United Kingdom are two of our largest overseas markets, with very strong growth potential. Last summer, visitors from these markets spent over \$11 million here in Yukon.

Germany continues to be Yukon's largest overseas market, representing approximately 26 percent of overseas visitors. Each summer, Yukon hosts more than 4,000 visitors who arrive on the direct Frankfurt-to-Whitehorse Condor seasonal flight.

The other key target markets in Europe are France and the Netherlands, and our key markets in the Asia-Pacific region are Australia, Japan, South Korea and China. Overseas markets collectively represent about seven percent of Yukon visitors and more than 12 percent of spending. Visitation from overseas target markets increased by approximately 85 percent between 2004 and 2012.

Year-to-date border crossing statistics from January to August show a nine-percent increase, more than 290,000 visitors to Yukon, over the same period last year. This includes increases in U.S. visitation, up by eight percent, and overseas visitors up by seven percent, but the largest increase comes from Canadians, up by 16 percent, which shows that the collective effort by our government, industry and the private sector to promote Yukon across Canada is indeed working.

Madam Chair, visits by air are also vitally important to the success of our industry, with Erik Nielsen Whitehorse International Airport recording more than 200,000 passengers arriving and departing during the January-to-August period. We are proud that Yukon is out-performing the Canadian average for growth in tourism visitation, a result of the strategic and effective approach the department and our tourism industry operators, not-for-profits and private sector

businesses have taken with regard to marketing and investment decisions.

Clearly tourism has the potential to continue to provide significant economic opportunities for many Yukoners. As a department, as an industry and as a territory, I believe we can continue to build on the work done to date to make Yukon a must-see year-round destination for visitors around the globe.

With this supplementary estimate, the Department of Tourism and Culture is requesting an increase of \$1.5 million, which includes \$1.05 million in operating and maintenance that includes revotes of \$596,000 and a further \$455,000 in other requests and \$498,000 in capital.

I would now like to highlight a few of the key changes reflected in this budget. For Cultural Services branch, there is a total of \$570,000 in O&M.

This branch carries out the department's responsibilities for preserving, promoting and interpreting Yukon historic resources as visual, literary and performing arts. Cultural Services is home to the Historic Sites unit, which operates the interpretive signage program. They have installed over 180 sites on scenic routes and points of interest throughout Yukon, introducing travellers and residents alike to our fascinating history and natural wonders.

In September, the Watson Lake Sign Post Forest received official Yukon historic site designation under the territory's *Historic Resources Act*. Also, as members are aware, the *A.J. Goddard* shipwreck was commemorated as a Yukon historic site in a plaque unveiling and ceremony at Lake Laberge in August. Back to Watson Lake, I look forward to welcoming everyone to Watson Lake this spring for a community celebration to mark the very special occasion of the Sign Post's historic site designation.

Cultural Services is also home to our heritage resources program which, in collaboration with Klondike placer miners, collected over 3,000 new fossils this summer. This program focused on collecting Pleistocene fossils from the Klondike gold fields. Some exciting finds this season were a camel toe, lion mandible, mammoth skull fragments and numerous prehistoric moose antlers.

Also in Cultural Services is the Arts unit, which continues to play a leadership role in strengthening and promoting Yukon culture — with regard to the arts fund, we have a \$170,000 revote for projects approved last fiscal year but not completed by the funding recipients before year-end.

Since April of this year, the department has supported 13 advanced artists projects that contributed to artistic and community development and a further 17 Yukon artists to tour creative works nationally and internationally. In addition, the department has supported 56 not-for-profit organizations and collectives, which has enabled visitors and Yukoners to enjoy and participate in artistic and cultural activities in 12 Yukon communities and locations.

For Tourism branch revised O&M estimates, we have a total of \$398,000, which includes a \$181,000-revote for the tourism cooperative marketing fund agreements initiated in 2012 and 2013 but not completed by recipients before year-end.

Madam Chair, we are also providing an additional \$50,000 in one-time new funding to the Sourdough Rendezvous Society for their 50<sup>th</sup> anniversary celebrations. We are very pleased to be able to support this important cultural institution that year-in and year-out brings Yukoners together, attracts winter visitors and gives us all a mid-winter boost. There is \$50,000 in new funding for the Canadian Council of Tourism Ministers meeting held in September. Yukon and Canada co-hosted this meeting in Whitehorse.

Madam Chair, together with the Hon. Maxime Bernier, Minister of State (Small Business and Tourism), the ministers responsible for tourism were able to discuss agenda items that included visitor access, authentic visitor experiences, the development and marketing of tourism attractions, and opportunities to grow tourism across all regions of the country. This meeting was a tremendous success, and hosting this meeting for the first time north of 60 was a great source of pride for the entire department and the territory.

Moving on to capital, there is a \$498,000 increase to the department's anticipated capital expenditures. Capital for the Tourism branch includes \$150,000 for projects at information centres. Tourism is a complex and competitive industry and it is important that the face of tourism as presented through the visitor information centres is given the best tools and resources to assist travellers when they are here on the ground. To that end, Wi-Fi is now offered at the Whitehorse Visitor Information Centre with more upgrades and changes to come, not only for the Whitehorse centre but for the other five seasonal VICs as well.

Recently the department entered into a two-year lease with Carcross Tagish Management Corporation on behalf of the Carcross Tagish Limited Partnership and Northern Vision Development Limited Partnership to provide visitor services in Carcross. With the investments this government has made from a number of different departments and working close with a number of stakeholders, this little community has grown leaps and bounds over the last years and, as the gateway to the Southern Lakes region, it is highly popular with visitors and residents alike.

As members are aware, our visitor tracking program is now in its second year. This program is helping us to better understand our visitors. What we have learned so far is that since 2004 we have had a 45-percent increase in visitors travelling by air and highway travel has increased by 21 percent. As well, visitor expenditures are up by 30 percent since 2004, and these expenditures are spread over a wider range of activities than was previously believed.

The information provided through the visitor tracking program will help to identify strategic areas the department can address working with industry and the private sector so visitor experiences meet visitor expectations.

For Cultural Services branch, we have \$166,000 in capital for maintenance and improvements to museums and to historic sites. Yukon's cultural treasures and historical legacies are shining examples of our northern pioneer spirit. The work done to share Yukon's history through the artifacts, memorabilia and stories surrounding the people who shaped

Yukon often become the authentic experiences that visitors enjoy today.

Owned and operated by the Yukon government, the Yukon Beringia Interpretive Centre first opened its doors in 1997. Since that time, the centre has offered programming focused on the last ice age when Yukon and Alaska formed a subcontinent known as Beringia. The work the centre does supports ongoing efforts to ensure long-term sustainability of Yukon's valuable heritage resources and infrastructure.

I would like to conclude with a few words about the staff at the Department of Tourism and Culture and highlight some of the recent successes. In October, the Tourism branch held its second open house, once again opening its door to businesses, tourism operators, cultural organizations and front-line staff. The event attracted 50 tourism industry participants and included information sessions on funding opportunities, new trends in marketing and one-on-one meetings with Tourism branch staff.

Recently the branch also hosted a networking event called Food, Farms and Festivals: A Culinary Tourism Forum to discuss opportunities to develop culinary tourism here in the territory. The event was an unqualified success with 65 people registering to take part.

As most will be aware, Premier Pasloski led the first-ever Premier tourism trade mission to Europe in August. The Tourism branch assisted the Premier, me and 16 Yukon tourism industry representatives as we travelled to Germany and England. This trip provided Yukon with an opportunity to show leadership in two strategic overseas tourism markets, reflecting the territory's growing role in the global tourism context.

In addition to tourism, the staff at the department also work across a wide variety of professional and technical areas that include culture. The archaeology program, led by an archaeological site inventory and predictive modelling two-year project supported by CanNor, in partnership with local First Nations, will assist the placer mining industry in meeting regulatory and YESAA requirements.

The paleontology program worked with Vuntut Gwitchin First Nation heritage department to publish *Ice Age Old Crow: Yukon's ancient history from north of the Arctic Circle*, which is a booklet documenting the paleontological research in the Old Crow region.

Recently the Yukon Archives hosted the opening of the YT in 3D exhibit at Arts Underground, an opportunity to see rare 3D images that reflect many aspects of Yukon history. I would urge each and every one here to go if you haven't already been. The show is at Arts Underground until January 25, 2014.

On behalf of Yukoners, eight new works were added to the Yukon permanent art collection. Madam Chair, I attended the exhibit launch called "New Works" in September, which was very well attended. These new works are welcome additions to the close to 300 pieces of art in the permanent collection, which comprises one of Yukon's most beloved cultural treasures. The launch was held in conjunction with Culture Days and Doors Open, celebrated across the city and

organized by Yukon Arts Centre, the Yukon Historical and Museum Association and community partners. More than 40 Yukon businesses and community organizations took part in Culture Days.

It is these kinds of activities, events and experiences that can spur visitors to seek out Yukon as a destination. Once they have arrived, there are opportunities to experience its rich culture, arts, heritage, and natural attractions and visitors return home with stories rooted through their travels to community museums, visitor centres, the Yukon Archives, Yukon historic sites and attractions, cultural events or activities.

Over the last several months, many new staff have joined the department. They bring a fresh new perspective with new ideas and new skillsets. Along with the seasoned leadership of the more experienced members of the department, there is a dynamic team dedicated to tourism and culture here in our territory. Through their work, they help strengthen both our economy and our communities.

Madam Chair, I am extremely proud to have the opportunity to work with each and every one of them. Thank you.

#### Chair's statement

**Chair:** Just before we continue, I would like to remind members to avoid the use of names of other members. Thank you.

**Mr. Barr:** It is my privilege to represent Yukoners in this Legislature today and speak to the supplementary budget. I would also like to acknowledge the good work of the people across the spectrum of the tourism industry. I thank the officials for the briefing on the supplementary budget. It was very well expressed and I found it very valuable.

I will speak today of some of the concerns of small businesses in the Southern Lakes area, including tourism operators. I have also been reading more about the department's good work. In the *Yukon Larger than Life 2012-15 Tourism Marketing Strategy*, there is a description of the Yukon as a tourism product. It says what we all know and love, and I quote: "...breathtaking scenery, natural phenomena, abundant wildlife and rich cultural experiences." Later it adds, "Yukon offers a unique opportunity to experience true wilderness and nature while remaining close to urban comforts" — although I do know that there are many who travel here who love to experience a well-decorated outhouse.

If you've never been to some of those good ones, it's fantastic — the ornaments that are in there, the double-seaters — I mean, we have postcards of the fantastic outhouses around the Yukon and I can't say enough about them. We even race them in Dawson. So urban comforts to some are different from urban comforts to us here in the Yukon. I plan to attend the next outhouse race in Dawson City. Our whole caucus will have its outhouse there and we'll be having fun. I haven't spoken to them about that yet; they're just hearing about it now for the first time.

As I have stated before in this House, in a nutshell, it is the pristine wilderness that underlies so much of what attracts tourists of all stripes here. It is unique; it is invaluable. It's really kind of beyond monetary value. The nature and the pristine wilderness are what attract many of the people who come here. I've said before, on my first drive up here I was beyond words — the beauty as I was coming into Whitehorse and getting into the Yukon from the southern end of it, the other side of Watson Lake. I just kept going wow, wow, wow. We all remember how pumped up we felt. I've heard many of those stories from people, especially the drive, coming here for the first time — including the members opposite. I'll restate this because it might sound a little disconnected.

We all remember how pumped up we felt, including the members opposite, when *Lonely Planet* listed Yukon as the fourth in the top 10 regions to visit around the world. What was less often quoted was the warning that followed this rating, that change was coming fast to the Yukon. Between the extractive-industry rush and the ravages of climate change, *Lonely Planet* was advising tourists to get up to Yukon soon while we still have vast and pristine wilderness. Madam Chair, it is not about fear-mongering; it is about acknowledging the value of our wilderness for a sustainable local economy.

The 2012-15 tourism marketing strategy identifies that it is the high-yield traveller who will be critical to building a sustainable tourism sector in the Yukon. This is an approach that echoes federal initiatives. Certainly the competition around the world for the high-yield traveller is fierce. I was pleased to see the Premier's interest now in tourism and taking those on the junket to Germany.

As we know, through the government's own release, it shows us that Germany is already an established tourism market, and I quote: "German-speaking Europe is Yukon's largest overseas market with over 11,000 visitors annually and the UK is a strong secondary market with approximately 3,300 visitors to Yukon in the summer of 2012. Both markets have a high potential for significant growth."

In speaking with some in the tourism industry, there is much more work to do in Europe. However, we also know that the aurora lights for Asian countries are really bolstering our tourism dollars throughout the winter season. I would hope that they also include less-familiar destinations to create a greater diversity of tourism markets for Yukon.

I believe in the value of a research-based tourism marketing strategy so the members opposite should not get the wrong idea about that.

I would also like to point out, with previous comments about our pristine wilderness, that interestingly, even at the Hannover Zoo in Germany, the Premier encountered people deeply concerned about the protection of the Peel River watershed. One protester had travelled the Snake River with the Gwitchin youth council as part of a cultural exchange in 2008.

We feel that the government seems to keep trying to ignore and discount the international concern for our pristine wild places. It's a position that puts us at odds with our

tourism brand. The New Yukon Democratic caucus believes in a diversified approach to our economy and we all know that this government has not had a diversified approach. “So goes mining, so goes Yukon,” said the Premier showing the Yukon Party’s single-minded approach. Now that mining appears to be going, the Yukon Party has become a relatively new fan of tourism and culture.

All these high-level studies of high-yield tourists are important in their own right, but they shouldn’t distract the government from Yukoners who are working hard at their tourism businesses today. Local operators are on the front lines of tourism in the Yukon, and they target consumer groups as defined by their marketing strategy — scenic outdoor travellers, cultural explorers and adventure challengers. Many of these travellers are independent and still coming up to the Yukon by road. We might note at this time that this has increased by nine percent this year over last year — the number of visitors coming to the Yukon by road — as highway-based tourist operators benefit when the government listens and partners with these local-based businesses that serve tourists on our roads.

On behalf of some of those local tourist destinations and business operators in the Southern Lakes loop, I have written ministers about practical devices those small businesses need, like highway signage, which lets folks know on bicycles, on motorbikes and in their RVs that things are not necessarily on the map.

I also am aware that some of those folks in the businesses have spoken to some of the ministers across the way about the signage. With the LACs, some of the difficulties that seem to go around in circles are that although local businesses have put their own signs at the loop — but it’s getting to Tagish, for example, as you’re coming up the Alaska Highway or leaving Whitehorse. There are many comments, and they are saying, “I wouldn’t have known that you guys were down here. There is no sign to tell us this.”

There has been much correspondence to increase the signage and put Tagish on the map. We used to have a lot of work on exploring the Southern Lakes loop. There are many new businesses. I know that Ibex, Marsh Lake and Mount Lorne, for example, did not even go on the website to include their uniqueness. I understand that is being rectified now. However, there are a lot of businesses on that loop that get left out when people don’t know to make it their destination or to see, and then when they’re driving by, they don’t even see where to turn off.

It has also been explained that the Tagish LAC, for example, when it came down to it, is required to do the proofs of the signs and to budget the signs. In no way is there a budget for LACs to be able to do this. I really encourage the minister opposite to work with his colleagues to make this happen. Businesses have done their part, and we believe that it’s up to the government to work with those LACs in the rural parts of the Yukon to increase their signage so that we all can benefit. As we know, small actions can make a difference.

I have mentioned that Mount Lorne is now listed as a Yukon community, as are Ibex and Marsh Lake. There is a lot

to be said for paying attention to the details close to home, and it cannot be overlooked. I recall hearing about a number of the lodges on the highways, as the travellers are coming up the highway, being closed. People who are running out of gas think that in the next 100 kilometres, they will be able to get there and they won’t get gas here, and then they find out too late that where they planned to gas up is no longer open.

It’s quite an issue for somebody who is driving — whether it’s a motorcycle, RV or car or whatever — that we keep these signs up to date and inform the public — that some mechanism be built in for those travelling, so that they know that they can get gas along this highway. It also supports the ones that have stayed open — they’re going to get that business and it is just less headache for everybody.

If tourists bother to write a letter to the editor, they must have had some experiences that were very meaningful to them. The tourism marketing strategy refers to the experience that tourists collect. Travellers’ stories do much to promote Yukon tourism. I want to read one such letter from this last summer that is the voice of the kind of traveller who has always come to the Yukon, who has proven to be the sustainable form of tourism Yukon that has experienced — and that is the road traveller. This aspect of tourism really experiences the full range of Yukon culture as they drive and travel through most regions, meeting locals all along the way.

I have it here, entitled “This couple are true Yukon ambassadors.” It says, “My wife, Trudy, our friend Lee and I recently took a motorcycle trip from Alaska to Texas that covered almost 5,000 miles.

“During a relatively early part of the trip, we passed through an area that is covered by your newspaper. We had two experiences there, and I want to share them with you.

“We had travelled quite a distance when we saw the Discovery Yukon Lodgings. The sign said, ‘Motorcyclists Welcome’.

“We stopped, went inside and asked if we could use the restroom.

“The lady said, ‘No, the restrooms are only for paying guests.’

“I understand that it costs money to maintain restrooms and I can accept the need to charge or require purchase for use of the restroom.

“It did strike me as a bit strange because the lady did not represent the exceptional hospitality we had grown accustomed to over the last 15 years of travel in Canada.

“We put our gear back on and headed down the road.

“The next business was Cook’s Mile 1164 Koidern River Lodge.

“From the outside, the place looked a bit weather-worn. We went inside and asked if we could use the restroom.

“We were received in the warm and friendly Canadian fashion.

“After using the facilities, we began a conversation with Jim and Dorothy Cook. I think they said they had been there for about 44 years.

“What a remarkable couple!

“Dorothy instructed Jim to make up a song and for him to sing it to us — which he promptly did.

“These are remarkable people who represent the best of ‘Canadian hospitality’.

“Jim also makes art out of old railroad spikes and welds things on them, like motorcycles.

“By the time we left, we had spent about 45 minutes and over \$100, and had a great time doing it.

“I think the people in your area should know, if they do not already know, that Jim and Dorothy are hidden treasure.

“I will recommend the Cooks’ lodge to all my motorcycle friends.

“We have had as many as 32 motorcycles make the trip.

“We will be stopping at Jim’s and Dorothy’s place on any future trips.

“*Canada rocks!*”

This was from Bill and Trudy Duke of Austin, Texas, and Lee Burson of Montgomery, Texas.

It’s those stories that travel up and down the highway — why people keep coming back to go, wow, we don’t get that other places. The point of a lot of this is to know that our road traffic is very important.

One of the things I would like to start with — although I know my time is almost up — is how is the government assisting local First Nations to develop their full tourism potential?

**Hon. Mr. Nixon:** I’d like to put on the record that our year-to-date travel has increased by 23,274 visitors, which is up nine percent compared to the same period last year. An increase is noted in private vehicle traffic of 14,359 visitors. That’s up 10 percent. There’s also an increase in motorcoach traffic of 8,915 visitors, which is an increase of eight percent.

By origin, increases were present for U.S. citizens, Canadians and foreigners, recording an increase of 14,489 visitors, which is an increase of eight percent; 3,875 visitors, up 16 percent; and 1,934 visitors, up seven percent respectively.

2013 has been truly an incredible year for tourism in Yukon with visitation well outperforming our national average. According to Statistics Canada, national border crossings counted between January 2013 and August 2013 grew one percent while border crossing counts to Yukon grew nine percent during that same period.

Yukon continues to gain market share and has outperformed the national average in visitation from the U.S., which is up eight percent. Overseas markets are up seven percent and resident Canadians, up 12 percent. During that same period, visitation to Canada from the U.S. was actually down 1.2 percent. Visitation from overseas markets was up 2.9 percent and the resident Canadian visitation was up only 1.6 percent.

I’d like to talk for a few moments about the Premier’s European trade mission. He was, as we know, the first Premier in Canada to lead a trade mission like this to Europe. Tourism is a strategic industry that we know contributes \$200 million annually to the Yukon economy, with significant promise for future growth.

German-speaking Europe and the United Kingdom are two of our largest overseas markets with really strong growth potential. Last summer, visitors from these markets, as I mentioned earlier, spent over \$11 million here in our territory. The Premier’s mission to Europe was an opportunity — I think that’s the key word — to show leadership in two strategic overseas tourism markets and to reflect Yukon’s growing role in the global tourism context. This mission shows our level of commitment to work with our local and overseas industry partners to promote Yukon as a year-around tourism destination.

The Premier’s participation in the European trade mission helped to strengthen existing strategic alliances and create new opportunities to increase awareness of Yukon as a tourism destination and in fact grow tourism revenues. We went to Europe to demonstrate a high level of commitment to these markets to build relationships for the future and generate local media awareness. On these measures, Madam Chair, it was an extremely successful trip. We are very serious about growing tourism and we are going to put the work and the effort into making the most out of the opportunity that international tourism represents.

In total, the Government of Yukon signed 12 cooperative marketing agreements with Germany and U.K. The total Yukon government investment is approximately \$209,500. This investment is contributing to marketing initiatives totalling \$592,500 reaching approximately 3.74 million prospective visitors in Germany and in U.K.

In addition to the cooperative marketing agreements, the Premier signed a cooperation accord with Condor Airlines and Air North, Yukon’s Airline, and an extension of the existing memorandum of understanding with Goodyear Dunlop and Fulda tires.

The cooperative accord signed with Condor Airlines and Air North, Yukon’s Airline, was designed to achieve a number of things. It was designed to increase the number of travellers from Europe to Yukon, to maximize the sale of seats on Condor direct flights to Yukon, to maximize opportunities to provide incremental access to Yukon, achieved through an agreement between Air North, Yukon’s Airline, and Condor, and to increase the awareness and sale of seats on Condor Airlines and flights that connect with Air North, Yukon’s Airline, through tour operators and other travel trade partners in Europe.

Madam Chair, I think it’s important and I will talk more about the stakeholders that were involved in this trip, but part of a quote from Joe Sparling, president of Air North, Yukon’s Airline, was that both were greatly facilitated and perhaps even made possible through the efforts of the Premier and the Minister of Tourism, as well as their support staff. That speaks for itself Madam Chair — the value of this contribution and the investment by a Yukon company, Air North, needs to be noted by all members in this Legislative Assembly.

Madam Chair, the MOU with Goodyear Dunlop tires extends the Fulda Yukon Challenge partnership to June 30 of 2016.

Since 2006, the Fulda Extreme Arctic Challenge has generated over 32-million euros in equivalent advertising for Yukon through print, television and on-line media. Based on media research conducted by an independent research group in Germany, the PR advertising value in Germany in 2013, as a result of the Fulda Challenge 2013, was estimated at seven million euros. This equates to a return on investment of approximately \$64 for every dollar that Yukon government invests.

As I mentioned, there were some very significant investments made by Yukon stakeholders for the Premier-led European trade mission: CanaDream RV rentals, Harper Street Publishing, Holland America Line, Northern Tales, Northern Vision Development, Outside the Cube, SKKY Hotel, Tourism Industry Association of Yukon, Yukon First Nations Tourism Association, Yukon Historical and Museums Association, Klondike Visitors Association, Yukon Outfitters Association, Yukon Quest, Yukon Wildlife Preserve and, yes, Air North, Yukon's airline. I don't believe that those stakeholders would view their significant investment to the German and UK markets as a junket.

Pertaining to signage that the member opposite had spoken about, we have heard from the LAC and also directly from a number of business owners in that area. Tourism and Culture officials are in discussion with officials from Highways and Public Works about those signs. At this time we're optimistic that we will be able to report progress in time for the next summer season.

Just in closing, I think it's important for me as Minister of Tourism and Culture, because as you have heard me speak about a number of the stakeholders, I have met many, many stakeholders over the last couple of years and continue to be impressed by the level of dedication and the level of service that they provide to their visitors. I was pleased to put out a release just a number of days ago about three Yukon businesses that have been named finalists for a 2013 Canadian tourism award that will be presented by the Tourism Industry Association of Canada.

Those three businesses include: Carcross-Tagish Management Corporation of Carcross, which is one of five finalists nominated for the Innovator of the Year Award. This award recognizes a tourism business or organization that develops the most innovative new tourism product, service or process that positively impacts the tourism industry. Also, Ceaser Lake Outfitters of Watson Lake, is one of eight finalists nominated for the Sustainable Tourism Award. This award identifies the outstanding contribution to the practice and promotion of sustainable tourism in Canada.

The third recipient, the Canadian River Expeditions of Whitehorse, is one of eight finalists nominated for the Traveller Experience of the Year Award. This award acknowledges a tourism business that has created the most exceptional tourism experience centred on the principle of hospitality and customer service.

The Canadian tourism awards have become standards of excellence for businesses and organizations in the travel industry, showcasing the nation's best tourism products,

services and experiences. These awards will take place on December 3, in Ottawa.

**Some Hon. Member:** (inaudible)

## INTRODUCTION OF VISITORS

**Hon. Mr. Kent:** Thank you, Madam Chair, and I'm sorry for interrupting debate on Tourism and Culture, but I'd like to introduce at this time Mr. Blaine Joseph, who is the operations manager for EFLO. EFLO is the company that owns the Kotaneelee gas field in the southeast Yukon. Welcome to our Legislature.

*Applause*

**Mr. Barr:** I thank the minister for his comments, and it is great that we have such accomplished presenters of outfitting — and the innovation of the new Caribou Commons in Carcross — and that these awards recognize them for those with expertise in their field in the Yukon. It is just a great thing that we can celebrate this.

I would also like to just acknowledge that when we're trying to work together to be able to facilitate a means to an end of whatever issue it might be — and in this case, the signage. I was very happy to hear that here in the House. However, I have not received a formal written response on this from earlier this spring. I mean, it is good news right now.

I was speaking to one of the business owners who actually closed up at the end of September who was saying to me then and just a few weeks ago, "I guess we're not going to get our signs now". I guess there has been some miscommunication, and when people are looking for answers, it can be frustrating not to receive responses in a written manner to help facilitate the communication back and forth. I certainly would have let them know that at the time.

My response about six weeks ago was that we won't give up and we'll keep working for the signs. Again, I can say that it's great to get this news now. I hope we can do better with getting some timely responses.

I have another question. I didn't get an answer to what the minister is doing to enhance work with First Nations in their tourism endeavours.

Also, I know at the beginning of December we're hoping to hear the result of the peer review on the Ross River suspension bridge. We are hoping that, once we deal with the safety issues, we're going to be able to say that we can repair the suspension bridge.

I know it's quite the topic of discussion around Faro and Ross River and others. I actually received a call this morning from Whitehorse folks who are just realizing that this historic site may end. Barring that this unfortunate news does come, this is an iconic site for Ross River. Has the minister given any thought if it doesn't? What are the plans to enhance tourism opportunities in Ross River? This is on the passport; this is huge for the people of Ross River. If it's not there, what kinds of things is the minister looking at to replace such an iconic bridge? This is not only to us but to those who have come to walk on it and those who plan to come and walk on it still. I'll just leave him with those questions.

**Hon. Mr. Nixon:** The member opposite asked about how the Department of Tourism and Culture collaborates with First Nations. I do have quite a lot of information that I'd like to put on the record because there is very good work being done in partnership with the Department of Tourism and Culture.

First, the museums contribution program provides partial funding support for the annual management and operation of Yukon First Nation cultural heritage centres, including Big Jonathan House, Da Kų, Champagne and Aishihik First Nations, Dānojà Zho Cultural Centre, John Tizya Centre, Kwanlin Dun, Tagé Cho Hudān Interpretive Centre, and the Teslin Tlingit Heritage Centre.

Tourism and Culture entered into a 10-year lease in 2012 with the Champagne and Aishihik First Nations to house Yukon government's visitor information centre in the Da Kų Cultural Centre in Haines Junction. The Yukon archaeology program also provided staff and technical support to the Yukon College heritage and culture field school at Canyon City. The field school is funded through the northern strategy fund, administered by the Yukon government with the Yukon First Nations Heritage Group and Vuntut Gwitchin First Nation partners.

Tourism and culture arts fund awarded \$35,000 to the Adāka Cultural Festival and Society for the 2013 Adāka Festival and I need to make a side note on how impressed I continue to be each time I see Adāka rolling out. They are certainly setting the bar very high for themselves and should be congratulated on the work they've done to date. This is fascinating.

Madam Chair, we're working with the Yukon First Nation Tourism Association on its efforts, in partnership with the Adāka Cultural Festival, to restructure the organization in support of the development of both First Nation cultural and tourism sectors. The First Nation heritage training coordinator also continues to work with various First Nations and the Yukon Historical and Museums Association to develop and deliver training opportunities for First Nation cultural centres and museums.

Yukon Archives is providing an 18-month training internship for a member of the Champagne and Aishihik First Nations to become an archives records officer. The position is funded through the Yukon government's First Nation Training Corps, which has assisted with educational and training opportunities in a number of disciplines. Following the 18-month internship, the person will be employed at the Dā Ku and be responsible for their archival materials.

Yukon archaeology program is working with Kwanlin Dun First Nation to publish a popular booklet on the results of the two-year long KDFN archaeological site inventory project in the M'Clintock River basin.

The Yukon paleontology program worked with the Vuntut Gwitchin First Nation heritage department staff to publish *Ice Age Old Crow: Yukon's ancient history from north of the Arctic Circle*, which documents the paleontological research in the Old Crow region and the VGFN residents' involvement.

The Tr'ondėk Hwėch'in and First Nation of Na Cho Nyāk Dun are assisting in the CanNor-funded Yukon archaeology program project to inventory, map and model the archaeological sites in the Dawson and Mayo mining districts. The project will support Yukon government heritage resource management and assist the mineral industry with project planning.

A contribution agreement is in place with the Yukon First Nation Tourism Association for \$60,000 in order to promote the development of First Nation tourism.

There is a transfer payment agreement for \$21,000 with the Vuntut Gwitchin First Nation for identification and research of heritage trails and the Van Tat Gwich'in Navigation Systems Project, a transfer payment agreement with the Tr'ondėk Hwėch'in for \$15,000 for identification and research of heritage trails in their traditional territory, and a member of an intergovernmental working group for KDFN waterfront heritage working group to oversee the drafting and plan for a written and pictorial history of Kwanlin Dun in relation to the Whitehorse waterfront.

There's a contract with Vuntut Gwitchin First Nation for hiking trail research at Rampart House in the amount of \$7,875. There's an annual transfer payment for \$44,000 with the Tr'ondėk Hwėch'in for restoration work on historic Forty Mile buildings, which is ongoing.

There is also collaboration with the Tr'ondėk Hwėch'in on inventory and documentation of historic resources in the Klondike gold fields. There is a funding agreement in place for \$40,000 with the Tr'ondėk Hwėch'in to help refurbish the exterior of the Dānojà Zho Cultural Centre. The department entered into a lease with Carcross-Tagish Development Corporation to operate the Yukon information centre out of the Carcross Commons for the 2013 season.

Tourism and Culture is also providing \$345,000 to Northern Cultural Expressions Society for its carving program. The arts fund awarded Selkirk First Nation \$9,000 for their summer live art program.

The arts fund awarded Teslin Tlingit Council \$20,000 for the 2013 Hā Kus Teyea Celebration, "Part of the Land, Part of the Water". I do apologize if I have mispronounced the name.

There was \$9,100 awarded to the Dakhká Khwáan Dancers to help them attend the 2013 Coastal First Nations Dance Festival.

On another note pertaining to the Dakhká Khwáan Dancers, over the last two years as the Minister of Tourism and Culture, I've had the opportunity to see this group perform at a number of different receptions and festivals, and I have to take my hat off to them. When I first saw them you could perhaps see some inexperience, but when I saw them dance just last week — that was the last time — and even over the last six months, the level of collaboration within, the professionalism, the quality of dance and instruction with this group is truly second to none.

There is an annual contract with Vuntut Gwitchin First Nation for \$49,950 for restoration at Rampart House. There is an annual transfer payment agreement at Fort Selkirk historic site for \$115,000. There is an annual transfer payment

agreement with Selkirk First Nation for interpretation for \$10,000 and an artifact backlog project with Tr'ondëk Hwëch'in First Nation for \$20,000.

As you see, there are a number of projects on which the department is pleased to partner with First Nations and we will continue on with that good work.

The member opposite was asking about the Ross River suspension bridge. Before I comment from a Tourism and Culture perspective, I really do need to thank the Minister of Community Services and his department for the exceptional work that they've done on-site at this area. Thank you to the minister.

In June of this year, the Department of Community Services announced a \$1.1-million project for repairs on the Ross River suspension bridge due to potential damage from the ice jam and flooding in the spring of 2013. However, an additional assessment of the bridge was conducted in September, and Community Services was then informed by David Nairne & Associates, which was retained to undertake repairs on the bridge, that the Ross River bridge is at the point of failure and can collapse at any time without warning.

Our focus has been and remains on public safety, as we cannot guarantee the safety of that bridge. The ferry is shut down for the season and we have a safety perimeter established around both towers of the bridge to ensure that the bridge cannot be accessed. It's important that decisions regarding the Ross River suspension bridge can be safely and practically implemented. Therefore, another engineering review is underway to review the conclusions made by David Nairne & Associates before the department will make a decision on the future of that bridge. We do continue to communicate with the residents, including the chief and council, to keep them up to date and to ensure that people stay away from the bridge and the water around the bridge.

It is also important to keep in mind that worker safety is paramount, and any action that is taken and part of the analysis that is ongoing with respect to the next steps for the bridge — we understand the community's attachment to the bridge, as it has been part of the community for 70 years.

Of course, all structures have a practical life cycle and serious concerns must be addressed with regard to the future of the bridge. The bridge is a great historical asset. We would love to save it if we could. But ultimately, nothing lasts forever. If the bridge has reached the end of its life, it will be a great loss to the community, but we will commemorate the structure in the best way that we can through the Department of Tourism and Culture.

Ideally, the bridge still has some life left in it. We are in the process of working with the Department of Community Services to find that out.

**Ms. Hanson:** I want to go back to some issues that the member for Mount Lorne-Southern Lakes raised, as well as the minister touched on, with respect to marketing.

It's really, really important that as we look forward in the area of tourism it's really clear to Yukoners and to the Official Opposition that there is a proven return on investment for tourism marketing and we've seen that currently with the

unprecedented booming winter tourism season. There are a couple aspects that I'd like to touch on with the minister and ask a couple questions here.

Before I do, though, I just wanted to reflect on the fact that the backdrop for our investment in tourism and tourism marketing in the Yukon is how it works in conjunction with the national marketing strategies and how we work with the Tourism Industry Association of Canada.

I had the opportunity in June to attend the tourism town hall with the Tourism Industry Association of Canada and the Tourism Industry Association of Yukon. A couple of points were made there that I think bear very much on the conversation we're having this afternoon. We need to get a sense of where we as a territory, and the Department of Tourism and its minister see opportunities — and perhaps some challenges — which I'd like to ask him to speak to.

As we know, the federal government has made cuts to the marketing investment fund. I believe it has gone from \$72 million in 2011 to \$58 million, which really sends the wrong message in many ways with respect to the priority that the federal government places on tourism and tourism potential for business in this country. That is made more real when we look at the statistics, where from 2001 to 2011 we're actually seeing a travel deficit that has risen from \$2.1 billion to \$16.3 billion, which means that the amount of money that Canadians spend overseas exceeds that of what they're spending domestically by that amount. That's a significant challenge for us and it's a significant opportunity for us in terms of our marketing strategy.

I have some questions with respect to how this minister looks at identifying and convincing his Cabinet colleagues that increased resources spent on marketing, both domestically and internationally, will lead to increased visitation — and something we do know that I will be coming back to at a later point, that it leads to an increased spending in our local economy and our Yukon economy, which leads to increased Yukon jobs for people living in the Yukon, building the Yukon economy based on an aspect of our economy, that being tourism, as a significant and sustainable growth opportunity. I think that's something that we all want to see happening.

In terms of marketing, one specific aspect I would like to come back to the minister on is with respect to his references earlier to the trip led by the Premier this fall to Europe. I agree with the minister that Europe is an important market and it is good to see the Premier make those contacts as well. At the same time, as I alluded to at the beginning, we have seen the federal government reducing its investment in tourism. It's my understanding that the tourism industry here has had access from the federal government through CanNor of about approximately \$500,000 a year. It's my understanding, Madam Chair, that the federal government has not provided any indication whether that funding will be ongoing. This is an important element of the marketing for European marketing for the tourism industry.

So what we saw over the last couple years, Madam Chair, was the federal government withdrawing, cutting federal

funding for significant tourism attractions in the Yukon through Parks Canada. It's not just the voids that were left by the *SS Klondike* and Dredge No. 4, but I'll come back to perhaps other aspects of the cuts from Parks Canada and will be wanting to ask the minister a couple about that.

I guess my first question for the minister, in terms of marketing, is this: what efforts is he as the Minister of Tourism doing to encourage the federal minister responsible for regional economic development to support the tourism industry's funding requests and, if the federal government again leaves an empty pocket, will the territorial government be committing to cover this if the feds won't cover it?

**Hon. Mr. Nixon:** Where to start? I guess I can start by tipping my hat to the department for the good work that they do at marketing the territory across the entire globe and, more specifically, to some very strategic areas like Germany, UK, Japan and Australia.

There is some exceptional work being done, and when you look at the trends nationally, I think we're seeing the fruits of our labour for sure here in the territory.

Building on the success of last year's open house, as I mentioned, we again opened our doors to businesses, tourism operators, cultural organizations and front-line staff. That event included information sessions on funding opportunities, new trends in marketing, and one-on-one meetings with Tourism branch staff. Also in October, Tourism Yukon hosted a network event called Food, Farms and Festivals, as I have already spoken to. It was a successful event with 65 people registering on the first year of that event. I hope to see more come from events like those.

I have also indicated that just in September I hosted the Tourism ministers' meeting. The meeting was focused on Canadian tourism competitiveness, and we discussed improving visitor access, marketing and tourism attraction development across the country, not just here in Yukon.

I was also very proud to be a part of the Premier-led tourism trade mission with 16 other Yukon tourism industry representatives who invested their time and their money to travel to Germany and the UK in the first-ever Canadian Premier-led tourism trade delegation from a Canadian province or territory. My hat is off to the Premier for being so bold and showing his leadership on this initiative.

The Government of Yukon and the City of Whitehorse signed a first formal collaboration on tourism marketing, promotion and visitor services MOU. This MOU outlines a range of partnership initiatives including joint work on familiarization tours, sharing of tourism inquiries, and joint management of the visitor parking passes.

There was also a celebration of the grand opening of the Da Kų Cultural Centre that took place in Haines Junction in June 2013 with representatives from the Governments of Canada, Yukon and Champagne and Aishihik First Nations in attendance. The Department of Tourism and Culture contributed \$1.4 million through long-term lease agreements on that project.

The Department of Tourism and Culture launched a new on-line tourism marketing initiative with a refreshed

[www.travel yukon.com](http://www.travel yukon.com) website in the spring. The changes enable the department to better engage with travellers around the world and help them choose Yukon as their vacation destination.

A new second passenger bridge was opened to accommodate the increased number of passengers arriving and departing the Erik Nielsen Whitehorse International Airport. The bridge improved security, safety and passenger comfort. In 2012, approximately 294,000 passengers used that facility.

The Yukon government entered into a two-year lease with the Carcross Management Corporation that I have already spoken to. The Government of Yukon partnered with the Yukon Tourism Education Council, YTEC, to offer customer service training to Yukon businesses.

The departments of Tourism and Culture and Economic Development jointly provided YTEC with \$60,000 for the Welcome Yukon training program. The customer service training was offered to 300 participants.

The Department of Tourism and Culture contributed \$150,000 to Fulda, as I have spoken to. The Government of Yukon and the State of Alaska renewed an agreement to market both regions as a tourism destination. The joint Yukon-Alaska cooperative marketing partnership began in 1989, delivering Canadian and American advertising campaigns to increase highway travel and promote summer adventure experiences in Alaska and Yukon.

I find this interesting. Yukon was designated by *Lonely Planet* as top 10, must-visit travel destination for 2013, yet we had the Member for Klondike writing to *Lonely Planet*, basically asking them to reconsider that designation. I don't understand that for the life of me. But subsequent global media coverage generated a tremendous amount of exposure for Yukon and expanded awareness of Yukon as a premier outdoor travel destination.

In October 2012, the department entered into a three-year marketing project with Holland America Line for \$50,000 a year to support joint efforts to promote cruise tour product that provides significant revenues and benefits to Yukon's tourism industry.

I have said it before, and I'll say it again, that the work that the department is doing to promote our territory is truly, very interesting to watch.

We know that tourism is a strategic industry that contributes over \$200 million annually to the Yukon economy with significant promise for future growth.

German-speaking Europe and the United Kingdom are two of our largest overseas markets with extremely strong growth potential.

Last summer, visitors from these markets spent over \$11 million in our territory. The Premier-led mission was an opportunity to show leadership in two strategic overseas tourism markets and it reflects Yukon's growing role in the global tourism context. The mission showed our level of commitment to work with our local and overseas industry partners to promote Yukon as a year-round tourism destination.

My participation in the European trade mission, I believe, helped to strengthen existing strategic alliances and it created new opportunities to increase awareness of Yukon as a year-round tourism destination and to grow our tourism revenues.

In addition to our ongoing marketing initiatives, Tourism Yukon will focus on six key marketing initiatives in the coming year: complete the marketing program assessment; analyze the data to make informed decisions about Yukon's geomarket classifications and resource allocations; review instruments in marketing, partnerships, projects, campaigns and programs funded or delivered by Tourism Yukon; apply the principles and appropriate assessment approaches from the marketing program assessment to assess effectiveness and efficiency of marketing initiatives in all target markets; to continue to integrate Yukon brand guidelines across all marketing activities and, in particular, to integrate the six pillars foundation; to continue to implement the global media relation strategy and assess effectiveness; to implement the digital strategy and assess the effectiveness; to implement the explorer quotient in Canada and start implementation in other select target markets where direct-to-consumer marketing is occurring; to develop a strategy approach for China; and we want to conduct an assessment of the impact of the potential for expanded air access from overseas markets — direct service, interlined and code sharing.

The member opposite asked about the funding for overseas marketing. According to the federal government, CanNor focuses on strengthening the driver sectors of the territorial economies, economic diversification and encouraging northerners' participation in the economy. CanNor has yet to announce funding beyond the end of March 2014. The current program that we are in was a four-year program. We are in communication with Canada about the future of that program and what it might look like. I have personally sent correspondence to the minister responsible as well as had many conversations.

Yukon has benefited from the CanNor funding programs, specifically the strategic investment and northern economic development, or SINED, fund for tourism-related initiatives such as the expansion of our overseas marketing efforts, upgrades to the Erik Nielson Whitehorse International Airport and the Yukon visitor tracking program. Overseas visitors to Yukon generally stay longer and spend more than Canadian and U.S. visitors, which aligns with our strategy to attract high-yield customers to Yukon. The additional \$590,000 per year from CanNor has enabled Yukon to increase its market share compared to the rest of Canada and key European markets.

The budget for 2014-15 hasn't been set yet, so we are debating the supplementary right now for 2013-14.

Speaking to Parks Canada, the Yukon government is very pleased by the measures taken by the Government of Canada to ensure that Yukon continues to offer high-quality tourism experiences. The Department of Tourism and Culture will continue to work closely with Parks Canada officials as they move forward with their new RFP process to provide services at the *SS Klondike* and Dredge No. 4. The Government of

Canada has clearly recognized the value of Parks Canada sites and artifacts to Yukoners and visitors and has demonstrated a real willingness to collaborate on this issue.

In recent years, despite economic uncertainty — especially in the United States and Europe — Yukon's tourism industry has consistently out-performed the national average for visitation — experiencing solid growth, in fact.

Looking ahead, the Department of Tourism and Culture uses a number of territorially and nationally generated indicators, along with industry intelligence, to provide visitation forecasts. The one thing I will note is that, within the department and within this government, we have faith in our stakeholders in the territory and we believe that when there are private sector issues, the private sector can prevail.

In 2014, visitor numbers are expected to stay strong and are forecasted to grow another 1.5 to approximately three percent. Also, the Department of Tourism and Culture utilizes cooperative marketing initiatives as a strategic tool to significantly increase its global marketing research and its impact. These cooperative marketing initiatives focus on projects where partners match Tourism Yukon's budget. This approach doubles the marketing investment.

Through cooperative marketing, the Yukon government leverages approximately \$1.8 million each year from our marketing partners and stakeholders.

Also, the Department of Tourism and Culture's Industry Services unit completed the 2013-16 product development strategy just in April of this year.

Through this strategy, Industry Services will continue to provide tourism industries and entrepreneurs with quality education and quality training programs. This strategy will support industry in development in consultation with non-government organizations and industry stakeholders and ensure tourism interests are represented and communicated.

**Mr. Silver:** I would like to thank the representatives from the department here today. I'm going to ask as many questions as I can in my 20 minutes and sit down, and hopefully we'll get some answers to these questions from the minister responsible.

I would like to start with the Canadian Tourism Commission. According to numbers released by the CTC this summer, the number of international visitors in Yukon in recent years is, in fact, dropping. Overall we were down 1.3 percent for the 2012 review and in 2010 we were down 14.2 percent, which was the single worst performance in Canada. Now these are statistics from one particular commission, one particular organization, and it certainly does contradict the message that we're getting from our minister here, so if he could respond as to why these numbers don't add up and if we could get a clear indication as to where he's getting his numbers.

Moving into Parks Canada's season — in order to save money, Parks Canada decided to standardize the closing dates of its facilities across the country. The impact in Dawson of this early closure is a 10-percent reduction in our season. In my role as the MLA for the Klondike, I wrote to the federal minister responsible for Parks Canada.

I wanted to lend my voice and support to an issue that the minister was made aware of by letter from the Klondike Visitors Association earlier this summer — the early closing of Parks Canada's Klondike National Historic Sites, the KNHS, summer visiting programs and services in Dawson City. The early closures will cut an already short season, like I said, by 10 percent. I share the concerns expressed by KVA regarding the negative impact that this will have on our community and on our economy.

This decision, coupled with cuts at Dredge No. 4, has not been well-received in Dawson City and we do agree that there has been an increase in the private sector by being able to do these tours. The number of increased jobs — well, there isn't a number of increased jobs. With the new way of doing things, there is actually a decrease in jobs in Dawson when you take into consideration the cuts from Parks on a federal level as well. I'm just wondering: did the minister raise this issue with his federal colleagues, and what response did he receive? What efforts has the government made to ensure that Parks offices across the territory are open later next year?

As far as the dredge and the *SS Klondike* tours, I would like to ask: does the minister have the visitation numbers for Dredge No. 4 for this summer and for *SS Klondike*? Did the minister attend any meetings of the Friends of the Klondike Corridor this summer? That's a group formed in the wake of the Government of Canada's decision to no longer offer tours on the *SS Klondike* and the Dredge No. 4. If so, can he give an update on this NGO's successes, suggestions or a progress report as to the work done by the Friends of the Klondike Corridor? This is part of the initiative that was set up by a working group that involved me, the minister, different shareholders in the industry, and also the MP.

On that as well, did the minister attend any meetings of the Friends of Bear Creek Society this summer? This is a group that is trying to bring the Bear Creek site in Dawson back to life. If so, can he give us an update on this NGO's suggestions and/or a progress report as well?

Just in general, what work has the minister done this summer to help these groups achieve their goals? My last question would be on the CanNor tourism marketing funding. A big part of our existing marketing budget is currently being funded by the Government of Canada through CanNor. However, that funding, as we all know, runs out on March 13, 2014. There has been no word from this government on whether this funding will be renewed or how it will be replaced. If it isn't — this is half a million dollars a year coming from Ottawa. How does the government plan to replace this time-limited marketing money? I think I will leave it at that.

**Hon. Mr. Nixon:** I think I will start by talking about the stats where the member opposite is getting his figures. According to Statistics Canada, national border crossing counts — and that's from CBSA — between January 2013 and August 2013 actually grew one percent while border crossing counts to Yukon grew nine percent during that same period.

The Yukon continues to gain market share and has outperformed the national average in visitation from U.S., which was up eight percent, the overseas marketing, which was up seven percent, and the resident Canadian visitation, which was up 12 percent during that same time period. Visitation to Canada from the U.S. was down 1.2 percent. Visitation from overseas markets was up 2.9 percent.

Madam Chair, the numbers speak for themselves. We look at hosting well over 320,000 visitors from around the world. We look at generating well over \$200 million in revenue for Yukon businesses, Yukon stakeholders. A record of 294,000 passengers travelled through the international airport here just last year is the fourth straight year of growth in travelling to Yukon by air. More than 3,500 Japanese visitors visited Yukon this year to experience Yukon winter and northern lights. We continue to see that market grow. Germany continues to be the Yukon's largest overseas market.

I have put these numbers on the floor of this Legislature over and over and over, and yet the member opposite isn't grasping onto the good figures that we actually do have to report when you compare us to other jurisdictions and to Canada as a whole.

Border crossing statistics — same-day travel saw an increase of over 1,500 visitors, which was up three percent when compared to August 2012.

Private vehicle saw an increase of over 2,500 visitors, which was up 17 percent. Motorcoach traffic saw a decrease of just over 1,000 visitors, which was down by three percent. By origin, increases were present for Canadians and foreigners recording an increase of 147 visitors, up three percent, and 514 visitors, which was up 12 percent, respectively. There was a change in U.S. citizen visitation traffic. So, if we look at the numbers, they truly do speak for themselves.

Tourist visitation to Yukon is indeed growing. We have the numbers to prove that. While I cannot speak to the numbers that the MLA for Klondike is quoting, Yukon visitation statistics from the 2012 Yukon visitor tracking program indicate that, since 2004, visitation to Yukon has increased by over 25 percent, which equates to an annualized growth rate of three percent per year. It's clear that Yukon's tourism industry is growing and offers great growth potential for the future.

As minister, I am very proud that Yukon is indeed outperforming the Canadian average for growth in tourism visitation, which is the result of the strategic and the effective approach that the department and our tourism industry operators and NGOs have taken with regard to marketing and investment decisions.

Border-crossing statistics provided by the Canadian Border Services Agency are another measure of tourism visitation. These stats indicate that, for the period January to July 2013, border crossings to Yukon are up 10 percent compared to the same period in 2012, representing an increase of 19,571 more people entering the Yukon through Yukon's four border crossings.

Madam Chair, the member opposite had spoken about the CanNor funding. The Department of Tourism and Culture has delivered the overseas destination awareness marketing project for the last four years. It was a four-year project. We did this to maximize opportunities and generate new and increased revenues from Yukon's overseas target markets. We've been budgeting between \$1 million and \$1.4 million per year for overseas marketing, which has included support of \$590,000 per year from CanNor's strategic investments in northern economic development funding. The primary target market for the overseas marketing project are Germany and Switzerland, secondary are UK and Australia as well as Japan, while emerging markets are identified as France, Netherlands, South Korea and China.

The member opposite spoke about some other initiatives within the territory. One of those was the Friends of Bear Creek Society. The department continues to work with all stakeholders around the territory and that does include the Friends of Bear Creek Society. In fact, the Government of Yukon recognizes that the Bear Creek industrial complex is a valuable part of Yukon history, and it appreciates the interest of Dawson residents in seeking to raise that public awareness. The Friends of Bear Creek Society plays an important role in promoting awareness in the Klondike's history, including the history of the complex. The department will continue to work collaboratively with Parks Canada on the management of Yukon's important heritage resources.

I'm a bit surprised that the member opposite is so bold as to bring up the Parks Canada issues. We've discussed those a number of times in the Legislature and I think we've proven that we're able to roll up our sleeves, work with Parks Canada, work with our federal counterparts and get the job done when needed.

We're very pleased by the measures taken by the Government of Canada to ensure that the Yukon continues to offer these high-quality tourism experiences. The Department of Tourism and Culture will continue to work closely with Parks Canada officials as they move forward with their new RFP process to provide services at both the *SS Klondike* and Dredge No. 4. The Government of Canada has clearly recognized the value of Parks Canada sites and artifacts to Yukoners and visitors and has demonstrated a real willingness to collaborate on this issue.

Also, beginning on May 24, 2014, MacBride Museum, Nature Tours of Yukon and Yukon Culture Cruiser will offer guided tours of the *SS Klondike*, while Goldbottom Tours will offer guided tours of Dredge No. 4. That will start on May 17, 2014.

I just want to offer my sincere congratulations to those Yukon stakeholders who can showcase two fine examples of tourist attractions here in the territory.

The Government of Yukon is also pleased that the Government of Canada will ensure that the Parks Canada collection of the historic artifacts will remain in our territory. These significant heritage resources will continue to be managed locally by Parks Canada with assistance from specialized national collections and curatorial staff. Tourism

and Culture will continue to work with the Government of Canada to ensure that Parks Canada will properly maintain the artifacts for the benefit of Yukon residents and Yukon visitors.

**Chair:** Does any member wish to participate in the general debate? We are going to proceed to line-by-line debate.

***On Operation and Maintenance Expenditures***

***On Corporate Services***

***Corporate Services in the amount of \$92,000 agreed to***

***On Cultural Services***

***Cultural Services in the amount of \$570,000 agreed to***

***On Tourism***

***Tourism in the amount of \$389,000 agreed to***

***Total Operation and Maintenance Expenditures in the amount of \$1,051,000 agreed to***

***On Capital Expenditures***

***On Corporate Services***

***On Information Technology Equipment and Systems***

***Information Technology Equipment and Systems in the amount of \$10,000 agreed to***

***On Building Maintenance, Renovations and Space***

**Mr. Barr:** Can the minister let us know where this took place or where this is?

**Hon. Mr. Nixon:** For the \$192,000, this funding is identified for planning and potential upgrades at the Whitehorse Visitor Information Centre. There is a revote of \$34,000 and supplemental funding of \$81,000 for the Whitehorse tourism business centre fire alarm panel project.

***Building Maintenance, Renovations and Space in the amount of \$192,000 agreed to***

***On Cultural Services***

***On Historic Sites — Fort Selkirk***

**Ms. Hanson:** I would be interested if the minister could elaborate on what this is for. We noticed when we were at Fort Selkirk this summer that there's significant erosion that has gotten worse with time and I am wondering if this is part of that or if there are other measures being taken to address the impact of erosion on both buildings and when entering and leaving Fort Selkirk.

**Hon. Mr. Nixon:** I thank the member opposite for her question. Pertaining to the erosion issues that she speaks about, the Department of Tourism and Culture is in discussions with the Department of Community Services and the Department of Highways and Public Works to work at how best to move forward on those issues. However, getting back to this budget, the \$10,000 is a revote that was requested for the wilderness heritage interpretive training project.

**Mr. Barr:** Also regarding Fort Selkirk, when visiting there, there was new tin put on some of the buildings and it was noted it wasn't of the period — it's the shiny new tin. One of the long-time guys on the river there felt it was pretty out of place. Are there plans, or when the department looks at restoring these things, does it look at putting the period tin on there? Is that something that will be looked at in future times, to have something that's cosmetically the same as what would originally have been put on the roofs?

**Hon. Mr. Nixon:** Madam Chair, on projects like this it really is a pleasure to work with the Minister of Highways and Public Works and the Minister of Community Services, as well as his department officials, when looking at the scope of work that really is needed. To answer the member opposite's question of whether we look at period materials, the answer is yes.

*Historic Sites — Fort Selkirk in the amount of \$10,000 agreed to*

*On Historic Sites — Historic Sites Planning*

*Historic Sites — Historic Sites Planning in the amount of \$8,000 agreed to*

*On Historic Sites — Forty Mile*

**Mr. Barr:** Can the Minister let us know what that was for?

**Hon. Mr. Nixon:** Madam Chair, the \$37,000 is a revote requested to complete the pedestrian footbridge project started in 2012-13 that has yet to be completed.

*Historic Sites — Forty Mile in the amount of \$37,000 agreed to*

*On Museums — Yukon Beringia Interpretive Centre*

**Mr. Barr:** Just to be clear, what was this \$82,000 for?

**Hon. Mr. Nixon:** This is a revote that is requested to complete the building assessment. Also a revote is requested for equipment that was ordered but did not arrive before year-end. That's it.

*Museums — Yukon Beringia Interpretive Centre in the amount of \$82,000 agreed to*

*On Museums — Museums — Capital Maintenance*

*Museums — Museums — Capital Maintenance in the amount of \$25,000 agreed to*

*On Archives — Archives Building Maintenance*

**Ms. Hanson:** I noticed this is zero, so there was nothing budgeted for this issue. Archives and the storage of our archival material has been the subject of significant debate in this Legislature. Last year, we saw the government putting the axe to work on the archives in terms of enhancing capacity, cold storage and others. Could the minister explain what this is for? Hopefully, it might indicate some renewed focus on our archives and the building of capacity for our historic archival material.

**Hon. Mr. Nixon:** Before I get into what this allocation is for, I just want to take a moment because I didn't express my sincere thanks to my department officials who are joining me here today on the floor of the Legislature. It's great to have the amount of support that I do have from them.

The \$4,000 specifically in the budget here is a revote that is requested to complete the security review of the building itself. The Yukon government is committed to ensuring that Yukon Archives is able to continue its very important role in preserving Yukon's documentary heritage. Yukon Archives' record storage is, as we know, nearing capacity and a variety of practical solutions and work processes have been implemented to help address the space challenges. Yukon government is conducting a functional space analysis to determine the feasibility of accommodating Yukon Archives'

heritage resources and/or art storage requirements within that one facility.

I do want to extend a thanks to the Minister of Highways and Public Works and his department officials for the work in collaboration with the Department of Tourism and Culture on this project up until now and as we move forward.

*Archives — Archives Building Maintenance in the amount of \$4,000 agreed to*

**On Tourism**

*On Visitor Information Centres — Capital Maintenance and Upgrades*

**Mr. Barr:** I'd just like to know what these upgrades were.

**Hon. Mr. Nixon:** There was a revote requested for lighting upgrades at the Haines Junction Visitor Information Centre. That was \$5,000; supplemental funding to furnish the Carcross Visitor Information Centre was \$115,000; and there was a furnace replacement at the Watson Lake Visitor Information Centre for \$30,000.

*Visitor Information Centres — Capital Maintenance and Upgrades in the amount of \$150,000 agreed to*

*On Travel Equipment, Displays and Productions — Purchase and Maintenance of Displays*

*Travel Equipment, Displays and Productions — Purchase and Maintenance of Displays underexpenditure in the amount of \$20,000 cleared*

*On Total of Other Capital*

*Total of Other Capital in the amount of nil cleared*

**Total Capital Expenditures in the amount of \$498,000 agreed to**

**Total Expenditures in the amount of \$1,549,000 agreed to**

**Department of Tourism and Culture agreed to**

**Hon. Mr. Cathers:** I move that we report progress on Bill No. 11, *Second Appropriation Act, 2013-14*.

**Chair:** It has been moved by Mr. Cathers that the Chair report progress on Bill No. 11, *Second Appropriation Act, 2013-14*.

*Motion agreed to*

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

**Chair:** It has been moved 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. 11, entitled *Second Appropriation Act, 2013-14*, 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.

## GOVERNMENT BILLS

### Bill No. 59: *Act to Amend the Highways Act and the Dangerous Goods Transportation Act* — Second Reading

**Clerk:** Second reading, Bill No. 59, standing in the name of the Hon. Mr. Istchenko.

**Hon. Mr. Istchenko:** I move that Bill No. 59, entitled *Act to Amend the Highways Act and the Dangerous Goods Transportation Act*, be now read a second time.

**Speaker:** It has been moved by the Minister of Highways and Public Works that Bill No. 59, entitled *Act to Amend the Highways Act and the Dangerous Goods Transportation Act*, be now read a second time.

**Hon. Mr. Istchenko:** A tremendous amount of thought and work went into drafting the amendments and I thank all those who prepared this bill for the time, effort and attention to detail they provided — those within the Department of Highways and Public Works and those from the Department of Justice.

Bill 59 modernizes and improves two important pieces of transportation legislation. Both the *Highways Act* and the *Dangerous Goods Transportation Act* are out of date and will benefit from clarifications that help make the rules clearer.

In addition, some amendments address administrative gaps and constraints that have become evident over the years. The Department of Highways and Public Works is responsible for ensuring safe and efficient public highways, airstrips, buildings and information systems. Without first-class transportation infrastructure, life in the Yukon would be far different. Well-functioning highway networks and airports are essential to the continued flow of goods and services and the export of resources that our economy relies on. Our public highways also provide access to, and connections between, the areas where we live, work and enjoy recreational activities.

I'll speak a little bit about the *Highways Act* first. The amendments to the *Highways Act* improve management of Yukon highways and help the Department of Highways and Public Works focus on its fundamental job of looking after nearly 5,000 kilometres of maintained roads.

In particular, these amendments to the *Highways Act* introduce new, better or more modernized definitions of key terms — all of which will make the act easier to interpret and understand. It will clarify what is and what is not a highway for the purposes of the act. It will improve the description of the minister's responsibility and liability in relation to highway maintenance and stray livestock. It will improve the description of the activities that are not allowed on highways without a permit. It will provide for the appointment and powers of enforcement officers and round out the enforcement options available to highways' officers.

The purpose of the *Highways Act* is to establish, preserve and protect transportation corridors on public land on behalf of all members of the public. It is important for us to know which roads in the Yukon this mandate applies to. The act amendments help in this regard. While the act gives government jurisdiction over all public highways, it only requires government to maintain certain highways, those listed in the highways regulation. This is an important aspect of the act that I would like to emphasize so that the amendments clarifying government's responsibility and liability are properly understood.

The *Highways Act* holds government accountable to do a good job of looking after selected highways, but it does not require us to stretch our resources hopelessly thin in trying to maintain each and every kilometre of highway that exists. A few amendments to the act build on this point and make it clear that Highways and Public Works cannot be held liable for the condition of highways that it has no duty to maintain.

This certainty gives the department the green light to focus on — I spoke to those 5,000 kilometres — highways identified in the regulation and to do the very best job they can do with the available resources.

Another set of amendments deal with the need to keep highway lands free from interference and as free as possible from obstructions and motorist distractions. This need is addressed by providing a more detailed description of activities that are not allowed on the highways lands without a permit. The need is also addressed by ensuring that highways officers have adequate authority and procedures to halt harmful activity and to take action to keep rights-of-way clear of unauthorized items and material.

It is our government's job to make sure that highways are recognized and treated as public assets that we rely on. This means that individuals may not interfere with the highway corridors or create collision and other safety hazards. It is also meant that the land beside the highway must be kept as clear as possible to allow the installation of utilities, effective highway maintenance, safe use of roadside trails and future corridor development.

Now that I've touched on some highlights of the *Highways Act* amendments I would now like to discuss briefly the proposed changes to the *Dangerous Goods Transportation Act*. For the most part, these amendments are about making things clear and making things simple. There are a number of ministerial responsibilities under the act, but it is not clear which of these may be delegated to department officials. The responsibilities in question include issuing permits, designating inspectors and analysts, and issuing directions to the permit holder just to name a few. Amendments to the designated *Dangerous Goods Transportation Act* settle the matter by enabling the minister to delegate all tasks described in the act to the deputy minister or other appropriate officials.

Another set of amendments make things simple by removing the requirement for the content of certificates and forms to be spelled out in the regulations. This means that revisions to certificates and forms will no longer require Cabinet approval and can be made by the department. Giving

departments the ability to modify administrative forms is a good move. With new technology, it reduces red tape and it brings the administration in line with modern practice.

One of the reasons why it is really important that I bring Bill No. 59 forward is that I see increased attention being paid on the north. The good economy brings on mines and more proposed mines, and some of these amendments to the *Highways Act* and the *Dangerous Goods Transportation Act* come into play with some of the stuff we see in the north.

In our federal government's most recent Speech from the Throne, one thing that struck me was that he said, "We are a northern country. We are a northern people. Canada's greatest dreams are to be found in our highest latitudes. They are the dreams of a North confident and prosperous, the True North, strong and free."

I think it's important that we bring legislation up to the same standard as the rest of Canada and we work on this. Bill No. 59, with these amendments, is something that will do this.

I recently had the opportunity to work with our federal minister on looking at new proposed roads and looking at infrastructure, funding and partnerships, and having the discussions with some of the stranded resources that we have. It's very clear to me that we need a good set of rules and regulations for this.

Bill No. 59 is the result of a careful review of two transportation acts and it's ensuring that our legislation is up to date and clear and that it does the job we need it to do. It's just good practice. It is also an example of good governance and a pillar commitment of this administration.

I do want to thank the department again for the hard work that they did — and those from Justice — from my fellow colleague the Minister of Justice. They put a lot of hard work into looking at acts and looking at regulations. I know sometimes members opposite would like to see more legislation and more regulation, but there is a lot of work that needs to be put into this — translation and everything that goes with it — so I do really want to commend our departments for the hard work that they do and commend this government for bringing forward the legislation that means most to Yukoners.

**Ms. Moorcroft:** I rise for the Official Opposition to speak to Bill No. 59, *Act to Amend the Highways Act and the Dangerous Goods Transportation Act*. We will support these amendments.

It is refreshing to see that the government is starting to address some of the more out-of-date legislation that departments are charged with administering across Yukon. There is much to be done, including ensuring that our legislation is consistent with First Nation final agreements, which is an area Yukon government is obliged to act on.

I would also like to thank the officials who gave us a briefing this morning. It was thorough and provided a very clear understanding of the legislative amendments. I commend the good work that officials have done here. Again, I hope this modernization of the *Highways Act* and the *Dangerous Goods Transportation Act* is an example of the government being

interested in bringing our legislative regime up to date, particularly when it comes to matters of public safety and in the public interest.

The bulk of the amendments before us pertain to the *Highways Act*. As the officials discussed with us this morning and the minister has reiterated, the amendments in Bill No. 59 are largely administrative. While I understand the need to reduce liability issues for government, it is paramount that the law must also make sense to the public. The officials in this project appear to have found a good balance. Not only do the amendments provide greater clarity for those tasked with administering and enforcing the act and its regulations, they provide greater clarity and ease of understanding for the public.

The amendments address a range of issues. One of the amendments provides clear authority for highway officers and enforcement officers to halt damaging activities in the highway right-of-way and to remove, store and dispose of items left in the right-of-way. Officials will provide notice so that people can voluntarily comply with the law by removing items from the right-of-way. I think it's also very good to see clear statements in relation to livestock on the right-of-way.

The amendments to the *Dangerous Goods Transportation Act* are administrative, but they are important nonetheless. Clarity on the delegation of authority not only helps those who are charged with administering the act, but it also provides clarity and transparency to the Yukon public. Clearly Cabinet agendas should not be occupied with authorizing minor changes to the forms that officials use to do the public's work.

However, I would like to raise a significant concern about the *Dangerous Goods Transportation Act*. I believe we need a broader discussion about what it is that we transport on our highways, how it is transported and how prepared and trained Yukon emergency responders are to deal with any spills.

The *Dangerous Goods Transportation Act* needs a thorough review and a public discussion. Our roads connect our homes and our communities. Vehicles and dangerous goods operate over our roads every day. Many Yukon residents live by the routes that dangerous goods travel on. In many cases, it is community volunteers who are our first line of defence when things go awry.

In Yukon communities, people volunteer and put their hearts, time and energy into protecting lives, property and the environment. Hard-working volunteers serve on volunteer fire departments and as paramedics on our ambulances. We appreciate how hard and dangerous it can be to deal with any major chemical or hazardous spills.

Only a short portion of the Alaska Highway lies within the corridor around the City of Whitehorse. Most of the more than 5,000 kilometres of roads are in rural areas and are in areas where the first responders would be volunteer fire departments or paramedics, as well as the RCMP.

I would encourage this government to ensure that those men and women who are volunteers are not only fully and professionally trained, but they are also adequately equipped to do their job. We all want our highways and communities to be safe.

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

**Hon. Mr. Istchenko:** I would like to thank the member opposite for the encouraging words and I know the department does work very hard on this, so I will basically conclude with that and look forward to going into the Committee of the Whole.

**Speaker:** Are you prepared for the question?

**Some Hon. Members:** Division.

## Division

**Speaker:** Division has been called.

### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Pasloski:** Agree.

**Hon. Mr. Cathers:** Agree.

**Hon. Ms. Taylor:** Agree.

**Hon. Mr. Graham:** Agree.

**Hon. Mr. Kent:** Agree.

**Hon. Mr. Nixon:** Agree.

**Ms. McLeod:** Agree.

**Hon. Mr. Istchenko:** Agree.

**Hon. Mr. Dixon:** Agree.

**Mr. Hassard:** Agree.

**Mr. Elias:** Agree.

**Ms. Hanson:** Agree.

**Ms. Stick:** Agree.

**Ms. Moorcroft:** Agree.

**Ms. White:** Agree.

**Mr. Tredger:** Agree.

**Mr. Barr:** Agree.

**Mr. Silver:** Agree.

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

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

*Motion for second reading of Bill No. 59 agreed to*

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

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

*Motion agreed to*

*Speaker leaves the Chair*

## COMMITTEE OF THE WHOLE

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

### Bill No. 59: Act to Amend the Highways Act and the Dangerous Goods Transportation Act

**Chair:** The matter before the Committee is Bill No. 59, *Act to Amend the Highways Act and the Dangerous Goods Transportation 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.

The matter before the Committee is Bill No. 59, *Act to Amend the Highways Act and the Dangerous Goods Transportation Act*.

**Hon. Mr. Istchenko:** It is my pleasure to speak to this bill and explain the tabled amendments. Before I proceed, I would like to acknowledge and thank the staff. Chris Scherbarth is a policy analyst with Highways and Public Works and Anne King is our legislative counsel from Justice. Thank you for your hard work on this. These public servants and their colleagues have worked very hard on this, and I appreciate their efforts.

As I mentioned in second reading, Bill No. 59 revises and modernizes two important pieces of transportation legislation. The amendments clarify the intent of each act, address oversight and make them easier to administer. All of these outcomes contribute to good governance, a priority goal of this government. We want our maintained highways to be well-managed and safe. We also want to make sure that our officials who make this possible have clear rules to follow and adequate authority to do their jobs.

A reliable highway system doesn't happen by accident. It takes a lot of planning, hard work and a lot of money, especially in a region subject to extreme climate and uncertain effects of global warming. I'm not going to call today extreme climate; it's just regular climate.

That said, I would now like to turn my attention to the *Highways Act* definitions. The first amendments you see in Bill No. 59 are new or improved definitions.

Some of them are housekeeping matters such as updating of land claim terminology and making sure that ferries referred to in the act are government ferries and not those operated by a tourism business or mining company. The new definition of highway has been developed to make it clear what a public highway is or is not. Most people think of a highway as a paved road. That is the everyday meaning of the word. In legislation, a highway is a public road, period. It can be a dirt road, gravel road or a four-lane expressway.

Another thing to understand about a highway is that it is more than a surface you drive on. It is the land on either side of the roadway and all the earthworks and fixtures in the right-of-way, such as bridges and guardrails. In other words, a highway is a transportation corridor. A key feature is the

roadway that is used by cars and trucks, but that's not all there is to it.

The revised definition of a highway in Bill No. 59 is an improvement on the current definition, which says a highway is a land used or surveyed as highways. A common criticism of the current definition — and I've heard this a lot of times from my deputy minister — is that a highway could be the south end of a north-bound bulldozer from the start of the Yukon. We thought we could do a better job than that, so we have.

There are also new provisions in Bill No. 59 that list types of Yukon roads that are highways and the types that are not. This makes things clearer for everyone. There is a new definition of animal that updates the list of livestock we want people to keep fenced and out of the path of motorists. The old definition used outdated terms such as meat, cattle and jacks and left out some big animals, such as llamas, that people have brought to the territory in recent years.

There's a new kind of officer — an enforcement officer. This was introduced on the advice of our legislative counsel to provide greater certainty about who is authorized to issue tickets and stop orders and move vehicles if necessary. The later section of the act indicates that enforcement officers are to be appointed by ministerial order. The appointment can refer to an individual public servant, such as a director of transportation maintenance, or a group of persons, such as road superintendents or RCMP officers.

Liability in relation to highway maintenance — the next set of amendments address a key oversight in the current act. In section 18, the act clearly lays out the minister's duty to maintain designated highways in a reasonable state of repair. It goes on to say the government could be held liable for damages beyond normal wear and tear if it is found to be in default of its duties.

The oversight in section 18 is the omission of the flip-side statement that the government is not liable for the state of repair of other highways — the ones that it has no duty to maintain. Making this statement closes the loop and gives the Department of Highways and Public Works the green light to focus on its core duties to maintain designated highways.

Ontario does this by exempting the Crown from liability for tertiary or third-order roads. Prince Edward Island does this by stating no one may sue for damages sustained on a seasonal road during the off-season or on a non-essential road at any time of the year. Saskatchewan provides other examples. Its act says no one can sue the minister or Crown for damages incurred on a highway that is not a provincial highway. There is a specific definition of a provincial highway and all obligation to maintain just that highway type.

I provide these examples to ensure the members opposite and the public that we are not proposing anything out of the ordinary. Our objectives are to clarify the situation for all concerned and to enable the Department of Highways and Public Works to focus its efforts and resources on its maintained priorities.

In a similar vein, we are clarifying what specifically is to be maintained in the right-of-way of designated highways.

The answer is the principal roadway or the travelled surface. With few exceptions, roadside trails are informal, beaten paths created by area residents. We are making it clear that the highway maintenance does not extend to these trails, nor to the driveway or footage roads that adjoin maintained highways.

Better maintenance of highway interference — the next step of the amendments of Bill No. 59 deal with the description and response to highway interference. Highway interference can take many forms, but in short it means any activity that disrupts traffic, harms or alters any part of the highway or encroaches on the right-of-way. As I said before, highways are a transportation corridor that need to be managed in the best interest of the public.

To the greatest extent possible, highways land needs to be kept clear from collision hazards, obstacles, distractions and things that compliance maintenance work for future development.

The amendments we propose are the result of a careful review of the rules on highway interference. The result is a clear and detailed description of the things one should not do on the highway land without authorization. This is achieved in part by bringing together the "no person shall" statements of the two separate sections of the act, section 21 and section 32.

Consolidating these sections make the rules more clear and it enables the remedies available to the highways officers to be consistent. Currently it is unclear if highways officers can respond in the same manner to unauthorized structure as they can to the deposited material.

Related amendments provide for legal parking on the highway to be better to find in regulations and allow the same remedies for illegal parking and vehicle abandonment that exist under the *Motor Vehicles Act* to apply under the *Highways Act*. This will create efficiencies and consistent outcomes by empowering the same officials to respond to similar offences in each act.

The review of highway interference issues also identified a need for guidelines and procedures on the handling of items removed from the highways land. This has been addressed through the inclusion of a new power to make regulations on this subject.

Highways officers will, of course, use education and encouragement as a first step to keep a right-of-way clear, but when all else fails, they may need to take action. The current act and regulations are silent on how officers ought to proceed in these cases. We are creating the framework to clarify how this will work and plan to consult Yukoners as part of this process.

We are also providing highways officers with an additional tool to assist their work in protecting Yukon highways from damage. That tool is a stop order. What it means is that an officer can formally instruct someone to stop what they are doing right now. This protects the highway from further harm and may be all that is necessary to address a situation. Given a choice between receiving a stop order or a ticket, I would much rather receive the order.

Another tool we are proposing is a time-limited opportunity for Yukoners currently using highways lands without permission to apply for a no-cost permit to authorize their activity. This opportunity is described in part three of Bill No. 59. This is something I've heard a lot over the years.

We look forward to working with our Yukon residents to resolve cases of non-compliance. We expect the solution to range from outright approval and approval with conditions to an understanding by all concerned of why the unauthorized use cannot continue.

When it comes to the liability in relation to stray livestock, I mentioned earlier that we have updated the definition of an animal in the act. This definition supports provisions in section 30 that prohibit anyone from allowing their livestock to roam at large on specified highways. Section 30 also gives the minister the authority to designate officers to capture stray livestock that are someone's personal property, and we believe it is important to clarify that having this opportunity means that needs to be stated clearly is that the minister's right to seize someone's personal property is not to be considered a duty to do so. The responsibility to keep livestock off roads rests with the animals' owners and caretakers. That is why the rule against stray livestock holds the person in charge of an animal accountable. I can tell you that because I have run into a horse before. I know what it's like.

The *Highways Act* conclusion here — there are a number of other *Highways Act* amendments that are more administrative in nature. Rather than take up more of the House's time just now, I offer instead to address anything that would come up in debate.

To conclude, I would like to reiterate the purpose of the *Highways Act* so that the relevance of amendments is understood in its context. The act's intent is to establish, preserve and protect transportation corridors on public land on behalf of all members of the public. To that end, we need to make sure the rules are clear and in tune with the real life challenges that play out on our highways. We also need to give our public servants the tools and protections they need to carry out their duties. That is why these amendments, and these solutions to the problems — uncertainty — have been tabled.

A short thing on the *Dangerous Goods and Transportation Act* — I would like to turn and talk to this for a short moment.

As I explained in second reading of Bill No. 59, the amendments are about making things clear and making things simple. The need for clarity concerns ministerial responsibilities by stating the minister may delegate the issuing of permits but remain silent about the delegation of other administrative tasks, and the act creates uncertainty as to which routine tasks may be delegated. This uncertainty opens the door for legal challenges of decisions made by other departmental officials. Clarifying that the minister can delegate all administrative functions under this act fixes that problem.

The second set of amendments simplifies the process of revising certificates and forms by removing the requirement for their content to be spelled out in the regulation. The requirement for Cabinet approval of certificates and forms is an outdated practice. This makes the process of revising these documents so slow and ineffective. It is better to use everyone's time to let the department decide on the content and format of administrative forms. It is also a move that reduces the red tape and brings the administration in line with other legislation.

I would like to thank the House for allowing me the time to summarize the intent and highlights of Bill No. 59. The bill does address a number of shortcomings of our existing legislation that is, I think, 20 years old or so, and it implements solutions that will serve us for years to come. I'd also like to thank the staff from Highways and Public Works and the Department of Justice for the care they have taken to propose worthwhile improvements to the Yukon's transportation legislation, ensuring that our legislation is up to date and clear and that it does the job that we need to do, which is good practice. I hope all present will join in endorsing the adoption of Bill No. 59.

**Ms. Moorcroft:** I'd like to thank the minister for his comments in general debate, which expanded slightly on his second reading speech. I would also like to say thank you to the officials. We had a very good briefing this morning, which the Liberal caucus also attended. It was very helpful to have the policy branch as well as the legislative counsel present in order to respond to our questions. The officials also provided an overview of Bill No. 59 this morning, and I spoke with the Leader of the Third Party, who is in agreement with my motion to move for unanimous consent.

Madam Chair, therefore, pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all clauses and the title —

**Chair:** Prior to requesting unanimous consent we will have to conclude general debate.

**Ms. Moorcroft:** I've completed my remarks in general debate.

**Chair:** Is there any further general debate?

**Ms. Moorcroft:** Madam Chair, pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 59, entitled *Act to amend the Highways Act and the Dangerous Goods Transportation Act*, read and agreed to.

#### **Unanimous consent re deeming all clauses and the title of Bill No. 59 read and agreed to**

**Chair:** Ms. Moorcroft has, pursuant to Standing Order 14.3, requested the unanimous consent of the Committee of the Whole to deem all clauses and the title of Bill No. 59, entitled *Act to Amend the Highways Act and the Dangerous Goods Transportation Act*, read and agreed to.

Is there unanimous consent?

**All Hon. Members:** Agreed.

**Chair:** Unanimous consent has been granted.  
*Clauses 1 to 25 are deemed read and agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. Istchenko:** I move that Bill No. 59, entitled *Act to Amend the Highways Act and the Dangerous Goods Transportation Act*, be reported without amendment.

**Chair:** It has been moved by Mr. Istchenko that Bill No. 59, entitled *Act to Amend the Highways Act and the Dangerous Goods Transportation Act*, be reported without amendment.

*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. 59, entitled *Act to Amend the Highways Act and the Dangerous Goods Transportation Act*, and directed me to report the bill 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.

#### GOVERNMENT MOTIONS

##### Motion No. 518

**Clerk:** Motion No. 518, standing in the name of the Hon. Mr. Cathers.

**Speaker:** It is moved by the Government House Leader:

THAT the membership of the Select Committee Regarding the Risks and Benefits of Hydraulic Fracturing, as established by Motion No. 433 of the First Session of the 33<sup>rd</sup> Legislative Assembly, be amended by:

(1) rescinding the appointment of Stacey Hassard to the Committee; and

(2) appointing Lois Moorcroft to the Committee.

**Hon. Mr. Cathers:** I will not spend a tremendous amount of time introducing this. This is a housekeeping motion giving procedural effect to what has actually been happening at the committee through a delegation to ensure that the membership of the committee continues to operate with an equal number of government members and opposition members.

I would just note again that the committee is doing its work and this select committee is yet another example of our efforts to involve members of the opposition in committees

that actually address real issues of substance and builds on the successful record of committees, including the all-party Select Committee on Anti-smoking Legislation, the all-party Select Committee on Human Rights, the all-party Select Committee on the Safe Operation and Use of Off-road Vehicles, and the all-party Select Committee on Whistle-blower Protection. I think I'm missing one as well. But again, this is another example of the —

**Some Hon. Member:** (inaudible)

**Hon. Mr. Cathers:** Thank you. I knew I was missing one. The other committee, of course, would be the Select Committee on the *Landlord and Tenant Act*.

Good work has been done. We hope members of this committee will be successful in coming up with cooperative ways to provide the Legislative Assembly with a report and recommendations regarding whether hydraulic fracturing should be allowed in the territory and, if so, what regulations and measures need to be in place to ensure that it can be done safely.

With that, I will commend this motion to the House.

**Ms. Stick:** Thank you for this opportunity. I just rise on behalf of the Official Opposition to say that we support this motion.

**Mr. Silver:** I just want to rise and say that on behalf of the Third Party that I also support this motion.

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

**Hon. Mr. Cathers:** I thank members for their indication that they will support the motion.

*Motion No. 518 agreed to*

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

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

*Motion agreed to*

*Speaker leaves the Chair*

#### COMMITTEE OF THE WHOLE

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

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

**Chair:** The matter before the Committee is Vote 12, Department of Finance, in Bill No. 11, *Second Appropriation Act, 2013-14*. Do you require five minutes for your officials?

**All Hon. Members:** Agreed.

**Chair:** Committee of the Whole will recess for five minutes.

*Recess*

**Chair:** Committee of the Whole will now come to order. The matter before the Committee is Vote No. 12, Department of Finance, in Bill No. 11, *Second Appropriation Act, 2013-14*.

**Department of Finance**

**Hon. Mr. Pasloski:** I'm pleased to take this opportunity to provide the Committee with a few introductory remarks on the Department of Finance supplementary budget.

Finance has a supplementary budget for operation and maintenance expenditures. My comments will be brief, as this supplementary budget is very small and is entirely related to employee costs.

As you know, collective agreement and manager market adjustments comprise a major part of the supplementary for many of the departments. In Finance, this is definitely the case, as personnel costs account for more than 75 percent of the department's overall budget. This \$323,000 requested increase is entirely related to personnel costs. The Department of Finance is a very small department and, as a result, the request is relatively small and largely non-discretionary.

That concludes my remarks. The request is small and straightforward and so are my remarks.

**Ms. Hanson:** It is refreshing to actually have a departmental minister stand and speak briefly and to the point. The briefing by the officials was clear. I understand that there are 57.5 FTEs in the Department of Finance. I understand that the \$323,000 is with respect to financing the provisions of the collective agreement for managers' increases and relocation costs. That being said, I'm prepared that we move to line-by-line debate.

**Chair:** Is there any further general debate?

**Hon. Mr. Pasloski:** I just want to take this opportunity, because I thought I would do this with my first response, to acknowledge my deputy minister who is here and acknowledge him and all the great people within the Department of Finance and the wonderful job that they do every day.

**Chair:** We're going to proceed with line-by-line debate.

***On Operation and Maintenance***

***On Treasury***

**Ms. Hanson:** I'd just like a breakdown for the amount for relocation costs and the amounts for managers' increases there.

**Hon. Mr. Pasloski:** The relocation costs amount is \$20,000; collective agreement cost is \$84,000; managers cost is \$219,000.

***Treasury in the amount of \$323,000 agreed to***

***On Total of Other Operation and Maintenance***

***Total of Other Operation and Maintenance in the amount of nil cleared***

***Total Operation and Maintenance Expenditures in the amount of \$323,000 agreed to***

***On Total Capital Expenditures***

***Total Capital Expenditures in the amount of nil cleared***  
***Total Expenditures in the amount of \$323,000 agreed to***  
***Department of Finance agreed to***

**Hon. Mr. Cathers:** Madam Chair, I move that you report progress on Bill No. 11, *Second Appropriation Act, 2013-14*.

**Chair:** It has been moved by Mr. Cathers that the Chair report progress on Bill No. 11, *Second Appropriation Act, 2013-14*.

*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. 11, entitled *Second Appropriation Act, 2013-14*, 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 the 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 5:14 p.m.*



# Yukon Legislative Assembly

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Number 111

1st Session

33rd Legislature

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## HANSARD

Tuesday, November 19, 2013 — 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

## CABINET MINISTERS

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

## GOVERNMENT PRIVATE MEMBERS

### Yukon Party

<b>Darius Elias</b>	Vuntut Gwitchin
<b>Stacey Hassard</b>	Pelly-Nisutlin
<b>Hon. David Laxton</b>	Porter Creek Centre
<b>Patti McLeod</b>	Watson Lake

## OPPOSITION MEMBERS

### New Democratic Party

<b>Elizabeth Hanson</b>	Leader of the Official Opposition Whitehorse Centre
<b>Jan Stick</b>	Official Opposition House Leader Riverdale South
<b>Kevin Barr</b>	Mount Lorne-Southern Lakes
<b>Lois Moorcroft</b>	Copperbelt South
<b>Jim Tredger</b>	Mayo-Tatchun
<b>Kate White</b>	Takhini-Kopper King

### Liberal Party

<b>Sandy Silver</b>	Leader of the Third Party Klondike
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## LEGISLATIVE STAFF

Clerk of the Assembly	Floyd McCormick
Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Rudy Couture
Deputy Sergeant-at-Arms	Doris McLean
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Tuesday, November 19, 2013 — 1:00 p.m.**

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

*Prayers*

**Withdrawal of motions**

**Speaker:** The Chair wishes to inform the House of a change that has been made to the Order Paper. Motion No. 495, standing in the name of the Member for Takhini-Kopper King, has been removed from the Order Paper as the House, in adopting Motion No. 509, has made a decision on the matter raised in that motion.

**DAILY ROUTINE**

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

Tributes.

Introduction of visitors.

**Some Hon. Member:** (inaudible)

**Point of personal privilege**

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

**Hon. Mr. Graham:** Mr. Speaker, I stand today on a point of personal privilege.

Yesterday when asked a question during Question Period, I replied with information that I later realized contained an error. My statement was: "Mr. Speaker, as the member opposite indicated, I did meet with the family of Ms. Scheunert. Interestingly enough, during that meeting the family never indicated ... that they were looking for a public inquiry."

Mr. Speaker, I realized, after returning to my office and speaking with my executive assistant that this statement was not an accurate reflection of what transpired at that meeting.

During my meeting with the family, a number of issues and concerns were discussed, including their request for a public inquiry, among other options. I wish to apologize to the House and especially to the family for this error.

**Speaker:** Are there any returns or documents for tabling?

**TABLING RETURNS AND DOCUMENTS**

**Mr. Silver:** I have for tabling an editorial from the *Yukon News*, dated October 5, 2011, which clearly lays out the Yukon Liberal Party's position opposing digitized staking.

**Speaker:** Are there any other returns or documents for tabling?

Are there any reports of committees?

Are there any petitions for presentation?

Are there any bills to be introduced?

Notices of motions.

**NOTICES OF MOTIONS**

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

THAT this House urges the Government of Yukon to properly manage tenders, instead of rushing them to meet political deadlines, to ensure:

(1) costly addendums or changes are not required in the middle of the tendering process, an example of which occurred this week with the issuing of a 119-page change order to the F.H. Collins school tender; and

(2) the end date of tenders do not change, an example of which occurred this week with the F.H. Collins tender closing being delayed from December 12, 2013 to January 10, 2014.

**Speaker:** Is there a statement by a minister?

This brings us to Question Period.

**QUESTION PERIOD**

**Question re: Canada job grant program**

**Ms. Hanson:** Last Friday the Premier indicated he was participating in the Council of Federation meeting with premiers from across Canada. Since that meeting, premiers have spoken out against the new Canada job grant program that replaces the employment programs currently run by provincial and territorial governments. The new program is said to be of no help to people who are not already employed. There are also concerns that small businesses won't be able to benefit from the program.

Does the Premier agree with his colleagues from the Council of the Federation that the Canada job grant touted by the Harper Conservatives will not work for employers or the most vulnerable Canadians?

**Hon. Mr. Pasloski:** Certainly, if the Leader of the Official Opposition did in fact read the press release, she would see that there was support by all provinces and territories on the wording of the press release that says that we do want to continue to grow the economy. That is our priority. In order to do that we need to ensure that Canadians have the training that they need.

One of the issues that we have with this program is a focus on training people who already have jobs. We feel it's very important that we continue to deliver the programming that we have in place today, which has been supported through evidence that they are in fact very effective. What we will be doing is going back to the federal government with some alternative options on how to best ensure that we can maximize our economy through good, strong job growth for Canadians to ensure that they have the training that is needed to meet the needs and the demands of our growing Canadian economy.

**Ms. Hanson:** I'm not talking about press releases. I'm talking about how the Premier represents Yukoners.

The president of the Chamber of Commerce recently expressed his concerns about the Canada job grant program.

Small businesses are a critical part of the Yukon's economy and the new Conservative program will not benefit them as much as the previous job training program, according to the chamber. Premiers from across the country are demanding that provinces and territories be able to opt out of the Canada job grant with full compensation so that they can continue to run the successful programs already in place.

So, Mr. Speaker, can the Premier tell us whether he agrees that provinces and territories should be allowed to opt out and does he plan on Yukon opting out of the Canada job program?

**Hon. Mr. Pasloski:** What I just said was not just articulating a press release. I think the clear understanding was that I was one of the people who signed off on that press release and that, in fact, what I just described is my position and the position of this government.

Yes, it also says in there that there should be an opportunity for the provinces and the territories to opt out of this program if they deem that it is not going to meet the needs of those people who we are now addressing. Some of the programs we have right now are focused on people who have had a harder time to get the training and the jobs that they want. We're talking about youth and women; we're talking about older workers; we're talking about First Nations; and we're talking about people who are on social assistance. We're talking about people who have been out of the workforce for a long time — immigrants and people who were previously self-employed.

We have worked hard not only in this territory, but across the country, because job creation and training are a priority and the responsibility of the provinces and the territories. We will continue to work with the federal government and, as I articulated, we look forward to coming back to the federal government with some options to see how we can work together to ensure that we are giving the training that is needed to Canadians to meet the job needs for today and for the future.

**Ms. Hanson:** Yukoners know more than anyone the importance of training. Our economy has suffered from a labour shortage and yet many Yukoners are still out of work. A job training program that won't help the unemployed, which small businesses cannot buy into, is as useful as a skidoo without an engine. It just won't work. Premiers from across the country are saying so. The chambers of commerce are saying so.

In light of the fact that the federal government has made clear statements that it will not change the Canada job grant program, will the Premier commit that at the next meeting of federal-provincial-territorial finance ministers in December, he will reject this Conservative program that will not help Yukon's economy?

**Hon. Mr. Pasloski:** I am disappointed that the Leader of the NDP didn't listen to my answers in the first two questions and I will also thank the Leader of the NDP for supporting our position of the premiers of this country in terms of how we want to move forward with the Canada job grant. We do believe that there is more dialogue to take place.

We've had great feedback from many different organizations and sectors within the economy. There has been a lot of hard work done by the minister responsible as well. We will continue to work with the federal government. I suspect that at the upcoming finance ministers meeting, as well, that this will also be a topic of discussion at that time and I look forward to talking to my counterparts at that table as well.

**Question re: F.H. Collins Secondary School reconstruction**

**Mr. Tredger:** We all remember Yukon Party's ill-advised attempt to tear down the F.H. Collins gym. At that time, the previous minister promised to involve parents and staff in a meaningful manner in the ongoing development of plans for the redesign of the F.H. Collins school.

This spring, F.H. Collins building plans were abruptly cancelled, throwing away years of design plans, site preparations, staff time and public involvement. Now we have a completely new design for an off-the-shelf Alberta school, and the public and staff of the school have not been meaningfully involved. The commitment made by the minister to actively and meaningfully involve the public is still expected.

Why has the government not honoured its commitments to parents, to students and to staff for meaningful involvement in the redesign of F.H. Collins Secondary School?

**Hon. Mr. Istchenko:** As you know, Mr. Speaker, you have heard in the House before that when the lowest bid came in at \$10 million over that budget, we needed to reassess and find a new option. We're building a school that is going to meet the needs of Yukon students well into the future and we are committed to doing that within our budget.

The programming in the new F.H. Collins that we're building — we worked with the school council and we worked the educators. We've included them through the whole process. I look forward to this project being built and I look forward to the youth of the Yukon being able to go to a state-of-the-art new high school.

**Mr. Tredger:** The government has paid almost \$1 million for a new design. The tender for construction is out. It is already being altered, yet the promised meaningful engagement of parents, the public and the staff is not happening. If it is, it's happening after the fact.

Would the minister like to enlighten us as to how public meetings after the government has already designed and tendered the construction contract is meaningful public involvement?

**Hon. Ms. Taylor:** For the member opposite, as has been reiterated by many of my colleagues on this side of the House, the new F.H. Collins will indeed provide a new learning environment that meets current as well as long-term needs of the student population. It's based on a design that has been successfully built and has been modified to reflect the very needs of Yukon learners today and well into the future.

As the member opposite is very much aware, we have been working over the past five years with the building advisory committee, with students, school councils,

administration and parents. I can say that the most important features from the building advisory committee consultations have been adapted and have been actually articulated within the design.

Examples of this include flexible learning spaces, a school-wide wireless network, fitness studio, improved First Nation program areas, an industrial kitchen, and a food service area that opens up with the band room to the lobby, which is also a multipurpose common area. We have also had an opportunity to send a number of officials to the Mother Margaret Mary school in Alberta to see first-hand. I attended that as well back in August, alongside other students and school council members as well, to see the plans in the works.

**Mr. Tredger:** The concerns of parents, students and teachers and their input — the people who have the most hands-on experience with the school — are not things to be ignored.

There are increasing concerns being expressed by parents and staff about the design elements of the school, and we're not just talking about building codes. Rather, one example is the concern that the number of classroom spaces cannot meet the current programs and current curriculum. If the government had honoured its commitment to engage the public and staff, these emerging problems could have been addressed in a fiscally responsible manner.

How will the minister take into consideration at this late date the concerns and knowledge of the public, parents and teachers and ensure that there are enough classrooms to meet F.H. Collins' current programming and curriculum?

**Hon. Ms. Taylor:** I'd like to thank the member opposite for raising this very important question. It was the result of discussions that have taken place between our superintendent responsible for the school, the school administration as well as the actual bridging consultant, Barr Ryder — in a discussion that has resulted in several additional learning spaces being added to the design. This is incorporated within the addendum that the member opposite — the Member for Klondike — has just referenced as well.

As I mentioned, the new secondary school going forward is really designed to create the most flexible and best possible 21<sup>st</sup> century learning environment for a student population that meets the needs of today and well into the future. It is based on a school that has been successfully built, and it has certainly been modified to reflect the aspirations and input received over the past five years by parents, by families, by students, by the administration and by the department at large.

#### **Question re: Mining legislation**

**Mr. Silver:** I am going to return to questions I asked yesterday about this government's approach to addressing the Ross River court decision. First off, the minister said that he was surprised to hear that I'm opposing the amendments that have been drafted and urged me to go to a briefing to make up my mind. Well, I have read the bill and I understand what's in it and I can't support it. I've also talked to many in the mining industry who don't support it either. They are holding their

breath. One of the main concerns they have — and I share it — is the lack of consultation done on this bill.

I won't condone how this government treats stakeholders. Before it even talked to anyone, the government decided it needed to change the legislation and it drafted a decision paper.

Why did the minister decide amendments were needed before even discussing how to implement the court decisions with First Nations and with miners?

**Hon. Mr. Kent:** With respect to these changes to the *Quartz Mining Act* and *Placer Mining Act*, I mentioned yesterday the amendments to each act are designed to meet one of the declarations of the Yukon Court of Appeal, the declaration with respect to low-level class 1 exploration activities.

The amendments in this bill provide for the requirement for notice by an operator, which then provides government with the opportunity to undertake consultation as appropriate. That's why we are making these enabling amendments to the act so that the government can fulfill its consultation requirements that were set out in the court of appeal declarations.

I too attended an event last night put on by the Yukon Chamber of Mines. I talked to a number of individuals I know within the Chamber of Mines and the Yukon Prospectors Association about their engagement on these class 1 declarations with First Nations, and they informed me there was no substantive engagement by them. I did talk to the Member for Klondike earlier today about whether or not he would provide me with the names of the individuals or the First Nations that were conducting these consultations and working on these solutions, because certainly it isn't anyone I know who serves in these capacities within the two industry organizations that work on behalf of mining advocacy in the territory.

**Mr. Silver:** I think the bigger issue here is whether or not the minister and his department were consulting with First Nations.

After a court decision was released in December 2012, the industry did begin discussions with Ross River about how to proceed. The government on the other side was silent.

Months later, after a great deal of work between industry and First Nations had already been done, the government arrived on the scene and announced that legislative changes were required and that it had already made up its mind on what these changes might look like. No consultation, no discussions — changes were simply written in a silo and presented in a discussion paper in June. As the clock ticked down to the fall session, both First Nations and industry waited to see a draft of the actual legislation the government was coming forth with. It never happened. The first time that many individuals saw the bill was when I sent it to them.

Why did the government not share the draft legislation with First Nations and with miners before it hit the floor of this Legislature?

**Hon. Mr. Kent:** Of course the government sought input from First Nations and industry, along with other

interested parties, on proposed changes to the *Quartz Mining Act* and the *Placer Mining Act*. Regulations are currently under review. There are a number of meetings between officials and industry organizations. I met with both the Chamber of Mines and the Yukon Prospectors Association in October to discuss this. There have been conversations about arranging a technical briefing with the industry associations on this legislation, similar to the one that the Member for Klondike, the Leader of the Third Party, won't be attending that is scheduled for opposition parties next week.

There has been an awful lot of work done on this. As I mentioned, the amendments provide for the requirement for notice by an operator and which then provide government with the opportunity to undertake consultation, as appropriate. The regulations are currently being developed on this important bill, and I would encourage the Member for Klondike to reconsider his position from yesterday and attend the briefing with officials so that he can become fully informed on how this bill will work and what the impacts for industry and First Nations will be from it.

**Mr. Silver:** It's good to know my schedule for next week. That's the first we've heard of this briefing, the first time we've heard there's actually a date. I would like to know what the time is of that briefing, and of course I am going to attend that briefing.

It's very disappointing to hear that, once again, the Yukon Party chose to consult with industry and with First Nations only after they made up their minds on how to move forward. The minister met in October. Without talking to either side, the government came up with a raft of amendments to the territory's mining legislation.

They go well beyond the implementation of the Ross River court decision and the minister knows this. He heard it from industry directly. They are creating more regulatory uncertainty, which is pretty much the thing that scares the industry the most. Decisions like this are speeding up the exodus of capital investments in the Yukon. Many pieces of legislation are shared widely with stakeholders before they are tabled in this House, but not this one.

Why did the government keep this under wraps until the very last minute?

**Hon. Mr. Kent:** Where to start on this — it's very interesting to hear the Member for Klondike profess to stand up for the mining industry and the interests of the mining industry when he also advocates for the removal of 10 percent of the Yukon for responsible mining development with his support for the recommended Peel watershed plan.

We have heard that the Liberals were very much in support of digitized claim staking, which would have put a lot of Yukoners out of work. They did that during the last election campaign —

**Some Hon. Member:** (inaudible)

#### Point of order

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

**Mr. Silver:** The member opposite is imputing false motives. I tabled in the Legislature today a document that clearly indicates that my party and I, personally, did not support digitized staking.

I would ask that the member opposite strike that from the record.

#### Speaker's ruling

**Speaker:** There is no point of order. It is a dispute between members.

The minister has 60 seconds to respond.

**Hon. Mr. Kent:** I was, of course, reflecting the fact that the Liberal Party did, at the start of the election campaign, support digitized claim staking, and it later flip-flopped and removed that support. I'm not sure why that happened.

Again, with respect to this particular issue on class 1, we are undertaking consultation on the regulations. I do encourage the member opposite to attend the briefing that we are arranging for opposition members. We are working with industry and we're working with First Nations. We're trying to meet a court-ordered declaration with a deadline of December 27 of this year.

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

**Ms. Stick:** Yukoners assume that the Minister of Health and Social Services and his department know what happens in Yukon hospitals, especially when tragic deaths occur. The Official Opposition filed an access-to-information request to find out how the Yukon Hospital Corporation communicated with the department the unexpected deaths at the Watson Lake hospital over the last three years and where coroner's inquiries were released. The only records we received are e-mails in response to the Yukon NDP raising publicly the issue of Teresa Scheunert's death in July 2013.

How does the Minister of Health and Social Services justify the fact there is no written or e-mail communication between his department and the Yukon Hospital Corporation about deaths at the Watson Lake hospital until after the Yukon NDP raised the issue in public?

**Hon. Mr. Graham:** Obviously the member opposite's memory is failing her. I tabled two letters that I believe were dated in September of this year. I also tabled a letter from the chair of the Yukon Hospital Corporation in October of this year regarding the deaths in the Watson Lake hospital.

I think the member opposite fails to understand that there is an internal process within the hospital — it's called the patient review process — that is undertaken as soon as any adverse event happens in any hospital in the territory. Those patient reviews are kept private. I'm not allowed to see them, nor are any external parties, but they are — these patient safety reviews, once completed, are shared in this case with the family of the deceased. I understand that the patient review in Ms. Scheunert's case has almost been completed and the Yukon Hospital Corporation will meet with the family to review the findings very shortly.

**Ms. Stick:** Interesting. I did mention that we didn't receive any written documentation until after July and yes, we did receive the letter from August. The minister said on November 6 that the Yukon Hospital Corporation does not wait for a coroner's report, and I quote the minister, "They immediately investigate any of these adverse events..."

But on February 25, 2013, the Hospital Corporation wrote the Scheunert family saying the coroner was taking the lead on that, and I quote: "Our full attention will be paid to the report once it's received." Further, according to an e-mail from June 2013 from the Yukon Hospital Corporation to the family, the hospital patient safety review had not yet started. Can the minister explain why he said that the hospital responds immediately, when in fact it took over a year to start the patient safety review?

**Hon. Mr. Graham:** In this case, as I understand it, the patient safety review was delayed until such time as an autopsy report was received. It was received in February of 2013. But in other areas, the Hospital Corporation moved ahead immediately. Enhanced pharmacy supports were being provided through the implementation of telepharmacy. Some of the pharmacists on call have been available since May 2013. Improved clinical nursing documentation had been developed at this time. Implementation was scheduled for earlier this year.

Actions to improve not only systems within the Hospital Corporation but also improved communications and alerts within the hospital itself were all begun long before the coroner's report was actually received.

**Ms. Stick:** Mr. Speaker, the paper trail is thin. We also put in an access to information request to find out if the minister was being briefed on Watson Lake hospital deaths or Yukon Hospital Corporation patient safety, but no records were found.

There is no paper trail of briefings on patient safety at the Yukon Hospital Corporation. It appears that the minister is not looking into the important matters of patient safety. Certainly his inability to answer our questions over the last weeks confirms our fears. What is the role of communication or reporting, if any? Is there any between the Yukon Hospital Corporation and the minister who is responsible for the *Hospital Act* and for the *Health Act*, especially around unexpected deaths in Yukon hospitals?

**Hon. Mr. Graham:** Once again the member opposite has preceded her question with statements that are inaccurate. If the member opposite actually read the legislation, she would understand more what transpires between the Hospital Corporation and me.

Mr. Speaker, I'm very concerned with patient safety. I discuss patient safety with the chair and my deputy minister does with the CEO of the Hospital Corporation, but we also have a trusting relationship. The hospital has a number of systems built in to ensure patient safety. They operate those systems without interference from me. I'm not a doctor, nor am I an expert in patient safety. I trust the experts — the doctors, the nurses and the hospital administrators — to do their job. Obviously the member opposite does not trust them

and it's interesting to learn this. But I don't interfere with that operation either. From time to time, I ask questions and receive answers from the Hospital Corporation reassuring me that they are actually taking these things very seriously and steps have been taken to improve the systems, to improve communication and to improve overall patient safety within the Yukon Hospital Corporation.

#### **Question re: Off-road vehicle use, chief coroner's recommendations**

**Ms. Moorcroft:** Mr. Speaker, yesterday the Minister of Justice said that his government respects the office of the chief coroner. On November 1, 2011 the chief coroner issued a recommendation "directed to Highways and Public Works, Government of Yukon, to introduce legislation governing helmet use and age restrictions for use of ATVs in Yukon."

As of November 2013, two years later, the Yukon government has not acted on this recommendation by the chief coroner. Just last week, the Minister of Health and Social Services acknowledged what the goals of coroners' reports are: to provide facts and ensure that similar situations do not happen again. Coroners make recommendations to prevent deaths. If this government respects the office of the chief coroner, can the Minister of Justice tell the House why it has ignored her recommendation?

**Hon. Mr. Dixon:** Mr. Speaker, we have responded to calls for safety and environmental considerations related to ATVs and ORVs in a number of ways. Of course in 2011, we had a select committee of the Legislature review this issue and of course they issued a report in March 2011. That report received endorsement from all three political parties. It had very specific recommendations about safety of ORV use and environmental considerations related to ORV use.

We've tabled legislation on the floor of this sitting to address issues related to the environmental considerations of ATV use and that issue has received a significant amount of debate and discussion in this House, in the media and in the public.

With regard to the rest of the recommendations in the select committee's report, we will of course respond to them in due course and — as we've said before — they were endorsed by all three political parties in this House. So we take them very seriously and we'll be acting on them as recommended by that report.

**Ms. Moorcroft:** It's like a jack-in-the-box. When I ask the Minister of Justice a question, I never know if it's going to be the Government House Leader or the Minister of Highways and Public Works or the Minister of Health and Social Services or the Premier — and now it's the Minister of Environment who stands up and chooses not to answer the question. This is a serious question.

Last April, the Minister of Justice assured the House, "The government continues to follow up with recommendations made by the coroner's inquests." It makes me question whether this government believes coroner's judgements of inquiry don't carry the same weight as coroner's inquests, so they don't need to act on them.

When will the Minister of Justice or the Minister of Highways and Public Works or Environment — when will the Government of Yukon prove that they respect the role of the chief coroner and her 2011 recommendation and introduce legislation governing helmet use and age restriction for use of ATVs in Yukon?

**Hon. Mr. Dixon:** As I said before, of course we take the recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles very seriously. That was a select committee report that was developed by all three parties in this House and endorsed by all three parties in this Legislature, so I would expect the member opposite to respect those recommendations and respect our commitment to implementing them.

As we committed to numerous times in this House, and as we committed to during the election, we've committed to amending the *Motor Vehicles Act* to clearly distinguish between roads and trails. We've committed to amending the *Motor Vehicles Act* to make helmet use, liability insurance and registration mandatory when operating an ATV or snowmobile on-road. We've committed to passing legislation to make helmet use mandatory for young riders operating ATVs and snowmobiles off-road. Those are the commitments we made to Yukoners in the 2011 election, those are what we are committed to today, and that's what we'll continue to work toward throughout our mandate.

**Ms. Moorcroft:** The members opposite are clearly not listening to the question and they don't appear to take it seriously. The minister stood up and said I need to respect the government's commitment. It is in fact more than two years since the chief coroner of the Yukon made a recommendation to the Government of Yukon asking it to introduce legislation governing helmet use and age restriction for the use of ATVs in Yukon. That was as a result of a death. That was as a result of finding that a young teenager driving an ATV without a helmet died, and there have been similar deaths. I would like the government to answer the question. The government says they respect the role of the chief coroner. When will the government bring forward legislation — not just say they've made a commitment — governing helmet use and age restriction for ATV use?

**Speaker:** Order please. The member's time has elapsed.

**Hon. Mr. Dixon:** Following the tragic death of a child using an ORV a number of years ago, the members of the Legislature at that time saw fit to create a select committee to review the safe use of off-road vehicles in the territory and present recommendations to this Legislature and to the government on how to proceed with regard to improving safety requirements for those who use ORVs as well as environmental considerations that are impacted by ORV use.

All three parties agreed to a report that had 14 recommendations, 13 of which related to the safe use of off-road vehicles. They were unanimously accepted by all parties in this Legislature and our government is committed to acting on those recommendations and taking action to ensure that we have safe use of ORVs in this territory.

The previous government committed to that, we committed to that during the election, and I'm reiterating the commitment to that series of recommendations in the report today.

To reiterate, Mr. Speaker, we understand that there are a number of recommendations in that report and we are committed to acting on them, including passing legislation to make helmet use mandatory for young riders operating ATVs and snowmobiles off-road.

I should also note that another commitment we made was launching an educational campaign that has, of course, been undertaken by my department, the Department of Environment, in conjunction with —

**Speaker:** The member's time has elapsed.

The time for Question Period has now elapsed.

### Notice of opposition private members' business

**Ms. Stick:** Pursuant to Standing Order 14.2(3), I would like to identify the item standing in the name of the Official Opposition to be called on Wednesday, November 20, 2013: Motion No. 524, standing in the name of the Member for Riverdale South.

**Mr. Silver:** Pursuant to Standing Order 14.2(3), I would like to identify the items standing in the name of the Third Party to be called on Wednesday, November 20, 2013: Motion No. 19, standing in the name of the Member for Klondike, and Motion No. 332, standing in the name of the Member for Klondike.

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

### ORDERS OF THE DAY

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

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

*Motion agreed to*

*Speaker leaves the Chair*

### COMMITTEE OF THE WHOLE

**Chair (Ms. McLeod):** I will now call Committee of the Whole to order. The matter before the Committee is Bill No. 62, *Animal Health 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:** Order. Committee of the Whole will now come to order.

**Bill No. 62: Animal Health Act**

**Chair:** The matter before the Committee is Bill No. 62, *Animal Health Act*. We will now proceed with general debate.

**Hon. Mr. Dixon:** Madam Chair, it's a pleasure to rise and speak to the *Animal Health Act*, Bill No. 62, today in Committee of the Whole. Of course, I had a chance to speak to this bill already a few times in second reading and I have outlined some of the key provisions in the act, as well as some of the background behind how it was developed and the consultation process that went into it. I also had the opportunity to thank some of the officials who had a hand in crafting this legislation as well as the policy work that went into this bill.

I'm joined today by my Assistant Deputy Minister, Allan Koprowsky, for the Department of Environment. As well, I should recognize two officials we have with us from the department, Jennifer Imbeau and Jennifer Meurer, to follow the proceedings of Committee of the Whole with regard to this very important piece of legislation.

As members know, this bill was tabled on November 6 for the first time. As discussed previously, the *Animal Health Act* will — our intent is at least to enable a more comprehensive government response to animal diseases in both livestock and wildlife as well as to help minimize the negative economic impacts of animal disease outbreaks. Healthy wildlife populations are important for harvesting, tourism, outfitting and the overall health of Yukon's environment.

Healthy animals support competitiveness and productivity for the livestock industry. In my opinion, Bill No. 62 modernizes the existing act so that the Government of Yukon can respond effectively to the full range of animal health risks and the impacts they have on human health. I think one of the key components of this act is that it seeks to, and — in my opinion — does achieve that critical balance between providing a level of protection and an ability for government to respond to outbreaks with respecting the interests of private animal and livestock owners who can and potentially would be affected by an event like a disease outbreak.

Of course, finding that balance is never easy and I have to commend the officials who have conducted the public consultation and ultimately provided recommendations to me on how to proceed. I believe that those who were consulted, including the industry organizations, the agricultural industry, First Nations and other groups would agree that I think that the balance has been struck here and we have an adequate level of safeguard of protection of personal property and rights for those who own livestock and animals with the need and ability for government to respond to potential outbreaks.

The key changes that are made here, if I may reiterate, are related to a number of aspects of the act. The scope of the new *Animal Health Act* goes beyond disease to address hazards such as risks to human health arising from toxins in meat or bacteria in milk or other animal products.

It also expands the definition of "animal" so as to include hazards from dead livestock as well as live animals. The new

act introduces the option of compensation, which the current act does not allow. A compensation program acknowledges that decisions made to protect the public will have economic impact on individuals and it is more likely that owners will report a hazard if they know they will be financially compensated and have the right to appeal.

Madam Chair, this is something that goes back to our consultation and our observations about previous events throughout the country and the world. We know that when some individuals feel they will be overly burdened or improperly compensated for actions taken, they will look to alternate routes and deal with matters, or take matters into their own hands, and that's not what we want to achieve. We want to make sure that individuals feel comfortable and feel willing to engage with government on important animal health issues.

The new act also introduces three tools for managing hazards. Those are: quarantine orders, surveillance orders and control orders. The current act only has quarantine areas where strict measures are applied to eliminate the hazard. The surveillance order, the first tool I mentioned, allows for monitoring in the area adjacent to a quarantine area to detect or prevent spread of a hazard. A control order can apply to all or part of Yukon and allows for restrictions to prevent the spread of hazards.

For example, the banning of the import of cervids to prevent the introduction of chronic wasting disease, which is something we announced earlier this year in a press release on May 2. I announced, on behalf of the Government of Yukon, that we would prohibit the import or possession of members of the deer family, better known as cervids, killed outside of Yukon to minimize the risk of introducing chronic wasting disease to Yukon game populations both farmed and wild.

The new act clarifies the role and authority of the chief veterinary officer and inspectors and the requirement for them to justify any orders that are issued. It allows the owners to request a review of orders and outlines how permits will be issued. It does not alter existing livestock production practices but offers flexibility in how a wide range of hazards will be controlled.

As I mentioned in my second reading speech, I think the establishment of the chief veterinary officer position was an excellent first step by government a number of years ago when they created that animal health unit. We have now reached the point where that unit has basically reached its upper level in terms of its capacity under the current act, and the new tools being identified in this particular piece of legislation provide it with a new suite of abilities and tools to manage animal health.

One of the key aspects of the chief veterinary officer's position is who you get in the position. I think we are certainly well equipped with Dr. Mary VanderKop, who has been in this House before, I believe. I certainly appreciate the work that she has done so far in building that animal health unit up to its present capacity and structure. I would be remiss if I didn't also note Dr. Jane Harms, the field veterinarian, and the staff in the animal health unit.

The potential offences are clearly outlined in the new act, and while the upper limits to fines have been substantially increased to align with other Canadian jurisdictions, a wide range of penalty options have been included that focus on preventing violations or offences rather than simply punishing individuals.

One of the important aspects of this relates to compensation, and I know we'll get into this when we have some back-and-forth debate. We feel that the compensation structures developed and the process by which an individual or a group can apply for compensation are sound. They provide the administrative ability to set compensation pursuant to regulation and then, following that, allow for an appeal process if it is deemed necessary by the individual. Then an appeal panel is struck and reviews the case. But at the end of everything, there is always the recourse of court, and individuals who feel that they don't receive a satisfactory outcome as a result of the processes outlined in this act, of course, always have the possibility of resorting to court action.

Once this is passed, the *Animal Health Act* will continue to complement the federal responsibility for animal health carried out by the Canadian Food Inspection Agency. The new act offers a wide range of penalties, providing flexible options for the courts to tailor the penalty to the severity of the offence and the personal circumstances of the individual. As I said, before you get to court, there is the process outlined in this act involving the minister's ability to set compensation.

I should note as well, in discussion with the chief veterinary officer, the importance of the relationship between the CVO and the chief medical officer of health. Any issues related to animal health transcend simply animals and, of course, become issues related to human health as well. We cannot forget that animal health issues are entirely relevant in the discussion of human health, and I think we've done an excellent job so far in synchronizing the work done between the chief medical officer of health and the chief veterinary officer.

I look forward to having the chief veterinary officer work with the chief medical officer of health in implementing these new powers in the new scope available under the act. I will cede the floor and open up to members opposite the opportunity for questions and I'll endeavour to provide thorough answers to those as asked.

**Ms. White:** I'd like to thank the staff from the Department of Environment, especially the two in the gallery, and the assistant deputy minister, the staff from the agriculture branch and especially all who participated in the public review of the *Animal Health Act*. In reading through the summary document and the responses to the very thoughtful questions posted by respondents, can the minister please explain the process that his department used for stakeholder engagement? Who was involved? Can he elaborate on those sorts of groups who were invited to respond?

**Hon. Mr. Dixon:** Thank you, Madam Chair, and thanks to the member opposite for the question. Of course, we conducted a fairly comprehensive consultation on this proposed act, Bill No. 62. It included a 60-day consultation

that was extended upon request if groups had needed more time to provide input. They were granted that. Direct letters were sent to a number of associations, including the Yukon Agricultural Association, the Yukon Food Processors Association, the Yukon Game Growers Association, Yukon Horse and Rider Association, Dawson City's Farmers Market, the Downtown Urban Gardeners Society, the Fireweed Community Market Society, the Great Green Growers Cooperative Ltd., the Growers of Organic Food Yukon or GoOFY, the Haines Junction Employment Development Society, the Haines Junction Employment Development Society's mini-market, Slow Food Whitehorse wellness horticulture project, all 87 food producers listed in the farm products website, all five veterinary and medical clinics in the territory, the Yukon Outfitters Association, renewable resources councils, the Yukon Fish and Wildlife Management Board and all Yukon First Nations.

Specific presentations were also granted to the Yukon Agricultural Association, the Yukon Game Growers Association, the Horse and Rider Association, GoOFY, a group of agricultural producers, the renewable resources councils' chairs, which meet annually, and the Fish and Wildlife Management Board.

In order to promote and distribute information about the *Animal Health Act*, we of course had a number of media items that were used, including a news release that was put out. We had advertisements in all Yukon newspapers, we had radio public service announcements with all the radio stations locally, cable television advertisements, we used social media — including Twitter and Facebook — and, of course, we had direct-mail letters. We had a fairly robust response as a result of this comprehensive effort to engage stakeholders and the public. As a result, we received 71 individual surveys, including written responses from the Yukon Agricultural Association, the Mayo District Renewable Resources Council, the Laberge Renewable Resources Council, the Dawson District Renewable Resources Council, the Yukon Fish and Wildlife Renewable Resources Council and the Champagne and Aishihik First Nations — which had some specific questions for clarification — and the Teslin Tlingit Council, which indicated some concerns about subsistence harvesting.

Of course, following that fairly comprehensive consultation involving all the groups and methods I listed, we took in surveys from those groups and from individuals as well and did our best to compile them and respond adequately in our drafting of the bill to reflect the input we received from Yukoners.

Much of what we heard related to the scope of the act, the clarification of the role and the authority of the CVO. There was significant interest particularly from the Yukon Agricultural Association and the Yukon Game Growers Association around compensation for losses from an order under the act — and of course, questions around the appeal process and the structure that that might take.

So, Madam Chair, the modernized *Animal Health Act* reflects the outcomes of broad public engagement with Yukon residents, including agricultural industries, wildlife interests,

veterinarians and First Nations. Public opinion reflected strong support for the proposed changes to the act that have been updated.

The new *Animal Health Act* is very clear on the authority of the chief veterinary officer and the inspectors and how they are held accountable for the orders that they issue. The act specifies all the required elements in orders, including the justification and reasons for the order. It also provides for owners to request an official review of orders.

As I said, a number of folks from the agricultural industry had concerns around the process by which compensation would be identified. They were keen to ensure that there was a process for appeal. I feel that those concerns have been reflected in the act in its current form on the floor today. The changes that were made and the detail and drafting that went into the act reflect the input we heard from the public, from industry, from veterinarians and from others with general wildlife interests.

**Ms. White:** I think the department should be congratulated for their outreach efforts. They have set a fine example for other departments looking at stakeholder engagement with that net that they threw.

The minister mentioned some concerns over the compensation issue. To not hit that one right now — were there other major concerns raised by stakeholders and how were they addressed in the act?

**Hon. Mr. Dixon:** Concerns other than compensation were related to the expanded scope of the act and the role of the chief veterinary officer. Although it relates to compensation, the appeal process was a question that a number of folks had, especially around the issue of — if compensation is granted to an individual, they wanted to ensure that there was a process following that that they could appeal to ensure that if they felt the compensation wasn't sufficient, they could appeal that decision. Of course, there is an appeal board set out in the act, which is a three-member panel that would be appointed, depending on the case.

It would likely have representation from industry, from others with wildlife interests, and they would review the compensation awarded based on the event itself, the reason for action taken, if there were any extraneous issues that needed to be taken into consideration — all those could be considered in the appeal process. They would then make a decision about whether or not compensation was adequate and if it should be changed.

Following that, if an owner who had had action taken on his or her property involving an animal or livestock, and they didn't feel that either the compensation process or the appeal process adequately addressed their needs, they can always review that process through the courts. They always have the avenue of the courts to fall to.

It's our hope that, in building the compensation process and the appeal process, we would do our best to keep things from going to court. It's important for some people to know that action is still there.

Other issues of interest to the public and to industry were the penalties that are set out in the act. The responses to the

question on penalties were mixed. Many indicated the question was difficult to answer without knowing the circumstances, which is an understandable response, but we have to do our best to consider eventualities that may occur and instances where action may have to be taken.

We conducted a survey that asked the question, "What do you think should be the highest penalty for a first offence under the act?" There was a range of responses to that. In fact, 69 of the 71 responses we received in the public consultation answered this question; two, I guess, skipped the question in their surveys. The responses ranged from "up to \$1,000" to "up to \$5,000" to "up to \$10,000. A few people said "other" and a fairly significant number — the second-highest percentage of respondents — answered that they would prefer not to answer that question. We did see a fairly significant breadth of opinion on penalties.

There was a single area for comments to the two questions on penalties, and 31 comments were submitted. We heard that penalties should depend on the severity of the offence. Some felt that penalties should be determined by the courts and should be based on the seriousness and consequences of the offence. There were many comments on the importance of education, support, warnings and graduated penalties. There was no trend, and comments were split between strongly voiced viewpoints, as I said. The comments we received varied fairly dramatically in their responses.

Some felt that the upper limit for a fine could be high, including for a first offence, to act as a deterrent to individuals who might deliberately disregard orders and spread disease. It was recognized that some actions would have consequences that cannot be "undone". Some felt that the industry is small compared to other jurisdictions so the fines should reflect the capacity of the industry, meaning that because we have a fairly small industry here, we should keep our fines commensurate with the size of the industry and the capacity of industry to respond. They said that a developing livestock industry would not thrive under the threat of high fines so, if we set the fines too high, they could be a detriment to the growth of the industry.

We also heard that graduated fines would be supported, but that education should be the first step unless actions are deliberate. In implementing this act we will continue to ensure that we make available, to the best possible extent that we can, information and education about all of the provisions in the act and make sure that — especially those in the agricultural industry, and game growers industry — all understand the penalties and are abreast of the fine schedule and potential penalties they could face. As well, the general public should be aware of the provisions in the act as well as the specifics around the penalties.

Those were some of the highlights of the primary concerns we heard in the public consultation that the member asked about.

**Ms. White:** This was touched upon a little bit initially in the first response, but when we got the briefing, it was a particularly lively conversation around the tools to control concerns surrounding animal health, both from the perspective

of the government and then again from private citizens. If he would like to expand on those, that would be fantastic.

**Hon. Mr. Dixon:** As I mentioned in my opening discussion, there are three new tools for managing hazards outlined in the act. They are quarantine orders, surveillance orders and control orders. I will start with quarantine orders. If members would like to follow along, this is section 10 of the act under part 4.

Inspectors could establish a quarantined place — under section 10 you see that: “If an inspector has reasonable grounds to believe that a hazard is present within an area or conveyance, the inspector may order that the area or conveyance be quarantined.” So what this means is that inspectors could establish a quarantine place, but “place” in the old definition included area and conveyance. Conditions of a quarantine order may differ for an area or conveyance, and the new wording is “recognizes the difference” so the section is revised for clarity from the previous act.

Under the conditions of the quarantine order, section 11(1) you will see that there’s a list of six or so requirements that an inspector must do in issuing a quarantine order. Written orders were limited to the actions to be taken and the time to comply. Expanded conditions are meant for better justification of the order and better transparency for the person identified in the quarantine order.

Section 11(1)(a) is pretty self-explanatory but section 11(1)(b) is saying that the order must be clear about what hazard is suspected; (c) provides the physical description of the boundaries; 11(1)(d) responds to the fact that there may be a species of animal or specific categories of animals — for instance, dairy versus beef cows — or products — for instance eggs, milk or manure, or things like bedding equipment or vehicles.

Section 11(1)(e) requires an end-date to be established. The end-date can be renewed if the hazard still exists, but it is important to provide impacted individuals with a time frame of what that might be.

Section 11(1)(f) is fairly self-explanatory but essentially, as it reads, it must set out the reasons for it, meaning that it must be justified and must be with an appropriate cause. Section 11(2) is expanded to be clear on what conditions or actions can be taken. The current legislation has sweeping powers to take any action necessary without limits, so this is a little more circumspect. Section 11(2)(a) through (i) are a number of things — (a) relates to the fact that the act is not proposed to limit the movement of people. The chief medical officer of health would be responsible for that kind of action. It’s important to note that this relates back to what I said in my opening remarks, that it’s important that the CVO has a strong relationship with the chief medical officer of health, as any issue arising that involves human health would require her to liaise with the chief medical officer of health. I think section 11(2)(e) through (i) are fairly self-explanatory so I won’t get into explaining those.

Moving on to the next section, division 2, which is section 15(1), is the next tool that I have discussed, which is a “Surveillance order”.

I will quote from this section: “If the chief veterinary officer considers that monitoring of a hazard that is the subject of a quarantine order is required in order to minimize the risk of the hazard spreading or persisting, the chief veterinary officer may order that a surveillance area be established around the quarantine area.”

This section introduces the concept of a surveillance area. The authority to establish a surveillance area rests with the CVO, as the geographic scope has the potential to impact several individuals. Generally, severe restrictions are not imposed, but this order ensures access to monitor animals within the area. This new section limits the border of the surveillance area. I’m referring to section 15(2). This section limits the border of the surveillance area. This distance is consistent with other Canadian jurisdictions that establish surveillance areas. Due to the rugged nature of Yukon’s landscape, it allows aligning with natural boundaries where reasonable, so the CVO could set out an area — say, a particular valley or a geographical feature — as the boundary limit rather than a fixed size.

The conditions of the surveillance order are set out in section 16. They set out the information to be included in the surveillance order, and these are comparable in detail with the quarantine area order, including providing the justification for the decision to impose the surveillance order.

Moving on, the strongest action is under division 3, section 21, and these are control orders. The current act allows the government to ban import, transit or visit of any species suspected of disease. This was how the moratorium on import of game-farmed animals was established, as we know from back in 2009, I believe. This is limited to live animals and to animals suspected of being diseased.

The concept of a control order is present in newly revised provincial legislation to the south and in federal legislation. The control order recognizes that hazards to animal or public health can be present in dead animals, animal products or clinically healthy animals. This proposed regime allows that either minister can establish a control area to prevent a disease from entering the Yukon in whole or in part. This new tool would replace moratoriums on import of animals or could limit distribution of domestic or companion animals in areas sensitive to wildlife or other animals. The focus is on transparency and providing rationale when making control orders.

To reiterate, the first two of the three new tools — the quarantine order and the surveillance order — are orders that would be made by the chief veterinary officer in her capacity as CVO.

The more severe tool would be the control order, which would be put in place by the minister under advice by the CVO but, because of its implications, it would be done the by Commissioner in Executive Council, which of course means the government and minister.

It is important to recognize that within 24 hours of making a control order, the minister must make it public in a manner that the minister considers appropriate. That’s under section 22(1). This is the same requirement as the surveillance

area and will make orders public, as orders could potentially have impact on Yukon residents other than those directly affected. That is simply an issue of transparency and being open about decisions that are made under this act.

I think the member's question was on those new tools and I think I've made a reasonable effort to explain the three new tools and when they might be used, as well as how they might be used. I'll leave it open if there are more questions about those.

**Ms. White:** It is almost unfortunate sometimes that the officials can't speak, because the chief veterinary officer is really passionate about this and makes it very easy to understand. I thank the minister for giving a good kick at the can — that was close — it was a good effort.

One thing that was explained during the briefing was that there would occasionally be times where individuals might financially be unable to meet certain requirements as set out by the chief veterinary officer and I was hoping that the minister could explain how these individuals could be aided by the department to meet those requirements.

**Hon. Mr. Dixon:** I'm sorry I can't emulate the passion of the CVO for these issues but I will do my best to convey the answers as passionately as I can.

The new act is focused on detecting disease or hazards early and preventing the spread as quickly as possible. Inspectors will issue orders to ensure that this is done and will follow-up closely with owners to ensure that they are complying. The act provides for inspectors to do whatever must be done if an animal owner doesn't have the means to comply with an order. This way any risks are dealt with as quickly as possible, recognizing that sometimes the owner simply may not be able to afford to do something like disinfect the premises when he or she has no cash flow. The inspector must be accountable for the cost of taking action because the animal owner remains responsible and these costs could be assessed against compensation awarded to a person.

So if I may comment on that a little further Madam Chair, essentially if an action is taken and we're aware of an individual who has had an action taken against them — that they need to do some something but they simply can't afford it — of course we'll work with them as closely as we can to find creative solutions. The intent here is to ensure that the proper action is taken and that disease is prevented from spreading as best as we can. It's my opinion that we would find creative solutions and find creative ways of making that come to effect. Essentially, the department, and in particular, the animal health unit and CVO would endeavour to ensure action is taken and, if an individual couldn't take action, we would work with them to find ways so they could.

**Ms. White:** My last question before I pass it over to others: will changes to this act adversely affect private veterinarian clinics that practice throughout the territory?

**Hon. Mr. Dixon:** To respond briefly, we don't feel the changes to this act will cause any undue business impacts on veterinarians who operate privately in the territory. We support Yukon veterinarians in private practice to deliver veterinary services that are required in government programs,

such as meat inspection, vaccination or spay/neuter programs. The two government veterinarians are focused on developing animal health programs that can improve animal health in the Yukon, in partnership with private veterinarians. They are working closely with the Agriculture branch to help farmers get animal health information and access to veterinary care to produce safe and healthy food.

Yukon government veterinarians are accountable to all government departments and provide support to Community Services to administer the *Dog Act* and the *Animal Protection Act*, as well as the departments of Environment and Energy, Mines and Resources Agriculture branch. They advise and partner with Health and Social Services to help protect public health against diseases spread from animals to people, including things like rabies. That goes back to my comments earlier about the need for and importance of a strong relationship between the chief medical officer of health and the chief veterinary officer.

**Mr. Silver:** I'd like to thank the representatives from the department for being here today. We appreciate your time. I only have a few more clarification questions after the Member for Takhini-Kopper King, who did a thorough analysis of the questions.

My first question is that the bill does add a lot of clarity, and regulations will make it even more clear, but can you confirm when these regulations will be released?

**Hon. Mr. Dixon:** I can't commit to a specific date that regulations would come into effect, but the normal process is that we would bring forward to Cabinet the regulations and then they would be passed in due course. I guess I would say that developing the regulations will be an important part of implementing this new work and implementing this new act. We're committed to moving forward with it as soon as possible. I'm hesitant to say a specific time or date, but it's something we want to see in place soon because, as the member alluded to, the regulations are a very important component of implementing this new act. Once we have the act assented to and in law, we can begin work on the regulations. I would expect to bring them forward as soon as possible.

**Mr. Silver:** I appreciate the minister's answers and his indulgence on these questions.

Once again, I have three small questions based upon — the briefing was very well done and the line of questioning from the member from the NDP as well was very well done. They would be nitpicking kind of questions here. If I could even get a visual cue from the minister whether or not — I missed it when we were talking about the consultations. Was the amount of compensation discussed in consultations? The minister is indicating yes on that one. It was, okay, so I just missed that. The process was discussed. So he doesn't need to answer that question.

I just have one other small question. The bill does speak to toxins in animals. This is just a question from my staffers during the briefing. Could the minister speak to how this bill does address toxins in animals — once again, the bill does

speak to this, but just a clarification note more than anything else?

**Hon. Mr. Dixon:** I will just quickly respond to the first question, although I did sort of respond off-mic. Yes, at the consultations, the process by which compensation would be addressed was discussed. The amount was not because we have not set out an amount. We've set out a process by which the compensation would be identified. The amount of compensation wasn't discussed because we don't set out an amount in the act. We set out a process by which the minister would take a number of things into consideration when deciding what the compensation would be. Then there is the appeal process if an individual felt that it was inadequate. Those things were discussed in consultation and that was a matter of significant interest to a lot of groups.

With regard to hazards and toxins, I would refer to the hazard definition in the opening part of the act — the Definitions section. We have a new definition of hazard that includes some of this. The new hazard approach expands the scope of the *Animal Health Act*. This approach is used in the recently updated Ontario *Animal Health Act*, so we relied on our colleagues in Ontario for some guidance here. During consultation, it was expressed that the *Animal Health Act* was previously too disease-centred and it needed to take a broader view of things, including toxins, because they are also important. The current *Animal Health Act* prevents the entry and spread of disease, but specifically excludes federally reportable diseases. This section expands the legislative authority to allow government to respond to the full range of health risks to animals, including the important federally reportable diseases, as well as exposure to toxins and other agents.

So if members were curious, they could go to the Canadian Food Inspection Agency website. They have a list that is updated monthly of all the federally reportable diseases the CFIA considers for their list. It's lengthy and I won't read it in the House, but essentially it gives the animal health unit the ability to consider things other than just diseases. As was noted in the public consultation, we were a little bit disease-centred, so it expands the scope of the act to include other health issues, such as toxins.

I think that covers it.

**Mr. Tredger:** I thank you to the minister for his passionate responses. I too would like to thank the public servants from Agriculture in particular for the work they've done, as well as the Department of Environment. On reading this act, I was quite impressed and listening to my colleagues debate it, I'm quite heartened.

I represent an area of rural Yukon. Many of the agricultural holdings in my area are isolated and a long way from market and a long way from other holdings, so it presents some unique situations. In my area is the intersection of many of our best hunting and some of our best agricultural holdings. There are a number of issues that I bring to mind around this whole area. One of the things that a rural setting provides us is isolation, which means often animals in that

situation don't have the immunity developed as do animals that are in more contact. I'm glad to see that this looks at it.

The other aspect of what we're experiencing now in the Yukon is that, through climate change, I'm seeing animals starting to migrate to different habitat areas, as well as plants. I can see that this presents some unique problems in terms of invasive species.

It may also be allowing species that are harmful to our animals, to our wildlife, to exist further north than they used to be able to, either due to lack of severe cold weather or to changing climate. The act suggests that the inspector develops reasonable grounds to believe that a hazard is present. I'm wondering if there is any appetite in the act, or perhaps through regulation, to establish a monitoring program so that such hazards — and invasive species — could be identified very early on. If we wait until it happens to show up, the problem becomes more severe.

So if we could establish a monitoring program involving local people — hunters, as well as agricultural people — it may allow us to get a head start on any hazards that are moving north or moving into our areas so that we're able to respond to them in a more timely manner. Does this act contemplate that, or would that be through regulations? Are they contemplated through regulations — that monitoring process?

**Hon. Mr. Dixon:** The member's opening comments were quite correct. Oftentimes, although an animal may be of the same species, their habitat may lead them to have a different level of resistance to certain diseases. For instance, if you bring a goat from down south up to the Yukon and let it interact with a wild goat, although genetically they're very similar, the one may have a very different tolerance to disease and disease could spread that way. So ensuring that we have the ability to respond and take action and provide educational materials for people about allowing or limiting at least the interaction between domestic and wild species is important.

As well, the member mentioned climate change and the fact that with climate change, we're seeing a greater prevalence of new species to the territory — species that were previously less prevalent in the territory. This summer we had a number of discussions about cougars in the territory where, although we have had cougars in the past, there was much more awareness in the public, as evidenced by some of the news media coverage, of the fact that we have cougars in the southern Yukon fairly prevalently.

With new populations coming north, those can bring new risks. I would argue that we need new tools to respond and I think that the tools outlined in the *Animal Health Act*, as put forward on the floor today, are sufficient to help us respond to the potential for outbreak or the potential of introduction of diseases to the territory.

Turning specifically to invasive species — this act doesn't contemplate invasive species in the way that the member is asking, although we do conduct a number of different programs and work with other groups to monitor for invasive species in different ways.

For instance, the Fish and Wildlife Management branch has an aquatic invasive species program that they are undertaking and there is money identified in the budget currently for that. I would also point to the work done by the Yukon Invasive Species Council. It's a non-government organization that I think receives some amount of funding from government. I know that they received a community development fund grant last year to do some educational material for Yukoners around the potential for introducing invasive species unintentionally by folks who drive south, or bring their boats to the south, and come back up.

What they've done is come up with a pamphlet that demonstrates some of the more dangerous invasive species to the territory. When I say dangerous, I don't mean to human health, but to the health of the ecosystem. They've identified a list of 10 that are sort of their top 10. They include pictures of them, how to identify them and who to contact if you do identify them. That allows Yukoners who are active out the land, in the woods and out in the bush, and are either hunting or participating in recreational activities in the woods, the opportunity to become part of a monitoring network. We provide some funding to the Yukon Invasive Species Council, both through the Department of Environment and other funding mechanisms like the community development fund.

Further to that, we work with the Yukon Invasive Species Council through an invasive species working group which we've established, which provides some similar services and programs but attempts to do so in a comprehensive and very organized way so we don't simply have an NGO doing this work and then various government departments doing the same work.

So we've brought everyone together with an interest in invasive species through this working group and are attempting to establish a network of monitoring for the territory. To answer the member's question, no, that's not done through this act. That's just done through other programs and funding opportunities in government and in particular the Department of Environment.

**Mr. Tredger:** I realize it's being done in various other ways, but this might be an opportunity to establish a proactive regime that would anticipate parasites and various other organisms that could enter into the Yukon Territory — into our livestock or into our wildlife — in an anticipatory manner so that we can act in a scientific way, do proper surveys and studies so that we know what is coming and act in accordance ahead of time, thereby lessening the damage. I hope that can be considered and entered into perhaps some of the regulations.

We see the leafminer, the ticks and Lyme disease — these are some that are getting more publicity, but I think it's an opportunity to ensure that we do it in a scientific manner and to use the expertise of the people in our various departments — the Department of Environment and the Department of Energy, Mines and Resources — to work with and perhaps train people in the public to be aware of this and cognizant of the potential for problems.

Another area that was of concern — and I think it's somewhat addressed in the act — I think the regulations will access it more — but many of the operations in the Yukon are small family farms. Even our bigger farms are small by national standards. We certainly don't have the intensity of feedlots or industrial farming that occurs in the south. That, in itself, would lessen some of the risks that come through intensive agricultural development — that and the proximity to our neighbours. We're a long way from it, but it also presents a bit of a problem for farmers and agricultural people in rural Yukon, who have a long way to transport their product to market.

Is there any thought to develop a template and to clarify the regulations in a way that is user-friendly — and I'll get to in my next question a little bit about the mistrust — to clarify the intent of the act so that the small farmers in rural Yukon are engaged in the process and don't feel like it's happening to them, but they have a say in what's going on.

I must commend the departments and those who came forth with their excellent consultation prior to this act; it went a long way from that.

When this was first out, many of the farmers who I talked to in my area were very, very concerned, but it was through the consultation process that some of those fears and concerns were relieved. I guess what I'm looking for is a commitment to continue that process to working with the rural farmers, hunters and residents in the development of the regulations so that they come onside and don't feel threatened by them.

**Hon. Mr. Dixon:** I think the answer is yes. We will continue to engage industry and engage industry organizations as well as individual farmers to ensure that they buy into the process and understand the intent and the process by which legislation and regulations are being developed.

The first step for us today is to pass this piece of legislation and then once we have that in place, we can begin work on regulations. The development of regulations would naturally be done in consultation with those groups. I would expect a very similar list of groups and individuals would be asked for comment on regulations. I expect to receive a fairly strong response as well, because I think as folks understand the regulations are where the rubber hits the road, to use a turn of phrase, and that they need to be engaged in the development of those regulations as they will be substantially affected by them.

I think the member's question is looking for a commitment from me to continue to engage those groups and he most certainly has it.

**Mr. Tredger:** One of the things mentioned in the comments on the proposed changes alluded to the mistrust of government action, particularly from the agricultural sector. As I mentioned in my previous question, the manner that this has been gone about has helped to alleviate that. I mentioned monitoring earlier and one way to alleviate some of the concerns would be through an educational program that would involve First Nations, hunters and people who use the land — recreational as well as agricultural people — to establish a monitoring regime that would engage them in a scientific

manner to gather data that we need to be able to protect our resources and to be able to manage the interface between agriculture and wildlife. I was just contemplating through hunting, sampling — through work with First Nations, so that they in turn can monitor their wildlife populations — to monitor the interaction, to monitor the changes — as well as our rural farmsteads.

Does the minister envision a process or plan that would engage the people actively involved on our land and in the hunting and gathering, as well as the agricultural industry, in a process that would give them the control and ability to take part in forums and educational activities for the development of a program that would engage everybody in the protection of this most valuable resource?

**Hon. Mr. Dixon:** It sounds like we're delving back into the invasive species discussion. Any action we take — anything we do needs to be done in a way that's efficient and responsible. One of the ways we can achieve efficiency is to not have Yukon government try to do everything. We need to lean on support from other groups and individuals.

The member listed a number of them. Folks who get out on the land and spend time there can provide significant data, both scientific and traditional. We need to continue to develop systems for them to provide that data into the system.

I'm generally in agreement with the direction of his question, that we should be doing this more and educating folks on the development of the regulations pursuant to this act, as well as other issues like invasive species. The example of consultation that we used in the development of this act, as well as the consultation we did on the prohibition of the import of cervid parts earlier this year, are good examples of Environment's strong record on consultation.

When we undertook the prohibition on importing cervid parts as a measure to prevent the entrance and spread of CWD, we consulted with a range of people, even outside of the Yukon. We consulted with northern British Columbia, especially First Nations that are transboundary, as well as outfitters in northern British Columbia. We also engaged taxidermists in both Yukon and in northern British Columbia because they are affected by that action.

So I think we have a strong record and a strong history of engaging people in a meaningful way in the Department of Environment and we'll continue to do that on any of the things we do, but most importantly in the context of today's discussion around the development of these regulations pursuant to this act.

**Mr. Tredger:** In the explanatory notes, they mention in the future the detailed regulations required to support the modernized act will be developed through engagement with stakeholders. I know the Member for Klondike alluded to this a bit, but what is the vision of this department for that process? Have you developed any kind of timelines around that? Does this act contain a clause — and I apologize, I haven't been able to find it but it may be there — to evaluate the effectiveness of the act and perhaps to conduct a review in say five or 10 years to ensure it has accomplished what we have set out to do in this act?

**Hon. Mr. Dixon:** Thanks to the member opposite for the question. There is no explicit evaluation set out in the act, although as with any piece of legislation, we are constantly reviewing whether or not it's effective and how to make improvements. Obviously, at any time, government can bring forward legislation to the Legislature for amendment at the will of the Legislature. So, if changes are needed to the legislation, government can make them by bringing them to the Legislature and having the members undertake this process of debate and discussion and eventually pass some changes, if it's the will of the members.

With regard to the development of the regulations, as I indicated in my response to the Member for Klondike, of course we will engage with the stakeholders that we engaged with on the development of the act. As I said before, I'm a little reluctant to commit to a specific timeline because you never know until you get into the discussions with stakeholders what their thoughts are. I'm hesitant to say they'll be done next month or next year, because maybe the stakeholders will tell us that they need more time to consider things and we have to push back the timelines.

There is any number of eventualities that could occur and I don't want to commit to a specific time, but I will commit to meaningful and thoughtful consultation with the stakeholders that we engage with. I imagine that the list will look very similar to the one that I gave earlier, as to who we will ask for input.

Of course there will likely be a public component as well, and there will be ample opportunities for individuals in the public as well as any industry and stakeholder groups — those with wildlife interests and those in the private sector, like veterinarians — to also provide comment on the regulations.

There are a number of regulation-making powers in this act, and I would anticipate having one regulation that would outline a number of the different provisions for regulations. That is something that we'll have to take in stride and determine what makes the most sense for achieving the goals set out in this act. If that means taking our time and going slowly to bring stakeholders along so they understand, we're willing to do that. If they're willing to take quicker actions and we need to move more quickly, then we can do that as well.

Again, I don't want to commit to a timeline or hard dates, but as I said in my response to the Member for Klondike, this is something we want to do. We want to implement this act and develop the animal health unit and the role of the CVO. We will do that and will do it as soon as possible. I know that's a general comment, but I think it necessarily has to be fairly loose. We are committed to it and I look forward to bringing it forward.

**Hon. Mr. Cathers:** I just have a couple questions I would like to ask the minister. As the Minister of Environment knows, most of the farmers in the Yukon are within my riding. I understand that both groups and individuals were engaged during the consultation on the *Animal Health Act*. I know one of the concerns that I heard from constituents related to the proposal that was originally

contemplated and that would have allowed inspectors to enter someone's property without a warrant. Some felt that this was open to potentially going too far.

Could the minister please elaborate on how this was responded to and explain what the legislation currently says?

**Hon. Mr. Dixon:** The member is correct that a number of individuals and groups in the industry had questions about the ability of an inspector to undertake searches and the need to have that done with a warrant.

I would direct the member to section 34(1) which reads: "A justice may issue a warrant authorizing an inspector or any other persons named in it to enter and search an area, including a private residence, or conveyance and take any necessary action as specified in the warrant, including seizing anything specified in the warrant, if the justice is satisfied by information on oath or affirmation that there are reasonable grounds to believe that within that area or conveyance there is..." Then there are a number of provisions following that.

This section is consistent with other search provisions in legislation and maintains the owner's right to refuse entry without warrant to search while authorizing the inspector or someone accompanying the inspector with reasonable grounds to search property through a warrant issued by a judge. Entry requires a search warrant, and if the inspector doesn't have that search warrant, the owner can refuse entry. Of course there are provisions that recognize the reality in Yukon that it's not always possible to access a judge readily. In section 35, we provide a provision for telewarrants to be used, which is consistent with the *Wildlife Act*.

Section 35 recognizes that rural agriculture property is not always close to Whitehorse, where a judge would be available, so telewarrants are available pursuant to section 35 that allow inspectors to get approval by telephone through a telewarrant from a judge. I'm comfortable that the concerns and questions raised by some about entry onto a property are addressed by sections 34 and 35 and adequately find a balance between the right of an individual's personal property and the need for government, through the CVO and inspectors, to take action where necessary.

**Hon. Mr. Cathers:** I thank the minister for the answer and I look forward to passing that on to constituents.

I know that another area that came up from some of my constituents during the consultation on developing the *Animal Health Act* were concerns about the provisions for compensation. There is recognition, I think it's fair to say, but most that there may be some cases when an animal health situation would require animals to potentially be destroyed or actions to be taken such as surveillance or quarantine areas. There's also concern, of course, by people whose livelihood, or a significant portion of it, depends on farming and the animals that they own, as well as the fact that even measures such as the interruption of the ability to conduct their business can have that potential impact.

One of the concerns I heard from constituents this summer was about ensuring that, within the legislation, there was a balanced and fair process that provided for adequate compensation, a process with appropriate safeguards and an

appeal process that would allow them fair opportunity to appeal decisions and ultimately to seek compensation for actions that would have a significant effect on them.

Can the Minister of Environment please elaborate on how the government responded to this request from my constituents and others, and how that has been addressed in this legislation?

**Hon. Mr. Dixon:** I know that the member's constituents had a number of questions about this particular aspect of the new act, and I think we've done an excellent job in responding to those questions. In the current act, the one that exists prior to this one we have on the floor today, there is no provision for compensation. Compensation was denied, so I think having a provision identified for compensation is important for all the reasons that the Member for Lake Laberge mentioned. I would direct his attention to section 44 — part 6 in general is the compensation part, but section 44 is important, as there are a number of steps that need to be taken by an individual before they can commence a legal proceeding with respect to anything done or admitted under this act.

Those two actions that they need to undertake before legal action are that: they need to have made an application for compensation under section 45 of this act — and the minister has paid compensation to the person under subsection 47(3) or 54(2). What that means is that, although the recourse of going to court is always there, the individual is required to go through the process identified in this act first.

In consultation it was supported that providing compensation was felt, by owners — that it was more likely to report a hazard if the consequence of control wasn't a financial burden. So this section 44 now states that a person can only initiate a lawsuit with respect of any powers exercised or duties performed under the act upon the conclusion of the compensation process set out in this section. As per section 45, a person may apply, in accordance with the regulations, to the minister for payment of monetary compensation in relation to all the things set out in sections (a) through (d). Under that, consideration was given to whether a compensation fund is desirable, but given how infrequently this legislation will be used, we opted to not have a compensation fund but rather to take it on a case-by-case basis. Section 45, the section titled "Application for compensation", allows the owner to apply for compensation under specific circumstances in regulation where government action or direction results in a financial loss.

There was a great deal of interest in how and when compensation would apply when regulations are developed. Consultation on a new regulation will generate interest, and it was generally agreed that should a government order cause a loss to the owner, the owner should be compensated.

Many in the public and in industry felt that there should be a scale of compensation, depending on a level of responsibility for creating or contributing to the hazard of that owner. I would anticipate that regulation would set out some considerations that a government would have to take into account before making a decision about compensation but, of course, one of the things that we must take into consideration

is going to be fair market value, and that an individual who feels they have had a loss as a result of an order, or an action taken under an order in this act, must be recompensed at fair market value.

Section 45 outlines the application for compensation that an individual would make and the process by which they would apply to the minister for compensation. I think it's important also to recognize that section 46 provides some clarity around the parameters and the time period within which the deadline applies for compensation.

As to how we determine the level of compensation and what is compensated and how much money essentially is provided, section 47 provides some guidance. This new section introduces broad requirements used in determining an application process. Regulation will be required as per section 47(1)(c) below, that will outline what deductions can apply to compensation.

Section 48 refers to the grounds for refusing to consider an application for compensation. Criteria are to be based on compensation standards from the federal government for what is allowed — for instance, labour and material costs — and what, as I said earlier, is the fair market value of the animals.

Reasons to be prescribed will include debts owed for action taken, or authorized by inspectors to ensure compliance. This section allows the minister to ask for additional information with which to consider the application for compensation. There is also the requirement to allow the minister to ask for additional information with which to consider the application for compensation.

There is also the requirement for the minister to pay compensation once all factors are determined from section 47 and, of course, that provides some guidance to the minister as to what needs to be taken into consideration when determining an adequate amount of compensation.

Following that, and following that process where an individual applies to the minister for compensation, the minister takes into consideration all of the things outlined in the act, which would probably be guided by regulation, and the minister then provides compensation to an individual. An individual could take the course of appealing that decision if they felt it was inadequate, in which case an appeal would be undertaken.

We have developed a panel or a board structure here that would be struck to review the case and review the compensation provided by the minister. Again, the regulation would provide some parameters as to how that board or appeal panel would be set up. That appeal board would then determine and make a decision about whether or not the amount provided for compensation was fair, was consistent with fair market value and adequately took into consideration all the things in section 47.

Following that, if, after all of that process outlined in this act, an individual felt that they still had been inadequately compensated for a loss, they could then apply to take legal action through the courts.

I think we've established a fairly strong process with adequate appeal provisions and ultimately leave open the

possibility of court action, should it be required. So I think individuals in the member's riding and others in the agriculture industry should feel confident and comfortable that they have provision to be compensated for any loss and that, if they aren't satisfied with the level of compensation, they have adequate recourse for appeal and ultimately have the option of appealing to the courts as well, should they ultimately be unsatisfied.

I hope I've answered that question for the member for Lake Laberge.

**Hon. Mr. Cathers:** I appreciate the answer from the Minister of Environment and look forward to sharing that with constituents who have expressed concern about these matters. I appreciate the response that was taken in the legislation to try to strike the balance that provides appropriate tools to officials to deal with an outbreak of some disease that could potentially occur, while doing so in a manner that provides for appropriate safeguards and also provides for compensation to owners for loss incurred as a result, particularly in light of the experiences seen in other jurisdictions that have not provided for fair compensation in this type of situation. It can lead to the even worse situation where people are deterred from reporting to health officials this type of situation. I thank the minister for answering these questions.

**Chair:** We're going to proceed now to clause-by-clause debate.

**Ms. White:** Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 62, entitled *Animal Health Act*, read and agreed to.

#### **Unanimous consent re deeming all clauses and title of Bill No. 62 read and agreed to**

**Chair:** Ms. White has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 62, entitled *Animal Health Act*, read and agreed to.

**All Hon. Members:** Agreed.

**Chair:** Unanimous consent has been granted.

*Clauses 1 to 74 deemed read and agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. Dixon:** I move that Bill No. 62, entitled *Animal Health Act*, be reported without amendment.

**Chair:** It has been moved by Mr. Dixon that the Chair report Bill No. 62, entitled *Animal Health Act*, without amendment.

*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. 62, entitled *Animal Health Act*, and directed me to report the bill 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.

### GOVERNMENT BILLS

#### Bill No. 62: *Animal Health Act* — Third Reading

**Clerk:** Third reading, Bill No. 62, standing in the name of the Hon. Mr. Dixon.

**Hon. Mr. Dixon:** I move that Bill No. 62, entitled *Animal Health Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the Minister of Environment that Bill No. 62, entitled *Animal Health Act*, be now read a third time and do pass.

**Hon. Mr. Dixon:** We've had a chance to discuss this bill at length, both in our second reading discussions earlier as well as in Committee of the Whole. I think that members are in agreement that this bill is a good one and finds an adequate balance between the creation of new powers, vis-à-vis the chief veterinary officer, to take action to prevent the spread and entry of disease to the territory and protect animal health, both wildlife and livestock, with the respect and protection of personal privacy and personal private property rights as well of individuals who own livestock and own animals.

I think that this is an excellent step forward for Yukon government in its ability to respond to the possibility of emerging disease outbreaks and a range of issues that can come about as a result of animal health issues. It expands greatly on the original *Animal Health Act*, which came into force in 1997, and reflects a great deal of input from individuals, stakeholders, groups, First Nations and renewable resources councils as well as other land claims bodies like the Yukon Fish and Wildlife Management Board. It was developed after a fairly comprehensive consultation that we discussed in Committee of the Whole.

I think all members agreed that the consultation process undertaken by the Department of Environment in arriving at this piece of legislation was sound, was done in an excellent fashion and was something that we should model in our other public consultations going forward, especially around the development of the regulations, pursuant to this act.

So, I look forward to hearing from members in support of this bill. As I said, it's the next step forward for Yukon government in addressing issues of animal health. Of course, the animal health unit is not new to the Yukon. It was established a few years ago by my predecessor, the previous Minister of Environment. This act provides a new scope and

new tools for that unit to act in the best interests of Yukoners and Yukon wildlife.

I won't go into details but, of course, we reviewed in Committee all of the new tools available to the animal health unit and the chief veterinary officer, as well as new powers available to the minister to provide compensation for any losses suffered as a result of orders or actions taken under this act. I'm satisfied that we've been able to achieve a balance between the need to take action and the need to protect wildlife — both livestock and other animals — with the real economic interests that individuals in the agricultural industry and others have in wildlife and livestock. I think this represents a good balance and I'm happy to commend it to the House.

In conclusion, I'd like to reiterate my thanks to the department officials who had a hand in crafting this; in particular of course, the chief veterinary officer, Dr. Mary VanderKop. It was noted in Committee of the Whole that her presentation of this act was thoroughly more passionate and involved than mine, but I did my best to represent her and her office in presenting this act to the House.

I would also like to thank other members of the animal health unit, including Dr. Jane Harms, the program vet; as well as Megan Larivee, the lab coordinator and especially, although they are often overlooked, some of the policy folks in Environment whose work in the background on this bill deserves to be recognized as well. Of course I'm referring to Diane Nikitiuk as well as Dan Peleczy and others in the policy shop in Environment.

With that, I would like to commend this bill to the House and look forward to seeing it pass unanimously.

**Speaker:** Are you prepared for the question?

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Pasloski:** Agree.

**Hon. Mr. Cathers:** Agree.

**Hon. Ms. Taylor:** Agree.

**Hon. Mr. Graham:** Agree.

**Hon. Mr. Kent:** Agree.

**Hon. Mr. Nixon:** Agree.

**Ms. McLeod:** Agree.

**Hon. Mr. Istchenko:** Agree.

**Hon. Mr. Dixon:** Agree.

**Mr. Hassard:** Agree.

**Mr. Elias:** Agree.

**Ms. Hanson:** Agree.

**Ms. Stick:** Agree.

**Ms. Moorcroft:** Agree.

**Ms. White:** Agree.

**Mr. Tredger:** Agree.

**Mr. Barr:** Agree.

**Mr. Silver:** Agree.

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

**Speaker:** The yeas have it.

*Motion for third reading of Bill No. 62 agreed to*

**Speaker:** I declare the motion carried and that Bill No. 62 has passed this House.

**Bill No. 59: Act to Amend the Highways Act and the Dangerous Goods Transportation Act — Third Reading**

**Clerk:** Third reading, Bill No. 59, standing in the name of the Hon. Mr. Istchenko.

**Hon. Mr. Istchenko:** Mr. Speaker, I move that Bill No. 59, entitled *Act to Amend the Highways Act and the Dangerous Goods Transportation Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the Minister of Highways and Public Works that Bill No. 59, entitled *Act to Amend the Highways Act and the Dangerous Goods Transportation Act*, be now read a third time and do pass.

**Hon. Mr. Istchenko:** I brought this forward yesterday in the House and there was little debate, but I would like to point out a few things with this.

A tremendous amount of thought and work did go into the drafting and the amendments. I would like to thank the people who work for us in Highways and Public Works and the people who work in Justice. Bill No. 59 does modernize and improve two important pieces of transportation legislation. Both the *Highways Act* and the *Dangerous Goods Transportation Act* are out of date and will benefit from clarifications to make sure that the rules are clear.

In addition, these amendments address administrative gaps and constraints that have become evident over the years. Our public highways also provide access to and connection between the areas where we work, live and enjoy. The amendments to the *Highways Act* improve management of Yukon highways and help the department focus on its fundamental job of looking after nearly 5,000 kilometres of maintained roads. The purpose of the *Highways Act* is to establish, preserve and protect transportation corridors on public land on behalf of all members of the public. It is important for us to know which roads in the Yukon this applies to.

While the act gives government jurisdiction over all public highways, it also requires government to maintain certain highways so the amendments clarifying government's responsibility and liability are properly understood. This will make it clear that Highways and Public Works cannot be held liable for the condition of highways it has no duty to maintain.

Another quick set of amendments were needed to keep highways lands free from interference. This was needed by providing a more detailed description of some of the activities that were allowed. We also needed to be able to ensure that highways officers had adequate authority to do this.

I have touched on a few of the *Highways Act* stuff, but I also wanted to just touch on the *Dangerous Goods Transportation Act*. The amendments to the DGTA are about making things clear and making things simple. I alluded to that yesterday. There are a number of ministerial responsibilities under the act but it's not clear which of these may be delegated to department officials.

These amendments settle the matter by enabling the minister to delegate all tasks subscribed in the act to the deputy minister or to the appropriate officials.

Another set of amendments make things simple. This means that revisions to certificates and forms will no longer require Cabinet approval and can be made just by the department. It reduces the red tape and brings administration in line with modern practice.

I'm happy that we were able to get unanimous consent and I hope we do get unanimous consent on Bill No. 59. I would really like to thank the drafters of the act from the Department of Justice and the Department of Highways and Public Works, and am happy to commend Bill No. 59 to the House today.

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

Are you prepared for the question?

**Some Hon. Members:** Division.

**Division**

**Speaker:** Division has been called.

*Bells*

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Pasloski:** Agree.

**Hon. Mr. Cathers:** Agree.

**Hon. Ms. Taylor:** Agree.

**Hon. Mr. Graham:** Agree.

**Hon. Mr. Kent:** Agree.

**Hon. Mr. Nixon:** Agree.

**Ms. McLeod:** Agree.

**Hon. Mr. Istchenko:** Agree.

**Hon. Mr. Dixon:** Agree.

**Mr. Hassard:** Agree.

**Mr. Elias:** Agree.

**Ms. Hanson:** Agree.

**Ms. Stick:** Agree.

**Ms. Moorcroft:** Agree.

**Ms. White:** Agree.

**Mr. Tredger:** Agree.

**Mr. Barr:** Agree.

**Mr. Silver:** Agree.

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

**Speaker:** The yeas have it.

*Motion for third reading of Bill No. 59 agreed to*

**Speaker:** I declare the motion carried and that Bill No. 59 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 (Ms. McLeod):** Order. Committee of the Whole will now come to order.

The matter before the Committee is Bill No. 61, *Health Information Privacy and Management Act*. Do members wish 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. 61: Health Information Privacy and Management Act**

**Chair:** The matter before the Committee is Bill No. 61, *Health Information Privacy and Management Act*. We will proceed with general debate.

**Hon. Mr. Graham:** First of all, I would like to introduce my two staff persons who have come to assist me; that takes a lot of work, Madam Chair, as you are well aware. Lynda Ehrlich and Laurel Montrose are here with us today and they will be with us throughout to provide any explanations that I cannot.

It gives me great pleasure to bring Bill No. 61 to Committee of the Whole for debate. As members are aware, the *Health Information Privacy and Management Act* is a very complicated, comprehensive and complex piece of legislation.

At this point, all jurisdictions in Canada with the exception of P.E.I and Nunavut, have similar legislation in place. All jurisdictions also have struggled with a balance of bringing forward comprehensive legislation that is extremely complex. The legislation we have here today is divided into 12 parts and with each one I'll provide a more detailed commentary at the beginning of the part and continue to do so as we work through the bill.

The process for developing this information was quite comprehensive. It stretched over a period of four years. We started with a reference group of key stakeholders, including representation from the Yukon Medical Association, the Yukon Registered Nurses Association, pharmacists, the Yukon Hospital Corporation, the Council of Yukon First Nations health commission and senior managers from the Department Health and Social Services.

This group was responsible for establishing the policy framework for the legislation. The policy framework then went to public consultation in 2012, during which time my department — primarily these two ladies here — met with many groups, organizations and individuals. Finally last summer we provided many of the same groups that were involved in the reference group an opportunity to comment on the draft act. Again, we had meetings with many of these groups and received very helpful feedback.

In addition to all of these stakeholders, we also involved the Information and Privacy Commissioner throughout the process. Most recently she made public her comments about Bill No. 61, and we really appreciate her careful review and her comments. I can get into that later too, as far as the IPC's comments go, and which ones we accepted and which ones we have accepted with some changes and others that at this time we have decided not to go ahead with.

By way of overview of the act, the bill opens with a statement of purpose. The purposes of the act balance protection of privacy of our personal health information and support for our health care providers to have the necessary and appropriate access to all of our personal health information to be able to provide us with the best possible health care, but also to plan for the future. This includes not only the Yukon government, but it also includes First Nation governments throughout the territory.

We have made allowance where some of the information that they require in order to plan their own health departments will be made available to them — I believe through regulation, mostly.

The application section is the next section and it identifies that this act applies to all personal health information collected, used or disclosed by a custodian for the purpose of providing health care, planning and management of the health system or for health research.

More generally for Health and Social Services, this act applies to personal health information collected, regardless of the source from which it comes or regardless of the purpose. Part 3 provides the fundamental principles for interpreting the collection, use and disclosure principles of the act provisions. The principles pick up some of the key principles set out by the Canadian Standards Association's Model Code for the Protection of Personal Information and I will go back to these 10 principles as we go through the act in detail to highlight how we address each one of the 10 principles.

The act also goes into detail on the collection, use and disclosure of public health information. This act is very specific and identifies in detail when and how personal health information can be collected, used and disclosed. Unlike other general information legislation like ATIPP, this act is very detailed. Rather than establishing broad provisions for collection, use and disclosure, more modern legislation is moving to specific provisions to ensure greater clarity in application.

Part 7 of the act is about management of information and an area where the Information and Privacy Commissioner has definitely raised concerns. This section is very future-oriented,

but maintains sufficient flexibility to accommodate development of our e-health systems and to make arrangements to work cooperatively with other custodians or jurisdictions, and this is a very important part of the act.

Most jurisdictions have taken a similar approach and left a lot of room for regulation to be developed to address e-health situations as they arrive in the future.

As with ATIPP, this act makes use of the important role of the Information and Privacy Commissioner to oversee the act. In parts 8 and 9, we outline her powers and the processes for making a complaint and for the Information Privacy Commissioner to investigate complaints. This act also establishes offences and significant penalties for violations of the act. Any non-compliance is considered a violation and has a penalty associated with it.

Finally, the act amends a number of other statutes, primarily to establish which act will prevail. As I mentioned in my second reading speech, I believe this bill has benefited from every conversation that has been held and I hope these discussions will continue as regulations are developed. I made a commitment earlier to consult fully on the development of regulations that will go along with this bill, and we're moving forward with this legislation in the best possible interest of all Yukoners and in what we consider a very responsible manner.

This legislation represents a modern, comprehensive approach to ensuring the Yukon health care sector maintains a strong and effective culture of privacy and security of personal health information.

Madam Chair, I was going to include in my opening responses to a number of the IPC's earlier concerns but perhaps I'll wait and see where members opposite wish to go with this and then I can do it at any time.

**Ms. Stick:** I'd like to thank the officials for being here today and for the departments that have obviously worked hard on this very important and very large piece of legislation. I want to remind the House that we only received our briefing a week ago today and went on the same day to second reading. So we have had a week to work on this along with other legislation. I do have questions and I do have comments. I will bring up some of those today. Others may happen when we go through section-by-section or paragraph-by-paragraph.

The Official Opposition is pleased that this legislation has finally been brought forward by the government. We support the management of personal health information, especially when it is the goal of improving the quality and accessibility of health care in the Yukon for all Yukoners.

In 2011, the Auditor General recommended — and I quote: “The Department of Health and Social Services should develop a comprehensive health information system that allows the Department to collect and report on complete and accurate health data from all available sources.”

The department agreed. I think this is the outcome of that. We need that. It's important in order to manage our health care dollars and to manage a sustainable system.

We need accurate health care data to be able to plan into the future to see what's working today and what's not and to be able to improve our services.

We also support the establishment of electronic health information and legislation governing the management of personal health information as a necessary precursor toward that end goal. We're not alone; it's not just the Official Opposition. We've heard from health professionals over the years asking for prescription tracking. We've heard from pharmacists and doctors who have spoken again this fall about wanting systems that they are able to track prescriptions, for example.

Certainly the Yukon government has been on the receiving end of millions of federal dollars toward electronic health care records and we wait to see what comes from that.

One of the first comments I want to bring up at the beginning before I forget, because it wasn't originally one of my questions, is that the minister spoke just briefly about part 3, which was Protecting Privacy and Individual Privacy Rights. Just looking through it, it's the collection, use and disclosure, non-identifying information and when other information suffices. The important one for me had to do with the minimum to be collected, used or disclosed. That just reminded me — and this might not be the right place for it, but I'm going to ask it anyway.

We saw this year the gathering of information by the department of individuals without physicians or family doctors. People were asked for their name and they were asked for their health care number and they were asked for their date of birth. There might have been more but I can't remember. When that was closed, we heard that the only thing that was actually collected for was numbers. There was not going to be any matching or trying to assist individuals to procure or to find a family doctor for themselves. So it just raises the question for me, that's a lot of information that was gathered and it seems more than was required if all you really wanted was the numbers. A name or a birthdate should have sufficed, not all three of those pieces of information.

My first question, and I certainly have lots more that I will go on into — I thank the Information and Privacy Commissioner for the very intense work that she has done on this legislation. She has come up with a report and a press release that asks some very critical questions and it was a good guide for me to go back and look at those particular sections that she mentions and try to understand what her questions are and what the remedies might be to those.

I think we're very fortunate to have an Information and Privacy Commissioner whose expertise is actually in the area of health care privacy and information collection, so I'll send that thanks out to her because much of my questioning and queries to the minister and staff will be exactly on some of the questions she asks and recommendations for improvements on an act.

She's very clear in the beginning of her report that it is important that we have this legal framework for all Yukoners — that it's something every jurisdiction should have and that the important thing is balancing the rights of those individuals and the rights to privacy of their health care information against the complex needs of a health care system. If you just look at the list of custodians and who custodians can be under

this legislation, it's a lot of health care professionals. I'm not even sure we caught them all. But she does say that it's good that this legislation has come forward and that hard work has been done on it.

I think that will give some indication to the member across that I will be following some of the Information and Privacy Commissioner's comments and then many others that I've come across just in looking at this legislation. Some of it might be very simple explanations but I'll ask the questions anyway because I think this is important.

The other thing that the Information and Privacy Commissioner suggested was that all Yukoners should read this and take a look at it for themselves. I'm not sure how many will take her up on that, but I do recommend that every Yukoner, if they can't make it through this, go to the Information and Privacy Commissioner's website and read her report.

It's still complicated, but she certainly is pointing out areas of concern that Yukoners should consider because, really, it's their information, it's their health and it's the protection of their privacy. We know how important that is and we know how damaging it can be if information is released, whether deliberately or inadvertently, or if it is stolen. It can have huge implications on people's lives. It can have implications in so many areas. That's why this is important, and that's why people need to understand what this is and ask questions if they have them. There's so much here and we want to be sure when we pass this legislation that it's the best it can be, that it doesn't leave room for more questions or areas that aren't quite clear as to who has jurisdiction or who has decision-making powers. All of these things are important.

I think I'm just going start by thanking officials for this legislation. It's huge. It has big implications. I thank the Information and Privacy Commissioner. I will be following along on her report for parts of this and asking the same questions that she does. I think I might go back to that first question I asked the minister, and that is with regard to the gathering of that information. Did we really need that much? What has become of that information, now that the one thing we wanted was a number and we have that number? Is that information gone? Has it been destroyed? Is it being used for other reasons — you know, someone thought that now that we have this, maybe we should do this. I would just like a bit of information on that one section.

**Hon. Mr. Graham:** I think there are a few things that I can answer immediately. I think the orphan patient registry may have originally been started with some idea that the possibility of locating doctors for particular patients would be a good idea, but I think the department, in our conversations, later realized that assigning patients to a doctor wasn't really the best option for patients or for doctors. I met a fellow one night at a hockey rink who said: "Who the heck do you think you are? If I put my name on the orphan patient registry and you tell me which doctor I have to go and see, that's a personal choice and I may not want to go see that doctor." So I don't believe it should be appropriately used in that instance.

After reconsidering — and I think we had some comments from physicians around the territory as well — we realized that it wasn't the best option.

I think fairly early in the process we decided this was not the intent and that what we would like to do is try to find out how many orphaned patients there were within the territory to see what kind of recruitment action we needed to do. It has helped us in that regard, and I think orphaned patients are an ongoing concern. There is no doubt that we would like to see every person in the territory have a primary medical-care practitioner, whether that be a doctor or an extended-practice nurse in a small community or a nurse practitioner in a clinic somewhere in the territory.

It is a concern for us and we're continuing to address that front through our physician recruitment, through our funding for students going to medical college and we just recently, with the Yukon Medical Association — and we thank them for the tremendous work they've done in attracting young recruits to the territory for training purposes.

I think there are a few things that I can address with respect to the IPC. One of the things that she made a comment about — and the Kwanlin Dun or CYFN health commission also made a comment on this — was the use of an advisory committee. In the legislation here before us today, there is no requirement for the minister to appoint an advisory committee under section 64 — I believe that's what it is. I want to make a commitment here, the same as I did with regulations, that I have every intention of approving an advisory committee. It will be done once the regulations are brought in and the act is proclaimed.

One of the reasons for no requirement for an advisory committee, or the lack of a requirement in the legislation, is that there is a very real possibility in the future that the IPC's role may expand. I don't know for sure, but I would think that because we've also put a clause in this act that it shall be reviewed within four years' time, perhaps at that time we will have matured to the point where we feel that the IPC should have a larger role in monitoring this act. At that time, the advisory committee would no longer be a requirement. We put that flexibility within the act, but because of the fact that we have chosen not to go with more involvement of the IPC in the act at this time, I believe the advisory committee is appropriate. It would be staffed by many of the same people we had on the very first reference committee: representatives of the Yukon Medical Association, the Registered Nurses Association, Yukon, et cetera. We see an advisory committee happening shortly after implementation of the bill and regulations.

The Information and Privacy Commissioner's comments were very technical in nature, and I'll be able to provide detailed responses.

I guess very few jurisdictions in Canada have included details of their e-health systems in legislation, and we've done that as well. We have attempted to put the minimum amount in the system. We've established it, but the vast majority of the legislation will be in regulation. We have done that for a few reasons, but the primary reason is the flexibility that it

will give this government and future governments in changing the regulations quickly in light of the quickly changing IT sector. There are huge advances that have been made in the last few years and we see that continuing well into the future, so we built that flexibility into the bill.

We believe that the most effective way to respond to legal authorizations is by establishing the principles in legislation and then maintaining that flexibility for implementation through regulation. The Information and Privacy Commissioner also brought up the issue of proactive compliance and how we're doing it. I think the Information and Privacy Commissioner used the term to refer to things that could be done to ensure that custodians comply with the law, including a strong role for the Information and Privacy Commissioner to review and approve policies and procedures established by the custodians. We see that as unnecessarily intrusive at this time. We think that Yukon health care providers will act in accordance with the new law. We have also built mechanisms into the act to strengthen the role of the Information and Privacy Commissioner if this becomes necessary. We have also written in a fairly strong section dealing with complaints and sanctions, should custodians be found not to be acting in compliance with the act.

Our hope is that custodians will respond and develop effective privacy and security practices that will protect all of our personal health information. The Information and Privacy Commissioner also advocates for privacy impact assessments to be done on new information systems or changes to existing ones. Privacy impact assessments are important tools in protecting privacy.

Health and Social Services will probably be the largest single health care provider in the territory and will be required, through regulation, to do privacy impact assessments. So under the regulations we intend to create, the Health and Social Services department will be the one entity that is required to do privacy impact assessments. During the consultation on the regulations, we'll consider if this requirement should be expanded to include other custodians, but the only one we're absolutely positive of at this time is that Health and Social Services will be doing privacy impact assessments. And under the legislation — correct me if I'm wrong — privacy impact assessments will go to the IPC for assessment.

**Some Hon. Member:** (inaudible)

**Hon. Mr. Graham:** So I was wrong again. There is no requirement in the act for the privacy impact assessment to go, but we've already made the commitment and we believe it's a good idea. The Information and Privacy Commissioner doesn't have the ability to do anything but make recommendations. However, we believe that we've already shown that if the IPC has good ideas, we're only too happy to incorporate them because we believe that anything that makes this legislation better is a good thing.

I can continue on with some of the IPC's other concerns but perhaps I'll stop at that point and if there are any other questions during general debate, we can get to them or else we can start at any time going through section by section.

**Ms. Stick:** I was trying to keep up with the member across the way. He was in many different areas. I will go back to the very first question I asked, though, with regard to the information that was gathered for patients without doctors and that is, what is this personal information that was gathered being used for now and what has happened to it?

Just a couple of comments on some of the things I heard from the member across — he talked about how important that there be flexibility in this legislation. I think he was referring to — I will get to it later — a comment under section 74 — that the minister must submit a draft decision to the advisory committee, if any, established by the minister. That's pretty flexible. The minister has made a commitment about health privacy impact statements and corrected himself and said no, it's not required in the legislation.

He makes a commitment to that, and that's great for this minister to make that commitment to it, but why not just include it in the legislation into the future for other ministers and other governments — include it in the legislation rather than just leaving it flexible like that? That one line, "if any", is pretty loose; it's wide open — "if any", or not. It's certainly a section that the Information and Privacy Commissioner flagged as something that needs to be looked at.

We heard the minister talking about management and establishing the framework for electronic health records and we support that. There are just lots of reasons why and many professionals calling for the same thing. During second reading last week, the minister referenced making progress toward electronic health record systems. I just wondered also from the minister if we could have a timeline on when that might be in place. I'll leave it there.

**Hon. Mr. Graham:** I'll go through it one more time. The privacy impact assessments must be done by Health and Social Services and will be in regulation. We've already made that determination.

What we haven't determined — and we will do it through consultation with our stakeholders — is if any other custodians will be required to do privacy impact assessments. That's one part. The second part was the advisory committee. I've stated that we did not put an advisory committee in the legislation as a requirement because of the fact that in a few years when the regulations are done, we may have matured to the point where the IPC — the Information and Privacy Commissioner — takes a larger role. If the Information and Privacy Commissioner then had a role in doing all privacy impact statements and doing assessments of the system as has been suggested, then there would be no need for the advisory committee. So there would be no need to appoint an advisory committee.

That's why it was done in the way it was done. In the same way that Highways and Public Works is handled within the system, so we handle the advisory committee. It's quite simple. As we mature — as the systems are developed — because we haven't even developed them yet — and as they're developed, we may find that additional safeguards or changes should be made and we'll make those changes. As for where we are with e-health — we made progress, but I'm not

going to stand here and say that we made substantial progress and that we're going to have an e-health system in place in the next year or so because it's probably not going to happen in the next year or so.

I know we've had some difficulties in B.C. with the Panorama system — B.C. has run into some difficulties. We hoped to be able to combine with B.C. on the Panorama system, but by combining with B.C. — given their privacy legislation, there are all kinds of pitfalls that we may experience if we just go ahead and partner with B.C. What it may mean is if our health records to go B.C. — and many of them do because many of our people have to go down there for medical care — does this mean that they will then be in the possession of B.C. or under B.C. legislation and we won't be able to get those records back? That doesn't make too much sense.

So those are the kinds of things that we have to work out and from what we've experienced so far, it's a long-term project. We'd love to be able to go ahead with it immediately, but we won't. We have some things that we're going ahead with fairly quickly because they're being done within the territory — within the Yukon Hospital Corporation — and those are the kinds of things that we can make some progress on.

As for the overall network, it's definitely going to take some time. I'm not sure now if I've answered—is there anything else that I should have answered?

Sorry Madam Chair, I'll stop there.

**Ms. Stick:** I think when bringing forward new legislation it's important that all of us look at it and try and ensure that it is the best legislation that it can be.

I heard from the member across, the minister, talking about the "ifs". We don't know if in a few years the Information and Privacy Commissioner's role may change; her responsibilities may change. We don't want to put something in now that may change in a number of years. I guess we could do that on a lot of the different pieces of legislation and the questions that are being asked here. If it's just an "if", if it's not a plan, or that we know this is going to happen, or it could or it couldn't, then I think we should make this the strongest that we can in the first place. If in a few years — if things change, then we make amendments. That's what we're here for, but the first piece of the legislation should be the strongest. If there have to be changes at a later date, that's what amendments to acts are about. We can't always anticipate what those are going to be, so to not put in something because something might happen later down the road — I have a problem with that. I think it should be the best that it can be, straight-up.

I'm going to move to one of the sections that was brought to my attention and was also mentioned by the Information and Privacy Commissioner. It's an important one, and I think we were able to come up with more information. She asked a question, but did not have some of the background that we were able to come with.

Under section 61, it's called "diagnosis decisions", and the Information and Privacy Commissioner pointed out that

this is a provision not contained in any other privacy legislation in Canada. She suggested this section will require careful monitoring to evaluate the privacy implications.

Under this section, it appears that a third party can be ordered by court to disclose personal health information to facilitate the diagnosis decision of another person. It was pointed out to me that this was very reminiscent of the Mandatory Testing and Disclosure Act that was brought forward by another Yukon Party government in 2008. Some people who act as first responders requested this type of legislation.

An example of where this would be used, or what they were looking for, is in the case of where a first responder has been exposed to the blood of a person who may be HIV positive, have hepatitis C — some blood-borne disease. The argument was made that the first responder should have the right to the information about that person's health status.

At the time, in 2008, when this was brought forward, the Information and Privacy Commissioner at that time commented on that act and raised concerns about protections for individual privacy.

At the same time, another local, non-government organization brought an expert in the field of mandatory disclosure to the Yukon. The point was made that mandatory disclosure is not the best tool for the stated goal of protecting first responders.

In 2010, the territory's medical health officer developed a new set of guidelines for blood and body fluid exposure. The guidelines were to protect anyone who is exposed or may have been potentially exposed to infectious body fluids, but most commonly that would be health care workers, front-line workers, police, first responders, and even members of the public.

The medical officer of health's guidelines were to methodically guide a potentially exposed person to make the right assessment of that exposure, a risk assessment of an event. The medical officer of health at that time said that the guidelines were more comprehensive than simply forcing a person to disclose their own health care information.

In fact, the Mandatory Testing and Disclosure Act was not passed, but the inclusion of this section brings us back to that. This whole act is about the protection of individuals' personal health care. There are guidelines now in place for first responders and individuals who may have concerns.

As pointed out, this is a provision not contained in any other privacy legislation in Canada. I'm concerned about that section, and I believe that it's not even very explanatory on how this would work. I'd like the minister to tell this House what the purpose is of empowering courts to order this mandatory disclosure, especially when we don't see this in other jurisdictions' health privacy legislation.

**Hon. Mr. Graham:** The member here was right on a couple of things but wrong in a couple of others. The difference between this and the Mandatory Testing and Disclosure Act — and I don't believe that act was ever tabled in the Legislature, but we're just checking that information out — is that this would be a diagnostic decision that applies only

if information currently exists. It does not force testing on anybody. It has nothing to do with mandatory disclosure and testing. Sorry, it doesn't. It was never intended to, and in fact that never even came up during our discussions.

The personal health information is necessary in many cases in order for a diagnosis for an individual to be made and when other available information is insufficient. I can think of a few things — whether or not a person has a disease that could be passed on to children, perhaps if a mother drank during her pregnancy — and a diagnosis would depend on that information being available. So, those are instances.

It has nothing to do with the bill about mandatory testing; it has nothing to do with that. This was something that we added. We felt that there are sufficient protections by providing a court order required, and only after the third party has refused to give the information. It was actually requested — you can go and check out this information — by members of the FASD community. This is one that we put in in response to a request, and I'm perfectly happy that the protections are in place, that judges are not going to take this unreasonably or with little consideration. They're going to provide due consideration to any such requests. I did say during the second reading speech that we have some things in this legislation that are particularly of a Yukon bent, and this is one of them. We believe that we've framed it in such a way that it's safe and I hope that this doesn't become a point of contention because we did it as part of a request.

**Ms. Stick:** I will be coming back to that because I think there are some big implications.

I will talk to FASSY about this and their comments and I will also talk to other NGOs that in the past have raised concerns about this kind of legislation and get feedback from them. The minister can narrow it down to one instance of what we might use it for, but it's larger than that. It's not just about FASD or maternal drinking during pregnancy but it has implications for a lot of other things too. When we start asking the courts to disclose personal health care information, I think we need to be careful. I will come back to that when I have more information for myself, but I will again be clear that this is an important one that I think we need to look at.

Just again, the minister said they were checking to see whether that legislation was tabled, and what I said was that a previous Yukon government had brought this forward. I wasn't suggesting it was tabled. I did say it wasn't passed, but I do know it went out to public consultation and there were a lot of public concerns about that particular section. If I'm wrong on that point, I will stand corrected.

Sections 66 and 67 of the *Health Information Privacy and Management Act* talks about the personal health information for the purposes of research and the Information and Privacy Commissioner noted that custodians of health information are required to seek ethical review to use information for research. We know that this type of research happens in the Yukon. I can think of a couple of projects that are going on now in the north, which are directed at individuals and their health — and the outcomes of their health.

We support ethical review, but again would ask the question: is ethical peer review enough? Sections 66 and 67 seem to be lacking in detail when I look at that. I think, in fact, that the legislation should spell out in more detail the actual technical practices by which health information can be released for the purposes of research. We know for a fact that personal health information is valuable and that there are institutions that collect personal health care information for research and also pay for that information.

In 2012 in British Columbia, we saw a major privacy breach of personal data that was being used for research. It was the government that came forward and announced that there had been this breach and there were many related concerns about contracts and conflicts of interest that had happened around this particular instance. The investigation resulted in the stopping of research contracts, termination of some employees and lawsuits against the government. The Information and Privacy Commissioner in B.C. at that time looked into it, investigated that breach and wrote in her report, and I quote, "The primary deficiency at the Ministry was a lack of effective governance, management and controls over access to personal health information." This to me means that beyond ethical reviews of the use of private health information for research, at an operational level there also should be technical safeguards to prevent any unauthorized copying. There should be rules around the use of portable storage devices and how information is transported. We do hear in the news of someone's laptop left in their vehicle — gone, with all kinds of personal information on it. Someone loses a flash drive for a computer that contains hundreds and hundreds of files of personal information. I think that these things could also be included in the legislation.

So my question would be: in drafting this legislation, did the government carefully review the breaches of personal health data that have occurred in other jurisdictions and try to find technical safeguards to put in place governing the use of personal health information for research and by staff?

**Hon. Mr. Graham:** Madam Chair, I'll attempt to answer most of the questions here. The last one, the easiest, is under section 19, I believe. There is a section dealing with protection from loss of information. One of the reasons that many of these details aren't in the act is exactly as the member opposite stated. Twenty years ago, it would have been protect the files, put a lock on the file cabinet and don't carry a banker's box in the back of a car filled with medical records. Today it's don't leave your flash drive in a car, go in and buy groceries. As technology changes, the regulations will have to change as well. So within the regulations will be the more detailed information that deals not only with protection from loss, but also with research. We have set out the very broad definition of the things we believe are important in research. Now, because there is no research ethics board in the Yukon requiring the government to have a research ethics board approval for research would mean that for every time that we wanted to have a research project here in the territory, we would have to ask a research ethics board from outside of the territory to evaluate proposals.

We don't believe that's a good thing. We don't believe that decisions of that nature should be made — they should be made with reference to Yukon values and priorities. Until we have a research ethics board here in the Yukon, we are not convinced that an approval given by a board outside of the territory would reflect our values or our priorities. I think what's most important is that the act contains very specific criteria that must be utilized in order to permit disclosure for research. Under this act, a public body cannot disclose for research unless certain criteria are met. The important criteria are: the importance of the disclosure must outweigh the privacy intrusion resulting; the research cannot be done without identifiable information; and it would be unreasonable and impractical to obtain consent in the circumstances. Those are the criteria set out.

Just to give you an idea, New Brunswick has very similar legislation to this. What Newfoundland did to overcome some of the difficulty was to create their own research ethics board. In the Northwest Territories, the minister designates someone or a group to act as a research ethics board.

We looked at all of them and thought that the pathway we took was probably the best combination of all. I think the member opposite may have been possibly confusing disclosure with collection. Maybe that's the difficulty here. I think there are several things in here that state that the individuals cannot be identified. You can't collect identifying information if non-identifying information would suit the purposes. So, there are a number of protections in the legislation. When we go through it on a clause-by-clause basis, I'm sure we will be able to provide you with more information. But basically, we believe this is the best compromise to a difficult situation.

**Ms. Stick:** When I was going through this legislation, one of the items or sections that struck me was in part 7 in section 70, which is the authority to enter into agreements. I had already flagged this before reading the Information and Privacy Commissioner's comments, and in her report she says that the purposes for which an agreement can be entered into under this section are broad and unclear and authorize a number of bodies to access Yukoners' personal health information.

The only way Yukoners would be aware of these agreements is after they're already in place and only if the exception to the notice requirement does not apply. The method of posting that information was to go on the department's website.

I like to go through the different departments' websites and, interestingly enough, before we saw this legislation I came across this piece and had hoped to ask about it in the House at Question Period, but here it was in the legislation and here was an example. It talks about being able to collect individual's personal health information and use or disclose the health information if it's for the purpose of the provision of health care or for a prescribed purpose or if the minister is a party to the agreement for the purpose of implementing, administering or exercising a duty, function or power under the act for which the minister is responsible. A custodian may

enter into the agreement with another custodian, with the government of any jurisdiction, with a public body, subject to conditions prescribed in the regulations.

On the website now, there is a collection of personal information notice, and the parties to the agreement are Yukon Health and Social Services and the Yukon Hospital Corporation. Then it goes on to describe it. It doesn't say much.

“Yukon Hospital Corporation (through Whitehorse General Hospital) is collecting personal health information from Yukon Health and Social Services. The information collected is limited to diagnostic imaging information such as patients' digital x-rays and related information about patient health that may help with diagnosis/ interpretation of x-rays. This information is collected from patients at Yukon Community Health Centres for the purpose of treatment and care. The information is transmitted to Whitehorse General Hospital for review/ interpretation by radiologists. The radiologist report is then provided to Whitehorse General Hospital and accessed (collected) by Yukon Community Health Centres for the purpose of treatment and care of the patient.”

One of the sections in this legislation is obviously being used now. It's the only one I was able to find. I'm not aware of any others or of plans for others. But it's something I don't think that most individuals going to a community health centre might be aware of — I'm not sure. I just thought it was interesting that the Information and Privacy Commissioner is raising questions about this and questioning whether this is a good method of providing information to Yukoners about the collection of their information and transmission of it.

Though this certainly is specific, it is pretty broad in section 70 of the legislation. It's pretty permissive rather than restrictive. Again, we're talking about individual health privacy information.

**Hon. Mr. Graham:** I'm not sure I understand, given this example, who the member opposite doesn't trust to look after the health information. Is it the person in the community, the community health nurse and staff there, or is it the Yukon Hospital Corporation where the information is being transmitted? What we're talking about with that specific agreement is teleradiology. So in other words, if an X-ray is taken in the community and it needs to be either read by somebody in Whitehorse, or sent to somebody in Whitehorse to prescribe or to give an opinion on what should be done with this particular patient, that's why it was put in place. It wasn't put in place as a result of this legislation. This section already exists in the *Health Act* and has existed since 2009. What this allows us to do is share information between community health centres and the hospital for the patient's benefit. It's the same as saying that if I go to Vancouver for an operation, the Whitehorse General Hospital that gave me my primary care can't transmit that information to B.C., to Vancouver General or St. Paul's. I'm not sure if that's what the member opposite is complaining about.

I know in the hockey dressing room the other night, a point was made by a guy who said, after observing somebody

having a heart attack after a game, if I ever have a heart attack, I don't care how much of my personal health information is given out as long as I survive the heart attack. I guess you have to find a balance between the two.

What we're trying to do with this section is provide health care experts with the information they need in order to make a reasonable diagnosis. Granted, this section is somewhat broader than the *Health Act* that has existed since 2009. It permits other custodians to enter into information-sharing agreements with the minister's approval. There may be times when custodians need this flexibility, such as the hospital sharing information when lab tests are sent down to B.C. for interpretation. That happens more or less on an ongoing basis. There are also limits to the agreements.

The Minister of Health and Social Services must agree with any agreement entered into. Generally the agreement can only be for the provision of health care information. Agreements can only be with other organizations that are subject to similar privacy legislation, unless the IPC agrees. If there is a breach of the agreement, it's an offence and is punishable by a significant fine, which was increased somewhat at the suggestion of the IPC.

The reason it's put on the website is that we believe in transparency. We believe people in the community should know that, when they go in for an X-ray, it may be transmitted to Whitehorse General Hospital, especially if they are on their way to Whitehorse General Hospital for further treatment. In other words, if a person receives primary treatment in a health care centre, their medical information as a result of that primary treatment could be transmitted to Whitehorse General Hospital. That's what that agreement says and that's why we have section 70 in place.

**Ms. Stick:** When I brought this question up, part of it came from the Information and Privacy Commissioner. I certainly was not implying that there wasn't trust of health care staff or corporations or health care providers. I mean, if we followed that logic — that everyone should be trusted to do their job well — then we wouldn't need this legislation. But we do. We need the legislation to protect individual Yukoners' health care information. We need this legislation to provide guidelines, to provide rules and to provide regulations to health care providers so they understand what their role is and what they need to follow to protect our personal health care information. That's all.

This legislation is important. It's not about trust. These are the methods and the ways we are protecting people and their individual health care information. It's not about trust. I thank the minister for explaining that. That's all I wanted to know — where did this come from? I asked the question, that's all. I needed that. I don't need to be told, though, that I'm somehow mistrusting staff or corporations. That was not the intent. We're here to ask questions about this legislation. I have questions. I'm going to ask them.

Great, it is accountable to put that stuff on the website, but not everyone has access to that. One of the suggestions that the Information and Privacy Commissioner had is that there are other ways. You can put a notice in the paper. You

can run an ad — Health and Social Services runs ads a lot. Not everybody will see it, granted. Not everybody reads the paper. Not everybody goes and looks on the Department of Health and Social Services website. But there is more than one way of providing that information to Yukon public. And it's their right to know.

The minister has already spoken to section 74 and I made it clear that we will have more questions on that when we are going through the legislation. A big section and one that, when I looked at it, I was confused by it — I again thank the Information and Privacy Commissioner for laying it out — has to do with the Department of Highways and Public Works and section 91 of the legislation.

The Information and Privacy Commissioner talks about ways that this can be improved. She felt that there were considerable privacy risks to Yukoners given that Highways and Public Works may have broad authority to collect, use, disclose, make available and access Yukoners' personal health information for the purposes of the pilot projects outside of the privacy controls of the *Health and Information Privacy Management Act*. She's unclear, as was I, why this section removes that oversight from this act.

My question, when just going through this the first time, was about 91(2), where it says, "... *Access to Information and Protection of Privacy Act* does not apply to personal health information or personal information in the custody or control of the Department of Highways and Public Works pursuant to an agreement under this section."

It's kind of ironic because privacy and information in the ATIPP act comes under Highways and Public Works. It would seem to me that you would not, therefore, exclude them from this.

If the minister could speak to that section, I have more questions on this one too.

**Hon. Mr. Graham:** It's interesting that the Information and Privacy Commissioner brought this up, because the purpose of section 91 is to recognize that Highways and Public Works will most likely be the network administrator of any e-health system that we bring into the territory. We need to ensure that all the legal authorities are in place to permit Highways and Public Works to do what is necessary to be the e-health network administrator. We need to ensure that they have enough flexibility in the legislation to accommodate any uncertainty around the structure of our future e-health system.

The IPC suggests that section 91 is not necessary but, in our view, this will depend upon future decisions about how e-health is constructed. The IPC suggests that Highways and Public Works could simply be made either a custodian, agent or information manager. We considered these possibilities and they remain possibilities. At the same time, none of these models may work. That's why this particular section is included — in the eventuality that in the e-health network structure, it is inappropriate that Highways and Public Works be classified as a custodian, agent or information manager. This doesn't mean that personal health information in the custody of Highways and Public Works will not be protected.

Personal health information in the custody of Highways and Public Works remains subject to ATIPP.

The IPC acknowledges in her recent comments that Highways and Public Works must comply with ATIPP with respect to personal health information in its custody or control. The ATIPP act requires that public bodies make reasonable security arrangements against loss, unauthorized access, collection, use, disclosure and disposal.

We think that the ATIPP act provides a solid framework for management of personal health information to the extent that the *Health Information Privacy and Management Act* protection is more robust, especially in the area where we require security breach notification. We expect that such additional requirements for enhanced protection of personal health information will be included as terms of any agreement entered into between Highways and Public Works and the Department of Health and Social Services.

For that reason, we believe that it is necessary. My staff spent endless time convincing me of this as well, because it's something that leaps out at you no matter what because it's a separate department, but I have been convinced by their rationale that it is very reasonable. When the member opposite talked about section 91(2) — what that means is that Highways and Public Works can collect information indirectly. That's all it means.

I don't know if that answered all of the questions, but I think it did.

**Ms. Stick:** I'm just reading that section again and I'm not sure where the "indirectly" comes in, Madam Chair.

The *Access to Information and Protection of Privacy Act* does not apply to personal information or personal information in the custody or control of the Department of Highways and Public Works pursuant to an agreement under this section. I'm not sure that the minister explained it in a way that I understand. There are only three little parts to section 91 but it has big implications. The minister says, "We're not sure if we need it. We think it's going to go to Highways and Public Works. We think they will be managing the electronic health," but he's not saying "for sure" or "this is why" or "we want to make sure; we want to ensure flexibility."

If we don't know right now what is going to happen, then why do we include that on something that potentially might come about in the future? Again, I think we need strong legislation. I support this privacy information, but I want it to be the best. I wonder, do we need to include that now or is this something that we know will be a number of years yet before we get to electronic health records, et cetera? We heard that, so let's make the amendments then that fit what the plan will be when that comes forward. Let's make it work, not try and then fit something in to something that is already sitting there in legislation.

Again, I'm just wondering if I can get better information from the minister with regard to that section, because I still don't understand the answer that he gave there.

**Hon. Mr. Graham:** Perhaps I can explain it in this way: Highways and Public Works is going to be our e-health

administrator. They currently operate systems for the government. We anticipate that they will continue to operate systems for the government. Highways and Public Works is controlled by ATIPP. Under ATIPP, section 30(2) as is in 91(2), section 30(2) says that with any information collected indirectly — the public body must tell an individual when it collects personal information indirectly. But we don't want that particular section to apply in this case to Highways and Public Works because all of the information they collect will be indirect because it will simply be residing on a system that they are the network administrators for. In other words, they would have to disclose or they would have to tell every single individual when new information was added to the health information network because they collect it indirectly. Whether the information came from the hospital or from the doctor's office, it would all be on the health information network.

So remember, that's what we're talking about — the health information network that is administered by Highways and Public Works. Under ATIPP they have to give the individual notice when they collect information indirectly, and yet all the information they collect will be indirect information because they won't control any of it. Custodians around the territory will control that information.

So I don't know if that has made it any clearer but that's the way this system is intended to work.

**Ms. Stick:** I thank the member across the way for more information on that. That was helpful. I will probably come back to this and do some more research. But it's understandable that the Information and Privacy Commissioner would be concerned about this section. It is her job to look at the access to information privacy. It's her job. I think when she sees someone not having to apply that legislation to a department, there are concerns and there are flags raised. There were some very clear options given in her report as to ways to work with this and still allow the department to do its job in ensuring the protection and privacy of individual's health information.

One of the options was that Highways and Public Works become an agent of Health and Social Services. She goes on to explain why this would work. The second option was for the act to make the Highways and Public Works an information manager, which is what they are. They hold the information. They are the IT administrators. We know that Highways and Public Works manages many of the systems in this government, but I'm not sure that in those cases they are exempted from the ATIPP act or that it doesn't apply to them. The third option that the Information and Privacy Commissioner talked about was to include Highways and Public Works as a custodian in the definition. At the beginning of this, we saw that a custodian, under the definitions, means "a person (other than a person who is prescribed not be a custodian) who is (a) the Department, (b) the operator of a hospital or health facility, (c) a health care provider, (d) a prescribed branch, operation or program of a Yukon First Nation, (e) the Minister, (f) a person who, in another province (i) performs functions substantially similar

to the functions performed by a health care provider, and (ii) is, in the performance of those functions, subject to enactment of Canada or a province, that governs the collection, use and disclosure of personal information or personal health information...”

It talks about a prescribed person, and then under “prescribed person”, they talked about doctors, nurses, chiropractors, et cetera.

So the Information and Privacy Commissioner has laid out some options and a better way of doing that than exempting the department from an act that it actually takes care of. So, I just would like to hear from the minister more reasoning around why none of these options — they seem reasonable and would allow the same function of Highways and Public Works to carry on without hindering them.

**Hon. Mr. Graham:** I don’t know what I can add to what I’ve already said. We considered the IPC’s recommendations. We’ve had those recommendations for some time and it’s a very complicated part of the act. I spent some time, I know, with the department trying to figure out in my own mind how this would work and that’s probably why I’ve explained it the way I did. The only part of the ATIPP act that they will be exempted from is the requirement to inform an individual from whom it collects personal information.

That is the only part of the act and that is because all of the information that comes to them will come through another custodian that is responsible for collecting the person’s personal information.

Like I said, we looked at the options that were available to us, and we felt that this was the best of all of the options that were available. I suppose we can get in and argue about it for hours and hours, but I don’t know how much difference it’s going to make. We have looked at the options.

You know, when we get into clause-by-clause debate, I’ll be happy to — perhaps it will fit better once we go through it in order; I’m not sure. Again, I’m convinced that this is the best of the alternatives that are available for us in this particular instance.

**Ms. Stick:** Again, more questions and certainly we’ll be asking for more clarification when we go clause by clause on this. I found Part 8, “Powers and Duties of the Commissioner”, an interesting section to read through, and noted that the Information and Privacy Commissioner is able to attempt to settle complaints, consider complaints, publish a summary of the findings of those complaints and that did make sense to me.

But the part that she pointed out — and that I also noticed — was coming across information that doesn’t necessarily come forward as a complaint — hearing something, reading something in a newspaper, hearing something on the media that raises flags about personal health care and about the privacy of that and the collection of that. Under this legislation, the commissioner does not have those powers to investigate or to come up with a report and recommendations. I think that’s important that this be permissive in allowing the commissioner to be able to go where she’s heard something or something has come up and be able to have that ability to look

at something without a complaint having to be made. I just wondered if the minister could comment on that please.

**Hon. Mr. Graham:** We attempted to follow in some respects the provisions under ATIPP, where I believe the IPC has no ability to go out and investigate without a complaint, so we maintained that particular objective here in this legislation. We’ve opened this legislation up a little bit more, though, because under this piece of legislation any person may make a complaint.

They may make that complaint to the IPC who then investigates and will give us her recommendations as a result. This is not to say that if the IPC finds a difficulty in some area in the system, whether it be with custodians or the way a research project is undertaken, that she can’t communicate with the department at some point and say that she has some concerns. We hope that kind of give-and-take will always happen.

We felt at this time that the general powers that we have given the Information and Privacy Commissioner are adequate. We respect her ability to mediate disputes, should that happen. We also respect being able to consider complaints under the act and if the IPC believes that an offence has happened or has been committed, then disclosure can even go as far as to the Minister of Justice or to the RCMP.

The IPC has quite a bit of authority under this piece of legislation. We believe that even what is more important is ensuring that all custodians have the necessary tools to work within this legislation, that they understand and have a good grasp of what’s necessary to comply. We believe that that’s probably the single most important thing.

Seeing the time, I move that you report progress on Bill No. 61, *Health Information Privacy and Management Act*.

**Chair:** It has been moved by Mr. Graham that the Chair report progress on Bill No. 61, *Health Information Privacy and Management Act*.

*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. 61, entitled *Health Information Privacy and Management Act*, and directed me to report progress.

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

**Some Hon. Members:** Agreed.

**Speaker:** I declare the report carried.

**Hon. Mr. Cathers:** I move that the 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 5:26 p.m.*





# Yukon Legislative Assembly

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Number 112

1st Session

33rd Legislature

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## HANSARD

Wednesday, November 20, 2013 — 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

## CABINET MINISTERS

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

## GOVERNMENT PRIVATE MEMBERS

### Yukon Party

<b>Darius Elias</b>	Vuntut Gwitchin
<b>Stacey Hassard</b>	Pelly-Nisutlin
<b>Hon. David Laxton</b>	Porter Creek Centre
<b>Patti McLeod</b>	Watson Lake

## OPPOSITION MEMBERS

### New Democratic Party

<b>Elizabeth Hanson</b>	Leader of the Official Opposition Whitehorse Centre
<b>Jan Stick</b>	Official Opposition House Leader Riverdale South
<b>Kevin Barr</b>	Mount Lorne-Southern Lakes
<b>Lois Moorcroft</b>	Copperbelt South
<b>Jim Tredger</b>	Mayo-Tatchun
<b>Kate White</b>	Takhini-Kopper King

### Liberal Party

<b>Sandy Silver</b>	Leader of the Third Party Klondike
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## LEGISLATIVE STAFF

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Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Rudy Couture
Deputy Sergeant-at-Arms	Doris McLean
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Wednesday, November 20, 2013 — 1:00 p.m.**

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

*Prayers*

**Withdrawal of motions**

**Speaker:** The Chair wishes to inform the House of a change that has been made to the Order Paper. The following motion has been removed from the Order Paper: Motion No. 514, standing in the name of the Hon. Premier, as the action requested in the motion has been taken.

**DAILY ROUTINE**

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

Tributes.

**TRIBUTES**

**In recognition of mining industry awards**

**Hon. Mr. Kent:** I rise today on behalf of all members of the Legislative Assembly to pay tribute to members of the mining industry who have shown excellence in responsible and environmental stewardship.

Each year, the Yukon government awards the best in the field with a Robert E. Leckie Award for outstanding environmental stewardship in mining and exploration. The awards were created as a tribute to Robert Leckie who worked as a mining inspector in Mayo from 1987 until 1999. Mr. Leckie showed incredible dedication to environmental stewardship and innovative mining practices. He educated area miners on the benefits of thoughtful environmental practices and was a leader in developing positive relationships between government and industry. Mr. Leckie was also instrumental in conducting research into environmental placer mining practices and assisted industry to conduct their operations to a high standard.

There was a selection committee for these awards that was composed of representatives from both industry and the Yukon government. I had the pleasure of presenting these awards at this year's Geoscience Forum banquet this past Monday. The award for outstanding and responsible practices in placer mining went to Ben Warnsby and Alex Seely.

In 2011, Mr. Warnsby and Mr. Seely acquired a number of placer claims on Bedrock Creek in the Dawson mining district. On those claims there were several unresolved environmental issues from earlier mining practices. There were approximately 10,000 litres of fuel contained in 45-gallon drums all over the area. These abandoned drums were on the verge of becoming compromised, which posed a significant risk to the environment. Mr. Warnsby and Mr. Seely acted immediately to remove the fuel. Their effort resulted in over 30 trips to Dawson from the site. Mr. Warnsby and Mr. Seely's willingness to remove

approximately 160 45-gallon fuel drums and drain two large fuel tanks from their claims has demonstrated exemplary environmental stewardship.

The second Robert E. Leckie Award for outstanding and responsible practices in quartz mining went to Regent Ventures Ltd. Regent Ventures operates on the Red Mountain property east of Dawson City. They undertook a small drill program in 2010, hiring crew who were very environmentally conscious.

There are two gentlemen who have joined us here in the gallery today who accepted the award on Monday night, Mr. Ryan Coe and Mr. Jeff Bridge, and I would ask all members to join me in welcoming them at this time.

What Regent did was reclaim several historically disturbed sites along the access route. They removed an old placer camp, which included structures, garbage and fuel drums, and reclaimed the area. At a nearby airstrip they removed garbage and empty fuel drums from multiple users. They also discovered and plugged an artesian drill hole with the use of their own equipment on site. This dedication to reclaiming old sites, especially ones that were caused by other users, is not only a benefit to the environment, but sets a wonderful example of responsibility and respect by those engaged in modern mining practices.

In addition to the Leckie awards, the Yukon Chamber of Mines and the Yukon Prospectors' Association also recognized leaders on Monday night in their fields. The Yukon Chamber of Mines gives a community award each year for an exceptional contribution made by an individual, organization or government for the advancement of a substantial and responsible mining industry in the territory.

This year, Victoria Gold was honoured with the Community Award for their contribution to education through their Every Student, Every Day program. As members know, this program raises funds that individual schools, Yukon First Nations and communities can apply for to develop and undertake innovative, grassroots solutions that support student success and student attendance. They have raised over \$100,000 in a little over 12 months of operation to help out with these initiatives that, again, are application-driven from individual schools and communities.

The Yukon Chamber of Mines also gives out a member award to one of its members who has undertaken work in Yukon within the past year and is contributing toward developing healthier communities, protecting the natural environment and helping to develop a vibrant local economy. This year, Tarsis Resources, was given the Member Award for their efforts in establishing good-neighbour practices, engaging in sincere and early consultation with First Nations, applying industry-best environmental practices and going above and beyond legislated requirements in their community engagement and First Nation consultations.

Finally, two awards were presented by the Yukon Prospectors' Association on Monday night. The first was the Prospector of the Year Award, and for 2013 it was awarded to Ron Stack. The association presents this honour to a deserving individual for outstanding achievement in the field of

prospecting. A big congratulations to Mr. Stack for his many years of dedication and contribution to the mineral exploration industry in Yukon.

I would like to pay tribute to the late Jim McFaull who was inducted into the Yukon Prospectors' Association's Hall of Fame. The prospectors' hall of fame acknowledges prospectors who struggled against seemingly impossible odds, suffered undue hardship and incurred incredible risk in their search for minerals in the Yukon. Mr. McFaull passed away suddenly on April 4, 2012, but his contributions to our mineral industry and Yukon as a whole will always remain.

I would like to extend sincere congratulations on behalf of all members to all of this year's winners. On behalf of Yukoners, I express my appreciation for the work they have done and the positive example that they have set for us all.

### INTRODUCTION OF VISITORS

**Hon. Mr. Kent:** Joining us in the gallery are John McConnell, the CEO and president of Victoria Gold, his partner, Tara Christie, and their daughter Katherine. I would ask members to welcome them as well.

*Applause*

### In recognition of Restorative Justice Week

**Hon. Mr. Nixon:** I rise today in recognition of Restorative Justice Week, which offers us the opportunity to reflect on the efforts made to find alternative ways to deal with harm caused by crime.

The annual celebration of Restorative Justice Week was originally initiated in 1996 by the Correctional Service Canada and has since expanded throughout Canada and around the world.

Restorative justice is a process that seeks to repair the harm caused by crime by bringing together the community, victims and offenders to find solutions. Restorative justice processes recognize that offenders harm victims, communities and themselves.

This approach is grounded in values such as respect, inclusion, healing and compassion, promotes community accountability and responsibility and responds to the needs of First Nation communities. The theme for Restorative Justice Week 2013, which will be held November 17 to 24, is Inspiring Innovation. The theme recognizes that restorative justice is an approach that addresses the various needs of people impacted by crime and the conflict created when a person has been harmed or treated unfairly.

Restorative justice processes in response to crime and conflict are highly adaptable to different people, environments and systems as the identified needs of the people involved help formulate the unique response that can contribute to a person's sense of safety, justice and well-being.

The Yukon Department of Justice supports eight community justice projects in partnership with Justice Canada's Aboriginal Justice Strategy and First Nations. Through locally developed responses, Yukon restorative and community-based justice is responding to human needs in our communities on a daily basis. These responses are reflected by

the ongoing work of Community Justice in acknowledging the needs of victims, offenders and the community.

The Carcross-Tagish First Nation offers pre- and post-charge diversion, court support, Gladue report submissions, circle sentencing, court-ordered follow-up and support, sentence advisory, probation assistance and reintegration planning and support.

The Carcross-Tagish First Nation Family Council continues to be the link between the justice system and community reparation.

The Champagne and Aishihik First Nations and the Haines Junction Community Justice Committee promote community healing, facilitate justice at a community level, develop positive relationships within the community, educate the community about justice alternatives that exist, demonstrate accountability to the community regarding justice matters, and establish a proactive approach to healing with long-term community wellness.

The Kwanlin Dun First Nation Social Justice department's vision is a hopeful and vibrant nation characterized by safety, security and deeply felt connections with each other, culture, First Nation identity, history and the land. Kwanlin Dun First Nation's mission is to provide a comprehensive range of justice, corrections, child welfare and land-based healing related to programs and services to the citizens of Kwanlin Dun First Nation and, within limits, to Yukon First Nations and other people.

In addition, to build further capacity for the implementation of self-government and community justice and related areas, Kwanlin Dun First Nation provides services to their citizens and others who reside on the First Nation's traditional lands. The Liard First Nation Justice department is based on a committee or council approach in responding to the community needs. There are three levels of referrals in that system.

The Liard First Nation Justice department supports victims, offenders, family supporters and community willingness to participate in the offender's acceptance of responsibility within the cultural values of the Kaska First Nation people, which can include circle sentencing, family group conferencing, court support, follow-up and reintegration.

The Ross River Dena Council offers community-based justice in Ross River. The justice committee and the health and social programs department support alternative traditional restorative justice within the present court system for Ross River Dena Council citizens. Working together, Ross River Dena Council reduces offender relapse and offers accountability to the community.

The Teslin Tlingit Council Peacemakers diversion project is a combination of traditional Tlingit justice that shares cultural beliefs with emphasis on acting on personal values; drawing upon mental, spiritual, emotional and physical dimensions of conflict; building better relationships through mutual respect and understanding with the understanding that the victim is central in the process; and creating shared responsibility for designing and running Peacemakers

diversion. Peacemakers diversion aims to provide a greater benefit to the victim, society and the offender. It is intended to repair the harm.

This year, the Tr'ondëk Hwëch'in assumed responsibility for the community justice or restorative justice project from the Dawson Community Group Conferencing Society. The justice committee and staff are currently implementing the project while providing a high standard of service to their citizens and clients in the Dawson City area.

The Vuntut Gwitchin First Nation Community Justice Committee oversees the work of the justice coordinator in delivering youth programming, court support, prohibition diversion and promoting community awareness of the community justice project. The coordinator provides assistance to both victims and offenders in accessing resource services and liaising between community members and the various justice agencies outside of Old Crow.

As a government, we are proud to be working on solutions that are based on a restorative philosophy and to be working to ensure that the positive impacts of restorative justice processes in Yukon are being felt.

Through the *Correctional Redevelopment Strategic Plan* and the *Victims of Crime Strategy*, we are working to promote healing and to offer support to victims and families while holding offenders accountable and encouraging healing and reintegration.

As individuals, we all have a role in creating safe and healthy communities, beginning with how we deal with conflict. What can we do as caring citizens to promote restorative justice approaches in our lives and communities? How do we better work together for positive outcomes?

Many of us work hard to support restorative and respectful processes in our families, relationships and workplaces. It is hard work but the results are clear: more productive and healthier relationships, less bullying and victimization and stronger and safer communities.

At this time, I would like to sincerely thank the individuals involved in restorative and community justice in Yukon for their very hard work and their dedication to seeking local solutions and to resolve conflict. These include members of community justice committees, community justice coordinators, government and First Nation officials, families, elders, youth and individuals who take part in restorative justice processes.

### In recognition of National Child Day

**Hon. Mr. Graham:** I rise today to ask my colleagues to join me in celebrating children and to help raise awareness of children's rights. Today is National Child Day and it offers us the occasion to pay tribute to all of the Yukon's children today.

Originally designed in 1993, the aim of National Child Day is to promote awareness of the United Nations *Convention on the Rights of the Child*. The convention spells out the basic rights to which every child is entitled, no matter where they live. These rights are based on very basic principles: that a child's best interests should be the first

consideration in any action that affects him or her; that all children have the right to life, survival and development; that all children have the right to participate; and that all rights belong to all children.

These basic principles inform children's rights to special protection, to special education and care, to play and rest, to a voice and to health. Parents and caregivers play a vital role in the healthy development of their children. It is important that they too understand children's rights and help educate their children about those rights so they can grow to reach their full potential.

Here in Yukon, we believe that the government's role is to support families and parents in their efforts to raise their children in safety and security. We do this in many ways, Mr. Speaker.

We provide health care subsidies for parents who must work and need to leave their children in care. To ensure that that care is of good quality, we provide subsidies for licensed daycare and we fund many other childcare initiatives. We assist in funding Yukon Food for Learning to support nutrition programs in schools throughout the Yukon. This is also to ensure that no child has to go to school hungry. We support the Imagination Library so that all children under five develop literacy skills and a love of learning. We passed the new *Child and Family Services Act* in 2010, which has a greater focus on the rights of the child in all that we do as a department.

Our Pathways to Wellness initiative has focused on discovering ways to improve the health and well-being of children and youth. Although Yukon children are at least as healthy as their Canadian counterparts, in some areas, such as physical activity, we know that there's a great deal of room for improvement. About one in four male youths and one in six female youths in Yukon are overweight or obese. Marijuana use, tobacco use, binge drinking, emotional and interpersonal problems, and unhealthy eating are also significant concerns for Yukon students. The Pathways to Wellness website provides evidence-based information for individuals and groups wanting to improve child and youth well-being. There, people can find information on healthy eating, how to support infant brain development, the benefits of nature and outdoor play, the value of reading and the value of praise. Parents and other adults interacting with children have a big responsibility, and my government is committed to helping parents and adults do the very best for their children.

How will we know if we're making progress? Recently, we developed an indicator framework for measuring child and family well-being that we will use to track progress. The *Yukon 2012 Health Status Report* included many of the indicators on the health of children and youth. Over time, we will be able to identify successes and areas for further attention. We will continue our efforts not simply because we understand that children are the future of the Yukon, but because they deserve to be safe, fed, educated and happy. Children deserve the very best efforts of everyone at all times.

## **In recognition of World Chronic Obstructive Pulmonary Disease Day**

**Ms. McLeod:** I rise in the House today to ask my colleagues to join me in recognizing November 20 as World Chronic Obstructive Pulmonary Disease Day. World COPD Day is recognized every year by the global initiative for chronic obstructive lung disease in an effort to increase awareness and care of COPD around the world.

This year the theme they have chosen is It's Not Too Late. This is the second year that they have adopted this theme, and why not?

This positive message emphasizes the actions that people can take to improve their respiratory health, even after a diagnosis of COPD. It's not too late to get tested, to quit smoking, to start exercising, to learn about COPD and improve your health. This is actually an excellent message for all of us, whether or not we have COPD. Although the origin of this disease can be genetic, most often smoking is the cause. Smoking damages airways and leads to poor oxygen absorption. Symptoms include a phlegmy cough, breathlessness and chest infections.

Close to 900 Yukoners live with COPD and perhaps many have it without knowing. If you're over 40 and have any of the symptoms, it's important to get tested. While there is no cure, there are many things you can do to improve your condition. In Yukon, the Health and Social Services health promotion unit offers help in quitting smoking with the QuitPath program. As well, the chronic conditions support program offers programming to help people to manage their COPD and to avoid the flare-ups that can lead to hospitalization.

The program also provides COPD rehabilitation, which includes supervised physical activity and in the communities, the program provides spirometry testing, which is the gold-standard test for diagnosing COPD.

One of the things health care providers are learning is that people often don't know how to use their inhalers properly. The Lung Association has produced a series of videos to help people who use inhalers get the maximum benefit from their medication, so watch the papers for more information and links to these videos. It's never too late. We can all work toward protecting our respiratory health.

## **In recognition of Lung Cancer Awareness Month**

**Mr. Elias:** I rise in the House today in honour of Lung Cancer Awareness Month. Lung cancer remains the leading cause of cancer deaths in both men and women. This year alone, more than 25,000 Canadians will be diagnosed with lung cancer and more than 20,000 will die from it. On average, 55 Canadians will die every day from lung cancer.

Lung cancer is a terrible disease, but what makes the disease more tragic is that most lung cancer deaths can be prevented. More than 85 percent of lung cancer cases in Canada are directly related to smoking cigarettes. Lung cancer can be caused by many factors, such as exposure to second-hand smoke, radon, asbestos and products such as uranium and arsenic. It's also linked to genetics. If someone is a

smoker and is also exposed to another risk, the risk of lung cancer is even higher.

The best way for someone to protect themselves is to quit smoking and to stay away from second-hand smoke. The Department of Health and Social Services offers free programs to help Yukoners quit smoking.

Depending on the individual's personal readiness to quit, the department offers a series of smoking-cessation programs, so individuals can pick the program that best fits their needs.

As well, the Yukon Housing Corporation continues to offer free radon testing for homeowners so they can determine if their home is at risk from radon gas. If their home has levels of radon above the national guidelines, there are mitigation measures that can and should be taken.

There have been great strides in the treatment of lung cancer, but while every individual's prognosis is different, overall, lung cancer remains one of the deadliest, yet often preventable, forms of cancer. I would like to encourage all Yukoners who smoke to consider quitting and to contact Health and Social Services or visit [www.quitpath.ca](http://www.quitpath.ca) for help if needed.

I also encourage Yukoners to take advantage of free radon testing of their homes. This month and every month, let's all make changes to reduce our risk of contracting lung cancer.

On a personal note, Mr. Speaker, the vest that I'm wearing today in the Assembly was made by my late mother-in-law, Ruby Van Bibber, who passed away from breast and lung cancer. So it is an honour for me to wear it in the Assembly today.

## **In recognition of CPR Awareness Month**

**Mr. Hassard:** I rise today on behalf of all members of the Assembly to help raise awareness of the value of cardiopulmonary resuscitation training, better known as CPR. While this training is available all year round, November is CPR Awareness Month and a good time to remind us all of the value of learning CPR.

More than 50,000 Canadians die from cardiac arrest every year. Ask yourselves, if you saw someone choking, experiencing pains or having trouble breathing, would you be able to act in time to potentially save that person's life?

According to the Red Cross, fewer than half of Canadians believe that they have the knowledge and skills necessary to respond in such an emergency. Learning how to administer CPR can mean the difference between life and death. CPR is a simple technique that helps keep a person alive and their brain functioning intact long enough for the ambulance to arrive. Coupled with the use of an automated external defibrillator or AED, CPR can double a person's chances of survival.

The life you save could be that of someone you love. Nearly 60 percent of Canadians who have had to perform first aid did so to help a family member. According to Red Cross, nearly 70 percent of Canadians who have suffered a cardiac arrest did so at home. You might be the best chance of survival for someone you love. Every minute of delay in getting CPR started reduces the chances of survival by 10

percent, so the more you know, the better prepared you are to apply this lifesaving technique. First aid and CPR courses are a small investment in improving the survival chances of those we love.

Hearts stop beating in individuals of any age for any number of reasons, including electrical shocks, drowning, suffocation or drug overdoses. I hope that none of us ever have to use CPR, but if we do, I hope we all know how.

### In recognition of National Adoption Awareness Month

**Hon. Mr. Graham:** I rise once again today to recognize that across Canada and in the Yukon, people are observing National Adoption Awareness Month in the month of November.

Adoption is a complex process that involves the transfer of parental rights over children. Most importantly, however, adoption allows for the possibility that every child will have a family to call their very own.

On November 20, 1980, the United Nations *Convention on the Rights of the Child* was adopted and in December 1991, Canada ratified that convention. Since that time, a number of laws have been developed to support the protection and promotion of children's rights.

Here in Yukon, as I said previously, our *Child and Family Services Act*, which came into force on April 2010, is one of those modern tools. The act allows for the adoption of children in the permanent care of the director and other types of adoption, including step-parent, intercountry and custom adoption — a process that honours the customs of a child and family's First Nation. We are currently also looking at the possibility of adding grandparents to this list.

We have learned from the past and all those who have been affected by adoption that our families and communities benefit when adoption is a transparent and open process. To support this, our act also promotes the idea of openness in adoption among birth families and adoptive families and directs the department to facilitate these processes. These changes have made it easier for birth parents and for people who were adopted to find each other and has allowed for better access to adoption records.

In closing, I want to acknowledge all Yukon adoptive families, birth families and adoptees, and all those whose lives are touched through adoption today.

**Speaker:** Introduction of visitors.  
Are there any returns or documents for tabling?

### TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Graham:** I have for tabling today the *Maintaining Eligibility for Publicly Funded Yukon Health Care — Public Consultation Summary Report*.

I also have for tabling *Maintaining Eligibility for Publicly Funded Yukon Health Care: Detailed Survey Results Analysis*.

**Hon. Mr. Dixon:** Pursuant to the *Education Labour Relations Act*, I have for tabling the Yukon Teachers Labour Relations Board annual report for 2012-13.

Pursuant to the Yukon *Public Service Labour Relations Act*, I have for tabling the Yukon Public Service Labour Relations Board annual report, 2012-13.

**Speaker:** Are there any reports of committees?  
Petitions.

### PETITIONS

#### Petition No. 14 — response

**Hon. Mr. Graham:** I rise today in response to Petition No. 14, which was presented to this House on November 6, 2013. Petition No. 14 asks the government to hire a female thyroid specialist to work in Whitehorse, Yukon, as soon as possible.

I would like to thank the petitioners for sharing their concerns and the member opposite for bringing those concerns forward in an effort to raise awareness about the potential consequences of thyroid dysfunction. Family physicians routinely order blood tests if they suspect that a patient may suffer from a malfunctioning thyroid and prescribe medication if necessary. There are well-established practice guidelines and protocols in place about the diagnosis and management of thyroid function disorders. If the services of a specialist are called for, our family physicians here in the territory can make the necessary referral or even call a specialist for immediate action or advice.

Yukon has internists visiting every month who treat thyroid patients locally. In 2012, 56 patients were referred to specialists outside the Yukon for further treatment of their thyroid condition. The relatively small number of Yukoners diagnosed with thyroid problems each year, in our opinion, does not warrant the high cost of hiring a thyroid specialist for the territory. We believe that Yukoners are well cared for without having to stretch our limited health care dollars into specialized services that are already adequately covered, in our opinion.

We appreciate the concerns of everyone who signed this petition and thank them for sharing their views with the Legislative Assembly and with the government. Once again, I'd like to thank the member opposite for bringing forward this very important issue.

#### Petition No. 13 — response

**Hon. Mr. Dixon:** I rise today to respond to Petition No. 13, tabled on November 6, 2013, by the Member for Mount Lorne-Southern Lakes. The petition asks the government "to ban the shooting of bears within one kilometre of the centre line of Yukon roadway corridors."

The Government of Yukon recognizes that wildlife is valued by all Yukoners, both for consumptive and non-consumptive uses. First Nation citizens have the right to harvest fish and wildlife for their food needs, and more than 4,000 Yukon residents each year purchase a hunting licence for big-game species, including bears.

Hunters spend millions of dollars each year in the territory on transportation, licences, butchering, equipment, taxidermy and much more. At the same time, the abundance of opportunities to view northern wildlife in a natural setting is a source of great pride for residents as well as an ongoing and growing attraction for Yukon visitors.

Viewing wildlife is growing in popularity here and reflects the value people place on our natural environment. The Yukon government's new wildlife viewing strategy recognizes that wildlife viewing contributes to regional economies and is an important part of many tourism experiences and products. I tabled that strategy earlier in this fall sitting and encourage anyone with an interest in wildlife viewing and the government's strategy for wildlife viewing to review that strategy. It is also available on-line on Yukon government's Department of Environment website.

It outlines a vision for promoting and developing viewing opportunities in Yukon and invites interested departments, communities and organizations to participate.

Black bears and grizzly bears join trumpeter swans, sandhill cranes, sheep and caribou as very popular species for wildlife viewing. Bears are also of great interest to hunters. Last season, almost 180 bears were harvested by licensed hunters. When discussion arises about restrictions on hunting, I would remind the members and the public that we need to keep the *Umbrella Final Agreement* and the First Nations' final agreements in mind, first and foremost. The *Umbrella Final Agreement* established the Yukon Fish and Wildlife Management Board to advise on fish and wildlife management in Yukon. In addition, First Nations' final agreements established renewable resource councils as the main body to advise on local renewable resource management interests in the traditional territory of a specific First Nation.

The agreements also set out a process by which changes in hunting regulations may be proposed, considered and made. Any member of the public, any group and any organization can make proposals for regulations to be changed, removed or put in place. They can do so in all matters related to fish and wildlife management, laws, research, policies and programs.

To do so, they must make an application to the Fish and Wildlife Management Board. In turn, the Fish and Wildlife Management Board may make recommendations to the Minister of Environment, Yukon First Nations and renewable resources councils on all matters listed above. The Department of Environment supports the Yukon Fish and Wildlife Management Board with its work.

The board and the department have developed a process for public consultation on proposed regulation changes. First there is a joint screening of proposed changes to hunting, fishing or trapping rules to determine the completeness of the proposal and whether it is administrative or substantive in nature. Substantive proposals are then taken by the board out for public review through a well-publicized process, which in fact is currently underway as we speak. The board presents the rationale for each proposed change along with background information to ensure informed comment can be provided. At the end of the review period and taking into account the input

received, the board formulates recommendations and submits them to me for response. On behalf of the Government of Yukon, the Minister of Environment must fully consider the recommendations and decisions made by RRCs, the Fish and Wildlife Management Board or the Yukon Salmon Subcommittee when making decisions on matters affecting fish and wildlife.

I respect the sentiments of many people who have signed the petition on the floor today who are now with the House and I have read the news stories and talked personally with people concerned about the practice of harvesting bears near major roadways or near dwellings. However, I must respect the process that the UFA and the final agreements set out. I've explained the process already. The government has previously responded to this particular issue in 2010, 2011, 2012 and 2013, and the Fish and Wildlife Management Board has considered it as well.

The government accepted the recommendation previously from the Fish and Wildlife Management Board to set up a working group of officials from the Fish and Wildlife Management Board and the Department of Environment and I have asked Environment Yukon officials to continue to support this work. Its purpose is to look at reducing conflict and fulfilling government's obligations to accommodate both non-consumptive and consumptive interest in wildlife management. Of course, seeing the time, I will continue working on that, Mr. Speaker.

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

## NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to work with industry organizations to review and update the Yukon mineral investment attraction strategy.

As well, Mr. Speaker, I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to ensure that our regulatory regime for mining and mineral exploration is clear, consistent and competitive with other jurisdictions while also providing for sustainable and environmentally responsible development of our mineral resources.

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

THAT this House urges the Government of Canada, in recognizing housing as a human right, to:

(1) ensure that the Canada Mortgage and Housing Corporation restore the annual operating grants investment of \$1.7 billion annually in social housing subsidies;

(2) increase and make permanent federal funding for social housing construction and programs and services for the homeless; and

(3) coordinate a pan-Canadian housing strategy based on human rights and convene a meeting together with all levels of government, in consultation with civil society and Aboriginal groups, to establish a Canadian housing strategy that respects provincial and territorial jurisdictions, which is designed to respect, promote and fulfill the right to safe, adequate and affordable housing.

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

## QUESTION PERIOD

### Question re: Mineral staking on settlement land

**Ms. Hanson:** When the Supreme Court of Canada rejected the Yukon government's request to appeal the Ross River decision, it affirmed the Yukon government has a duty to consult with the First Nation prior to recording mineral claims in the Ross River Dena Council's traditional territory. The government said it would move forward as quickly as possible to implement the Yukon Court of Appeal ruling. The ruling had given the Yukon government a one-year window to make the necessary legislative changes.

What these new court-ordered changes to mining legislation actually look like on the ground depend as much on the regulations as is does on the legislation. How does this government expect to conclude meaningful consultations with the Ross River Dena Council, industry and other affected First Nations by December 27 when these partners haven't even seen a draft of the proposed regulations?

**Hon. Mr. Kent:** As the member opposite referenced, there were two declarations in the Yukon Court of Appeal that these amendments and some government-to-government consultations with the Ross River are designed to rectify.

The first, of course, we have the enabling amendments before the Legislature right now to the courts to the *Quartz Mining Act* and the *Placer Mining Act*. As we speak, officials from Energy, Mines and Resources are conducting industry and First Nation consultations. There was a meeting on this specific issue last week with the Ross River Dena Council, as well as with a number of industry organizations.

With respect to the other declaration — that has to do with identifying lands within the Ross River area that will no longer be available for staking. The court decision did not question the free-entry staking system and the Yukon government is not questioning it either. There's work underway at the government-to-government level to identify lands in the Ross River area that will not be available for staking. That work is being led by the Executive Council Office. My department, the Department of Energy, Mines and Resources, is leading the work on the amendments to the *Quartz Mining Act* and the *Placer Mining Act*.

**Ms. Hanson:** Indeed, the Yukon mining industry and the Ross River Dena Council want to continue working

together to develop the mining potential and other economic opportunities in the Ross River area.

Over the past months, they have been meaning to come up with constructive suggestions for ways to address the issues identified in the court decision. The government has been mostly absent from this process. Instead, it has spent the last year trying to have the Ross River decision overturned by the Supreme Court of Canada. When that failed, the government moved everything to the back room.

Industry and the Ross River Dena Council are asking government for certainty. They would like this government to sit at the table and work out a fair and productive solution that will benefit all Yukoners. When will this government understand that they — not industry and not First Nations — are the missing link in the very important process of respecting the court and providing economic certainty?

**Hon. Mr. Kent:** The Yukon government has been very engaged in this process for the past number of months. We've introduced amendments to the *Quartz Mining Act* and the *Placer Mining Act* that will allow us to develop regulations to develop regulations to meet one of the declarations of the court of appeal with respect to notification and consultation on class 1 mining activities.

As I mentioned, the Premier, in his role as Minister of Executive Council Office — his officials are engaged in government-to-government consultations with the Ross River Dena Council to meet the second declaration of the Court of Appeal decision, and that work is underway.

On the political spectrum, the Premier and I have met face to face with the chief of the Ross River Dena Council and one of his councillors. Again, work continues at the officials' level. We're engaged in those government-to-government discussions; we're engaged with industry. I meet regularly with industry organizations. I've met with the Yukon Chamber of Mines, the Yukon Prospectors' Association, the Klondike Placer Miners' Association and anyone who has wanted to come in and talk to me about the impacts of these amendments and the subsequent regulations.

Work is being done at the officials' level and work is being done at the political level on ensuring that industry and First Nations are made aware of these changes, working toward that December 27 deadline.

**Ms. Hanson:** Two weeks ago and again today the minister referred to the fact that there are provisions in existing legislation that allow government to withdraw tracts of land from staking and that the government intends to work with the Ross River Dena Council to establish a map detailing what areas are open to staking and what areas are not. At the time, he said the government plans to have that work completed by December 27.

Yesterday the minister said the government is "...trying to meet a court-ordered declaration with a deadline of December 27 of this year." It appears the minister is less confident now than he was two weeks ago that the government will be able to meet its obligations set by the Yukon Court of Appeal.

Considering the fact that neither First Nations nor industry have seen draft regulations, and there are only five weeks remaining before the court-ordered deadline, what is the minister's plan B if new agreed-upon regulations are not in place by December 27?

**Hon. Mr. Kent:** As I mentioned, we are working to the December 27 deadline for both declarations. The Department of Energy, Mines and Resources is developing regulations with respect to the amendments to the *Quartz Mining Act* and *Placer Mining Act* that are before this House right now, working with industry and First Nations. Dealing with the other declaration is underway. We are engaged in government-to-government consultations with the Ross River Dena Council — again, being led by the Executive Council Office — to identify lands within the Ross River area that should be withdrawn from staking. We can do that under the existing legislation.

I'm sure much to the Official Opposition's chagrin, this court decision did not question the free-entry system and the Yukon government isn't questioning it either. We're engaged with industry. I meet regularly with our industry stakeholders. We've met government to government, face to face with the chief and one of the councillors from the Ross River Dena Council. That work continues.

We're working hard to meet these declarations by December 27. That's what our plan is. It's time that we need to roll up our sleeves and try to meet that deadline of December 27 on the two declarations of the Court of Appeal.

#### **Question re: Liquefied natural gas**

**Ms. White:** In July, Yukon Energy Corporation said it wants to replace Yukon's diesel power generators with a liquefied natural gas-burning power plant and storage facility at a cost of \$34 million to Yukon taxpayers.

Yukon Energy Corporation claimed that the LNG plant will cost about the same as installing new diesel burners and that the real savings come from the low cost of the gas itself. The gas would be sourced from Shell Canada's facility in Calgary. Yukon Energy Corporation has a guarantee from Shell on the price of processing but not on the price of the gas itself.

Mr. Speaker, we all know that the cost of fuel has gone up. If you had told me 10 years ago that I would be paying more than \$1.25 a litre at the pump, I wouldn't have believed you.

What guarantee does the minister have that the price of liquid natural gas will remain cost-effective for the next 20 years while Yukoners pay off the \$34 million it will cost to build the new LNG plant?

**Hon. Mr. Kent:** With respect to the LNG conversion — replacing two 45-year-old diesel generators that are currently active and getting more and more difficult to find parts for and to repair — this is certainly a move that this government supports the Yukon Energy Corporation undertaking.

The application for the proposed LNG project is currently before the executive committee of YESAB. I have given indications on the floor of this House that we will be

designating the project as an energy project, pursuant to part 3 of the *Public Utilities Act*, and that there will be a Yukon Utilities Board hearing required prior to the issuance of energy certificates.

Those are the two public processes that this project is going to be going through for scrutiny. Additionally, for scrutiny of members of the Legislative Assembly, I have asked representatives of the Yukon Development Corporation and the Yukon Energy Corporation to appear before this House this fall before this sitting rises on December 19. I would anticipate that representatives of those organizations would be able to answer many of the detailed questions that the member opposite has.

**Ms. White:** I look forward to the corporations, but my question was for the minister about the cost of gas.

At a public meeting in July, Yukon Energy's president took questions from Yukoners about the corporation's plan to replace its diesel-powered generators with liquefied natural gas. He said, and I quote: "We don't make government policy. If the system was different we might be able to do things differently".

The problem is that Yukon Energy doesn't set out our energy future; the Yukon government does. Next door the Alaska Energy Authority recently completed a wind-turbine project that provides the City of Kodiak with 18 percent of its electrical needs. The variable wind power is now integrated into Kodiak's hydroelectric system with two one-megawatt battery storage systems. If our publicly owned utility were free to seriously explore renewable energy options, we would not be forced to choose between two fossil fuels. Why is this government so determined to force Yukoners to accept a future of fossil fuel dependence when other renewable options are proving effective in similar climates?

**Hon. Mr. Kent:** Both the Yukon Development Corporation and the Yukon Energy Corporation boards approved this project and recommended that we allow them to proceed. They are currently undergoing one public process for scrutiny, and they're going to be entering a second public process, the Yukon Utilities Board, as I mentioned in my previous answer.

It's interesting that the member opposite mentions that Kodiak project, because when the Minister of Economic Development and I attended the Pacific NorthWest Economic Region, or PNWER, meetings in Anchorage, there was a presentation made by the individual in charge of that project. The one question that came forward was, do you have backup? He said, "Of course we have backup. Everybody needs backup and it's fossil fuel backup."

We need that reliable backup power — as does the project that the member opposite referenced in her question and as does the Kodiak project — to ensure that we can keep the lights on and Yukoners warm in their homes at those peak demand periods, which often occur at 30 or 40 below and colder each winter.

**Ms. White:** I appreciate the minister's thought and I agree that backup is important. What I'm talking about is a renewable energy future.

Anyone who knows anything about renewables will tell you that we are in an ideal situation for renewable energy solutions because they are tailored to local realities. For example, wind power here in the Yukon is most abundant during the winter months when water levels for hydro-powered generation are at their lowest. Diavik diamond mine in the N.W.T. recently invested in wind turbines to offset the cost of diesel fuel. They expect their investment to pay back within eight years.

The N.W.T. isn't exactly a sun destination and Diavik isn't an environmental NGO. This is further evidence of the business case for renewable energy. Why does the Yukon government have so little faith in the potential of renewable energy that can save Yukoners' money, help protect our environment, allow us to have greater control over our energy future and use less fossil fuels as backup generation?

**Hon. Mr. Kent:** I know all members of the House attended on the first day of this fall sitting, October 31. On that day, I introduced a motion that talked about a clean and affordable power future for Yukon. Not only will the Yukon Development Corporation be designated and asked to lead the research and planning into a new, large, scalable hydroelectric project in the territory, in that motion I also talked about exploring additional renewable sources, such as wind and biomass, as potential complements to the existing hydro-based grid. I also talked about exploring alternative sources that are cleaner and more affordable than diesel to facilitate the reduction of diesel consumption in those communities not connected to the existing hydro-based grid.

That's a small excerpt from the motion, but if the member is interested in reading the entire motion, I believe it is on the Order Paper as a government motion and it does speak to the clean power future that we want for Yukoners, including supplementing the hydro-based grid with wind and biomass as potential complements to it.

#### **Question re: Mineral staking on settlement land**

**Mr. Silver:** I have more questions regarding this government's answer to the Ross River court decision. This government is responding to one aspect of the ruling by making changes to our mining legislation. The second part of the ruling is being met through government-to-government discussions with the Ross River Dena Council and Yukon government, as far as identifying lands in the Ross River area that will no longer be available for staking.

The minister said that he was working toward a December 27 deadline in those discussions with Ross River. He mentioned earlier today that he has been in discussion with the chief from RRDC. When did the discussions that the minister is referring to between Ross River and government begin? Could the minister tell us when that last meeting was?

**Hon. Mr. Kent:** I don't have details with me with respect to the scheduling of meetings. I can inform members of the House that meetings are underway. There is a team from the aboriginal relations branch in Executive Council Office that is leading the discussions from the Yukon government side and Ross River Dena Council has

representatives at the table as well. Again, we've instructed officials to work diligently and quickly, of course making sure that we can match the schedule put forward by Ross River, as far as when they're available for meetings.

The Court of Appeal has asked us to have these declarations dealt with by December 27 and that's what we're working toward at this moment. With respect to face-to-face meetings, the Premier and I did meet — as I mentioned — with the chief of Ross River Dena Council, as well as one of the councillors, for approximately an hour and a half, or 90 minutes. I believe it was in October that those discussions took place, but I'm not sure of the exact date at this moment.

**Mr. Silver:** I appreciate the answer from the minister. There are only six weeks or so left in the deadline the minister says he must meet, and there is no agreement in place so far with Ross River. A session at the Geoscience Forum on this very subject was cancelled at the last minute because there was no progress to report.

After this court decision was announced last December, the government was given 12 months to come up with a solution. Instead of getting to work, the government decided to appeal and to wait until it was told "no" in September, even before talking with Ross River. Nine out of the 12 months were lost and now we're down to about six weeks left to reach an agreement.

What are the outstanding issues that remain unresolved? Does the minister believe an agreement will be in place before December 27, 2013?

**Hon. Mr. Kent:** We're working toward that December 27 deadline that was put in place by the Yukon Court of Appeal. As far as the discussions at the table, it has always been my experience that it's best to leave officials from both parties to have those discussions with respect to this. It is identifying those lands within the Ross River area that will not be available for staking.

As I mentioned in a previous answer, the court decision did not question the free-entry system and the Yukon government is not questioning it either, but those discussions need to take place and we need to allow them to develop at the table, rather than engaging in speculation here on the floor of the Assembly.

**Mr. Silver:** Given how little time is left on the clock until the December 27 deadline, many mining industry people are very concerned about an agreement and not being able to reach that in time. The cancellation of the planned discussions at the Geoscience Forum only added fuel to that particular fire.

People I have spoken to in the industry have told me that a moratorium on staking in the Ross River traditional territory is being considered by this government as a possible option to meet the court's ruling. Now, it would be very unfortunate if it came to this. However, given the government's inability to show any real forward progression with the First Nation, it is cause for much concern.

For the record, is a moratorium something the government is considering, or can the minister please tell Yukoners that he has ruled this out?

**Hon. Mr. Kent:** Again, I don't think it's fair to speculate on the discussions that are taking place on a government-to-government basis between the Yukon government and the Ross River Dena Council with respect to which lands are going to be identified to be withdrawn from staking.

I find it interesting that the member opposite is so concerned about a staking ban in the Ross River area when he asked me during this sitting to extend the staking ban in the Peel watershed. Obviously the member opposite would like to see the withdrawal of 68,000 kilometres of the Yukon from exploration and did ask me to extend the staking ban in that area but then, in trying to show that he is a supporter of mining, he wants me to not have a staking ban in the Ross River area.

Discussions are underway at that table. I'm not going to speculate about those discussions on the floor of this House. Whether it's support for the Peel or the infamous map-staking do-over of 2011 that the Liberals have done or the fact that he looks to seek political gain from struggles in the mining sector — he can't have it both ways, which he always tries to do on the floor of this House.

**Question re: Death at Watson Lake hospital, WCB role in**

**Ms. Stick:** Mr. Speaker, there are a lot of agencies, departments and individuals that are part of the system failure that resulted in the death of Ms. Scheunert. It was a back injury sustained while taking a course on March 31 and April 1 that started a chain of events and failures that ultimately led to her death 11 weeks later.

On April 6, days after her injury, Ms. Scheunert filed an application with the Yukon Workers' Compensation Health and Safety Board. As this was a workplace injury, Workers' Compensation and their medical opinion, would pay a large role in future treatment. As early as April 13, it was identified that Ms. Scheunert needed an MRI and to see a specialist, but this never happened.

Can the minister responsible for Workers' Compensation explain why Ms. Scheunert did not get the MRI and specialist's referral, and shed some light on the role Workers' Compensation played in this tragic oversight?

**Hon. Mr. Graham:** The Workers' Compensation Health and Safety Board is an independent division, or department, within the government that works very hard to ensure that workers are well-served if they are injured on the job. I don't have access to individual files of injured workers. I am certain that Ms. Scheunert's file was very carefully considered by the Workers' Compensation Health and Safety Board, and if there were any flaws in the system of her medical care, I'm not aware of them. As I understand it, there was an MRI ordered. From the family, I understand that the Workers' Compensation Board was in the process of attempting to expedite that process. I have no knowledge other than that.

**Ms. Stick:** Ms. Scheunert was a nurse who knew she was not getting proper care. That is why she sold her personal

property in order to finance a private MRI. The system was failing her. Again and again, requests for an MRI and referrals went nowhere. Her physician in Watson Lake made requests; a Workers' Compensation Health and Safety Board medical consultant recommended a specialist evaluation. On the day of her death, Ms. Scheunert's physician contacted WCB, inquiring when she could see a specialist. According to the physician's notes, WCB was working on her case and was planning to have an MRI and specialist consultation done once they finished their investigation.

Does the minister believe that the Yukon workers' compensation system is part of this system that let Ms. Scheunert down?

**Hon. Mr. Graham:** The more we get into this whole episode, the more I understand that the member opposite has a total lack of understanding with respect to how many departments or systems work within the government.

In the *Workers' Compensation Act*, the minister is specifically prohibited from becoming involved in any individual cases whatsoever. Even if I requested — which I will not — the file of this injured worker, it would not come from the Workers' Compensation Health and Safety Board because they understand the legislation, as do I.

**Ms. Stick:** These are serious questions. In both judgments of inquiry, the coroner wrote, "A seemingly long amount of time passed between the first reports of pain and a requisition for an MRI and/or referral to the proper specialist."

WCB bears some of the responsibility for this. On March 8, 2013, over eight months after her death, WCB then sent a letter to Ms. Scheunert, deceased, at her Watson Lake residence to inform her that her claim was denied.

Does the minister think that this is an appropriate way to handle this case, with WCB sending this letter when they knew full well that the person was deceased?

**Hon. Mr. Graham:** I have asked the Workers' Compensation Health and Safety Board for an explanation. I have not yet received it, but I expect to in due course.

**Question re: Health care information**

**Ms. Stick:** Yesterday during Committee of the Whole on the *Health Information Privacy and Management Act*, the minister responded to part of a question on the information gathered for the orphan patient registry. The minister indicated that this list would not be used to assist patients in matching them to available doctors. Twice I asked the minister how the information that was gathered — including name, birthdate and the health care number — is currently being used. The minister indicated that it was gathered in order to understand the number of orphan patients.

My question is, will the minister please tell the House if the personal information gathered on this survey is currently being used and for what purposes?

**Hon. Mr. Graham:** To the best of my knowledge it is not currently being used for any purposes within the department.

**Ms. Stick:** I'm glad to hear that because it was personal information that really didn't need to be gathered, if the minister was looking for numbers.

Following up on that, can the minister tell this House how that personal information that was gathered is now being protected or destroyed now that the department has the number they were looking for — and assure Yukoners that this information will not be used for other purposes?

**Hon. Mr. Graham:** I'm certain that the department is protecting that information adequately as they protect all health information within their control anywhere in the territory.

#### **Question re: Klondike Valley Fire Department**

**Mr. Barr:** Two weeks ago, the Minister of Community Services noted that the Dawson City airport had good coverage with the first responding Klondike Valley Fire Department being across the highway from the airport.

With the increased passenger traffic estimates suggesting that an additional 19,000 people per year are going through the Dawson City airport, the government needs to make sure public safety is first and foremost. The basic training level required for airport and aviation fires is a firefighter 1 and the National Fire Protection Association standard is 1003.

Mr. Speaker, is the minister aware of the training levels of the hardworking volunteers of the volunteer Klondike Valley Fire Department to fight airport and aviation fires?

**Hon. Mr. Cathers:** In answering the member's question, I don't review the exact certification and training level of every one of our volunteer firefighters. If there are issues that require my attention, I have full confidence that staff of the department will bring it to my attention.

As well, during my community tours this fall, I personally spoke to the fire chief of the Klondike Valley fire hall as well as the fire chief at Dawson City. Both of them know where to contact me and I think both are well aware of the fact that I'm more than happy to speak to them if there are any issues that they wish to discuss or any concerns they wish to discuss. But once again, I do have confidence in the staff of the Fire Marshal's Office and would remind the member that we have significantly increased the funding for the Fire Marshal's Office — an increase of \$1.9 million roughly a year ago in significantly increasing their annual resources to help them meet the training requirements as well as meeting the equipment needs of Yukon's volunteer firefighters.

**Mr. Barr:** The men and women who volunteer with the Klondike Valley Fire Department are trained to the level of firefighter basic and firefighter advanced. This does not meet national standards for airport fires. These men and women work hard to protect not only property but the lives of neighbours, friends and total strangers. This is also their safety we are discussing here today. These volunteer firefighters need our solid support and commitment to them. Will the government commit to properly train to national standards the volunteer firefighters of the volunteer Klondike Valley Fire Department?

**Hon. Mr. Cathers:** What I would remind the member is that, in fact, we have provided millions of dollars in increased resources to Yukon fire departments. What we inherited from previous governments — both the NDP and the Liberals — was a pattern of neglect for the capital assets of both the volunteer fire departments and Emergency Medical Services. We began a replacement program for fire trucks and for ambulances, which has ensured that all are equipped with modern equipment that meets their needs.

We've significantly increased the training resources through the provision of increased funding directly to municipal fire departments as well as an increase of \$1.9 million to the Fire Marshal's Office last year. In fact, the increased resources that have been provided are in excess of that amount — millions of dollars of increased resources for those purposes. As I noted in my previous response, if there are any issues that the chief of the Klondike Valley fire hall or the Dawson City fire chief wish to contact me about, they are more than free to do so. I'd remind the member that these increased resources to our fire departments are something both the NDP and the Liberal member for Klondike voted against.

**Mr. Barr:** I'm speaking to the ministerial oversights in this regard and specific to Klondike Valley. Airports have professional and full-time firefighters based on the number and size of flights. The plans for increased capacity and air traffic will put huge pressures on the Klondike Valley Fire Department, the Wildland Fire crews and the Dawson City Fire Department. Will the government look at expanding the firefighting capacity at the Dawson City Airport to a full-time department to ensure the travelling public's and firefighters' safety?

**Hon. Mr. Cathers:** With all due respect to the NDP member who voted against the resources we've provided to our fire departments in the past, I will take advice from staff of the Fire Marshal's Office, in whom I have good confidence, as well as from fire chiefs or volunteer fire departments. If they wish to contact me, they are more than free to do so.

I know the Member for Klondike — as he is saying off-mic — has ignored this issue and the needs of the volunteer fire department in Klondike but I did personally visit there and talk to the chief this summer. We've doubled the number of deputy fire marshals within the Fire Marshal's Office, increased the financial resources for that office by \$1.9 million in annual funding as well as provided municipal fire departments with a \$2 million contribution to support their needs over a five-year period.

We have provided enhanced training. We have also purchased the mobile live fire training unit, which is out providing training to our volunteer fire departments in Yukon communities this fall, through the good work of the Fire Marshal's Office and we look forward to continuing to provide more support for our volunteer fire departments than either the NDP or the Liberals did, by a factor of millions of dollars per year, money that the NDP and the Liberals — including the Liberal Member for Klondike — voted against.

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

## ORDERS OF THE DAY

### OPPOSITION PRIVATE MEMBERS' BUSINESS

#### MOTIONS OTHER THAN GOVERNMENT MOTIONS

##### Motion No. 524

**Clerk:** Motion No. 524, standing in the name of Ms. Stick

**Speaker:** It has been moved by the Member for Riverdale South:

THAT this House urges the Government of Yukon, pursuant to section 2 of the *Public Inquiries Act* — apparently the member doesn't want to listen — to cause a public inquiry to be made into the death by mixed drug toxicity of Teresa Ann Scheunert at the Watson Lake Hospital, as a matter of public concern.

**Ms. Stick:** Put simply, the purpose of a public inquiry is to establish the facts and causes of an event or issue and then to make recommendations to the government. A public inquiry is a means to investigate and report both on the specific facts and also the broader policy concerns of a particular issue as well as suggestions about what would be good measures to deal with the problem at hand.

Some public inquiries act as both a policy review and a factual inquiry. They are like factual inquiries in that they review a specific occurrence that has raised public alarm. They go beyond being simple factual inquiries, however, by providing recommendations to the government as to how similar events can be prevented in the future.

Today we are debating the motion that this House urges the Government of Yukon, pursuant to section 2 of the *Public Inquiries Act*, to cause a public inquiry to be made into the death by mixed drug toxicity of Teresa Ann Scheunert at the Watson Lake hospital as a matter of public concern because we believe it is in the public interest to determine all the facts surrounding the death of Ms. Scheunert.

A judge or a board of inquiry appointed to conduct a public inquiry would have the ability under the Yukon *Public Inquiries Act* to call witnesses and compel evidence. A public inquiry would also allow for broad participation to ensure that a diversity of views is taken into consideration, including the family of Ms. Scheunert.

We believe that a professional, independent and in-depth inquiry into how a 47-year-old registered nurse could die from a toxic combination of medications while she was a patient in the very hospital she worked in would bring relevant facts to light.

Furthermore, we believe a public inquiry that investigated and determined the facts about how this mixed drug toxicity occurred would result in policy recommendations on how to prevent similar deaths in the future.

When a member of the nursing staff dies of mixed drug toxicity in a rural hospital, it has a huge impact on the hospital staff and on the community members who rely on them. The Official Opposition is calling for a public inquiry into Ms. Scheunert's death because her family, her coworkers and the community she worked in deserve answers about how this

death occurred and how it could have been prevented. The public deserves to know what happened and what can be done differently so no such death occurs again.

Ms. Scheunert's family came to the Yukon looking for answers to their questions. By publicly investigating and committing to fix all aspects of the system that failed her, the Yukon's Legislative Assembly has an opportunity to give some meaning to Ms. Scheunert's death. We will review many reasons why a public inquiry into the death of Ms. Scheunert is warranted, but here are the four key factors.

Firstly, there is the death itself. There was both a lack of proper diagnosis and a treatment plan. There was the prescription and administration of several opiates, which resulted in death by mixed drug toxicity.

Secondly, there was the difficulty getting an autopsy. Ms. Scheunert's family was told that she died of a heart attack. Had they not insisted on an autopsy, the mixed drug toxicity would not have been discovered. The autopsy showed no signs of a heart attack.

Thirdly, there is the problematic issuing of two substantively different coroner's reports into the same death. Fourth is that this concerns insufficient communication with the family, between the hospital and the department, and with the Yukon public in general regarding a matter of public safety.

I would like to now set out some of the unanswered questions that deserve answers. I will begin with the story told to us by Ms. Scheunert's family.

Yukoners have heard from the family. They came here specifically to ask questions around the two coroner's judgments of inquiry, about the recommendations made by the coroner, and to seek answers for many of the questions that they felt were left unanswered.

Initially they thought they would file a document in the courts asking for a judicial review of the two separate decisions, but they realized that without legal representation this would be too risky for them. It's not for lack of trying. They were unable to find a lawyer to represent them.

When the family spoke to the minister last week and when they spoke to the media, they were clear. They were looking for a public inquiry or a public inquest. This family continues to follow what is happening here even though they are in Alberta, and they are still looking for answers.

This family wanted their story heard and shared with the hope that no one — no one, Mr. Speaker — would have to go through the same thing that they did. They want their questions answered and that has not happened to date.

Ms. Scheunert was a full-time registered nurse working at the Watson Lake hospital. She had worked there for close to three years. She loved the Yukon. She lived here previously, went out for education, raised her family and came back to the Yukon because this is where she wanted to be.

At the end of March 2012, she participated in a CPR course over a weekend. She noted after the first day that she was experiencing some back pain but insisted on completing the course. In the week following, Ms. Scheunert saw a physician and had the doctor fill in a workers' compensation

claim. She was told she should stay off work. A functional abilities assessment form was completed. Further, doctors' reports recommended an X-ray and an MRI on a semi-urgent basis. The physician felt that Workers' Compensation should refer Ms. Scheunert to an orthopedic spinal surgeon.

On May 7, a month later, in the Workers' Compensation report, they recommended Ms. Scheunert see a specialist on a more urgent basis. Again, Workers' Compensation reviewed the file on May 24, again with a recommendation to see a specialist, but none of this happened. The coroner commented that there were poor communications between Watson Lake hospital, the Alberta specialists and Workers' Compensation. They could not come to agreement on what should happen next. Meanwhile Ms. Scheunert was insisting on an MRI. Why was there that confusion? Why was there not a diagnosis? Why was there not a treatment plan? These are questions that need to be asked and answered.

Just prior to Ms. Scheunert's death, her youngest daughter came to stay with her for two months. She told us that her mother certainly was in pain and had to be careful but was still able to carry out light daily living activities, though she could not return to work. All during this time, Ms. Scheunert was requesting an MRI. What was causing her pain? She wanted answers for herself.

What about her patient rights? This is a question that needs to be asked and it needs to be answered. The Yukon Hospital Corporation's list of patients' rights includes the right to clear and complete information about diagnosis, treatment and prognosis. Also included are the rights to a care plan in a hospital and to participate in all decisions about that treatment plan. Ms. Scheunert had to take matters into her own hands. On her own, she contacted a physician in Alberta to see if she could get an MRI if she paid for it herself.

She was not getting the action she was expecting and requesting. Let's remember that she was a registered nurse, but she was also a patient. She wanted a say in her care and treatment plan. Ms. Scheunert wanted and deserved patient-centered care. In the end, she made arrangements to sell her motorhome to raise the money to send herself to Alberta and to pay for an MRI. That money arrived in her account the day she died.

Meanwhile there were ongoing discussions between the physician at the hospital and Workers' Compensation with regard to whether an MRI should be done and who should make a referral. The aspect of this tragic story should be investigated. It was not specifically addressed in those coroner's recommendations.

On June 7, 2013, Ms. Scheunert entered the hospital. She was no longer able to manage her pain. But she was also very uncomfortable being physically cared for by coworkers. She asked her physician to be transferred to Whitehorse General Hospital where she would be more comfortable. This was denied. She was not being listened to as a patient. A question of patients' rights needs to be asked and it needs to be answered.

Ms. Scheunert returned home during the day, feeling more comfortable there. The coroner questioned the practice

of allowing patients to leave for the day. That entire section of the coroner's original report was omitted in the second. This is a question we should be asking and getting answers on.

While in hospital, Ms. Scheunert spoke with her daughters and her sister every day. She expressed to them her own concerns about her care and said she was afraid. She also kept a journal while in the hospital, and toward the end of her life it became apparent that she did not have her full faculties as her writing became large and messy.

Ms. Scheunert wrote on the night before she died that she felt a sense of impending doom — her words. She repeatedly expressed her concerns for her care. The family received this journal in a garbage bag from the Watson Lake hospital along with her personal belongings. They were grateful to have received their mother's personal belongings, but they were devastated too. The impact on the family cannot be overstated.

During her stay in Watson Lake hospital, Ms. Scheunert was both prescribed and administered high-alert medications — opiates, fentanyl and dilaudid. The coroner noted, and I quote: "These prescriptions were written by a physician familiar with the medications being administered to Ms. Scheunert by the Watson Lake Hospital."

The coroner notes that there was no clear documentation regarding the calculations for an increased dose of fentanyl. In fact, it was doubled. Why was the dose doubled, and was it appropriate? This is a question that needs to be asked and answered.

In the week prior to her death, Ms. Scheunert was prescribed over 200 tablets of opiates. These medications were in the original coroner's report as was referenced to the patient's own medication policy. Mr. Speaker, why was this section omitted from the coroner's report?

These prescribed drugs were not at lethal levels in her blood. What happened to these drugs? Questions need to be asked and they need to be answered.

Over a two-week period, Ms. Scheunert was prescribed and administered fentanyl, norfentanyl, oxycodone, cyclobenzaprine, amitriptyline, nortriptyline and naproxen. All these are high-alert medications, and there is no indication that a call was made to the on-call pharmacist to verify that these were correct and safe dosages being prescribed together.

The Yukon Hospital Corporation had a pharmacist on call and yet that person was not called. Were hospital policies followed? If not, why not?

In the second coroner's report, "Best practices for high-alert medications include a tiered structure of confirmation that a medication is the right medication, at the right dosage, for the right patient." Why was this tiered structure not followed? This is a question that needs to be asked, and we need answers.

Throughout all of this, Ms. Scheunert complained of feeling groggy and whacked-out. One of the Yukon Hospital Corporation's patients' rights is to have pain managed, and I quote, "to the safest extent possible".

Another patients' right is to know the potential side effects of any medication prescribed. She was observed to be wobbly and unsteady on her feet. Why under these

circumstances were the medications continued and even increased? A question to be asked; a question that needs answers.

On June 21, Teresa was found in her hospital bed unresponsive. One of her daughters called the hospital that day to speak to her and was told she was busy. Minutes later the RCMP knocked on her door in Alberta to inform the family that her mother had died of heart attack. Why were they told she died of a heart attack? They are questions that need asking and answering.

The family flew to Watson Lake and spoke with a physician who again reiterated inaccurately that Ms. Scheunert had died of a heart attack. It was the family who questioned this and insisted they wanted an autopsy. They had to insist, but why? Why wasn't an autopsy immediately called for with the unexpected death of a healthy 47-year-old in a hospital? This needs to be asked and we need answers.

The body of Ms. Scheunert was disturbed in several ways after her death and without the consent of the family. This raises questions about proper procedures with a body of an unexpected death. The family was upset about what happened. Are there necessary policies in place?

A toxicology report by a forensic pathologist in Vancouver was completed August 1, 2012. That is when it was confirmed that the principal cause of death was mixed drug toxicity. The side effects of fentanyl — just fentanyl alone — this is what it says: can cause significant respiratory depression, hypotension, seizures, coma and death at increased concentrations, especially in the face of multiple other medications with similar sedative effects. That's from the autopsy report.

In November 2012, months after the toxicology findings, the family received the forensic pathologist's report from the coroner and an indication that the coroner could now proceed with the information she had received. The timeline speaks to months of delay for the family and other processes. Why these delays?

In January 2013, the family wrote to the Yukon Hospital Corporation, the Coroner's Office, the Yukon Medical Council and the Minister of Health and Social Services. They outlined the events and they had six questions: What ailments did she suffer from at the time of her death? What was causing the pain? Why was she not medevaced to a hospital capable of diagnosing her ailments? Why was she administered an overdose of drugs? When will there be an inquiry? Who is conducting investigations on this matter? What can you do to help? These are all questions that still need asking and answering, Mr. Speaker.

The family did receive some responses to the letters. The minister suggested they file a complaint with the Yukon Medical Council and also suggested that they could access their mother's files from the hospital.

There was no mention of complaints that could be made under the *Pharmacists Act*, yet this was drug overdose — mixed drug toxicology. Why not? Why wasn't the family offered more support and told all of their options?

The family did as the minister suggested and filed a complaint with the Yukon Medical Council and a staff person from there spoke to them about the complaint and tried to discourage them, but refused to put it in writing to them. The family proceeded with that complaint.

The response from the Yukon Hospital Corporation on February 25, 2013 reads, "Our full attention will be paid to the report once it's received." There was no indication that anything would occur until the coroner's judgment of inquiry. They already knew she died of mixed drug toxicity. They were pretty clear with the family that they were waiting for the coroner's report. Why not start investigations immediately? That's a question to be asked and it needs answering.

In March 2013, there was a letter from WCB denying the claim, sent to their mother's former address in Watson Lake. Why would they send such a letter to that address to start with — and addressed to her? What took so long to make that decision? This is now nine months after the death. Why wasn't there a diagnosis that first 12 weeks? Why wasn't she sent out for an MRI?

The family was in contact with the Yukon Medical Council, with the College of Physicians and Surgeons of Alberta and with the Yukon Hospital Corporation, as I said earlier. The College of Physicians and Surgeons in Alberta said they were unable to contact the physician, but would update the family at the end of September. In fact, last week, the family heard from the Alberta College of Physicians and Surgeons that they have not yet spoken to the physician. Why not? It's a question that needs to be asked and it needs an answer.

There is even ongoing confusion regarding the identity and location of the physician who signed off on the chart. July 30 from the Hospital Corporation: "The family learned that the hospital had been in contact with a patient safety expert who would be on-site in October." October takes us 16 months from this unexpected death; it's not timely. Why did the Yukon Hospital Corporation wait over a year to initiate a patient safety review? This is a question that should be asked and answered.

Of course there is the big question around the two coroners' judgments of inquiry. We heard the coroners' statements on those; we understand that on the day she released the original report — nearly a year later — she found a point of error. But far from correcting just a point, the coroner reissued a substantively different report with no explanation or reasoning in that second report for the changes. Why the two different reports?

This is a question that needs to be asked and it needs to be answered. I'm not going to highlight them all, but the coroner said that there was a point that needed correcting. Well, this is one of the changes in the language of the reports. The original report said the patient "was permitted to leave the hospital on day passes and spend time at home". The second report says that the patient "was a voluntary patient and as such, could leave the hospital on day passes and spend time at home". In the first report it said "aside from the patient feeling more

‘comfortable at home,’ it is unclear what rationale was made in permitting the patient to leave the hospital during the day.” That whole paragraph disappeared from the second report.

This is a big one. This is in the original report: “... at least three prescriptions were filled for opiates during this period. The most recent prescriptions for Ms. Scheunert were filled in the days preceding her death and included dilaudid 2mg (filled June 19, 2012), oxyneo 20mg (10 tabs filled June 18, 2012), and oxyneo 20 mg (100 tabs filled June 14, 2012). The patient self-administered these medications.” This whole section was omitted from the second report. As was this part, “These prescriptions were written by a physician familiar with the medications being administered to Ms. Scheunert by the Watson Lake Hospital.

This point is important to note because there was a pre-existing knowledge of all the medications being provided to Ms. Scheunert, both prescribed and administered at the hospital. There was no indication in the investigation to support a breakdown of communication regarding all of her medications.

The first one talked about Ms. Scheunert self-medicating. Some people didn’t want to go there, but in fact, in the second — and in the toxicology report — those prescriptions were not — they were found in her system, but they were found at acceptable levels. It was the fentanyl that was overprescribed and then, when mixed with these others, resulted in the mixed toxicology.

In the first report it says there was a lack of documentation regarding the calculations for the increased doses of fentanyl. In the second, it’s much nicer: “On review of the notes, there appears to be a lack of clear documentation regarding the calculations for the increased dose of fentanyl.” Which is it?

In the first one: “Prior to the increase in fentanyl dosages to 150 milligrams, there were gaps in the documentation of effects and effectiveness of the medications that were being administered.” In the second, it was added: “There were challenges noted by the doctor providing care to Ms. Scheunert. Challenges included changing symptomology of severity and location of pain, and side effects of medication.”

It changes the tone.

Here’s another: “There was a gap identified at the Watson Lake Hospital with regard to high-alert medications that required a multifaceted systematic approach to ensuring patient safety.” This was reworded in the second report to say: “On review, it appears that more could have been done at Watson Lake Hospital with regards to high-alert medications that required a multi-faceted systemic approach to ensuring patient safety...” It certainly changes the tone.

I’m going to read this one section from the original coroner’s report because it was left out totally. Remember that this is based on one error that the coroner found. It’s in the section called “Policy Review”: “The mission of the Yukon Hospital Corporation is ‘To Provide Quality Acute Care for the life and health of Yukon People.’ Yukon Hospital Corporation states that patients have both rights and responsibilities regarding medications, communication, and

participation in health care services they receive. Yukon Hospital Corporation is the governing body who oversees hospitals in Yukon. The Corporation and its board of directors were created in 1990. It appears that policy is not consistent between Whitehorse General Hospital and Watson Lake Hospital. Efforts are being made at Yukon Hospital Corporation to ensure that policies of Yukon Hospital Corporation are standard in all facilities in governs.

Accreditation Canada Standards for Managing Medications address the safe use and effective management of medication, and are to be used by organizations with or without an on-site pharmacy. This policy identifies expectations that are considered a Required Organizational Practice (ROP). Compliance with the ROP is a minimum standard that must be adhered to for an organization to be accredited. A Yukon Hospital Corporation policy entitled ‘Patient’s Own Medication’ speaks to medications in the control of patients on admission to hospital. This policy clarifies the process regarding how a patient may be permitted to use their own medication, and under what circumstances. The policy requires that medications must be identified prior to administration, the physician must write in the orders that the patient can use their own medication, and confirms the standards and expectations for safe storage for a patient’s own medication. It is not standard practice that patients are permitted to use their own supply of medication without the express consent and doctor’s orders.”

That’s a big piece to leave out of a second report.

In the first judgment of inquiry, the coroner wrote: “It would appear from the facts that the system let down Ms. Scheunert. There was a lack of clear documentation regarding the use of patient’s own medications and gaps in the administration, monitoring and evaluation of the effects or effectiveness of medications administered to Ms. Scheunert.”

This was reduced somewhat. “It would appear from the facts that the system let down Ms. Scheunert. More could have been done to document the administration, monitoring and evaluation of the effects or effectiveness of medications administered to Ms. Scheunert.”

It’s the tone, Mr. Speaker. It’s the watering down; it’s the making it a little nicer that concerns me. But these are substantive changes based on one error found in the original report.

When looking at the different coroners’ reports, there were three major themes that should be considered. One was the admission in the second report of the list of medications — over 200 tabs of opiates — and the omission of the patient’s own medication policy. The coroner was crystal clear, and I quote: “These prescriptions were written by a physician familiar with the medications being administered to Ms. Scheunert by the Watson Lake Hospital.”

This means that all of the medications, whether administered at the hospital or prescribed to Ms. Scheunert, were known to all the care providers. Upon admission, there was an admission medication reconciliation form completed. Ms. Scheunert was upfront and honest. This is what she had. She was cooperative about disclosing her medications in the

interest of safe pain management for herself. Remember, it was not — those levels of the opiates were at an acceptable level in her blood. It makes no sense to eliminate that information. It's there; it's fine.

The second is the omission of references to policies. I think that's huge. The whole section — policy review — removed. We know that at least two policies were not being followed in the Watson Lake hospital. Yukoners need to pay attention to this. This is with regard to the prescription and administering of medications. There are not many of us who end up in the hospital who aren't administered or prescribed medications.

The Yukon Hospital Corporation's own policies were not being followed. There was a pharmacist on call and that pharmacist was not called by the physician. These breaches of policy are why the coroner recommended that policies of Whitehorse General Hospital should be amended to ensure that all applicable policies are for the wider Yukon Hospital Corporation and inclusive of Watson Lake and Dawson City hospitals. The Watson Lake hospital was transferred to the Yukon Hospital Corporation in 2010. Three years — no excuse for policies not to be harmonized.

The third one is the lack of professional communications. Poor communication is evident throughout this sad story and many barriers were placed in front of that family because of this poor communication.

There was poor communication between Workers' Compensation Health and Safety Board and the attending physician in Watson Lake. There was poor communication and documentation regarding the prescribing and administration of drugs that ultimately proved lethal. There was communication of an inaccurate cause of death. There were repeated delays for the family — multiple unanswered questions. These represent barriers to accountability and justice.

There was lack of a diagnosis and a treatment plan. The patient's rights were denied — the right to a treatment plan and to safe medication practices. Dosages of medications — fentanyl — why was it doubled? Why was it not properly documented? Why was the pharmacist on call not asked to review it? "Opiates" removed from the judgment of inquiry — what are the legal provisions that allow for the issuing of two different judgments on the same death? Tiered structure for the administration of high-alert medications was not followed. Disturbing the body after the death and prior to the autopsy — how does that happen? The timelines — a proper response to a preventable death and answers to the questions — how long is this going to take? When do we get the answers? This isn't good enough. We talked about this in the Legislature.

The minister responsible has been unable to identify the parts of the system that failed and how they all will be fixed. There are no answers regarding implementing mandatory, critical incident reporting. We just had Patient Safety Week a few weeks ago. This is part of that — this is part of patient safety. Everybody should pay attention to this — everybody.

And patients' rights weren't respected in Ms. Sheunert's case. She asked, she made her feelings known. She told them

how she felt, where she wanted to be and what she wanted. She told them she was feeling whacked-out and groggy. Nothing changed, except it ultimately got worse and she died.

Workers' Compensation — all kinds of unanswered questions there. There are too many questions that can't be followed up in a coroner's report, Mr. Speaker, because it's a bigger issue.

Fact-finding inquiries are established to investigate and report on a particular event or series of events. Commonly, they are established in the aftermath of a tragedy and this is one. It's where the public's confidence or trust in public institutions or officials has been shaken.

There have been inquiries across the country — important ones: the Westray disaster is still going on; Elliott Lake — the mall collapse; Walkerton — contamination of the water supply for a town; missing and murdered aboriginal women — we're still call-waiting for an inquiry into that.

We've been down this path before. On January 27, Bradley Rusk, Valerie Rusk, Gabriel Rusk, Rebekah Rusk and Donald McNamee died of carbon monoxide poisoning in the home they were renting at 1606 Centennial Street, Whitehorse. The tragic deaths were ruled "accidental" and there's a parallel here. Ms. Scheunert's death has also been ruled "accidental," despite system failures that make this a preventable death.

The Rusk family and Mr. McNamee died because of the fact that major problems with oil burner appliance safety, regulations, et cetera, documented as far back as 2007, were ignored. A public inquiry would have gotten to the bottom of how this tragedy unfolded. A public inquiry would have given Yukoners the opportunity to review the gaps in our inspection regime, training standards, landlord/tenant legislation and provide an impetus for change. A public inquiry would have given the public opportunity to understand why the five reports detailing serious issues were ignored and gathered dust on the desks of Yukon Party ministers.

In March 2012, the MLA for Copperbelt South brought forward a motion in the House — and I will only read the first part:

"THAT this House urges the Yukon government to initiate a public inquiry into the recent carbon monoxide poisoning deaths of five Yukon residents to provide the opportunity to review information and report recommendations on matters of public concern..." And then she listed them.

The Yukon Party dismissed a public inquiry then, and we suspect it will do so today. I hope not. There are too many unanswered questions. In the end, it was the chief coroner who launched a juried inquest, which did allow the public to attend and the family did have the opportunity to ask questions and call witnesses, though the family member who participated was frustrated by this process.

The Yukon NDP Official Opposition is bringing forward this motion because we listened to a health care story from a family, a family who wants their questions answered publicly. We listened to the family and weren't afraid to ask important questions about patient and public safety. This story we've

outlined has too many unanswered questions and that's part of a culture. If we're not going to just commit to but actually implement a culture of safety, we need to understand what enabled all the over-administration and prescription of drugs, what enabled a culture of policies that were not consistently followed and is somehow okay — a culture of unsafe practice happens in a context. Habits do not develop in a vacuum; they are a part of history.

Watson Lake's history includes lots of trauma, lots of alcohol and drug abuse. For years, Yukon health professionals and concerned community members have publicly raised concerns about addictions to prescription drugs in Watson Lake and have tried to do something about that.

The death of Ms. Scheunert is one of three deaths in the Watson Lake hospital in one calendar year that the coroner has investigated. There's a chill on discussing these extremely sensitive and serious matters. People are afraid to speak—I've heard that; I've spoken with people. People with no legal representation are afraid of legal retribution.

We will not find a solution to these problems if we can't talk about them openly and in public. A public system failure needs a public fix. The Yukon NDP is working toward a culture of safety. We are working toward a culture of patient-centred care as the way to get the best outcome for Yukon patients and the professionals who serve them. We need to restore public confidence after this and after all of these questions have been raised. I've reviewed the reasons why a public inquiry is needed.

This is the goal we're pursuing — the outcome we seek for Ms. Schuenert's family and for all Yukoners. It's a commitment to a culture of public safety and confidence. We mustn't be afraid to talk about these things. The stakes are too high and it impacts every single Yukoner.

**Hon. Mr. Graham:** It's interesting to me to listen to the member opposite. She has obviously got access to medical records that I don't have. If I had attempted to access the file of Ms. Schuenert through the WCB, then I'm sure members opposite would have called for my resignation immediately, and rightfully so, for attempting to interfere in the system.

Mr. Speaker, it's really unfortunate — this whole incident is unfortunate. We've agreed with that — it's a tragedy. We hope that such a tragedy will never happen in this territory again. Unfortunately, this one did. There are a number of safeguards in place to ensure that such an incident is investigated and that, when a review is completed, safeguards are put in place — if they are not already in place — to ensure that such an incident doesn't happen again.

If policies and procedures weren't followed, then the Hospital Corporation should be aware of that after the safety review has been completed and they should be able to take steps at that time to ensure that such a thing doesn't happen again — that policies are followed, procedures are in place and that people involved in the health care system follow those things.

Mr. Speaker, I became aware of this tragedy first in January of this year when I received a letter from the

Scheunert family discussing issues. In that letter, the family asked six questions, as the member opposite stated. The vast majority of those questions, as the member stated, were medical questions that not only am I not in a position to answer — I'm not qualified to answer.

When I requested my department to look at it and prepare an answer, they did so and they suggested in that letter — because it was apparent in the letter that there seemed to be some concern that diagnosis was incorrect and why wasn't she medevaced out — that those types of questions should have been answered either during the inquest or as part of a broader investigation. As I understand from the family and from the member opposite, that investigation has begun through the Yukon Medical Council. Again, I have no direct knowledge of that, but from what the member opposite said and from what the family informed me on Friday, they have had a response from the Yukon Medical Council, and evidently also from the Alberta Medical Association, which is responsible for those investigations. It is, again, unfortunate that a great deal of time has elapsed and, for that, the family has my deepest sympathy.

In August of this year, I requested the Yukon Hospital Corporation give some additional information and they provided that information. With regard to Ms. Scheunert's death, opportunities for improvement within the system were identified, and that was primarily through a gap analysis that was completed at the time that the letter was written — October 4 — by the Yukon Hospital Corporation. They incorporated feedback at that time from the family and from preliminary information from the autopsy report, which was received in February of 2013.

The Yukon Hospital Corporation had also initiated an independent review under the auspices of the Yukon *Evidence Act*. That would provide a clear opportunity to identify further systemic gaps, and it would provide an opportunity for improvement in activities that focus on the patient-safety system. The goal of the review was to determine the facts surrounding the incident, complete a systems-level review, provide a confidential environment for participants — which is protected under section 13 of the Yukon *Evidence Act* — and to encourage improvements in patient care across the organization. As I understand it, that patient safety review is almost completed, if not already completed.

As the chair of the Yukon Hospital Corporation said, once it is completed, they will share the findings of that report with the family. I believe that should happen in the very near future. I know that the Yukon Hospital Corporation chief of medical staff has provided feedback to the physicians involved and the development of a high-alert medication strategy — which includes identification of high-alert medications and roles and responsibilities of health professionals in relation to prescribing, dispensing and administering — is being finalized within the hospital.

The Yukon Hospital Corporation has also enhanced pharmacy supports and an operational review of the pharmaceutical situation in the hospitals is currently underway. The Hospital Corporation also took steps to improve clinical nursing documentation and implementation

was scheduled for this fall and early winter. I would expect that it has, or it is now, in process.

Things are happening, Mr. Speaker. I trust that when the family of Ms. Schuenert meets with the Yukon Hospital Corporation it is at a time when the results that can and will be shared with the family. I trust that will answer the vast majority of their questions. If those questions are not answered, there are clear areas in which they can proceed. As I've said, the Yukon Medical Council complaint is an obvious one.

They have taken those steps and for that, I congratulate them, because I think that is part of any resolution. However, they also have the opportunity, once they have gone through the patient safety review — and I have said this before — to petition the court for a coroner's —

**Some Hon. Member:** (inaudible)

**Hon. Mr. Graham:** If you have something to say, you can say it.

Mr. Speaker, they can petition the court and in my opinion, that's a logical extension. We have then a disassociated person outside of involvement in this area who would be in a position to assess many of the facts and to assess exactly the information provided by all parties instead of just one and, therefore, make an assessment about whether or not a medical inquest would be appropriate under the circumstances. That was the system that was followed during the Rusk inquiry. It's a process that obviously works and I think it's the process that should be followed if the family's questions are not answered at the patient safety review.

Mr. Speaker, we have also had a great deal — or the member opposite spent a great deal of time talking about the coroners' report and why no answers were received with respect to why two coroners' reports were produced. We went back through the Blues on three different occasions.

We explained exactly why and under what provisions the coroner's report was revised — I did three times. The Minister of Justice explained the same thing once.

The goal of the coroner's report is to provide facts. The coroner has the authority to correct the report, and that's not only based on provisions within the act, it's also based on common law. That's the reason the coroner revised her report. New facts came to light; in light of those new facts and in consideration of those facts, the coroner made the decision — and she explained it in the release that she provided. She explained why she changed her report: new facts came to light. I know the member opposite doesn't accept that the coroner has that ability — perhaps she should read the act and look at the common law and make a determination that, yes, she does have the ability to change that report, which she did.

As we've said over and over again, we don't interfere in the workings of that office. We respect the coroner's office. Again, it's extremely unfortunate that it happened in the way it did, but there is nothing we're going to do by going back and revising that — or re-looking at the coroner's report.

For these reasons, we believe that the process to date has been relatively clear. It's unfortunate that it has taken so long. Everyone on this side of the House believes that that probably

has to be the most frustrating part of this whole experience. It has taken too long and these people are left in limbo while it's happening. For that, we apologize, but the process must be allowed to finish.

We on this side of the House do not believe that we should call an independent inquest at this time. We don't believe it's warranted until all the steps in the process have been concluded. Therefore, we will not be calling an inquest.

### **Motion to adjourn debate**

**Hon. Mr. Graham:** For those reasons, I move that debate be now adjourned.

**Speaker:** It has been moved by the Minister of Health and Social Services that debate be now adjourned. Are you prepared for the question?

**Some Hon. Members:** Division.

### **Division**

**Speaker:** Division has been called.

### *Bells*

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Pasloski:** Agree.

**Hon. Mr. Cathers:** Agree.

**Hon. Ms. Taylor:** Agree.

**Hon. Mr. Graham:** Agree.

**Hon. Mr. Kent:** Agree.

**Hon. Mr. Nixon:** Agree.

**Ms. McLeod:** Agree.

**Hon. Mr. Istchenko:** Agree.

**Hon. Mr. Dixon:** Agree.

**Mr. Hassard:** Agree.

**Mr. Elias:** Agree.

**Ms. Hanson:** Disagree.

**Ms. Stick:** Disagree.

**Ms. Moorcroft:** Disagree.

**Ms. White:** Disagree.

**Mr. Tredger:** Disagree.

**Mr. Barr:** Disagree.

**Mr. Silver:** Disagree.

**Clerk:** Mr. Speaker, the results are 11 yea, seven nay.

**Speaker:** I declare the motion carried.

*Motion to adjourn debate on Motion No. 524 agreed to*

### **Motion No. 19**

**Clerk:** Motion No. 19, standing in the name of Mr. Silver.

**Speaker:** It is moved by the leader of the Third Party:

THAT this House urges the Government of Yukon to work with health professionals and key stakeholders in Dawson City to transition the Dawson City hospital into a collaborative primary healthcare facility that supports community nurses and meets the needs of the community.

**Mr. Silver:** It gives me great pleasure to get up here today and speak to this motion. This motion is one of the first

ones I ever tabled as an MLA. It was originally tabled almost two years ago during my first sitting. During the 2011 election, I heard repeatedly how the previous Yukon Party government arrived in Dawson with a plan to build an acute care hospital and the community was gravely concerned at the time that their needs were not being considered. The motion before us here today is a result of what I heard during that campaign.

Now most of these concerns from 2011 were validated in February of this year with the release of the Auditor General's report on the Dawson and Watson Lake hospitals. Today is about moving forward. It's about offering the Minister of Health and Social Services some time here to showcase the good work done by his department, the Hospital Corporation and the Dawson City health community in addressing the recommendations from the Auditor General and his report.

I will endeavour to summarize the observations and recommendations here so that the minister can speak to the actions of his department on these recommendations.

I think we've learned a lot over the last two years about what it means to have a collaborative health care model. We've had quite a few debates in this House as to what our own personal interpretations of that word and concept are. The bottom line for me — as somebody who has worked in the community in education — is that a collaborative care model means having the ability for our health care professionals to expand their roles as opposed to waiting for people to be sick. Being part of a healthy community means that our nurses and our doctors and our health care professionals can come into the schools, can liaison with the First Nation community and can actually promote healthy endeavours in the community.

When we talked about bringing forth this motion today, we talked about putting a new motion in play first — one that maybe didn't use the "collaborative" word — but in the end we said no, this is something that has been talked about quite a bit in my community and I think it's very valid that we continue from there.

Lots of questions have been asked, lots of questions have not been answered and once again here's a great opportunity. I did speak with the Minister of Health and Social Services before standing up here — I believe it was yesterday or the day before — told him my intentions and he said he was thrilled to be able to respond as to what his department has been doing.

I just wanted to start with listing some of the observations from the Auditor General's report. One of the main criticisms of the Auditor General of Canada's report on the Dawson City hospital was the lack of a needs assessment. Observation 18: "We reviewed actions taken by the Yukon Hospital Corporation, in collaboration with the Department of Health and Social Services, in planning the new Watson Lake and Dawson City hospitals. We examined whether the Corporation had determined the communities' health care needs, the services required to meet those needs, the most cost-effective manner to deliver the required services, the capital costs to build the hospitals, and the ongoing operating costs for the

hospitals; and whether the Corporation and the Department had sought approval of the costs."

Community health care needs were not fully assessed was the observation there.

Moving to Observation 22: "We examined whether the Corporation conducted a health care needs assessment in the Watson Lake and Dawson City communities before starting to build the hospitals. Conducting such an assessment is important because the results of the assessment can be used to help design and build hospitals that better meet the communities' needs."

Observation 23: "A health care needs assessment is a systematic process for collecting and examining information about health issues and health care in a population. A health care needs assessment includes determining the medical conditions in a population, the demographics of those affected, and options for intervention. Information gathered in a needs assessment is important to help prioritize goals, develop plans, and allocate funds and resources with the overall goal of improving people's health."

Observation 24: "We reviewed documentation related to the projects provided by the Corporation and the Department. We also spoke to residents and health care workers in Watson Lake and Dawson City to obtain their perspectives on how well the new hospitals will meet the communities' needs. Finally, we toured the partially constructed hospitals in May 2012."

Observation 25: "Corporation officials told us that they took the request from government to build the hospitals as an indication that the facilities were required. We found that, in planning the hospitals, the Hospital Corporation met with health professionals, First Nations, seniors, politicians, and residents in both Watson Lake and Dawson City. The Corporation told us that it did not prepare reports from these meetings. We visited most of the groups to obtain their perspectives on the meetings. Most of them characterized the meetings as information sharing on the Corporation's part as to what the new hospitals would offer, rather than information gathering."

Observation 26: "Although we found that the Corporation had spent a lot of time in the communities while planning the hospitals, it was unable to provide us with any analysis that it had conducted of the communities' health care needs. For example, it could not provide us with analysis that linked demographics and population forecasts with a requirement for specific health care services. Nor did it have analysis that linked medical usage data to, for example, predicted health care needs. It also did not have written information on the communities' health care needs, such as the number of residents who might benefit from outpatient dietetic counselling — one of the new services being offered."

Observation 27: "Corporation officials told us that they collaborated with the Department to determine the health care needs of the communities. We found evidence that the Corporation and the Department collaborated on determining how services would be delivered, such as coordinating the shared delivery of a nutrition course, but not on determining

the health care needs of the communities. The Department told us that the hospital projects were the responsibility of the Corporation.”

Observation 28: “The Yukon Hospital Corporation faced a number of challenges in managing several large capital projects at the same time. We found that the Corporation worked to deal with those challenges and was successful in dealing with many of them. While the hospitals have been designed to provide services that the communities may benefit from, the Corporation missed an opportunity to determine the services most needed by the communities so that they could then design and build facilities that would meet those needs in the most cost-effective manner. See our recommendation at paragraph 37.”

“Options to meet communities’ needs were not evaluated.”

Observation 29: “In reviewing actions taken by the Corporation in planning the hospitals, we also examined whether the Corporation, in collaboration with the Department, evaluated options for meeting the communities’ needs most cost-effectively. Evaluating options would help the Corporation to determine the most appropriate facility for delivering health care programs and services. This is important because the Hospital Corporation and the Department have a duty to provide health care services to residents of Yukon while, at the same time, to spend public funds in a cost-effective manner.”

Observation 30: “We found that the Corporation had not evaluated options on how to meet residents’ health care needs most cost-effectively. Such options could have included, for example, continuing to operate the Watson Lake Hospital as a cottage hospital or operating it as a hospital with increased acute services; another example would be continuing to operate the Dawson City Hospital with an expanded role for nurses or operating it as a physician-based model of care. However, we found no evidence that the Corporation had analyzed such options. We also found the Corporation did not analyze existing health care information that it could have used in evaluating options. For example, although the Corporation has claimed that having more comprehensive care in the communities will benefit residents by resulting in less medical travel to Whitehorse and outside the territory, it did not analyze the amount of medical travel that had taken place in the communities previously, the reasons the travel occurred, or how it anticipates that the services to be provided in the new hospitals would reduce the travel.”

Observation 31: “We also found that the Corporation did not analyze the ongoing financial resources needed to operate the hospitals before starting to build them.”

“The Corporation is unable to show that the hospitals are the most cost-effective means of meeting health care needs.”

Observation 32: “We examined whether the Hospital Corporation adequately managed the building of the Watson Lake and Dawson City hospitals by designing them to meet the identified health care needs of the communities to be served. This is important because the hospitals should be

designed for programs and services that respond to the health needs of the communities’ residents.”

Observation 34: “The new Dawson City Hospital is also designed to have six emergency beds and six inpatient beds. Outpatient services previously provided in Monday to Friday clinics (such as administering IV antibiotics) will be provided in the hospital. Like the Watson Lake Hospital, it will also have a First Nations Health Program, dietetic services, and improved space for occupational therapists and physiotherapists. It will not offer obstetrical or surgical services.”

Observation 35: “There is evidence to support the government’s position that the health care facilities in Watson Lake and Dawson City required repair or replacement, and the new hospitals have been designed to provide health care services to these communities. However, without a complete health care needs assessment and an analysis of the options available to meet identified health care needs — including the costs of those options — the Corporation is unable to demonstrate that the hospitals have been designed to meet the communities’ health care needs or that they will provide services as cost-effectively as possible.”

Observation 36: “Construction of the hospitals in Watson Lake and Dawson City was nearly complete at the time of this audit and the costs of building them have been incurred. Nonetheless, it is still important that the Corporation be able to provide the services most needed in the communities. Completion of a health care needs assessment of the communities would help the Corporation adjust services where necessary and make the best use of the facilities that have been built.”

All of these come toward recommendation 37: “The Yukon Hospital Corporation, in collaboration with the Department of Health and Social Services, should conduct a health care needs assessment in the communities of Watson Lake and Dawson City. The information gathered in this exercise should then be used to ensure that the services delivered in the hospitals are designed to meet the communities’ needs in the most cost-effective way possible.”

“The Corporation’s response. Agreed. A more comprehensive needs assessment would improve the ability to ensure the appropriate decisions regarding effective programs for the new hospitals. To mitigate potential risks, the Corporation included as much flexibility as possible in the design and construction. For example, in Dawson City, where the model of care had not yet been determined, it was recognized that a typical hospital model of care rather than a collaborative care model requires different space. The new hospital was designed to allow either. The design of both hospitals allows for future changes in use and programming.”

“The Corporation will collaborate with stakeholders to review current and future programming and provide opportunities for community input. For example, we will continue to work with the First Nations Health Committee, Tr’ondëk Hwëch’in, Na-Cho Nyak Dun, and the Vuntut Gwitchin to develop an appropriate First Nations Health Program that meets their communities’ needs. Another

example is the Corporation's partnership with the Department of Health and Social Services in developing a therapy model to best serve the Watson and Dawson catchment areas. We are committed to ongoing program assessments."

"The Department of Health and Social Services' response. Agreed. The Department, as part of its regular meetings with the Chief Executive Officer of the Corporation and the Assistant Deputy Minister of Health Services, will collaborate on assessing the health care needs of the communities of Watson Lake and Dawson City, where both the Department and the Corporation provide services."

Mr. Speaker, let's fast-forward to today. I'm interested in moving forward; my community is interested in moving forward. We cannot go back and rebuild the facility. The needs of the community will have to be built around it instead of the other way around, but as we saw from the report, this building has flexibility.

To the minister's credit, he accepted the criticism from the Auditor General and agreed that more needed to be done. The Minister of Health and Social Services agreed that a needs assessment was required and I understand that it is nearing completion and will soon be available to the public and to the staff at the new hospital in Dawson. I am very anxious to see what it says and I am glad the minister followed through with this.

With regard to collaborative care, as I said, there has been a lot of back and forth on this between the government and my community. What was originally going to be a \$5.2-million replacement of the existing health centre has turned into a six-bed, \$35-million hospital. It's not necessarily what my community asked for or necessarily what the need that was assessed at that time. Dawson residents expressed a loud and clear desire to see existing nurses in the community be able to stay and practice to their highest capacities in the new facility. It's sad to say that that was ignored.

Today I am hearing very similar questions. Residents want nurses to use their full capacity in the facility and in the community. To me that means health promotion, health care, mental health services, services in the school — and the list goes on. I have also heard from the doctors very loud and very clear. Doctors provide distinct skills, knowledge et cetera. It's different from other health care professionals and it is a vital part of the whole health care team. Nobody has ever expressed that a collaborative or any other type of care model didn't have doctors at the helm. That's a very, very important statement that needs to be put into the record.

Nursing and collaborative care only go so far, and they have said you need doctors on the bottom line. I had a great conversation with the medical fraternity and we talked about how teachers need their EAs but, in the end, teachers are in control of administering the class and it's a very similar situation as doctors to nurses. There's a pivotal role for EAs in the classroom, but the bottom line is that you need teachers to make decisions, just like you need doctors to make decisions in hospitals.

I think it's important that we don't get too hung up on the technical or medical definitions. I know the minister knows

exactly what I'm talking about. It's how these health professionals work together that is the most important — and how well utilized they are.

The government has been talking about collaborative care for a number of years. We're anxious to see how this is going to move forward into action. I'm not going to belabour the point. I'm just going to say that the minister and I have had excellent debates in this Assembly as to what it means to have collaborative care.

I will borrow his words and say that I, too, am not a doctor. I am not a professional in the medical community, but I do know — and this is very important and pivotal to the whole point I'm making here today — that my community wants a health care facility that goes well beyond an acute health care model — meaning they want a medical community that is inside the schools, teaching healthy choices to the community; they want to have positive liaison with the Tr'ondëk Hwëch'in and they want a system that will produce results.

I am not a medical health care professional but I have every faith in the medical community in Dawson, the EMS professionals, the nurses, the doctors and the administration. I believe that with proper needs assessment done, with these individuals at the helm, programming at our hospital will be second-to-none.

With that being said, I am anxious to see how the government plans to move forward. I am looking forward to giving the minister an opportunity to outline the needs assessment process. As we are about a month away from the grand opening, I believe many rural Yukoners are anxious and excited as well.

Now, I can't sit and open the floor to debate without a further push for allowing the community to pick a name for the hospital. We all want to move forward on this, that's for sure. I'll let the Minister of Economic Development make his suggestion when it's his turn to talk on this — I won't vote in favour of it.

We want to move forward on this hospital. We all want to get the trouble of the construction behind us. I implore the minister to champion this cause of allowing the community to name the hospital. I believe it will go a long way to improving relationships between the corporation and the community.

I am interested in hearing from the minister on this motion and I'm also looking for answers specifically to the following questions. When will the needs assessment be completed? What's in the assessment, if the minister can share any of this at this time? Finally, what is the government doing to make the facility and the community health more collaborative?

**Hon. Mr. Graham:** It is indeed a pleasure to stand here today and discuss this motion from the Member for Klondike. I'd first of all like to address the health care assessment. The health care assessment recommended by the Auditor General, agreed to in the response by the Yukon Hospital Corporation and also agreed to by the Department of Health and Social Services, has been undertaken. I'm happy to

say the Hospital Corporation and the Department of Health and Social Services are reviewing the assessment as we speak, going back and forth with the contractor if there are errors of fact and will soon have a set of recommendations for me that I will further discuss with the Yukon Hospital Corporation with an intent to go forward.

Dawson City is an interesting community. I first visited Dawson City as a very young fellow after travelling down the Yukon River on a summer holiday and have always been impressed by the independence and by the artistic ability of many of the residents. It has always been a more or less eclectic community to me and I've always enjoyed my time there. When I had family living in Dawson City, I had an opportunity to visit even more often and I never got tired of it.

It's an interesting community; the Tr'ondëk Hwëch'in are a vital part of the community and have a very important role to play in any health care plans within the city.

We know in Dawson City, from health surveys that have taken place in the past, that approximately one-half of the people in the community — and we have to differentiate sometimes between rural Dawson City and urban Dawson City — but approximately half of the people there in the urban area consider themselves overweight and many have reported they experience the same types of problems that many people in the urban centre of the Yukon, Whitehorse, experience, like back pain, high blood pressure and diabetes. But we also find in the rural communities — and Dawson City is no exception — that higher risk-taking is also something that is prevalent, as well as alcohol consumption, of course — always a determinant of how much will be needed in terms of medical practitioners and medical facilities to work with the people.

Taking all those things into consideration, I first of all want to read from a speech that I gave as part of a symposium in Toronto as a guest of the Health Council of Canada. They provided an opportunity for my participation in the collaboration and building system capacity for quality improvement in Canadian facilities. I started off by saying that, unfortunately, Canada's territories are often forgotten in these national discussions, and while we are often trailing the progress of larger provinces, we do bring a unique view and experience to the debate. There is a continued need to consider rural and remote delivery, not just in the territories, but throughout Canada. I said that all jurisdictions are struggling with ensuring high-quality, accessible and sustainable health care.

While the Yukon is fortunate in our financial capabilities — because we've been very good stewards of the budget — we do know that we have to continue to focus on health care innovation and quality improvement to be sure that our services can be sustained into the future. We also know that equity is a key issue for people living in rural and remote areas. While many receive excellent community and primary care, they will always be impacted by limited resources and distance from many services.

Northern, rural and remote Canada and the health system services in these areas are in many ways the canary in the coal mine. We no longer have an option for slow, incremental

change because we will not be able to deliver health care as we have, and we are running out of time. In this country today, few health care and medical graduates overall are now trained for remote and independent practice. We need generalists, not an over-specialized workforce in this area. Our demographics — both provider and public — are changing quickly and we have limited resources for system change.

In Health Canada's own report, *Better health, better care, better value for all*, they state that health care systems in Canada have been at health care reform for over a decade. We're all aware of some successes. We've even had promising practices; we've had innovations. Overall, it has been a very slow process with very disappointing results, and we struggle with system change, with the scalability of promise.

We can't promise that everyone will have a knee replacement within a month of requiring one, nor can we promise everyone will have surgery immediately when it's required.

These are the things that we face here in the territory, as well as in other rural and remote areas across the country. One of the things that we see as an integral part of resolving some of these issues is integrated service delivery, collaborative care — or whatever the acronym may be today. I thought that I'd start, first of all, with a definition for integrated service delivery or collaborative care.

There is a very high level of complexity and variation that exists in the health and care sectors, both within and across jurisdictions within this country. Some researchers have even suggested that integration is not an end in itself but rather a means, a strategy or an overall approach to reorienting care and service delivery to address the many challenges in today's health care system. Despite the lack of a single, consistently used definition with universal application, there is general agreement regarding some of the key components or principles of integrated service delivery.

Generally speaking, integrated service delivery is client focused — placing patient care needs, experience, satisfactions and outcomes. It is the centre of service delivery. It is accessible, with either multiple entry points or multiple service delivery points. It's multi-service or cross-sectorial, providing clients with access to a package of continuum of services and supports to meet a range of care needs, and it provides continuity of care, ensuring clients are monitored and supported across time and care providers and systems.

Finally, it ensures clients have the right provider and the right service at the right time and the right place, so that the services are appropriate, efficient and most effective for meeting client care needs.

For our purposes, integrated service delivery means a model of service provision that utilizes teams of health and care providers who bring separate and shared knowledge together to support a comprehensive range of high-quality, effective health and care service for patients according to patient care needs over time. We're not restricting it only to hospital care, prenatal and neo-natal care, and your illnesses as you proceed through life, but we're also saying that it has

to address the needs of the aging population as well, and that's why we say the needs over time.

Services should be delivered in a non-hierarchical model where all professional roles are optimized and each model is unique to the community and the people served in that community. I think that's really important as well.

Through an integrated service delivery approach, we believe that benefits for both patients and providers are available. It's best suited to groups that have complex care and medical needs. It requires a range of services and supports from the health and/or social service sectors and we find that people in those sectors — in these populations — are often underserved by the current system. This includes persons with mental health and/or addictions challenges; people with chronic conditions; frail, elderly folks and others with higher risk and medically fragile conditions — again, we get back to the diabetes, high alcohol consumption, high blood pressure and consistent or chronic pain — these are the populations we try to serve.

The goals of the integrated service delivery are merged as a response to a number of different challenges in today's health care system, but it is consistent in key goals that it aims to achieve. In addressing a range of systems challenges, the overall goals of integrated service delivery are to increase service and access and equity; to provide services in a more effective, efficient and timely way; to support disease prevention and self-managed approaches; to improve service quality and patient outcomes; and to ensure long-term system sustainability by reducing cost growth, particularly for secondary and hospital care.

Reducing systems cost is only one of the goals and it's one of the drivers of integrated service system change. In addition to reducing immediate emergency room cost pressures, integrated service delivery also reduces hospital readmissions and provides a more appropriate form of care for managing chronic conditions, thereby preventing other system costs.

System change is a difficult undertaking, particularly in the whole health and social care sectors, which are highly complex and where there are well-entrenched provider roles and practice cultures. We've seen that in the territory time and time again. It requires a clear vision and an incremental approach to implementation based on clearly defined principles and priorities. Health and Social Services is proposing to reorient the health and social services systems by adopting an integrated service delivery model for system change. To maximize successful implementation, we believe that an incremental approach is necessary.

As most will remember in November of 2012, the government approved legislative amendments to regulate nurse practitioners in the Yukon, allowing them to practice to their full scope in the territory. NPs are registered nurses with additional graduate-level training and are able to provide many of the functions of physicians, including ordering and interpreting diagnostic tests, prescribing pharmaceuticals, medical devices and other therapies, performing procedures and making referrals to other health care professionals.

At the present time, we have limited access to primary services in some Yukon communities and we have a large number of people with unmet care needs. These people are generally higher risk priority patient groups and it's important that we deal with them because many times these are the people who are chronic users of our health care system.

Our plan isn't only about nurse practitioners. We have to include all medical practitioners in this territory, whether they're physicians, pharmacists, LPNs, social workers, dieticians or the myriad of other health care professionals that we currently employ in this territory.

I think it goes without saying that health is the top priority for all Canadians, and Yukoners are no different. That said, Canadians and Yukoners are only beginning to recognize that the way things have been done for decades is not the way we have to do it into the future. We need to change our focus, as I've said, from acute care and the processing of patients to a system that instead promotes health and wellness upfront. The historic focus on acute, episodic care served us well; however, it was more suited to a young population with a majority of issues behind acute care needs. We only have to look back to when I was a young fellow here in the Yukon and the hospital had almost twice the number of beds that the current hospital has and many times it was fully used. But it was a completely different model, and the population was completely different from what it is today. We have to get away from that old way of thinking about things. The health and social services system needs to respond to changing circumstances.

Today I want to focus on some ideas on where we are going as a department and some broad themes that I hope everybody will appreciate and understand. One direction that I want to see the department move toward is a better focus on integrated community-based services. We believe that this is the wave of the future.

To me, integrated means better integration between health and social services, more transparent service delivery, more seamless communication and interaction between workers and all parts of the department. It's a system built around client needs and flexibility — a system that also supports self-management by clients and a solid focus on prevention.

Community-based services means services that are designed to respond to the needs of the people in that community and not to meet the organization — be it Yukon Hospital Corporation's or the department's or the government's needs.

We have taken advantage of the recent Auditor General's report to complete an updated community needs assessment. That information will be used to guide the priorities and the service delivery in the coming months. The results reinforce a collaborative, integrated approach. The Yukon Hospital Corporation has stated from the beginning that they had built the facilities with flexibility, as the Member for Klondike mentioned, for programming and delivery services for the future in mind.

Both within the Department of Health and Social Services and collectively with the Yukon Hospital Corporation, we're looking at the data, as I said previously. The information we

have collected as well as lessons learned and best practices from elsewhere in the country is to ensure that our approach to service responds to what those communities need, using an integrated, collaborative care model while being flexible for future needs and innovations.

In order for us to be able to make some changes, we're going to need to move forward and to be more innovative. Innovation is another broad direction that I want us to move toward. There are lots of good ideas out there and the Yukon is a great place to try some of these and in fact be a model for rural and remote service delivery innovation in this country.

Part of the innovation is looking at collaborative care and integrated service models.

A significant advantage in the Yukon, Mr. Speaker, is that we have social services and health in one department and therefore a greater ability to ensure a collaborative approach and to focus on the broad area of prevention. This also brings strength to our potential collaborative care teams. For example, we need to make better use of our health and social services professionals and the training and the expertise that they have. We need to let all of these health care professionals work to the full scope of their training. We need to move to better team and collaborative approaches, both across social and health services in the department, as well as across the full system with physician practices and with acute delivery services.

We need to make better use of nurse practitioners. As I pointed out, we've had the legislation in place since 2012, but the integration of nurse practitioners in the community hasn't proceeded as smoothly as we had hoped. We run into difficulties making sure that under various parts of legislation, these nurse practitioners are able to work to the full scope of their training and professionalism. We need to make sure that they are able to be integrated into practices throughout the territory.

We have an agreement with the Yukon Medical Association that outlines how these nurse practitioners, if involved in local practices, would be paid so that they wouldn't be — at least during the first part of implementation — necessarily be a drain on the practices' resources.

We also hope to expand the role of LPNs and our registered nurses and other health professionals within the department. We need to better connect mental health and addiction services as part of the integrated community care team and delivery models. We need to be flexible in our collaborative care approach, using community-based, mobile and virtual teams as required by a client or a community and to be flexible to evolving community and clinical needs.

We need to remember that moving to a collaborative care model takes time and focus. It's about developing teams, new team-based approaches, team members and providers acquiring skills for a collaborative approach and shared leadership. It's not just about sharing facilities, such as the facility in Dawson City. We need to look at more and better use of technology such as videoconferencing and telemedicine. As I pointed out yesterday, teleradiation is also something that is available in our smaller communities, but we

need the legislation in place that allows us to share those medical records around the territory.

We have both videoconferencing and telemedicine available right now, but are not used to their capacity. We need to be innovative in the use of these tools across the full system and to use these to support a collaborative-care approach to service.

I as a politician, and us as a government, find it very easy to get caught up in the present. What are the current needs and priorities? What needs attention now? How do we respond to this specific current situation? It's much more difficult to take a step back and look at the bigger picture. What should we be thinking of for our long-term use? What do we need to build now and what will address our needs down the road? What does our future look like and how can we start planning for that now?

As I've mentioned several times during the debate over the buildings being constructed in Watson Lake and in Dawson City, probably in 20 to 25 years they will look like — the people who planned and decided to build these buildings were masters of the future. They knew what we needed, because they will grow into great community medical facilities if we plan for it now.

The themes that I keep coming back to are access, quality and sustainability of our health care in our communities. We need to address each of these in a way that has a lasting and positive impact as we proceed into the future. Whenever we hear the word "sustainability", most people will think that it's all about money and controlling costs. Indeed, health care costs are rising. Upwards of 50 percent of some provinces' budgets are spent completely on health care. Interestingly, health care services are not a major determinant of the health of a population. Social, economic factors and resulting individual behaviors are the primary drivers.

Everybody has seen the statistics that if you are well-off and you live in a good neighbourhood and have a great education, your chances of having better health as an adult and as a senior are much, much higher.

While being able to continue to afford certain services is a reality of any government, sustainability has just as much to do with adjusting our service delivery to respond to the changes in our demographics and in our communities — changes in medical, clinical and technology and service delivery — and to ensure that all our service providers can continue to deliver much-needed services as it does with the limited dollars and cents that we have available.

I want to see us develop a full continuum of services where the patients and our clients are not concerned or even aware of who is delivering or who is funding what service. They shouldn't have to think about who is the responsible one — who is responsible for medevacs — and who is responsible for all the myriad number of care services that are provided within our medical system.

I want to see a fully integrated health and social system, with the client first. A team of professionals may be involved through technology, through virtual or mobile teams, through the right provider at the right time and the right place. But the

focus for the client is that they get seamless, high-quality, appropriate service when they need it. I want to see the department place a greater emphasis on integrated, community-based services. We need to maximize the advantage we have of having these services, all of these services, combined in our one Department of Health and Social Services.

To me, integrated means better integration between health and social services, as well as the Yukon Hospital Corporation. We need more transparent service delivery, more seamless communication, case management, transitions of services and interaction between workers, between departments, between agencies and even between agencies such as NGOs and the government — more responsive and efficient delivery that benefits the individual accessing those systems.

For example, mental health and addictions has been one of my priorities. It is a good example of where I want to see integration across a broad spectrum of services. It's an area where we need to be innovative and creative — an area where the client should not be caught up in differing roles and responsibilities between service providers, but an area where all people work seamlessly to ensure the best possible outcome and support for the client at all levels.

I want to see services that are community-based and designed to respond to the needs of the people in that community. With Dawson, we've had preliminary discussions with the physicians and local department staff to introduce moving to collaborative care. We feel that there's a definite interest and support and we will continue to look at how we can move in that manner as the community-based services move to the new facility.

I also have had discussions with the board chair of the Yukon Hospital Corporation to look at collaborative care and greater integration of community and acute care services. Facility integration and joint use within the facility are also important as well as how to move forward from this point. We have charged the deputy minister and the CEO of the Yukon Hospital Corporation to develop a long-range plan and move to a collaborative care model, recognizing that it does take time but it's very important to start now and to have a long-term plan.

The needs assessment has provided us with the key areas for focus. In order for us to be able to ensure we have the high-quality, accessible, sustainable health and social service system, we are going to need to be more innovative. So innovation is another broad direction I want us to move toward.

There are a lot of good ideas out there and the Yukon is a great place to try some of them. We have the advantage of our Premier serving as co-chair of the Health Care Innovation Working Group and the work we do as provincial and territorial health members.

Team delivery and innovative approaches are one key theme of work under the Health Care Innovation Working Group. For me, new ideas are not about finding more things to add to what we already do — it's doing differently and better

with what we already have. It's looking at what we spend now and asking if we can find creative ways to do more with what we are given, to better engage our clients and patients to take on responsibility themselves for their own health and well-being.

In recent years, the department has made significant investments in secondary and hospital care to better serve the acute and specialized care needs of Yukon. We are now looking at enhancing primary and community care with the adoption of an integrated service delivery model. This is a model of service provision that utilizes teams of health care providers from across disciplines to provide patients with a comprehensive range of health care services appropriate to their needs.

It will better address the care needs of patients with complex and chronic conditions. It will improve system efficiencies and effectiveness and it will begin to bend the cost curve by reducing systemic cost growth. Many other jurisdictions in Canada are also beginning to adopt integrated service delivery and collaborative community care as a model for health system change. We have started this work, albeit very slowly in some areas, but examples of integrated service delivery initiatives currently underway in the Yukon include the collaborative care initiative introduced through the government's agreement with the Yukon Medical Association.

We have expanded the referred care clinic that serves clients with complex care needs. It was an interesting process — the referred care clinic — because in anticipation of only serving those clients with very complex needs that we were aware of, we only scheduled the referred care clinic to be available for a limited number of hours. To our surprise, we found that a whole new client group began appearing at the referred care clinic. In many cases, they weren't the people who we had anticipated. They weren't the people who had complex needs who appeared at the hospital emergency department on a weekly or almost daily basis.

We revised our thoughts with the referred care clinic — expanded the hours — and hopefully now will be able to serve clients with the complex care needs, as well as the new group that has almost come out of the woodwork to seek care at the clinic.

We will be using Dawson as an area to begin to pilot our work, but we won't be doing it in isolation. We're working across the department and across the total health and social services system in the territory.

I think we are all beginning to recognize that the system as we know it today is simply not sustainable, nor is it really the best way to provide health care to our citizens. This government believes that the needs of the citizens and the community should provide the focus for a model of care that optimizes the role of all providers, whether they be nurses, doctors, therapists, social workers, LPNs, dieticians — anyone who has an involvement in keeping individuals healthy and safe. This collaborative approach is underpinned by a patient-centred continuum of care of which facility-based care or

hospital care or residential facility care is only one component.

The motion tabled today by the Liberal Leader speaks specifically to the Dawson City hospital and community health care facility, and the need to transition it to a collaborative primary health care facility that supports community nurses and meets the needs of the community. I think that we're ahead of what the Liberal Leader intended in motion — and we will continue to focus on Dawson as a pilot — because it's more than just about Dawson City. Any of our services should be responsive to community-oriented services.

We need to be open to new ways of looking at things, new ways of thinking about things and new ways of doing things. It's not all about acute care and hospital beds because health is about more than bed pans and IV needles. We will do and we will always need a high-quality acute care system, be it the Yukon Hospital Corporation services or the use of specialists from outside the territory or even the use of facilities outside of the Yukon for operations that can't be done within the territory. We've done a good job in the Yukon in developing that but our population is aging.

Rates of chronic diseases are increasing and the health care system needs to respond to these changing circumstances. For example, promotion and prevention management of chronic disease to avoid or delay costly complications requires a broad skill set, a proactive approach to care delivery and a patient-centered approach, including active involvement of a patient in his or her own care. Faced with growing numbers of patients with these complex needs and shortages of family physicians in some areas, many family physicians have expressed concerns regarding their working conditions, including long hours and impacts on their own health and family life. These circumstances point to the advantages of a team-based approach to care with various health care professionals working together to help the patient maintain and improve his or her health. For example, a nurse might undertake routine monitoring of a diabetic patient with advice from a dietitian and involve the physician when more specialized expertise is required.

There is a growing consensus that health care professionals working as partners in this team approach will result in better health outcomes, improved access to services, improved use of resources, and greater satisfaction for both patients and providers. Such teams are better positioned to focus on health promotion and improve the management of chronic diseases.

A team approach can improve access to after-hours services, reducing the need for emergency room visits as well as the intensity of those emergency room visits. Information technology can support communication among providers as well as provide support for quality improvement programs, such as clinical practice guidelines for chronic disease management. In these ways, all aspects of personal care are brought together in a coordinated manner.

Collaborative care is seen as fundamental to high-quality, team-based health care. We need to work together to establish

just such a cohesive response to the health care system in the Yukon.

The Yukon Hospital Corporation will open its Dawson City facility on December 7 this year. While it will provide an acute care model of care that Dawson has not seen for many decades, we are also looking toward a more collaborative model of care that will, over time, be much more responsive to the needs of that community — responsive to the needs of the patients themselves, more responsive to the patients themselves — than by the providers.

We see a much stronger focus on working together than we have in the past. We will continue more so in the future, hopefully, to the benefit of all, Mr. Speaker. We support the concept behind the motion tabled by the Member for Klondike.

What I can't do is give him a date on the calendar when this will happen, nor can I tell him when it will happen first. But it's something that we are moving toward and have planned in a thoughtful way. I hopefully will have more to say in the coming weeks.

I have just a small, friendly amendment to the member's motion.

*Amendment proposed*

**Hon. Mr. Graham:** I move

THAT Motion No. 19 be amended by:

(1) inserting after the word "Yukon", the phrase "and the Yukon Hospital Corporation to continue"; and

(2) replacing the phrase "to transition the Dawson City hospital into a collaborative primary health care facility that supports community nurses and meets the needs of the community" with the phrase "to operate the Dawson City hospital as an acute care and community care facility that supports multi-disciplinary health care services, and access to technology including telehealth."

**Speaker:** Order please. The amendment is in order.

It has been moved by the Minister of Health and Social Services:

THAT Motion No. 19 be amended by:

(1) inserting after the word "Yukon", the phrase "and the Yukon Hospital Corporation to continue"; and

(2) replacing the phrase "to transition the Dawson City hospital into a collaborative primary health care facility that supports community nurses and meets the needs of the community" with the phrase "to operate the Dawson City hospital as an acute care and community care facility that supports multi-disciplinary health care services and access to technology, including telehealth".

**Hon. Mr. Graham:** The first one is quite obvious. The Yukon Hospital Corporation is a partner in whatever we do in Dawson City. As I understand, under the Yukon *Hospital Act*, the Hospital Corporation cannot be involved in operating a facility that is not an acute care facility unless it is specifically allowed in the legislation. So it's my understanding that, unless the acute care part is not in this, unless the acute care

part is not part of the hospital package, it's outside of the Hospital Corporation's legislated mandate.

The rest is just a simple rewording. Multi-disciplinary health care services is something that I guess is another acronym or another way of describing collaborate care. We had no intentions of changing the intent, but we wanted to make sure that we also had in there the access to technology part.

It wasn't intended to change the intent; the amendment is intended to include the Yukon Hospital Corporation, to ensure that people are aware that there is still an acute care part of that facility that will be operated by the Yukon Hospital Corporation, and then the collaborative or the interdisciplinary part will be the remainder of the hospital. That's simply why we wanted the amendment, Mr. Speaker.

**Mr. Silver:** This is the nature of these Wednesdays. The minister had an opportunity to see my motion in advance. I think we're playing a little bit of a word game. I'm a little bit confused and I will have to check Hansard again as to what the minister spoke to as far as the needs assessment that has been completed for the Dawson City hospital. I was all excited. I heard the words: we're going to move toward a collaborative care model. Now I'm hearing: we can't do that because the legislation won't allow that.

I'm very confused; I really am. I was hoping that today was a day when we could talk about the programming and move forward. I understand that the members opposite don't necessarily want to have unanimous consent over a motion from the opposition, and we go through these amendment processes all the time. I get it; I understand it. But this is a whole other motion.

Out of my motion is the word "collaborative". It no longer exists in this new motion. Replaced with "collaborative" is "acute care" — acute care plus; plus is what this is. It's basically saying that a collaborative model could be — well I'm trying to piece this together. It's almost as if it is saying then that the acute care model with a bunch of pluses afterward constitutes a collaborative model of health care, whereas in the Auditor General's report that was one of the biggest stumbling blocks. They were happy to see that the hospital actually was flexible and able to go back and forth between these two distinct and different types of health care models.

I'm more confused today than I was in preparation for this today and to hear that the minister says we have the ability and the community has said that this is what they want to do — to move toward a collaborative care model — and that's great. We should have ended the conversation right there and I would have been happy. I would have gone home and I wouldn't be up here right now going on about this.

To add into that afterwards that we would actually have to change the legislation and that we're not allowed to have a collaborative care model because of the way that the Yukon Hospital Corporation currently is legislated or works — I'm perplexed. The minister is trying to help me out, but at the same time, I'm just using the words that he used. Listen, I'm

going to have to sit and think here about this proposed amendment. I love the comments about community care facility, supporting multidisciplinary health care services — that's great — and access to technologies including telehealth, that's great. These are specific things that are amazing and would be great. Our community would benefit from them.

When the minister talks about health care in general, there are an awful lot of things that we could talk about as far as direction for the Hospital Corporation and the direction for the Minister responsible, but the intent of the motion wasn't an overlying thing. It was based upon Dawson City. They asked if we could go toward what this hospital was designed for, what people in the community had asked for and what, I assume, was talked about during these needs assessments. Hopefully I can get some clarification before we have to take this to a vote. Right now, I have to think about it.

**Ms. Hanson:** On the amendment — my goodness, I almost felt like we're being treated to an auditory version of Saul's conversion on the road to Damascus. From a Yukon Party that has really given us a nonstop defence and reiteration over and over again over the last three years about the stated purpose of the Watson Lake and Dawson City facilities as acute care hospitals and acute care facilities, I heard the minister repeatedly speak this afternoon — I was so encouraged because it's so reminiscent of the conversations not only that we have initiated as Official Opposition and the Member for Klondike was raising today — the absolute imperative that we move toward a collaborative model of health care. It's too bad.

I was so excited; I was thinking, gee, it took five years and this government funded and engaged hundreds of Yukoners in a Yukon health care review and a follow-up, *Taking the Pulse*, which came up with exactly those recommendations — that we develop a collaborative health care model for this territory. So, great, I was excited. We were there. Five years later, we're on it.

But, backtrack — you know, I've heard the chair of the Yukon Hospital Corporation say over and over again that this hospital, this acute-care facility, will in fact be leasing spaces to other services. So why, why, why is it so difficult to use the words "collaborative health care" if those services are actually going to be in the building? It seems to me that this is more of a parsing game — a game, as opposed to taking seriously the motion that the Member for Klondike has put forward here. I think that by focusing on acute care — I mean I can go to a health centre in Ross River or in Haines Junction and deal with telehealth and deal with teleradiology.

I don't quite get what the game is here. I'm hoping — because we will be going back and reading the Blues. We were so encouraged by the minister's discussion about the range and the elements that are associated with collaborative care and why it's so imperative.

It's not just us. I don't know how many studies have been done across this country. This government has participated since at least 2004. The Council of the Federation has funded

many, many research papers on the issues around collaborative care and the costs to be saved.

Actually, Mr. Speaker, the minister doesn't accept that the Council of the Federation has done that. I would refer him to *From Innovation to Action: The First Report of the Health Care Innovation Working Group*. The record stands that the Council of the Federation has been engaged in looking at this and has a whole series of very detailed reports.

I share with the Member for Klondike in being perplexed with respect to the intent of this amendment. I don't see that it supports at all what the objective of the Member for Klondike was, which was reflecting his constituents' desire to not only reflect the expressed views of Yukoners through the *Yukon Health Care Review* and the *Taking the Pulse* response to that health care review. It seems to fly, unfortunately, in the face of the very words that he spoke so clearly and so well this afternoon in terms of setting out an agenda for collaborative health care for this territory.

So either he didn't believe what he was saying about the direction he wants to take his department with respect to collaborative health care, or he doesn't understand it. I'm not sure which. So I would hope that he could explain to us what he really does mean by this and how he believes the amendment that he has proposed achieves the objectives or will serve to help achieve the objectives that he set out so clearly this afternoon with respect to why all the indices — not just the health indices and not just the social indices, but the financial indices — say we need to move toward this model of health care. I'm not convinced.

**Hon. Mr. Cathers:** I don't think I've ever heard so much outrage before over the use of terms that a thesaurus would tell you are basically identical. Reference to a multidisciplinary practice or multidisciplinary collaborative practice or collaborative practice alone, all of those are terms that have been used. The commitment —

**Some Hon. Member:** (inaudible)

**Hon. Mr. Cathers:** Mr. Speaker, I know members seem to be eager to engage in conversation here, but my understanding of the rules is that they will have their opportunity to engage in debate rather than heckling relentlessly this afternoon.

The level of outrage we typically hear from the Leader of the NDP reminds me of listening to *Double Exposure* years ago when Bob Robertson — one of the comedy duo who had that well-known radio show on CBC — his caricature of the then NDP leader was, "I'm outraged, completely outraged" on every single occasion. It must be difficult to maintain that much outrage in debate, Mr. Speaker.

Let me point out that in speaking in favor of the amendment moved by my colleague, the Minister of Health and Social Services, let me remind members who appear not to have caught the word in here — and I know that constant chattering from the NDP benches must make it very difficult to listen, but Mr. Speaker —

The amendment moved by my colleague says to operate the Dawson City hospital as an acute care and community care

facility that supports multidisciplinary health care services and access to technology, including telehealth.

It's important that the recognition be given to the work that has been ongoing by the Yukon government and by the Hospital Corporation in terms of doing the needs assessment and working with the community, as well as with health care providers, to develop and prepare to fully implement an appropriate model of care delivery that meets the needs of the community in this facility. It is one where our vision in proceeding forward with this facility in the first place is having one that addresses the needs of Dawson and is flexible enough to accommodate evolving needs in the future.

I'd like to remind members of a few of the investments that have been made in recent years, which include the provision within the Dawson City nursing station of the telehealth services. The Yukon is only the second jurisdiction in Canada to make telehealth facilities available in every single community and every single community health centre, in hospitals, in the nursing stations, as well as the Kwanlin Dun centre, which I think also has access to telehealth — which is an investment that personally I was quite pleased to announce, along with the representatives from the Hospital Corporation, back in early 2006 or 2007. I'm not recalling which year it was.

I know the members are not listening. I am speaking to the amendment. I think if the members would actually listen, they might see some relevance in what I'm saying.

### Speaker's statement

**Speaker:** Continued reference to the heckling is starting to interfere with my ability to actually follow your conversation. They're going to heckle. Your side heckles. Stop referring to it. I don't see any point in how it could add to the debate.

**Hon. Mr. Cathers:** In returning to my points regarding this amendment, this builds on investments that have been made in the communities that I know the members of the NDP and Liberals don't like to acknowledge, because they really don't like to acknowledge the significant investments that have been made in supporting and enhancing our services to Yukon communities.

The telehealth expansion to all Yukon communities — again, only Nunavut with their extremely high cost of air travel proceeded more quickly in implementing a telehealth system that provides for digitized access to not only physician conferencing, but also the ability to take a picture of a wound or an area with a camera and transmit it remotely to a centre where a doctor or other health professional can interpret those results.

This has been built on — again another investment that has occurred in recent years is the teleradiology system, conferencing that has been provided through the telehealth system and includes services that are provided in Dawson City, including for mental health services.

It also includes another enhancement that we have made through technology — the setting up of the 811 system, which

is something that I had the pleasure of announcing a number of years ago and was the result of investments made during my time as Health and Social Services minister through what was then the territorial health access fund. I thank very much all who worked on that and the officials who helped implement this system, which provides Yukoners with greater access to care and advice through the phone line.

It also involved the development of detailed community profiles, which not only assisted those in B.C. who operate the B.C. call centre, because the arrangement we have in place is one that allows us access to a call centre that simply, as members may recall — for government to staff a 24-hour call centre in a jurisdiction as small as ours is extremely cost prohibitive. We developed an agreement with B.C. that allowed us to access, for a flat fee per year — and what was at the start rate of 84 cents per minute for the services — their 811 HealthLine centre. But because of our concern at the time that staff might not be aware of the supports in place in areas like Dawson City — would not understand which communities had nursing stations, health care centres, doctor services, et cetera — we felt that it was very important to develop those detailed community profiles. Through the good work of the Department of Health and Social Services, not only did we come up with a model that has worked well but, in fact, the model used by our staff is one that was adopted by British Columbia for use in identifying what was in place in their rural communities.

Again, this investment of the Dawson City hospital is one that is a very important project in supporting the needs of Dawson City. It is also important, as noted in the amendment moved by my colleague, the Minister of Health and Social Services, to ensure that, first of all, it recognizes the fact that it's not just the Yukon government. It also involves the Yukon Hospital Corporation, which is accountable to the Yukon government, but also, by provision of the act, includes dedicated representatives appointed by entities including CYFN and the City of Whitehorse and Association of Yukon Communities as well as a representative of medical staff and a representative of non-medical staff from the Yukon Hospital Corporation. It's important to recognize their role and the fact that working with them in running this facility is vital to having it operate effectively.

One of the problems with the original motion proposed by the Member for Klondike is his suggestion that there should be a transition and a change in direction, rather than an acknowledgement that the approach being taken is one that is continuing to refine — in collaboration with health care professionals and the Hospital Corporation — what the range of programming should be at this facility and reflecting our vision that it should provide for the acute care services we committed to — but to be a community health facility and a health centre that is much more than just a hospital and provides the appropriate community health services and public health programming from it.

As noted in the amendment moved by my colleague, providing the access to technology services, including telehealth provided through this nice, new facility that is a

reflection of our investment in supporting rural Yukon — and, along with the Watson Lake hospital, those are ones we know that the NDP and Liberals have opposed — this investment in Yukon communities — and are opposed to hospitals providing services in these areas. They voted against it in the past, and while it's nice to see the Liberal leader apparently starting to come around and see the light in recognizing that there is value in this new facility, we again would point out that this investment is one that, now that we have the new facilities built in both Dawson City and Watson Lake, is an important part of our efforts to replace buildings that were in need of replacement with new, modern facilities that are intended to accommodate the needs of both communities and to provide for the ability to adjust services as time goes on, while having the core functions related to both acute care and primary health care provided within those facilities.

We are improving the motion. I would hope that the member is indeed starting to see the light and recognize that the implementation of these facilities and the work that is continuing to go on with health care professionals is one that is a continuing process of accommodating and meeting the needs of rural Yukon communities, particularly Dawson City in this case.

With that, I will not spend too much more time on the amendment. I would simply commend it to the House.

**Ms. White:** Just speaking to the amendment and also just a follow-up on the minister's comments — I thank the minister for his thoughts on the reason why the opposition votes against his government's budgets and I can assure him that he missed the mark for our reasons.

In following the *Hospital Act* just in direct relation to the Minister of Health and Social Services and his comments that, in order to be able to follow this, it needs to have the term "acute care" in the motion as that is mandated under the *Hospital Act*. In the *Hospital Act* in section 1, it says: "There is hereby established a corporation to be known as the Yukon Hospital Corporation consisting of the board of trustees which shall be appointed in accordance with section 5."

So then we have the Objects of Corporation and they're very clear: "The objects of the Corporation are to supply (a) hospital and medical care and services; (b) supervised residential care and continuing care; and (c) rehabilitative care and services". That all makes sense. Those are all different services that we'd get through health care.

So then we go to the powers of the corporation, and this is the interesting one. Section 3(1)(b) states: "establish and maintain one or more hospitals or other facilities for supplying medical services and programs". So we've got that. We have clinics throughout the territory and we now have three hospitals — "(c) provide insured services as defined in the *Hospital Insurance Services Act* and insured health services as defined in the *Health Care Insurance Plan Act* and other medical services or programs." Right there — so far we don't have the words "acute care." Then if I flip over into section 2 of this: "For reaching its objects the Corporation may" — so this is the clincher right here — "(c) establish and administer

programs for providing medical services to patients in their homes or in places other than a hospital or facility operated by the Corporation.”

With that language there, we take away the concern that it needs to say “acute care.” The Member for Klondike’s original motion really talked about the desire of the community to move toward a more collaborative approach. What we see in the amendment — and although I think the intent was to be friendly, the effect is less than friendly when we reinsert the term “acute care” and move away from the term “collaborative”. Although we can discuss the nuances of language — and I did look it up in a thesaurus and it’s not actually the same, so I thank the member opposite for that — the term “community care facility” that supports multidisciplinary health care services is not what the original intent was. The original intent was to move away from acute care to collaborative, which is what the community has said they wanted all along. With that, I will listen to other thoughts from the floor.

**Hon. Mr. Pasloski:** I too just want to comment. I think certainly there has been a little bit of splitting hairs.

Having been a health care professional for my entire adult life, I can confirm that when health care professionals are talking about a team-based approach to providing health care, the term that has always been coined is a multidisciplinary approach. It is many different disciplines working together to be able to come to an outcome.

I was a part of many different team-based approaches. I just have to go back to — as the owner of the Shoppers Drug Marts in Whitehorse — providing the pharmaceutical services for the long-term care facilities and there were team meetings, for example.

There are many different disciplines that can be involved in a meeting, depending upon the setting. For example, in a hospital there are nurses, physiotherapists, occupational therapists and there might be recreational therapists. There can be technicians, respirologists and respiratory technicians, there can be laboratory technicians, and there can be diagnostic imaging technicians. Of course, there can be pharmacists, social workers and psychologists. There are many different disciplines that are involved in a team or a collaborative approach to medicine.

While maybe the people on the opposite side are not familiar with the term — multidiscipline — it is a term that has been coined and used by health care professionals now for a long time to describe exactly that — an approach of many disciplines working together on a team-based model to provide health care.

I was just listening to the Member for Takhini-Kopper King talking about acute care. Regardless of what this facility is called, it will provide acute care. There will be people who walk in that door who need the provision of health services promptly because of various situations. It could be because they’re having a heart attack or they just broke their leg or their arm. There are many situations that are deemed acute. Acute means that it is something that needs to be dealt with

and responded to very promptly. I would not coin recreational therapy or occupational therapy as acute care therapy.

What we have in this amendment is talking about this facility — this hospital — providing acute care services because that’s what everybody expects. But this community care facility will also support a multidisciplinary approach to providing health services, which means there will be in existence different disciplines of professions of people who are involved in ensuring or delivering health care. That is the approach.

I want to thank the Minister of Health and Social Services for the fine information that he brought to this debate — for example, talking about what a team-based approach, collaborate health and a multidisciplinary model — team-based models — can look like. It is using that opportunity to utilize all that experience that is out there.

All of these disciplines have gone to be educated and have with them — today’s graduates — extensive — not only theoretical or book knowledge, but extensive clinical knowledge as well. I would talk about one of my daughters who, after completing her degree in kinesiology, was successful in getting into a master’s degree in physiotherapy. It’s very intensive — approximately 28 months long. It’s intensive class work and lab work mixed in with mentorship and preceptors by going into hospitals, going into private clinics and having hands-on experience working with patients, the preceptor and the physiotherapists, so that when they do complete their program, they have not only a lot of knowledge that they learned from a book, but they also have extensive ability to work with patients.

That’s where health care professionals are today, whether it’s physiotherapy, nursing or pharmacy. The others that I talked about are the same thing. What we are doing is better utilizing everybody’s expertise and knowledge — what that helps to do is to bend that cost curb. Certainly, a multidisciplinary approach isn’t just about the money, as the minister articulated, but it does help us rationalize what we do and who does it. What it does is create that opportunity to better utilize our physicians for what they were actually trained for.

I think there is no argument on this side of this House about the need for ensuring that we approach health care today from a multidisciplinary approach, where we are working collaboratively to ensure the greatest outcomes for patients and to do that in a manner that will ultimately allow for sustainability for our health care system.

In my experience as a pharmacist, there are many different disease states where the role of the pharmacist can make a significant difference to health outcomes and to saving money to the system. Part of the work that is ongoing now — not only in the Health Care Innovation Working Group, but at the federal/provincial/territorial health ministers level as well — is looking at the role of pharmacists and paramedics in terms of expanded scope across this country.

When I think of the different disease states where pharmacists have made an incredible difference — things such as the Member for Watson Lake talked about with chronic

obstructive pulmonary disease and asthma. She talked about handouts and proper use of inhalers. The pharmacists are dispensing those inhalers and the pharmacist certainly is the best person to access to ensure the proper use of inhalers.

High blood pressure — hypertension — hypercholesterolemia, diabetes, hypothyroidism, glaucoma, arthritis — these are numerous chronic illnesses. These are examples where, from a pharmacist's perspective, he can make a significant difference in the lives of the patients and potentially in the savings to the total dollars invested into health care.

I spoke briefly about the working group that I have the pleasure and the honour to be co-chairing with Alberta and Ontario. There are three major focuses right now and one is on drugs. As you are aware, Mr. Speaker, we have already identified six molecules — six generic drugs — that we are being told, with the negotiated price that we have for that across this country, will result in a \$100-million savings to health care by reducing those costs. So there is more work with more generic molecules. There is also some work on some of the brand-name drugs that is going on.

The second focus is on appropriateness of therapy. A couple of examples of appropriateness of therapy would be cataract surgery and diagnostic imaging. There are reports that are out there, even from the radiologists, that will talk about some of the times when diagnostic imaging is required. We're looking at the opportunity of the professionals — of being able to review and setting some guidelines as to when to order a test and when not to order a test. When is it appropriate for various diagnostic imaging — MRIs and CAT scans? When is the right time to do it? We have seen — and the professionals are telling us that up to 30 percent of the time those tests are being done, they probably weren't necessary.

Appropriateness of therapy — and certainly the third and the longer-term focus for the working group is with seniors and really trying to identify two or three innovative models for provinces and territories that they could consider. There is some work especially being done on dementia and the early diagnosis of dementia. What I also bring to that working group is really the ability to ensure that there is a focus on rural and remote, small communities in terms of delivering health care efficiently. That is something that is not only a benefit for Yukon, but certainly for all of those areas across the country that have small communities, and also rural and remote communities.

As I had articulated, I don't see the difference of calling it a multidisciplinary health care services or calling it collaborative health care services. From where I came from — and when I say that, I have to say that I spent many years in retail pharmacy but I also spent a number of years working in a hospital setting and also working in a long-term care setting. Having said that, I am willing, because I am willing to move a subamendment.

*Subamendment proposed*

**Hon. Mr. Pasloski:** I move:

THAT the amendment to Motion No. 19 be amended by inserting the word “collaborative” between the words “multidisciplinary” and “health”.

**Speaker:** The subamendment is in order.

It has been moved by the Hon. Premier:

THAT the amendment to Motion No. 19 be amended by inserting the word “collaborative” between the words “multidisciplinary” and “health”.

**Hon. Mr. Pasloski:** In a willingness to collaborate with the opposition, we are proposing this subamendment because it appears that that is the word that they are looking for. I have articulated that, in my experience as a health care professional, using the term “multidisciplinary”, which refers to a team-based model that is about working together ultimately for the goal of providing even better health care for our citizens, is interchangeable. In this case, I see no harm in phrasing it by changing collaborative to multidisciplinary. In my opinion, as a layperson — they will understand multidisciplinary — because it describes its many different disciplines — versus collaborative, which is more ambiguous, in my humble opinion. Having said that, we're willing to make this subamendment in hopes that this will appease the members opposite — that the word that they were looking for is included because, in the end, this is about the spirit of what it is we are debating, and that is that both sides of this House agree that working through multiple disciplines will create the best opportunity for the best care for Yukoners.

**Mr. Silver:** I do appreciate the willingness to put back into this amendment the initial intent of the motion.

I think it's worth reading, once again, from the Auditor's General report one particular paragraph here. This is about number 37, which are the recommendations. It's says in the recommendations: “The Corporation's response. Agreed. A more comprehensive needs assessment would improve the ability to ensure the appropriate decisions regarding effective programs for the new hospitals. To mitigate potential risks, the Corporation included as much flexibility as possible in the design and construction. For example, in Dawson City, where the model of care had not yet been determined, it was recognized that a typical hospital model of care rather than a collaborative care model requires different space. The new hospital was designed to allow either. The design of both hospitals allows for future changes in use and programming.”

So that's the quote from the recommendations. I too, just like the Hon. Premier, am a layperson at this and I'm not a professional in the field. However, when you read the journals of medicine and you read about a collaborative care model, it usually has a caveat attached to it saying that if you have the ability to have a collaborative care model in rural Canada, go for it. This is cutting edge. This is the best possible care that we can have in the community. It's a specific approach; it's a specific model. So I'm very happy to see this subamendment adding back in the word “collaborative” between the words “multidisciplinary” and “health” because this is a different system. This basically allows an expanded scope.

Of course acute care does not go away if we have a collaborative approach. A collaborative approach to me — and once again, I am speaking as a layperson as well — is an ideology; it's extending the range and scope of our medical health care professionals and our health care providers past the confines of just the acute care model. It works within the acute care model; it doesn't replace it. It's acute with steroids.

The Premier discussed and talked about dementia. My father passed this summer of Alzheimer's. Without an expanded care, without the ability for the medical community to come out and to educate people as to getting things checked and find out what is in your heritage as far as diseases and what you are prone to — this to me is a collaborative care model.

Having people from the hospital community reaching out and expanding out into the community and making sure that we live healthy lives does not replace an acute care model. This is the ability for us to use our nurses to an expanded scope, but it also allows the community itself to increase the education of the community, of the individual, to make sure that they live the healthiest life they can.

The minister responsible for Health and Social Services mentioned that one in two Dawsonites is overweight. That's an alarming statistic, absolutely alarming. What we need are more health care professionals in the community coming into the school system and educating us on our choices. Programs like Drop the Pop aren't enough. We need people who we trust in the medical community to come forth into the school and educate. When I taught at Robert Service School, I did the Planning 10 course. The expanded scope nurses who worked there — a couple of them are in town here in Whitehorse because they couldn't — well I'm not even going to get into that. It doesn't matter. I'm not even going to go there. They would come into the Planning 10 classroom and they would do everything from sex-ed to just healthy food choices, you name it. You have a lot of programs that come up from Whitehorse that do wonderful things, like the Drop the Pop and other things, but to have somebody from the community who you trust and you know — because you see them volunteering in so many other aspects — coming into your classroom and teaching your kids about this stuff.

I tell you, Mr. Speaker, if you ever get a chance to teach sex-ed to a bunch of 16-year-olds, don't. It's a hard thing to teach, it really is, coming from a teacher, a teacher's point — I'm a math teacher and I'm teaching sex-ed. You know, I could do the exact same curriculum that one of these expanded scope nurses could do and I won't be able to reach half the students because these guys, they just exude the knowledge, to have Walker Graham come into the classroom and pass out IUDs and foams and male and female condoms — all of it. This is an important part of a health care model that believes in a collaborative approach of health care.

With that being said, I really do appreciate the minister responsible for pulling me aside. We had a great conversation as this is going on and we're debating in the House today about the wording and it is important. It does matter and I think the medical community is going to be very happy as

well, and I think it's good. Without the word "collaborative", I would have a hard time agreeing with the changes to the original motion, because I really do believe it takes the original intent out of that motion. I am happy to see the word put back in here — "collaborative".

At that I will sit and see if anybody else wants to talk about the subamendment.

**Speaker:** Are you prepared for the question on the subamendment?

Are you agreed?

*Subamendment to Motion No. 19 agreed to*

**Speaker:** Is there any further discussion on the amendment as amended?

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Pasloski:** Agree.

**Hon. Mr. Cathers:** Agree.

**Hon. Mr. Graham:** Agree.

**Hon. Mr. Kent:** Agree.

**Hon. Mr. Nixon:** Agree.

**Ms. McLeod:** Agree.

**Hon. Mr. Istchenko:** Agree.

**Hon. Mr. Dixon:** Agree.

**Mr. Hassard:** D'accord.

**Mr. Elias:** Agree.

**Ms. Hanson:** Agree.

**Ms. Stick:** Agree.

**Ms. Moorcroft:** Agree.

**Ms. White:** Agree.

**Mr. Tredger:** Agree.

**Mr. Barr:** Agree.

**Mr. Silver:** Agree.

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

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

*Amendment to Motion No. 19, as amended, agreed to*

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

**Ms. McLeod:** I appreciate this opportunity to rise and speak to the motion brought forward by the Member for Klondike. His home community and mine are the recipients of new hospital facilities. Hospitals don't get built overnight and, speaking for Watson Lake's new facility, it was certainly worth the wait. I know the people in Watson Lake are very pleased with the hospital.

I was very impressed each time I had the opportunity to tour the hospital during and after construction. It's just kind of tough what you have to do to get a room there for a while.

I've said it before and I'll say it again, Mr. Speaker, that people of Southeast Yukon are worthy of such an investment in time and money that we've seen by this Yukon Party government.

I haven't been to Dawson City as yet to look at their new hospital and, while I certainly have appreciated the external view, it's what goes on inside that really is the important stuff.

In Watson Lake, we have emergency care 24 hours a day, seven days a week; ambulatory care services; six in-patient care beds; First Nation health program; diagnostic services through laboratory and medical imaging — or "X-rays" for us common folk.

Our new hospitals are much more than that, Mr. Speaker. The hospital in Watson Lake also facilitates the Yukon government home care, Yukon government public health unit, Child Development Centre, visiting specialists and many other health care professionals. I look forward to the day when our doctors clinic and the retail pharmacy are located in the new hospital.

The new hospital is capable of addressing all manner of human needs — respite care, hospice and detoxification. It really is, in all senses, a community hospital. I must say that the best thing about these two hospitals is that we should be able to get more treatment right in our own communities. I think it's a bit of an urban legend that all residents in the communities want to go to the capital at every opportunity. In fact, I think that's just not very convenient for families.

I just wanted to say that I like the term "multidisciplinary" and, although we had a bit of a discussion about it, I think it was a good discussion.

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

**Mr. Silver:** I just want to begin by thanking everybody here today for their comments, for their concerns, for their obvious care about their own communities and about health care in general.

We all have our own opinions when it comes to what type of care we need for our different communities. Every community is different, absolutely, and at the end of the day as long as Dawson City is getting the care that it needs in this new facility, I'm excited that today, this is historical. This is us turning a page. I'm very happy that I will be with the minister when the facility is opened on December 7. I think it's going to look good with the title right above it, not saying Dawson General Hospital, maybe something else. We'll talk about that sometime. I guess the town will be the judge of that.

Basically this is a great day for the community and, honestly, it has been an education for me, reaching out to the community and listening to the concerns of everybody from the EMS folks to the nurses — the different types of nurses. Who would have thought that there were so many different types of nurses and so many different qualifications and so many different ways of becoming a nurse? It has really been an education for me and I just want to take this opportunity to

thank the members of the nursing community in Dawson and the members of the physician community in Dawson for the education that I've received.

I hope that we have done a service, as opposed to a disservice, to the medical fraternity here today in the House. I'm sure at times — if they are listening or if they're researching back in Hansard — there might be things where we might have strayed off or maybe we didn't get straight, but ultimately I do know this: if you have the ability to have a collaborative health care model in rural Canada, then you are set as far as the best possible care, physician-driven, but yet where the roles of our nurses are maximized.

To use that analogy of the teacher and the EA, in the Yukon we're in an extremely lucky place because of the type of qualifications you have to have or don't have to have to teach in the Yukon. The Yukon is one of the last places in Canada where you don't have to have an education degree to come in and to teach as a substitute. There's an opportunity for people without qualification to come in, or with a lower qualification — same with the EAs. But the point is, if you have teachers in those positions, if you have qualifications and if you have the ability to show a wide variety of skills in the EA positions and the substitute positions, in the tutoring positions, that's going to make things better in your classroom. I would say that that analogy moves forward into the realm of the medical fraternity.

The more types of nurses, the more diverse the programing can be, the more ability our doctors in these rural communities have — you can imagine how stretched they're going to be anyway, allowing doctors to do the administrative roles — that comes in when you have nurses with expanded scope abilities. The list goes on and on as far as the abilities of the medical community when you allow for an extensive community like such.

With all that, I'd just like to thank all of my colleagues today for this conversation and like I say, it's a great day moving forward for Dawson and for the medical fraternity.

**Speaker:** Are you prepared for the question on the motion as amended?

**Some Hon. Members:** Division.

#### Division

**Speaker:** Division has been called.

#### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Pasloski:** Agree.

**Hon. Mr. Cathers:** Agree.

**Hon. 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:** Agreed.

**Ms. Moorcroft:** Agreed.

**Ms. White:** Agreed.

**Mr. Tredger:** Agreed.

**Mr. Barr:** Agreed.

**Mr. Silver:** Agreed.

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

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

*Motion No. 19, as amended, agreed to*

**Mr. Silver:** Seeing the time, I move that the House do now adjourn.

**Speaker:** It has been moved by the Leader of the Third Party that the House do now adjourn.

*Motion agreed to*

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

*The House adjourned at 5:28 p.m.*

**The following Sessional Papers were tabled November 20, 2013:**

33-1-97

Yukon Teachers Labour Relations Board Annual Report 2012-2013 (Dixon)

33-1-98

Yukon Public Service Labour Relations Board Annual Report 2012-2013 (Dixon)

**The following documents were filed November 20, 2013:**

33-1-67

Maintaining Eligibility for Publicly Funded Yukon Health Care – Public Consultation Summary Report (Graham)

33-1-68

Maintaining Eligibility for Publicly Funded Yukon Health Care: Detailed Survey Results Analysis (Graham)



# Yukon Legislative Assembly

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Number 113

1st Session

33rd Legislature

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## HANSARD

Thursday, November 21, 2013 — 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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<b>Hon. Brad Cathers</b>	Lake Laberge	Minister responsible for Community Services; Yukon Housing Corporation; Yukon Liquor Corporation; Yukon Lottery Commission; Government House Leader
<b>Hon. Doug Graham</b>	Porter Creek North	Minister responsible for Health and Social Services; Yukon Workers' Compensation Health and Safety Board
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<b>Hon. David Laxton</b>	Porter Creek Centre
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<b>Kate White</b>	Takhini-Kopper King

### Liberal Party

<b>Sandy Silver</b>	Leader of the Third Party Klondike
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Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Thursday, November 21, 2013 — 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 Bullying Awareness Week

**Hon. Ms. Taylor:** It is my honour and privilege to rise this afternoon to talk about an important week in the annual school calendar, Bullying Awareness Week. This week draws attention to the insidious problem of bullying in our schools and in the broader community, with the goal of helping to prevent its occurrence through education and awareness.

Everyone in this House is sadly aware of names such as Amanda Todd, Rehtaeh Parsons and Todd Loik, Canadian teenagers who took their lives after having been harassed to the point of despair. These individual stories capture our attention for weeks at a time, but the day-to-day story of bullying is just as tragic, even if it doesn't make it into the newspaper headlines and on to national television broadcasts.

Every day in a classroom or school yard, somewhere, sometime, a child is hurting because of teasing from a classmate or a playmate. Right now someone, somewhere in our country, or even our territory — a teenager — is the victim of on-line harassment. As children, most of us heard the old adage, usually from our parents, that sticks and stones may break my bones but words will never hurt me. Some of us use this as a sort of personal mantra as a defence against teasing and verbal abuse.

The truth is actually quite different. Bones may heal more readily than hearts and minds, where hurtful words take root and grow. I'm sure that many of us in this House remember childhood taunts and bear those emotional scars, even as adults.

Bullying Awareness Week reminds us that bullying needs to be understood, not only as a social issue, but as a health issue. The impact of bullying on personal health and wellness can last a lifetime, with economic implications for our society arising from lessened productivity and lost work hours from illness or personal days off work.

According to the Bullying Awareness Week website, approximately 15 percent of the students or workers in a given school or workplace are directly involved in bullying, leaving 85 percent as potential bystanders or the silent majority. That "say nothing, do nothing" majority is the primary focus and target audience of Bullying Awareness Week, and particularly of this year's theme, "Stand Up!"

The 2013 theme takes us back to 2007 when a grade 9 student in Nova Scotia wore a pink polo shirt on his first day of school. He was called a homosexual, ridiculed and threatened with violence. The story might have ended there, as it does with many acts of bullying, if it weren't for two grade 12 students who had enough. They stood up and the Sea of Pink was born. The first Sea of Pink campaign started small with emails and dozens of discount t-shirts being handed out to peers. But like many good ideas, it grew, with bullies becoming drowned out by a wave of support from hundreds of others at the school who chose to wear pink on the designated days.

It quickly spread across Canada and all the way to the Yukon. It grew further into an international phenomenon, proving that a bit of teamwork can defeat a lot of apathy and indifference. The movement is still growing today. The Sea of Pink Day will be celebrated in Yukon schools again this year — in most cases tomorrow, Friday, November 22. Participating students and staff will again rise to the occasion and stand up against bullying by wearing pink and taking the pink pledge.

Many people feel that bullying is a school problem and that it is therefore up to the schools to solve it. Bullying is everyone's issue. It is a community issue. Schools, however, can play a critically important role in reducing bullying, and Yukon schools have accepted that role and have been working for several years to reduce the occurrence of bullying in a number of ways. I'd like to highlight just a few of them. Before I do, let me assure the House that every single school in the territory is actively engaged in one way or another in reducing bullying.

At the end of October, the Teslin Tlingit Council sponsored respect workshops in Teslin School for students and the greater community. "Bullying" is a term with multiple meanings and nuances of meaning for people, so the approach to fighting it in Teslin focuses on desired behaviours. The concepts of kindness, consideration and assertive communication are woven throughout lessons across all subjects. When the school's principal, Dennis Darling, speaks with students and staff about bullying, he uses resonating words that reflect the severity of such actions. Words like "harassment", "assault" and "intimidation" make it clear just how serious bullying is, in all its forms. Principal Darling has also pointed out that the French word that best translates the word "bully" is "intimidator". Bullying therefore translates into "intimidation".

At Takhini Elementary School here in Whitehorse, the focus on the fight against bullying begins with self-regulation among students. Students are learning to become more self-aware, paying attention to what makes them upset, what calms them, and how to recognize their own internal signs.

The school has also brought in a number of presentations, such as the Victoria-based Story Theatre Co. production *Hey Bully, Bully!* and other special presenters who have spoken with students about bullying and violence.

Takhini this year will be a sea of pink this week, and students will be loud and proud about who they are and how

good it feels to make the right decisions when it comes to how they treat others.

F.H. Collins Secondary School has participated in the Sea of Pink every year since 2007 and has been an instrumental key player in spreading the anti-bullying message to other schools, asking every single person to be the change you want to see in the world. F.H. Collins took the national stage recently in a shout out from renowned Canadian comedian and political commentator, Rick Mercer. Mercer, for all of us who have seen that clip on YouTube, congratulated the school on having received the Canadian Safe Schools Network Award for Excellence Against LGBTQ Youth Bullying.

I would like to add my congratulations to all the students involved and, of course, to our own F.H. Collins vice-principal, Christine Klaassen-St Pierre, who has joined us in the gallery here today. She has been leading the charge in this school's anti-bullying movement for many years, has been leading these initiatives and has caught the attention of many schools across the territory for several years. It's through the leadership of Christine and her student teams that the Sea of Pink and the related Be the Change movement have caught on in Watson Lake Secondary School and St. Elias Community School earlier this year, and the greater community.

Mr. Speaker, the partnership between the Department of Justice and the Canadian Centre for Child Protection to raise awareness of tools for the prevention of and response to on-line exploitation of children is yet another way the Government of Yukon has been working to make a difference to build stronger and safer communities for children and youth in the on-line and off-line worlds.

The Canadian Centre for Child Protection's website [www.NeedHelpNow.ca](http://www.NeedHelpNow.ca) is specifically set up to assist someone who has been involved in a self/peer exploitation incident, otherwise known as sexting. They are there to help, and that website again is [www.NeedHelpNow.ca](http://www.NeedHelpNow.ca). The website [www.protectchildren.ca](http://www.protectchildren.ca) is another helpful resource available for parents, teens, children and volunteers. I appreciate our Minister of Justice and his officials in the Department of Justice for connecting Yukon with the Canadian Centre for Child Protection and the results these resources are garnering.

There is always more that can be done when it comes to eradicating bullying wherever we are. That is why an interdepartmental and inter-agency group comprising representatives of the Yukon government and others has been formed to identify gaps and ways in which we can further strengthen our efforts to address bullying.

I would also like to point out that joining Christine Klaassen-St. Pierre from F.H. Collins, we also have Andrea Zimmerman, who is also a member of our interdepartmental committee and is our school/community liaison consultant with Student Support Services branch. I thank her for her ongoing work in this regard.

*Applause*

**Ms. White:** I rise on behalf of the Official Opposition and the Third Party to recognize November 17 to 23 as Bullying Awareness Week. One only needs to type the word

"bullying" into one's computer search engine to fathom that bullying is a wide-spread problem. Hundreds of sites appear.

Organizations exist worldwide to try to help to help kids, students, teachers, community members, employees and employers — everyone, really — to deal with this problem. Everyone needs to recognize and acknowledge the harmful effects of bullying, how to stop it and how to develop tools to deal with its effects. Bullying is behaviour by an individual or a group repeated over time that intentionally hurts another individual or group, either physically or emotionally.

Chances are very good that your life has been affected by bullying. It could have been a personal experience or one that you were left to deal with alone. Maybe it happened when you were in school and at the time your concerns were pushed aside with the all too familiar phrase, "kids will be kids". Maybe it was your child who was or is being bullied. Maybe as I speak you're dealing with a bully in your workplace. We all deal with these behaviours in different ways. We've all been witnesses to the lasting effects that being bullied has had on those around us. We know that if not addressed, the harm this continued behaviour causes has long-lasting impacts on the lives of others.

All of the available resources share certain key messages: bullying is never acceptable, being bullied is never your fault and don't be a passive bystander. A silent witness to bullying is just as responsible for the hurt caused. If we can, we must respond in a timely and proactive fashion to disclosures of bullying wherever and whenever we are aware of it. Don't ignore it and don't believe for a minute that kids can work it out with adult help. When bullying is reported, respond positively, consistently and in a nonjudgmental fashion.

All people have the right to be respected and the responsibility to respect others, both in person and on-line. Changing our attitudes and behaviours is never easy. We may never completely eliminate bullying from society, but some things are worth the fight. We have seen major positive changes in societal attitudes and actions with respect to things like smoking, drinking and driving and recycling.

These were all attitudinal behaviours and our attitudes and behaviours have come to change for the better toward all of those. With an appetite to make it happen and by changing our own behaviours, we can create a transformation in the way we all deal with bullying. Being a bully is simply unacceptable and the wrong way to interact with others. Bullying Awareness Week is all about an invitation to all of us within our community to be the change we want to see.

### **In recognition of the Festival of Trees**

**Hon. Mr. Nixon:** On behalf of all members of the Assembly, I rise to recognize the Festival of Trees, which launches today in our very own lobby.

I ask that we also pay tribute to the people who have organized this popular fundraising event for the past 11 years. The Festival of Trees itself is an amazing accomplishment, but what is more amazing is what the Yukon Hospital Foundation has been able to accomplish through these seasonal fundraising events to support new and additional equipment

for Whitehorse General Hospital and now the two community health facilities.

Some extraordinarily talented folks have given their time and creativity to decorate trees and the wreaths that are the heart of the festival and are today welcoming the Christmas season in the foyer. Hundreds of people will enjoy their twinkling lights before they are auctioned off to very generous supporters of the foundation.

In the years since it began, the Festival of Trees has become the unofficial kickoff to the Christmas season followed by receptions, breakfasts and soirées, all designed to raise more money for the foundation and to give back to the community. These events have raised more than \$6 million.

The generosity of Yukoners over the past decade has allowed the foundation to purchase heart stress testing equipment, a digital X-ray machine, the CT scanner, orthopaedic drills, Neopuffs, ultrasounds and other equipment for neonatal care.

Last year, thanks to the generosity of Yukoners, the foundation met its \$2-million fundraising goal to purchase a MRI for the hospital one year early. As the Hospital Corporation board chair announced at the corporation's annual general meeting earlier this fall, planning work has begun to house this new piece of equipment, which will be the first MRI north of 60.

The Festival of Trees makes an important contribution to the well-being of our citizens and we salute the volunteers and designers. We support all those who support the foundation and its work by attending its events. I would encourage everyone to visit the administration building to see these amazing works of Christmas art.

I would also like to take this opportunity to recognize and thank two incredibly talented Yukoners, Ms. Krista Prochazka, President of the Yukon Hospital Foundation, along with Ms. Harmony Hunter, Manager of Partnership & Engagement. Please join me in welcoming them to the gallery.

*Applause*

### **In recognition of National Addictions Awareness Week**

**Hon. Mr. Graham:** I rise in the House today to pay tribute to National Addictions Awareness Week, which runs from November 19 to 24 this year. National Addictions Awareness Week provides the perfect opportunity to highlight the issues and solutions around drug and alcohol abuse.

It's an ideal time to raise awareness about the effects of addictions on the individual, the family and society, and how complex the problems associated with addictions are — complex and costly. Addictions cost taxpayers in this country last year almost \$40 billion. Yukon has the dubious distinction of being among the highest alcohol-consuming jurisdictions in our country and we take this matter of addictions very seriously.

This last year, Alcohol and Drug Services have focused on working with professionals. Staff has worked with clinicians on trauma-informed practice and with physicians on problematic substance abuse and pregnancy. They work with

national partners on the national low-risk drinking guidelines, which provide the best evidence on the related risks of alcohol consumption. Late last year, we launched a campaign inviting Yukoners to talk about their alcohol consumption and its related harms. ADS has also been focused on planning for the construction of a new facility, and we look forward to a new and upgraded facility from which to support more Yukon citizens who need assistance with their addictions.

We recognize the toll that alcohol can take on individuals, their families and their communities. We know that all must be involved in creating the solutions to this problem. This week provides me with the opportunity to thank all those individuals and organizations who work to support people in recovery and reduce the devastating effects of alcohol and drug addiction in our communities.

Allow me to list just a few: Alcoholics Anonymous, Narcotics Anonymous, Al-Anon, the Salvation Army, First Nations health programs across the territory, the Skookum Jim Friendship Centre, FASSY, the Canadian prenatal nutrition programs and pregnant teen programs that connect women to resources and healthy relationships. There are too many to completely list here today — groups and individuals. Many unsung heroes — I hope they realize that we know who they are and they have our grateful thanks.

**Mr. Barr:** I rise on behalf of the Official Opposition and the Third Party in recognition of National Addictions Awareness Week which, as we heard, runs from November 19 to 24 this year.

It is to the credit of aboriginal people that National Addictions Awareness Week began in the early 1980s with an initiative of the Nechi Institute in Alberta. The idea quickly caught on across Canada and in the Yukon. Yukoners continue to consume much more alcohol per capita than the average Canadian. The harm to health and our economy that comes from this is obvious. Statistics show that hospital emergency room visits and admissions are often related to injuries and illness associated with alcohol use. The numbers of people affected by fetal alcohol spectrum disorder are significant in the Yukon. Crimes that involve victims, particularly family violence, are most often related to the abuse of alcohol.

But the Yukon does not only have problems with alcohol. Reports show that about 16 percent of Yukoners have tried cocaine as compared to four percent nationally. About one-half of Whitehorse residents have smoked marijuana. There has been a 25-percent increase in the use of prescription drugs in the Yukon; Tylenol 3 alone accounts for a 70-percent increase. Cigarette smoking is gradually decreasing, but is still at an intolerable rate.

We are now aware that gambling can also become addictive. We must be cognizant of the devastating impact that gambling has on families and communities when we look at our economy and disruptions in families.

Education is one of the most powerful preventive tools in reaching the objective in being addiction-free. National Addictions Awareness Week is an important move toward

this. This week's celebration points to the joy of being addiction-free, reinforcing a healthy attitude and a lifestyle that will assist families, friends and the community as a whole. We salute all those professionals and volunteers who work so diligently in assisting Yukoners to become addiction-free. I look forward to attending the community dinner in Carcross as one of these events this evening.

### **In recognition of International Education Week**

**Hon. Ms. Taylor:** I rise on behalf of the Legislative Assembly to acknowledge International Education Week, which began earlier this week. The purpose of International Education Week is to raise awareness and an understanding of the significant benefits of international education to Canada, to Canadian educational institutions and to all Canadians.

International Education Week showcases the significant contribution that international education makes to our social, economic and cultural well-being and supports Canada's ongoing efforts to engage on the international stage. This year, Canada is joining over 100 countries in making this week special. The theme of Canada's participation in International Education Week 2013 is "Celebrating Canada's Engagement with the World." The theme underscores the value that Canadians place on connecting with the world through studying abroad, internationalized curricula in international service and in opening the world to Canada by welcoming international students, promoting international exchanges and encouraging students to make Canada their new home.

Yukon has long been a place to which people from other countries have come to pursue their love of learning. Many of these international students have started by improving their English proficiency with Yukon College's ESL program and have then gone on to completing a diploma certificate and even degree programs here.

At the moment, there are more than 30 international students enrolled in programs of study at Yukon College. They come from Asia, Africa, Europe and the United States. Seventeen of them are in the ESL program while another 15 are enrolled in a variety of programs such as business administration, early childhood development, circumpolar studies, multimedia, mineral resources and renewable resources management.

On September 11, 2013, 15 Japanese students from Kanazawa, a university in Japan, here to take an intensive, short-term ESL program, shared their culture with Yukon College staff and students during a special noon-hour hands-on demonstration of activities and games such as: Shodo, which is Japanese calligraphy; picking up beans by chopstick; Ayatori, or cat's cradle; Kendama, cup and ball; Koma, a Japanese spinning top toy; and, of course, origami, a paper-folding art. Some of these students, like many of them before, may elect to apply for permanent residency, establishing new lives here and contributing to our economy and to our communities in a myriad of ways.

We are enriched by their presence. Others will return to their home countries, forever changed by their time in the

territory and acting for the rest of their lives as unofficial ambassadors for our territory and our country.

On the other side of the coin are the many Yukoners who have travelled to other countries for educational or vocational purposes. They, too, have returned from their experiences of being immersed in other cultures, speaking other languages and perhaps contributing their skills and labour in new and different work environments, with broader perspectives, more open minds, and perhaps even a stronger appreciation for their country and territory of origin.

I ask the House to join me in acknowledging and celebrating International Education Week.

### **In recognition of Restorative Justice Week**

**Ms. Moorcroft:** I rise today on behalf of the Official Opposition and the Third Party to pay tribute to Restorative Justice Week, November 17 to 24. Restorative Justice Week is a time when we think about the criminal justice system and how it can truly be more rehabilitative. Restorative justice is a philosophy and an approach that views crime and conflict as harm done to people and relationships. It is an approach to justice that emphasizes healing in victims, accountability of offenders and the involvement of citizens in creating healthier, safer communities.

In Canada and the United States, the justice system is tainted by racial discrimination. Government records demonstrate the warehousing of aboriginal people in the Yukon and nationally, where First Nations, Inuit and Métis are overrepresented in jails and correctional centres.

Restorative justice is not about excusing crime or letting people off the hook. It's not about forcing forgiveness, or even about forgiveness per se. It's not about removing important safety considerations from our communities. What restorative justice makes it powerful. Restorative justice has been practised for thousands of years, if not more, by global indigenous peoples. In New Zealand, restorative justice is used as the primary juvenile justice model.

Restorative justice asks who has been harmed and seeks to repair that harm appropriately. It has three baseline questions. Who has been hurt? What are their needs? Whose obligations are these?

Restorative justice shows high diversionary rates from incarceration, saving money and improving lives. Restorative justice approaches can keep people with mental health conditions, autism spectrum disorders and fetal alcohol spectrum disorders out of correctional facilities. They are informed by a more progressive model of justice than the incarceration of youth and adults with conditions that cannot be changed.

Yukon's restorative justice approaches, such as pre-charge diversion, First Nation justice initiatives and community-based policing, are effective measures to support healing and dignity over incarceration and retribution. Restorative justice calls for community building. It calls for respecting and supporting victims in a way that acknowledges their rights. The hope found in restorative justice models is that they will foster healthier communities and prevent crime

through education, advocacy and community development initiatives.

**Hon. Mr. Nixon:** I just want to remind the House that just yesterday I did a tribute to Restorative Justice Week in the Legislature. I just want to again, as I did yesterday, acknowledge the good work that is being done within the territory and within the Department of Justice.

**Speaker:** Introduction of visitors.

### INTRODUCTION OF VISITORS

**Ms. Hanson:** I'd like to invite members of the Legislative Assembly to welcome to the Assembly Doug Van Bibber — he is the forestry advisor for the Liard First Nation — and Sarah Newton, who is the manager of Land and Resources for the Liard First Nation. Both Doug and Sarah are involved with the good work being done by the Yukon Forest Management branch and the Liard First Nation. Welcome, Doug and Sarah.

*Applause*

**Ms. White:** I'd ask the House to join me in welcoming our Canada World Youth and their Mozambique partner, AJUDE, for the Mozambique-Canada portion. This is the entire group, and I'm going to name the four students who stay with me because I have their names in front of me: David Castonguay, Manuel DeCarmo, Carmen Angele Maliganha and Natalie Forsythe. These students have been with me for a month and three-quarters and we have three or four weeks to go. To the entire group: thank you for being here.

*Applause*

**Speaker:** Are there any returns or documents for tabling?

Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

### NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to work with the Liard First Nation Development Corporation to develop a strategy that will be based on research and community engagement that will help lay the basis for a potential joint venture agreement with an industry partner to develop a viable forest products business in the vicinity of Watson Lake.

**Speaker:** Is there a statement by a minister?

This then brings us to Question Period.

### QUESTION PERIOD

**Question re: Death at Watson Lake hospital, public investigation of**

**Ms. Hanson:** Over the last two weeks, the Official Opposition has raised as a matter of public concern serious questions about the death by mixed drug toxicity of Teresa Ann Scheunert at the Watson Lake hospital.

The Official Opposition has detailed an extraordinary number of discrepancies, questions and serious concerns surrounding Ms. Scheunert's death. The government's response to these questions — questions that affect all Yukoners — has been to avoid, to claim an inability to act, to hide behind public institutions and to put the onus on the family.

The chief coroner said that there was a system failure — a failure of our public health care system. Why has this government refused to support a public investigation into the system failure that resulted in the death of Teresa Ann Scheunert?

**Hon. Mr. Graham:** I think yesterday I made it very clear to the members opposite as to why we didn't support a public inquiry. I laid out very clearly, I think, the steps that have been taken to date and that should be taken in the future — that have been started and not completed. For all of those reasons that I outlined yesterday, we won't be supporting a public inquiry at this time.

**Ms. Hanson:** The death of Teresa Scheunert was a result, not only of mixed drug toxicity, but of a system failure. This system failure includes outdated legislation, a public hospital, medical practitioners, the Workers' Compensation Board, the Yukon Hospital Corporation and standards and practices that are supposed to be in place to protect Yukoners and their families. These are all matters for which the ultimate accountability rests with the Yukon government. The government has offered no help to the family of Ms. Scheunert. The government's only suggestion is that the family pursue this through the courts.

Mr. Speaker, why won't the government do the right thing and launch a public inquiry into the death of Teresa Ann Scheunert at the Watson Lake Hospital?

**Hon. Mr. Graham:** I can only reiterate what I said yesterday and what I have been saying for the last two weeks. There is a Patient Safety Review underway at the Yukon Hospital Corporation at the present time. We have had assurances from the corporation that they will be prepared to share that information with the family. It has been indicated to us that a complaint has been lodged with the Yukon Medical Council. The family has told me that and they have actually had some correspondence from the Medical Council. We think that should be played out as well.

The final process, as I have indicated time and time again, is that there is the potential of asking for a coroner's inquest by applying to the courts. We believe that an impartial party such as a judge should be able to make that determination when all of the facts — not only the rhetoric, but the facts — are presented to a member of the judiciary.

**Ms. Hanson:** This government is running away from its responsibilities and is putting the onus on the family to pursue the death of their mother and their sister through the courts. This is shameful. It is the minister's job and it is this

government's obligation to publicly investigate and fix system failures, not the family's.

The message is that Yukoners can only expect justice and the truth if they can afford to pay for it themselves or if it does not embarrass this government. Is this justice in the Yukon, Mr. Speaker? Is it justice when a system failure of the government, its agencies and laws is left to the grieving family to try to correct?

Will the Premier stand before this House today and take the right step — the morally, ethically and legally correct step — and allow for a public investigation into the system failures that resulted in the death of Teresa Ann Scheunert?

**Hon. Mr. Graham:** Once again, we are extremely sympathetic. We understand there are many things that have contributed to Ms. Scheunert's death and we think it's extremely unfortunate that these things have happened. As I've indicated throughout the last couple of weeks, there are already a number of steps that have been taken with the Yukon Hospital Corporation. I have corresponded with the Yukon Workers' Compensation Health and Safety Board to discover what the process breakdown was there. They have promised that they are investigating and hope to bring in new policies that prevent such an occurrence in the future.

There are a number of steps that have already been taken. A patient safety review, as we've said over and over again, will clear up some of the things that have happened in the hospital, we hope, and give a clearer indication of the steps that are being taken to protect all patients in this territory. The Hospital Corporation and this government are very concerned about patient safety in our medical facilities. The Hospital Corporation and the medical practitioners themselves are all taking the appropriate steps to ensure that the safety of patients is assured.

#### **Question re: F.H. Collins Secondary School reconstruction**

**Mr. Tredger:** A year ago, the Yukon Party announced the re-inclusion of geothermal heating into the redesign of F.H. Collins Secondary School. The Minister of Education said, and I quote: "We're very excited that we're able to move ahead with plans to heat the new F.H. Collins Secondary School with what's known as a geo-exchange heating system so obviously a lot of excitement around that as we look to decrease the school's carbon footprint and reduce annual energy costs."

Mr. Speaker, why has the government abandoned energy-efficient geothermal heating in the current redesign of F.H. Collins and gone back to heating with fossil fuels.

**Hon. Mr. Istchenko:** As you know, F.H. Collins is going to be designed to meet LEED silver energy-efficient standards, Mr. Speaker. We are going to meet all the building codes that are required.

When it comes to geothermal, the new location where we're building F.H. Collins now is separate from where the old location was. The location of the well for geothermal is further away than the first design of F.H. Collins was going to

be, so we're still looking at that, and we look forward to this school being completed.

**Mr. Tredger:** The government has made commitments to curb the territory's greenhouse gas emissions through constructing energy-efficient buildings. The government has bought and paid for at least three studies that all show that F.H. Collins is a good candidate for geothermal energy and that system would pay for itself within a decade. The Yukon Party government has already spent millions on the groundwork for geothermal energy at the F.H. Collins site. The previous minister expressed excitement about the ability to use geothermal energy at F.H. Collins and to save the taxpayers up to 80 percent in annual heating costs while combatting climate change. Geothermal energy is a fiscally responsible solution.

Why has the Yukon Party government dropped geothermal energy at the new F.H. Collins school and abandoned its commitments to combatting climate change and saving taxpayers money?

**Hon. Mr. Istchenko:** As I've said in this House many times before, we were approved for a budget on F.H. Collins. When you come in \$10 million overbudget, you want to be fiscally responsible. This is what we're doing. We're being fiscally responsible. We're out to tender on a school in a new location, next to the old F.H. Collins school, where there will be no interruptions for people and there will be a gym until they move into the new school.

This government works with the Department of Highways and Public Works. Fleet vehicles, energy efficiency — there's lots of stuff this government is doing.

#### **Question re: Hydroelectric dam project**

**Mr. Silver:** I have a question for the Premier. After many years of dragging its heels and attempting to sell our publicly owned energy corporation to the private sector, the Yukon Party finally announced this summer that it was planning to expand our hydro generation. The Premier told local media in July that he wants to build a new hydro dam. This is news to the former EMR minister who could not name a single project when I asked him about it in the spring. It is also potentially good news for Yukoners if it is done properly.

Now the Premier said that it would be — and I quote: "a great opportunity for First Nations to become partners in a project". Mr. Speaker, what hydro project is the top priority for the government and when might it be supplying power to Yukoners?

**Hon. Mr. Pasloski:** This government is committed to seeing the long-term success of this territory ensured by increasing our capacity of clean renewable hydroelectricity. Because of the foresight of those people who came before us, over 95 percent of all the electricity consumed in this territory comes from renewable hydro energy. We understand, going forward for the success of this territory, the need for more renewable and clean hydro energy. This government is committed to moving in that direction.

Do we know where the site will be at this point? No, we don't. We will engage Yukon Development Corporation to

lead us in this project and we look forward to the work that they will commence to move us on the way.

Of course, one of the things that we will always be looking at and that we always talk about is opportunities to partner with First Nations in any economic opportunity that exists within this territory.

**Mr. Silver:** Mr. Speaker, when the president of the Yukon Energy Corporation appeared here in this House in the spring, he was quite candid and he said, “We have no more excess hydro of any significance...”

We are at an energy cliff, because the Yukon Party spent a lot of time trying to sell our Energy Corporation instead of figuring out how to expand out hydro capacity. One of the major projects the government did move on was Mayo B. It was cost-shared by the Government of Canada. Unfortunately, Yukon borrowed its entire financial contribution to this project and we are paying millions of dollars in interest for many years to come as a result. How is the Premier planning to finance the new dam he announced in July? Will this government, once again, be borrowing money for this project?

**Hon. Mr. Kent:** Under my responsibility for the Yukon Development Corporation, we will be directing the Yukon Development Corporation to lead the research and planning of a new hydroelectric dam for the territory. That work will include engaging with First Nations. It will include determining what site makes the most sense from a generating-capacity perspective as well as location to the grid and location to some of the larger industrial customers. It will also include how we can expect to finance the project. We believe that this project is of national significance and that it will require some commitment from the federal government. What that commitment will be is yet to be determined, but that will emerge through the good work of the Yukon Development Corporation as they move through this research and planning process to assist us in adding additional hydroelectric capacity and really cementing a clean power future for Yukoners.

**Mr. Silver:** By the answers we got today on the floor, it doesn't seem like we're any further ahead as far as what project we're moving on or how we're going to pay for it. I believe that this inaction is costing Yukoners in higher electricity bills.

Let me change gears here — when the former Yukon Premier decided he wanted two hospitals built, he gave only a verbal instruction to the Hospital Corporation to begin working on these projects — no paper trail, no written instructions, just verbal marching orders. Since the Premier has announced that he now supports going ahead with a new dam, I'm sure that formal instruction has been passed on to the Yukon Development Corporation.

Can the Premier confirm written instruction has been passed on to the Yukon Development Corporation and that he will be providing a copy of those instructions?

**Hon. Mr. Pasloski:** Before we endeavour to move forward with such a massive project for a territory of this size, we will ensure that the due diligence is done.

With regard to Yukon Energy Corporation assets — since this government came into this Legislative Assembly, we have prohibited the sale of Yukon Energy Corporation assets — something the Liberal government could have done but failed to do when they were in power. We will continue to work with Yukon Development Corporation to move forward with a project that will ensure not only the prosperity for Yukoners in the near term and in the mid-term, but this project of creating new hydroelectricity — renewable, cost-efficient hydroelectricity — will ensure the prosperity of Yukon for decades to come.

#### **Question re: Yukon Liquor Corporation social responsibility**

**Mr. Barr:** The government has a number of ongoing initiatives with schools, Mothers Against Drunk Drivers and the RCMP. These are important efforts but I am concerned with the lack of training and resources dedicated to developing social responsibility within the Yukon Liquor Corporation.

Last spring, I asked the minister why a full-time position dedicated to the social responsibility within the Yukon Liquor Corporation was cut during the restructuring over the last two years. The minister was not able to answer my question, but promised to ask the Liquor Corporation about the restructuring and inform the opposition about the issue at a later date.

Mr. Speaker, can the minister indicate if a full-time position dedicated to social responsibility within the Yukon Liquor Corporation has been re-established?

**Hon. Mr. Cathers:** I thank the member for the question. First of all, I would point out, as the member knows, contrary to what he seemed to be framing in the question here, he didn't ask me this question earlier in the year. I would point out again that as far as personnel matters and allocations go, the departments and corporations do determine what positions are titled and when different workloads are adjusted and performed by different people. We don't interfere in personnel matters; we do leave it to managers to do that work. The member is fixating on specifics that really are not the type of thing that usually politicians delve into the details of. They're usually left to our very competent managers to determine who has what job title and how the program responsibilities are carried out by staff.

**Mr. Barr:** There is ministerial direction involved. Yukon Liquor Corporation is responsible for the distribution and sale of liquor products across the Yukon. As such, the corporation has the responsibility to help reduce the potential negative impacts of alcohol consumption from Yukon families and communities.

The corporation partners with organizations on campaigns to educate Yukoners about alcohol-related issues and encourage responsible drinking practices. Education and awareness campaigns are important, but they are only part of the solution. Given the major impact that alcohol consumption has on our families and communities much more needs to be done.

When will this government ensure that the Yukon Liquor Corporation dedicates enough resources to alcohol-related harm and making it a priority?

**Hon. Mr. Cathers:** In fact, Yukon Liquor Corporation does take a number of steps in this area. Yukon Liquor Corporation has a strong social responsibility mandate to regulate sale and consumption, and it regularly partners with government and non-government organization and agencies to deliver programs and support a variety of responsible consumption initiatives, such as the MADD Red Ribbon campaign and the PARTY — Prevent Alcohol and Risk-related Trauma in Youth program — and others.

Yukon Liquor Corporation also has a number of operational policies and social initiatives that support social responsibility in the sale and consumption of liquor products. There are, as well, initiatives through other departments, including Yukon's Department of Education's school-based education and prevention programs, such as the substance misuse prevention program, the Second Step program, the Real Game, and Baby Think it Over.

**Mr. Barr:** We appreciate the partnerships and initiatives the minister responsible has listed in this House, but this does not replace the Yukon Liquor Corporation's obligations with respect to social responsibility. Representatives from the Yukon were part of the expert working group established by Health Canada, the Canadian Centre on Substance Abuse and the Alberta Alcohol and Drug Abuse Commission to develop recommendations for a national alcohol strategy. The working group released a report in 2007, which made a number of recommendations for reducing alcohol-related harm in Canada. A key principle of the report is that efforts to address alcohol-related harm need to be based on evidence and that they need to be evaluated on an ongoing basis to ensure they are working.

How does the Yukon Liquor Corporation evaluate the effectiveness of its social responsibility initiatives?

**Hon. Mr. Cathers:** First of all, I would remind the member that there is some onus on each and every one of us to accept responsibility for our consumption of alcohol. As well, in working with friends if out at a bar — encouraging them not to get behind the wheel when they have been intoxicated, et cetera. There are a number of programs — the Check 25 program of the Yukon Liquor Corporation is an example; the \$180,000 for the prevent alcohol and risk-related trauma in youth program; the Be a Responsible Server program are just more examples and additions to the ones I detailed earlier to the member of where the Yukon Liquor Corporation invests in social responsibility programs.

I know the member wants to get into the specifics of whether a position has a certain title or not. The member also — I recall in his first opportunity to ask questions of the Premier since being elected as a member — took issue with the teddy bear campaign which this year is celebrating its 21st anniversary. This provides teddy bears to the Yukon liquor stores and to agencies, including Yukon Emergency Medical Services, which are given to sick children and children in times of difficulty. I know the member has issues with

specific elements of the programs, but in fact I think that it's fair to say that the Yukon Liquor Corporation, along with various government departments who did this, are taking significant steps in social responsibility in reducing abuse of alcohol to the best of their ability, but there is also personal responsibility —

**Speaker:** Order please. The member's time has elapsed.

#### **Question re: Midwifery regulations**

**Ms. Stick:** Mr. Speaker, childbirth is the number one cause of admission to hospitals across Canada. Meanwhile, more and more studies are coming out confirming that women and their babies under the care of a midwife have better health outcomes.

This Yukon Party government has been talking about midwifery in the Yukon since at least 2008, if not before. In 2010, we saw the government go out to public consultation and discussions on midwifery in Yukon, but what we have not seen are the results. Mr. Speaker, can the minister tell this House whether a final report and recommendations came from this consultation and when will it be made public?

**Hon. Mr. Graham:** Yes, Mr. Speaker, a final report did result from the consultation and it will be tabled this session.

**Ms. Stick:** I thank the minister across the way for that answer.

Yesterday the minister across the way was very enthusiastic about collaborative care. He wants to support multidisciplinary teams of professionals working to full scope. Those professionals should include the Canadian Nurses Association and the Canadian Association of Midwives. These two organizations recommend the development of collaborative ways to foster safe and effective maternity care. In plain language, Mr. Speaker, the added option of government-supported midwifery can provide better outcomes for women and children for less money than births in acute care hospitals.

Evidence supports the addition of this option. Better outcomes reduce number of re-admissions, reduce need for postnatal care — all associated with midwifery. Can the minister tell this House when this government will regulate midwifery to enable collaborative care and childbirth options?

**Speaker:** The member's time has elapsed.

**Hon. Mr. Graham:** The simple answer is no, I can't tell her when it will appear on the legislative agenda.

**Ms. Stick:** Mr. Speaker, that's unfortunate. The communities of Dawson and Watson Lake have pleaded for years to be able to give birth to their babies at home or in their home communities and they cannot. The government did not listen. Yukon women and families from across the territory have urged this government to support the midwifery option. PEI, New Brunswick, Newfoundland and Labrador and Yukon are the only jurisdictions in Canada that do not have this legislation and regulations. It's unfortunate.

When is this government going to demonstrate the leadership needed to implement regulated midwifery that produces better outcomes for mothers and for babies?

**Hon. Mr. Graham:** If we responded to every request for legislation from members opposite, we'd be here not only for this session, but we'd be here for the next 20 years trying to get it all in place. If the members opposite had life their way, we would regulate every single piece of peoples' lives in this territory and we simply don't agree with that policy.

What we have attempted to do is bring forward the legislation that we feel is essential to be passed now. The legislation requested by the member opposite is obviously not as important as some we are bringing forward and, when it reaches the top of the queue in terms of our legislative agenda, we will bring it forward.

**Question re: Public Service Commission personnel policy**

**Ms. Hanson:** Mr. Speaker, earlier this year, the Yukon audit bureau released an audit on public service staffing. The report highlighted the fact that non-competitive hires, such as temporary or acting assignments, outnumber competitive ones across the Yukon government.

Competitive staffing processes are designed to ensure that employment is based on merit and that staffing decisions meet the test of fairness and transparency. Can the minister tell this House what percentage of staffing actions in the last two years were done without a competitive process?

**Hon. Mr. Dixon:** I hate to disappoint the member opposite, but I don't have those sorts of statistics at my fingertips. Of course, if she wants the level of detail she has requested, I'll have to get back to her. When it comes to the details that she's requested, those are things I don't have with me at my fingertips.

**Ms. Hanson:** That's unfortunate. That report came out in February of this year. I would have thought that the minister would have read it by now.

Here is another aspect of it. We have all heard stories of employees who have worked full-time as auxiliary on-call staff for years without getting a secure position. This makes it very difficult to plan for the future, whether that means buying a car or a truck, taking on a mortgage, starting a family or making any other investment here in the Yukon.

What is the government doing to ensure that employees working hard each and every day to serve Yukoners are not kept indefinitely in auxiliary on-call positions?

**Hon. Mr. Dixon:** The member opposite correctly references a report. While I don't have the report with me today, we've reviewed the report and department officials assure me that we're taking the recommendations very seriously. We continue to engage through our negotiations with unions as well as the Public Service Commission department to ensure that we provide the best possible service to our employees in the territory and that they have ample opportunity for advancement in the course of their career development.

**Ms. Hanson:** Mr. Speaker, I'll try another aspect of that audit. Temporary assignments are used for a number of good reasons — for example, to meet short-term staffing needs or to provide employees with opportunities for professional development. But temporary assignments can also be abused, which is why guidelines are very important. In 2008, the Yukon government employee engagement survey came back with low ratings on merit- and fairness-related questions. In response, the government developed temporary assignment guidelines. Four years later, in 2012, the auditors found these guidelines were not being followed consistently and were not seen as an obligation by management.

What has the minister done to ensure that guidelines designed to prevent abuse of temporary assignments are followed consistently?

**Hon. Mr. Dixon:** The first thing I should note is, of course, that we appreciated the recognition this year of Yukon government being one of the top employers in the country. We're very excited about that recognition and we appreciate the high opinion that staff has in working for Yukon government.

With regard specifically to the auxiliary on-call employment, the majority of AOCs are covered by the collective agreement, and a letter of understanding with the union provides for joint union management monitoring of the use of AOCs. There has been only one grievance related to the use of AOCs in the last 11 years. It's important to recognize that we have a very excellent place to work here in the Yukon government. We provide ample opportunity for our employees to participate in a very positive work environment, and we engage with the unions to ensure that we have proper services and protection for our staff.

**Speaker:** The time for Question Period has now elapsed.

We will proceed with Orders of the Day.

## ORDERS OF THE DAY

**Speaker:** We are now prepared to receive the Commissioner of Yukon, in his capacity as Lieutenant Governor, to give assent to bills that have passed this House.

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

## ASSENT TO BILLS

**Commissioner:** Please be seated.

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

**Clerk:** *Animal Health Act; Act to Amend the Highways Act and the Dangerous Goods Transportation Act.*

**Commissioner:** I hereby assent to the bills as enumerated by the Clerk.

*Commissioner leaves the Chamber*

**Speaker:** I will now call the House to order.

**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):** I will now call Committee of the Whole to order. The matter before the Committee is Bill No. 61, entitled *Health Information Privacy and Management Act*.

Before we begin, would members like to take a brief recess?

**All Hon. Members:** Agreed.

**Chair:** We will recess for 15 minutes.

*Recess*

### Bill No. 61: *Health Information Privacy and Management Act* — continued

**Chair:** Committee of the Whole will now come to order. The matter before the Committee is Bill No. 61, entitled *Health Information Privacy and Management Act*.

**Hon. Mr. Graham:** On Tuesday, when we last discussed this bill, the opposition raised many of the points that the Information and Privacy Commissioner noted in her public response to Bill No. 61. In my opinion, the Information and Privacy Commissioner did a pretty good job — a careful review of the bill — and we appreciate her comments, that's for sure. We appreciate the comments of the opposition, but as will come as no surprise to anybody, we take exception to some of them because we believe that Bill No. 61 does provide strong mechanisms for the protection of privacy.

There are many important sections in the bill that address this. I know that as we move forward through the detailed discussion of the sections, we can focus on the privacy and security protection afforded in the bill. There are sections addressing fundamental principles regarding personal health information. There are sections addressing required security standards and there are sections that deal with policies and procedures that must be respected whenever a custodian is dealing with information.

I realize we haven't had an opportunity to discuss these sections in detail, but when we do, I think some of the initial more detailed concerns expressed by both the Information and Privacy Commissioner and members opposite should be addressed. I believe that there are things in the bill that will address many of these concerns.

What was not acknowledged during these discussions is that these agreements in section 70, which authorize custodians to enter into an information-sharing agreement — and I know that was a section of some discussion by both the Information and Privacy Commissioner and the opposition.

What wasn't acknowledged is that these agreements can only be made to share information with a person or organization that is already subject to privacy legislation. If information is shared under an agreement, Yukoners' personal health information will be protected by privacy requirements that are at least as strong as the requirements we have here in the Yukon, and sometimes even stronger. This example points out our need to understand the Bill No. 61 in its entirety instead of picking certain sections and asking why this isn't being done in certain sections. When we do pick individual sections and question them in general debate without the benefit of considering all of the privacy protections in the act, it's difficult to put into context the concerns and responses.

Bill No. 61, once we get into more detail, provides a balanced approach to protecting privacy and to providing health care workers appropriate access to the important information they need to do their job.

I'll point this out when we have our line-by-line discussions. Our job in the Legislature is to bring forward a bill that will achieve this balance and provide the flexibility to respond to a rapidly changing world of information technology. I believe that with this bill we have done this. As I pointed out, this bill provides a solid structure while maintaining the flexibility we believe we will need in the future.

It was interesting that during discussions yesterday, in one part of the bill, opposition members said, well, there's no detail, and we said it will be in regulation. Then, in another section of the bill — well, why do you have to put all of this in the bill; it seems like unnecessary detail.

You can't have it both ways. What we're trying to do here is to achieve a balance and provide a solid structure within this bill to allow us to also maintain flexibility that we believe we'll need in the future.

What we know with absolute certainty today is that things are changing extremely rapidly and we need mechanisms to keep pace with the changes without continually amending the legislation.

An example we use is that a couple of years ago you could walk down to the local video store, pick up a DVD to watch on the weekend, and it was sometimes a social event because you would invite people over for the evening. Today, not only the video stores are gone, but we're not even renting DVDs so much. We now download from the Internet or choose movies directly through our cable providers. I know this has proven to be a great concern to the Minister of Environment whose Beta cassette of *Bambi* was his single biggest thing as he was growing up and he's very disappointed that since he lost it, it's no longer available.

It's just an idea of how quickly technology moves in a matter of a very few years.

**Some Hon. Member:** (inaudible)

**Hon. Mr. Graham:** No, he had a Beta of *Bambi*. It would have been way better if he were here.

Another example that some of us are still getting used to, I suppose, is our relationship even with our vehicles. It used to be that we could just get into our car and drive around. We

were in complete control of that automobile. Today, between the GPS, the GPS voice that reminds you what to do, the computer voice with On Star and things like that, and the cars ability to drive itself in terms of lane-change maneuverability and all that — it has completely changed our relationship to our vehicles, and to say nothing of the fact that we know now you can actually be tracked through the GPS in your vehicle or through the chip in your telephone.

There are tremendous advances being taken in the field of IT and we want to be prepared to be able to respond to those changes very quickly.

We also know with certainty that court decisions can change the way we interpret and apply the law. In the last two weeks alone, two Supreme Court of Canada decisions have changed the landscape of privacy law in Canada. Our legislation needs to be adaptable, not only to changes in technology, but to decisions of the courts as well.

We also realize that legislation takes time to bring forward. We just talked about that this afternoon with the midwifery legislation. It's on the agenda, but it just hasn't made it to the top of the agenda because it takes time to move these things forward and the process just isn't as responsive as sometimes we need and we would like.

Remember that we are talking about technologies and information management that actually can save lives if they are applied properly and quickly in some cases.

One important area where we have maintained flexibility is with the powers of the Information and Privacy Commissioner. We know that the Information and Privacy Commissioner would like to have greater powers, and we have decided that at this point in time we are not prepared to move in that direction as far as the Information and Privacy Commissioner would like. While we believe that the powers set out in the bill meet Yukoners' needs today, we understand that in the future it may be appropriate to expand the Information and Privacy Commissioner's powers. For this reason, we have maintained flexibility in the bill by allowing the Information and Privacy Commissioner's powers to be expanded through regulation. This is one example of the bill providing flexibility to meet future needs.

Finally, I spoke briefly during general debate about proactive compliance. This seems to be the buzzword among privacy commissioners across Canada. We certainly agree that the best way to encourage people to follow the law is by not prosecuting them. The truth is that we expect Yukoners to comply with this legislation. We expect Yukoners to accept their responsibility — custodians and agents to accept their responsibility — and comply voluntarily. That being said, we believe that the bill contains a number of measures that support proactive compliance. We also expect the first regulation under this act to provide more detail in this area. Perhaps these didn't go as far as the IPC would like, but again, the bill gives us the ability and the flexibility to grow into what is needed in the future.

There are important sections of this bill that need to be reviewed to understand the underlying principles. In particular, sections 15, 16 and 19 are fundamental to the bill

and will help custodians, the public and, we hope, the opposition members, to recognize the protections that this bill provides. If these provisions aren't strong enough, we have also created a strong role for people to make complaints and to take matters to court. The penalties for contravening the act are substantial and that was a recommendation that the IPC made that we accepted. We expanded the penalties for contravention of the act and it has created a very powerful incentive for all people to comply with the legislation.

In my opinion, this is a good, strong, comprehensive piece of legislation. Although it is modelled after many other provinces' statutes, we have included some specific sections unique to the territory. One of the key things we learned from our provincial colleagues is that we need the flexibility to adapt to the rapid changes in the information management world. We believe this legislation achieves this and more and I look forward to putting it all in context as we go through the bill on a clause-by-clause basis.

**Mr. Silver:** I'd like to begin by thanking the staff from the department for their time today. We very much appreciate your very valuable time in answering some of our questions. I think most of the questions would probably be best suited to go through during clause-by-clause discussions, but I do have some specific questions here. I'll roll three together and then I'll ask another one after that.

This bill opens the floor for e-health initiatives in the Yukon. Given e-health mismanagement in other jurisdictions in Canada, has the government costed the implementation of this bill? After the bill has been implemented, does the government know what the ongoing cost will be to manage it? Could the minister speak to any requirements this bill places on physicians' offices specifically?

**Hon. Mr. Graham:** I perhaps didn't quite understand the question or the way it was phrased. When you say, how much will it cost to implement an e-health system in the territory with controls in place — we're in the process of costing it but it's one of the real problems we have. We know roughly how much it will cost to build a system and we've made some estimates of the cost of operating that system well into the future, and it's a scary number.

We don't have an accurate one at this time but we realize that it's going to cost us a great deal of money. The other parts of that of course is that if we allow the IPC to do the proactive management and to make orders and do all of the other things that the commissioner would like to do, that has pretty substantial price tag attached to it as well and we would like to see that money at least at the primary stage put into operating the system.

The other part — right, working also with doctors and doctors' records. Anybody who joins the e-health system — and I can be corrected if I'm wrong here — will be considered a custodian, so the physicians' records will be part of the information covered under the legislation because they will be custodians. But we are working with Canada Health Infoway, as you know probably. In last year's budget, we indicated that we had I think approximately \$6 million still from Canada Health Infoway to develop a system. That was only to develop

the system; there were no operating funds at all. We realize this is going to cost us substantially more than that.

Part of what we'll be doing is working with the e-health system because the e-health system will only provide us with a platform onto which everybody else will join. We will provide that platform and everyone else will join, we hope. We'll be working with doctors, with pharmacists — with everyone who hopes to join the Infoway information system. We realize there's a cost there too, because we can't expect all of these custodians to jump on board and convert their system so they're compatible with our basic system.

We're still working through many of those things and it's probably one of the reasons that the information system is taking so long to develop and implement.

**Mr. Silver:** I appreciate the answer from the minister. Another question as the minister answers my next question — just the ongoing cost of managing the system — full-time equivalents and this type of thing. This is kind of a long-shot question here. We had a debate in the House a couple of sessions ago about enrolment and registration at the schools. Now, the first day of school is a major task for the administrative staff. It was suggested that schools could save an awful lot of money and increase an awful lot of their efficiency if just certain statistics of students would somehow be made available from other departments. It seems to me that with an electronic system, that information may be able to go back and forth from department to department.

Like I say, I have asked this question before in the Assembly and it didn't seem at the time that it would have been a problem, but maybe the minister can explain once again. We are not talking about medical stuff here; we're not talking about anything else other than numbers. Maybe there are some other statistics that can actually be transferred over, if we're moving on to a new management system that sounds like it is going to be a lot more efficient in an electronic network. Maybe the minister can answer if there is any possibility of sharing information department to department.

**Hon. Mr. Graham:** I'm just trying to find the section. It's 63(1) and it deals with school enrolment. It allows the Minister to, "...without the individual's consent, disclose to the Department of Education, for the purpose of school enrolment planning, the contact information of an individual who is the parent or guardian of a child under six years of age." So it only allows that information to be transposed under this. We can discuss it more when we get to it, but at the present time we can't even share that with the Department of Education. We have a working committee right now with the Department of Education working on how we deal with children from kindergarten-age back to, shall we say, three years old or somewhere in that range when we consider it time to take a look at them as potential for kindergarten. So we have a working group in that area. I'll be happy to go through that when we get there.

**Chair:** Is there any further general debate?

Seeing none, we are going to move on to a clause-by-clause review of Bill No. 61.

*On Clause 1*

**Hon. Mr. Graham:** In my second reading speech, and I think at the beginning of this also, I said I would take a few minutes and try to outline each section in case there is any further information that is needed.

This act states the purpose of the legislation, in addition to many of the definitions. The purpose of the act — as I've said over and over — balances the protection of our privacy and it also supports our health care providers to have the necessary and appropriate access to our personal health information to be able to provide us with the best health care possible. The act establishes a new privacy regime and includes the provision that addresses new technologies, and the act creates both an independent source for challenging compliance and effective penalties when violations of the act occur.

*Clause 1 agreed to*

*On Clause 2*

**Hon. Mr. Graham:** This one is a little bit different. Perhaps this bill is laid out a little bit differently than many are. What we've done is put them into 12 separate parts, and under each part there are a number of clauses.

**Ms. Stick:** I just want to thank the minister and his staff for being here again today and I will have lots of questions. I just want to be clear that some of the questions might seem contradictory when I ask them, but this is important legislation. I want to be able to understand it and I wasn't to be able to explain it to my constituents or people who ask me questions about it.

On the definitions, it talks about any employee of a custodian. When I started to think about this and who works, say, at Whitehorse General hospital, it's a lot of staff, including kitchen staff, cleaning staff and laundry. I'm assuming that they would all come under these definitions, because just seeing someone in a hospital means they have certain knowledge and it is a small community. My questions are: (1) confirmation of that; and (2) how is that confidentiality and the protection of privacy communicated to all employees of custodians, whether it's in a clinic or in a hospital or in a health care facility?

**Hon. Mr. Graham:** On Tuesday, I think I ended debate that day by saying one of the very important parts of this bill and implementation of this bill and the regulations is training. We as a department realize that training is going to be a huge component, but it's also going to require that our custodians and our agents — such as the Hospital Corporation, physicians' clinics and a number of others that are in here, right down to denturists — there is the potential of a huge number of custodians — each one of them will have to develop their own policies and their own programs.

That's what we said when we said this is not going to be easy to implement, which is why we think that it will be 12 to 18 months away before we implement the non e-health portion of this bill — because of the training component — because of the need to develop those. In many cases, some of those policies and procedures will already be in place because you have professional associations, such as the Canadian Medical Association, that have professional standards in place

and they will very easily meet the standards established in this bill. So, in some cases it won't be necessary, but in many cases it is going to be a whole new ball game.

**Ms. Stick:** I'm trying to read the language here — in clause 2(1), the first paragraph under definitions, it says, “‘agent’ of a custodian means a person (other than a person who is prescribed not to be an agent of the custodian)”.

So, there is that piece — and then if you go down to 2(1) (g) you see, “a prescribed person”. I'm just confused by those two pieces there. What is a prescribed person?

**Hon. Mr. Graham:** Under the section, you can prescribe a person to be an agent or you can prescribe them not to be an agent under this section. I don't know how else I can —

**Some Hon. Member:** (inaudible)

**Hon. Mr. Graham:** Yes, that's basically it. You can prescribe them as an agent or you can prescribe them not to be an agent; it's just to give that flexibility.

**Ms. Hanson:** Just to be clear, because there is no definition of “prescribed” person so the agent can do as the minister opposite just said — prescribe somebody to be whatever, but there is quite a lot of detail as to employees, appointees, volunteers, students. We're just trying to clarify what a prescribed person is and where the prescribing of that person would occur or how it occurs.

**Hon. Mr. Graham:** I have an answer for that. A prescribed person is a person prescribed under regulation.

**Chair:** Is there any further debate on clause 2?

**Ms. Hanson:** Madam Chair, I would ask for the patience of the Chair. There are 139 clauses. The definition section goes on for at least 10 pages, so to suggest that we're going to get through clause 2, which is 10 pages, in a nanosecond — I'm just asking for the patience of the Chair to allow us to be able to actually review the notes that we may have made in the margins of this legislation.

We cannot do this rapidly. This is not like other pieces of legislation that have come through this Legislative Assembly this fall.

### Chair's statement

**Chair:** The Chair would ask members, if they wish to be recognized to speak, that they stand; otherwise the Chair has no indication that anybody wants to stand to speak, and so should or should not move on. That's my request.

**Ms. Stick:** Moving to page 4, under Definitions, there is “‘health care provider’ means ...” and one of the questions I have in this section is, would this include naturopaths who are recognized in our community and through some of our private health insurers and who have their own profession? Would they be included or should they be included on this list of health care providers?

**Hon. Mr. Graham:** Under the act itself they are not included; however, there are regulations that allow us to include them at a later date. The department has had discussions with naturopaths. They have indicated that, in general, they would like to become part of this legislation, so

we'll continue those discussions and, once that decision is made, we can add them by regulation.

It's really important that we discuss — there are some that are a given, but there are others that are what we would call, I guess, on the line as to whether or not they're health care providers in the traditional sense of the word.

As the department carries out these discussions with various non-traditional healers, we can bring them in by regulation.

**Ms. Stick:** I would see that some of these practitioners, though they may not be considered traditional, in fact might be very traditional if we are looking at things such as acupuncture or naturopaths. I'm concerned about this, because in this day and age more often than not, a person doesn't see a naturopath separate from their doctor without communicating that or without communicating information back and forth between a naturopath and the family physician. I personally would do that, and I talked to my physician about that and I talked to my naturopath. I want them to be able to share information if that was necessary, such as blood work or something else.

I would rather see something included in the beginning where we already know that these collaborations are going on, and there are many in the community. We are becoming more collaborative and less — you know, where you only can see your traditional family physician and not other health care providers who might complement what is already being received. So again, the naturopath, the acupuncturist — another one I thought of was dieticians — these are all health care providers that your physician would refer you to. I assume there must be communication between the two, back and forth.

**Hon. Mr. Graham:** I think it's interesting — you now understand the conundrum we find ourselves in many times because each time you expand the envelope to include more custodians and more agents in the total information system, the more opportunity there is for misuse, accidents and all of these other things to happen. In this legislation, there are provisions to allow custodians of medical information to share that information with non-custodians. There are fences built around that but there are opportunities where custodians can share information with non-custodians. Like I said, through regulation, we can include non-traditional health providers in the fold as it were by regulation.

**Ms. Stick:** I would just ask if the member across or his staff could point out when we get to it in the act where that allows the custodian and non-custodians to share that information. I would appreciate that.

**Hon. Mr. Graham:** Maybe I'll get the member opposite to make a note that so when we get to section 57 we will be able to talk about those kinds of issues, because that's where the disclosure sections start.

**Ms. Stick:** Moving on to the next page, it's just about the same question my colleague asked about prescribed person — this one is the prescribed facility. I know you've explained it once; I'm going to ask for an explanation again of a prescribed facility or what is prescribed.

**Hon. Mr. Graham:** Whenever we talk about prescribed, it means something described in regulation. That's all that prescribed means: described in regulation.

**Ms. Stick:** I just want for the record for the minister to confirm for us that these regulations, before they go into effect, will go out for public consultation so everyone can have a look at what these are going to be and what they will mean to individuals.

**Hon. Mr. Graham:** We've already committed to that and we fully intend to honor that commitment. It is again, as I've said, one of the reasons that we expect it will take 12-18 months to fully develop the regulations and bring the act into force.

**Ms. Hanson:** I'm not a lawyer so I'm curious — I hope it's a simple word, but plain language would be great. In definition of payment — (d), subrogation. What does subrogation mean in plain language?

**Hon. Mr. Graham:** It's in a case where a person receives a health care treatment and sues as a result of something that has occurred —

**Some Hon. Member:** (inaudible)

**Hon. Mr. Graham:** Oh, right, I know now; we went through this once before.

If you are in an automobile accident, say, and as a result of that accident you have to have medical services provided by the hospital or whomever, it allows the hospital — the government — to sue the insurer to collect for the cost of the injury or the medical services.

**Ms. Stick:** I'm going to move on to page 9. It is under definition of "spouse". It doesn't say it, but it's the common law so, "with whom the particular individual has cohabited as a couple for the immediately preceding period of 12 months, unless either of them was under the age of 19..."

My question is — to me this doesn't seem consistent with other regulations we have about when people are considered to be a spouse or common law. I'm thinking to social assistance regulations, where it's a shorter period of time — I think three months. I stand to be corrected on that.

Is there a reason why we wouldn't be consistent across legislation as to what is common law or what a spouse would be considered?

**Hon. Mr. Graham:** This definition is exactly the same as the definition under the *Care Consent Act*. That's why it was used in this piece of legislation — so it would be consistent with that piece of legislation. As for other acts, when we're talking about social assistance or something, we can be a little easier in the definition, but we're talking about, in many cases, where a spouse has certain rights under this act of disclosure and collection. Especially with decisions about medical treatment as well, we're trying to keep them the same, because decisions under the *Care Consent Act* that deal with medical treatments are very similar to what personal information can be disclosed under this act, so we're trying to keep those two acts very close.

**Ms. Stick:** Thanks for that explanation. But I can see where confusion would come if an individual has only been cohabiting for four months, is considered under social

assistance to be common law and then, for some reason, requiring consent or consent in care for their partner's health — all of a sudden they're not.

My question then would be: so who would?

If I think I have a spouse and they're going to be the one to help with consent and decision-making, but they've only been with me for six months and not 12, according to this — how do we mitigate that kind of confusion or those kinds of circumstances?

**Hon. Mr. Graham:** That's part of what the very next section deals with. After "spouse" is "substitute decision-maker", and that refers to an individual authorized to give consent on behalf of another person, so that's what you would have to look at if the spousal definition didn't fit — it would be the substitute decision-maker.

**Ms. Hanson:** On page 10 — just for confirmation and clarification — the definition of "Yukon First Nation" having the same meaning as in *An Act Approving Yukon Land Claim Final Agreements* — that's a territorial piece of legislation that is sort of general. I just want to confirm that that definition is inclusive of those First Nations that have settled First Nation final agreements and those First Nations that are still *Indian Act* bands. I know the federal legislation says that, but I don't see in that very brief enabling legislation the specificity that I was seeking.

**Hon. Mr. Graham:** As we understand it, yes, it includes both groups of people. It has been verified.

*Clause 2 agreed to*

*On Clause 3*

**Ms. Stick:** I was going to ask the minister whether — we talked about him going through and explaining things — if he had anything he wanted to refer to under "deemed custodians".

**Hon. Mr. Graham:** I guess, Mr. Deputy Chair, this gets back to the previous one where we talked about a spouse. To us, it doesn't make sense if you have the ability as a spouse to make decisions about a person's medical care under the *Care Consent Act*, but under the health information act, you don't have the ability to access the information that would allow you to make a reasonable decision. I guess I had to get that out first and dealt with in section 2, spouse of a particular individual.

Under this one, this is intended to make sure that someone is always responsible for a custodian's records containing personal health information. So, in other words, if you have a medical practice and you walk away from that medical practice, there is always somebody who is responsible for the personal health information contained in those medical records.

*Clause 3 agreed to*

*On Clause 4*

*Clause 4 agreed to*

*On Clause 5*

**Ms. Stick:** I'm going to read this one out loud. Section 5: "A person who would, but for this section, be a custodian and who is an agent of another custodian is deemed not to be a custodian while acting as the agent of the other custodian."

It's crystal clear but I just want to make sure that the minister understands it.

**Hon. Mr. Graham:** We have a number of medical practitioners who work part-time in the hospital, shall we say, like a physiotherapist. I have a niece who works at Physio Plus and she can also do contract work in the hospital. While the physio works at the hospital, they are an agent of the hospital. When they work in private practice, the physio is the custodian of the records for the people of whom she provides that service to. So that's where they can be an agent and a custodian at the same time.

*Clause 5 agreed to*

*On Clause 6*

*Clause 6 agreed to*

*On Clause 7*

**Hon. Mr. Graham:** This is getting into part 2 and I just wanted to provide a little information about it. Part 2 clarifies when and how the act applies. It identifies who is covered by the act — like who is a custodian — and how this act relates to other laws like ATIPP. Basically the act applies to all personal health information in the custody of Health and Social Services regardless of the purpose for the collection, use or disclosure of that information — personal health information held by other custodians — but only if the information was collected, used or disclosed to provide health care, plan and manage the health system or for research purposes.

So that is what the act applies to. This part makes it clear that when a record contains both personal information and personal health information, all of the information in that record is considered personal health information for the purposes of this act. This is called the “mixed record rule” and is intended to make it easier for custodians to apply the act from day to day. This part makes it clear that the act doesn't change court powers or proceedings, solicitor/client confidentiality, responsibilities of health care professionals, and disciplining organizations such as the Yukon Registered Nurses Association or the Yukon Medical Council.

This part also makes it clear that, as a general principle, this act prevails over other legislation. There are exceptions, such as records that contain Cabinet confidential information, in which case ATIPP applies to the record. Other exceptions are set out at the very end of the act, such as adoption records under the *Child and Family Services Act* or the *Evidence Act* and other exceptions can be made by regulation.

**Ms. Stick:** Mr. Deputy Chair, I just want to go back to the last comment the minister made with regard to ATIPP, which I see in here, but he also referred to Family and Children's Services and some other ones. I'm just wondering where those are named in this section.

**Hon. Mr. Graham:** They are at the very end of the bill — parts 11 and 12, “Amendments to Other Acts” and “Application and Transitional.”

**Ms. Stick:** One of the questions I'm seeking clarity on is under section seven (2): “This Act does not apply (a) at any time, to the personal health information of an individual who,

at that time, has been dead for 50 years or longer” — I'm just looking for clarification on what that means.

**Hon. Mr. Graham:** It's just a general number used in other jurisdictions as well, I understand.

It just means that your health information is protected after your death but only for a period of 50 years. I have no idea why 50 years was picked, but 50 years it is in this legislation and, I understand, in other HIPMA legislation across the country. It's a pretty standard number.

*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*

*Clause 11 agreed to*

*On Clause 12*

**Ms. Stick:** I'm just wondering if I could get an explanation for clause 12(1).

**Hon. Mr. Graham:** As a general rule, this act and not ATIPP applies to personal health information in the custody or control of a custodian that is a public body, such as the Department of Health and Social Services. The exception to the rule is set out in 12(2). So in 12(1), it gives us the ability to make an exception. In clause 12(2), it indicates at that time that ATIPP applies and not HIPMA, where the information is protected from disclosure under ATIPP.

This includes: ministerial briefing notes; a Cabinet confidential record; draft legislation or regulation where its disclosure would be harmful to the financial or economic interests of a public body, harmful to law enforcement or could be harmful to inter-governmental relations or negotiations or is legal advice given to a public body. What it basically says is that the rules in ATIPP continue to apply to confidential ministerial and Cabinet documents, and it will result in consistent application of the principle associated with Cabinet confidentiality.

*Clause 12 agreed to*

*On Clause 13*

**Hon. Mr. Graham:** This now moves us into the core parts of the legislation. The first division is the part that is foundational to the entire act. When I gave my second reading speech, I said this one is the one that sets the limits on what can be collected, used and disclosed. As we get deeper into the part, we'll start to see some of the privacy and security requirements that custodians have an obligation to meet.

This part also introduces or identifies the right of individuals to have access to their personal health information and, finally, it introduces a process for responding to security breaches. This is a fairly new approach for legislation across Canada, and I'm pleased to say that our legislation will provide Yukoners with a very responsive approach to notifying people when security breaches occur.

Specifically, division 1 within part 3 contains by far the most important sections of this act. I guess it's one of those

things that if I could have this repeated on every single page of the act in some form or another, I would.

I referred in my second reading of the bill to the Canadian Standards Association privacy code, which gives 10 principles. This division directly addresses two of those 10 principles: limiting collection and limiting use disclosure and retention. The two key principles that echo throughout the act that we need to keep in mind when we are reading every other section are: identifying information is information that identifies someone and that can only be used if non-identifying information will not serve the purpose. An example is that while identifying information is necessary to treat a patient's diabetes, it is not generally needed to determine the incidence of diabetes in the territory. The second is: need to know — to collect, use or disclose only the least possible amount of information required for the purpose, only what you absolutely need to know. An example is that if my physiotherapist is treating a broken leg or a healed leg, she likely doesn't need to know my drug allergies.

As we move through the rest of this act, it must be read keeping this division or this part in mind.

**Ms. Hanson:** I understand and appreciate the concept of the need to know and how that works in the context of section 10 that says: "If a record contains both personal health information of an individual and personal information of the same individual, the personal information is deemed to be personal health information of the individual."

On one hand we don't need to know all this stuff, but we do know that, in part, it becomes personal health information because it's deemed to be such. How does that jive with the concept of not having that and of needing to know that personal information? Is it a matter of "needing to know" versus "using"? I'm just unclear as to how that works.

**Hon. Mr. Graham:** In going through this, it's our understanding that in many cases, if not most, the standards under HIPMA are slightly higher than they are under ATIPP. If information is collected under this act and they're protected under the act, we think it's a higher standard.

An example of the information we're talking about is if your medical chart is in your doctor's office and, as a result of the fact that you have insurance with your employer, your employer's information is also part of your medical chart, it becomes protected under this act. The fact that you work for a specific employer would also be protected under this act and it could not be used, disclosed or — it is collected, obviously. But it cannot be used or disclosed without your express consent.

*Clause 13 agreed to*

*On Clause 14*

*Clause 14 agreed to*

*On Clause 15*

*Clause 15 agreed to*

*On Clause 16*

*Clause 16 agreed to*

*On Clause 17*

*Clause 17 agreed to*

*On Clause 18*

**Hon. Mr. Graham:** This is division 2. This is the Yukon Public Health Insurance Plan Number and YHCIP Card.

This section highlights the importance of our health insurance card and provides the necessary protection of the card and card number to avoid identity theft or fraud within the public health system. We sometimes forget how valuable our health card information is. Our health card is like a key to a safe. In the wrong hands it can cost the public system a lot of money, not to mention — if it's used for identity theft — the grief that that can be caused to a person. This act recognizes how important our health care card and number is, and makes sure that they are used only for health care or other authorized purposes. This division tightly limits when the card number can be used or when somebody can be asked to show their health card. We expect to allow for other necessary government-related uses of the health card by setting them out in future regulations.

**Ms. Hanson:** In appreciating the importance of the Yukon health care card, I'm wondering if the minister can tell us when we might anticipate seeing a card that doesn't look like an archaeological dig. Mine must be about two inches thick. It seems to me that it's similar to our previous drivers' licences, which were quite easy to replicate and caused issues. Given the importance of this card and not wanting to have this kind of information easily transferred to others — because I can simply peel off my card, layer after layer, and transfer it — is there an intention in terms of implementing some aspect of this legislation to actually ensure that our health care cards are brought into this century?

**Hon. Mr. Graham:** There is no requirement under this act to change it. As I said, this act and the accompanying regulations will take us 12 to 18 months. During that 12- to 18-month period, we are going to be looking at changes to the health care card because, much like yours, mine is very thick — in fact, thicker than probably anyone's in here. It reminds me of the driver's licence. The last time I used the old driver's licence and they saw a three-digit number on my driver's licence, the question to me was, "how old are you, anyway?"

**Ms. Stick:** Just to clarify, I agree this is a really important section about who can collect this. I'm aware, having worked in Health and Social Services previously, that it's not uncommon to collect a person's health care number. Will we be going back through other regulations, such as social assistance or those programs, to ensure that those numbers are no longer being collected? Can the minister assure us that these numbers that are now being collected — there are other programs that do collect the Yukon health care number — will no longer be collected when this legislation comes into effect?

**Hon. Mr. Graham:** This act does limit how the health care insurance card and number can be used, and it's only to be used for the purpose of publicly funded health care. That will include services related to the Yukon health information network, research or legal proceedings.

Having said that — and because we are an integrated department — if it's being used for the purpose of publicly

funded health care, it will be collected. I can see under something like social assistance that it wouldn't be collected because social assistance is not a publicly funded health care. There may be exceptions in there but it shouldn't be used for anything other than publicly funded health care — research or legal.

**Ms. Stick:** I agree. It shouldn't be used for other things and there are no exceptions noted in this section. Again to clarify, where it is collected, it now will cease to be?

**Hon. Mr. Graham:** Under the current regime, many government programs use the health card as proof of Yukon registry. The act will allow for regulations to authorize other purposes of the card to be presented, but we as a department are going to have to look very carefully at what we are using the card for, because we're going to have to make sure that we comply with the regulations so they won't be collected in any instance that would be prohibited under the regulations.

It's difficult because we require proof of residency for everything from hunting licences to campground permits and all of those other things, and the health care card has always been one of those things that you could slap on the table. Under these regulations, we'll have to look at all of that.

**Ms. Stick:** I would agree. I think we do have to look at those things. It's the way that social insurance numbers were at one time. We used to use it to cash cheques and we would use it in the grocery store. It was just common. Everybody did it and we didn't think twice about handing over our social insurance number — except for my colleague here, who never did it apparently. I did. But I think there needs to be a real commitment to that.

The other piece I was thinking of is some of the information systems that we use that require certain fields to be filled. It seemed to me that that was always one field that you had to have; otherwise you could not proceed, so there are those implications also in terms of the cost of looking at that and changing those bits. Other than that, I have no more to say on that one.

*Clause 18 agreed to*

*On Clause 19*

**Hon. Mr. Graham:** In part 1 of the act we reviewed the purposes of the legislation. This division specifically responds to the first purpose, to establish strong and effective mechanisms to protect personal health information. This division also ties in a number of the other Canadian Standards Association's privacy principles — namely, safeguards, accountability and openness.

One of the main reasons we brought this legislation forward is to make sure that personal health information is protected and is secure and that's what we believe this division does. It creates the obligation for custodians to keep personal health information protected and secure by meeting certain standards and requirements. This section requires custodians to have privacy and security policies in place to keep personal health information safe and to do such things as to make sure the need-to-know rules apply to anyone who has access to the custodian's records and to make sure that records

of personal health information are disposed of in a way that protects privacy.

What we mean by this is no more throwing patients' charts into dumpsters, no more pages of patient information blowing around the streets as has happened in other provinces and, finally, making sure that there is a process for making and answering any patient complaints about privacy. This section recognizes that more informed patients and health care providers make better decisions. To achieve this, this division includes obligations such as: every custodian will have to make a statement about their information practices available to the public, including letting patients know how to access their records or request corrections. Finally, every custodian will have to keep track of when personal health information is disclosed and make sure that information is available to the patient.

Many of these practices are already established business practices in our Yukon health care sector, but the purpose of this division is to make sure that all health care providers meet the standard. Yukoners can expect this level of openness and accountability in all their interactions with the Yukon health care system.

**Ms. Hanson:** I want to just confirm with the minister my understanding of this section and apply it to a scenario. It's a scenario I can actually describe from personal experience.

In terms of the information that the custodians — and we had a long conversation yesterday afternoon about collaborative health care and the importance of a team-based approach.

One of the things I've become more aware of over the last three or four years is the concept that the fearless caregiver — which means that if you are working or living with a family member or somebody who has a chronic condition — the caregiver, the spouse, the partner or the parent needs to become fearless with respect to ensuring that there is coordination and collaboration that we talk about — that the words, including "collaboration", are words that don't happen unless there is some stimulus for that. One of the things that's a challenge for the individuals who are parts of or are dealing with a multitude, a hydra head, of service providers and deliverers in our health care and health care related services is coordination.

The minister talked about ensuring that the records of an individual are kept and that there is no undue disclosure. Does this section in here speak to the importance or the ability of ensuring that the subject — that has the custodian of some various services, gathering information and care plans and all that kind of stuff, or doing an element of an individual's care plan — most people with chronic diseases interact with anywhere from two to a dozen health care and health-care-related custodians — I call them "custodians" as I understand it under this legislation — to ensure that they are automatically provided copies of all information with respect to them. Does this provide for proactive disclosure to their contact person and to the individual?

**Hon. Mr. Graham:** I guess part of what you asked is under the recording requirement. If a custodian discloses any of an individual's personal health information, they must keep a record of that. We'll get into the disclosures part, which will deal with collaborative care — section 57. That was the one I asked you to make a note of earlier, because that's where we get into disclosures. Under this one, the recording requirement is quite simple. If a custodian discloses personal health information, they must keep a record of that — who they disclosed it to, the name, the date and the purpose — so that would encompass collaborative care.

If they had a collaborative care meeting, then there wouldn't be any automatic disclosure of that, obviously, but a patient would be aware that they were having collaborative care — a number of different health care professionals — meeting and their information would be shared. That information would be available to the patient or to the person acting on their behalf — substitute decision-maker. That information would be available to the patient or the substitute decision-maker at a later date if they so decided.

**Ms. Hanson:** I just want to push this a bit further because collaborative care is a future orientation and we're going to be awhile before we get there; we heard that yesterday.

When we're talking about the current situation, does this provision here — you see the OT, you see the physiotherapist, you see the neurologist, you see the whatever — require them to ensure that patients are provided copies of their personal medical information? Because until and unless there is a collaborative care clinic established — and this is why I used the reference early to the fearless caregiver — it's generally a parent, a spouse, somebody, and not the individual who is having to navigate the system.

In lieu of a systemic collaborative-care model, family members take on these responsibilities. What I'm looking for are assurances that this legislation is not going to make it more difficult for family members, caregivers, spouses and parents to access and demand that they have copies of all the pertinent information so they can serve the purposes of ensuring there's collaboration amongst those caregivers, because there aren't now. That's the experience of many people with chronic conditions, not just in this territory, but across this country. I'm really looking for that kind of assurance. Is this enabling, not prohibiting? Many of us have had that experience — "I can't give you that." What do you mean you can't give it? It's mine. It's my information.

**Hon. Mr. Graham:** I guess right now we're talking about the requirements to record information release and about information practices just generally.

We'll get into the rights of the patients or their alternate care provider to access the information in the next section, but in this section it's very clear that a custodian has the responsibility to record any instances where they provide that personal health information to another care provider or to another custodian for any purpose. This part will mean that all the members of a collaborative care group or a team will have to record that they're exchanging that information and then

the disclosure of that to the patient or the alternate caregiver comes in the next division.

I think there's one thing you're missing — where you say that we don't have collaborative care here in the territory right now — we do. There are a number of instances where collaborative care is an ongoing thing. We have the referred care clinic where we have a physician and a number of other health care professionals who provide service to a population of residents here in the city on a collaborative basis and on a daily basis. We do have collaborative care working in the territory. We have a nurse practitioner, as you are aware, and collaborative care happens in our continuing care facilities on a daily basis. There are many people there with chronic diseases who are visited by their doctors and part of the team at the care institution provide their services on a day-to-day basis. We do have instances of collaborative care now.

**Ms. Stick:** Going back to the point my colleague was making — and I also have personal experience with this — is that when a person begins to see a number of specialists and care providers, the communication between those is often not clear and sometimes not good and sometimes, frankly, it doesn't exist. It becomes the job of the caregiver to carry the file. You go with the individual to see this specialist. You see them and they write up notes; you ask for copies, you put it in the file and you take it away with you. You see the next specialist and they do blood work or these tests or whatever and you get copies of that because you know that information will not necessarily be transferred to the next person that you're going to see. So you end up carrying a file. It's either your personal file or, as a caregiver, it's the person you're trying to advocate for.

This talks about that they're going to disclose or they're going to have to record when they disclose information, but there should be no barriers to an individual getting any of that information and sharing it with other health care professionals who they might have to coordinate with, whether it's their own health or someone they're being the caregiver for.

I think that's where we were looking for that clarification. It's not whether the custodian is recording it, but it's the individual's access to that information and the ability to take it with them every time.

**Hon. Mr. Graham:** Perhaps we got off on the wrong foot when we started talking about this section, because this section is mostly to ensure that adequate steps are taken to make sure that personal health information is not disclosed, stolen or disposed of — those kinds of things — correct me if I'm wrong, don't hesitate — and access to records, which is what we are talking about now.

The patient's right or the alternate caregiver's right to access those records is in the next section. I know exactly what you are talking about because, as you know, I spent two weeks this summer with my mother touring Whitehorse General Hospital and St. Paul's Hospital in Vancouver. One of the things I tell anybody now who goes out as an alternate caregiver, is to make sure you have it in writing because it becomes extremely important when the person for whom you are caring is incapable — for whatever reason — of providing

advice and you step into the breach. If you don't have something in writing, you don't get the information. So it's vitally important. Anyway, that will come up in the next section as well.

*Clause 19 agreed to*

*On Clause 20*

*Clause 20 agreed to*

*On Clause 21*

*Clause 21 agreed to*

*On Clause 22*

**Ms. Stick:** I'm looking at 22(2): "Subsection (1) does not apply to the disclosure of a record that contains only registration information or provider registry information." I just wanted clarification of what this is referring to.

**Hon. Mr. Graham:** It generally includes registration information such as name, address — those kinds of things — telephone number and includes their health care provider, the provider name, but it doesn't include any health care information whatsoever.

*Clause 22 agreed to*

*On Clause 23*

*Clause 23 agreed to*

*On Clause 24*

**Hon. Mr. Graham:** As this is now division 4, these are the access requests and the individual's right to access. This is another of the Canadian Standards Association principles and it refers to the right to know that information exists about you and that you can access it and challenge the accuracy of it. Reliable, accurate information is a keystone not only to providing good health care but also to obtaining good health care. Health care providers aren't the only people who need good information to make decisions; health care consumers also do.

Except in the most limited of circumstances, we need to ensure that people have a right to obtain their health care records and to ask that information be corrected, if it is believed to be in error. This division sets out a process so that a person can access their health care records and ask for correction when they believe it is warranted. There are some limited situations, such as where a patient could be harmed if access were given to a particular record and where a custodian may or must refuse access. The division also sets out a process for responding to both access and correction requests and will allow a custodian to charge a fee for access that will be set out in regulation.

This division also establishes that a person can bring complaints about access or correction to the Yukon Information and Privacy Commissioner.

**Ms. Stick:** Just to clarify, in (2) it says a custodian may charge a fee not exceeding the prescribed fee — which I assume would be in the regulations — for access to personal health information contained in a record in the custody or control of the custodian. Then you go down to (3)(b), and it says "despite subsection (2), the custodian must not charge a fee for providing such a copy."

There's a fee for access but not a fee for a copy of that. I'm just wondering why.

**Hon. Mr. Graham:** In the first one, we're talking about personal health information and in number (3), I believe, it deals with records that are kept electronically and all you're accessing is a list of people who have looked at your personal health information. That would be a log on a computer, and for that, the custodian may not charge a fee for providing such a copy.

**Ms. Hanson:** This really does relate very much to the conversation we were just having. Now we're saying to a family member — a spouse or a parent — that if you are going to perform the job that's not being done by the current health care system, you have to pay for a copy of information that will help you assist the health care system provide a coordinated approach to the care of your spouse, child or parent. I guess what I'm asking is, are we talking about a new user fee? This is another onerous kind of thing.

If you are dealing with a multitude of health professionals and related services, and each time you see one of those specialists you have to pay for the information that is put on that chart about that individual, is that not a user fee? I'm hoping that the minister will explain that that's not the intent and that we will not be seeing individuals or their families having to pay additional costs when they are already struggling to figure out how they are going to coordinate the juggling when you are dealing with chronic conditions in particular.

**Hon. Mr. Graham:** At the present time, there is nothing forbidding anyone from charging a fee for access to your health records. In some cases right now, it is happening with no regulation whatsoever. There is no maximum set; there is no per-page charge; there is nothing. What we are hoping to do with this is to say that these are the maximums.

You may charge that fee because we understand that any medical practitioner has overhead costs as well. Those overhead costs — if you go in and ask for 50 pages to be copied and they have to be accessed, then we understand that there is a possibility that there may be a charge to that. What this will do is set out a maximum for that fee. We hope that there won't be any fee, but the one thing that we will not allow a charge to be made for is the record of who has accessed the electronic record and who has access to your file.

**Ms. Stick:** I can see that this could be a concern for an individual with a chronic condition who does not have a family physician and who has to access emergency for prescriptions, for treatment or a checkup or blood work or those types of things. They might have to go in on a regular basis — on a monthly basis — say, to have blood work done for whatever condition. Because they don't know who they're going to see next time or if they're going to be somewhere else, they're going to want to have a record — who they saw, what the result of that and any tests were.

So if an individual is without a family doctor, it's going to be their responsibility to take care of their own record because we know now that when individuals with chronic conditions without doctors go to emergency, it's a gamble who you're going to see. Most times, you're going to have to repeat yourself: this is who I am; these are my conditions; this

is why I'm here; these are my prescriptions; here is my file; and this is what has happened so far because I don't have a doctor. But if they're going to have to be charged a fee every time — another case of an individual I know needed — it wasn't an X-ray, but let's say it was a CAT scan — a copy because they did not have a personal physician. They needed to see a specialist Outside. They made the arrangements, but were told it was going to cost them \$25. First they were told they couldn't access it, but then they were told it was \$25 just to receive a CD of their own personal health care information to take with them. But without access to a family doctor to do that for them, they were always paying.

So I think we have to be careful with this section and think about those exceptions to the rule too. As the minister knows, there are well over 1,000 people who do not have a family physician and many of those might not need access to their records at this time because they're healthy. But there are a whole bunch of people who are using emergency as their health care provider because they have no other option and they shouldn't have to be looking at the possibility of paying every time they go in to get blood work or a standard checkup or prescriptions done.

**Hon. Mr. Graham:** Currently, ATIPP does set fees that may be charged — yes, we're talking about ATIPP — if you want to get records from Health and Social Services or from the hospital. Under that, there are fees that may be charged and there's no regulation on any of the other health care providers. The ability is there for health care providers to charge at the present time.

We will be doing this consultation on fees when we develop the regulations, but currently ATIPP does set fees if you want to access your records from Health and Social Services or from the hospital, so currently it is being done. There is no doubt about that. There is no set fee; there is no maximum set about what a health provider can charge you if you ask for personal health records. In some cases, you have to take a look from the doctor's side, too.

If somebody comes in and wants a huge number of pages copied or provided to them, then it will take time and expense to do that. It'll be interesting to see during the development of regulations what kind of response we get both from health providers and from patients, because what we're trying to do is just set a maximum. We're not saying health providers should charge, but if they do charge, we believe there should be at least a maximum because currently there is no regulation of that whatsoever. We're making a policy decision here that because there's nothing in place now, what we're going to do is set a maximum.

**Ms. Hanson:** So the question for the minister, I guess — to respond to his statement that we're making a policy decision here — would it not make sense then, in the context of a public health care system that is endeavouring to ensure that all people who are accessing the public — public, paid for us. Physicians are businesses; we pay them. It is a health insurance plan — a publicly funded health insurance plan that pays for that? I don't expect that when my insurance

gives me details about my information that they would charge me more.

The policy decision should be made. The courageous statement is to say, no, you don't charge patients for a service you provide.

Given the fact that we don't have the perfect health care system yet — we don't have health care providers for all of the people who need access to them; we don't have continuity of care for all of the people who need continuity of care in terms of accessing physicians — in particular, we don't have that for people with chronic conditions. The policy issue is that we keep it a public health care system. In order to facilitate patients having an active role in that care system, you don't put another barrier to them playing that. In particular, you don't put a barrier to those who have a difficulty in financing or paying for — even the suggestion that there is a fee. By the language of this, we are saying we condone the idea of another use fee in the health care system. I don't believe that that is what we intend to do in our public health care system. Putting it in there, enabling it, creates yet another incremental notion of taking the publicly funded aspect out. We are going to be asked to pay for it still, but we're narrowing the scope of the services that we're getting.

It just boggles my mind, given the experience that we've gone through over the last few years with respect to the number of people I deal with on a daily basis who are struggling in terms of continuity of care — from physician, to physician, to physician — to not have access or to suggest to them, when they try to do the responsible thing — which is to manage their own interactions with the health care system — that in managing that — that means having access to the information that somebody has made a decision — Dr. X, Dr. Y, Dr. Z. Some people have gone through many physicians. If they don't have access to that information — and there is no guarantee that those records are transferred — how is this going to enable them to do the responsible thing in taking a positive role in terms of managing their own health?

I would really recommend that the minister, in the course of the conversations — we've got another 115 clauses to go through. This is very troublesome and it does open serious, serious concerns with respect to that notion that particularly those people who are least capable of financially paying — we're not talking about expanding the Yukon health care coverage to pay for these things. I'm not suggesting that at all. I am saying that we are paying currently for businesses to provide health care. I would expect that it's a business cost to the government departments to make sure that their clients and patients are well-informed about what is being said about them in terms of diagnostics and prescription and determination of treatment plans, and that patient has access to that information so they can then work to make sure that others are informed of it.

As my colleague from Riverdale South said — and the minister knows this — that's not necessarily how it works. We'd like to get there, but we're not there. The minister said the other day when he was introducing this legislation that we'll be coming back to review this legislation. I'd like to

suggest that this be put on a future pile, just as there have been recommendations that we will deal with some of the issues raised by the Information and Privacy Commissioner at a future date when the legislation is up for review in three or four years. Or perhaps the notion of potential fees to access your information should be put on that future pile as well, once we have a well-established collaborative health system in this territory.

We do have isolated incidents. Yes, I love the idea of the referred-care clinic and I love the idea that there's a nurse practitioner at the Thomson Centre — but that's not for the preponderance of Yukon citizens; that's the minority.

I would suggest that the minister give consideration to deferring the notion of charging of any fees for individuals to access their own personal information and defer the notion that anybody may charge that individual for accessing their own personal information.

**Hon. Mr. Graham:** I guess the first thing that I would say is that if we remove any reference to fees from this legislation, we will leave the system essentially where it is now — the fees may be charged by health providers and there's no maximum on any of them — or we leave it under ATIPP where the fees are already set to get records. There is no doubt that if we leave the status quo, there is a fee to get records from Health and Social Services and from the hospital, and there is no regulation of those fees. What we're doing is actually saying we're restricting it. The member opposite has fixated on this doctor thing and that these doctors are paid. But doctors are not the only custodians we are talking about. We're talking about dentists, denturists, physiotherapists and pharmacists. We're talking about a huge number of private businesses, all of whom have staff that they have to pay.

If somebody comes in on a daily, weekly or monthly basis and insists on having all of their medical files copied for whatever reason so that they can trot away with those medical records, that could impose a substantial burden on that medical practitioner, especially if they're a very small operation. We have said that we are going to make the ability to charge fees. We're going to allow that to remain. As it is now, we're going to allow it, but we're going to set a cap on that fee. We have said also that this will be part of the regulations, and perhaps at that time, we can set a different fee schedule for different medical custodians. But we can't promise that at this time. We're committed to saying we're leaving this in because it reflects a restriction of what is currently in place. So we're actually restricting what is currently being done, and we think that as we consult with medical practitioners across the territory, we'll get a better feel for what is appropriate.

**Ms. Hanson:** I think that in developing legislation that's forward-thinking — the minister has said the sound principle that we're looking for here — you don't normally focus on the extreme or vexatious situations. What you're trying to do is address the normal practice, the normal circumstances of individuals. You have other legislation

coming before here about vexatious litigants and stuff. You can isolate those people who would abuse the system.

The principle here is that we're talking about not charging citizens — patients — for access to their information. The simplest way would be a custodian may not charge a fee for access and then if you want to come back — the minister has said that we may need to come back for review in a few years — and if in practice the experience of custodians is that there are a plethora of many, many demands for multiple copies, as opposed to the normal practice, which is where an individual goes in on a one-on-one basis and sees that professional, and simply asks: "May I have a photocopy of your notes?" That's what I'm looking for. I'm not looking for 15 years of history. I'm looking for something that will help guide the next person I have to go see in an appointment. That's not a huge cost. Simply put, it's the principle of ensuring that individuals are not penalized and we put this forward now. Review it in a few years; we've got review provisions here. Add that to your list for things to be reviewed.

**Hon. Mr. Graham:** I think the member opposite has for some reason fixated on this doctor situation. I guess the way we looked at it is that it doesn't matter who provides the information to the patient, somebody's going to pay.

**Some Hon. Member:** (Inaudible)

**Chair:** Order.

**Hon. Mr. Graham:** Again, there are a myriad of health professionals right now that are not publicly funded that operate businesses on a daily basis that need to pay. They have to pay their staff. It's like saying I can go into a bookstore and request a copy of a book that I had some time ago and I just want to get another copy of it. That's all there is to it.

No, we are going to leave it as it is now. We have the ability under regulation to put zero in that fee. We have the flexibility we need. If we put in the legislation itself that we are not going to allow any charge no matter how justified, then we've cut off all of our options. Under this proposed bill, we will have an option and that is we can either allow a maximum fee and if we say the maximum is zero, then that's what it is.

*Clause 24 agreed to*

**Chair:** Recess has been requested. Do members wish a 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. We are dealing with Bill No. 61.

*On Clause 25*

*Clause 25 agreed to*

*On Clause 26*

*Clause 26 agreed to*

*On Clause 27*

**Ms. Stick:** This is under the section about refusing access. I was looking for clarification on 27(1)(a)(i), where the custodian can refuse to grant an individual access — has reasonable grounds to believe it would, if disclosed, “cause serious harm to the health or the safety of any individual.” I’m trying to think of an example of where something like that would occur and wondered if the minister could explain that please.

**Hon. Mr. Graham:** One of the examples of an issue that could cause serious harm to health or safety is if test results indicated that the person had an incurable condition and there was a risk that the individual might commit suicide. That would give the medical custodian, or the custodian of the record, the ability to refuse to provide that record. It would also identify someone else who provided the information to the custodian on a confidential basis, if that was the case.

**Ms. Stick:** I understood the explanation, but when I think it about it for more than two seconds, my question would be: if my physician finds out I have some incurable disease and is worried I might kill myself, isn’t it still my right to know that? How is he going to treat me or provide service if I don’t even know and therefore do have access to or even permission to say this is the treatment I want or this is the treatment I don’t want? That might be another example where I just say: no, that’s enough. So I don’t think that was a clear enough answer because I need access to my information.

**Hon. Mr. Graham:** I probably didn’t explain it well enough. Those situations are mostly when the individuals asks the custodian or the medical practitioner who actually performed the test and they are asking for it from that individual, rather than their doctor and the doctor hasn’t had time to fully talk with their patient. It would give the doctor the opportunity before the condition was known and the person went away. They would therefore have to come to the doctor to receive the information. I guess that’s what we’re saying. The information would be made available, but in the more appropriate time.

**Ms. Stick:** I think that’s a bit of a stretch. If I go for blood work or X-rays or a CAT scan or a MRI, the custodians of that information, the care providers, are pretty careful not to tell you anything. In fact it is — you’ll have to wait to hear from your doctor anyway. That’s already the system. A doctor orders something and anytime I’ve gone I don’t have them sitting there saying, oh yes, look at that — or something like that. I don’t know. I’m not clear on this clause.

**Hon. Mr. Graham:** The exact instance cited by the member opposite is one of those things that this act will change. You will have the right to access that information immediately in some cases — in many cases.

This will allow the person who is doing the test that opportunity to say: “No, I am not giving you the information; you have to see your doctor.”

Under this legislation — remember under ATIPP, the individual has the right to obtain access to their personal health information in custody and control. I don’t know what else I can say, other than it’s one of those provisions.

**Ms. Stick:** I’ll probably let that go, but it doesn’t feel right to me because we’ve already said that if a person wants access to his or her information, that person has to do it in writing and there is up to 30 days, which can be extended an additional 60 days. If there were those kinds of concerns, I’m going to assume that someone would be in touch with the doctor. If they don’t have a doctor — there’s an example that could cause serious harm, but if there’s no one else for them to give that information to but that individual in order for them to receive treatment. I don’t think I want anyone deciding that they can’t give me my information. I guess that’s what it comes down to. It’s my information, my health, and if I decide to do whatever, it’s my decision. It doesn’t feel comfortable. You are giving somebody else power over your information.

**Hon. Mr. Graham:** This is a very standard provision in other health information privacy acts across the country. Remember that whenever we talk about refusing access, the person always has the right to appeal to the IPC. Every time we say, for what we may consider good reason, that the custodian has reasonable grounds to not disclose that information, the patient or the person has a right to appeal that decision to the IPC. Whatever is said in the legislation is appealable.

*Clause 27 agreed to*

*On Clause 28*

*Clause 28 agreed to*

*On Clause 29*

**Hon. Mr. Graham:** Clause 29 is the beginning of division 5 where we talk about security breaches. While this act establishes strong privacy and security standards and practices, we know from past experience that there may be times when mistakes will happen.

Security breaches can have a devastating impact on a person whose information has been inappropriately disclosed. When this happens, it’s very important to respond quickly and make sure that it doesn’t happen again. Based on very helpful input we received from our Information and Privacy Commissioner, the approach we’ve taken on security breaches is responsive and will lead to Yukoners receiving early notice so that precautions can be put in place.

This err acts on the side of protecting Yukoners. If it’s reasonable to think that a security breach has occurred and could cause significant harm, the affected person must be told as soon as possible. The message we’re sending out is don’t wait until you’re extremely sure there has been a breach before acting; act immediately.

The division strikes the balance between limiting risk to Yukoners’ health information and not placing too heavy a burden on custodians. This part applies where the risk of harm is significant. It sets out guidelines for the custodian to determine if significant harm has happened as a result of the breach, it gives direction on how to give notice to someone and what the notice must say and, finally, it provides an important role for the Information and Privacy Commissioner.

I look forward to any questions.

**Ms. Stick:** I do believe this is an important section. I like the fact that with any security breach, at the same time the commissioner must also be given a copy of the notice. What I wasn't sure of was whether the commissioner would also have an opportunity to comment on it or report on breaches such as these, which could occur.

**Hon. Mr. Graham:** I believe under section 31(2), it says that the commissioner may, after reviewing a report submitted by a custodian under subsection (1), recommend to the custodian any measures that the commissioner considers appropriate to reduce the risk of similar breaches occurring in the future.

**Chair:** Order please. We are discussing clause 29.

*Clause 29 agreed to*

*On Clause 30*

*Clause 30 agreed to*

*On Clause 31*

*Clause 31 agreed to*

*On Clause 32*

**Hon. Mr. Graham:** This is the introduction to a new part: part 4. In this part, we talk about consent to the collection, use and disclosure of personal health information. It's important to separate this consent from consent to treatment. While the two types of consent interact with each other, they are dealt with very separately.

Consent to treatment is dealt with in the *Care Consent Act*, which is the one we were talking about previously and which has the same tenets of spouse as this one does. Consent is another of the 10 Canadian Standards Association principles. Consent is fundamental to an individual's control of their personal health information. This division addresses knowledgeable consent, meaning that our consent must be informed so we understand why our information is being collected, used or disclosed. Identifying the purpose for collection is part of the information we need access to for our consent to be knowledgeable. This is another one of those 10 Canadian Standards Association principles. I think we've now covered eight of the 10.

The consent model sets out that a custodian can assume that a patient has given consent. In other words, consent may be implied; it does not always need to be explicitly stated or written. This model is used in most jurisdictions across Canada. Knowledgeable consent means that information must be provided by custodians so that when consent is given we understand what can happen to our personal health information. For example, if the information is disclosed outside Yukon — let's say to a specialist in Vancouver — the patient must be informed that the law in B.C. will apply to it once it has been disclosed.

This section also clarifies who can give consent. It's largely modelled on the *Care Consent Act* because decisions about health care and health information are so closely linked. To give consent for information purposes, an individual must be capable and, like the *Care Consent Act*, capacity is not age-based. Where an individual is not capable of giving consent, this section sets out how a substitute decision-maker can be identified. I look forward to some questions.

*Clause 32 agreed to*

*On Clause 33*

*Clause 33 agreed to*

*On Clause 34*

**Ms. Stick:** Clause 34 talks about when express consent is required. This kind of jumped out at me: "for fundraising activities". I wonder if the minister could explain what that's about.

**Hon. Mr. Graham:** The Hospital Corporation springs to mind immediately — so, in other words, express consent would be required from you as a hospital patient for the hospital to provide your personal health information to the foundation for fundraising purposes. So in other words, the hospital cannot give a list of 200 patients who have received treatment for some disease that the hospital foundation decides they are going to fundraise for a specific machine. Say they're looking for treatment for kidneys and they want to raise money for that — they couldn't identify the patients who have needed a kidney machine to target them.

**Ms. Stick:** I thank the minister for the answer. If we could just look at the very next paragraph and if I could get an example because, again, it's a lot of words but I'm not clear what an actual circumstance would be.

**Hon. Mr. Graham:** The prescribed circumstances would be set out in regulation. So if they wanted to use you for marketing, you would still have to give your express consent. It would be anything that's set out in regulation, basically. You know, you see the faces on the posters in the hospital — each one of those people has to give their express consent for marketing purposes.

*Clause 34 agreed to*

*On Clause 35*

*Clause 35 agreed to*

*On Clause 36*

**Ms. Hanson:** It's not a point of debate, but I'm trying to understand the intent of the sentence: "except to the extent that the individual purports to prohibit or restrict" — it's not my normal understanding of the word "purport". I'm assuming this means "tries", but wouldn't we just say "tries"?

This legislation is complex so it would be nice if the legislation used language that was legally sound but also plain and accessible.

**Hon. Mr. Graham:** It's written in dumb language — I understand it. One particular example springs immediately to mind because I have a son-in-law that works in Motor Vehicles. If a doctor has knowledge that a patient has a medical condition that should prohibit that person from driving, even though the act says you cannot release medical information without consent of the individual, the doctor under another piece of legislation, I'm not sure which one —

**Some Hon. Member:** (Inaudible)

**Hon. Mr. Graham:** Under the *Motor Vehicles Act* or whatever act, the doctor has a responsibility to report that condition to the Motor Vehicles branch so that my son-in-law can go out and pick up their licence. That is one specific example I know of.

**Ms. Hanson:** Thanks to the minister for that explanation of the intent of it. It's just an overall comment that when we're doing legislation and trying to make sure that the citizens that this applies to understand it. The use of plain language is not a new concept. I know the English language, I love the English language, but I think English language has ways of being more accessible to more people if we use language that's — if "purport" is intended to say "try" or "imply", then what is it?

Is there legal reason for certain kinds of language?

**Hon. Mr. Graham:** In my explanations, the language has been dumbed down so I can understand it, so it might be a little too low for the members opposite I'm not sure. It's unfortunate that we can't do that. Unfortunately, we're required to meet certain legislative standards and that's what the department is trying to do. Talk to the Minister of Justice, I guess, to see if we can get more plain-language legislation. This is what we're required to do under current practice.

*Clause 36 agreed to*

*On Clause 37*

*Clause 37 agreed to*

*On Clause 38*

*Clause 38 agreed to*

*On Clause 39*

*Clause 39 agreed to*

*On Clause 40*

**Ms. Stick:** I struggled with this section because I could think of examples of where an individual — what I'm talking about here is section a that says — I'll read the whole thing because it's important: "... a custodian is entitled to assume in relation to an individual's consent to the collection, use or disclosure of the individual's personal information", and "(a) that the individual, regardless of their age, is capable of giving the consent."

I have a couple of questions around that one. Who decides that the individual is capable of giving their consent? Any age? Regardless of their age? I mean, six, two? It just seems very wide open. We have an age of consent and I know there have been circumstances when individuals younger than that do determine their own health care choices, but I also know it can create quite a lot of difficulties. If I could just have a clear explanation of who's making that decision that consent has been given, and is there really no limit to age?

**Hon. Mr. Graham:** The first part of that clause was really important: "Unless it is not reasonable to make the assumption in the circumstances" — generally a custodian can assume. I think it's important to realize, and I think this was an issue brought forward by the Information and Privacy Commissioner because there was some concern raised during the consultations that parents or guardians may not be able to get their children's medical records.

This act is fashioned exactly after the *Care Consent Act*, which deals with consent for treatment. It adopts the approach whereby, if a health care provider considers a young person capable of understanding their treatment options, that young person can give consent for treatment without their parent or guardian's involvement.

If a young person is considered capable of making these important health treatment decisions, it seems reasonable that they should also have the opportunity to make decisions about their personal health information. That's what we are doing. We're basically mirroring the health information clause with the *Care Consent Act*. If a person is capable of giving consent for medical practice, then we believe they are also capable of determining who can see their medical records and who cannot see their medical records. The act actually supports a young person's right to be considered capable of providing consent for the collection, use and disclosure of personal health information.

*Clause 40 agreed to*

*On Clause 41*

*Clause 41 agreed to*

*On Clause 42*

**Ms. Stick:** I was curious about the clause about an individual's withdrawal of consent under subsection (1)(a), "must meet the prescribed requirements." Then the addition — there is: "if any".

Must they meet the prescribed requirements? I would assume there would be some, and I'm just not sure what the "if any" in there is for.

**Hon. Mr. Graham:** This deals with the regulations. We will be making regulations that determine what requirements must be met and there may not be requirements in some of these instances. We may make a regulation that says, "For this type of request you must put it in writing" and for another one it may be verbal. There will be a variety of different requests depending on the type of information that you're talking about and the sensitivity of information. That's why it's there. Regulations will control this part of the act or this part of the act will control the regulation.

*Clause 42 agreed to*

*On Clause 43*

*Clause 43 agreed to*

*On Clause 44*

**Ms. Stick:** I was just wondering if this one is stand-alone. I would like an explanation for it.

**Hon. Mr. Graham:** This deals with instances where consent given by a patient results in only a limited amount of information being provided to a custodian by another custodian. The fact that information is not complete must be made clear. The example that I was given is that if a patient told his doctor that he did not want his drug addiction revealed to a specialist, the doctor would be bound not to provide that information, but, in discussing the patient with the specialist, they would be able to say, "This is the information I've given you, however it's very clear that this is not all the information I have in my possession." So it becomes clear to the specialist that there are other things that he or she may have to ask the client.

*Clause 44 agreed to*

*On Clause 45*

*Clause 45 agreed to*

*On Clause 46*

**Ms. Stick:** I'm looking at clause 46 and about halfway down the next page it talks about decision-maker for the consent and then in (h) it talks about two individuals who are custodians and health care providers. I was starting to get confused here because you have custodians, which I thought were health care providers — so you have both mentioned here. Or is it just a way of clarifying?

**Hon. Mr. Graham:** Perhaps I'm looking at the wrong one. I assume the member opposite was talking about section (h). It's when there is simply nobody else. Somebody has to make a decision. It could be in the case of somebody who is — and we see it happening in the Yukon — an elderly patient, a guy who has lived in the bush all his life and has absolutely no relatives alive in the Yukon and no close friends. Somebody has to make the decision. It's two custodians, two people who have relevant health information about this individual and our health care providers. They are called last-resort decision-makers.

*Clause 46 agreed to*

*On Clause 47*

*Clause 47 agreed to*

*On Clause 48*

**Hon. Mr. Graham:** Madam Chair, this is part 5, "Obligation to Provide Health Care". When we consulted on this legislation, some health care providers expressed concerns that the legislation could make them treat patients they might not choose to treat for a variety of different reasons. This part simply confirms that nothing in this legislation changes a custodian's existing right to refuse a patient or refuse to provide health care to a patient.

*Clause 48 agreed to*

*On Clause 49*

**Hon. Mr. Graham:** This is a new part — Part 6. This part sets out the various ways personal health information can be collected, used and disclosed. This part speaks to the balancing of personal privacy with the need for appropriate access to information by custodians so that they can provide the best care possible. This part provides custodians with the authority to collect, use and disclose information to support improved health care and to better plan and manage our health care system.

This part is quite lengthy, but it's very similar to how other jurisdictions have approached collection, use and disclosure. It specifically lays out authorities rather than providing broad authorities.

Collection in division 1: in the real world of health care, custodians cannot and do not do all of the heavy lifting themselves. They use employees, volunteers, IT specialists, contractors, lawyers and other advisors to help get the job done. This section sets out the rules for a custodian's helpers, which in this act we call "agents."

Agents who specifically provide information services, such as information technology help, are called "information managers" in this act. Custodians cannot use agents or information managers to avoid responsibility for protecting personal health information. That's a very important tenet. Custodians are always responsible for the actions of their

agents. Custodians must control what information an agent needs to do their job and the act states clearly that an agent must follow the direction of the custodian.

Because information managers are not health care providers who often have professional confidentiality and security standards established by their professional organization, when a custodian contracts with an information manager, this arrangement is subject to additional rules. A custodian must have a written agreement with an information manager and the agreement must meet the requirements of the act and any regulations. Both the custodian and information manager must comply with this agreement. I look forward to any questions.

*Clause 49 agreed to*

*On Clause 50*

**Ms. Stick:** Flipping the page and over to subsection (3), saying an agent of a custodian must notify the custodian at the first reasonable opportunity if a security breach has occurred in relation to any personal health information handled by the agent. As the minister mentioned, this is a long section and an important one, and what I'm curious about is enforcement or monitoring. How does this act speak to that?

**Hon. Mr. Graham:** The act applies to the agent as well as the custodian, so the penalty provisions that apply to a custodian if they don't carry out the provisions of the act that they're supposed to would also apply to the agent. In theory, what should happen is — if it was an IT problem — immediately after the problem was disclosed to the agent, they would inform the custodian and the custodian would inform the Information and Privacy Commissioner and carry out the necessary procedures after that point.

At all stages, the agent is responsible to report the initial break and the custodian is responsible to report to the Information and Privacy Commissioner and carry out the processes as required. At each stage, the penalties and the provisions of the act apply.

*Clause 50 agreed to*

*On Clause 51*

*Clause 51 agreed to*

*On Clause 52*

**Hon. Mr. Graham:** This is again division 2 within Part 6 and it deals with collection. Remember earlier when I said that I would like to have the two fundamental principles of the act — the need to know and no identifying information if non-identifying information will do — repeated on every page? Well, here is a good place to repeat it. This part sets out the rules about when a custodian may collect information.

Information can be collected directly from the individual or indirectly from another source such as a spouse, friend or from electronic information systems. But in all cases, only the least amount of information is needed. This division also addresses another of the Canadian Standards Association's privacy principles, which is accuracy. A custodian must ensure that the information collected is accurate and current when they collect it. All collection must be authorized in law, and this division on collection works together with the next division on use. In most circumstances, collection is allowed

if a custodian can use it. Health and Social Services and the Yukon Hospital Corporation, which are public bodies, can directly collect information if it is necessary to carry out a program or activity of the agency. Yukon First Nation custodians can directly collect information necessary for a health care program or activity of their First Nation.

*Clause 52 agreed to*

*On Clause 53*

*Clause 53 agreed to*

*On Clause 54*

**Ms. Hanson:** When we are reviewing this again, it's like my brain is trying to catch up to the last time.

In clause 54, "A custodian may collect an individual's personal health information from a person other than the individual only if" and "(c) where the custodian collects the personal health information for a purpose other than providing health care to the individual," and I get everything up to 54(c)(iv), "subject to the requirements and restrictions, if any, that are prescribed..." We got that; we know that prescriptions are coming in regulations — "... an enactment of Yukon or Canada, or a treaty, agreement or arrangement made pursuant to such an enactment, permits or requires the collection" — so if the custodian collects the personal information for a purpose other than — I'm just looking for an example of what treaty would apply to health care information. I wonder what kind of a treaty we would be contemplating there. We have an expressed reference to the treaties, commonly known in the Yukon as "land claim agreements." I'm wondering what kind of treaty would be referenced here so that we would be sharing anything to do with health care.

**Hon. Mr. Graham:** Madam Chair, I guess the simplest explanation is that it's a standard clause that is used throughout the country. It applies to agreements. If an act of Canada or Yukon, or a treaty — which I don't believe we have here — or agreement or arrangement under an act permits or requires the collection, those would be the circumstances under part 4. As an example, the Whitehorse General Hospital collects health insurance information from the relatives of an unconscious person, say, who is hurt in a traffic accident, and the people are visiting from another province. They do it so that the bill can be sent to the Alberta Health Authority under our reciprocal agreement for billing under the Health Care Insurance Plan. That would be an example of that because we have an agreement with the provinces for a reciprocal payment of health information.

**Ms. Hanson:** I thank the minister for that explanation. I do understand that context in terms of actually providing services, but I guess my question is when we're talking about "collects the personal health information," which could mean information with respect to what drugs are prescribed — when we're talking about treaties, what really are we talking about here? Cumulatively, data with respect to which prescription drugs are used nationally or internationally becomes very material when we're talking about current rules and regulations with respect to patents, for example. I'm just looking for clarification as to why we would include reference

to something like a treaty and what kind of treaty we're talking about here.

**Hon. Mr. Graham:** I don't want us to get confused here by thinking that all treaties are with First Nations.

A treaty is a type of agreement that we have with whatever jurisdiction. It's to ensure that we cover all acts, all agreements between Canada, Yukon and other provinces. Agreements or arrangements made under the regulations — and so we say treaties, agreements or arrangements made under the regulations. There is nothing specific. We're not using a treaty as a specific reference, and it's exactly the same phraseology that's used in the ATIPP act.

**Ms. Hanson:** I still am not comfortable with the notion that, as we move more and more — and as information is critical from a corporate point of view in terms of determining markets, and as we're entering into more globalized arrangements. We're a sub-regional government. These are national. The federal government enters into these treaties. I'm not sure why we would put in territorial legislation. I just don't get this reference. We're saying that collecting personal information that can be accumulated — in terms of privacy, this is an issue. It's an issue with respect to both the responsibility for ensuring that we're not using a backdoor means to negotiating nor providing data to trade partners that could ultimately backfire on the individual patients in terms of data that is mined.

We can't be naive about this. This is serious business, so I'm asking a serious question here. I'm not doing conjecture; I'm asking for clarification. Why would we include language with respect to the collection of personal health information when I don't know what the requirements and restrictions are? Because it's not clear; it's subject to requirements and restrictions, and if those are not enumerated, then there are none.

**Hon. Mr. Graham:** We're talking about the indirect collection of personal information. If the agreement or treaty — if you want to call it that — or act between us and someone else permits that indirect collection of medical information, this is the enabling clause. If there is an act out there that permits us to provide indirect collection of that information, this enables us. It allows us to do it. A perfect example is if a person goes to Alberta or B.C. at the present time for a medical procedure, this is the only thing that will allow us to get that information sent back to the Yukon indirectly. That's what we are talking about here — indirectly. In other words, we don't need that patient's consent to receive the information from, say, St. Paul's in my mother's case. St. Paul's could send that information directly back because it is part of the agreement.

**Ms. Stick:** I'm following along with where my colleague was and I just want to bring back attention to paragraph (c) that says that this is the collecting of personal health information for a purpose other than providing health care service or health care to the individual. It's not about going to Alberta and being able to get health care there. It's for other purposes. Then there are these restrictions on the

bottom with regard to Yukon-Canada treaty agreements and arrangements that have been made pursuant to this.

**Hon. Mr. Graham:** These agreements are also in place to pay the bills. That has nothing to do with personal health information. Unless those pieces of information are exchanged, that doesn't have anything to do — maybe I'm not catching exactly what the difficulty is here. I'd be perfectly happy if you want to set this one aside and talk about it at a later point if the member wants.

**Ms. Hanson:** I'd like to agree with the minister. The normal process when we go through these things is that you can't go back, and so I appreciate the ability to defer this for future discussion so that we can come back and seek clarification. Perhaps this phraseology may show up because we're only at clause 54 of 139 so, should it resurface, we would have a chance.

It may be an opportunity for us to do a written question as well. If that's not possible — because if I stand and read the rules right now, that might not work — we'll find an opportunity to take up the minister's offer.

I move that clause 54 be stood over for later consideration.

**Chair:** It has been moved by Ms. Hanson that clause 54 be stood over for later consideration.

*Clause 54 stood over*

*On Clause 55*

**Hon. Mr. Graham:** Clause 55 is part of division 3 and this is the last of the collection. Here we go again — need to know, no identifying information if non-identifying information will do. A custodian can only use personal health information on a need-to-know basis. A custodian can only use identifying information if anonymous information will not serve the purpose.

A custodian can use personal health information to provide health care based on the implied, knowledgeable consent of the individual. If the person has limited that consent for health care use, or health care, the custodian must respect that request.

However, the act sets out circumstances where the information can be used without consent, for example, to prepare a bill for health care service provided to the individual, or to assess someone's capacity. This section also permits Health and Social Services to use an individual's personal health information and their personal information to carry out a legal duty, or to carry out a program or activity of the department.

The Information and Privacy Commissioner took exception to this. We reconsidered this power carefully and concluded that where the information was already in the custody of Health and Social Services, the department can make more informed responsible decisions with all of the appropriate information to draw on.

So that's our policy statement, that we concluded that where the information was already available and in the custody of Health and Social Services, the department can make more informed, responsible decisions with all the appropriate information to draw on.

Drawing an arbitrary line between using personal health information and personal information to carry out legal duties or departmental programs or activities is not in the interest of our client or the public.

**Ms. Stick:** Section 55, and my question is on (b) — it talks about a custodian may use the individual's personal health information in its custody for any other lawful purpose if the individual consents to the use.

I'm just wondering what other lawful purposes a custodian would want to use that information for?

**Hon. Mr. Graham:** What we are talking about here is simply to provide health care to the individual, unless the individual expressly refuses or withdraws consent. So very simply, a custodian can use the information to care for a patient unless the patient clearly says they don't want that information used.

*Clause 55 agreed to*

*On Clause 56*

**Ms. Hanson:** Similarly to clause 54, for similar purposes with respect to 56(1)(b), I move that clause 56 be stood over for further consideration. I understand the minister has spoken to the broad policy kinds of things, but I've identified the particular area that I'm most focused on.

**Chair:** It has been moved by Ms. Hanson that clause 56 be stood over.

*Clause 56 stood over*

*On Clause 57*

**Ms. Stick:** I know that this section was referenced earlier when we were going clause-by-clause in the very beginning. I'm just trying to find my notes of what we were supposed to ask. I do have other things here. I just wondered first if the minister would like to speak to this one.

**Hon. Mr. Graham:** Sorry, Madam Chair, I was a little bit behind there. I didn't realize that section was so long. This division sets out when personal health information can be released or, as the act calls it, "disclosed" by a custodian. I have received feedback on this part. Some people have commented on how long this part is, especially when compared to the power to disclose in ATIPP. I agree. If you're just counting how many disclosure paragraphs are in this act compared to ATIPP, it seems like a lot. The power to disclose in ATIPP is described in very general terms, while the power to disclose in this act is in very specific terms. There are more paragraphs for sure, but we wanted to make sure that disclosures under this act could only be made in carefully prescribed circumstances.

When there are concerns about the number of permitted disclosures, we need to go back to those fundamental principles of need to know and no identifying information if non-identifying information will do. Disclosures are permitted under this act, but only to the extent necessary for the purpose. For example, this act doesn't allow a pharmacist to release a person's medication profile to the person's physiotherapist unless there is an authorized purpose. Knowingly disclosing more than is necessary, or disclosing identifying information when non-identifying information will do, is an offence under this act with significant fines, as we'll see later on.

We've developed some disclosures that are unique to Yukon and we've talked about one — to meet our unique health and social needs — but, for the most part, the disclosures in clause 58 represent the same disclosures you'll find in the health information act of most other jurisdictions in Canada.

I move that you report progress on Bill No. 61, entitled *Health Information Privacy and Management Act*.

**Chair:** It has been moved by Mr. Graham that the Chair report progress on Bill No. 61, entitled *Health Information Privacy and Management Act*.

*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:** Committee of the Whole has considered Bill No. 61, entitled *Health Information Privacy and Management Act*, and directed me to report progress.

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

**Some Hon. Members:** Agreed.

**Speaker:** I declare the report carried.

Before I entertain a motion from the Government House Leader, I would like to remind everybody that the Festival of Trees opening of the Business after Hours is immediately following in the foyer upstairs and is open to everybody. I look forward to seeing everyone up there.

**Hon. Mr. Cathers:** I move that the 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. Monday.

*The House adjourned at 5:27 p.m.*



# Yukon Legislative Assembly

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Number 114

1st Session

33rd Legislature

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## HANSARD

Monday, November 25, 2013 — 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

## CABINET MINISTERS

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

## GOVERNMENT PRIVATE MEMBERS

### Yukon Party

<b>Darius Elias</b>	Vuntut Gwitchin
<b>Stacey Hassard</b>	Pelly-Nisutlin
<b>Hon. David Laxton</b>	Porter Creek Centre
<b>Patti McLeod</b>	Watson Lake

## OPPOSITION MEMBERS

### New Democratic Party

<b>Elizabeth Hanson</b>	Leader of the Official Opposition Whitehorse Centre
<b>Jan Stick</b>	Official Opposition House Leader Riverdale South
<b>Kevin Barr</b>	Mount Lorne-Southern Lakes
<b>Lois Moorcroft</b>	Copperbelt South
<b>Jim Tredger</b>	Mayo-Tatchun
<b>Kate White</b>	Takhini-Kopper King

### Liberal Party

<b>Sandy Silver</b>	Leader of the Third Party Klondike
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## LEGISLATIVE STAFF

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Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Rudy Couture
Deputy Sergeant-at-Arms	Doris McLean
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Monday, November 25, 2013 — 1:00 p.m.**

**Speaker:** I will now call the House to order. At this time, we will proceed with prayers.

*Prayers*

## DAILY ROUTINE

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

Tributes.

## TRIBUTES

### In recognition of International Day for the Elimination of Violence Against Women

**Mr. Elias:** I rise today to pay tribute to the International Day for the Elimination of Violence Against Women, which we acknowledge internationally each November 25. In the Yukon, this day marks the beginning of the 12 Days to End Violence Against Women campaign and the launch of the annual White Ribbon campaign. This is an opportunity for us to reflect and speak out about violence against women in our society and in our community. It is an opportunity to think of the many women and girls for whom violence is a daily reality, and it is a time for individuals and communities to consider their role and responsibility in eliminating all forms of violence against women and girls.

In the Yukon, the 12 Days to End Violence Against Women campaign takes place in November as part of Women Abuse Prevention Month. It runs until December 6, the National Day of Remembrance and Action on Violence Against Women. This year, events will focus on victim-blaming, social responses to violence, and the role we all play and have in ending violence against women. Violence against women continues to be a massive issue across Canada and the world.

Recent statistics show that every six days in Canada, a woman is killed by her intimate partner.

Here in the Yukon we have a regrettable level of violence against women. Compared to the provinces, we have rates of sexual assault that are two to three times higher than the national average. For aboriginal women the rates are higher still, and yet, despite how widespread and pervasive this problem is, in many ways it remains invisible.

Every Yukoner has a positive role to play in ending the elevated rates against women in our territory. We need to speak out against violence when it happens but we also need to speak out about those things that dehumanize women and make violence possible, such as sexist jokes and degrading advertising. We need to stand up and support victims rather than blaming them for the violence they experience. We need to teach our children about healthy relationships and teach our boys to treat women with respect. These are things we all can do.

Over the past years we have seen more Yukoners stepping up to end violence against women. Almost 900 people now follow the Women's Directorate "Am I the Solution?" Facebook page and are joining in conversations about challenging stereotypes and ending violence. I would like to acknowledge these people and all the others working toward a safer, healthier Yukon. I hope to see this work continue to grow.

I would especially like to acknowledge the hard work and dedication of Yukon women's organizations for developing activities and participating in the 12-days campaign that has been ongoing for decades. The campaign launches this evening with the Take Back the Night walk.

Women and children are invited to meet at the Yukon courts building at 5:00 p.m. and march to the Kwanlin Dun Cultural Centre for speakers, food and music. Men are invited to join at the cultural centre to show their support and to take the pledge to end violence against women.

The 12-day campaign runs in conjunction with the annual White Ribbon Campaign, a project targeted at involving men in ending violence against women. The White Ribbon Campaign kicks off with its AGM and campaign launch at the Legion this Wednesday, November 27 at 6:00 p.m. Men are encouraged to join and take a pledge promising never to commit, condone or remain silent about violence against women.

Thank you to the members of the organizing committee for the 12 Days to End Violence Against Women and girls campaign. The coalition of amazing local women's organizations include the Victoria Faulkner Women's Centre, Les EssentiElles, Whitehorse Aboriginal Women's Circle, Yukon Aboriginal Women's Council, the Skookum Jim Friendship Centre, Kaushee's Place Yukon Status of Women Council, White Ribbon Yukon, and, of course, the Women's Directorate.

Thank you, as well, to all those working within the community in their personal lives to end violence. I encourage all of us to ask ourselves how we can be the solution to violence in our communities and in our homes, not just during these 12 days, but each and every day.

With your indulgence, I ask all members of the House to join me in recognizing Stephen Roddick, the organizer for the White Ribbon Campaign, Natasha Harvey, acting executive director for Les EssentiElles and Hilary Atkins, program coordinator with the Victoria Faulkner Women's Centre. I ask all members to join me in welcoming them and the many others here today in the Assembly.

*Applause*

**Mr. Tredger:** I rise on behalf of the Official Opposition to pay tribute to the 12 Days to End Violence Against Women campaign, beginning tonight with the Take Back the Night march for women and children. It starts at the Yukon courts and finishes at the Kwanlin Dun Cultural Centre, where men are welcome to show their solidarity.

Is it a sad testament that every year when we pause to recognize this day and look back on how far we've come, we

see that the statistics on the incidence of physical abuse, sexual abuse and even the murder of women have not gotten much better? Even in 2012, it was believed that at least 200 Canadian women will be the victims of murder, that one in five women will be a victim of sexual assault in her lifetime and that aboriginal women are four times more likely to suffer violence in their lives than non-aboriginal women. This continued cycle of abuse and assault of women endures from generation to generation as children learn what they live.

Here in the Yukon, we have some of the worst violence against women statistics in the country. The 12-days campaign has been going on for decades. Happily, it has also been joined by other initiatives like the White Ribbon campaign. Men who wear this white ribbon take personal responsibility for speaking out to stop the violence against women and children. We pledge never to commit or condone any kind of violence and not to stand by silently if we see it happen.

The white ribbon reminds us that violence has no place in any of our relationships, whether that relationship is with a spouse, with a child or in the workplace. As men we must learn to recognize the warning signs of possible abuse in the faces of other men and women.

As a community, we must offer support to anyone we feel is being abused by listening, supporting and believing what they share. We can offer that person information on the agencies and services available to them to help them make decisions and to take steps to leave the abusive situation. However, we must also understand that no decision will be easy.

We must not abandon the woman who doesn't do what we on the outside see as right and logical. We need to all take responsibility for challenging stereotypes and putdowns. We must stop laughing at jokes or comments that make fun of the opposite sex, of children or of other races. We can educate others about the consequences of violence.

This tribute is not for today only. In the next 12 days, each and every one of us can act 12 ways to end violence. After educating ourselves, let us challenge violence in all its forms, both physical and verbal. Let us loudly and proudly support groups like the Victoria Faulkner Women's Centre. Let us identify in our own institutions and in our own behaviours ways that we too are part of the problem. In this way, we will challenge the stereotypes, promote gender equality and stop blaming women.

Let us move beyond tributes. Let each of us use the next 12 days — each day — to commit to action or ways to act to end violence against women and girls — 12 days, 12 ways. If 1,000 Yukoners were to join us, that would be 12,000 acts in the next 12 days to end violence against women and children.

The complexity of social, economic, judicial and emotional events and causes that surround an act of violence are not straightforward. It is a slow process to change power structures that have existed for thousands of years. But we must continue to be aware of them in our daily lives. We must work toward equality and educate our children to do the same. We must stand as examples to those around us. We hope that

one day these tributes will be a thing of the past and that we as a society will no longer need to be reminded that violence is never okay.

We salute those professionals and volunteers who are in our transition homes, our addiction treatment services and our counselling positions supporting women who have been assaulted and abused. We thank the professionals who work with men, helping them break the chains of violence. We thank community members who are wearing white ribbons and taking a stand against violence.

Most of all we thank the women who have risen up out of violence and shown us that there is hope that at the end of the tunnel, we will find light.

**Mr. Silver:** I rise today on behalf of the Liberal caucus to recognize and tribute the 12 Days to End Violence Against Women campaign. Often with tributes we share the responsibility with the NDP making tributes and we often take turns. However, violence against women is such an important issue that I also want to add our support to the campaign.

Great work has been done with this campaign over the last few decades and I just wanted to acknowledge the latest torchbearers: Hillary Aitken at the Victoria Faulkner Women's Centre, Natasha Harvey at Les EssentiElles and Stephen Roddick with the White Ribbon Yukon campaign. It's great to see a new organization here. They are all fulfilling a very important public need with their work to bring about awareness among men and end violence against women.

Frederick Douglass has given us an important quote that is very apropos here: "It is easier to build strong children than to repair broken men." This campaign helps address both of these problems. It drives home the message for men, but it also promotes a new culture for a growing generation of boys. I think this is critically important. We need many more maps to manhood, Mr. Speaker.

I was honoured to be part of the White Ribbon calendar last year and I'm very excited with White Ribbon Yukon as a new official organization and I hope everybody joins us at their first AGM this Wednesday.

### **In recognition of Joan Berriman**

**Hon. Mr. Graham:** I rise today on behalf of all members of this Legislature — and I ask them to join me in paying tribute to Yukoner Joan Berriman. Last Thursday, Joan was one of 17 individuals from across the country to receive the Prime Minister's certificate of achievement in early childhood education on National Child Day.

Ms. Berriman is a long-time Yukon early childhood educator who works at Maranatha daycare in Riverdale, and the children in her care now and over the past 23 years have been very fortunate to have such a caring individual in their lives. Ms. Berriman works very hard to ensure that she communicates with everyone to the best of her abilities and takes the time to learn as much as she can about the backgrounds of each child in her care. She is very respectful of heritage and cultural traditions of all children in her care.

An elder recently wrote that Joan has a gift for listening and respecting the cultural values of the people she comes into contact with. This alone makes her a valuable resource in the multicultural environment of the Yukon. Young children love Joan. If you were a sad, angry, lonely or frustrated young child missing your parents, Joan was the first person to offer encouragement, hugs and affection.

Yukon is very fortunate to have many talented and caring childcare workers who daily care for and nurture our children while many of us are at work. I'm pleased to take this opportunity to recognize one of those very important individuals. As I said previously, I welcome all members to join me in this tribute.

### In recognition of new Canadian citizens

**Hon. Ms. Taylor:** I rise to pay tribute to Yukon's 81 new Canadian citizens who were sworn in at a citizenship ceremony last week. I am sure that all of my colleagues will join me in the privilege of welcoming our new Canadians.

These citizenship ceremonies remind us of what a great nation our country is. Canada has a very good reputation as a land of opportunity, of fairness, of integrity and of justice. Canada is known around the world as a strong and free country. Our Canadian values are respected and celebrated. Canada and Yukon are better and stronger when new citizens share their skills, talents, wisdom and knowledge.

As a lifelong Yukoner, I have seen the diversity of our territory grow in leaps and bounds over the decades, and I am reminded every day that this diversity strengthens our culture, our economy and our communities. Just this past weekend, we joined with our Filipino community and hundreds of other Yukoners for a fundraiser for those impacted by the recent typhoon in the Philippines.

As my colleagues and I reflect on the contributions made by new Canadians and by new Yukoners, we are so very grateful for them choosing Yukon as home. Last week's ceremony welcomed new Canadians from 33 different countries. Canadians take great pride in our rights, our freedoms and our responsibilities. It's a great opportunity for us to reflect on the freedoms and privileges we as Canadians enjoy, regardless of race or national origin, regardless of religion, regardless of sex or sexual orientation, and regardless of political beliefs. This means that everyone in Canada has an equal opportunity to succeed and to define success by their own terms.

I would also like to recognize the generations of Canadians who have worked so hard to guarantee these rights. Their devotion to these values allows us to enjoy equality of opportunity. Because Canada values and supports the rights of individual in all of our diversity, Canada stands among the great powers of the world.

As minister responsible for the Department of Education, who is responsible for administering the Yukon nominee program and the Yukon temporary foreign worker program, I am pleased people also choose and accept the rights and responsibilities of Canadian citizenship and successfully achieve that goal. These programs are just two of many paths

that lead to Canadian citizenship. I would like to offer congratulations to each and every one of our new citizens. We offer them our best wishes as they embark in the next phase of their lives as Canadian citizens.

**Mr. Barr:** On behalf of the Official Opposition and the Third Party, I rise to pay tribute to the 81 people from 33 countries who, on November 19, last Tuesday, at the Citizen and Immigration Canada citizenship ceremony, took an oath of citizenship to our truly beautiful country Canada.

Taking an oath of citizenship is a fundamental step in the life of a new Canadian — a moment when you are asked to make a commitment to Canada and the values it represents. As new Canadians, you join other Canadians who are working together to build a country of our dreams. You have a great deal to contribute to making Canada a prosperous, fair, sustainable and inclusive nation. It was my honour to shake their hands last week and to see the proud faces — all smiling and some eyes just filled with tears as they were coming through the lines and receiving their Vimy Ridge pin, their Canada flag pin, and also a pin of remembering our veterans. The ceremony itself was — in the words of Judge Watt, who presided — as many people as they see in the City of Vancouver. I might add that all those who are now new Canadian citizens have chosen to make Yukon their home in this wonderful country of Canada.

**Speaker:** Introduction of visitors.  
Are there any returns or documents for tabling?  
Are there any reports of committees?  
Are there any petitions to be presented?

### PETITIONS

#### Petition No. 15

**Mr. Barr:** I have for presentation the following petition. This petition of the undersigned shows:

THAT in 1984, Canada accepted the comprehensive claim of the Taku River Tlingit First Nation (TRTFN) to aboriginal rights and title in and to the TRTFN's traditional territory, a portion of which territory is within the Yukon creating a TRTFN transboundary claim (Transboundary Claim);

AND THAT on March 14, 2013, — without prior consultation with the TRTFN — the member of the Executive Council responsible for Environment did release to the press plans for the building of a campground on Atlin Lake (Atlin Campground) and the site of the Atlin Campground is located within the Transboundary Claim; and

AND THAT the Government of Yukon — without first fulfilling its consultation duties to the TRTFN — has continued to advance its plans to build the Atlin Campground; including the undertaking of Yukon Environmental and Socio-economic Assessment Board evaluation;

AND THAT on November 1, 2013, the TRTFN did deliver to the Premier of Yukon, and member of the Executive Council responsible for Land Claims and First Nations Relations, a request that:

“...the Government of Yukon immediately halt any further development of the proposed Yukon Government campground, located within the TRTFN’s unsundered Traditional Territory, until it has engaged in meaningful consultation with the TRTFN;” [emphasis added]

AND THAT Chapter 22, Schedule A, Part 1, Section 11 of the 2005 Carcross/Tagish Final Agreement (Final Agreement) does contain provisions for the development of a campground at Conrad (Conrad Campground);

AND THAT the Conrad Campground is located solely in Carcross/Tagish First Nation’s (C/TFN’s) traditional territory within two hours of Whitehorse and provides an alternative to the Atlin Campground;

THEREFORE, the undersigned ask the Yukon Legislative Assembly to request that the member of the Executive Council responsible for Environment confirm the Government of Yukon will:

stop all activities toward the development of the Atlin campground;

commence discussions with C/TFN to develop the Conrad Campground and honour the C/TFN Final Agreement; and,

uphold the honour of the Crown by engaging TRTFN in meaningful consultation.

**Speaker:** Are there any other 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 Canada to recognize the cultural and economic importance of a sustainable, humane and well-regulated seal hunt to Canadian coastal and Arctic communities by appealing the recent decision by the World Trade Organization that allows the European Union to unfairly ban Canadian seal products.

I also rise to give notice of the following motion:

THAT this House urges the Government of Yukon to develop a funding program to promote local festivals celebrating multicultural diversity, including celebrating the contributions of new Yukoners.

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

THAT this House urges the Government of Yukon to continue to support the growth and development of Yukon College through actions including:

(1) providing funding for the development of the Centre for Northern Innovation in Mining;

(2) encouraging partnership with the mining industry to host an Industrial Research Chair in Mine Life Cycles;

(3) providing funding support for the research, innovation and commercialization of cold climate and other technologies;

(4) partnering with other groups and governments in the study of climate change in Yukon;

(5) supporting the operation of the Northern Institute of Social Justice; and

(6) continuing to explore options for the development of a northern university.

**Speaker:** Is there a statement by a minister?

This brings us to Question Period.

## QUESTION PERIOD

### Question re: Mining legislation

**Ms. Hanson:** Following the December 2012 appeal court decision with respect to the Ross River Dena Council, Yukon First Nations offered to work with the Yukon government to use the decision as an opportunity to finally modernize Yukon’s mining regime. Instead, the government wasted valuable time and resources seeking leave to appeal the Ross River decision. The Yukon government has clear obligations and opportunities set out in First Nation final and self-government agreements, along with the devolution transfer agreement, to work in partnership with First Nations on a new resource — that is mining legislation.

Why has this government stubbornly refused to see that working with Yukon First Nation governments and industry to modernize mining legislation would benefit all Yukoners?

**Hon. Mr. Kent:** As members will know, the Court of Appeal ruling had two declarations in it that were brought down in December of last year. One of the declarations we did seek appeal with the Supreme Court of Canada on was with respect to the land available for staking.

The other declaration was with respect to notice of class 1 activities, and that was not appealed. We began work on that immediately with First Nations and official consultations with First Nations and industry began on that declaration in June of this year. There was a discussion paper provided and comments posted on Energy, Mines and Resources’ website with respect to that declaration on class 1. There are amendments to the *Quartz Mining Act* and the *Placer Mining Act* before the House right now that we will be debating in this sitting. Regulations are being developed so that we can meet the December 27 deadline.

We continue to work with First Nations and industry on ensuring that our regulatory environment in the territory is fair and transparent and is competitive with other jurisdictions around the country.

That leads to a mining industry that is successful and also provides for a regulatory environment that protects our environment.

**Ms. Hanson:** The Yukon New Democratic Party has been calling on this government to seize the opportunity and to work constructively with First Nation governments and the mining industry to modernize Yukon’s outdated mining regime. As other jurisdictions in Canada have shown, modernizing mining regimes created in the 19th century makes sense. There are many competing uses for land. To make sure that Yukon’s mining industry can thrive and benefit

all Yukoners, the Yukon Party has to let go of its archaic values that see free-entry staking trumping all other values in the Yukon. The final agreements provided an opportunity to reinvent the relationships among Yukoners. When will this government accept the reality that it is not 1898, and when will they commit to modernizing Yukon's mining regime to reflect 21st century values?

**Hon. Mr. Kent:** Of course we know that the New Democrats are against the free-entry system. That was in their platform. They're also in favor of raising royalties and taxes on the mining sector. They are in favour of large-scale withdrawals of land. They certainly don't support the mining industry. That we know. We figured that out through the release of their platform.

With respect to free-entry staking, what the member opposite fails to mention in her questions is that free-entry has evolved. There are lands that are now set aside and withdrawn from staking, such as national parks, territorial parks and lands for First Nations. So there are a number of lands that are no longer available for free-entry staking.

We certainly know that free-entry is the way that we can ensure that the little guy, or the prospectors, can remain competitive in the industry and they can continue to stake those claims. If we were to go the route that the NDP wants, all we would have is larger corporations and bigger companies able to stake claims in the areas that they deemed were available for mineral staking.

Again, the Court of Appeal last year didn't question the free-entry staking system and neither is the Yukon government.

**Ms. Hanson:** I would remind the minister that when the free-entry system was established in the 1840s, slavery was legal, women could not vote and First Nation people were seen as impediments to be subjugated or eliminated. Well, times have changed.

Yukon First Nations have made it clear for a number of years that Yukon mining legislation is inconsistent with the final agreements. The devolution transfer agreement that gave Yukon provincial-like responsibilities to manage and administer land resources obliges the Yukon government to work with Yukon First Nation governments to develop new successor mining legislation.

So far — and only because the Ross River Dena decision forced them — the Yukon government has proposed minor changes to the current mining acts. The bigger question is this: will the government commit to working with all Yukon First Nations, industry and the public to develop new mining legislation in order to avoid further legal confrontation and economic uncertainty?

**Hon. Mr. Kent:** The only economic uncertainty is the proposal put forward by the NDP. They want to get rid of the free-entry staking system. Mineral tenure in the Yukon is granted through that system, by which a prospector can enter freely onto public lands to explore for minerals and acquire rights to those minerals. It leaves the exploratory work subject to market forces and entrepreneurial efforts. Some of the greatest discoveries have been made by prospectors in areas

where government or industry experts did not expect to find any economic minerals.

We're going to continue to work within the existing regime. We are proposing minor amendments to the *Quartz Mining Act* and the *Placer Mining Act*. Again, we're very well aware of the anti-mining stance taken by the New Democrats when it comes to free entry, when it comes to raising royalties, raising taxes, when it comes to withdrawing large sections of the Yukon from responsible exploration and development — we know where the NDP stands. The Yukon government wants to support a responsible mining industry in this territory and we will continue to do so through responsible regulation and legislation.

#### **Question re: Hydroelectric dam project**

**Mr. Tredger:** The Yukon Party government recently announced it had directed the Yukon Development Corporation to begin planning for one or more hydro projects to meet the growing electrical energy needs in the territory. The Premier told *The Globe and Mail* two weeks ago that the goal is to build a new dam and it would likely cost at least \$100 million. He said that a dam would set the territory up for the next 50 to 75 years. The government says it will pay for the new hydro projects with help from the federal government and that the bill will not be passed on to Yukon Energy or Yukon ratepayers.

Mr. Speaker, does the government have any timeline in mind as to when Yukoners can expect this project to be approved?

**Hon. Mr. Kent:** There are a few timelines to talk about with respect to this project, the first being 90 days. That is the amount of time that the Yukon Development Corporation has to get back to me, as minister responsible, with a workplan identifying the financial and human resources that they will need to move the research and planning project forward. Then, I would expect that sometime in the fourth quarter of 2014, we'll have the document that talks about the research and planning from the Yukon Development Corporation.

But realistically, Mr. Speaker, it will be approximately 10 to 15 years before we're able to turn the switch — I would expect to have this new hydroelectric project or projects in place. There is certainly a lot of time that needs to transpire between now and then because of a number of issues, including, of course, environmental, regulatory and finance issues. There are a number of things that need to be considered and that's why we'll take as long as it's going to take.

**Mr. Tredger:** Mr. Speaker, Yukon Energy has identified 23 different options for future hydro generation, from small projects to very large ones. Yukon Energy has identified the option of installing a hydro dam on the Tutshi River at the south end of Windy Arm for an estimated cost of \$165 million. The dam is projected to generate six megawatts.

Another proposal is to put a dam at the Hoole Canyon on the Pelly River. That is estimated to cost \$460 million for 40 megawatts of generating capacity. Another much bigger proposal is to dam the Fraser Falls on the Stewart River which

would cost \$2.5 billion for 300 megawatts of generating capacity.

Mr. Speaker, is the Yukon Party government considering any one of these major projects? If so, where did the Premier get his \$100-million figure from?

**Hon. Mr. Kent:** Last week we asked the Yukon Development Corporation to conduct the research and planning for hydroelectric energy generation in the Yukon.

A substantial increase in our territory's power supply will be necessary over time so that we can foster and support sustainable economic development in the territory. We want to ensure that hydroelectric power is utilized to meet this demand and ensure that Yukon's power supply is from a clean and affordable source.

With respect to which project is chosen, how much it's going to cost and where it is, there are a number of factors that need to be considered and I look forward to receiving the initial workplan from the Yukon Development Corporation and having them lead the research and planning, of course engaging their wholly owned subsidiary, the Yukon Energy Corporation, which has also done a significant amount of work in this regard.

**Mr. Tredger:** The Yukon Development Corporation has three months to come up with a workplan, including the estimated cost of the hydro projects. Three months isn't a lot of time to come up with a plan that will guide government decision-making on projects the Premier says will be able to meet our energy needs for the next three generations.

We have seen the challenges that come with rushed deadlines, as in the case of Mayo B. Hydrology studies that should have been done before the project was undertaken are only now being undertaken. Given the problems we see with the Mayo B project, will the government commit to performing an audit of Mayo B to avoid repeating the same mistakes?

**Hon. Mr. Kent:** I have to start with correcting the member opposite. The Yukon Development Corporation doesn't have 90 days to come up with a cost for building the hydroelectric dam or the hydroelectric project itself. They have 90 days to develop a workplan and identify what resources, human and financial, they'll need to conduct the study. That's the first part of the member opposite's question I need to correct.

Again, we are committed to a clean power future for the Yukon. We see there are significant industrial projects coming on-line — major mines — that will require power and we would prefer that we powered those with renewable sources of energy rather than non-renewable sources of energy.

We would also like to see Yukon residents be able to convert to electricity for heating their homes rather than using fossil fuels. There are a number of things that we want to accomplish and we need to accomplish those through the development of a large-scale hydroelectricity project and of course there will also be incremental projects as we build toward that 10 to 15 year time horizon that also needs to be developed, such as smaller scale hydro projects, wind and biomass.

### **Question re: Capital project expenditures**

**Mr. Silver:** In February of this year, the Auditor General of Canada had some very strong criticisms for the Yukon Party and its mismanagement of capital projects. He was referring, of course, to the overbudget and behind-schedule hospitals in Watson Lake and in Dawson City. Fast-forwarding to today the Hospital Corporation is once again embarking on a major capital project — the expansion of the Whitehorse Hospital.

The corporation recently said that the new project will cost \$60 million to \$65 million to complete. It was only three short years ago that Yukoners were assured that the project would cost \$50 million. Why has the cost of the project gone up \$10 million to \$15 million before a shovel has hit the ground?

**Hon. Mr. Graham:** I have not heard the \$65 million except through the news media. We are in cooperation with the Yukon Hospital Corporation, only now developing plans and a methodology to complete construction at the hospital and we expect that we will have cost estimates to bring back to management committee sometime within the next few months.

**Mr. Silver:** The \$60 million to \$65 million comes directly from the Hospital Corporation. We now know what the Premier did with that \$10 million that he said he was saving from F.H. Collins. He gave it to the Hospital Corporation to cover the \$10-million increase on this project before it has even started.

The government's track record on building capital projects is poor: F.H. Collins; the new arrest processing unit; the cancelled Beaver Creek fire hall, and the list goes on and on. The last time the Yukon Party government embarked on a major, health-related capital expenditure — two hospitals and a new residence — it borrowed the money. The Auditor General criticized that decision in his report and said, and I quote, "The Corporation could not provide us with any explanation regarding why the loans were secured through banks rather than from the Government of Yukon."

There is already \$15 million of debt on the books. How is the \$60-million to \$65-million hospital expansion being financed?

**Speaker:** Order please. The member's time has elapsed.

**Hon. Mr. Graham:** The member opposite seems to conveniently forget a number of issues. The first is that in my answer I indicated that a budget has not yet been set for the modifications to the existing hospital and that construction project. We still haven't determined exactly the scope of that project, nor have we determined which ancillary services will be included. Until the scope of the project has been determined, everything else is up in the air. We have not yet got a budget to take to Management Board so I don't know why the member opposite seems to believe that everything is overbudget at the present time. He's dealing in that fantasy world again, and it's unfortunate, because we have realities that we deal with here on a daily basis.

**Mr. Silver:** It seems like the only reality is that there is confusion between the department and the Hospital Corporation. The Hospital Corporation is where I am getting my numbers from, not from any fantasy land.

I'll move on. One of the main criticisms of the Auditor General's report on the Dawson and Watson Lake hospitals was that there were no needs assessments done prior to the decisions to build these facilities. There was simply verbal instruction from the Premier to start building.

When the chair of the hospital board appeared last spring in this House, he said — and I quote: “Don't worry, a needs assessment has been done.” Yet in an interview a couple of weeks ago, the president of the corporation contradicted this and said that next year would be spent, “creating a functional plan and a full needs assessment.”

So which one is it? Has a needs assessment been completed and, if so, will the minister make it public?

**Hon. Mr. Graham:** As I've said with a number of documents being prepared by the Hospital Corporation or my department, in due course we'll release all of those assessments. At this point, I'm not prepared to release any documents that have been produced by either the Hospital Corporation or the department with respect to construction or modification of the existing facility.

#### **Question re: Peel watershed land use plan**

**Ms. White:** On November 18, I asked if the Yukon government had concluded their consultation with First Nation governments regarding the Peel regional land use plan. We were told that, as of last week, there had been at least one meeting of the principals, which involved the Minister of Environment, the Minister of Energy, Mines and Resources and the Premier, and that the hope was to continue working with their senior liaison committee on a government-to-government basis to conclude consultations as soon as possible.

Has the Yukon government scheduled another meeting with First Nations and when do they expect the consultations to be concluded?

**Hon. Mr. Dixon:** The member opposite is quite correct that we are in the process of government-to-government consultations with regard to the Peel watershed land use plan process. I'm not prepared to table any sort of schedule in the House today, but of course we are in ongoing government-to-government consultations.

I look forward to concluding them as soon as possible so that we can move on and ultimately implement a land use plan for the Peel watershed region that protects the critical parts of the environment in the Peel watershed area, as well as allowing for responsible, environmental and sustainable economic development.

**Ms. White:** The interim moratorium with respect to mineral staking in the Peel watershed will expire in five weeks, on December 31 of this year. We have heard multiple times from the Minister of Energy, Mines and Resources that he believes it would be premature to speak about extending the withdrawal under the *Quartz Mining Act* and *Placer*

*Mining Act* at this time. Mr. Speaker, by extending the withdrawal, the government would be providing a much-needed assurance to both First Nation governments and industry that this government understands its obligation to both.

Will the Yukon government announce a decision regarding the Peel regional land use plan before the staking moratorium expires, and if not, will they commit to an extension of the moratorium on mineral staking in the Peel watershed basin?

**Hon. Mr. Kent:** This question is based on an awful lot of speculation. What the Minister of Environment has said and what I have talked about is that we're engaged in that final round of government-to-government consultations with the four affected First Nations with respect to finalizing a land use plan for the Peel watershed and that's what we continue to do.

I believe today, as I did last week and the time before that when I was asked this question, that it's premature at this point to speak about extending the moratorium and I'm not prepared to do that.

#### **Question re: Agay Mene Territorial Park**

**Mr. Barr:** Agay Mene park includes 725 square kilometres of protected area established with the signing of the *Carcross-Tagish First Nation Final Agreement* over eight years ago.

Many Yukoners will be familiar with the area, as it is a popular place for fishing and hiking. It includes Mount White, Snafu and Tarfu lakes.

Last spring we asked how a park could be developed and protected without subsurface withdrawals. The government indicated the planning process would begin last spring and the management committee would have recommendations regarding subsurface withdrawals. Can the minister responsible tell this House what progress was made since spring on planning the Agay Mene park and what solutions the management committee came up with regarding subsurface withdrawals?

**Hon. Mr. Dixon:** The member opposite is correct that we are working toward development of a management plan for the Agay Mene park, in collaboration with our First Nation planning partners. I don't have an update from the management committee which is comprised of Environment officials as well as officials from the First Nation government. I am confident that work is underway and continues on positively. I've heard that things are looking up for that particular planning process and that we've got some good work that has been done to date, but more work needs to be done and I look forward to reporting back to the House when we've completed that work.

**Mr. Barr:** Agay Mene is recognized as a national treasure but this government neglected its planning for three years. Not only is it not participating in park planning, it has not put in measures to protect Agay Mene. There are 14 placer claims and three quartz claims in the southern section of the designated park, several close to existing campgrounds. Planning of Agay Mene was neglected and no protections

were put in place. Does this minister responsible see a contradiction with allowing subsurface staking in an area that is supposed to be planned as a park?

**Hon. Mr. Dixon:** I have to disagree with the member opposite's characterization that we have not been participating in planning. That is completely inaccurate. Of course we have been participating in planning activities. Of course, it requires that we have our First Nation planning partners at the table and willing to participate as well. My understanding is that the most recent iteration of the planning committee is underway and has been operational. My understanding is that the planning is going well and that we're optimistic about reaching a management plan for that particular park.

But no, I don't see a contradiction in terms of the work that management plan has done and anything that could ultimately end up in a management plan. So I have to disagree with the member's characterization that we are not participating — we are — we're leading those management activities, and we're working closely with our First Nation planning partners.

**Mr. Barr:** The government could withdraw subsurface rights unilaterally. There is a way for this government to temporarily limit mining in certain areas while land use and park planning takes place, but no such order was made for Agay Mene. The Yukon Party has failed to allow for proper park planning to occur in Agay Mene and continues to allow staking.

Allowing subsurface staking while neglecting park planning is a contradictory approach. Does the minister responsible plan to leave things as is, or will the minister commit to completing park planning?

**Hon. Mr. Dixon:** Mr. Speaker, what I will commit to is continuing to work with our First Nation planning partners on the development of a management plan for the Agay Mene park. I know that the NDP has an incredible propensity for calling out for the withdrawal of staking anywhere in Yukon. We've heard them — I have quite the list of areas where they'd like us to see ban mining — but we are going to continue to meet our obligations under the final agreements.

That's where the Agay Mene park comes from — the final agreement. We're going to continue to work closely with our planning partners, the First Nations, and we're going to continue to engage on those management committees that are so important in planning out how these parks will be managed.

The decisions and recommendations about whether or not withdrawals need to be taken come from those management planning activities, so it's important that we engage in a meaningful way and that's exactly what we're doing.

#### **Question re: Homelessness**

**Ms. White:** I recently asked the minister responsible for Yukon Housing Corporation about the number of homeless people in the Yukon and how the department is tracking and collecting this information. Rather than answering my

question, the minister listed various projects and amounts the corporation is spending or has already spent.

Knowing the number of people who need shelter is essential for determining appropriate response. The media cited a 2011 survey completed by non-government organizations that identified 106 permanently homeless in Whitehorse and another 600 vulnerable.

What is the government doing to keep track of the number of homeless people in Whitehorse, and does the minister have any idea how many people are homeless in the Yukon right now?

**Hon. Mr. Cathers:** I would remind the member, as I did before, that I encourage the member to refer to the recent list of accomplishments. It talks about the next steps for the housing action plan for Yukon. We have a symposium that's kicking off tomorrow where we're engaging non-government organizations and other stakeholders in developing the next steps in our housing action plan. I've reminded the member before of the significant investments we've made in affordable housing and in social housing. Those investments include \$125 million in a variety of affordable housing projects: \$37 million for seniors housing, \$55 million under Canada's economic action plan for housing in rural communities, \$1.9 million for repair, modification and construction of government staff housing.

I would remind the member in this case that the numbers of people who are in need of housing — whatever type of housing — as well as those who are vulnerable to potentially needing housing does change from time to time. Of course, steps are made to monitor it and to analyze the needs. I would encourage the member to recognize what has been done and recognize that, in fact, time is too short to list the many investments, including the significant increase we've made to social assistance — never done under the NDP, by the way.

**Ms. White:** I thank the minister for his list. My question was about the number of homeless people in Whitehorse, or in the Yukon as a whole.

This government has known about chronic homelessness for years. The *Task Force on Acutely Intoxicated Persons at Risk Final Report*, completed at the very end of 2010, emphasized the importance of housing people without barriers. Three years ago, the task force said, and I quote, "The street people and the homeless in the Yukon need access to a no-questions-asked shelter at night." But after several winters, this government still has no plan to shelter the homeless. There are 14 beds and 16 mats at the Salvation Army. We live in the north, and no one should have to spend a night outside at minus 40 degrees.

If the minister does not know how many homeless people there are, how can he know that 14 beds and 16 mats are adequate?

**Hon. Mr. Cathers:** What I remind the member is that we have put more investments into social housing needs as well as transitional housing than the NDP, despite their talking good talk. We are that ones who actually put our money where our mouth is: invested in second-stage housing for Betty's Haven; invested in second-stage housing for Help and Hope

for Families Society in Watson Lake; invested in the significant investments in social housing that I've mentioned previously in the House; funding for the youth emergency shelter done by us; and increased funding for Salvation Army to run some of the supports the member mentioned. It was us — I as Minister of Health and Social Services along with colleagues — who announced the funding for the Outreach van to increase the social safety net that is out there for people who are lacking housing supports and the list goes on.

I know that the NDP is focused on trying to solve homelessness. What I would point out to the member is that the challenges around homelessness are something that every jurisdiction in the world wrestles with. We will stand our track record of investments up against any government in Canada. We're proud of the work we've done and we will continue to work with our partners on continuing to improve the social safety net.

**Ms. White:** I'm proud that my focus is on homelessness and trying to give people adequate shelter. The Task Force on Acutely Intoxicated Persons at Risk also noted, and I quote again: "Many, if not most, chronic alcoholics and long-term addicts suffer from dual diagnoses with mental illness". Emergency shelters exist because there are people who will not suddenly develop capacity to house themselves. Any successful intervention in their lives will require stable housing.

Inaction on homelessness is wasted money. It leads to inefficient and inappropriate use of other resources like the emergency department and the RCMP. Inaction on homelessness is also a wasted opportunity. Emergency wet shelters have been successfully linked with sobering centres, treatment and primary health care services. The Housing First approach means no barriers. It means a homeless person possibly dealing with addiction and mental health issues does not need to meet requirements to qualify for shelter.

Will the minister responsible for Yukon Housing Corporation reconsider his government's position and commit to adopting the Housing First approach?

**Speaker:** Order. The member's time has elapsed.

**Hon. Mr. Cathers:** Mr. Speaker, we will not reconsider the approach we have taken, which is actually putting our money where our mouth is and putting significant investments in social housing, unlike the NDP who are very preachy, but very shy on actions.

I would remind the member of some of the investments: support for the youth emergency shelter; Salvation Army; in the area of mental health, the provision of rural mental health clinicians; the expansion of services, including the increased support for a psychologist; and increased programming for increased intervention for youth with issues. Those are a few of the investments we've made.

I would point out to the member as well, when we're talking about investments made: the former 13-unit Alexander Street seniors residence being replaced with a new 34-unit seniors residence; the investments in Options for Independence Society housing project, a \$3-million investment; the investments in Betty's Haven transitional

housing — not to mention this, coupled with the increases that we've made to each of Yukon's three women's shelters — a significant increase to their annual funding.

We are taking and will continue to take the steps that are necessary to enhance our social safety net in partnership with Yukon NGOs. We will continue to do what we can with our partners to reduce the chance that people are homeless or without adequate housing supports.

**Speaker:** The time for Question Period has now elapsed.

We will proceed with 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):** I will now call Committee of the Whole to order. The matter before Committee is Bill No. 64, entitled *Act to Amend the Territorial Lands (Yukon) 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. 64: Act to Amend the Territorial Lands (Yukon) Act**

**Chair:** The matter before the Committee is Bill No. 64, *Act to Amend the Territorial Lands (Yukon) Act*.

**Hon. Mr. Kent:** I'd like to quickly welcome Mr. Lyle Henderson from the Department of Energy, Mines and Resources, who will be providing support to me during this discussion during Committee on off-road vehicles.

I'd also like to take a quick opportunity to recognize the victory yesterday by the Saskatchewan Roughriders in the Grey Cup — very exciting for me and others. I know the Premier, of course, was in attendance. I had a brother and sister-in-law and many friends from the Yukon down there, as well as many relatives from Saskatchewan who attended the game and stuck around. Congratulations to my favourite football team for their victory yesterday.

With respect to the legislation before us, the *Act to Amend the Territorial Lands (Yukon) Act*, I'm just going to outline

briefly how we got to here and then I'll welcome questions from members of the opposition.

In March 2011, the all-party Select Committee on the Safe Operation and Use of Off-road Vehicles released a report that contained 14 recommendations related to the safe operation of ORVs, protection of the environment from damage caused by ORVs and the need for efficient and regulation enforcement. The committee process involved extensive consultation from August to October 2010. This process involved public meetings in six communities, meetings upon request, and benefitted from over 2,400 completed opinion surveys and 25 written submissions.

The *Act to Amend the Territorial Lands (Yukon) Act* will address recommendation 14 only. The other recommendations will be addressed through future program, policy and legislative changes, such as the requirement for an educational campaign that on-road use of ORVs be addressed in the *Motor Vehicles Act* and that Yukon government consider addressing issues of registration, operator licensing and insurance — something, of course, that has come up in comments from members of the opposition, as well as some of the non-government organizations that are engaged in this very important aspect.

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

Since the tabling of the committee report, organizations and individuals have asked the Yukon government to take action on the recommendations. Most significantly, the Trails Only Yukon Association is advocating for management of trail networks in sensitive areas to address concerns directly related to recommendation 14. We are moving forward on this particular recommendation through these amendments as well as the necessary regulations that need to be developed. They will be developed after these legislative amendments are adopted. During the discussion and consultation on regulation, there will be full opportunity for First Nation, stakeholder and public engagement. The regulations will provide clarity as to the process and operating conditions for designated ORV management areas.

I welcome questions from the opposition.

**Mr. Tredger:** I'll just keep my remarks fairly brief here. While we do support this legislation as an important first step, we're concerned that it lacks the urgency and the strength to be entirely effective. We're also concerned that it leaves much to regulations, and the regulations have yet to be developed around much of it.

While we talk about consulting with user groups, First Nations in particular, and municipality governments, my concern is that the regulations do not give the ability to the government to act in a proactive and timely manner to protect the environment. Through regulations, much leaves to be

discussed and determined. We've been waiting three years for this legislation. How much longer are we going to have to wait for regulations?

I'm very concerned that only one of the 14 recommendations of the select committee has been acted upon. A number of the recommendations could have been enacted already. I think of regulations around enforcement, registration, insurance, helmet use, age use, licencing — these are all becoming increasingly important to Yukoners.

I'm also concerned that the contemplation for this act is a reactive one rather than a proactive one. By the time people are reacting and saying an area is destroyed, it is destroyed, and if it's not destroyed, it's very compromised. Given the vulnerability of much of our land and also introducing climate change, I'm very concerned that we haven't come up with a more proactive system of protecting our wilderness.

I'm also very concerned about the removal of snow machines from this act and perhaps that's where I will begin my first question — snow machines and why snow machines have not been included in this act. How does this government contemplate the eventual need to regulate snow machines? Whether or not they will at that point have to come back with another act or another amendment to the act, or whether this act will allow us in the future to regulate snow machines if it's deemed necessary — maybe not in the way we contemplate damage of the terrain, but maybe through noise, air, sound, pollution. Will we have to approach the act at that time?

**Hon. Mr. Kent:** I'll just quickly respond to one of the issues he identified in the preamble to the final questions and that's with respect to identifying areas prior to the regulations being developed. I would just draw your attention to section 4.3(1) of the act, which allows — I'll read it into the record: "4.3(1) If the Minister is of the opinion that it is necessary for the protection of the ecological balance or physical characteristics of an area of territorial lands, the Minister may, by order, for a period of up to 90 days (a) restrict the use of off-road vehicles in the area on terms and conditions the Minister considers necessary in the circumstances; or (b) prohibit the use of off-road vehicles in the area."

This will allow us, while we're waiting for the regulations to be developed — if they aren't developed in time — to address some of the more sensitive areas. This temporary restriction clause will allow us to act on that. Again, we are required to respond to any written complaints and my understanding is that it is prior to the development of the regulations. While the regulations will be developed upon conclusion of the adoption of these amendments in the House, in consultation with First Nations and other interested parties, we certainly have ability in here to protect sensitive areas or sensitive habitats in the meantime if the consultation and the development of those regulations takes longer than is anticipated.

With respect to snow machines — obviously this is dealing with amendments to the *Territorial Lands (Yukon) Act*, so that's where we're trying to deal with damage to the land. Snow machines have — just given the time of year that they're operated — in the winter when the ground is frozen

and covered in snow — they have little or no impact on the land. It's my understanding that even Trails Only Yukon Association didn't want us to address snow machines when dealing with this. That's my understanding of their request. That's why we have left snow machines out of this.

When it comes to noise pollution or air pollution, those are certainly not things that are going to be dealt with through amendments to the *Territorial Lands (Yukon) Act*. We're looking at ensuring that sensitive regions in the Yukon can be protected from the damage of off-road vehicles.

**Mr. Tredger:** If at some future time it's deemed that snowmobiles are indeed harmful to the land — say creek crossings. Snow machines are becoming more versatile. They're used in three seasons now, instead of one. There have been a number of studies that have documented damage to the terrain, especially around creek crossings and sensitive areas like wetlands. There's also a huge potential for the harassment of wildlife — interruption of migrating caribou, moose, various other wildlife.

I disagree with the minister that snow machines can, as they're more widely used, create a significant amount of damage. They have the potential to do so. So my question would be, by removing snow machines from this act, in order to regulate them in the future, would we have to then open up the act again, or is there a possibility that, should it be deemed necessary, that the current act contemplates that?

**Hon. Mr. Kent:** With respect to the member opposite, we're going to have to agree to disagree on this particular issue. Snow machines are operated at a time of year when the ground is mostly frozen and covered in snow.

What we are responding to with this — by addressing recommendation 14 — is the environmental damage due to ORV use and using the *Territorial Lands (Yukon) Act*. The act does contain provisions for the protection of the ecological balance of any area of the Yukon — or the physical characteristics — through the development of regulations respecting the protection, control and use of the surface of the land.

I think it would be speculative to answer the member opposite's question, but like I mentioned in my previous answer, even Trails Only Yukon Association didn't feel it necessary for us to include snow machines in this act. That's why we've decided to move in this direction and leave them out of the act.

**Mr. Tredger:** Just for my clarification — then this act does not contemplate snow machines as presenting a problem and, if in the future, it is determined that snow machines do create a problem, the act would have to be reopened to develop regulations around them.

**Hon. Mr. Kent:** I guess we also have to be respectful of those thousands of Yukoners who do ride snow machines and enjoy them responsibly and recreationally and those thousands who do ride off-road vehicles and enjoy them responsibly and certainly enjoy getting out on the land.

One of the things that came up during the election campaign in 2011 — for me — I knocked on a constituent's door in Riverdale North and they were quite concerned

because they use their off-road vehicle to take one of their handicapped children up into certain areas. So obviously I think respecting some mobility challenges that some Yukoners have and respecting the responsible recreational use of snow machines in particular — as well as off-road vehicles — but shutting down those sensitive areas or addressing sensitive areas where there could be disturbance to the environment. That's what we're trying to accomplish here.

Again, as mentioned, the definition of an off-road vehicle does not include snowmobiles or snow machines. The member is correct that, if it was to include snowmobiles, that would require an act amendment in the future, but it's a place we're not prepared to go right now because, as I mentioned, even organizations such as TOYA and many of those individuals who not only ride those snowmobiles but are engaged in selling them — we feel that would be an undue hardship at a time of year when there's very little or zero ecological damage from snowmobiles. As I mentioned, the ground is frozen at that time of year and largely covered in snow in the areas where these individuals ride them.

**Mr. Tredger:** I too am interested in the responsible use of both snow machines and all-terrain vehicles. I think the majority of Yukoners do use them wisely and responsibly. I have no problem with that. The reason we're contemplating regulation is that not everyone does.

We are stewards of a very beautiful landscape and also a very vulnerable landscape. I think we've all been caught somewhat unawares by the development of not only snow machines but also ATVs and the preponderance of them into our wilderness area.

One of the reasons that the select committee came into being was just to address that. So when I'm asking questions, it's not that I am opposed to people using snow machines or ATVs — I have one of each myself. It's that we use it and learn to use them in a way that's responsible in our environment so that future generations are able to enjoy the environment in its pristine form.

I do believe we are doing ourselves a disservice by taking snow machines out of this act. They are being, as I said, increasingly versatile. They are now being used in three seasons. Some of the machines are almost a cross between an ATV and a snow machine. If you put tracks on the front half of an ATV, is it a snow machine or is it an ATV? I think by taking them out we are doing future legislators a disservice and future regulators.

By keeping it in — I'm not necessarily advocating for regulation at this time but what I'm advocating for is that our regulators and our people who are using the land — be they First Nations, be they off-road vehicle users, be they off-road vehicle sales people — have the ability to determine what and what does not affect the land and how it is affecting the land.

I hear clearly from you that this act does not contemplate that — and so be it. I would assume within the next five to 10 years we'll be back at this again looking at snow machines because, while the majority of snow machine users are very responsible, there has been damage caused by snow machines. They're damaging vulnerable and sensitive areas and snow

machines have been used to harass wildlife. Snow machines have been indicated to cause problems. That doesn't mean that when I get on my snow machine I'm doing that. What it does mean is that it has happened.

I'll go on to —

**Some Hon. Member:** (inaudible)

**Mr. Tredger:** Pardon me?

**Chair:** Mr. Tredger, you have the floor.

**Mr. Tredger:** I thought I missed a comment there — so be it.

My second concern is how are we going to anticipate future damage? How are we going to determine if there are areas where ATVs are not to go? Does this act contemplate areas where people who are hiking or using human power to get into areas may not encounter an ATV or are we going with the idea that ATVs are everywhere? Does the minister contemplate areas where ATV use would be prohibited so that human-powered people can enjoy it without the noise and without the problems of ATV use?

**Hon. Mr. Kent:** Just stepping back on the snow machines issue — we have agreed to disagree on that. Again, we want to ensure that those who do operate snowmobiles can continue to do so and again, that activity largely takes place when the ground is frozen and it's snow-covered. We want to make sure that we don't include snowmobiles or snow machines. As mentioned, many organizations didn't want us to address the issue of snowmobiles, so we're not prepared to do that. That's why we've left it out of the definition of an off-road vehicle in the act.

With respect to identifying areas, there are a number of opportunities available to us through the development of the regulations, as I mentioned. There are those temporary restrictions that I, as minister, can put into place in areas — terms and conditions — where I consider it's necessary in the circumstances or to prohibit the use of off-road vehicles in that area. That's a 90-day restriction while the regulations are being developed.

As mentioned, there is a requirement to respond to written complaints and I think one of the most important things that we'll have to do with the development of the regulations is to work with First Nations and the renewable resource councils, the individuals who are out on the land and are familiar with the land in their respective regions of the Yukon, to ensure that we're accomplishing what we've set out to accomplish with this legislation.

When it comes to some of the other aspects with respect to the member's question, we will look to having management plan criteria in place to be determined for each area that's designated under this act. There are a number of opportunities available to us with respect to protecting the environment.

I should also mention, during the 2011 election, the governing Yukon Party committed to implementing the recommendations made by the all-party Select Committee on the Safe Operation and Use of Off-road Vehicles and its unanimous report to the Legislature. With respect to the environment, one of the four points that we made was that we would consult with Yukoners prior to implementing any

proposed restrictions, so that's what we will do through the regulations and the process that we'll work with beyond that.

I don't believe that this act contemplates restricting use based on — maybe the example is what happens in the Log Cabin area on the Skagway Road, where there are some weekends that are available for non-motorized use and some that are available for motorized use or mixed use. What we are dealing with through this legislation is addressing the aspects with respect to maintaining the ecological balance and physical characteristics of an area of territorial lands. That's what the act that we're addressing before the House today contemplates.

**Mr. Tredger:** There are a number of areas that already have been significantly impacted by ATVs — a concern from Yukon people — which is why we're contemplating this legislation. Can the minister give me any idea in terms of a timeline when he feels that we could actually have some protection for the land, or is this an ongoing process? We have been waiting close to three years now since the report. We're looking at this phase. Until the land sees some protection, do we have any timelines? Does the minister contemplate something to be done by next spring, when the ATV season opens up again, or would he anticipate the spring of 2015? What guidelines has he given his department for the development of these regulations?

**Hon. Mr. Kent:** Perhaps what I should just quickly read into the record first is section 4.1 to 4.3, which have been added to the legislation with respect to off-road vehicle management areas.

"4.1 The Commissioner in Executive Council may designate an area of territorial lands as an off-road vehicle management area if the Commissioner in Executive Council is of the opinion that it is necessary for the protection of the ecological balance or physical characteristics of the area.

"Regulations concerning off-road vehicle management areas

"4.2(1) For the purpose of protecting the ecological balance or physical characteristics of an off-road vehicle management area, the Commissioner in Executive Council may make regulations applicable to the area respecting ..."

There are four items that this respects, Madam Chair. The first is restrictions or prohibition on the use of off-road vehicles; the second is operating conditions applicable to off-road vehicles; third is the issue of permits for the use of off-road vehicles, the terms and conditions of those permits and the fees for them; and the fourth is the development, approval and implementation of trail plans applicable to the use of off-road vehicles.

I just wanted to read that into the record because I think that goes back to the member opposite's previous question. With respect to timing, these amendments need to pass the House first. They need to pass the Legislative Assembly, and I believe all members supported them at second reading so I'm hopeful we can get support at third reading for these amendments, at which time the development of the regulatory package will start. We anticipate the regulatory package being ready sometime in the spring and then available for the public

consultation we need to do on that. That's keeping in line with our commitment during the campaign to consult with Yukoners prior to implementing any proposed restrictions, as well as the broader consultation that needs to take place with First Nations and Yukoners in general.

Those are the timelines I can mention to the member opposite at this point.

**Mr. Tredger:** So is the minister considering in the interim any protected areas for the upcoming ATV season? It'll be happening this spring. There are a number of areas that have been identified. What is the minister's plan for this spring when people are out and on the land in the early season when the snows are starting to melt and the land is most vulnerable?

**Hon. Mr. Kent:** There have been some areas that have been identified and those areas will be considered for the temporary restrictions by ministerial order that I mentioned off the top.

What we need to do is focus on getting the act passed, putting together the regulatory package and having those consultations with Yukoners. That said, there is the ability for the minister to restrict certain areas for a period of up to 90 days while those regulations are being developed and we will consider certain areas for the spring — for that temporary restriction to apply to.

**Mr. Tredger:** That leads into one of my concerns about the complaint-driven process to protect areas. I think one of the concerns that TOYA mentioned, and that a number of people I've talked to mentioned, is that when an area receives some damage, people will send in a complaint or Department of Environment, in doing their due diligence, will notice an area that is being compromised by ATV use. If that area is closed, ATV users may go to the next closest area, thereby extending the damage.

Because this is complaint-driven, my concern is that we don't have an overall management plan, and when we close one area, in all likelihood ATV users will not stop using their ATVs, they will go to the next area, thereby spreading the damage and the compromise of the area. Has this been contemplated, and how would the minister respond to such situations?

**Hon. Mr. Kent:** There have been some areas that have been identified for protection and they'll be considered, but when it comes to the complaint-driven aspects of the proposed amendments, we certainly want to ensure that we get these regulations right. That's why we're developing the regulatory package and that's why we'll be taking it out for that broader consultation.

But there is the opportunity, as I mentioned, to bring protection in the interim — while the regulations are being developed — to certain areas. Some of the areas that we've heard about are, perhaps, Alligator Lake, which many Yukoners will be familiar with, or Trout Lake, which I am not as familiar with — but it is obviously an area of concern.

The complaint process — what we want to make sure of is that we get all of this right and we do that extensive consultation with those individuals, First Nations and others

who are interested in this. As we stated in our commitment during the election of 2011, we want to ensure that this is done correctly and that areas are identified that require us to protect the ecological balance and physical characteristics of the area of territorial lands. That's what we are doing in responding to one of the recommendations — recommendation 14 — with what we have before the House now.

**Mr. Tredger:** You mentioned that you were going out to consultation. Will consultation include the opportunity for people to talk about an area management plan?

When we look at the kind of thing that was arrived at around Log Cabin, where snow machines were used one weekend and other users were there another weekend — if there might be areas where there is not ATV use, other areas where there is, in order to ensure that some of the more vulnerable areas that have not been damaged or compromised remain so for future generations.

**Hon. Mr. Kent:** I guess one of the most important parts of the consultation is going to be on the process by which we identify the sites that are going to have some sort of restriction on them or, as I mentioned, the tools that we have under the regulations concerning off-road vehicle management areas.

Again, just to quickly read those into the record — and there are four of them: “(a) restrictions or prohibitions on the use of off-road vehicles; (b) operating conditions applicable to off-road vehicles; (c) the issue of permits for the use of off-road vehicles, and the terms and conditions of those permits and the fees for them; and (d) the development, approval and implementation of trail plans applicable to the use of off-road vehicles.” Again, what I need to state — I think the most important part of the consultation will be the process we use to identify the sites and which of these management tools we use as well, as far as the individual site that is in question.

**Mr. Tredger:** The wetlands and the alpine areas have been mentioned as areas of particular note. Does the minister see any special attention being given to them in the regulations or through the act — especially the high alpine areas above the treeline and the wetland areas, where there may be salmon spawning or various other wildlife using them? Is that contemplated at all in this? I know the Department of Environment has identified a number of areas that are particularly vulnerable and that have been compromised by mechanized use. Does the minister contemplate areas that may become off-limits because of their sensitivity, and how would that be achieved?

**Hon. Mr. Kent:** I guess the short answer is we contemplate those types of areas. We're in a multi-stage process right now with the development of these amendments, the regulatory package and the consultation on that regulatory package. I'll reiterate that the process to identify sites is going to be one of the main focuses of the consultation and how we do that with respect to the area management plans. Where there are existing trails in there, does there need to be trail plan put into place?

It's about the process to identify the sites and which tools are available to us to use on a site-by-site basis. With respect

to the member's question, those sensitive wetlands and high alpine areas will be considered of course. We have the ability to consider them for restrictions under these tools that are available to us.

I think what we need in place off the top is a solid process to identify the different sites and how we engage with First Nations and renewable resources councils and what makes sense as far as identifying areas. I guess it just goes back mainly to the process to identify these sites and the tools available to us to use in different sites, depending on the disturbance that pre-exists as well as the sensitivity of the area itself.

**Mr. Tredger:** I note the 90 days. With the increasing ability of machines to go in all manner of conditions, it seems to me that the spring and the fall are two of the more vulnerable times when the land is either thawing or freezing and typically quite wet. I noticed on land in central Yukon, when an ATV goes over the land in May and June, the tracks remain all year and sometimes for multiple years; whereas if they go in the middle of summer, it isn't as noticeable.

Ninety days is a three-month time period; yet we have an ever-longer ATV season. People may begin riding their ATVs in March or April and continue, as in this year, almost to November. It seems to me that if we were to put in restrictions for 90 days, we're only dealing with part of the problem. How did the minister arrive at 90 days as an optimum amount of time? Is there the ability to extend that to longer periods of time?

**Hon. Mr. Kent:** With respect to the 90-day ministerial orders, the most important thing to recognize is that they were designed to be temporary and not permanent withdrawals of that specific area. That will allow us to deal with the area when it's the most vulnerable in the spring when the ground is thawing. We can put that on, obviously, in April or May, depending on the circumstances and the type of weather that we're getting in a particular year, and also engage in a more detailed management plan of an area while that restriction is on again. There are opportunities for us to put those restrictions on even as early as this spring while we're awaiting the development of the regulations.

Again, these are designed to be temporary withdrawals and we felt that orders up to 90 days give us sufficient time to address the concerns or act on specific ones.

**Mr. Tredger:** Because the process seems to be somewhat complaint-driven — although I appreciate the minister saying that there is an option for other ways of dealing with and contemplating future risks, much of it seems to be complaint-driven — has the minister looked at registration of vehicles? If vehicles are being misused — and if we have responsible riders out there, they will want to maintain that responsibility and identify people who are acting in an irresponsible or a dangerous way, or in a manner that is not respectful of the land and is not good ORV practice — has the minister contemplated how they would be identified and whether registration is part of the package that we will be looking at?

**Hon. Mr. Kent:** As I mentioned off the top, the other recommendations of the select committee will be addressed through future program, policy and legislative changes. There is a requirement, obviously, for an education campaign because we assume that most of the riders are doing it in a responsible manner. I know that education efforts being done through the Department of Environment and the Department of Highways and Public Works are ongoing and that's going to be an important aspect of addressing some of the other recommendations.

What the member opposite spoke about with respect to issues of registration, operator licensing and insurance is best addressed through amendments to the *Motor Vehicles Act*. That is where that will be contemplated. What we're dealing with here is recommendation 14, talking about environmental damage due to ORV use and the *Territorial Lands (Yukon) Act's* ability to do that. Other recommendations will be dealt with through other programs or policies or legislative options.

**Ms. White:** Just to follow up with that statement from the minister — when we talk about enforcement personnel in section 5.1(1), it says, "The Minister may, subject to any provisions set out in the regulations, appoint or designate a person or a class of persons to enforce the provisions of this Act or the regulations." Knowing that we're not talking about possibly bringing in registration or anything like that in the regulations, how does the minister see enforcement happening? The blue ATV and the red helmet, someone in the distance — how does the minister view the people he designates as enforcement? How will this work?

**Hon. Mr. Kent:** Just in brief conversation with the Minister of Environment, we have seen success through violations of the *Wildlife Act* — poaching violations — of designating individuals or classes of individuals to enforce the revisions of that act, such as conservation officers and those natural resource officers in the Department of Energy, Mines and Resources — with the Compliance Monitoring and Inspections branch of EMR.

We feel that there are other tools available to us, other tools that have been successful and have proven successful in absence of what the member opposite speaks about with respect to registration and operating licensing. We'll be relying on not only those individuals who we have the authority to designate to enforce, but also those responsible riders and individuals and their knowledge and ability of who is using the land and who may be violating what we're trying to accomplish here, which is ultimately to protect the ecological integrity of the land and ensure that we maintain those physical characteristics of any sensitive areas.

At this point, we use those proven past successes that I mentioned, but again, with an eye going forward to address the other recommendations through other policy programs or legislative changes.

**Mr. Tredger:** Because of what I've heard from people in Trails Only, as well as people on the land, the identification of the vehicles is quite important and I understand it was a recommendation of the select committee. Has this minister had discussions with the minister responsible

for Highways and Public Works as to when we can expect legislation around enforcement, registration and insurance, as well as helmet bylaws?

**Hon. Mr. Kent:** My understanding from one of the current members of the Legislature who did sit on the select committee is that these other changes are those that the Yukon government should consider addressing, such as issues of registration, operator licensing and insurance. With respect to the responsibilities of other ministers and their portfolios, I know we have a fairly substantial list of legislative priorities that we're trying to address and bring forward and this is one of them.

Looking back to what we committed to Yukoners — it was to amend the *Motor Vehicles Act* to make helmet use, liability insurance and registration mandatory when operating an ATV or snowmobile on the road, to pass legislation to make helmet use mandatory for young riders operating ATVs and snowmobiles off the roads, as well as what I spoke to earlier, the educational campaign to promote awareness of the laws and regulations, the safe, responsible and respectful operation of off-road vehicles, helmet use and environmental stewardship.

Again, that's what we're contemplating doing with the *Motor Vehicles Act*. But, as far as a timeline — I would invite members opposite to take that up perhaps with the Minister of Highways and Public Works during an appropriate time during this sitting or future sitting of the Legislature.

**Mr. Tredger:** If I can try to distill what the minister opposite said — it has been many years that this has been considered. The select committee brought their report over two years ago. It received unanimous consent from the House. The Yukon Party has in their platform said that they would deal with registration, insurance, enforcement and helmet use during this term. We are already two years into the term, so can we anticipate then sometime between now and the end of the term the Yukon Party making good on its promise to bring forth legislation on enforcement, registration, insurance and helmet use, as well as licensing, in the next couple of years during the term of this government?

**Hon. Mr. Kent:** I'll just reread the commitment we made to Yukoners during 2011 with respect to this. The select committee asked that the Yukon government consider addressing issues of registration, operator licensing and insurance.

Those other recommendations will be considered and possibly addressed through future program policy and legislative changes. The four points that we made — the four commitments we made — to Yukoners were first to amend the *Motor Vehicles Act* to clearly distinguish between roads and trails; the second is to amend the *Motor Vehicles Act* to make helmet use, liability insurance and registration mandatory when operating an ATV or snowmobile on the road; third is pass legislation to make helmet use mandatory for young riders operating ATVs and snowmobiles off the road; and the fourth is to launch an educational campaign to promote awareness of laws and regulations, safe, responsible

and respectful operation of off-road vehicles, helmet use and environmental stewardship.

Madam Chair, when it comes to what we're trying to accomplish with the act — I know we've spoken about it a number of times — this one is dealing with environmental damage due to off-road vehicle use. The other recommendations are going to be covered under future program, policy and legislative changes, but the registration and liability insurance certainly aren't what we consider the be-all and end-all.

I think an important ancillary activity that we need to undertake is the educational campaign that we have also committed to, to promote that awareness of the laws and regulations and the safe and responsible use of off-road vehicles — and that was our commitment to Yukoners. We do intend to follow through on that but, again, what we're dealing with here before the House today is with respect to recommendation 14, dealing with environmental damage.

Due to ORV use, the *Territorial Lands (Yukon) Act* contains provisions for the protection of any area in the Yukon through development of regulations respecting the protection, control and use of the surface of the land.

**Mr. Tredger:** I guess how we got on that was trying to identify irresponsible users of the land. The request from many people to me was that, with proper registration, they could be identified and therefore reported. Without registration, identification becomes difficult. That sort of led us into the idea of registration, and the minister brought up the enforcement, insurance and licensing aspect of it. I heard the minister say that this government did commit to the use of registration, licensing and enforcement on roads, as well as to helmet and age use off-road, with ATVs sometime during this mandate. Is that correct? Is that interpretation correct or not?

**Hon. Mr. Kent:** As I mentioned, the government's commitment to Yukoners was to amend the *Motor Vehicles Act* on a couple of aspects — to distinguish between roads and trails and amend the *Motor Vehicles Act* to make helmet use, liability insurance and registration mandatory when operating an ATV or snowmobile on the road, as well as to pass legislation to make helmet use mandatory for young riders operating ATVs and snowmobiles off the road.

Again, these are not the responsibilities that we're discussing here today with respect to the *Territorial Lands (Yukon) Act*. Those will be done through the *Motor Vehicles Act*. Once again, I invite the member opposite to address those questions to the Minister of Highways and Public Works at an appropriate time.

**Mr. Tredger:** Thank you and I will. I was just trying to get a bit of a timeline because we are now two years into the mandate. We're a long way from the select committee — maybe three years — we're getting closer anyway. I have a sense of urgency from people that this problem is not decreasing; that it seems to be increasing. I don't get a sense of urgency from across the floor.

Yes, this is a first step, as I mentioned earlier. It does begin to address the question, but the longer we delay, the more conflicted it becomes — particularly our land and the

life and safety of many of our riders. I would urge the Minister of Highways and Public Works to get on with it. He can take my advice or not; it's his call.

You mentioned one of the objectives of this was to define the difference between roads and trails. Can the minister explain the definitions now used and how that would impact the decisions being taken by the City of Whitehorse and their desire to have some semblance of legislation or control over the use of ATVs in the neighbourhood — the definition of trails, of roads and how that is contemplated in the changes to this act?

**Hon. Mr. Kent:** As members will see in this act, there has been one definition added to the act, and that's of "highway". "Highway" has the same meaning as in the *Highways Act*, for consistency's sake.

With respect to roads and trails and distinguishing between them, those will be dealt with in amendments to the *Motor Vehicles Act*, as we committed to Yukoners during the 2011 election campaign.

**Mr. Tredger:** So my understanding is the current definition prior to this of a highway was a highway, the ditches up to the highway, any surveyed road in the Yukon — there were a number of other parts to that. That has all been changed to basically mean that "highway" is a major road between the shoulders, not including the ditches, not including the approaches and not including any other aspect of the highway.

Could you clarify for me exactly what the definition of "highway" is in the *Highways Act* and what it has been?

**Hon. Mr. Kent:** The definition of "highway" was added to this legislation and it has the same meaning as in the *Highways Act*. The definition of "highway" was added so as to provide clarity for the definition of "off-road vehicle" when trying to capture cars and trucks that are not being driven on the road. This definition of "highway", for the most part, includes the highway right of way or a strip of land 30 metres each side of the highway centre line. This means that motor vehicles — for example, trucks or cars — used on the trails next to the highway will not be classified as off-road vehicles. Under the *Highways Act*, a highway includes a number of aspects: first, the land used as a highway, land surveyed for use as a highway, and land designated by the Commissioner in Executive Council as a road allowance; secondly, it includes a bridge or other public improvements incidental to a highway; thirdly, it includes an ice road. Using the *Highways Act* definition ensures that there is no conflict between on-road and off-road use of vehicles and that's why we've chosen to use that definition for a highway for purposes of the amendments that are before the House today.

**Mr. Tredger:** When the Yukon Party government contemplates helmet registration and licensing requirements and they refer it to "on a road", that now means on a highway, and a highway defines the ditches on either side and any surveyed highway or potentially a highway that has been surveyed?

**Hon. Mr. Kent:** While I enjoy engaging in debate with the member opposite, I think that again this is better tackled

under future amendments to the *Motor Vehicles Act* or the *Highways Act*, where that definition is located. I would invite him to take it up with the Minister of Highways and Public Works at his earliest convenience or whenever the opportunity presents itself.

**Mr. Tredger:** The goal of this legislation is to make clear the definition of a highway. The minister referred to "road" earlier. What I'm asking is: does the road that the minister was referring to now mean highway for the purposes of the changes to this act?

**Hon. Mr. Kent:** Again, for the purposes of this discussion, we've adopted the definition of "highway" from the *Highways Act*. Using this definition ensures that there is no conflict between on- and off-road vehicles. I won't go through them again, but I did mention the three areas that under the *Highways Act* that a highway includes. That's why we have chosen to adopt that definition for the purposes of this act — to provide the clarity of the definition of "off-road vehicle" when trying to capture cars and trucks that are not being driven on the road.

I'm not sure what else the member opposite is looking for, but again, just for clarification, we've adopted the definition under the *Highways Act* of a highway.

**Mr. Tredger:** I keep harping on this but I just want it to be perfectly clear. If someone is driving an off-road vehicle in the ditch alongside a highway, would they be subject to the laws of the highway or would they be subject to the laws governing off-road vehicles?

**Hon. Mr. Kent:** The definition of the highway that we talked about for the most part includes the highway right-of-way or strip of land 30 metres each side of the highway centre line. That's what the aspects are and that's where the area is that is captured under this definition. Similar to the definition in the *Highways Act*, it is the 30 metres each side of the centre line that's captured.

**Mr. Tredger:** Is the area immediately adjacent to many of our municipalities — has this legislation contemplated that intersection of municipality authority and territorial authority, and does this legislation line up with what the City of Whitehorse is contemplating? They obviously got tired of waiting for legislation to come forth and they proceeded on their own. How does this line up with what they're contemplating — other municipalities are contemplating — and what repercussions that will have down the line?

**Hon. Mr. Kent:** This legislation applies to Commissioner's land outside of municipal boundaries. I know that municipalities have the authority to set bylaws within their boundaries and I'm certainly not going to speculate on what the City of Whitehorse is doing, or why they've chosen to do it. But, again, in that land that is immediately adjacent to municipal boundaries, there are other planning tools that are in place through local area plans and those types of aspects.

So, there are a number of tools available in legislation to deal with Commissioner's land outside of municipalities and those lands that are adjacent to municipal boundaries but outside the municipality, such as areas like Mount Lorne and

other areas of significance where there may be planning tools they would use. There are a variety of tools to address the situation that the member opposite is talking about.

**Mr. Silver:** It is a great privilege to be able to stand up today and speak to Bill No. 64.

I will be supporting this bill. As the minister indicated, this is the government's response to recommendation 14 of the Select Committee on the Safe Operation and Use of Off-road Vehicles.

The bill is what's referred to as enabling legislation. Passing it will not in itself make changes to where the off-road vehicles can go or cannot go, but it does allow the government to develop those regulations. It will eventually allow it to happen. My questions are going to be based on that concept, and I appreciate the Official Opposition's great job in asking a lot of the questions I was going to ask, so I will keep it to three questions that I believe haven't necessarily been asked or answered, or some combination of those two.

First question is, when will a citizen or a group be able to actually walk into the Lands office and say, "I want the government to look into restricting a specific area?"

**Hon. Mr. Kent:** Ideally we would hope that these types of issues would arise during the consultation on the regulations. However, I did mention to the Member for Mayo-Tatchun earlier in Committee of the Whole that there is the ability for those temporary restrictions to be put in place on sensitive areas. There have been some already identified through some of the work that has been done. They will be considered for the temporary order aspect, but again we are hoping that a lot of this emerges during the consultation on the regulatory package and the process for us to use the management tools that are available to us.

**Mr. Silver:** I understand that part, but when can a citizen walk into the Lands office and say, "I want the government to restrict a specific area?"

**Hon. Mr. Kent:** Once these enabling amendments are passed, that ability will be there for individuals to file information with the Lands office as far as specific areas. Of course, that doesn't mean that that specific area will be withdrawn or subject to restrictions that are identified. There will be some analysis required by not only Energy, Mines and Resources, but some of our partner departments, such as Environment, to ensure that is an area that does require that temporary protection.

**Mr. Silver:** I'm to assume from the minister's answers that, once the regulations are in place, this could just happen right away. Just for the record, I'll get the minister to stand up and answer that. Thank you.

**Hon. Mr. Kent:** Yes, as I mentioned, Madam Chair, once these enabling amendments to the act that we're considering right now are passed, that ability will be there for individuals to go and file information with Energy, Mines and Resources about specific areas they feel are sensitive or require us to use one of the management tools available to us in legislation.

**Mr. Silver:** How will enforcement of this legislation be handled? What penalties is the government considering? Who

specifically will be issuing the tickets? Will this be conservation officers or others?

**Hon. Mr. Kent:** Just to step back to the member's initial question, individuals will be able to file their information with respect to a certain area. Again, in a case where it's necessary, I can, as minister, have the up to 90-day period restrictions in that area, but we'll have to look to address long-term protection for areas that are deemed to be sensitive through the development of the regulation and the process — just to ensure there's no misunderstanding with the member opposite as to how that process will work. As I mentioned, there is that up to 90-day period that, as minister, I can issue a temporary restriction or prohibition in an area.

With respect to the member's second question, there is the complaint-driven element for enforcement.

As I mentioned earlier, that has proven successful through anti-poaching efforts under the *Wildlife Act* for the Minister of Environment and the individuals who work in his department.

As far as the individuals who we are contemplating being able to enforce this legislation, we are recommending conservation officers, as well as those who work in Energy, Mines and Resources in the Compliance

Monitoring and Inspections branch. With respect to the fines and/or penalties, they will emerge in the regulatory package that we're hoping to have developed sometime this spring.

**Mr. Silver:** This is my final question — and it has been discussed already on the floor today, but I have a very specific question on that discussion. The government has chosen a reactive approach to managing potential damage from ATVs.

The process to regulate use will be complaint-driven. Why was this approach chosen instead of a more proactive approach, where known problem areas are addressed? I know that we spoke a little bit already in terms of the process itself, but I just want to know why we decided to go in this direction.

**Hon. Mr. Kent:** What we're doing with this legislation is proactively responding to recommendation 14 of the Select Committee on the Safe Operation and Use of Off-road Vehicles. Just for the record, I will read that recommendation:

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

So again, that's part of that recommendation 14 that we're responding to with the legislation that is before the House today. I think complaint-driven is one of the tools that's available to us to identify areas of concern and when individuals are considered to be damaging those areas of concern. For the most part, most of our off-road vehicle enthusiasts who use the trails in the territory are respectful of the environment and the sensitive areas. We're certainly trying to ensure that there are protections in place so that we can make sure that ecological balance of the area is protected.

That's what we're doing by responding proactively to recommendation 14, as well as some of the other aspects that are being undertaken, such as the educational campaigns and future program policy and legislative changes that will be the responsibility of other ministers.

**Ms. White:** Right now with a quick browse through the City of Whitehorse bylaws for both snowmobiles and ATVs, the ATV legislation they passed was on August 13 of last year. The definition of "highway" — and as it has changed and has been used in the current legislation — was the City consulted at all on how it was going to change the definitions for the amendments to the act that we are talking about and how it affects the city as well?

**Hon. Mr. Kent:** Just for members, the government completed a 30-day targeted engagement on the policy elements that were considered in developing these amendments. Letters and a background information document were sent to Yukon First Nations, renewable resources councils, conservation, as well as other industry organizations and stakeholders that may have been interested in the work that we were doing.

As I mentioned, this legislation does not apply within municipal boundaries. That being said, the City of Whitehorse and any other municipality has the right to comment on any of our pieces of legislation, whether it's this one or any of the other ones that are before the House during this sitting or future sittings.

It is my understanding that there was no comment from the city during that 30-day period. They are welcome to comment when we go out for the larger consultation piece on the development of the regulatory package and the process and the tools that we can use to ensure that we're meeting what recommendation 14 envisioned us doing, which is to deal with the environmental damage due to ORV use in territorial lands.

**Chair:** Is there any further general debate? We're going to move on to clause-by-clause debate.

*On Clause 1*

**Mr. Tredger:** Is that where the interpretation occurs on page one?

**Chair:** Clause 1 is on page 1.

*Clause 1 agreed to*

*On Clause 2*

**Mr. Tredger:** I found where I was. Why was it contemplated to use a more narrow version of highway as in the *Highways Act*?

The *Highways Act* includes "land use as a highway, land surveyed for use as a highway, land designated by the Commissioner in Executive Council as a road allowance, (b) a bridge or other improvement incidental to a highway, and (c) an ice road", whereas in the *Motor Vehicles Act*, "'highway' means any cul-de-sac, boulevard, thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, ice-road, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and includes (a) a sidewalk, including a

boulevard portion thereof, (b) when a ditch lies adjacent to and parallel with the roadway, the ditch, (c) when a highway right-of-way is contained between fences or contained in a cut-line or between a fence and one side of the roadway, all the land between the fences, all the land in the cut-line, or all the land between the fence and the edge of the roadway, as the case may be, (d) all the land shown on a registered plan of survey of a highway right-of-way, (e) when a highway right-of-way is not shown on a registered plan of survey or is not contained between fences or cut-lines, all the land within 30 metres of the centre line..."

There is a significant difference in the two definitions between the *Highways Act* and the *Motor Vehicles Act*. Why was the more narrow definition chosen, and what implications does that have for future regulations?

**Hon. Mr. Kent:** This act applies to land outside of municipal boundaries and the definition of a highway was adopted from the *Highways Act*. It was pretty much just a cut-and-paste from the definition that exists in the *Highways Act*. The member opposite read it out in his question, so I won't read it again. But it was added to provide clarity for the definition of "off-road vehicle", when trying to capture cars and trucks that are not being driven on the road.

This definition of a highway, for the most part, includes the highway right-of-way or a strip of land 30 metres each side of the highway centre line. This means that motor vehicles used on the trails next to the highway will not be classified as off-road vehicles. Again, Madam Chair, this was the definition that we chose to adopt for "highway" under this legislation and it comes directly from the *Highways Act*. We made a choice to adopt this definition. That's what we're proceeding with and we feel it allows us to bring clarity for the definition of an off-road vehicle, which we need for the purposes of administering this act.

**Mr. Tredger:** I'm still not clear why the more narrow definition was chosen and what implications that has for enforcement and regulations down the line.

**Hon. Mr. Kent:** We chose it because it is consistent with the *Highways Act*.

**Mr. Tredger:** Just for the record, we did have some discussion around snow machines earlier. If the minister could put into the record that he does not believe that snow machines can cause a problem on the land, that they do not cause any damage to the terrain and that he contemplates no damage in the future.

**Hon. Mr. Kent:** Yes, the definition of an off-road vehicle does not include a snowmobile or a snow machine. As mentioned earlier on in debate with respect to this piece of legislation, it's our feeling that when snow machines operate they typically operate under conditions where the ground is frozen and snow-covered. We felt that the environmental damage that is being done by off-road vehicles is with respect to those that operate primarily in the spring, summer or fall. It's for that reason, as well as reasons such as the fact that even the Trails Only Yukon Association didn't want us to include snow machines in this legislation, that we've decided not to include them.

**Mr. Tredger:** If I can just go back to the definition of a highway — I'm not clear if it implies a problem or not, but I still don't understand what the reason or what the government rationale is for narrowly defining "highway" and what the implications are in terms of future use of the land and restrictions.

**Hon. Mr. Kent:** The definition of a highway was drawn right out of the *Highways Act* as I mentioned, and that's the definition that we have chosen to go with — just to remind members that that definition is included in the *Highways Act*, which was debated and passed earlier in this session.

**Chair:** Is there any further debate on clause 2?

**Hon. Mr. Cathers:** I will just remind the members that, in fact, the definition of "highway", as my colleague alluded to, was included in Bill No. 59, which amended the *Highways Act*. The NDP, I believe, actually voted for that definition earlier but appear to have forgotten about.

**Ms. Hanson:** Just to clarify that the question is not about the definition of "highway" — it's seeking a rationale from this government for choosing a more narrow range in terms of applications. So he can do what he wishes with respect to it and you can do what you wish, but it's the narrow view and the rationale.

**Hon. Mr. Cathers:** I can't resist pointing out that maybe the NDP should remember what they voted for this very session.

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

*Clause 4 agreed to*

**Mr. Tredger:** With your permission, I'd like to go back to clause 4.2(1)(d).

#### Unanimous consent re revisiting clause 4

**Chair:** Clause 4 has been carried. We will require unanimous consent to return to clause 4. The Member for Mayo-Tatchun has requested unanimous consent to revisit clause 4. Is there unanimous consent?

**All Hon. Members:** Agreed.

**Chair:** Unanimous consent has been granted.

*On Clause 4 — revisited*

**Mr. Tredger:** Could the minister define and explain clause 4.2(1)(d): the development, approval and implementation of trail plans applicable to the use of off-road vehicles? Could we have a further understanding of what that means and what trail plans would be involved?

**Hon. Mr. Kent:** What this speaks to is that there are areas that may be considered for off-road vehicle management areas that are used by multiple users — hikers, snowmobilers, all-terrain vehicles, First Nations for traditional use, hunters, fishers, outfitters, miners, et cetera — in which case it may be beneficial to conduct a planning exercise involving all stakeholders and guides of the management of the area. A big element of that will be the public consultation piece and engaging with those multiple users to ensure that everyone's

concerns are taken into account when developing the management area.

**Mr. Tredger:** I can't remember seeing a definition of "trail", but what would be the definition of "trail" as used in this act?

**Hon. Mr. Kent:** The definition of a trail will emerge in the developments of the general regulations. Obviously, it's something that individuals use for hiking or walking or personal non-motorized enjoyment as well as those used for off-road vehicle enjoyment. But, again, that definition will emerge once the general regulations are developed.

**Mr. Tredger:** I guess that is concerning. We just spent half an hour trying to let me understand what "highway" meant and the implications thereof.

When we're looking at trails, I would think that the definition would be very important and, in terms of wanting clarity, that we would be looking at it very, very carefully.

My next question is about clause 4.2(d): "to empower the Minister to modify or waive the application of any prohibition, restriction, term or condition of the regulation for a period of up to 90 days, in any particular case when the Minister is of the opinion that it is in the public interest to do so." I know we talked about that at the briefing, but for the record, could the minister identify times when he might be contemplating waiving a prohibition of an area, or when it would be looked at?

**Chair:** For the record, I believe the member was referring to clause 4.2(2)(d).

**Hon. Mr. Kent:** With respect to that particular clause, it would be in a place where an area management plan is already in place but when there is an emergency, such as a forest fire, that we need to access through that area, or if there is a search and rescue operation or any other type of civil disaster that needs to be addressed and we need to access it through an area already under management.

**Mr. Tredger:** Does the minister contemplate access through prohibited areas for industry or for other economic activities?

**Hon. Mr. Kent:** We would contemplate dealing with those types of economic opportunities, whether it is mining or tourism or big game outfitting, through the area management plan ahead of time rather than using this ministerial order.

*Clause 4 agreed to*

*On Clause 5*

*Clause 5 agreed to*

*On Clause 6*

**Mr. Tredger:** In clause 6, 5.1(1) "The Minister may, subject to any provisions" — why is that "may" instead of "shall"? To me it would make sense that the minister should, with the passing of this act, appoint provisions set out.

**Hon. Mr. Kent:** It needs to be "may" in this case because we haven't seen the development of the regulations or the process or the area management plans, so there may be other designations that we need to use in specific areas. This does need to be a "may" clause rather than a "shall" clause.

**Mr. Tredger:** My concern is that an individual may end up working with this off the side of their desk and I feel

it's far, far too important. I would believe that the "may" in part 5.1(2) where "The Minister may place terms and conditions..." would be more appropriate to institute that control and that indeed the minister should be appointing or designating a person to enforce the provisions of this act.

**Hon. Mr. Kent:** For the record, it's fully anticipated that conservation officers and those officials who work in Compliance Monitoring and Inspections in Energy, Mines and Resources will be designated under this clause. When it comes to area management plans, the regime will be put in place by Cabinet for specific area management plans. Just for the record, Madam Chair, there will be individuals assigned to enforcement under the provisions of this act.

It is a "may" clause, and we made those choices in case, through the development of the regulations, there are other terms or conditions set out with respect to certain area management plans.

*Clause 6 agreed to*

*On Clause 7*

*Clause 7 agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. Kent:** Madam Chair, I move that Bill No. 64, entitled *Act to Amend the Territorial Lands (Yukon) Act*, be reported without amendment.

**Chair:** It has been moved by Mr. Kent that Bill No. 64, entitled *Act to Amend the Territorial Lands (Yukon) Act*, be reported without amendment.

*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 the Committee of the Whole?

**Ms. McLeod:** Mr. Speaker, Committee of the Whole has considered Bill No. 64, entitled *Act to Amend the Territorial Lands (Yukon) Act*, and directed me to report the bill without amendment.

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

**Some Hon. Members:** Agreed.

**Speaker:** I declare the report carried.  
Government bills.

## GOVERNMENT BILLS

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

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

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

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

**Hon. Mr. Kent:** It is indeed a pleasure to rise at third reading and speak to this legislation. Again, many Yukoners will know where this came from, and that's one of the recommendations of the Select Committee on the Safe Operation and Use of Off-road Vehicles. They held an extensive public consultation in the late summer and fall of 2010 with additional feedback from the public received up to March 2011.

As minister responsible for Energy, Mines and Resources and this legislation, I'd like to take the time to thank all of those members — current members of the Legislature as well as past members of the Legislature — who sat on that committee and engaged the public very effectively. I know there were over 2,500 opinion surveys returned, as well as a number of written submissions. I would like to thank them for their work and for coming up with a report that featured 14 recommendations related to the safe operation of off-road vehicles, as well as the protection of the environment.

This bill that is before the House addresses many aspects of the select committee's recommendation 14, particularly the need for effective regulation and enforcement to protect the environment from damage caused by off-road vehicles. It allows the development of a range of tools for the protection of the ecological balance or physical characteristics of an area. The amendment enables off-road vehicle restrictions during the summer and shoulder seasons, including a temporary restriction or prohibition of up to 90 days through a ministerial order; the ability to restrict access to an area through the establishment of an off-road vehicle management area by regulation; and the ability to make regulations for off-road vehicle management areas.

This also enables us to develop those important regulations and some of the aspects that may be included are restrictions on use for certain types of vehicles, in all or parts, or certain trails within the area, operating conditions, permitting and trail plans. It's important to note that these regulations will be developed in consultation with First Nations, user groups and stakeholders, as well as the Yukon public. There are also provisions to ensure effective compliance and enforcement in off-road vehicle management areas and areas under ministerial order. The application of these off-road vehicle management tools will be inclusive and apply to all Yukon government lands.

There is a diverse range of stakeholders with interest in off-road vehicles. These stakeholders range from the general public for recreational purposes to wilderness tourism operators to mineral exploration companies. The work of the select committee showed a wide range of perspectives with many different priorities for many different Yukoners. It also

demonstrated a need for comprehensive management tools to achieve effective territory-wide off-road vehicle management.

I'm optimistic that, through the adoption of these amendments and the subsequent regulations, there has been a middle ground found that reduces the negative impacts of off-road vehicle use, while still enabling users the freedom to operate and enjoy responsible off-road vehicle use in the territory. These proposed amendments provide for the ability to mitigate environmental damage while enabling the responsible use of off-road vehicles to enjoy our wilderness.

I'm very pleased that we were able to get through second reading with unanimous passage of all members of the Legislature. I appreciate the questions and clarifications sought during Committee of the Whole. I'm hopeful now that all members will continue to support this legislation, as it's the right thing for Yukoners and, even more importantly, the right thing to do for Yukon's environment.

**Hon. Mr. Dixon:** I'm happy to rise and speak to this bill on third reading. As the Department of Environment was heavily involved in the creation of it and some of the policy work behind it, I did want to take the opportunity to first of all thank the officials in my department, Environment Yukon, who participated in this drafting and creation of this piece of legislation. In particular, I think one of the head policy leads from Environment Yukon's perspective was Tim Sellars. I did want to thank him for a lot of the work he has done on this particular piece of legislation as well as the staff in the Department of Energy, Mines and Resources who were previously referenced by the minister.

It was interesting for me to listen to the debate on this particular bill, and I look forward to seeing unanimous support of this particular bill because I think it is a good piece of legislation that will achieve the goals that we have sought to meet. It provides the Commissioner in Executive Council with the authority to establish and make regulations in respect of off-road vehicle management areas when it is necessary for the protection of the ecological balance or physical characteristics of the area.

Within this act, Mr. Speaker, there are a number of new tools that the Government of Yukon will have to take action where action is needed and take action where there is the future possibility of protection being needed. One of the things that I did want to add to this discussion at third reading was some of the terms we've used.

One of the terms that have been used so far is "complaint-driven process". While that is correct, I do think that perhaps a better way of referring to that is a "citizen-driven process", a process by which Yukoners have the ability to make suggestions to government about where action might need to be taken.

When we think of complaints, we think of the negative connotations of an area that has been negatively affected. It doesn't necessarily have to be that way. It could perhaps be a little more future-looking than that. An individual may say that area X is likely to have increased traffic in the coming years and so we should be proactive and take action early on.

That is entirely possible and entirely contemplated in this act. I think it is important to recognize that, although there are some areas in the Yukon that have seen some damage from ATVs and require a reactive approach, there are areas that we can be proactive in and be more future-looking in how we approach these things.

As the Minister of Energy, Mines and Resources said in Committee of the Whole, the process by which we identify areas is going to be of fundamental importance to this issue. I think that we've got a few existing processes that we can lean on.

For instance, if we consider the changing, amending or adding of regulations pursuant to the *Wildlife Act* — hunting or fishing are good examples — whereby individuals can approach either the government or their own RRC, depending if they have one in their area, and then the process is triggered by which there is a public consultation and there is some debate in the public about whether or not this regulation makes sense. For instance, we're currently in the process of doing so for the hunting regulations. I think a similar process might be helpful for implementation of these particular tools identified in this piece of legislation. You have the involvement of individuals on the ground, the involvement of RRCs, the Fish and Wildlife Management Board and then, of course, government. Of course, one can't forget First Nations in that process as well.

I think that's something we might look to as a possible guide. It doesn't necessarily mean we have to copy that process exactly, but it does offer some guide for us as to how a successful process for amending, changing or adding to regulations is undertaken currently in the Yukon.

As I said, there are a number of new tools that are introduced in this legislation. They are listed under section 4. They include restrictions or prohibitions on the use of ORVs. That is probably, in my opinion, one of the more blunt tools that government might use — the actual prohibition of an activity in an area. A little more nimble is the next one, which refers to operating conditions and may allow government to be a little more creative in how it approaches a particular area. For instance, I might suggest that we would say that the rutting or gouging — particular activities — would be prohibited within a certain area, rather than simply saying that there will be no access at all and that access is completely prohibited for ORVs. We could say that in particular conditions, particular activities would be prohibited. It offers a little more flexibility.

The last on that list is the creation of trail management plans. I think that's going to be an important exercise for a lot of regions in this territory. In places where we have multiple uses of trails of an area — as the Minister of Energy, Mines and Resources listed in Committee of the Whole, a number of different activities from economic to outfitting and tourism — and any number of uses could be considered — I think creating a map of trails in a particular area may be a useful exercise, not just for the protection of the environment, but for individuals who use that particular area to understand the other uses and understand how their own use impacts that of

others. I think these are important tools. I think they shouldn't be underestimated. I think their flexibility is important. Having that level of flexibility to respond positively to requests from citizens is going to be important.

Finally, I did want to comment again on the issue of snowmobiles and why snowmobiles and snow machines aren't included. In Committee of the Whole, it was mentioned that there was no way to stop snowmobiles from harassing wildlife or undertaking other activities like that.

I should note that the *Wildlife Act* does prohibit the harassment of wildlife using a vehicle like an off-road vehicle. Section 92(2)(c) of the *Wildlife Act* reads "operates a vehicle or boat in a manner that might reasonably be expected to harass any wildlife." In this sense, harass refers to the definition in the *Wildlife Act*, which is, "includes worry, exhaust, fatigue, annoy, plague, pester, tease or torment, but does not include the lawful hunting, trapping, or capturing of wildlife." I think there are tools out there already for the protection of wildlife from machines like snowmobiles or snow machines.

With that, I would conclude by saying that I think this is a good piece of legislation that balances the need for government to be proactive — and sometimes reactive — to the needs of the environment and the ecological integrity of this territory by taking a very targeted approach to specific areas that require action.

I look forward to passing this now at third reading and I look forward to the unanimous support of all of our colleagues in this House.

**Hon. Mr. Cathers:** I will be relatively brief in my comments at third reading, since I made most of my comments on this bill at second reading. I would like to acknowledge the work of everyone who participated in all the work that has led up to this, including the clerk to the Select Committee on the Safe Operation and Use of Off-road Vehicles, Sandra Rose, and the other three members of the select committee, which I had the pleasure of being a part of.

One thing that should be noted by anyone reviewing Hansard in trying to understand this issue, it really is important to take a look at the report that was done by the select committee. This was not an issue that there was uniformity of public opinion on. The issue of how to address the environmental challenges was one on which there remain polarized viewpoints among Yukoners — between some who would like to see a ban on any new trails being cut anywhere and other people who are adamantly opposed to government applying new regulations to them, particularly if those regulations are not strictly and clearly necessary for environmental protection. So what the committee felt was the middle-of-the-road ground and what we felt was acceptable to most Yukoners is an approach that recognizes that there are some areas where there is environmental damage that is occurring as the result of off-road vehicle use.

However, it was also clear from the feedback we heard from the public that it is not a Yukon-wide problem. In fact, it is possible from reviewing the comments that were received

from Yukoners to identify specific areas where people feel there is environmental damage occurring — just as it was possible to identify literally specific neighbourhoods within the City of Whitehorse where clearly there were more issues around conflict from ATV users either conflicting with pedestrian trails or highway crossings, et cetera.

The targeted approach that was recommended as part of recommendation 14 recommended that government ensure off-road vehicle legislation and regulations provide for the ability to mitigate environmental damage and cumulative negative impacts to sensitive wildlife and fish habitats. Ensure that legislation and/or regulations provide for the ability to restrict the growth of trail networks in sensitive areas, to close trails or overused areas as necessary, to exclude off-road vehicles from specific types of land or habitats, to have certain areas designated as access routes only, that environmental and access restrictions be implemented in areas where problems exist or are developing, and, when not required for wildlife for environmental protection, efforts be made not to reduce access to existing use areas.

So that is only part of recommendation 14 that I'm quoting. The rest has already been read into the public record and is on-line on the Legislative Assembly website, but that is the key part that relates to the fact that it's important to recognize that central to the approach unanimously recommended by the all-party committee was to take a balanced approach and, in leading off the recommendations in the report, the committee noted in paragraph 3 of the recommendations that, while it is clear there are strong arguments to be made for further restrictions on off-road vehicle access to some areas, the committee does not have sufficient knowledge or expertise to determine which areas should be restricted.

The committee also heard from many people who regard the ability to travel in the back country by ATV and snowmobile a very important personal freedom. In our recommendations we attempt to be fair and balanced to all user groups and citizens and acknowledge the importance of appropriately protecting environment and wildlife.

I will wrap up my remarks and I just want to thank all the many people who participated in this. There were 2,489 written submissions from Yukoners, mostly through the survey forms which included the ability to not only fill out the multiple choice questions, but provide written comments, which many Yukoners did. As a member of the committee, I found it very helpful to hear not only from Yukoners who talk to us at public meetings but to also read through those comments and going through them all.

As I believe I noted earlier, the clerk of the committee, Sandra Rose, did an excellent job of compiling them and entering them into a database, which is very helpful. I know my assistant, Rosie Drury, and I went through the comments and spent quite a bit of time pouring through everything that the over 2,500 Yukoners who commented on this provided. I recognize that there are very strong views from Yukoners and there are some who would like to have seen the government

go further in this area and some that would have liked to see no rules at all.

What we did was follow exactly the recommendations of the select committee report. As I alluded to earlier at second reading, I would note in particular to some of the members of the Official Opposition that I think it's fair to say that all members of the committee had their views evolve through this and recognized that the needs and the interests of rural Yukon and the strong perspectives of Yukoners living outside the borders of municipalities and in some of the rural municipalities are not the same as within the more urbanized areas of Whitehorse and the needs, solutions and challenges are different. I think we've done a good job of reflecting that diversity of viewpoint of Yukon citizens while coming up with an ability to target measures where problems exist or are developing, just as recommended in the select committee's unanimous recommendation.

I would be remiss if I did not once again thank the staff of the Department of Energy, Mines and Resources and staff of the Department of Environment, as well as the Department of Highways and Public Works, for all the work that they've put in related to this legislation and this whole initiative — that being implementing the recommendations of the select committee. I would also like to acknowledge the work of staff at the Department of Justice and Executive Council Office for their involvement in this.

So, Mr. Speaker, with that I commend the legislation to the House and hope that all members will support it today.

**Mr. Tredger:** Mr. Speaker, this is a rather tentative beginning to addressing the recommendations of the select committee. I guess the proof will be in the pudding. The regulations are not out there yet. I'm encouraged by some of the minister's comments and some of the directions from both ministers.

I would remind all members that whether we're rural or urban, there is no divide. We are stewards of the land and the land is what we depend on and what we are.

It is important that there be a sense of urgency here, that we charge the departments and the minister to ensure that this be done in a timely and very quick manner. As I say, it's a good first step. It addresses one of 14 recommendations. The committee met for quite some time, and it was over two years ago they brought their recommendations forward. I was glad to hear the minister stating that there will be more of the recommendations addressed during this mandate. I look forward to them. We on the opposition side support this bill. We're a little concerned that it isn't more proactive and that there isn't more substance to it, but be that as it may, it's time to get on, get the act passed and start getting those regulations in place so we can be working with all Yukoners together to ensure that all forms of the land use are respected and take it from there.

**Speaker:** Are you prepared for the question?

**Some Hon. Members:** Division.

## Division

**Speaker:** Division has been called.

## Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Pasloski:** Agree.

**Hon. Mr. Cathers:** Agree.

**Hon. Ms. Taylor:** Agree.

**Hon. Mr. Graham:** Agree.

**Hon. Mr. Kent:** Agree.

**Hon. Mr. Nixon:** Agree.

**Ms. McLeod:** Agree.

**Hon. Mr. Istchenko:** Agree.

**Hon. Mr. Dixon:** Agree.

**Mr. Hassard:** Agree.

**Mr. Elias:** Agree.

**Ms. Hanson:** Agree.

**Ms. Stick:** Agree.

**Ms. White:** Agree.

**Mr. Tredger:** Agree.

**Mr. Barr:** Agree.

**Mr. Silver:** Agree.

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

**Speaker:** The yeas have it.

*Third reading for Bill No. 64 agreed to*

**Speaker:** I declare the motion carried and that Bill No. 64 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 (Ms. McLeod):** Committee of the Whole will now come to order.

**Chair:** The matter before the Committee is Vote 53, Department of Energy, Mines and Resources in Bill No. 11, entitled *Second Appropriation Act, 2013-14*. Do members wish a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

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

**Chair:** The matter before the Committee is Vote 53, Department of Energy, Mines and Resources in Bill No. 11, entitled *Second Appropriation Act, 2013-14*.

**Department of Energy, Mines and Resources**

**Hon. Mr. Kent:** Before I begin with my remarks with respect to the 2013-14 supplementary estimates, I would like to welcome Shirley Abercrombie to the Legislature here this afternoon. Shirley is providing support from the Department of Energy, Mines and Resources.

I'd also like to update the House on a couple of things that have happened, or some of the activities that I've undertaken since being named Minister of Energy, Mines and Resources in early August.

I should thank the Premier for showing the confidence in me to assume this very important portfolio as it affects many Yukoners in their day-to-day lives. I know I took time at the second reading speech to thank the officials and organizations that I worked with previously in my responsibility with Education, Yukon Housing Corporation, Yukon Liquor Corporation and Lotteries Yukon. That was a very enjoyable time for me.

Looking forward to my time in working with officials at Energy, Mines and Resources, I offer my thanks to them for quickly bringing me up to speed on a number of important issues facing the industry and Yukoners as a whole when it comes to Energy, Mines and Resources.

I've had the opportunity over the past few months to meet with a number of industry organizations that are involved and active with respect to the Energy, Mines and Resources portfolio, starting with Yukon Wood Products Association, as well as attending a community open house in Haines Junction where I was able to attend a meeting with the Minister of Highways and Public Works, who is the MLA for Kluane, and with a number of individuals who have concerns with respect to the industry. I was very pleased that the minister organized that meeting and was able to hear first-hand some of the challenges and successes that some individuals are having when it comes to working in our forest industry.

I've also had the opportunity to meet with the Growers of Organic Food Yukon at their last meeting at their last meeting at Yukon College. I found it very informative. There are a number of important issues for them, of course, including genetically modified alfalfa, but they are engaged with the Agriculture Industry Advisory Committee in providing their feedback on that. This is an issue that is not only important to them but is also important to other associations and farmers that are in the territory.

Agriculture is an existing industry where there is a lot of room for growth as far as revenues for that industry. I look forward to working with the Yukon Agricultural Association, the Growers of Organic Food Yukon and the Yukon Game Growers Association to advance their concerns and represent them, not only at the Cabinet table but at federal-provincial-territorial meetings.

I had the opportunity to travel to Calgary with officials in early September and meet with a number of companies that are active in the oil and gas and energy fields here in the territory and get updates with them. Just previous to that, I travelled to Vancouver, where the Minister of Economic Development, our two deputy ministers and I had the opportunity to visit with several mining companies that have projects at various stages here in the territory and to hear first-hand from them what challenges they were facing, not only in the current investment market, but also with respect to our regulatory regime and us making improvements to that regulatory regime.

I'm pleased that we have some initiatives underway to address some of their concerns and ensure that we remain competitive here in the territory when it comes to mining jurisdictions and mining-friendly jurisdictions around the world as far as attracting investment dollars and attracting companies to unlock that wealth.

When it comes to industry associations associated with mining, we have a number in the Yukon and I've met with most of them. I've had a couple of meetings with the Yukon Chamber of Mines, meeting face to face with the Klondike Placer Miners' Association as well as discussions with their president and executive director — again, face-to-face discussions but discussions over the phone.

I've had meetings with the Yukon Prospectors' Association. The Yukon Gold Mining Alliance invited me and the Minister of Economic Development to provide remarks at their recent investor forum ahead of the Geoscience Forum.

I should take the time to thank Sue Craig as chair and all the members of the Yukon Minerals Advisory Board for their ongoing advice and support to ensure that we have a very robust and competitive regime here when it comes to mining and mining exploration activities.

I also had the opportunity to meet face to face with two representatives of the Yukon Outfitters Association to talk with them about some of their concerns. I find all of these meetings very, very helpful as far as addressing various concerns of industry.

I'll conclude some of the meetings I've had over the past few months with a meeting that the Premier and I attended with Yukon First Nation leaders, which was specifically to talk about the hydroelectric project that we announced recently would be going to the Yukon Development Corporation to take the lead in research and planning.

That was a very good meeting with the Grand Chief and several chiefs or deputy chiefs from many of the First Nations across the territory.

I am very pleased to introduce at this time the 2013-14 supplementary estimates for the Department of Energy, Mines and Resources. This supplementary budget reflects adjustments made to the 2013-14 budget as Energy, Mines and Resources works to manage Yukon's natural resources and ensure integrated resource and land use. For this supplementary budget, EMR requests an overall increase of \$13.9 million for operation and maintenance expenditures and an increase of \$514,000 for capital expenditures.

EMR works to manage all sectors of Yukon's natural resources in a responsible and sustainable manner. EMR's responsibility to the public and clients is to ensure the regulatory regime is clear and competitive and that it provides certainty and effective environmental protection. The management of minerals, water, oil and gas, forestry, agriculture and land includes both the regulatory and enforcement responsibilities of the legislation along with policy development, client support and education.

As far as the O&M expenditures for this supplementary estimate — EMR O&M expenditures have increased by \$13.9 million, bringing the revised 2013-14 O&M budget to \$78.1 million. In addition to reflecting collective agreement and manager's salary increase adjustments across the department, EMR's O&M expenditures include some significant departmental initiatives. The \$575,000 O&M increase in Sustainable Resources includes revote adjustments and collective agreement increases.

The Sustainable Resources division includes the Land Planning branch. EMR's Land Planning branch regularly assists communities in developing local area plans and zoning regulations to ensure orderly development. Planning initiatives resolve competing land uses by providing area residents and First Nation governments with the opportunity to participate in developing balanced land use policies to create certainty over future land use. Zoning regulations are guided by local area plans and provide development criteria to group compatible land uses together, separate incompatible land uses from each other and manage population densities.

The Yukon government is continuing to prioritize planning and zoning initiatives in the Whitehorse periphery, where the population continues to grow and land development pressures are greatest. Marsh Lake and Carcross planning processes will be completed by early 2014 and are good examples of First Nation, community and Yukon government collaboration. The Fox Lake plan is also being initiated.

In spring 2013 Mayo Road consultation was finalized and the order-in-council allowing subdivision of residential and commercial lots was approved. Within the O&M increase for the Sustainable Resources division are two revotes totalling \$72,000 for the department's work on the McGowan lands. The McGowan lands initiative is being advanced, along with comprehensive amendments to the Hamlet of Mount Lorne and Carcross Road area plan, to allow subdivision of rural residential and agricultural lots in Mount Lorne. Work on this initiative began in April 2012 with a public consultation process to consider the amendments to the local area plan and zoning, allowing for subdivision of rural residential properties. The consultation on the first phase of agricultural and rural residential development on the McGowan lands will take place in 2014.

A final residents survey was completed in June of this year and is being used to finalize a decision on the appropriate subdivision model. A geotechnical investigation of the McGowan lands, which is located at the north end of Mount Lorne, has been completed and subdivision concepts are being prepared to assist with the public consultation process.

Also within Sustainable Resources O&M are revotes and collective agreement increases for the Forest Management branch. The Forest Management branch is actively engaged in managing the regulatory regime implemented with the *Forest Resources Act*. Fully implemented in January of 2011, Yukon's forest management regime reflects a strong commitment to the industry in terms of secure tenure opportunities while protecting diverse forest values. A key part of this work is active engagement with the local forest industry. Energy, Mines and Resources provides funding to the Yukon Wood Products Association and works with the association to promote development of a sustainable forest industry and collaborative development of forest policies.

The Haines Junction tenures allocation strategy, developed in cooperation with the Yukon Wood Products Association, sets a fair and transparent performance-based strategy for disposition of licences. This strategy rewards active industry members with appropriate tenures and a secure supply. In addition, development of timber harvest plans is continuing as the department works to ensure harvest opportunities in areas where there is a demand by industry. Forest management planning provides certainty and respect to the land base and allows managers and industry to function to the full capacity of the *Forest Resources Act* through longer-term tenures and defined annual-allowable cuts.

The Sustainable Resources division increase in this budget includes a Forest Management branch revote of \$125,000 to complete aerial photography in the traditional territory of the Champagne and Aishihik First Nations. Yukon government and CAFN have collaborated closely on forest management for many years. A forest resources management plan was jointly approved by Yukon and the Champagne and Aishihik First Nations governments in 2004. The planning process focused on the condition of the forest as a result of the spruce bark beetle infestation. Implementation of the joint plan is well underway with timber available in the Pine Canyon, Bear Creek, Marshall Creek and Quill Creek timber harvest plans, as well as fuel abatement treatments in Haines Junction, Canyon City and Silver City.

In addition, a Champagne and Aishihik First Nations/Yukon government implementation agreement was signed in August 2012 and establishes planning and management objectives to be met by 2015. The implementation agreement between Champagne and Aishihik First Nations and Yukon government sets a path forward to establish a new annual allowable cut by 2015. The largest O&M adjustment for EMR within this supplementary budget is an increase of \$12.9 million for the Oil and Gas and Mineral Resources division.

This increase includes a \$400,000 budget increase for the Yukon mining incentives program to enable the program to provide \$1.17 million total for the 2013-14 fiscal year. The additional funds for YMIP will help encourage more investment in mineral exploration during a period when raising capital was extremely challenging. YMIP provides funding to individuals, partnerships and companies to move forward on their mineral exploration projects.

Part of the program's function is to provide a portion of the risk capital required to locate, explore and develop mineral projects to an advanced stage. YMIP has a proven track record at leveraging exploration dollars and many of the dramatic successes within Yukon's mineral sector have been due to the initial support of this program, as well as the free-entry mineral tenure system that we have in place. It is well known that Shawn Ryan, who discovered the White Gold deposit has credited the support of YMIP for making his initial exploration work possible.

Approximately three-quarters of YMIP funds are allocating to individuals, reflecting and supporting the determined individualism of Yukon's mineral sector. YMIP focuses on quality projects and is a competitive, proposal-driven process that is merit-based. The projects most likely to be funded are the ones that have the best chance of succeeding and have the strongest potential to generate additional investment in Yukon's economy.

I believe that of the active exploration projects in the Yukon this past summer, half of them received support from YMIP and many of them, and many individuals I talked to in the industry, were very grateful for the additional dollars that we put in, as that allowed them to extend their exploration projects in many cases.

Also, within the O&M adjustment for the Oil and Gas Resources is an overall \$12.19-million increase for the work of the Assessment and Abandoned Mines branch. This budget's increase to the Assessment and Abandoned Mines branch reflects an amended type 2 mine sites agreement with Canada. Funding for the Faro mine complex is 100-percent recoverable from the federal government. The Yukon government is committed to providing environmental protection in human health and safety at the abandoned Faro mine site.

The department's work is focused on developing cost-effective approaches to protect the environment and human health at the former Faro mine while maximizing training employment and business opportunities within the Yukon. EMR is implementing a five-year \$200-million plan that includes the development of a long-term remediation solution, a series of interim capital works designed to address emerging risks and ongoing care and maintenance activities. All major works executed at the Faro mine site include participation strategies that promote First Nation and community participation through training, employment and business opportunities.

In addition to the work at the Faro mine complex, EMR also leads monitoring and remediation of a number of other type 2 sites. At the time of devolution, several mine sites in the Yukon, known as type 2 sites, were identified as having potentially unfunded environmental liabilities related to closure. Those type 2 sites currently under company control are being monitored by Assessment and Abandoned Mines branch to ensure that no unfunded liabilities are transferred to the Yukon government, and Assessment and Abandoned Mines branch also participates in efforts to address environmental issues at type 2 sites through monitoring of site

activities and working with various parties on the development of long-term remediation plans.

I know that my time is running short at this opportunity. I will turn it over to the opposition for questions but ask for their indulgence in getting on to some of the capital expenditures in the budget that I will conclude after accepting initial questions.

**Mr. Tredger:** I thank the minister for his comments and welcome the official to the Legislature. It's a pleasure to have you here and I look forward to you assisting the minister in answering. Thank you to you and your colleagues for the briefing this morning. It was much appreciated.

I'll keep my introductory remarks brief and the minister can get back to his preamble and then we can get into the questioning.

There are a number of areas I wish to touch on in the questions as we debate the supplementary budget. The first one would be around energy. I feel this is a very critical juncture in the Yukon's history, and I think it's very important that we get it right — that we take our time and that we look at what's going on. We have watched for the last 10 years as we realized that our supply of hydroelectricity was running out. The government is coming to this realization rather late, but it seems that they are coming to it and I applaud them for that.

Coupled with our need to tackle the energy industry and to work with the energy industry to ensure that we have reliable energy for our future needs is the overriding aspect of climate change. The Intergovernmental Panel on Climate Change recently issued a report and it was a very concerning that we are well on our way to having to deal with this in a very urgent and critical manner. There is no doubt now that the influences of humans on this planet are a major contributor to climate change. There is no doubt that we as a human race need to come to grips with that very quickly.

We hear again and again of catastrophic events that are happening, but we also hear of melting permafrost and what it means to our road systems and the infrastructure costs. We hear about the different costs to us in terms of food production, the costs in terms of insurance and climate change in terms of catastrophic events, such as droughts, heavy rains, increasing colds spells as well as increasing warm spells. What we do around energy is critical. We can make a difference here; we must make a difference here. So I will be asking some questions around our government's climate change policy and how that meshes with our energy policy.

We're also at a lull in our mining industry, certainly the exploration part of it. We are making some critical decisions around some mines that are getting closer, we hope, to coming on stream. I have a few questions around those. This may be a good time to sit back and take a look at some of the decisions that have been made around YESAA and perhaps to audit some of the decisions — and decisions made by the decision body — to see if the mitigation efforts are valuable, if they are achieving what we intended them to achieve.

We recently had an exploration boom and a staking boom. There was a lot of activity in the territory. How did we

handle that? How much of that activity trickled down to the people in our territory? How much remains? It's time to take a close look at that to see what we can learn so that we are better prepared for the next mining boom or the next exploration phase.

It's good to see the amount of effort being put into training of our youth and workforce. I commend the departments for their efforts to work with the various industries, as well as with Yukon College and our school system, to ensure that our students are. We need to take a look and make sure that the amount of money we're spending on that is coordinated and achieving its results. Just throwing money at something is not necessarily the solution. It must be done in a way that can be evaluated, that can be measured and where we can determine if it is achieving its purposes.

The minister mentioned the type 2 mining activity, mining recoveries and our relationship with the federal government, as well as with the First Nations in the area. Around the type 2 mines, I have a few questions on the development of it and what is happening in some of our type 2 mine sites.

I was pleased to hear the minister talk about agriculture. Agriculture is something that is very important to Yukon people in terms of food security. The Yukon agricultural industry has worked very hard to create a Yukon brand and Yukon grown. Yukon people appreciate that and they know the significance of shopping locally and supporting our local farming industry. I have a few questions as to where we're going with that and how much land is being made available in terms of our sustainability and sustaining that.

I was pleased to hear the minister talk about our forestry industry. I have a few questions, especially around developing industry and heating sources of wood. I know we've had a number of experiments in the wood-chip industry and working with local producers of wood to try to develop a wood-chip industry and a wood-chip market. I have a few questions around what has happened there, what lessons we have learned and where we are going from it.

If I can just step back to the mining and extraction industry, I have a question around the oversight and inspection and how that is working, what we need to do to improve it for the next time, and what has been successful in it. I know the civil service has been working very hard to ensure that our land is protected and that industry is able to work within the regulations. Now that there is a bit of a lull, this may be the time to examine that more closely.

I have grave concerns about this government's relationship with First Nations and the way they are looking at the implementation of self-government and how that is affecting our industries and how that is affecting our lands and land selection in the Yukon. I have a number of questions around that area. Again, I'm also concerned that land use planning seems to have stalled — that the whole process has taken a side turn — and how this government and Energy, Mines and Resources mean to work with industry and with First Nations to get that back on track.

Those are some of the questions that I will be looking at as we go through this part of debate. I did want to start with type 2 mines, but I'll start with the Yukon mining incentive program. This program was introduced by the NDP and I'm glad to see that it has been carried on by the Yukon Party government. In fact, it has been enhanced and I would like to inquire about the additional funds of \$400,000 that will go to the Yukon mining incentive program to support mineral exploration.

As I said, the Yukon NDP did introduce the mining incentive program and we feel that it is a good program, particularly in the way that the money invested leverages more money. Many of the people who have benefited from this are Yukon people, small business people and small exploration people who work in the mining industry, who hire Yukon people, and thus the money is again magnified. I gather this is a one-time amount in the context of the recent sharp downturn in the market. Is this \$400,000 for any specific aspect of the exploration industry or the mining incentive industry, or is it just an additional amount that will be continued to be used within the same parameters that have been used in the past?

**Hon. Mr. Kent:** I'm just going to thank members opposite for allowing me just to conclude my opening remarks with respect to the capital expenditures contained in the supplementary budget, and then I'll address the member opposite's question.

When it comes to moving into the capital allocations of this supplementary budget, the estimate increases EMR's capital expenditures to \$1.76 million. In addition to an internal transfer from Forest Management branch, this adjustment includes a \$134,000 revote and an additional \$380,000 for the Land Management branch's Sawmill Road development project. The Sawmill Road country residential lot project is a joint development, resulting from a partnership between the Yukon government and Teslin Tlingit Council. The partnership started several years ago with planned recreational lots being made available on both Yukon and settlement land at Little Teslin Lake. For the sawmill project, EMR is making available 21 country residential lots on Sawmill Road in Teslin, while the Teslin Tlingit Council is planning to provide 20 lots on adjacent settlement land that they have developed.

The lots on YG land will be sold to the public through a lottery process later this year and will be priced to provide affordable country residential lots for area residents. The Sawmill Road project is part of EMR's work to address the demand for developed lots in all communities. The branch maintains an inventory of land within the City of Whitehorse and rural communities with developed lots of all classes available for sale.

EMR works with municipalities, communities, First Nation governments and the private sector to make land available to Yukoners. We are working with several communities to encourage consideration of zoning amendments to increase opportunities for development and subdivision of private land. On private land outside of

municipalities, the subdivision of agricultural and rural residential lots is also helping to address demand.

Public land also continues to be made available for a variety of purposes through several spot-land application policies.

EMR also works with Yukon First Nations to support their efforts to make settlement land available for residential and recreational purposes. In addition to the department's work with the Teslin Tlingit Council, EMR is working with the Champagne and Aishihik First Nations on the creation of planned, rural residential lots in the Canyon Creek area. Work is also being done on land located on the south Klondike Highway, where a site is in the planning stage for potential rural residential and agricultural planned lots.

Within Whitehorse, the Land Management branch recently took steps to support the planned and orderly growth and development of Yukon College with the recent establishment of a land reserve. Again, the government has also assisted the college to identify land for projects such as the Centre for Northern Innovation in Mining and are now supporting the college to develop a land use plan for the future development of its Whitehorse campus.

The City of Whitehorse recommended a potential long-term expansion area in their 2010 OCP, based on Yukon College input during the OCP public consultation. We recognize there are other interests in the land surrounding the campus and the Yukon government will ensure that all regulatory processes are followed and that interested stakeholders have the opportunity to provide input into the planning process.

Overall this supplementary budget provides an update on some of this government's work to build a strong and diversified natural resource economy that benefits all Yukoners. As this budget shows, EMR works across a wide range of resource sectors, supporting diverse economic growth and opportunities.

To close out my introductory remarks, I'd like to acknowledge again the hard work and dedication of EMR staff. Yukon's resource economy has placed new challenges on our staff across the territory, yet their dedication and professionalism is unrivaled.

Now I'd like to touch on an overview of the topics that were raised by the Member for Mayo-Tatchun in his opening remarks and then, more specifically, on the Yukon mining incentive program.

When it comes to the energy field, we are vigorously engaged in discussions for a clean power future for Yukon. That starts with some of the policies that we've brought in, like the micro-generation policy, as well as moving on toward the development of an independent power producers policy and a biomass strategy, moving up the line through initiatives that we've engaged the Government of Alaska on, such as the energy corridor, and the memorandum of understanding that I and the Minister of Economic Development and Environment recently signed with the State of Alaska Commissioner in Skagway. This examines not only generation in Skagway, but also the connection of Skagway to the Yukon through grid and

some of the other projects along the way that could potentially be developed for future generating capacity, on a smaller scale than the large hydro project that we've asked the Yukon Development Corporation to lead the research and planning in.

We're very cognizant of the energy needs, not only for residents of the Yukon, but our expanding economy and industrial client base. That's why we feel that scalable hydroelectric power makes sense, and we're looking forward to not only receiving the workplan from the Yukon Development Corporation here within the next 90 days as to how they will conduct the research and planning, but also the final report that we're expecting, which will identify a number of issues such as location, costs and financing and other aspects of the project that are going to be very important as we advance and look for partners in bringing this project to fruition for all Yukoners in the future.

When it comes to mining, I will look forward to addressing specific questions from the member opposite, particularly with respect to YESAA, because I'm not clear exactly what he would have us do with YESAA. All members know, of course, that is federal legislation and while it does have recommended representatives of the Yukon government and First Nations, there are also federal representatives on that board. I know there are a number of rules and policies and procedures that take place, so I'm interested in hearing a little bit more, specifically from the member opposite as far as questions with respect to YESAA and evaluation and auditing of YESAB projects. We'll get into that, I'm sure, when we get to that part.

When it comes to agriculture, again I'm keenly interested in seeing this sector advance. The more food that we can have grown locally and sold in our local stores, the better — as well as at the Fireweed Community Market.

I'm very pleased that, just prior to the Cabinet reassignments, the former Minister of Energy, Mines and Resources announced significant funding for the Fireweed Community Market here in Whitehorse. We've seen other markets spring up in some of the other communities as well, such as Haines Junction, for instance, which opened up a community market this year, as well.

Biomass and forestry — we are again looking forward to engaging in more detailed discussion with the member opposite in getting to some of his specific questions.

With respect to that, I know there are some great opportunities for heating that will be identified through our biomass strategy but have also been identified by some of the industry representatives that I've met with. I know, Madam Chair, the MLA for Watson Lake last Thursday introduced a motion with respect to addressing some forestry issues and advancements with the Liard First Nation, so perhaps we'll get into some discussion around that motion, as well.

I'm looking forward to discussing First Nation relations as well because I think there are a number of positive initiatives that this government has undertaken. We continue to work closely with First Nations, particularly on land development — as I mentioned, working with the Teslin

Tlingit Council, for instance, on Sawmill Creek and following up on some work that was done in the Little Teslin Lake area for some recreational lots. We have some opportunities with the Carcross-Tagish First Nation, particularly around their Bennett beach development, that we are looking to explore further with them.

I mentioned in my opening remarks the fact that the Premier and I attended a leadership meeting and talked about our plans for a larger, scalable hydro project. I'm excited about the discussion that we had with First Nation leaders at that table. Again, we are currently engaged in the final round of government-to-government consultations with four affected First Nations on the *Peel Watershed Regional Land Use Plan*, as well as engaged on the Dawson area planning commission with First Nations. That's obviously at a much earlier stage as the commission continues to do their work, but we're looking forward to that continuing to evolve as we move toward a final recommended, and then final, land use plan for the Dawson area.

With respect to the Yukon mining incentive program, that additional \$400,000 that we invested supported almost half, I believe, of the projects that were underway in the territory this year. Much of the leveraging was done on a four-to-one basis. I was excited to hear that the member opposite supports those types of leveraging initiatives because I know my colleague from the Yukon Housing Corporation is undertaking a similar leveraging initiative right now with respect to the northern housing trust money — leveraging dollars to build affordable rentals.

I'm excited to hear that the NDP supports those types of leveraging initiatives where we get matching dollars from the private sector or other individuals for our investment to, in the case of the mining incentives program, quadruple it and then, in the case of the northern housing trust program, double that investment so we can make a real difference for Yukon and Yukon industries. I'm excited to hear about that as well.

When it comes to climate change, I'd like to refer members to an August 28 press release that was issued by the Government of Yukon that talked about a progress report on the implementation of the 2009 *Energy Strategy for Yukon*. At that time, it had determined that "...the Government of Yukon is on track to surpass its target of increasing Yukon's renewable energy supply by 20 percent by the year 2020."

It states that "...in 2012, 95 percent of electricity demand was met by renewable energy and nearly 20 percent of heating demand was met by renewable wood-based heating". This was greater than any other jurisdiction in Canada on a per-capita basis.

Additionally, the Aishihik third turbine and Mayo B projects have increased the Yukon Energy Corporation's renewable generation capacity by 22 percent, which already exceeds the territory's target of increasing renewable energy by 20 percent by the year 2020. The *Energy Strategy for Yukon 2012* progress report is available on-line, I believe, through the Energy, Mines and Resources website. That's another interesting aspect on climate change and what we're

doing here in the Yukon to meet our requirements with respect to developing more renewable energy.

With that, I know I addressed the Yukon mining incentive program question, but if there's any follow up on that or additional questions, I'd be happy to answer them.

**Mr. Tredger:** Seeing the time, I want to just get on something that we might be able to deal with fairly quickly here. The minister mentioned the land development in the Teslin Lake area and I have a number of concerns about housing in communities in my area. I know Carmacks has been looking for lots and housing for some time. I talked to a number of people where there wasn't housing available. The same is true in Pelly Crossing and in Mayo, and at Site C in Mayo there was some talk. I would like an update from the minister on the developments on Site C.

I know that the First Nation was ready to begin developing land and looking forward to developing land. They seemed to have hit a roadblock and I'm wondering if the minister could give us an update on what's happening there.

As everyone is aware, there has been a lot of activity in my riding, in Mayo, Keno, Carmacks, Pelly Crossing and surrounding areas. The industry has developed in that area where the site of the only mine operating at this time — in Capstone Mine. There is potential for several other mines. I know that when Alexco talked about leaving they were very concerned about the cost of fly-in and fly-out people to serve their mines. They cited that as one of the reasons that they were slowing down this winter and, in fact, shutting down their operations and only keeping the environmental arm of their operations open.

This is a concern. I know that talking to the business people in Carmacks and to the citizens of Carmacks, they are quite concerned that a lot of people and a lot of the programs are moving to Whitehorse because housing is not available in Carmacks. They've come up with a couple of ideas and suggestions but I haven't heard of any follow-up.

My question to the minister would be around housing and what is being done in the Mayo-Tatchun area. I know a number of years ago the New Democrat Party — when housing was short in the rural areas — had instituted a program where there was a guaranteed buyback so that when people went to work in the communities, they could build a house or buy a house and live in it, and while that was happening, when they went to move, if they could not get market price for it the government would buy it. That had the effect of achieving a couple of things: it increased the housing stock in the communities, and it encouraged people to stay and live and put down roots in the communities.

It was very successful at the time, but it seems to have languished over the past 10 or 15 years or so. The minister mentioned some innovative ways of looking at housing in the rural communities and building up our housing stock in the rural communities, and I'm wondering if that is something that he would look to bringing back in.

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

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

*Motion agreed to*

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

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

*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. 11, entitled *Second Appropriation Act, 2013-14*, and directed me to report progress.

**Speaker:** You have heard the report of 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 the 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 stands adjourned until 1:00 p.m. tomorrow.

*The House adjourned at 5:28 p.m.*



# Yukon Legislative Assembly

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Number 115

1st Session

33rd Legislature

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## HANSARD

Tuesday, November 26, 2013 — 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

## CABINET MINISTERS

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

## GOVERNMENT PRIVATE MEMBERS

### Yukon Party

<b>Darius Elias</b>	Vuntut Gwitchin
<b>Stacey Hassard</b>	Pelly-Nisutlin
<b>Hon. David Laxton</b>	Porter Creek Centre
<b>Patti McLeod</b>	Watson Lake

## OPPOSITION MEMBERS

### New Democratic Party

<b>Elizabeth Hanson</b>	Leader of the Official Opposition Whitehorse Centre
<b>Jan Stick</b>	Official Opposition House Leader Riverdale South
<b>Kevin Barr</b>	Mount Lorne-Southern Lakes
<b>Lois Moorcroft</b>	Copperbelt South
<b>Jim Tredger</b>	Mayo-Tatchun
<b>Kate White</b>	Takhini-Kopper King

### Liberal Party

<b>Sandy Silver</b>	Leader of the Third Party Klondike
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## LEGISLATIVE STAFF

Clerk of the Assembly	Floyd McCormick
Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Rudy Couture
Deputy Sergeant-at-Arms	Doris McLean
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Tuesday, November 26, 2013 — 1:00 p.m.**

**Speaker:** I will now call the House to order. At this time, we will proceed with prayers.

*Prayers*

## DAILY ROUTINE

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

Tributes.

## TRIBUTES

### In recognition of National Caregivers Month

**Ms. Hanson:** I rise on behalf of all members of the Legislative Assembly to pay tribute to National Caregivers Month. Former U.S. First Lady Rosalynn Carter said, “There are only four kinds of people in this world: those who have been caregivers, those who currently are caregivers, those who will be caregivers, and those who will need caregivers.”

A caregiver is an individual who provides ongoing care and assistance without pay for family members and friends in need of support due to physical, cognitive or mental conditions. The term is sometimes used to mean a family caregiver, an informal caregiver or an unpaid caregiver, to differentiate from providers and other health care professionals who provide care.

We are all touched in some way, but we rarely consider the implications of caregiving. Recent statistics are difficult to come by in Canada. However, in 2012, about 8.1 million — or 28 percent of Canadians — 15 years or older, provided care to a family member or friend with long-term health conditions, disability or aging needs.

The Statistics Canada study *Caregivers in Canada, 2012* examined the psychological, financial and employment consequences of caregiving, with the greatest risk of negative consequences for caregivers of children and spouses, who reported at least five symptoms of psychological distress such as depression, a feeling of isolation and disturbed sleep. Nevertheless, Mr. Speaker, nine in 10 caregivers felt that the experience of providing care was rewarding.

In 2012, 19 percent of caregivers received some form of financial support. Help from family and friends was the most common at 12 percent, followed by government programs at seven percent and the federal tax credit at five percent.

Current estimates for the replacement costs of unpaid care in Canada indicates a significant economic contribution by caregivers with estimates for care providers in 2009 ranging between \$25 billion and \$26 billion a year. At the same time, these caregivers incurred \$80 million annually in out-of-pocket expenses.

Family caregivers who provide care and assistance for spouses, children, parents, friends and other extended family members who are in need of support because of age, debilitating medical conditions, chronic injury, long-term

illness or disability are the invisible backbone of the health and long-term care system in Canada. Caregivers are encouraged to see themselves as a loving professional; as an equal member of the care team. As such, they have a right and a responsibility to learn about the disease or condition and to learn about caring for themselves. Many in this Assembly or those listening will know there are many challenges to being a caregiver. It can be a confusing and challenging world.

I thought I would close this tribute to caregivers by sharing *The Fearless Caregiver Manifesto*. It was written in 1997 by a fellow named Gary Barg who, after the experience of working with his mom in caring for his dying father and then in turn, having to care for his dying mother, formed an organization called “Caregiver.com”.

This manifesto has been used by organizations across North America. So, *The Fearless Caregiver Manifesto*, Mr. Speaker, goes like this:

“I will fearlessly assess my personal strengths and weaknesses, work diligently to bolster my weaknesses and graciously recognize my strengths.

“I will fearlessly make my voice be heard with regard to my loved ones care and be a strong ally to those professional caregivers committed to caring for my loved one and a fearless shield against those not committed to caring for my loved one.

“I will fearlessly not sign or approve anything I do not understand, and will steadfastly request the information I need, until I am satisfied with the explanations.

“I will fearlessly ensure that all of the necessary documents are in place in order for my wishes and my loved ones wishes to be met in case of a medical emergency. These will include Durable Medical Powers of Attorney, Wills, Trusts and Living Wills.

“I will fearlessly learn all I can learn about my loved one’s health care needs and become an integral member of his or her medical care team.

“I will fearlessly seek out other caregivers or care organizations and join an appropriate support group; I realize that there is strength in numbers and will not isolate myself from those who are also caring for their loved ones.

“I will fearlessly care for my physical and emotional health as well as I care for my loved one’s, I will recognize the signs of my own exhaustion and depression, and I will allow myself to take respite breaks and to care for myself on a regular basis.

“I will fearlessly develop a personal support system of friends and family and remember that others also love my loved one and are willing to help if I let them know what they can to support my caregiving.

“I will fearlessly honor my loved one’s wishes, as I know them to be, unless these wishes endanger their health or mine.

“I will fearlessly acknowledge when providing appropriate care for my loved one becomes impossible either because of his or her condition or my own and seek other solutions for my loved one’s caregiving needs.”

In an era when there is more and more pressure put on family and friends to provide care for our loved ones, it’s

important that we know that we have rights and that we stand with our loved ones.

**Speaker:** Are there any further tributes?  
Introduction of visitors.  
Are there any returns or documents for tabling?

### TABLING RETURNS AND DOCUMENTS

**Mr. Barr:** I have for tabling YESAB public notice, project name Ross River Suspension Bridge Demolition Project.

**Speaker:** Are there any other returns or documents for tabling?  
Are there any reports of committees?  
Petitions.

### PETITIONS

#### Petition No. 15 — received

**Clerk:** Mr. Speaker and Honourable Members of the Assembly: I had the honour to review a petition, being Petition No. 15 of the First Session of the 33<sup>rd</sup> Legislative Assembly, as presented by the Member for Mount Lorne-Southern Lakes on November 25, 2013. The petition meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

**Speaker:** Accordingly, I declare Petition No. 15 read and received. Pursuant to Standing Order 67, the Executive Council Office shall provide a response to a petition that has been read and received within eight sitting days of its presentation. Therefore, the Executive Council response to Petition No. 15 shall be provided on or before Monday, December 9, 2013.

Are there any petitions to be presented?  
Are there any bills to be introduced?  
Are there any notices of motions?

### NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to make public, as soon as it receives it from the Yukon Development Corporation, a written workplan that includes details on the financial resources necessary to implement a proposed new hydroelectric dam.

I also rise to give notice of the following motion:

THAT this House urges the Government of Yukon to release its decision on the Peel before the House rises on December 19 so that Yukoners can benefit from open debate on a topic that has not been treated in a transparent manner to date.

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

### QUESTION PERIOD

#### Question re: Death at Watson Lake hospital, public investigation of

**Ms. Stick:** Today the CBC reported on two other unexpected deaths of patients at the Watson Lake hospital. The family of Jamie Porter is still wondering why a healthy 20-year-old would die three days after what appeared to be a minor shoulder injury. In the case of Mary Johnny, the coroner talked about a misdiagnosis and lack of proper documentation. Sounds familiar. The minister responsible has not answered many important questions and keeps referring public safety matters back to the Yukon Hospital Corporation. Does the minister responsible believe that Mary Johnny's unexpected death — the second within three months at the Watson Lake hospital where the coroner talks about a misdiagnosis and lack of proper documentation — is deserving of public investigation?

**Hon. Mr. Graham:** I believe that the coroner has a job to do. Within that job description and within the terms of the legislation, the coroner will do the right thing. If she believes that there are unexplained circumstances surrounding any death anywhere in this territory, she will hold a coroner's inquest. I believe that the coroner is independent. She's quasi-judicial, as we've said again and again. She will base her decision on the merits of the case, not on supposition and conjecture brought forward by the opposition.

**Ms. Stick:** What's crystal clear to Yukoners is that the families of Teresa Ann Scheunert, Jamie Porter and Mary Johnny are all seeking answers. They are pointing to legitimate issues of public safety and they are getting neither answers nor support in their queries.

After the family of Teresa Scheunert stated publicly that without legal representation they could not risk the liability of applying to a judge for a judicial review, the minister went on to suggest to the family that they do just that. From a CBC report today, we learned that Mary Johnny's elderly mother is saving from her pension cheque to secure legal representation to get answers. The government has the authority to have a public inquiry called, but refuses to do so.

Why is the Government of Yukon placing this financial burden on families who have lost loved ones at Watson Lake hospital and asking them to do the hard work of learning what happened?

**Hon. Mr. Graham:** We're not placing any burden on families, but what we're trying to do is ensure that the process that is in place is followed. In saying that, as I've said again and again in this Legislature, there is a patient safety examination going on within the Yukon Hospital Corporation for persons who have died within the hospital. The information from that investigation will be shared with the families of the deceased persons. I keep going back to the coroner's office. Let's let the process do its job before we make any decisions with respect to a public inquiry.

We think that the coroner's office has a right to do their job correctly. I know that members of the opposition would interfere with that process, Mr. Speaker, but we're not about

to. We believe that the coroner's office is independent, we believe that the coroner will work within the established guidelines and we will wait until that process has been completed.

**Ms. Stick:** Three deaths — June 2012, August 2012 and February 2013. We've demonstrated to this House that the findings of system failure warrant more than follow-up from the coroner's recommendations to the Hospital Corporation. In the interest of public safety, we have to look into what triggers an autopsy, we have to look at inter-agency cooperation and we have to look at all the policy issues in the original June 14 coroner's report into the death of Ms. Scheunert.

System failure in a publicly owned health care system needs a full public investigation that includes the ability to call independent expert witnesses as well as giving family members standing. It shouldn't be up to them to have to pursue this through the courts. When will the government do the right thing and ensure that there is a public inquiry into the system failures at the hospital?

**Hon. Mr. Graham:** The first thing that we will do as a government is make sure that when we answer questions, we'll try to tell the truth, unlike the opposition, which doesn't do that in asking these questions.

**Some Hon. Member:** (inaudible)

### Speaker's statement

**Speaker:** If a member wishes to bring up a point of order, they should rise and get the Speaker's attention.

I also remind members that, according to your own Standing Orders, Standing Order 6(6), when a member is speaking, the other members are to remain quiet, with the exception of when standing to raise a point of order.

Minister of Health and Social Services please continue.

**Hon. Mr. Graham:** The member opposite indicated that three deaths had occurred in the hospital. That's absolutely not true, Mr. Speaker. Two deaths have occurred at the hospital — two unfortunate circumstances. The third, as I understand it, did not even occur at the hospital. It occurred in an ambulance on the way to the hospital, so it's really difficult for the Yukon Hospital Corporation to instigate an investigation into a death that didn't occur within its hospital walls.

Any death in this territory is taken seriously by both this government and by the Yukon Hospital Corporation, and any lessons we can learn from these extremely unfortunate circumstances, we will. As I've said before, any discussion of a public inquiry is held within the government. We will first of all allow the process to be completed, as it should and as it does under the legislation.

### Question re: Coroner's inquests

**Ms. Moorcroft:** Mr. Speaker, my question is about the *Coroners Act* and coroner's inquests, and it is for the Minister of Justice. I hope that the minister's colleagues will allow him to answer the question.

In January 2011, five tenants at 1606 Centennial Street in Porter Creek died of carbon monoxide poisoning as a result of a faulty oil-fired boiler. A coroner's inquest was held more than a year later in February 2012. The family of the deceased was granted standing at the inquest and was able to call Rod Corea as an expert witness. The inquest resulted in recommendations to ensure such a tragedy did not happen again. The ability of the family to call Mr. Corea as an expert was key to ensuring accountability and public safety.

Mr. Speaker, will the Minister of Justice acknowledge that the right of family members of the deceased to have legal standing at an inquest is crucial to a fair coroner's inquest process?

**Hon. Mr. Nixon:** Mr. Speaker, I don't think I can answer the question really any better than the Minister of Health and Social Services. We know that the coroner is a quasi-judicial office and is independent from government. We as a government have expressed our sincere condolences to the families, both in the Watson Lake case and in the Whitehorse cases as well. But we're not going to interfere with the workings of the coroner's office. The coroner is following prescribed and established processes, and we really expect nothing more than that office doing that. We know that the goal of the coroner's office is indeed to provide facts, as the Minister of Health and Social Services has very clearly laid out, and we look forward to those facts and we look forward to the coroner's office doing their job.

**Ms. Moorcroft:** My question for the minister is whether he agrees that family members should have standing at an inquest. The Court of Appeal decision regarding the Silverfox inquest noted that family members of the deceased do not have legal standing under the Yukon *Coroners Act*. In the Yukon, only the coroner and Her Majesty, Crown Counsel representing the coroner, have standing, allowing them to participate in a coroner's inquest.

The purpose of coroner's inquests is to examine the facts when unexplained deaths occur and to make recommendations to prevent similar deaths in future. A coroner's inquest is about accountability. Family members should have standing, the right to legal representation and to timely disclosure of evidence, and the ability to call and to cross-examine witnesses in the inquest process.

Is the Minister of Justice prepared to do his job and to use his authority to enact *Coroners Act* regulations that will allow family members to have standing and the right to legal representation at a coroner's inquest?

**Hon. Mr. Nixon:** Again, I'll reiterate the information that the Minister of Health and Social Services has very clearly outlined on the floor of this Legislature. The coroner's office is a quasi-judicial office and is independent from government.

Mr. Speaker, the function of the Yukon coroners service has been in existence for years and years and years and that basic function has not changed. The coroner needs to ask the five questions. Who died? When? Where? How? By what means?

We as a government respect the coroner's office and their capabilities to make those decisions and we are not going to get involved, as the Minister of Health and Social Services has clearly laid out on the floor of this Legislature. The coroner is following established processes and we respect those processes.

**Ms. Moorcroft:** The Official Opposition respects the principle of an independent coroner's office. That's why we've been calling for a modern *Coroners Act* with more transparent and accountable procedures. I want to know whether this government will do the right thing.

Two weeks ago in this House, the minister said he's concerned that other coroner models, such as the medical examiner model, are potentially too costly. The minister determined this without any consultation with Yukoners. Is the minister prepared to at least improve the existing *Coroners Act* by bringing forward regulations before another coroner's inquest is conducted — to set out procedures that ensure the rights of family members of the deceased to request a coroner's inquest, to have legal standing and representation at that inquest and to call and cross-examine witnesses?

**Hon. Mr. Nixon:** I'll refer back to my colleague, the Minister of Health and Social Services, who has very clearly laid out the expectations of the coroner's office on the floor of this Legislature.

The coroners service has developed a process for the investigation of unexpected deaths that is uniquely suited to our territory. It's founded in the Yukon *Coroners Act* and in common law. Our coroner follows the law. The goal of the coroner's report is to provide facts. We know that. The Minister of Health and Social Services has very clearly laid that out.

The coroner is a quasi-judicial office and is independent from government. We're not going to interfere with the workings of that office. The coroner is following established processes. We respect the work and the office of the coroner.

#### **Question re: Capital project expenditures**

**Mr. Silver:** So far this sitting, I've been asking several questions about the government wasting taxpayers' money on capital projects. The community hospitals in Dawson and Watson Lake and F.H. Collins school are examples of this. We have seen millions of dollars mismanaged by the Yukon Party. The extent of this mismanagement is not reserved for just larger projects. There are examples of smaller ones as well.

Back in March 2012 the government announced it was going ahead with replacing the Beaver Creek fire hall. Twenty months later, residents are no closer to seeing this facility built. A tender was put out and then cancelled because all of the bids were higher than the budget the government had set aside. When will this project be retendered?

**Hon. Mr. Cathers:** First of all, I have to again point out the inaccuracies in the Liberal leader's narrative. I know this has been a very traumatic month for him with finding out that the highlight of his political career — his meeting with Justin Trudeau — Mr. Trudeau didn't even remember what

they talked about, that the meeting existed or that the Yukon Liberal Party existed.

The member is quite simply, absolutely wrong again. In fact, we continue to manage projects in a financially responsible manner and the Beaver Creek fire hall is being designed by architects to ensure that it meets the project envelope.

**Mr. Silver:** I'd like to commend the minister for his excellent job representing his constituents.

The government was very keen to take credit for this project, highlighting it in its budget speech in 2012 and again this year. Unfortunately for residents of Beaver Creek, the government was too busy promoting themselves to actually set proper budgets for the project. As a result of this mismanagement, the budgets all came in well over what was set aside. More importantly, the residents of Beaver Creek are left to manage with an outdated building for another year or so while this government tries to get its act together.

We've seen this pattern being repeated time and time again. The Auditor General of Canada has criticized this government repeatedly for poor handling of taxpayers' money. Similar to situations at F.H. Collins, contractors put time and money into bidding on a project only to see it cancelled.

Can the Premier explain why the government can't seem to get a handle on capital project spending?

**Hon. Mr. Istchenko:** I have to disagree with the member opposite. I'm pretty sure we have a good handle on capital projects when a capital project like the Beaver Creek fire hall, which is in the Kluane riding — and I have assured the residents of Beaver Creek that they will be getting a fire hall — comes in at 50-percent higher than the estimated cost. Our consultant is receiving and reviewing the design as we speak and we look forward to getting that project out into the new year. It's important that we be fiscally responsible. You heard it from us on this side of the House.

When it comes to the member opposite's questions on contracts, I just want to talk a little bit about contracts: the Destruction Bay roof replacement or the Ross River arena, maybe the Selkirk Elementary School roof — actually that was underbudget — Porter Creek Secondary School roof was also underbudget. How about Betty's Haven? I can go on and on about good contracting and good fiscal responsibility.

**Mr. Silver:** We would hope that a government would have a handle on capital spending, so of course there are going to be some projects they can list, but there are some major problems here. Yukoners are well aware of this government's inability to manage the taxpayers' money. The decision to scrap the F.H. Collins school design has resulted in at least \$6 million of taxpayers' money being lost.

Yukoners heard this week that the cost of the expansion of the Whitehorse General Hospital would be between \$60 million and \$65 million. This is despite assurances from the government that it would only be \$50 million. In the budget speech this spring the government said the budget for the new facility in Beaver Creek would be \$3.6 million.

My question is, when the government tenders this project for the second time, will the budget be the same as \$3.6 million or will it actually be lower?

**Hon. Mr. Pasloski:** It's always interesting to listen to the Liberals talk about project management and about overspending. We know what the Liberals would have done if they were in government with this Beaver Creek project or F.H. Collins. They would have just built it, regardless of what the cost was. How do I know that? Because I know when the Liberals were in power they were borrowing money just to pay wages.

I don't think we will be listening to or taking advice from the Liberal Party when it comes to the fiscal management of projects or the fiscal management of the government. Since this government has —

**Some Hon. Member:** (inaudible)

**Hon. Mr. Pasloski:** Do I have the floor, Mr. Speaker?

**Speaker:** Yes.

**Hon. Mr. Pasloski:** Thanks.

Since this government has come into power after consecutive NDP and Liberal governments, we have seen a growing economy; we have seen us out of the red and into the black. We have had consecutive years of a surplus in our budget and ever-growing net financial resources. This is one of only two jurisdictions that have money in the bank — the envy of the rest of the country.

When it comes to a project like Beaver Creek, which was almost 50-percent overbudget, you're right that we are going to look at it again, Mr. Speaker. We are responsible for looking after taxpayers' money and that's precisely what we're going to do.

#### **Question re: Homelessness**

**Ms. White:** Yesterday I asked if the minister responsible for Yukon Housing Corporation knew how many homeless people live in the Yukon, but he did not answer. I asked the minister responsible if 14 beds at the Salvation Army are enough. I asked if the 16 mats, which represent this government's only direct action on homelessness to date, is adequate — but he did not answer.

Repeating the lists of spending on projects targeting the other end of the housing continuum simply is not reducing the number of actual homeless Yukoners. The minister wants to stand by his track record of spending against any government in Canada. For the homeless, comparing track records on ending homelessness would be more meaningful. Edmonton's 10-year plan to end homelessness started in 2009. In the first year, by housing 68 clients, they calculated health care savings of \$2 million. What has this minister's government achieved that compares to Edmonton's result in its first year of its plan to end homelessness?

**Hon. Mr. Cathers:** I appreciate the member's passion for the subject. I think she has the tendency to oversimplify the situation and ignore the significant investments that have been made in strengthening our social safety net. Those include: the Department of Health and Social Services' significant increase to the social assistance rates that was

made; services including additional supportive housing options like Options for Independence; the investments that have been made in the many NGOs that are funded by government, roughly 40 of them funded by Health and Social Services — and some of the increased investments include the investment in Betty's Haven, the increased funding support for all three of Yukon's women's shelters and the investment in the Outreach van.

The list of investments in social housing is a long one and we will continue to do that work. That is part of what is going on today with the symposium on the housing action plan where we are, again, seeking further input from nongovernmental organizations that deal with people who have housing issues. We are seeking input as well from the private sector and we are focusing on building on the good work that has been done to continue to take the next steps that can and should be taken to address housing needs from private home ownership to seniors and of course, having an appropriate social safety net as well.

**Ms. White:** Again, the minister has refused to answer the question.

Inaction on homelessness costs other parts of our system money. Fredericton, New Brunswick used a Housing First approach and collected data from people upon entry into the program and again, one year later. The data showed significant reductions in the use of other social services. Emergency health use declined from 136 nights in hospital to only 17. Justice system interactions shrank from 465 incidents to only 30. Stays in detoxification units were reduced from 98 to 12.

Mr. Speaker, the results suggest that a Housing First approach of providing housing and support represents significant cost-savings in other social services. Is the minister responsible for the Yukon Housing Corporation willing to stand by his government's track record of providing 16 mats to the Salvation Army, compared to the evidence of a 40-percent drop in shelter use in Fredericton, New Brunswick after they initiated a Housing First approach to end homelessness?

**Hon. Mr. Graham:** The member opposite speaks about Housing First as if that was a panacea for all of the ills in the social system and that's simply not correct. We recently started a youth shelter in cooperation with the Skookum Jim Friendship Centre and it has been extremely successful. We have had roughly 20 individuals just in the last little while access that facility.

In addition, we are partnering with the Salvation Army in construction of a new facility here in Whitehorse that will work with homeless people.

We're also talking with a local NGO with respect to the possibility of beginning a housing facility for persons with mental problems.

We are working constantly on housing for homeless individuals in the city of Whitehorse. We aren't going to stop just because we have an action plan being developed in Health and Social Services in cooperation with the Yukon Housing Corporation. We'll continue to work on this problem.

**Ms. White:** It goes to show that a champion can make things happen. I thank the Minister of Health and Social Services for lobbying his caucus for the youth shelter.

So who will be the minister who will champion Housing First? The Minister of Yukon Housing Corporation was right about one thing: homelessness is an issue across the whole country. It is increasing as the economic gap widens between the rich and the poor. Across Canada, governments are getting results with different plans to end homelessness and the Yukon Party government's results with respect to homelessness do not compare favourably.

A Housing First approach saves money by reducing the use of other social services, like hospitals, and the justice system. If this government was truly concerned about fiscal responsibility, they would adopt a Housing First approach. What target is the Yukon Party setting with respect to homelessness? Will this government commit to first determining the actual number of homeless in the Yukon and, second, to ensuring that they are housed within a specific time frame?

**Hon. Mr. Cathers:** I understand the member's passion for this, but she is oversimplifying the situation. Calculating the number of homeless or those who are at risk is something where there are various approaches to calculating. There have been NGOs that have come up with their views and assessments on it.

What we have done is taken a number of steps. Our social assistance rates have been reviewed. We indexed them to address the cost of food based on Agriculture Canada's nutritious food basket approach. We have taken a number of areas, including funding for NGOs that provide supportive services. That includes: funding for the Outreach van, funding for Salvation Army, funding for the Skookum Jim Friendship Centre and the emergency youth centre. There is a very long list of investments by this government, which we will stack up against the record of any government in Canada, in addressing these matters.

The member speaks of a specific approach taken in a specific city. The member is dealing with a specific policy in isolation from understanding the fact that we are affected by things, including where we are in proximity to the rest of Canada and the possibility of people coming here. There are issues that do affect all of these matters. What we are doing is continuing to work with our partners to take the next steps in building on our strong record of investments in these areas.

**Speaker:** Order, please. The member's time has elapsed.

#### **Question re: Ross River suspension bridge**

**Mr. Barr:** After the Yukon Party government announced they would demolish the heritage Ross River suspension bridge, the community of Ross River made it clear they wanted the government to consider other options. A structural engineering consultant said that there are other options — to make urgent repairs to the bridge.

Pressured by the Official Opposition, the government announced it would arrange for an independent engineering

peer review. But recently, a YESAB application was filed by the Yukon government for the demolition of the Ross River bridge. So has the government received the result of its independent engineering review, and if not, why are they moving ahead with the Ross River bridge demolition?

**Hon. Mr. Cathers:** First of all, the member is inaccurate in his assertions. As I pointed out to the member, but he is conveniently failing to reflect, it was based on the request from the Member for Pelly-Nisutlin and the Chief of the Ross River First Nation that a priority was put on looking at other options.

As I have stated unequivocally in the House before, the only reason the demolition of the Ross River bridge is being contemplated is because we have to take the engineering report that we have received seriously. We are waiting for the results of the peer review because there are two conceivable outcomes — one being repair and one take down.

Department staff, concerned about the potential length of the YESAB process, did submit an application to YESAB because winter is the best time to take the bridge down, if indeed that is the option that needs to be done. However, it is premature to seek public views on such an application when neither the public, nor the government have received Dr. Ellis's recommendations, so the YESAB application has been withdrawn.

**Mr. Barr:** Mr. Speaker, after years of government inaction, the government announced in June that they would fix the Ross River suspension bridge. Then in October, they announced they would demolish the bridge. Then earlier this month, they announced an independent engineering peer review. Weeks later, they filed a YESAB application for the demolition of the bridge. The people of Ross River deserve better.

Will the minister commit to making the independent engineering review public and to keep options on the table until the review is complete?

**Hon. Mr. Cathers:** That's exactly what I've committed to before. Again, once we receive the recommendation from Dr. Ellis and his analysis of this, we will be sharing those results with the people of Ross River, including the Ross River First Nation, prior to determining whether the bridge can be repaired or taken down. Again, we have to take the report we received from DNA Engineering seriously and take the safety issues with the bridge that they identified seriously, but that is the only reason that we are even contemplating the possibility of taking down the bridge.

As I explained earlier, staff concerned about the potential length of the YESAB process did submit an application that would address their concern about getting through with an application to potentially demolish the bridge, if that was the option that was chosen. However, as I've stated, it is premature to seek public views when neither the public nor the government has received the Ellis report — the peer review that we committed to — and therefore the application to YESAB has been withdrawn.

**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 am pleased to identify the items standing in the name of government private members to be called for debate on Wednesday, November 27, 2013. They are Motion No. 531, standing in the name of the Member for Vuntut Gwitchin, and Motion No. 533, standing in the name of the Member for Watson Lake.

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

**ORDERS OF THE DAY**

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

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

*Motion agreed to*

*Speaker leaves the Chair*

**COMMITTEE OF THE WHOLE**

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

**Motion re appearance of witnesses****Committee of the Whole Motion No. 5**

**Hon. Mr. Cathers:** I move:

THAT Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board, and Joy Waters, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses in Committee of the Whole from 3:30 p.m. to 5:30 p.m. on Tuesday, November 26, 2013, to discuss matters related to the Yukon Workers' Compensation Health and Safety Board.

**Chair:** It has been moved by Mr. Cathers:

THAT Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board, and Joy Waters, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board, appear as witnesses before Committee of the Whole from 3:30 p.m. to 5:30 p.m. on Tuesday, November 26, 2013, to discuss matters related to the Yukon Workers' Compensation Health and Safety Board.

**Hon. Mr. Cathers:** There isn't a lot to say to this motion. This is a standard annual event, pursuant to the *Workers' Compensation Act*, which we notified House leaders of, and this is a procedural motion to allow the witnesses to appear before the Assembly this afternoon.

*Committee of the Whole Motion No. 5 agreed to*

**Chair:** The further matter before the Committee is Vote 52, Department of Environment, in Bill No. 11, entitled *Second Appropriation Act, 2013-14*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

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

**Chair:** The matter before the Committee is Vote 52, Department of Environment.

**Department of Environment**

**Hon. Mr. Dixon:** It is a pleasure to rise and speak to the Supplementary No. 1 for 2013-14 for the Department of Environment. I'll be going through some of the details of this particular supplementary and break down some of the spending that you see in the budget this year, but before I do, there are a couple of items I wanted to discuss a bit.

Before I do, there are a couple of items I want to discuss at bit. I have with me today, an assistant deputy minister of Environment, Allan Koprowsky, who is here to provide me with all of the answers to the questions the members will ask me.

I should note as well that the other assistant deputy minister of Environment, Ed van Randen, has recently returned from Warsaw, Poland, where he led the Yukon delegation on the Conference of the Parties 19, related to climate change. He led a delegation of Yukoners that included himself, our Climate Change Secretariat's director and, for the first time ever, a Yukon youth ambassador who represented Yukon in Warsaw and during the discussions and negotiations related to the issues being discussed there.

The youth ambassador, as I said, was accompanied by our ADM and the director of Climate Change Secretariat who mentored him and allowed him to learn about and share the Yukon government's approach to climate change with colleagues from around the world in Warsaw. He also had the opportunity to deepen his knowledge of climate change issues, especially related to international negotiations. He has come back, but when he is back on the Yukon time zone, he will have the opportunity to share that knowledge that he gained with Yukoners here in the territory. I believe the plan for him now is to continue providing what has been a fairly entertaining blog posting of his time in Warsaw and to share his experiences and the knowledge that he gained there with Yukoners in the territory, particularly youth.

He'll be doing some classroom work throughout the territory and he'll be doing some work with the Climate Change Secretariat on educational initiatives. I haven't met with him since his return, but I met with him before he left and I know that he was very excited, so I look forward to hearing about how his experience was in Warsaw and whether or not it was a successful endeavour. This, of course, is the first time we have ever done this — had a youth ambassador represent the Yukon government, and have the Yukon

government pay for a youth to attend the COP negotiations of the UNFCCC.

That is something I wanted to highlight, Madam Chair, before I get into the budget discussions.

Another item that I think is worth noting — and one that has received a significant amount of attention this sitting so far — is our recent passage and assent of the *Animal Health Act*. We continue to implement animal health programs and the animal health unit, and I know that staff in the department are excited about the passage of that particular act, and especially those in the animal health unit are looking forward to implementing that act in due course.

There is a lot of work still to be done — in particular, the development of regulations and subsequent policy and programming to do with that — but I know that staff and I are eager to see that move forward and look forward to updating the House on that work in due course.

I'll turn now to my opening remarks with regard to the supplementary appropriation before us today. The supplementary budget I am presenting today for the Department of Environment would result in an increase of less than five percent over the \$34,528,000 voted to date. Much of this increase is due to salary increases arising from the new collective agreement, which were retroactively applied back to January 1.

This budget is a good example of the wide range of activities undertaken by the department in support of our mandate in taking the lead role in: regulating and enforcing safe standards for air, water and soil; managing human impacts on fish and wildlife; providing quality outdoor recreation opportunities in our parks and campgrounds; addressing the challenges of global climate change; and actively implementing the provisions of First Nation final agreements.

With respect to operation and maintenance expenditures, a total of \$1,188,000 is sought in the general management area. A total of \$41,000 is sought to cover collective agreement and managers' salary increases. In the Corporate Services area, a total of \$201,000 is sought. Over 90 percent of this is for a collective agreement and managers' salary increases — that is \$184,000. A total of \$20,000 is sought for implementing the *Inuvialuit Final Agreement*. Canada provides the Yukon government with just over \$1 million annually to implement federal obligations under the IFA. The additional funds reflect the impact of indexing and will be 100-percent recoverable.

There is also a minor internal transfer to reflect new operational arrangements for managing the "Your Yukon" column that appears every second week in the *Yukon News*. In the environment sustainability area, a total of \$747,000 is sought. More than 60 percent of these funds are for collective agreement in managers' salary increases, a total of \$480,000. Revotes totalling \$34,000 are sought in order to support two projects that weren't completed at year-end in 2012-13. \$155,000 is sought for four wildlife inventory or research projects: a moose survey in the Mayo area, a Southern Lakes bear survey, a survey of the two elk herds and research done

as a part of the bison management plan. I'd like to note that these surveys were delayed due to weather conditions or other unforeseeable circumstances, a situation that arises certainly more than our biologists would like.

I did mention that one of these projects was the Southern Lakes bear survey and I want to provide a little more colour to that program. The population study of grizzly bears in the Southern Lakes region began in 2009 in collaboration with the area's First Nations. The study area covers the important grizzly bear ranges between Tagish Lake and Kusawa Lake, from the Alaska Highway south to the British Columbia border. It is a multi-year study that will provide a solid estimate of population and genetic makeup and information on grizzly bear habitat use, including important den use and foraging areas in this region.

Nutritional status, seasonal movement pattern and an index of annual cub production and survival will also be outcomes of this work. As a primary harvest species and a species that is potentially in decline in the Southern Lakes area, it is important to gather information specific to this population and complete an assessment of population abundance and status. This project is important on an international scale because it helps Yukon meet its obligations under the Convention on International Trade in Endangered Species to manage this species using the best available scientific techniques and information.

Yukon's bear management program impacts Canada's non-detrimental finding by CITES, which means that export of grizzly bears will not adversely affect the wild population. I've spoken previously about this particular study in the House before, and the reason for that is that it's obviously very important to us here in the Whitehorse area, as the area south of Whitehorse is the area of study. It's also one of the programs that I had a chance to tour earlier in our mandate and I appreciated learning much about the way that our carnivore biologists undertake the studies related to this particular species.

The other project that this budget is seeking funding for is the moose survey in the Mayo area. The Mayo area and areas to the north and east have seen significant activity in the past couple of years, and it's important that we have information about important wildlife habitats in this area for assessing potential effects of development.

What exactly we are going to do is an aerial survey to locate moose in an area near Mayo where there is a high level of mineral staking and exploration and a proposed winter road.

The data will be used to map key wintering areas for moose. Knowledge of key areas for moose wintering will provide the basis for recommendations on avoiding impacts or mitigating the impacts of activities in that region. I'm happy to provide more information to members if they do need it on that particular study.

The additional two aspects of this particular funding that I'm discussing now relates to the two elk herds and research done as part of the bison management plan. I tabled the bison management plan in the House earlier this year in our spring

sitting so members should be quite familiar with it. I would note that it is a very successful plan and is one that we're quite proud of — certainly in finding the balance between managing a species that has national implications and, of course, very local implications as well. There are management regimes for bison across the country but I think the bison management plan here in Yukon finds a nice balance between those national considerations as well as local considerations.

Lastly, in the environmental sustainability area, a total of \$75,000 is sought for five projects with all funds 100-percent recoverable. Funding is for the Yukon Conservation Data Centre, a rut count of the Porcupine caribou herd, a Canadian Heritage Rivers project, and a research project involving trout in the Southern Lakes.

In the Environmental Liabilities and Remediation area of the operations and maintenance budget, the Department of Environment seeks a total of \$199,000. Collective agreement salary increases account for \$10,000 or about five percent of that total. Revotes are sought for two remediation projects for a total of \$129,000. The projects involve the Marwell tar pit in Whitehorse and the Swift River highway maintenance camp. Both projects are still undergoing assessment, the vital first step in determining the nature and extent of contamination. From there, the best options for cleanup are determined. New funds are sought for assessment work at four solid-waste or dump sites. A total of \$60,000 is needed to complete phase 1 assessments at Carcross, Deep Creek, Ross River and Tagish.

That's it for operation and maintenance funds at the Department of Environment. As I've noted earlier, the bulk of these changes stem from the new salary increases for union and management members, arising from the new collective agreement.

With respect to capital expenditures, the department is seeking \$472,000 — an increase of about 14 percent over the existing estimate of \$3.43 million. The biggest expenditure is for improvements to capital maintenance and upgrades. A total of \$204,000 is sought for a new roof on the Haines Junction fish and wildlife trailer — which I know the Member for Kluane has indicated to me is certainly deserving of having a new roof.

There are also planning and building repairs for the headquarters building in Whitehorse and septic upgrades for the Mayo district office. About half of these funds are from a revote, with the rest coming from an interdepartmental transfer, which I mentioned earlier.

Revotes totalling \$268,000 are sought for four fairly interesting projects. \$33,000 is to continue the department's ongoing investment in the environment, licence administration and monitoring system. While this work is invisible to most of us, as most IT systems work is, once the new system is complete and implemented, the department will have a central process for supporting licensing, monitoring and enforcement activities. It's certainly my hope that one day this could lead to a possibility of on-line licensing for some activities in the Department of Environment.

A revote of \$50,000 is sought to cover the costs of a new river patrol boat based out of the relatively new Carmacks

district office. I'm sure members can appreciate the important role this equipment plays in monitoring, enforcement and overall safety on the river. This also includes the planning work for replacing the Watson Lake district office that requires a revote of \$126,000.

Finally, a revote of \$59,000 is needed in order for Parks branch staff to continue its work on the planning for the Atlin Lake territorial campground. This supplementary budget is a great snapshot of the many activities that the Department of Environment undertakes in order to support a healthy, sustainable and prosperous Yukon now and into the future.

I would like to conclude my remarks here, Madam Chair, as I see you're indicating my time is almost up, by thanking the staff in the Department of Environment for their dedicated and professional work. I know that they — and I — are certainly committed to environmental stewardship, informed decision-making, working in partnership with other organizations and governments and organizational excellence. I'm happy to commend the department for the work they've put into this particular budget. Seeing that my time has elapsed, I will turn it over to members opposite to ask questions and perhaps I can provide answers throughout the rest of the afternoon.

**Ms. White:** I would like to thank the official for being present in the Assembly this afternoon. I am just going to get right into questions.

Currently in the Yukon, how many campground reserves exist? Out of that number, how many have been staked or otherwise encumbered?

**Hon. Mr. Dixon:** Of course there are a number of campgrounds in the territory already, as well as a number of historical recreational or campground reserves. Some of these date back many, many years and some are more recent, but of course these reserves would have been set aside at the time for either recreational or campground purposes.

I can indicate that there are 30 campground reserves, totalling 28.67 square kilometres throughout the territory. I will be happy to provide the information the member is looking for by indicating which ones have some sort of staking on them and which do not.

The first, Conrad, is in the traditional territory of the Carcross-Tagish First Nation. It is the size of approximately 44 hectares and has no mineral staking. The Atlin Lake campground reserve is in the traditional territory of the Carcross-Tagish First Nation as well as the Taku River Tlingit First Nation. Its approximate size is 112 hectares and it does have two placer claims.

Alligator Lake has a campground reserve. It is in the traditional territory of the Carcross-Tagish First Nation and the Kwanlin Dun First Nation. Its approximate size is 362 hectares and it has no mineral staking. The Carcross Desert is a recreational reserve. It is in the traditional territory of the Carcross-Tagish First Nation. Its size is 65 hectares and has no mineral staking.

The name of this one is Carmacks/Ross River, so I'm not sure if it's in Carmacks or Ross River. It's in the traditional territory of the Little Salmon-Carmacks First Nation. It is 29

hectares in size and has no mineral staking. The Christmas Bay reserve is in the traditional territory of the Champagne and Aishihik First Nations. It is the size of 52 hectares and has no mineral staking.

Cracker Creek is a reserve in the traditional territory of the Champagne and Aishihik First Nations. It's approximately three hectares and has no mineral staking. There's a reserve near Emerald Lake, which is in the Carcross-Tagish First Nation's traditional territory. It's 45 hectares and has no mineral staking. Finlayson Lake is in the Ross River Dena Council's traditional territory. The reserve is about 34 hectares and has no mineral staking. In the Whitehorse area, there is a reserve near Fish Lake in the traditional territory of the Kwanlin Dun First Nation. It's 0.4 hectares and has no mineral staking.

Wolf River, in the Teslin Tlingit Council's traditional territory, is 37 hectares in size and has no mineral staking. Flat Creek is in the traditional territory of the Tr'ondëk Hwëch'in First Nation. It's nine hectares in size and has no mineral staking. Frances River is in the Liard First Nation's traditional territory. It's two hectares in size and has no mineral staking. Hanson Lakes is in the traditional territory of the Na Cho Nyäk Dun. It has an active quartz claim overlain on it and it is north of Mayo. The size of that reserve is 50 hectares.

The Hoole Canyon has a reserve and it is in the traditional territory of the Ross River Dena Council. It's 137 hectares in size and has no mineral staking. Jackfish Lake is in the traditional territory of both the Selkirk First Nation and the Na Cho Nyäk Dun. It's 74 hectares in size and has no mineral staking.

The Lapie Lakes reserve is in the Ross River Dena Council's traditional territory. There is a two-hectare reserve there and has no mineral staking. Little Fox Lake is in the traditional territory of the Kwanlin Dun and Ta'an Kwäch'an. It is 0.5 hectares in size and has no mineral staking.

The Little Salmon River is in the traditional territory of the Little Salmon-Carmacks First Nation. It is two hectares in size and has no mineral staking. There is an additional reserve on the Little Salmon River that is eight hectares in size and also has no mineral staking. Louise Lake, which I recently learned is better known as Jackson Lake, is in the Kwanlin Dun's traditional territory. It is seven hectares in size and has no mineral staking. The Magundy River is in the traditional territory of the Little Salmon-Carmacks First Nation. It is two hectares in size and has no mineral staking.

There is a reserve at Marsh Lake, which is in the traditional territory of the Carcross-Tagish First Nation and the Kwanlin Dun First Nation. It is one hectare in size and has no mineral staking. There is a reserve at Mayo Lake, which is in the traditional territory of the Na Cho Nyäk Dun. It is two hectares in size and has no mineral staking. Mendenhall Creek is in the traditional territory of the Champagne and Aishihik First Nations. The size of that reserve is two hectares and it has no mineral staking.

There is a recreational reserve at Millhaven Bay, which is in the traditional territory of the Carcross-Tagish First Nation. It is approximately 1,700 hectares and has no mineral staking.

The Pelly River has a reserve of 42 hectares. It's in the traditional territory of the Ross River Dene Council. It has no mineral staking.

Quiet Lake is in the Quiet Lake parcel C in the traditional territory of the Teslin Tlingit Council First Nation and the Liard First Nation. That's two hectares in size and has no mineral staking. Sulphur Lake is in the traditional territory of the Champagne and Aishihik First Nation. There's a 12-hectare reserve there and it has no mineral staking. The Yukon River near the Lewes River section — there's a reserve of 29.1 hectares which is, of course, in the traditional territory of the Kwanlin Dun and Ta'an Kwäch'an Council and it has no mineral staking.

That's the entire list of campground or recreational reserves that we have in the territory and as I said earlier, in most cases these go back many, many years prior to land claims. Just to reiterate, there are 41 campgrounds in the territory. There are 12 recreational sites. There are 30 reserves that are undeveloped, which I listed. There are three campgrounds with withdrawal orders — the Tombstone Territorial Park, Kusawa and the Takhini River. I believe that answers the member's question about the list of reserves that we have and whether or not they have mineral staking within them.

**Ms. White:** Out of that list, we have the two that have been staked or otherwise encumbered. We have both Atlin Lake and Hanson Lake. I question as to why the government is pursuing Atlin Lake to the level that they are. Have they thought about what kind of mitigation that may require as it has been previously staked?

**Hon. Mr. Dixon:** The reasons why we have identified Atlin Lake as a positive site for the development of a campground in the territory are many. I've mentioned them before in the House, but I'm happy to do so again.

We've noted in our collection of statistics about the usage of campsites and campgrounds in the Yukon that there is a significant demand for one or several new campgrounds in the general vicinity of Whitehorse. What I mean by the general vicinity is an approximately two-hour driving distance from Whitehorse. We note that many of the campgrounds that exist currently are already very well-used. As any person who uses campgrounds in the summertime will attest to, it's very difficult to get a spot at any of these campgrounds on any given weekend. I think the problem is especially acute on long weekends or particularly sunny or nice-weather weekends.

Atlin was identified as a potential area where we could possibly develop a new campground. It was identified many years ago and held in reserve, as have several of the ones that I've listed today. It's an important area as well because of its proximity to the Snafu Lake and Tarfu Lake campgrounds that exist currently.

Both of those campgrounds are very well-used and there are a number of reasons why we might even suggest that they are perhaps overused. First of all, on the actual physical use of those campgrounds, visitors to those campgrounds will note that the terrain isn't particularly conducive to high traffic or high usage. It's an area where damage can occur quite easily,

but because of its proximity to Whitehorse, both of them do get used quite a lot.

As well, there are challenges around the fishing populations and angling populations in both of those lakes. I believe that in the current regulation change proposals, there is a measure being proposed to further restrict angling in those lakes. The reason for that is quite simply that they are used so heavily and perhaps even overfished. So we know that there is pressure in the area — the general vicinity of the Atlin Road — for additional use.

Atlin was identified and as I said before, we're fairly excited about it. It is a big, beautiful lake that is certainly conducive, for geographical reasons, to the development of a campground. We identified in our budget from last year that we would be pursuing the possibility of developing this campground. Since then, we have had a number of discussions in this House about the consultation process that has occurred between the Yukon government and the Taku River Tlingit First Nation.

I would like to discuss that a little bit further. We have had a number of meetings that have occurred with my department and residents in the general area, including the Taku River Tlingit First Nation. As well, officials and I met with the spokesperson of the Taku River Tlingit First Nation earlier this year to discuss it. As I've said before, the Taku River Tlingit First Nation has indicated that, before seeing any activity occur in the area where they have asserted aboriginal rights, they would first like to have a land claim. That is, of course, fully within their right to request.

We've indicated to them that we would be happy to come to the table to negotiate a land claim with them once they have made significant progress with the government where they have their primary claim, which is British Columbia. In order for them to do that, of course, the federal government and the British Columbia government will need to come to the table. I'm not sure of the current position of the federal government in this sense, but of course the B.C. government has their B.C. treaty process, which the federal government does take part in as well. At that point, once they've made significant progress in their primary area of claim, Yukon government will be happy to come to the table and negotiate for the transboundary claim, which includes some areas in the southern Yukon around the Atlin Road area where they have an asserted aboriginal right.

That being said, we feel we can consult with the Taku River Tlingit and do our best to mitigate any impacts of the development of a campground on those asserted rights. In order to do that, we need to have the First Nation indicate to us how we might be able to do that.

We have been in consultation with them on that. I think I'll turn to a letter that was written by the Premier to the spokesperson for the Taku River Tlingit on November 18, only a few short days ago. In that letter, he says: Formal consultations with Taku River Tlingit First Nation on the Atlin Lake campground proposal began with a letter to you on August 20, 2013, from the Deputy Minister of Environment, Kelvin Leary. Since that time, there have been a number of

opportunities for the TRTFN to identify any potential adverse impacts to its asserted aboriginal rights and title stemming from the campground proposal. The matters you raised on September 13 in a meeting with the Minister of Environment, the Taku River Tlingit First Nation's subsequent comments in Yukon's public meetings and its submission to the YESAA assessor regarding the proposed campground are all being given careful consideration as part of Yukon's consultation process. There will also be additional opportunities for TRTFN to comment on the proposed campground in the future.

I do not agree that the campground proposal should be put on hold pending negotiations related to a possible transboundary treaty negotiation between the TRTFN, Canada and Yukon. Yukon's position with respect to all transboundary claims continues to be that the First Nation's primary claim must be substantially resolved before any such discussions may take place. We understand that continues to be Canada's position on transboundary claims as well. Once significant progress has been made in TRTFN's negotiations through the B.C. treaty process, we will be willing to consider entering into discussions regarding TRTFN's transboundary claim in Yukon. Until that time, Yukon will continue to fulfill its obligations to TRTFN through consultation and, when appropriate, mitigation and/or accommodation with respect to potential impacts.

Also in that letter, the Premier offers a subsequent meeting between our officials and the officials of the TRTFN to share perspectives on what an eventual transboundary claim negotiation might look like. Also in that letter, the Premier says, and I quote: "Also, please reconsider my offer to enter into discussions to develop a consultation protocol between TRTFN and Yukon. While a consultation protocol is not necessary in order for Yukon to fulfill its consultation obligations, I am confident that such a protocol would make future consultation processes better for both our governments." Then he indicates the person to contact to discuss the matter further.

We're confident that we can, through consultation, mitigate any impacts that may occur with regard to asserted aboriginal title and rights of the Taku River Tlingit First Nation. We will be taking into consideration what is said and what is determined through the YESAA process.

I did note this morning that YESAB issued its recommendations to us as the decision body and that it suggested that the project could proceed with a number of terms and conditions. Our job now in the process is to take those recommendations, review them, determine the extent and nature of our consultation obligations, and issue a decision document that would then guide us forward. That will be the task for the Yukon government now — to come up with a decision document that outlines a number of responses to the recommendations put forward by YESAB. We'll do that as soon as possible.

It is my hope that we'll be able respond positively to all the recommendations. There are a number of recommendations in that that relate to a range of issues from

fish habitat to security and safety of the campground. I'm confident that we'll be able to respond to those in a decision document very soon.

With that, I think I have explained a little of the rationale as to why we have proceeded with the Atlin Lake area as a potential spot for a new campground, explained a little bit of the process that has gotten us to where we are today, and of course our next steps, which are to issue a decision document and then proceed, depending on what that decision document says. So I hope that answers the member's question.

**Ms. White:** Does the proposed Atlin Lake campground infringe on an existing trapline?

**Hon. Mr. Dixon:** I believe there is a trapping concession in the area and that was considered by YESAB. I haven't read the 105-page report published by YESAB yet, but I would imagine that YESAB would take into consideration the fact that there is a trapping concession in the general area and would probably provide recommendations on how best to proceed if the recommendation was to go forward, which it was. I assume that YESAB considered all possible additional uses of the land and came up with recommendations that they felt were reasonable and within the scope of their legislation.

Of course, trapping is not the only thing they need to consider; there are other users in the area who had comments and concerns. There were a number of people who commented strongly in favour of seeing a campground developed, but there were some who had some questions and concerns and raised them in the YESAA process. Of course, other users in the area include the Bible camp and cabin owners in the general area.

We will endeavour to respond to the recommendations provided by YESAB and, if we decide to move forward and develop the campground, we will do so in a way that will mitigate the impact on any other existing users of the land.

**Ms. White:** To date, has government consulted with the holder of the trapline?

**Hon. Mr. Dixon:** I don't believe that we have contacted the owner of the trapline directly, although any individual — whether they have an ownership right or a usage of the area — has the opportunity and is encouraged to submit their thoughts through the YESAA process. That is what it is intended to do and that is why that process was established and why it is in place. If there were other individuals who had concerns, or other users of the land, I'm sure they would have submitted them through the YESAA process. I believe dozens of Yukoners did so.

**Ms. White:** I know for a fact that the holder of the trapline is interested in having conversations. He also spoke at the Carcross community meeting when officials said that the trapline was not in use. He had assured them that he was out the previous winter, so he is interested in having that conversation.

Right now the Atlin Lake campground has staking on it, it has an existing trapline and the Taku River Tlingit filed a petition yesterday that says they want the Yukon government to cease and desist.

So knowing about Conrad — that it has sandy beaches, it has existing roads, the Carcross-Tagish First Nation are interested in developing it into a campground and there would be an economic spinoff toward the community of Carcross — is the government considering looking toward Conrad in the near future?

**Hon. Mr. Dixon:** The member has listed three concerns related to the claims, the trapline and the Taku River Tlingit's concerns. The first one, the mineral claims — if we do decide to go forward — is something that we can deal with through the development of the campground or the development plan. The first thing would be to try to work with the claims holder to determine their actual plans. If they have no plans of having any activity on their claims any time in the future, then it really isn't a problem. Nonetheless, we could develop the campground in such a manner that allows for some separation between those kinds of activities.

As to the trapping concession, I would note that almost the entire area is within a one-kilometre distance from private residences, including the one across the Atlin road and the Bible camp. Trapping, I believe, according to the *Wildlife Act* and regulations, isn't permitted within a one-kilometre distance of private residences, so any trapping that may have been occurring within a kilometre of a private residence would be in contravention of the *Wildlife Act* and regulations. I'm sure that is not what the person was suggesting when they were saying they were trapping, but if there are other uses of the land, that is the duty of YESAB to consider and provide recommendations to government on whether or not those can be mitigated and, if so, how. Like I said, I haven't read the 105-page YESAB document yet, but I know that it includes a number of recommendations and I'm sure they will relate to those other uses of the land in the area that have potential.

Finally, with regard to the Taku River Tlingit First Nation's concerns — as I said, we have explained the approach there. We are supportive of the First Nation pursuing a land claim, but our experience in the Yukon is that land claims take a very long time to negotiate and implement. They took decades in the case of the Yukon. I don't think it's fair to suggest that we should put on hold every other use of the land in the asserted area until that land claim process is completed. In light of that, we have offered to the Taku River Tlingit First Nation to enter into a consultation protocol to guide our consultations with them over the coming years on any number of issues. That would provide certainty for both Yukon government and the Taku River Tlingit as to how consultation would be undertaken.

They initially responded negatively to that proposal and to the idea that a consultation protocol may be a good measure in the interim of establishing a land claim but, as the Premier indicated in his letter to the Taku River Tlingit, we would hope that they would reconsider that position and that option. We think it's a good idea that we consult with the Taku River Tlingit in a way that they understand and that they're participating in, and the development of a consultation protocol is a way to do that.

With regard to this specific project, we are going to review the recommendations of YESAB. We are going to review our consultation to date with the First Nation and determine whether or not we can move forward with a project that meets all those considerations.

With regard to the Conrad campsite and the characterizations by the member of the sandiness of the beaches, I agree. I think Conrad would be a fantastic campsite at one point and a beautiful spot. It's a rather windy area, but I toured it with my deputy and assistant deputy minister last summer. We drove out — as well as the Atlin campground — we toured them both. I toured that one campground with a different set of officials. Nonetheless, I toured both sites and they are both beautiful. Atlin Lake is a rockier terrain. It has probably a better set-up for boat launches and the fact that Atlin is such a big and beautiful lake. I think Yukoners will be happy to get out and use it more, as the portion that is in the Yukon is exceptionally beautiful.

With that being said, Conrad Lake is an exceptionally beautiful place as well. I would expect that we would be looking at that particular site very soon. It's indicated in the *Carcross-Tagish First Nation Final Agreement* as an area of partnership the Yukon government would have with that First Nation. If we do go down the road of developing Conrad, we would do so in concert with the Carcross-Tagish First Nation.

I don't think it needs to be an either/or proposition. I don't think we need to only do one; I think we can do several. We can take several steps forward on the development of campgrounds in this territory. I would encourage members of this House to recognize that Atlin is an exceptional spot as well and that it's a prime location for an addition to our beautiful network of campgrounds in the territory.

**Ms. White:** To change subjects, can you please elaborate on the water monitoring projects in north Yukon? Is it more than just a flow rate? Is it going to look at mineral content and existing contaminants? When will the work be started? Is it ongoing or does it have an end-date? Will it be carried throughout the year or during particular seasons?

**Hon. Mr. Dixon:** I was pleased to announce earlier this year that we would be increasing the monitoring program for the north Yukon and appreciated the input from my colleague the Member for Vuntut Gwitchin in coming up with an idea for increasing that. As well, we've been doing a lot of work around water monitoring and developing our water monitoring network through the development of the water strategy, and I'll touch on that in a moment.

The member opposite is quite correct that on October 10, we announced that Yukon government would be enhancing our water monitoring program in Yukon's north to improve its overall understanding of water distribution, movement and quality in an area with increasing potential for development. As I said on October 10, the Yukon government established three new hydrometric monitoring stations over the summer to help ensure we have the information we need for good decision-making.

This work supports the draft Yukon water strategy goal of strengthening our understanding of Yukon's surface and

groundwater regimes. One of the new stations is near the mouth of DalGLISH Creek in the Peel Basin. The remaining two are upstream of Old Crow in the Porcupine River Basin. One is on the Eagle River at the Dempster Highway and the other is near the mouth of McParlon Creek. The Eagle River station was installed in partnership with Environment Canada. The new stations complement the five hydrometric stations in place for several decades in the north Yukon area.

Department of Environment will install a groundwater monitoring station next year on the Eagle River. There will also be several water-quality sampling campaigns in the area over the next three years in order to capture seasonal variations in water quality. The government is spending \$147,700 this fiscal year to install and operate the new stations, with a further \$119,000 identified for 2014-15.

Northern Cross Limited has contributed helicopter time and other in-kind services because it is already in the area exploring for oil and natural gas and will find the new data helpful. As I said, the Member for Vuntut Gwitchin had a significant role in encouraging us to undertake this work, and I would like to quote him in saying: "The health of our water systems has always been a top priority in North Yukon and it's great to see our government acting to ensure we maintain the water quality through baseline data collection." He also added — and I quote — that: "The more surface water knowledge we have, the better management decisions we can make. I believe this decision reflects the values that Yukoners hold because water is essential to all aspects of our lives." In addition to working with Northern Cross, the government also invited the First Nation of Na-Cho Nyäk Dun, Vuntut Gwitchin First Nation and Tr'ondëk Hwëch'in First Nation to observe and/or assist its water specialists in the field. Na-Cho Nyäk Dun helped conduct field and baseline sampling in the Peel watershed in 2012 and 2013. The Yukon Department of Environment and Environment Canada together operate 64 hydrometric monitoring stations across the territory to collect information such as water levels and flow rates." Data collected by the new stations will be available on [www.yukonwater.ca](http://www.yukonwater.ca), which is a recent initiative of the Water Resources branch in an effort to better share the data that we collection with Yukoners both in the public and other levels of government.

This work is an excellent example of collaboration between the government and First Nations, as we've offered to have First Nation citizens assist in the collection of the data. It's my hope that the First Nation governments will respond positively to that offer. I think it's a great opportunity for First Nation citizens who have a role in water management to get out on the land and see how the Yukon government conducts itself in terms of the data it collects. I think it will be a great learning experience for anybody who chooses to accept that offer.

The decision to conduct some of this work has been driven in response to increasing interest in the area particularly because of the potential for oil and gas development in the Eagle Plain Basin. The project aims to fill current gaps in our understanding of the recent hydrology and

water quality. The data collected will augment the information provided by the existing long-term water quality and hydrometric monitoring networks that I discussed earlier. Upon completion, as I said, it will add to the body of information we have with regard to water quality and water quantity in the territory.

I should note as well that this is completely consistent with the work that we've done to date on the development of a water strategy for Yukon. As members will know, a practitioners workshop was held in June 2013 with water managers and oil and gas regulators from Yukon and surrounding jurisdictions. The purpose of the workshop was to better understand how Yukon's surrounding jurisdictions manage and monitor surface water as it relates to oil and gas development.

A key message arising from the workshop was the importance of acquiring baseline data. In outbreak groups, potential data collection projects for the Eagle Plains basin were identified. This work, at that workshop in June, helped shape the current water monitoring project.

In both 2012 and 2013, as I said, Na Cho Nyäk Dun citizens helped conduct fieldwork and baseline sampling of the Peel watershed, and we hope that the Vuntut Gwitchin First Nation and the Tr'ondëk Hwëch'in First Nation will respond positively. I should note that this work also aligns with the implementation of the *North Yukon Regional Land Use Plan*. The Yukon government and the Department of Environment play a significant role in implementing that plan.

I'm confident that this new announcement of new programming will assist us in better understanding the water resources in our territory and, in particular, in the Eagle basin, which is of growing importance because of the potential of oil and gas activity in that area.

**Ms. White:** I thank the minister for the assertion that the quality of the water is being tested. Just a quick question then and that will lead to the next one — the five existing monitoring sites — do they have similar mandates to the ones you've just listed off?

**Hon. Mr. Dixon:** I'm not sure exactly which five she's referring to. I think it's the five that currently exist there. I believe they are hydrometric stations that are owned by Environment Canada that we work together to administer through an agreement that we have with Environment Canada — a hydrometric monitoring stations agreement — but I don't believe that there is a mandate for them. She asked what the mandate for each station was — I think the mandate is simply to collect hydrometric data, but I'm not sure — I'd have to look into exactly which five she means.

**Ms. White:** I apologize for the non-clarity. That was five also in the similar area in the north Yukon. Just to go back to water — when we talk about the quality of water, it refers to chemical, physical and biological characteristics of the water. How will decisions be made as to what signature elements will be tested for in the water-quality testing leading up to possible development in the area?

**Hon. Mr. Dixon:** I'm going to turn back to the first question because I have a little more here. The Canada-Yukon

water quality monitoring program is the one we administer with Environment Canada. I wanted to add that the parameters that we measure through that agreement and through that monitoring program are acid/base chemistry, carbon, carbon-nitrogen compounds, major ions, metals, dissolved non-metals, nutrients, organic contaminants, oxygen and pathogens. Most stations are sampled every month, but that depends on access and the ability to actually get up to a site. Sometimes we're limited by weather. I think that perhaps better answers what the member's question was. I have to admit in reading this, I missed the question she just asked, so I'll ask her to maybe ask it again.

**Ms. White:** My question was, how will decisions be made as to what signature elements will be tested for in the water-quality testing in the new water monitoring stations in forward-thinking of possible development in the area?

**Hon. Mr. Dixon:** With regard to the actual science-based explanation of what we are testing for, I can't really answer that in an informed manner right now. As I said earlier, we had a practitioners' workshop earlier this summer where we heard from other jurisdictions as to what they measure. These jurisdictions included Alberta, Northwest Territories, B.C. and Alaska. Each of those jurisdictions have significantly more activity, especially with regard to oil and gas, and they have a lot of history and understanding of what to test for, why to test for things, where to test, and so on.

We naturally would rely on — first of all — what we hear from our experts in the department, in the Water Resources branch. But in areas that they have gaps in their own knowledge or understanding, specifically with regard to the oil and gas industry, we would lean on other jurisdictions and experts from outside Yukon to help us out with understanding some of the things that we don't currently know.

The practitioners' workshop that we held in June was an example of that and was an example of us reaching out to other jurisdictions to better understand what it is they test for in their own jurisdictions and how we can develop a program here. But I would note in a more general sense — in a more comprehensive sense of what we need to test for in the Yukon — that that's part of the reason why we are developing a water strategy to guide us in our decision-making about water monitoring programs and about how we use water and the whole suite of issues that we are all very familiar with in this House as we've reviewed the water strategy.

Now that isn't concluded yet. What I'm sure the strategy will tell us, among other things, is that we need to improve the way and the system for collecting water information. What information we collect and how we collect it I'm sure will be something that the water strategy will take into consideration. But again, as I said, aside from the data or the parameters measured that I listed earlier that we do through the Canada-Yukon Water Quality Monitoring Network, there is not much more I can add. As I said before, through that program we measure acid/base chemistry, carbon, carbon-nitrogen compounds, major ions, metals, dissolved non-metals, nutrients, organic contaminants, oxygen and pathogens. As I

said, most stations are sampled every month, but that depends on weather. I think that's all I can really say about that.

**Ms. White:** I thank the minister for endeavouring to answer that question.

There were 2,000 swans at the Tagish Narrows in April this last year because of the thick ice out at Swan Haven at Marsh Lake. I've asked it before, but what is the status of the Tagish Narrows Habitat Protection Area? What are we doing to ensure this area is protected? Are we looking to put a management plan in place — or when might we be looking to put a management plan in place?

**Hon. Mr. Dixon:** Basically the answer, I think is yes. We would seek to develop a management plan for the Tagish Narrows Habitat Protection Area. It's an area that's identified in the land claim of course with the First Nation. Currently, we're focusing on the planning activities related to the Kusawa Territorial Park and the Agay Mene Territorial Park, but of course, when and if the First Nations identify that as a priority for planning, we would be happy to step up to the plate and undertake that planning.

One thing I would note actually about that, Madam Chair, is related to the status of park planning in general. I have a bit of an explanation to add a little more clarity and correction, I guess you could say, to some of the comments I made in response to the Member for Mount Lorne-Southern Lakes' questions about Agay Mene Territorial Park yesterday. One of the things — I had a chance to review the Blues and I realized that I said that the management committee "is underway and has been operational." That deserves some explanation and correction. I have the letter here that I'll ask a page to deliver to the Member for Mount Lorne-Southern Lakes.

I'll read it here just to put it on the record: "Following your question to me on Monday, November 25, 2013 ..." — on the matter of the Kusawa and Agay Mene parks management planning — "... I would like to take the opportunity to provide you with additional information on the current state of planning for Kusawa and Agay Mene Territorial Parks.

"There is an active Steering Committee developing a management plan for Kusawa Territorial Park in collaboration with Champagne and Aishihik First Nations, Carcross/Tagish First Nation and Kwanlin Dun First Nation. Planning resumed in September 2013. We are looking forward to receiving public input into the planning process and the completion of the draft management plan for Kusawa Territorial Park during 2014-15.

"In response to your question about management planning for the Agay Mene Park I indicated that 'management committee' was 'underway and has been operational.' This comment should be clarified and corrected. The Agay Mene Territorial Park Steering Committee (as opposed to Management Committee) is currently not active at the request of our First Nations partners for reasons of capacity. The planning process has been on-hold since May 2010. It is important to note that the committee members have been appointed and that Yukon government stands ready to resume planning work in collaboration with Carcross/Tagish

First Nation and Teslin Tlingit Council. As I indicated in my response, I remain optimistic that planning will continue and that we will reach a management plan for the Territorial Park.

"Department officials are hopeful that the Terms of Reference used in the planning of Kusawa can be used as a template for Agay Mene when planning resumes for that Territorial Park."

That is one aspect of territorial park planning that I wanted to put on record and to clarify some of the comments I made yesterday. This ties in to the member's question because, as I said, our priorities for developing a management plan come from working with First Nations and, in the case of the Tagish River and Lewes Marsh, planning processes have not been initiated pending decisions by the affected First Nations.

Of course, as I said before, the department is working hard to meet Yukon government's habitat protection area management planning obligations arising from land claims agreements and we will continue to do so as First Nations work with us and suggest different areas for us to focus on.

Planning is underway for the Whitefish wetlands, the first habitat protection area arising from a regional land use plan. Planning is also underway for Pickhandle Lake, and the Ddhaw Ghro plan is in its final stages. Habitat protection areas are one of the ways that the Yukon government can preserve habitat, practise conservation and safeguard traditional First Nation harvesting practices.

In answer to the member's question about the specific management planning for Tagish River, more work is needed, but we need our First Nation planning partners at the table and we'd be happy to undertake that work once it has been identified by First Nations as a priority.

**Ms. White:** My next question is about extended producer responsibility, or EPR. I realize that the Minister of Environment was not the Minister of Environment on October 29, 2009, but I'm just seeking confirmation as to whether or not the Minister of Environment at the time, or the day, was at the Canadian Council of Ministers of the Environment meeting in 2009 — when I ask questions about a specific document as to whether or not the Minister of Environment was there.

**Hon. Mr. Dixon:** I'm not sure where the Minister of Environment was on that particular date, but I do know that, with regard to extended producer responsibility ministerial responsibility, the Canadian Council of Ministers of the Environment endorsed EPR as something that we'd like to see in Canada. What that's going to mean is that each jurisdiction is going to be different. Not every system is going to be identical in every province or territory, but as a general statement I would say that we are supportive and have indicated our support for the CCME's work in this respect and that we'll continue to work toward improving not just how we recycle and use materials in the territory, but how we deal with solid waste across the spectrum.

I won't delve too much into the work of Community Services in this respect and I'll focus as much as I can on Environment Yukon's role, but I do need to note that

Community Services plays the most significant role in the management of our solid waste facilities in the territory.

That being said, Environment Yukon obviously plays an important regulatory role and is advancing a number of projects and policies that will support the potential development of an EPR system in Yukon. One of them is through the proposed amendments to the *Environment Act*.

Earlier this year, we announced that we would be consulting on changes to the *Environment Act*. The *Environment Act* review focuses, as I announced earlier this year, on reducing risks to human health and the environment, advancing sustainable development and improving consistency with Yukon's legislative practices. One of the changes that we're looking at is to allow for industry-led recycling programs, which are a common feature of a solid waste management system pretty much anywhere else in Canada. It's something that is explicitly prohibited by the current iteration of the *Environment Act*.

We're considering how to move forward with EPR. We had several meetings with the recycling industry and municipal stakeholders earlier this year to discuss opportunities to improve the beverage container and designated materials regulations. Our initial assessment is that Yukon's recycling program can be improved and put on a path toward self-sustainability. We intend to bring forward proposals for public review before any changes are made to the regulations. Changes would expand and increase the sustainability of existing recycling programs for a number of different products.

We're considering legislative changes, we're considering regulatory changes and, of course, policy and program changes as well — all with the goal to improving how we deal with solid waste in the territory and all, in a general sense, working toward the commonly agreed-to goal of extended producer responsibility as articulated by the Canadian Council of Ministers of the Environment.

**Ms. White:** I think I'll come back to that when we have more time, as I know we're running down and I'm not sure if we need a pause? Should I ask that we report progress?

**Some Hon. Member:** (inaudible)

**Ms. White:** Madam Chair, I move that you report progress.

**Chair:** It has been moved by Ms. White that the Chair report progress on Bill No. 11, entitled *Second Appropriation Act, 2013-14*.

*Motion agreed to*

### Appearance of witnesses

**Chair:** Pursuant to section 102 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 5 adopted earlier today, Committee of the Whole will receive witnesses from the Yukon Workers' Compensation Health and Safety Board. In order to allow the witnesses to take their places in the Chamber, the Committee will now recess and reconvene at 3:30 p.m.

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

### Appearance of witnesses

**Chair:** Pursuant to section 102 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 5, adopted earlier today, Committee of the Whole will now receive witnesses from the Yukon Workers' Compensation Health and Safety Board.

I would ask all members to remember to refer their remarks through the Chair when addressing witnesses and I would also ask the witnesses to refer their answers through the Chair when they are responding to members of the Committee.

#### *Witnesses introduced*

**Hon. Mr. Graham:** The witnesses appearing before the Committee of the Whole today are Mark Pike, who is the chair of the Yukon Workers' Compensation Health and Safety Board, and Joy Waters, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board.

**Chair:** Would the witnesses like to make opening remarks?

**Mr. Pike:** Yes, I'd like to start. As Mr. Graham has mentioned, my name is Mark Pike and I'm the chair of the board. With me today I have our president and CEO, Joy Waters. First of all, I'd like to thank you for the opportunity to be here today and discuss our 2012 annual report. My joke of the day is you have to be nice to me because I just spent the weekend in Regina, walking around wearing a Hamilton Tiger-Cats uniform, so I don't have much blood left, you know. Those guys aren't very nice to us.

On behalf of the board, I do have a few opening remarks and they will be brief. Next year is the 100<sup>th</sup> anniversary of the WCB system in Canada, founded on the Meredith Principles, and it is often referred to as the "historic compromise."

The board in the Yukon has continued to fulfill its obligations and responsibilities and we've met our legal obligations, as set out in the legislation under which we operate. The board is fully funded and fiscally responsible. We have successes — our return-to-work statistics are good, our assessment rates have gone down for five years in a row — and these are a great credit to all of our partners, which include not only the employees and employers of the Yukon, but the general public, the governments that allow us to operate and our staff, who are just marvelous.

One of our accomplishments as well is, this spring to summer — and I don't have the exact date with me — there will be a workers' memorial dedicated down on the Whitehorse waterfront. We had the groundbreaking in the fall and it is modelled after the temporary one that we use every year for the Day of Mourning, which is stored somewhere inside the building. It should be just a marvellous way to remember why we're here and why what we do is important.

*Recess*

We have successes, and all of our successes have occurred in an economy that has grown from 2,700 registered employers and about \$830 million in assessable payroll in 2008, to over 3,400 employers and over \$1 billion of assessable payroll in 2012. The economy under which we are operating and for which we are responsible for operating the system is growing and we've managed to achieve our successes in sync with that.

If the questions that come up are just general interest, on the very back page — I believe page 56 of our annual report — is a synopsis that sort of gives a really quick view of the statistics of the board and answers lots of questions you might have at a glance without getting too far into the report.

Our goal, as set out in our strategic plan — and you will see that everywhere we operate — is zero; zero injuries and zero disabilities. The board will continue its best efforts to strive toward that goal.

With that, I'd like to turn it over to Joy if she has anything that she would like to add — sorry, turn it back to Madam Chair.

**Ms. Waters:** I have no further comments, thank you.

**Ms. Hanson:** Madam Chair, I join you in welcoming the guests from the Yukon Workers' Compensation Health and Safety Board. I hope that they will be okay with my just referring to them as WCB, because the other is very lengthy and I trip over it every time. So it will be WCB from me this afternoon if that is okay with you, Madam Chair, and with our guests.

The Official Opposition welcomes the opportunity to follow up on matters — to hear from the board on the current initiatives and some of the work that is reflected both in the 2012 annual report and initiatives this current year, as well as the opportunity to follow up on matters that were raised when the witnesses last appeared before this Committee on December 6, 2012. At that time, we touched on issues that were raised in the WCB annual report and in the strategic plan for 2012-16, which is still current. I anticipate revisiting some of those topics for updates on progress and will want to address matters from the 2012 Auditor General's status report.

The *2012-16 Strategic Plan* stated in its environmental scan that the board forecast for the next five years — so that period of time of 2012-16 — "...increased activity in the highest risk sectors — construction and mining." The scan noted that the Workers' Compensation Health and Safety Board would have to manage their resources, programs and services in this commodity-based boom economy — what they called it, in quotes — and that they needed to be prepared to adapt to a bust economy. I don't think — and I hope nobody would want to believe — that we're at a bust level, but we would be interested in the board's views and description of changes in economic drivers in Yukon over the past two or three years since that strategic plan was developed and how that is reflected in the work and the demands placed on the Workers' Compensation Health and Safety Board.

I will get my tongue working after sitting and writing all afternoon — so thank you.

**Chair:** If the witnesses would just indicate to me which of you will be responding.

**Ms. Waters:** So, in terms of the past couple of years — primarily the last year, or the current year — we are seeing a slowdown. But, certainly, last year the economy was very strong and that generated high revenues for the fund and we are in a strong financial position. This year, we have taken a cautious approach because we are aware that there is a stabilizing of the economy, but I wouldn't suggest it's a downturn. The rates are always taken into consideration with what the economic environment is like. The board is very good at taking a prudent, cautious approach to setting the rates and factoring in what the forecast for the economy is going to be in the future.

**Ms. Hanson:** Another area that was noted in the environmental scan — there was some discussion about the opportunities and challenges that the board had noted. They identified that they saw an opportunity to assist developing employers to ensure assessment and return to work and occupational health and safety programs are established and integrated.

That was with respect to working with the opportunities around both First Nation governments and First Nation development corporations. It was noted that First Nation governments are not under the territory's *Occupational Health and Safety Act*, but their development corporations are. There was an identification of some work that was being done — or attempted to be done — by the Workers' Compensation Health and Safety Board with respect to addressing jurisdictional issues primarily with the federal government.

I was wondering if the witnesses could report on progress that has been made in addressing those jurisdictional issues that were identified by the board last year. I raise this because when you think about the significance of First Nation governments as employers, they do represent, as of July this year, approximately 1,500 to 1,600 positions staffed by First Nation governments and their corporations. They are a significant employment force in the territory.

**Ms. Waters:** Yes, we have made progress in that way. We have followed up with First Nations and it was the recommendation of the chiefs that we should undertake to meet with each individual First Nation to talk about the kinds of things that Occupational Health and Safety has to offer — WCB has to offer — and, in fact, what we're feeling is that the greatest progress can be made with us developing that relationship with each individual First Nation. That is where our focus is going to be in the coming year.

**Ms. Hanson:** I commend the board for that work because I think it really is an important move forward. If we look across the country, I don't think that could be reported with a similar kind of progress, so that's very good.

Another issue that has been the subject of much discussion in this Assembly and with witnesses from the board over the years is minimum-age regulations and young worker protection. I know when I was preparing for today's session, I went through notes from the last few years. I noted comments from my late colleague, Steve Cardiff, who was

passionately frustrated — and I use those two words together — by what he saw as a collective lack of will to take decisive action on this matter.

I noted in 2010 that Mr. Cardiff referenced the consultation that had already taken place on issues with respect to young workers, and he raised the question of draft minimum-age restrictions when the witnesses from the Workers' Compensation Health and Safety Board were in front of this Assembly. That was three years ago.

I was happy to see in the 2012 annual report that the board completed young and new worker, and minimum-age regulations. The report says, "These regulations will be submitted to the Yukon Government for consideration in 2013." My question is this: were these regulations provided to the Yukon government? We're almost to the end of 2013, so I'm asking if they have been provided. When were they provided? What can the board report with respect to the acceptance or adoption of the young and new worker and minimum-age regulations?

Can the witnesses tell us the trajectory of injuries reported by young workers and new workers over the past two years? Is it an increasing trajectory? If so, to what do they attribute the increase? If it's not, similarly, what would they attribute the decreases to, if there is a decrease in reported injuries of young and new workers?

**Hon. Mr. Graham:** I believe that the witnesses have already answered part of the question, and that was that, on October 31, the board of directors did approve new regulations concerning minimum-age and young and new worker regulations. They were forwarded to the government on October 31, 2012, and these regulations are currently moving through the process. I don't think the witnesses are equipped to answer any questions with respect to how quickly they'll move through the process within the government or not. They transmitted them to us on October 31, 2012, and it now is the government's responsibility to enact the said regulations if they so decide.

**Chair:** I'm going to allow the witnesses an opportunity to weigh in on this.

**Mr. Pike:** I'm just going to mention that in one of the questions that was asked — in our report on page 9 it sets out the number of claims by age group for the last five years. You can look at that to see where the claims are. From a board perspective, which is where my comments are always coming from, we're really cognizant of the fact that there are more and more younger workers and that perhaps they are not always as cognizant of their rights and responsibilities with respect to safety and we are encouraging our administration, in conjunction with us, to come up with programs to make that better.

**Ms. Hanson:** I appreciate the fact the minister said that these draft regulations were provided on October 31, 2012. I just want to confirm it was 2012 and not 2013. I see a nod across the way so I'll move on.

We had a lot of discussion in this Assembly and also in discussion with witnesses last December, so I wanted to get an update. There was a fair amount of discussion about the fly-

in/fly-out nature of employees and the implications for both those employees, the employer and the Workers' Compensation Health and Safety Board.

They noted on an internal level the difficulty sometimes of determining the number of investigators to hire. It was interesting, Madam Chair, if you will recall that there weren't just the issues with respect to being solely statistical. It was actually the difficulties for WCB as an organization being able to recruit and retain employees because of one of the facts that we all share in this territory, in this city, and that is the high cost of housing. I was hoping to get from the Workers' Compensation Board whether or not that is still a factor, whether or not they've had any difficulties of recruiting and retention, or if that has been passed.

On an operational level, the issue of return-to-work scenarios: when workers return home to another jurisdiction, in some cases it was noted that it could possibly be another country. I'm wondering if WCB has had to deal with those scenarios and if they could just give us a bit of an update on the current status of the issues associated with fly-in/fly-out workers.

**Ms. Waters:** There are a couple of questions I heard in that. Hopefully I'll get them all, but if I don't, please let me know.

In terms of our own staffing and whether there have been issues in hiring and retaining, there haven't been. That isn't an issue that we are facing.

In terms of our experience with fly-in/fly-out, it's actually primarily Canadian fly-in/fly-out. Certainly, in the mining sector that is the most prevalent place where we see the fly-in/fly-out happening. One of the things that we are experiencing — and in fact, all WCBs across Canada who utilize fly-in/fly-out are experiencing this — is that when those workers are injured, we have higher durations with them. We're working together to develop strategies where we can help one another, in terms of compensation boards, to assist in the case management of a worker from Yukon who goes back to his home to recover in the east coast. So we are working together to try and coordinate our services that way.

It is a challenge. It is affecting duration, so that's one thing we've got our eye on. I think there was a third aspect to your question or — there was a third aspect to the question.

**Ms. Hanson:** I really think it was an aspect of the cross-jurisdictional — and while I'm standing I'll just keep on. The witnesses last year had mentioned that there were difficulties dealing outside of the jurisdiction of the Yukon, so if I'm understanding correctly, we were looking at establishing a memorandum of understanding or something that will allow the Yukon Workers' Compensation Health and Safety Board to delegate another WCB to do case management to ensure that the management of the return to work is being facilitated by the WCB of another jurisdiction?

**Ms. Waters:** I'm not aware of us actually formalizing it. It's just a matter of practice and how we're conducting ourselves in doing our work. I actually sit as the executive sponsor on the compensation and benefits committee of the AWCBC, which is the national committee

comprised of all the WCBs across Canada. It is through that route that we are continually talking about it and certainly our director of claimant services is in touch with her colleagues to follow up on these services.

**Ms. Hanson:** Before I move off this subject, if the witness could let us know the number of cases that we are dealing with, maybe as a number and/or percentage of the active claims in the Yukon that actually are outside of the Yukon — the individuals don't reside in the Yukon?

**Ms. Waters:** I don't have that information. I would have to follow up with that.

**Ms. Hanson:** I'd appreciate that if we could get that at a future date.

I would just like to go on to another subject area. Again, this is still following up on issues that we discussed last year and that remain current this year. There have been developments on a number of them, I think, since last December. Last December, we talked about — again, we've seen some work on this as recently as July with the issue of a press release with respect to temporary foreign workers, the July 24 press release from the Government of Yukon.

As I understand it, there are — and I stand to be corrected, so that's why I say as I understand it — several streams of temporary foreign worker-type programs. Most are administered by the federal government. When I say temporary foreign worker, I'm not using the specific nomenclature that we use when we say temporary foreign workers under the guise of the program that we — there are other programs besides the one that the Department of Education Advanced Education branch administers. Again, it's my understanding that Yukon, through that department and branch, administers an annex on temporary foreign workers.

We heard from the minister this year that there is a limit of 50 foreign workers per employer under that program. The idea of this is to make sure that there is responsiveness to the needs of employers, because some employers' needs are seasonal or temporary. So I understand that with this program there is a memorandum of understanding between Workers' Compensation Health and Safety Board and the Department of Education. As I understand it, one part includes WCB as part of the temporary foreign worker application process, which enables the WCB to ensure that the employer has all that is needed to keep workers safe and further, as part of later inspections, the WCB is allowed to ask about payment and treatment for workers.

I just want to clarify that the understanding I have is correct and then I have a few questions about that. So, the annex is intended to be a pilot — at least the way I understand it when I look at this press release. It's a one-year pilot and there could be expansions to other streams of temporary foreign worker programs. I want to know if the WCB witnesses can confirm that the annex program that most Yukoners will be familiar with is the only temporary foreign worker program in the territory. That would be my first question.

**Ms. Waters:** I believe it is the only program and certainly it would be — if there were other programs, it would be through the Department of Education, Advanced Education that would coordinate it. They would probably be the best ones to confirm that.

I can speak to the MOU that we do have with the Department of Education. Since it has been put into effect, we have had one request to basically activate that agreement and so we have gone and checked out the work site — it came from the retail sector — to ensure that they had safe work practices in place and we are doing what we have committed to do in terms of follow-up. I mean, it's still early days.

The other thing I can say in regard to temporary foreign workers — I believe in the past it has been noted that we had concerns with the way the program was structured in that when a foreign worker came to Canada, the permit was just specifically for that workplace and to do that job. Through the negotiations that the Department of Education have had with the federal government, that has been lifted and in fact the workers — if they get injured, things can happen to their permit which will enable them to stay. At WCB, we're in fact seeing those temporary foreign workers who are getting injured coming to us, which is a good thing. It's not good that they are getting injured, but it is good that they are staying in Yukon and they can go through our system. We're finding that what's very helpful is the language line and we haven't been encountering any issues to date.

**Ms. Hanson:** Thank you, Madam Chair. That last point is an important one and I just wanted to come back to that in a second because it was an issue that was raised by witnesses last year — concerned that it could be the issue of language and cultural differences.

One of the questions I would have from the comments made by the witnesses, if there are statistics, first of all, in the number of temporary foreign workers currently in the territory and comparative data with respect to workplace injuries for temporary foreign workers — basically data on the injury rate for temporary foreign workers.

One of the concerns that had been raised during the discussions last December was a potential concern about the ability of individuals to understand the language of the workplace — to be literate in English, which is the language of the workplace in the Yukon, in terms of technical — or directions with respect to the use of machinery and that stuff. What assurances does Workers' Compensation have with respect to complaints — or not to necessarily to ensure that the workplace — for workers, regardless of place of origin — that they understand what the requirements of the job are and that the employer is doing what is necessary to make sure that there is a safe work environment. I'll come back to another question with respect to that.

**Ms. Waters:** The first question had to do with data, in terms of whether we had any data. I believe that would probably be the Department of Education that would keep track of that. I would think, in terms of temporary foreign workers — I'm not aware that we have that data, but I can certainly follow up and find out.

In terms of the work that our Occupational Health and Safety branch is doing in terms of going to workplaces to ensure that they are safe workplaces and to do follow up, certainly part of their discussion would be to ensure that language and cultural understandings about safety are not barriers. Again, I haven't heard that that has been raised as an issue.

**Ms. Hanson:** It's interesting because I raised this — there was some work done in Alberta and last year we talked about some Alberta scenarios as well with respect to Fort McMurray and others, but — so in Alberta, as a result of complaints, there was research done by the Alberta Federation of Labour and they found that temporary foreign workers are more likely than Canadians to not receive their full pay from their employers. One of the issues became whether or not — how does the Workers' Compensation Health and Safety Board ensure that there is compliance?

When Alberta had proactive inspections — so it wasn't complaint-driven, but proactive inspection of workplaces — they found that there were problems at more than 50 percent of the sites that were actually visited — I realize that we're talking about scale here — that we're talking thousands in Alberta, as opposed to — I would imagine hundreds, but I don't really know the full number. Maybe that was the question that I missed in terms of the number of foreign workers.

So the question would partly have to do with whether or not we do proactive inspections of workplaces and a sense of whether or not — as the number of temporary foreign workers increases — the board anticipates what plan they would have to ensure those workplaces where temporary foreign workers are working — which, as one anticipates — based on the material that was released by the government in the summertime — that those workplaces will not necessarily be the retail spaces in Whitehorse or in Dawson or Watson. They will potentially be out in the sort of wilderness places.

So how do we ensure that — what plans are in place to ensure that those workplaces and their workplace practices are regularly inspected with respect to the safety of temporary foreign workers?

**Ms. Waters:** That's basically the crux of the agreement between the Occupational Health and Safety branch and the Department of Education — that we do those preliminary inspections of the workplaces to ensure they are safe workplaces and that we commit to doing regular and periodic checks of those workplaces.

We do that for all workplaces, but our eye is on the ball when it comes to those locations where temporary foreign workers are. Right now I'm aware that they are mainly in things like the retail service sector. I'm not aware of any of the remote locations utilizing them. We will keep our eye on it. If there are some challenges that result, then we would be following up with that.

**Ms. Hanson:** I raise the remote aspect of it because one of the areas suggested was with respect to mining activities. I do recall — I think it was in the annual report — I'm not sure what the exact language is, but for want of

another word, there were reports of “disciplinary” action taken against — I want to say Mount Skookum — anyway, employers where there were foreign workers. We can come back to that at a later date, because I'm getting a visual clue that we're not on the same page with respect to that, so maybe I'll just move on.

I'd like to go back to the annual report. I note that there is an interesting observation on page 2. With respect to the message from the board, reference was made to “Psychological injuries and illnesses have gained prominence as a workplace hazard, and the Canadian Standards Association will release guidelines in early 2013.”

My question is, have these guidelines been released and what are the implications for the Workers' Compensation Board? Is stress or other psychological injuries or illnesses included in WCB coverage?

**Ms. Waters:** These standards set out the steps organizations can take to promote psychological health and safety in the workplace. The standards are complex and the document itself is a complex document that outlines a staged approach to the promotion of psychological health and safety at work.

At WCB, we're currently in the process of having our staff trained in these standards, and next year our prevention committee, made up of employer and worker representatives, have indicated they would like this topic to be the focus of discussion and education at their annual Workplace Solutions workshop, because there's no doubt that mental health in the workplace is becoming an increased challenge.

Employers have told us that they're experiencing increased issues and they would like assistance in knowing how to respond to them.

You asked whether stress was becoming — through these standards — if it changed anything for Yukon in regard to it. It doesn't. We still have the same approach in terms of post-traumatic stress disorder. Stress in and of itself — and through these standards does not become — it has to be more than that, so we still take the same approach.

What we are doing is also — if you're familiar with the disability management program and the functional form — in the past, doctors would just give a slip saying the person requires so many weeks off work. Now what doctors do is give us a slip that tells us what people can do, and that's part of our return-to-work. It's just as important for an injured worker who has a psychological injury to be able to come back as quickly as possible. We've spoken to physicians about this, we've spoken to psychologists about this, and we are starting to also have that aspect of the functional form for psychological issues.

**Ms. Hanson:** I would say, as somebody who has worked a long time in the public service and worked with a variety of people — workplaces do encounter real challenges with people. We know the statistics with respect to mental illness generally and then the implications and impact on small workplaces can be significant. It's good to hear that there is progress being made, first of all in the recognition of the dimensions of this.

I just have a question — when we talk about doctors providing some indication with respect to readiness for return-to-work, is that a general practitioner or can the witnesses describe a bit more? Is this an integrated assessment process that involves others than just GPs before somebody who has issues with respect to stress or mental illness to return back to work?

**Ms. Waters:** I'm hoping I have your question because my speaker doesn't seem to be working. I can't hear you. That's the way it's not working.

**Ms. Hanson:** I was just saying that I was pleased to hear about the movement and changes with respect to the recognition of stress in a workplace, and anybody who has worked in a workplace for a long time recognizes that the impact on a workplace and the individuals who want to return to work and having the ability to accommodate is very important. It's also important to be able to know what form the assessment takes. You mentioned a doctor, so I was asking if we were talking about a general practitioner or a psychologist or if there was an integrated assessment approach to determining the return-to-work readiness.

**Ms. Waters:** We're still in the process of developing the form and we are doing it in conjunction with the experts — the psychologist and Dr. Buchanan, who is considered an expert in this area. I'm not able to answer that question right now.

**Ms. Hanson:** I look forward to having the conversation over the next year when we come back.

On page 5 of the annual report under "New and Revised Policies and Return to Work and Rehabilitation Series", the second point is that as part of the 2012 review, the Workers' Compensation Health and Safety Board made key revisions, and the second one says, "clarified a worker's long-term compensation level is not guaranteed; it is subject to regular labour market reviews and workers must continually try to mitigate losses."

I think that most workers would agree that they would rather be working than be on compensation. Could the witnesses describe how that is implemented and give an example just for the record in terms of explanation and understanding of how that new and revised policy is being implemented.

**Ms. Waters:** This gets into technical information that I would have to get back to the member with.

**Ms. Hanson:** One of the areas we are all very interested in is safety and safety compliance. On page 6 of the annual report, there is a paragraph that says, and I quote: "By far, the majority of fines stemmed from a simple refusal to use appropriate fall arrest. Safety Officers issued 17 fines to companies, supervisors and workers for failing to use this basic safety gear while working at heights in 2012. All were working in Whitehorse."

It just begged the question for me, Madam Chair, having seen situations outside of Whitehorse where I was concerned: how are situations outside of Whitehorse dealt with, with respect to ensuring the use of simple and appropriate fall gear?

**Ms. Waters:** I do not believe that that statement was to suggest that Whitehorse is the only place in which we're looking. Our safety officers go throughout Yukon looking. It happened to be that those cases were all within Whitehorse.

**Ms. Hanson:** Just to confirm then, there were no reported falls outside of Whitehorse and there's a regular inspection of work sites outside to ensure that that kind of safety compliance is there.

**Ms. Waters:** Yes, that is correct.

**Ms. Hanson:** I have to beg the indulgence of the witnesses because I'm sort of going back and forth because my notes cause me to do so. There are so many linked issues when we start looking at the scope of the work that's covered by the compensation board.

When I was looking at the section talking about assessments — these are payroll assessments — one of the things that occurred to me is that, on page 12 — so if they would indulge me. I heard the chair speak about the good financial status of the board and the fact that rates have not seen increases over the last few years and that, in fact, it has been a pretty healthy kind of situation for employers in most sectors, anyway. There are targeted areas where, based on the safety standards — as I understand it and they can correct me if I'm wrong — and based on good performance, then the rates do go down.

One of the other areas — and I guess I use the word "assessment" broadly — has to do with what kind of audits or work-site assessments are done — other than the sort of normal construction-industry kinds of workplaces. It has to do with whether or not WCB conducts audits of other work areas.

I understand that the WCB conducted an audit of school shop and industrial arts facilities some time ago and had identified a number of concerns with respect to the safety of those workplaces. They are combined workplaces and they are also places of education. I'm wondering if the witnesses can tell us whether the concerns identified in the audit of school shop and industrial arts facilities were addressed, how they're addressed, and what follow-up plans there are. More broadly, with respect to schools as a workplace, does the WCB regularly conduct audits or safety assessments of schools as workplaces with respect to safety concerns that might be there?

**Ms. Waters:** In regard to your first question about the results of that safety audit, I would have to get back to the member with that information. In terms of schools having safety inspections, certainly what can trigger an audit to occur is concerns could be expressed from people who work in the workplace.

One of the things we also do is, by our Claims branch and our Occupational Health and Safety branch working very closely together, if Claims are starting to notice that there happens to be a number of injured workers coming in from certain work sites, they will talk to our Occupational Health and Safety branch and suggest that they may want to look into this. Those are the kinds of things that will trigger. Certainly, our safety officers are doing also just the random inspections

and that might bring concerns to their attention that they'll follow up on.

**Ms. Hanson:** I thank the witness for that clarification and I look forward to the follow-up information.

I just want to go back to when I was talking earlier about various aspects or elements of the issue and challenges of returning to work. It's my understanding that there is a program that has been run to facilitate returns to work that is run by the Northern Safety Network Yukon and I was wondering if the witnesses can tell us how many return-to-work courses with how many participants have been successfully run by the Northern Safety Network?

**Ms. Waters:** Yes, the Northern Safety Network has the three-year contract to deliver the return-to-work training. They started this fall and I know that they had a very successful offering of courses in October. I would have to follow up with Northern Safety Network to find out the actual numbers, but it is early days. They got very good feedback from the courses and they have offerings that are being rolled out over the winter months as well. Certainly returning to work is such an important cornerstone to our workers' compensation program and we're very happy to see this training happening and the commitment of employers and workers in establishing return-to-work.

**Ms. Hanson:** I'd just like to ask a question in terms of workplace and workplace culture. With culture, I'm not talking about whether somebody is of the same cultural origin as anybody else in the territory, but the culture of safety is the language that we use.

There were some really interesting exchanges last year when one of the witnesses described some of the challenges to adopting a culture of safety. I recall the story that was presented to us in the Assembly here with respect to worker safety and the building of the Golden Gate Bridge and the challenges that those individuals in the pioneering days of building safety faced. Similarly, there are other safety culture issues that come up and they have to do with the whole issues of language and authority structures within organizations. The witnesses also last year — we had lots of good metaphors or examples, you'll recall, Madam Chair — referenced the airline industry and the cultural reluctance to speak to safety concerns across authority lines.

Language, styles of learning, age and experience of workers are all factors that I think the Workers' Compensation Health and Safety Board deals with in bringing about a culture of safety in all workplaces. One of the witnesses last year used as an example the culture in hospitals and I quote: "...in Canadian hospitals, part of what has to happen is instruction in how to stand up and challenge and say this just isn't right" — even though health care workers have been trained from the beginning that questioning practices can be seen as being disrespectful. Regarding this question of building a culture of safety in institutions that have historically had very structured lines of authority, I'm wondering if the witnesses have comments on this today.

I know that last year, we had the example of a hospital culture that has become an example in this territory. Has the

WCB looked into training about a culture of safety in Yukon hospitals? I'll leave it at that.

**Ms. Waters:** I know that our Occupational Health and Safety branch has been involved with the Yukon Hospital Corporation in terms of discussions around safety and conducting a safety audit, so I know those discussions have been positive and they are working on that.

**Ms. Hanson:** I would hope that would continue. Further on issues of employer culture — I can't recall where I was looking on the website, but I believe it's true that administrative penalties are listed that record the names of companies, the infractions and the fines. I'm wondering if the witnesses have any comment on publicizing this information. When you publicize the names of entities that are fined for health and safety infractions, does it have any noticeable impact with respect to decreasing the number of infractions? Is it seen as a positive punitive matter?

**Mr. Pike:** We discussed that issue at the board level and we're sensitive to the privacy concerns of the current world, but we felt the issue of the culture of safety — the issue of trying to ensure that people come home at night to their families — overrode that and so, at the board level, we said we can live with that. Maybe there are better options, but we can live with that.

**Ms. Hanson:** Thank you to the witness for that. Is there any impact or does it have a positive impact on offenders? I don't know what the correct word is, but if somebody has been named and shamed, do they change their behaviour?

**Ms. Waters:** I know that we post on our website when there are infractions. I'm not aware that we actually post the names. But in terms of the actual serving of a fine, we are finding that they are effective. They do play a deterrent effect. People do not want to be fined. So it's in the serving of the fine itself, not necessarily the naming on the website, that has the effect.

## INTRODUCTION OF VISITORS

**Ms. Hanson:** Before I go on, Madam Chair, I would like to ask the members present to welcome to the Legislative Assembly Betty Sutton and Paul Warner, residents of Spruce Hill, and a guest.

*Applause*

**Ms. Hanson:** The chair of the Board mentioned — and I was happy to hear him speak to the ceremony that occurred and the plans that are underway right now to have in place a permanent memorial to workers killed or injured on the job.

Those of us who had the chance to be there for the groundbreaking were very happy to see this happening. It has been awhile, and we hope that we will all see and be there for the opening of it — the completion of it — in June of next year.

My question has two parts. What financial contribution did the Workers' Compensation Health and Safety Board make toward this memorial and, secondly, are any efforts

being made to alert Yukoners who have had family members die in work-related incidents about this memorial project? Will there be a way for their loved ones to be memorialized?

**Mr. Pike:** We have had that discussion and I believe — and I stand to be corrected — but we have, or will be, putting out a notice asking any Yukon family, any Yukon connection, to let us know if they have somebody. We have fairly detailed records, so we think we probably have that, but we are planning on putting it out there to make sure that we don't inadvertently miss anybody.

I will let Joy speak to our contribution. I think I know the number, but I should let her answer that question because it's more her area.

**Ms. Waters:** Yes, the Workers' Compensation board of directors agreed to a contribution of \$125,000. This is a partnership with the Yukon Federation of Labour, both labour and employers. It's broader than that. It's the labour community and the employer community and everyone is working together in having this memorial be in place for next June. I believe the inaugural unveiling is going to be the anniversary of the Elsa mine disaster, I believe. Yes, there is a plan for being able to memorialize workers who have died.

**Ms. Hanson:** When I saw the date, it didn't strike me — that'll be quite important.

I'd like to turn now to a few questions that I have with respect to matters that were raised in the status report of the Auditor General of Canada to the Yukon Legislative Assembly in 2012. There was a follow-up audit. The Auditor General had audited workers' compensation, I think, in 2002 and then went back in a number of years later and then did this follow-up audit to the audit that had been completed and found that, as with the other Yukon departments and agencies, there had been progress made.

I want to come to focus on a number of areas that both the Auditor General and the Workers' Compensation Health and Safety Board noted in 2012 in which there was still work to be done. In the Auditor General's report, the Auditor General wrote in their follow-up audit the Workers' Compensation Health and Safety Board had used data from several years to generate a list of high-risk employers and that they had contacted 102 of 104 high-risk employers and, of those, only 44 had occupational health and safety programs in place. This was, I would note, a slight improvement from 2002, when only 15 of 90 had occupational health and safety programs in place.

The board was asked by the Public Accounts Committee to provide more information on the nature of efforts that would be undertaken to ensure that, by 2016, the number of employers achieving a certificate of recognition or equivalent would rise from that 44 to 250. The committee was pleased to see that there had been some movement in response and the Workers' Compensation Health and Safety Board noted that there were 121 companies that had achieved COR or equivalent status, and there was another 22 that had been issued a temporary letter of certification by the Northern Safety Network.

My question is, what is the current baseline against which they will judge their achievements with respect to having occupational health and safety programs in place, and what's the current number?

A year and a half ago, about 121 companies had some recognized Occupational Health and Safety programs in place. So what is the current status of that in the Yukon? Because we heard earlier this afternoon that the number of employers has increased dramatically, so that baseline against which we're assessing the number of employers establishing workplace safety through Occupational Health and Safety programs must also be going up. We don't want to be using static data. We don't want to be doing a snapshot, because in 2002 it was this number of employees, and in 2008 — what is the current number that we're targeting to have Occupational Health and Safety programs? How are we doing?

**Ms. Waters:** I can report that as of this third quarter, we have 133 businesses that are either COR-certified, SECOR or the equivalent, depending on size. There are a number of strategies. I can also say that the commitment through the strategic plan and our performance measurements are that we will be at 250 by 2016. Programs that we put in place to encourage workers to consider COR and SECOR include things like the CHOICES program.

This year we have an agreement with the Yukon Chamber of Commerce and we have an employer advisor who is working very actively, especially in the communities, meeting with employers and talking about the value of COR certification and, in fact, went through the SECOR program himself in order to speak to business people based on his own experience.

Likewise, we are working with both NSNY and the employer advisor to look at ways we can make COR more accessible and affordable.

**Ms. Hanson:** Thanks for the response to that. The Auditor General also noted that, "In 2007, the YWCHSB ordered the Government of Yukon — Yukon's largest employer, with 4,150 employees" — and I'm reading from the actual report, paragraph 79 — "representing 21 percent of the total employed labour force — to have its safety management practices audited. Based on the results of that audit, the government was ordered in August 2008 to implement a comprehensive safety management system. An action plan outlined in the audit report noted that it would take up to two years to implement its recommendations." So as of 2012, "The government still had not complied with this order." It was noted by the Auditor General that, "The government has still not complied with this order. The YWCHSB continues to monitor the government's progress, and it has also seconded staff to the Public Service Commission to assist with this task."

The Auditor General did note that two areas of the Government of Yukon are COR-certified — the Workers' Compensation Health and Safety Board itself and the Transportation and Maintenance branch of the department of Highways and Public Works. The Workers' Compensation Health and Safety Board, in response to questions that were

raised about this — because this was noted in the status report from the Auditor General in 2012 — in response to questions the Public Accounts Committee had raised about that, they talked about the work that they had been doing with the ongoing working relationship with Corporate Health and Safety at the Public Service Commission and that there had been progress made with introducing an accountability framework that establishes the roles and responsibility for health and safety management in governments. The systems are in place from the work that the Workers' Compensation Health and Safety Board has done with the Government of Yukon. They went on to say that the Public Service Commission has satisfied the corporate requirements, putting these systems in place. They're established, are in order and are now working with departments to develop safety management systems.

They're quite gentle in their language, I would suggest; they say that PSC and the departments are moving forward with safety management system development.

They did, however, say in July of 2013, "Departments and branches that are not moving forward are being identified and targeted in the same manner as the high-risk employers in industry. With these departments, we are taking a much more focused enforcement stance that can include inspection, investigation, safety audits, monitoring performance and, where appropriate, sanctions for non-compliance. These tools are designed to motivate the departments toward meeting their requirements under the *Occupational Health and Safety Act*. We also offered these departments our consultation services."

My question to the board is, what progress has been made with those branches that have been identified and targeted in the same manner as a high-risk employer and what progress has been made with respect to ensuring — or can they say what progress has been made with respect to how many departments and branches of the Government of Yukon other than the Transportation and Maintenance branch of Highways and Public Works meet those Occupational Health and Safety requirements under the act?

**Ms. Waters:** I will have to get back to the member with that information. I don't have that information available.

**Ms. Hanson:** I appreciate getting that information so that we'll have it for the record. Thank you.

In response to another observation from the Public Accounts Committee, there were a number of general comments made by the Workers' Compensation Health and Safety Board.

One of the comments they made that I think is important for the record is that — and I quote: "Additional conditions that could assist in reducing injuries in Yukon would include a thorough review of the *Occupational Health and Safety Act* (the "Act") and regulations. The act and some of the regulations are 30 years old and in need of updating. A review and update would provide an opportunity to clarify requirements and improve some of the standards to meet modern workplace requirements."

So that was in response to observations made by both the Auditor General in 2007 and 2012 and then comments made

by the Workers' Compensation Health and Safety Board in July 2013.

My question is this: can the witnesses tell us if they have had any direction or feedback from government with respect to a thorough review of the *Occupational Health and Safety Act* and regulations since those comments were made in July 2013?

**Ms. Waters:** This year, our organization has been undertaking a review of both the *Occupational Health and Safety Act* and the *Workers' Compensation Act*. We'll be taking our recommendations based on those reviews to our board of directors for consideration. There hasn't been a bringing forward of information to the government. We're in the process of putting the information together.

**Ms. Hanson:** I just have one last question and then I will turn it to my colleague from the Klondike. It's just more of a scenario. Often we, as MLAs, get questions that are more like casework than they are policy issues. It's a scenario that I find difficult and didn't understand, and the individual wasn't able to find an answer on their own. Maybe the witnesses can help me.

If an individual is injured on the job, gets medical treatment and files a workers' compensation claim, and it's determined that they've been injured at work, but then the injury is further compounded by the medical treatment they receive, does the Workers' Compensation Health and Safety Board assist that employee? They have two injuries now. They have an injury that has been caused at work — a fall or broken bone. Then, if something occurs in the medical process that compounds the injury — because that employee wants to get back to work but they have been further injured — it would seem to me that Workers' Compensation would have an interest in being a party to that individual's claim against the medical injury that they have also received.

What's the Workers' Compensation position on that? Is the doctor considered an employee or a worker, as well as the employee in that situation?

**Ms. Waters:** What you're offering is very hypothetical and I would have to say that it depends.

It really depends on the facts of the case. I would feel uncomfortable giving a response based on that. I would have to know what the details are. Certainly we would be guided by policy. One of the policies that came into effect last year would be a policy that would guide that review, and that's the reoccurrence of injury. But there could be other policies that would be used as well.

I'd really recommend that the individual you're referring to speak to somebody at WCB. The manager of Claimant Services would be a good place to start. If they're already involved with the system, their case manager would be a good place to start.

**Mr. Silver:** Thank you very much to the witnesses for being here today. It's much appreciated.

I'm going to start with a question and please forgive me if I'm wrong on this. I'm just wondering what the status is of the current chair of the board. The chair's appointment did expire on November 4, 2013, I believe, and I have not seen an order-

in-council confirming an extension. To my knowledge, it has not been reviewed by the standing committee yet. Is it supposed to go through that process? What is the status?

**Mr. Pike:** Maybe I should defer to the minister on that question.

**Hon. Mr. Graham:** I'm not certain either. I know that the chair's appointment was due, that I signed the order-in-council and perhaps neglected to send it along at the correct time but, as far as I'm aware, there has been a temporary extension until such time as it goes through as an order-in-council appointment.

**Mr. Silver:** I appreciate the answer to that question.

A few of my questions are going to be based on the last time that the WCB stood as witnesses, and a few of them are more specific to new issues. Here's an example of a newer issue. There was an investigation sometime this year into the problems of the mould at the wastewater treatment facility in Dawson City. Was there a report produced? Is that investigation completed? I'll leave it there.

**Ms. Waters:** We've completed our investigation and taken action against the company. The company has an appeal period to dispute our findings. That period has not expired so I can't discuss the details but, once it has, more information will be provided on our website.

**Mr. Silver:** That's good to know. Can we inquire as to when that expiration date is going to happen?

**Ms. Waters:** I believe the appeal period is coming up in December, but I'll have to get back to the member with that information.

**Mr. Silver:** When the witnesses get back to us, there are other questions as far as cost that I'm sure we'll get out of the report. I'll leave it at that. It's good to know there will be some information coming pretty soon.

We are almost to the 2013 fiscal year for the corporation and we did get the report and the financial statements — the 2012 annual report. Do the witnesses have an idea of the assessable payroll for 2013, ballpark? Basically, will it be higher or lower than last year?

**Mr. Pike:** I'm not sure that we have the number, as it's kind of a moving target as you go through the year — where employers report to us — and there could be employers who haven't reported yet. So I'm not sure we have a number that I could give you with any confidence.

**Mr. Silver:** I appreciate the answer from the witness. I do have a question on the compensation fund, page 23 of the annual report. 2011 numbers for net investment income was just under \$6 million, and then we see a substantial increase in 2012 to roughly \$13.5 million. Could the witnesses comment on the jump?

**Mr. Pike:** I give a huge amount of credit to my staff and the investment advisors we use. They've done just a marvellous job in the current economy of handling our investments. I believe in 2012 our rate of return was 8.9 percent, which we invested in very, very low-risk investments and securities. From my perspective, that's a marvellous rate of return, and again, that is a huge credit to our investment advisors and our staff at WCB who manage that process.

**Mr. Silver:** Thank you, Madam Chair, and if the witness can give me the phone number of his investors that would be great.

I do have a question from last year regarding penalties. Last year I asked, and I am quoting, "Moving on to the annual report, on page 14" and I quote the report, "In 2011, penalties in the amount of \$501,000 were issued to employers who did not meet the required timelines for registering with YWCHSB, filing their annual employer payroll return and/or for not paying their assessment premiums."

Madam Chair, this money is used to offset further assessment rate calculations through allocations to investment revenues. The question was: how many businesses does this represent and how widespread was this particular problem? The answer that I received from that was, and I quote "Looking at it, it is an amalgamated figure that is spit out at the long end of a chain and we are beginning the process of work back to answer those exact same questions. Once we arrive at that, we'll be happy to share it with you." That information wasn't provided yet. In the 2012 report, the figure is \$495,000, so not much progress has been made on that front. So, do we now know how many businesses this represents, and how widespread this particular problem is?

**Ms. Waters:** Was there a commitment to follow up with information? I believe we have copies of that.

**Hon. Mr. Graham:** I have copies of a reply I received from Yukon Workers' Compensation Health and Safety Board and I'd be happy to distribute it at the present time to all members.

**Mr. Silver:** Thank you to the minister for providing that information.

Another follow-up question — last year, I asked, and I quote, "Does the board report the outcome of claims? For example, the return to pre-accident employer and work, return to the same work with a different employer, return to another type of work, workers requiring retraining and the outcome of that training. How does WCB measure success in terms of an injured worker?" The answer I received was that the return-to-work figure is the most important one and that is about 98 percent. I'm just wondering, has there been any change with that number?

**Ms. Waters:** Yes, certainly a goal of ours is to return workers at a rate of up to 98 percent, but that is our performance measure and we're working toward that. We basically keep an accountability score card which has 30 performance measures and approximately 11 of those are in the claims area and we look at thresholds for having workers return to work.

At 360 days, we're looking for 98 percent of workers to have returned to work. There are still a small number and unfortunately, compared to last year, it is getting a little bigger, but we work on an individual basis — through vocational rehab — for finding appropriate work for people who cannot return to their original work.

**Mr. Silver:** Thank you for the answer from the witness. I asked last year about the effects that WCB sees with many Yukoners losing their family doctors. Workers have been

experiencing difficulties in getting their medical appointments to assist in recovery because of the burden put on these few doctors who are left and the clinics don't have time to be following the worker through their claim. Is there any plan to assist the workers in finding and getting doctors to assist them overcoming the effects of the shortage of doctors? Does the chair have an update on this particular issue?

**Mr. Pike:** I'm stepping a little bit past the bounds of the chair, but certainly as a board we assist every injured worker in getting immediate medical attention. I do not believe we would ever condone an injured worker, for lack of a better word, floundering around trying to find appropriate medical help. From the board's point of view, we're absolutely committed to mitigating that injury and getting the injured person back to work. So I'm speaking from the board perspective in that we would not be able to live with that. For the specifics, maybe I should turn it over to Joy, if there is anything you want to add to that.

**Ms. Waters:** I am not aware of this particular issue in terms of workers having difficulty finding doctors. I'm not aware of it being an issue. Following the comments last year, we did talk about whether this was something that we were seeing, but no.

**Mr. Silver:** I believe I have one more question left for the witnesses.

In the *Yukon News*, Tuesday, February 5, 2013, there was an article that "The Yukon Workers' Health and Safety Compensation Board is trying to recover \$600,000 in overpayments from a former worker who is accused of giving the board misleading information."

Can the chair provide an update on this case and has any of the money been recovered?

**Ms. Waters:** I can say that we are working on recovering the funds. I don't have a figure that I can report on. I do know that it's an ongoing case.

**Chair:** Does any other member have questions for the witnesses?

**Hon. Mr. Graham:** If there are no other questions, on behalf of the Committee of the Whole I'd like to take the opportunity to thank Mark Pike, who is the chair of the Yukon Workers' Compensation Health and Safety Board, and Joy Waters, who is the president of that same organization, for appearing as witnesses today. Thank you very much on behalf of all of us.

**Chair:** Thank you, Mr. Graham. The witnesses are now excused.

*Witnesses excused*

**Hon. Mr. Cathers:** This is quite unusual. I think this is the first time we've had witnesses leave half an hour early, but I'd like to thank them for appearing and, in light of that, I'd ask for input from the opposition House leaders. We can either adjourn the House early or go into Public Service Commission in Committee of the Whole on Bill No. 11.

**Mr. Silver:** If the House could maybe give us five minutes and I can speak with the Official Opposition House Leader and we can determine.

**Chair:** Committee of the Whole will recess for five minutes.

*Recess*

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

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

**Chair:** We're going to begin debate on Vote 10, Public Service Commission, in Bill No. 11, entitled *Second Appropriation Act, 2013-14*.

#### **Public Service Commission**

**Hon. Mr. Dixon:** It's a pleasure to rise to speak to the Public Service Commission's supplementary budget for 2013-14. This being my first budget discussion in the Public Service Commission, I'd like to take the opportunity to thank the Premier for adding the Public Service Commission to my portfolio in the Cabinet shuffle that occurred earlier this year, and for the opportunity to serve in this additional capacity. I'd also like to thank the previous minister responsible for the Public Service Commission for her sage guidance and wisdom in passing on some of these key files to me. She is an inspiration to all of us.

Thank you for this opportunity to speak to the House about the Public Service Commission's supplementary budget for the 2013-14 fiscal year. I have a few short remarks to make and then I'll pass it on to members opposite for questions.

The Public Service Commission acts as the employer on behalf of the Yukon government under the *Public Service Act*. The department provides human resource direction, advice and support services to Yukon government's departments and employees. This supplementary budget will increase the Public Service Commission's 2013-14 budget by \$2,211,000 to \$41.5 million. This reflects the total increase of 5.62 percent from the 2013-14 main estimates.

There are several matters reflected in this increase, including the incorporation of new actuarial estimates, the one-time costs of moving to a new benefit provider, and pay increases.

I will now provide an overview of the Public Service Commission's 2013-14 supplementary budget. The main increase is in the employee future benefits budget, which is the largest line item in Public Service Commission's budget. This amount is determined by actuarial review of the estimated future obligations due to government employees when they leave or retire. It reflects a variety of factors such as life expectancy, age of the workforce and length of service.

This spring, the Public Service Commission conducted a full actuarial review of our employee future benefit liabilities. The required adjustments are reflected here. The actuarial review identified the need to increase our budget for leave and termination benefits. The total increase is \$1.108 million. As well, there is an additional \$1.177 million included here to

cover ongoing increases for extended health and life insurance for retirees.

This budget also contains an adjustment to the pension buy-back costs, aligning it with our actual costs from prior years. When an employee buys back pension from an eligible period of previous service, this budget covers the portion paid by the employer. After analysis based on previous years, we reduced our budget for pension buy-backs at \$885,000. The total amount budgeted for employee future benefits has increased by \$1.4 million. This budget item now totals \$20.847 million.

Another increase in the supplementary budget is a one-time cost of \$350,000 to support the government's transition to a new benefits carrier, Great-West Life. For several years, employee group insurance benefits were provided through Sun Life. In the spring of 2013, the Public Service Commission conducted a tendering process to ensure our current needs were reflected in our benefit provider contract.

Great-West Life was the successful bidder, scoring well on client service, their progressive approach to disability management and for their competitive rates. Both the employer and employee overall costs for benefits will be reduced under the new provider.

The transition to Great-West Life took place on November 1, 2013. The one-time budget increase supported the planning and preparation required for the transition, including managing the transfer of data, integrating into the provider's new systems and extensive communications to employees.

This budget also contains adjustments to cover pay increases based on negotiated amounts in the collective agreement with the Yukon Employees Union as well as merit increases for managers. There is an ongoing increase of \$254,000 to cover salary increases going forward as well as a one-time allotment of \$167,000 to cover performance awards in 2013.

The total additional budget related to pay increases is \$461,000 for the department. The supplementary budget also reflects a minor internal reorganization.

The administration of the biennial Yukon government employee engagement survey has been moved to a new branch. This involved the transfer of a position to provide statistical information and research support as well as core program funding.

I know that there is a great interest in some of the work that we are doing in the Public Service Commission outside of the budget that is currently before the Legislature, including work we've done to date around whistle-blower protection or public interest of wrongdoing disclosure, which I'm sure we'll have a chance to discuss as well. I know that we should be able to provide answers for the members in the remaining time we have today.

With that, I cede the floor to the members opposite for questions that I hope I'm able to respond to.

**Ms. Hanson:** I'd like to congratulate the minister on his appointment as minister responsible for the Public Service Commission. I think that we all recognize the absolute central

place that the Public Service Commission has in the integrity of a service that is provided to Yukoners by the public servants, the people we delegate as members of this Legislative Assembly, to carry out the legislated responsibilities and activities that are provided for in all of their acts and legislation that this Assembly mandates them to do. The very central function of the Public Service Commission in providing leadership to the public service can't be underestimated.

I think that the minister has taken on an admirable challenge. I think the good thing is that he has remarkable people working throughout the public service. The elements are there.

I believe, Madam Chair, it has been some time since the Legislative Assembly has actually talked about and reviewed the Public Service Commission. The minister is correct. We do have a number of questions because there are a lot of good things, I believe, that have been occurring within the public service and within the Public Service Commission. I would distinguish the two. There are also a number of challenges.

I thank the officials for the briefing that they provided to the opposition parties in preparation for the budget debate on the supplementary estimates and for the information that they provided to help us have context for the requested increases in the supplementary estimates, as well as a bit of background on a number of the activities that the Public Service Commission has undertaken over the last year to make progress with respect to a number of the challenges that are inherent in any central agency as it works in partnership with departments across government — to ensure that we have a culture that is not only supportive of our public servants, but that also challenges them to do the best they can with respect to the work they are charged to do on behalf of all of us as citizens of this territory.

We will want to speak to the minister with respect to some of the challenges that are identified on the demographics — what we're doing as a government with respect to youth recruitment and retention. Some of the changes that are inherent with establishing a respectful workplace — and I say that, not just in the context of the organizational structure that is called respectful workplace, but also creating a culture of respect. That is certainly part of what the minister referred to as questions that he can anticipate with respect to progress on whistle-blower protection legislation, which is imperative for ensuring not just the respectful environment that all employees should have the assurance of working within, but also the safety of that workplace.

I will be asking questions with respect to the issues of the Yukon audit bureau's audit of the Public Service Commission. I'm afraid I may have caught the minister off-guard five or six days ago when I asked him a question about that audit. I didn't intend to do that. I did want, and I do want, to raise the audit because I think that the audit has some very important findings, and I have no doubt that they will be followed up on.

The minister has competent senior public servants and managers who are charged with those obligations but, as minister, he is also charged with the obligation and the

responsibility of being aware of what the findings of the audit are and directing the kind of actions that will remedy those findings.

One of the key elements of an effective public service is the whole notion of transparency — ensuring that the processes that we use to both bring in new public servants and promote those public servants are transparent, that they stand the test of challenge and that they are based on merit. Those are not hollow words. They are words that have a long history and they form a very key part of the contract that is implicit for public servants who serve, based on their demonstrated merit for the positions that they occupy. They serve without bias and without prejudice; they are not political appointments.

We owe it to our public servants to make sure that we create an environment so they know that when staffing of positions occurs there is a competitive staffing process and that any staffing processes that we have in place in the Yukon — and I mean this in all positions, not just the indeterminate positions, but term, auxiliary on-call and casual — all meet the test of merit and they meet the tests of fairness and transparency

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

**Chair:** It has been moved by Ms. Hanson that the Chair report progress on Bill No. 11, entitled *Second Appropriation Act 2013-14*.

*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. 11, entitled *Second Appropriation Act, 2013-14*, and directed me to report progress.

Also, pursuant to section 102 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 5, Mark Pike, chair of the Yukon Workers' Compensation Health and Safety Board, and Joy Waters, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board, appeared as witnesses before Committee of the Whole from 3:30 p.m. to 5:00 p.m.

**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 the 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 5:26 p.m.*

### **The following document was filed November 26, 2013:**

33-1-69

Yukon Workers' Compensation Health and Safety Board responses to Committee of the Whole questions, letter re (dated December 18, 2012) from Joy Waters, President/Chief Executive Officer, Yukon Workers' Compensation Health and Safety Board, to Hon. Doug Graham, Minister Responsible for the Yukon Workers' Compensation Health and Safety Board (Graham)