

Whitehorse, Yukon
Monday, December 11, 2006 -- 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.
 Introduction of visitors.
 Are there returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Ms. Taylor: Mr. Speaker, I have for tabling the 2004-05 annual report of the Yukon Geographical Place Names Board.

I also have for tabling the annual report of the Yukon Heritage Resources Board.

Hon. Mr. Cathers: Mr. Speaker, I rise to table the 2005 annual report of the Yukon Workers' Compensation Health and Safety Board.

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

NOTICES OF MOTION

Hon. Ms. Horne: I give notice of the following motion:

THAT the Yukon Legislative Assembly, pursuant to section 17(1) of the *Human Rights Act*, appoint Maxwell Rispin to be a member of the Yukon Human Rights Commission.

I give notice of the following motion:

THAT the Yukon Legislative Assembly, pursuant to section 22(2) of the *Human Rights Act*, reappoint Donna Mercier and appoint Darcy Tkachuk to be members of the Yukon Human Rights Panel of Adjudicators.

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

THAT this House urges the Government of Yukon to implement the Yukon climate change strategy, which includes a high-level vision, guiding principles and the four following goals:

(1) enhance awareness and understanding of climate change on the Yukon's environment, people and economy;

(2) reduce greenhouse gas emissions through efficiency improvements within Yukon government programs in the short term and additional measures related to infrastructure development in the long term;

(3) build Yukon environmental, social and economic systems that are able to adapt to climate change impacts and are positioned to take advantage of opportunities presented by climate change, and;

(4) support efforts to establish the Yukon as a northern leader for applied climate change research and innovation.

Speaker: Are there any further notices of motion?
 Is there a ministerial statement?

MINISTERIAL STATEMENTS

RCMP street crime reduction team

Hon. Ms. Horne: It is with great pleasure that I rise before this Assembly to announce this government's latest step in making our communities safer, healthier and happier.

This government has stated that we have zero tolerance for drug dealing. We asked Yukoners to imagine a tomorrow where our children are not confronted by crack houses and drug dealing in their neighbourhoods. Our initiative today is one more tool in delivering that promise.

In cooperation with the Royal Canadian Mounted Police, we announced this morning that we will collaboratively establish an eight-person street crime team. The street crime reduction team is a proactive complement to the traditional policing approach. The RCMP street crime reduction team will focus exclusively on street-level crime. The street crime reduction team will deliberately focus on crime hotspots and prolific drug and alcohol offenders.

This will be in addition to our continued enforcement efforts in disrupting and dismantling the illicit drug trade at all levels. This eight-person team will be comprised of six police officers dedicated to enforcement.

The civilian personnel will be an intelligence analyst and a communications position. This team will further support our enforcement efforts with respect to abuse of drugs and alcohol, and is dedicated to reducing criminal activity on our streets. The total cost of this initiative is approximately \$1.4 million over the next three years or approximately \$485,000 of new money per annum for the next three years. This new street crime reduction team will be funded in part from Yukon's financial commitment to the substance abuse action plan.

Mr. Speaker, Yukoners have told us they want to feel safe in their communities, in their neighbourhoods and on their streets and this new initiative is directly aimed at addressing their concerns. With our partners, the Royal Canadian Mounted Police, we are committed to reducing the presence and availability of harmful substances in our communities.

Our government has zero tolerance for drug dealing. This activity is harmful. It is harmful to the individuals who get caught up in a life of substance abuse. It is harmful to their families. It is harmful to the citizens of our communities.

We committed to responding to Yukoners' concerns about alcohol and drug abuse. We committed to addressing the abuse of alcohol and drugs through this substance abuse action plan, which is four strategic directions of harm reduction, prevention and education, treatment, and enforcement. This new and significant partnership with the RCMP signals our resolve to follow through on these commitments. The street crime reduction team complements the safer communities and neighbourhoods office. Together these two initiatives offer new tools for law

enforcement. They send a strong message to drug dealers that Yukoners are no longer prepared to tolerate their presence.

Planning is underway and implementation of the RCMP street crime reduction team is anticipated to begin April 2007.

Mr. Inverarity: This is an initiative that we in the official opposition can fully support. Putting more police on our streets is a good first step to fighting crime. The minister said this initiative will cost approximately \$485,000 a year and I assume this money will start to flow in the spring budget. Could the minister confirm this in her response?

One of the things the minister did not mention in her comment was where the new officers would be stationed. Are they only going to be placed in Whitehorse or will some of them be placed in other communities?

On the overall issue of the substance abuse action plan, what measures, if any, has the government set up to determine the effectiveness of this plan? We are spending a fair amount of money on this program and there have been no discussions on how we intend to measure the effectiveness of this plan.

Thank you again, Mr. Speaker. Again, we support the announcement today and hope it leads to safer streets.

Mr. Cardiff: Well, this is one part of the substance abuse action plan, and no doubt it's a welcome one.

The minister's statement is a little short on detail, I guess. It's interesting that they're announcing something that's going to start in April. I expect it will have another announcement in March when we come back here.

The fact that it is only one of the four pillars of the substance abuse action plan begs the question about what the government's intentions are on other fronts, one being harm reduction and other ones being public education and treatment. We asked some questions in the Legislature last week about treatment, about the need for land-based treatment facilities to deal with addictions problems. We raised the spectre of the need for training here in the territory, as well, and for addictions counsellors and addictions workers to work not just in Whitehorse but also in the communities.

I would echo the comments by the Member for Porter Creek South as well. This is a substantial amount of money, I suppose -- \$485,000 per year. I'd be interested in whether or not these are new police officers that are going to be on the street over and above the complement in the RCMP contract, or are these resources going to fund resources that are already paid for under the policing contract that we have with the RCMP currently?

I'd be interested in what the strategy is -- not just that it deals with crime, drug dealing, bootlegging and crack houses in Whitehorse. How is this going to actually play out and provide those services and the zero tolerance that the government talks about, in every community of the Yukon? Because I think it does affect every community of the Yukon.

That's why, when we talk about harm reduction or land-based addictions programs and counselling, it has to be available in communities, not just in Whitehorse.

I thank the minister for the statement. We look forward to seeing how this initiative plays out for the government and how it is going to benefit all Yukon.

Hon. Ms. Horne: This announcement is our government's latest step in making our communities safer, healthier and happier. The street crime reduction team is a proactive complement to the traditional policing approach. The RCMP street crime reduction team will focus exclusively on street-level crime. The street crime reduction team will deliberately focus on crime hotspots and prolific drug and alcohol offenders.

As I said in my opening remarks, this initiative will be in addition to our continued enforcement efforts to disrupt and dismantle the illicit drug trade at all levels.

With harm reduction, we have the Outreach van and the community court services throughout the Yukon.

Yukoners have told us they want to feel safe in their communities, in their neighbourhoods and on their streets. This new initiative is directly aimed to address their concerns.

Earlier this sitting, we announced the opening of the safer communities and neighbourhoods office which provides Yukoners with a civil remedy. Today's announcement focuses on addressing the remedies available through the criminal process. This announcement today is in addition to our SCAN announcement.

With our partners, the Royal Canadian Mounted Police, we are committed to reducing the presence and availability of harmful substances in our communities. I would like to note that this partnership is one more example of how cooperation and collaboration bring real results.

Mr. Speaker, the health and safety of Yukoners is our highest priority, and I am pleased to say that we have taken another step in building healthier, safer and happier communities.

Thank you.

Speaker: This then brings us to Question Period.

QUESTION PERIOD

Question re: Outfitters land tenure

Mr. Mitchell: For months, the Premier has said that his government was going ahead with new big game outfitter policies. As recently as last Thursday, the Premier said the policy was going ahead with no changes. The Premier was singing a different song after meeting with Yukon First Nation chiefs on Friday. As a result of that meeting, the outfitter policy is officially under review.

Can the Premier confirm that the government has indeed backed off on implementing this policy as is, and will now consult with First Nations before moving ahead?

Hon. Mr. Fentie: Well, unfortunately, once again the official opposition and indeed leader of the official opposition has got it wrong. Applications are coming in for the outfitters policy. What we're doing with First Nations is something that was offered as far back as April 7, 2006. In recognizing that there will be land disposition issues that fall outside of YE-

SAA, we thought it would be in the best interests of all to form a working group to address these issues, including the implementation -- and I stress that it is the implementation -- of policies such as the outfitter policy.

We are doing our work as we should. We are doing it in partnership and in conjunction with First Nations in order to ensure that they and all Yukoners play a meaningful role in addressing such policies as this and other matters in land dispositions.

Mr. Mitchell: Well, Mr. Speaker, the Premier can use any words he wants, but for months the government was going full steam ahead on this new policy. That all seemed to change on Friday after meeting with the chiefs. The government appeared to back down and has actually agreed to work with First Nations on reviewing and implementing this policy. It's a good thing.

The first application under this policy was from Lone Wolf Outfitters. Is this application now on hold while the overall policy is reviewed?

Hon. Mr. Fentie: No, Mr. Speaker, the policy isn't on hold; the application isn't on hold. We are doing our work as we should and we will quickly convene the working group. In many instances it will be the same group we have already convened to work on successor legislation. Once again, I must correct the record. Nobody is standing down, backing up or anything of the sort. We as a government are doing our work as we should with respect to land disposition on Yukon land base and the decisions therein. It includes looking at what comes forward with respect to this policy, application by application if need be.

Mr. Mitchell: Considering that the Yukon forum meets and we don't see any government communiqués issued following it providing updates as to exactly what was discussed, we are forced to take our information from the media reports and from the interviews that the people who attend the forum give afterward. For months we have been asking for the Premier to take this flawed policy back to the drawing board, and we were pleased that on Friday the Premier at least appeared to agree to do just that. It took a long time, but it appears that the government finally agreed to address the concerns that First Nations and other Yukoners have been raising.

My question again is this: will the application from Lone Wolf -- and for that matter all pending applications under the now clearly defunct policy -- be put on hold while this policy is reviewed by the working group?

Hon. Mr. Fentie: I think I have been very clear in my first two responses to the member opposite. For the member's benefit, applications will continue to come in; applications that are in already are being assessed. We will now, in conjunction with First Nations through this working group, be collectively approaching the implementation of this policy. If need be, First Nations can be involved in each and every application. That was an offer made on the floor of this Legislature time and time again, and this is no different from what we already offered as far back as April 7, 2006 -- to form this working group to deal with land dispositions, especially those that fall outside of YESAA. We all know the confusion on the official opposition

benches on what triggers YESAA and how it relates to this outfitting policy.

Question re: Porcupine caribou herd

Mr. Elias: I have some questions for the Minister of Environment. The Vuntut Gwitchin government has recently made decisions to impose a partial hunting ban on their lands along the Dempster Highway as a result of traditional knowledge, land-based observations and receiving evidence that the Porcupine caribou herd's population may be as low as 78,000 animals.

The herd should be counted every second year and there have been four unsuccessful attempts since 2001. However, the bottom line is there hasn't been a successful census of the herd since 2001. It has now been five years since we were given updated census figures.

Can the minister indicate the situation, as it relates to the government's efforts this year, in getting an accurate population count on the Porcupine caribou herd?

Hon. Mr. Fentie: I share the Member for Vuntut Gwitchin's concerns with respect to the herd. It has been an issue now for some time. We know the Porcupine Caribou Management Board is very concerned about this, as are First Nations and others. Unfortunately, sometimes the herd does not cooperate and gather at a time and in a place where a detailed accounting can take place.

If the member recalls, we as a government have committed to thoroughly update our database with respect to wildlife in the Yukon, with a specific target on the Porcupine caribou herd. I'll also be meeting with the chair of the PCMB in the next little while to discuss these matters. I've had discussions with the Chief of the Vuntut Gwitchin government with respect to this matter, and we're very serious about dealing with the conservation and preservation of the Porcupine caribou herd. Our discussions will include the updated database and possibly the aspects of a harvest management plan.

Mr. Elias: Let's quickly go over what we don't know about the Porcupine caribou herd at this point in time. We don't know the fate of the calving grounds within the Arctic National Wildlife Refuge, which are at continuous risk of oil development. We have no idea what the population is right now. There's an unknown First Nation harvest; there's an unknown wounding loss as a result of harvesting attempts and we don't know the full effects climate change is having on the health of the herd.

What we do know is that the herd is in decline, and so are the Cape Bathurst and the Bluenose West caribou herds.

With regard to the harvest, one of the key pieces of information that is required is a count of the number of harvested animals that cross back into the Northwest Territories. Will the minister work with his Northwest Territories counterpart to set up a check station near the N.W.T. border to record the harvest data of the residents in the Northwest Territories and to investigate what has been associated with the commercialization of the Porcupine caribou herd on the N.W.T. side of the border?

Hon. Mr. Fentie: I have to go back to my previous answer. We are going to update the database, and it includes an accurate count of the numbers. We recognize that the herd is in

decline. That has been happening annually now for a number of years.

We also have announced, though, that the climate change issue is critical to this database modernization, so we can get a better understanding of what climate change is doing, along with hunting and predation. So, our work will be very focused on the Porcupine caribou herd and very much in partnership with the Vuntut Gwitchin and other First Nations, whose culture, history, livelihoods and subsistence in many, many cases rely on this herd.

With respect to the Bluenose herd, we know what has happened. The population has declined to low levels where the herd is in great difficulty. Recently we announced the closure on the Hart River herd with respect to hunting, basically for the same reasons -- the numbers aren't sufficient to allow open hunting on the herd. I just signed off the order the other day to close the hunt for the Hart River herd.

Mr. Elias: What we are trying to avoid here is a Porcupine caribou recovery program and the user groups going on quotas.

The Porcupine Caribou Management Board is the primary instrument to manage the herd and they are struggling financially. The board is facing many challenges when it comes to the management of the herd, including developing a harvest management strategy, developing curriculum and partners for delivery of the hunter education program, collecting harvest data, and communicating the above to the public.

Will the minister increase funding to the Porcupine Caribou Management Board so they can adequately fulfill their mandate, and will he encourage Canada to also follow suit and increase their funding to the board?

Hon. Mr. Fentie: I can assure the Member for Vuntut Gwitchin that we are going to work very closely with the Porcupine Caribou Management Board, with First Nations such as the Vuntut Gwitchin First Nation, with other stakeholders and other agencies to ensure the preservation and conservation of the Porcupine caribou herd.

At no time are we going to allow a situation where a recovery program for this herd may be the only option. That's not where we are at today and, as a government, we have no intention of getting into that position.

I will be discussing these matters with the board itself shortly, and we are going to forge ahead through those discussions and how we can assist the board in doing its work. But we as a government are going to begin the work with respect to updating our database and getting an accurate count on the herd itself.

Question re: Social housing

Mr. Edzerza: I have a question for the Premier about the new song we're hearing about the \$50-million northern housing trust money from the federal government.

According to media reports, at least some of the First Nation leaders are now satisfied with how that money is being allocated. Yet, for all the rest of us who are not allowed to listen in on the Yukon forum discussions, it is as clear as mud. Frankly, Mr. Speaker, both the federal and territorial governments have done a pretty poor job of communicating how this

northern housing trust money will be used. Will the Premier explain the difference between the \$32.5 million he was discussing with the First Nations and the remaining \$17.5 million? If it is all for affordable housing, what criteria will be used to decide what projects get funded?

Hon. Mr. Fentie: It is unfortunate that it's not clear to the member opposite. I think the member was around in the days when the bill was passed in Parliament. It brought clarity to the whole issue. Bill C-48 is fairly clear. It establishes \$300 million for affordable housing in the north to be shared between Nunavut, the N.W.T. and the Yukon. Our portion of the Bill C-48 fund is \$50 million. We committed at the outset to sit down with First Nations and develop a joint investment plan. That is what we have done over the course of the last number of months. Once that was completed, it was brought to the Yukon forum -- to the principals, who are the chiefs and the public government. Agreement was reached and we will allocate the First Nations' portion to First Nations as soon as possible so that they can begin building affordable houses.

Mr. Edzerza: Well, the Premier did not explain the criteria. Anyone who has watched the debates in here for the last year or so may be forgiven if they can't understand what this government means by "affordable housing". The minister responsible for the Yukon Housing Corporation seems to think that it is whatever the market will bear. When the new lots at Fox Haven come on stream at \$160,000, he will probably call that affordable too. The minister stands up and says that he doesn't understand the difference between affordable housing and social housing.

Let me ask the Premier this: what portion of the \$50-million northern housing trust, if any, will go toward addressing the growing need for social housing in the territory?

Hon. Mr. Fentie: Mr. Speaker, the government through various departments and agencies, is already addressing the issue of social housing. We have a substantial inventory of social housing available in Yukon, and now we can add more to the list of affordable housing being made available in Yukon. This particular bill, C-48, allows for that to happen. Our investments will go to where the demonstrated need is, whether it be a single unit or in multiple units, whatever the case may be. We're not going to dictate to First Nations regarding this investment; we're going to allocate an investment directly to them for their disposal to build housing where it's needed in First Nation communities. The public government will address its needs and issues where the most demonstrated need is at this time, and I think all in all what the member opposite is missing is that this is allowing us to improve our situation regarding affordable housing because we have more resources available than we did in the past.

Mr. Edzerza: Mr. Speaker, in the McIntyre subdivision and other Yukon communities there are a number of existing houses that are vacant. Many of them need renovations because of black mould or other problems. We've been urging this government for a long time to do something about the mould situation, but we haven't seen much action on that file. In his negotiations with First Nations about how to spend the northern housing trust money, is the Premier making it a prior-

ity to invest in renovations that could be started right away, or is he looking for a legacy of new homes only?

Hon. Mr. Fentie: Well, it's difficult to transcend addressing people's housing needs into a legacy. I would caution the member opposite, this is an area of our society where we all bear responsibility. Today, through our negotiations and discussions and the establishment of a joint investment plan with First Nation governments, the Yukon is in better shape than it was in the past. Yes, we can deal with renovations that address mould and other matters, but at the end of the day, public government will take its portion of the fund, invest it directly into affordable housing needs, whatever they may be, and we'll go over our options and deal with Yukoners as we always do. But we will allocate the First Nation portion directly to them, and their governments will make those decisions.

Question re: Whitehorse waterfront development

Mr. Edzerza: I have a question for the Minister of Community Services. When the federal budget for 2006 was announced, there was a lot of hoopla about \$16.5 billion being spent over the next four years for provincial, territorial and municipal infrastructure. This was supposed to include an additional \$2 billion for the Canada strategic infrastructure fund. According to the description of this fund, it is for projects of national and regional significance. Since Whitehorse is a capital city on a nationally significant river, obviously the Whitehorse waterfront fits that description.

Will the minister tell us how much of the Canada strategic infrastructure fund is earmarked for developing the Whitehorse waterfront, and where is the money?

Hon. Mr. Hart: The waterfront project is an agreed-upon project under the Canada strategic infrastructure fund and we have \$90 million allocated under that program. If the member opposite would just go down Main Street once in awhile he would see all of the work that was done this summer on Main Street.

We are doing reclamation on land with regard to the soil. Improvements were made on First Avenue and we continue to make the improvements along the waterfront to enable the future waterfront development.

Mr. Edzerza: I have noticed action on the waterfront. If I am interpreting the minister correctly, it sounds like the holdup isn't in Ottawa but a little closer to home.

The Canada strategic infrastructure fund is a cost-sharing vehicle involving three levels of government -- federal, territorial and municipal. If the federal government has its cheque-book out, it makes me wonder why we aren't seeing more hustle on the waterfront. Can the minister tell us who is responsible for the delay here? Is it the city or the Yukon government or maybe both?

Hon. Mr. Hart: I'd like to take the member opposite back into history just a little bit. We're working with the City of Whitehorse and all the stakeholders involved in the development along the waterfront. That includes business people, the arts community and everyone involved in the process. There has been some delay in getting some aspects of what the waterfront should look like. We've gone back to the drawing board a few times, so initially there were some delays.

Just to correct the member opposite, the Canadian strategic infrastructure fund is only two levels of government -- ours and the federal government -- sharing it equally. With regard to that, that is how that particular program goes. In some instances, the applicant will put up a small portion of funding to assist in whatever the project is, depending upon what it will be, but in our particular instance, it's a 50:50 split and we're working. There's no real slowup as far as the money goes. For example, we're waiting for the city to submit its final claim for this year's funding, and when it does come, it will be paid.

Mr. Edzerza: One of the eligible categories under the Canada strategic infrastructure fund is tourism or urban development infrastructure. If anything fits that description, surely it's the Whitehorse waterfront development. One of the key components of that development is the cultural centre that the Kwanlin Dun First Nation wants to build. Then there's the chunk of land the territory got from the city as part of the Premier's deal with the former mayor on the athletes village.

Will the minister tell us what the parcel of land will be used for, and will he also explain the holdup regarding the Kwanlin Dun cultural centre?

Hon. Mr. Fentie: It's imperative we put everything into factual context when we debate, and we all know the cultural centre is part of the Kwanlin Dun First Nation land claim. The obligations of the Yukon territorial government under that claim have been delivered. We have purchased the property for the cultural centre and transferred it to the First Nation. We have done the reclamation or remediation work on said property; we have advanced monies to the First Nation.

Just off the top of my head, I would suspect our investment to date is close to the \$4-million mark, so we've lived up to our obligations.

With respect to the property, nothing will happen to it until after the Canada Winter Games. As the member well knows from sitting on Management Board a few months ago, this was the arrangement that was reached. The member approved that arrangement, by the way.

Also, part of the CSIF investment is going into the community of Carcross for waterfront development. Mr. Speaker, considering the level and scope of activity to date on the Whitehorse waterfront, I am not sure where the member is going with this question. He has missed the point completely. A tremendous investment has taken place on the Whitehorse waterfront while all stakeholders -- the City of Whitehorse, the Yukon government and First Nations such as the Kwanlin Dun -- work collectively on developing a theme for the waterfront.

Question re: Land application process

Mr. McRobb: There was no shortage of land-related controversies during the Yukon Party's previous term in government. These featured the proposed development of the research forests from the Mayo Road, the Fish Lake lot fiasco, confusion over the college endowment lands, Shallow Bay, residents on placer claims and a shortage of residential lots in the Whitehorse area and in communities. These are only some examples among many, including one that absolutely led investigators to the minister's own backyard. Now, to be fair, there has been an election since those issues boiled over, and in its

campaign platform this government promised to streamline the land application process and ensure that appropriate policies and administrative structures are in place to manage Crown land in the territory.

Will the minister responsible for lands share with us his plan to achieve that promise and, presumably, avoid further land-related controversies?

Hon. Mr. Lang: In our platform, we promised to go forward with a working relationship between Community Services and Energy, Mines and Resources to streamline the application process and Yukoners' access to land. We are doing just that.

Mr. McRobb: Let me give you an example of what needs to be done, Mr. Speaker. Back on May 9, 2005, this minister told this House he was working with industry to develop resource management policies to implement land tenure for commercial wilderness operations. This same minister said he was working with industry to put a policy in place that would unfold in the near future. He added that it would be done in a timely fashion.

But more than a year and a half has ticked away and there is still no product. I presume such a policy would factor in the interests and concerns of a variety of land users, including First Nations, wilderness tourism operators, trappers, hunters, outfitters and so on. When will this minister finally live up to his promise and put this policy in place?

Hon. Mr. Lang: In addressing the member opposite, this government did make a commitment and this government will live with that commitment we made to Yukon people. We are going forward with planning on how Yukoners can get access to public land in the Yukon. It will unfold over the next period of time and hopefully we can solve the internal issues.

Mr. McRobb: We are not getting anything firm from the minister. As a matter of fact, the scheduling is looser than what it was a year and a half ago. Furthermore, I am wondering, like other Yukoners, about this minister's ability to deal with comprehensive land-use policies in the territory, especially when the outfitters are one of the major land users.

Can he clarify for our understanding if he has anything to do with land use where outfitters are part of the user groups?

Hon. Mr. Fentie: If I wanted to answer that question appropriately, I would be called to order. So, I will answer it this way. The members opposite know full well that this side of the House follows direction and recommendations from the Conflicts Commissioner. There are going to be occasions when ministers may have some association -- some association -- with some entity, and we take the steps necessary to ensure that there is no real or perceived conflict. That is why I have been answering in the minister's stead on matters of outfitter policy.

To make this linkage, however, is irresponsible. It has nothing to do with the member's original question and could be defined as somewhat mischievous.

Question re: Porter Creek land development

Mr. Inverarity: Mr. Speaker, in the fall of 2005, the Yukon government promised land in Porter Creek to three different groups. One minister promised it to Yukon College, another to the City of Whitehorse for a new subdivision. The third

minister was working with the residents on setting the land aside for a new park. In the spring of 2006, the government did some public consultation on the issue, and since then the issue had dropped off the radar. There are many residents in my constituency who want to know what's happening, if anything, with this land. Can the minister tell the House if any decisions have been made?

Hon. Mr. Lang: Mr. Speaker, we've been working with the city on the McIntyre Creek question during the consultation period over the last 24 months, and we look forward to resolving it in the future.

Mr. Inverarity: Mr. Speaker, the residents were quite rightly concerned when they found out that the government was planning to use the land in question for three different purposes. No one in this government has even asked their opinion. As I already mentioned, one potential use in the area was for a new residential subdivision of approximately 280 lots. Our position has always been that this is not a good idea. Can the minister tell the House today if this subdivision has been taken off the table as an option?

Hon. Mr. Lang: Mr. Speaker, in the last Legislature, we had a motion on the consultation for this specific question and how it will be handled in the consultation process. We're doing exactly what that motion said. It was agreed here in the House how the process was going to be handled.

Mr. Inverarity: Mr. Speaker, the residents want to know what is happening in their neighbourhood. They want to be kept informed by their government. When is the government going to make a decision about the land in Porter Creek, and when is he going to tell the residents what the next steps are going to be?

Hon. Mr. Lang: I can tell the member opposite that we are following through on the consultations and hopefully early in the new year we will have something to put out for the member's constituents at that point.

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 request the unanimous consent of the House to call at this time the motions that the Minister of Justice gave notice of today respecting appointments to the Yukon Human Rights Commission and the Yukon Human Rights Panel of Adjudicators.

Unanimous consent re calling Motion No. 65 and Motion No. 66

Speaker: Is there unanimous consent to call the motions identified by the government House leader?

All Hon. Members: Agreed.

Motion No. 65

Speaker: It is moved by the Minister of Justice that the Yukon Legislative Assembly, pursuant to section 17(1) of the *Human Rights Act*, appoint Maxwell Rispin to be a member of the Yukon Human Rights Commission.

Hon. Ms. Horne: I am pleased today to speak to Motion No. 65 and Motion No. 66, which bring forward the names of individuals to be appointed to the Human Rights Commission and the Human Rights Panel of Adjudicators. These appointments have received the consent of members of this House. Motion No. 65 recommends the appointment of Mr. Rispin to fill a vacancy on the Human Rights Commission.

Mr. Rispin is a long-time northerner having lived in the N.W.T., Nunavut and the Yukon. Mr. Rispin brings with him many years of experience as an educator, justice of the peace and coroner. He is currently a member of the Health and Social Services Council, Crime Stoppers Yukon, chair of the Yukon branch executive committee of St. John Ambulance and northern national vice-president of the Association of Public Service Alliance Retirees.

We are proud to appoint Mr. Rispin as a member of the Human Rights Commission.

Thank you, Mr. Rispin, for allowing your name to stand for this very important appointment.

Mr. Mitchell: We in the official opposition just want to say that we're pleased with the people who put their names forward, not only the three who were selected but there were several others. It's a positive sign that so many Yukoners are interested in volunteering to serve on important boards and committees such as the Human Rights Commission, and we can support these nominations.

Mr. Cardiff: We too would like to congratulate the people who put their names forward. It's important that people from the community are represented on important boards. Some of those boards are mentioned in the Standing Orders. Contrary to what the minister said, while we support these appointments, I don't find the process was agreed to by all parties in the Legislature. The process was that we were entitled to submit nominations and then we were told who the nominees were going to be.

In Standing Order 45(3.1) there is the ability -- and we did put names forward to the House leader at the beginning of this sitting -- for a member or members to sit on the Standing Committee on Appointments to Major Government Boards and Committees. We find it unfortunate that the government has seen fit not to go forward with appointments to both that standing committee and the standing committee they also committed to in the last Legislature to draft whistle-blower legislation.

While we congratulate those who will be serving and wish them well in their endeavours and think it's important that people do put their names forward -- and other names were put forward -- when it comes to making a decision on who will be successful, there were no discussions in that regard, so I find it hard to accept the minister's statement that there was all-party consensus on whose names went forward.

That being said, we are willing to vote in favour of the motion.

Motion No. 65 agreed to

Motion No. 66

Speaker: It is moved by the Minister of Justice that the Yukon Legislative Assembly, pursuant to section 22(2) of the Human Rights Acts, reappoint Donna Mercier and appoint Darcy Tkachuk to be members of the Yukon Human Rights Panel of Adjudicators.

Hon. Ms. Horne: Mr. Speaker, I am also very pleased to bring forward the names of the individuals who will be appointed as members of the Yukon Human Rights Panel of Adjudicators.

Donna Mercier has established herself as a leader in the Yukon business community. She has been actively involved in various community activities and volunteers her time with the Whitehorse Chamber of Commerce and the Rotary Club of Whitehorse. Her acute business sense and community involvement will lend strength to the Yukon Human Rights Panel of Adjudicators and its responsibility to work on behalf of Yukoners.

Darcy Tkachuk has been actively involved for many years as a community volunteer for various committees. Currently he is a member of the Yukon Health and Social Services Council. He also brings extensive expertise in the management and law fields, which will enhance the work performed by the Yukon Human Rights Panel of Adjudicators.

The appointment of these individuals, Ms. Mercier and Mr. Tkachuk, will ensure continuity and add new perspective to the work of the panel of adjudicators.

I would like to thank these individuals for offering their services to the community.

Mr. Speaker, I brought these names forward today for the concurrence of the House. Thank you.

Mr. Mitchell: Once again, we can support these appointments of these individuals; however, as has already been stated on the previous motion by the acting leader of the third party, we would urge the government to move forward expeditiously with appointing members to the all-party standing committee on appointments and move forward with the appointments in a genuinely consultative fashion, as opposed to simply asking for input and then making a decision.

Again, we do support these individuals. We know that they are qualified.

Mr. Cardiff: I am not going to repeat my comments from before. Once again, I would like to congratulate those people who are coming forward and the others who put their names forward. I am sure that the nominees will do a great job. They have the experience to do that and we look forward to their work.

Motion No. 66 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: Committee of the Whole will come to order.

Before Committee of the Whole resumes consideration of Bill No. 3, *Second Appropriation Act, 2006-07*, the Chair will rule on a point of order raised by Mr. Cathers on the last sitting day.

Chair's ruling

Chair: During Committee of the Whole consideration of estimates for the Department of Highways and Public Works, Mr. McRobb said certain government employees, in the absence of whistle-blower legislation, would "put their jobs at risk by speaking out publicly under this Yukon Party government".

Mr. Cathers argued that Mr. McRobb had violated Standing Order 19(g), which says, "A member shall be called to order...if that member imputes false or unavowed motives to another member." In responding to the point of order, Mr. McRobb said that Standing Order 19(g) applies only when one member accused another. Procedurally, this is not the case. A member cannot escape the sanction of Standing Order 19(g) by attributing false or unavowed motives to more than one member at the same time.

Though it is not a procedural issue, the Chair acknowledges that one reason some jurisdictions have adopted whistle-blower legislation is to protect workers whose jobs might be at risk if they spoke out publicly about alleged government wrong-doing. However, this is true of all governments as institutions. It is not only true of the current Government of Yukon.

The Chair finds that Standing Order 19(g) was not at issue last Thursday. Rather, the Chair finds that Mr. McRobb made a charge against the governments collectively. That is not in order. According to *Beauchesne's Parliamentary Rules and Forms* "(i)n any case where the propriety of the member's action is brought into question a specific charge must be made." *House of Commons Procedure and Practice* adds "a direct charge or accusation against a member may be made only by way of a substantive motion, for which notice is required." In other words, such remarks cannot merely be injected into debate.

In order to ensure orderly debate, the Chair would ask all members not to make charges against one another.

Would members like to break before we continue?

Some Hon. Member: Agreed.

Chair: Committee will recess for 10 minutes.

Recess

Chair: Committee of the Whole will come to order.

Bill No. 3 -- *Second Appropriation Act, 2006-07* -- continued

Chair: The matter before the Committee is Bill No. 3, *Second Appropriation Act, 2006-07*, Vote 52, Department of Environment.

Department of Environment

Hon. Mr. Fentie: By way of introductory remarks, as was mentioned in the Speech from the Throne, this government will focus on four pillars to build Yukon's future. Protecting Yukon's pristine environment, preserving our wildlife, and studying and mitigating the impacts of climate change will figure prominently in the months and years to come.

On the question of climate change, the department is developing a comprehensive public consultation initiative to implement the government's climate change strategy, which we unveiled this past September. I noted back then, and I reiterate today, that we're committed to a broad public and internal consultation to ensure the climate change action plan is relevant to Yukoners and to communities.

Once the work has started on the climate change action plan, we'll be able to determine and outline the actions and initiatives the government will undertake to implement said strategy.

As was mentioned in the throne speech, preserving our wildlife is among the pillars for this government for years to come. In order for us to achieve this, we have directed the department to start two very important initiatives. The first is in progress now, and the details are covered in this supplementary budget. I directed that a new wildlife inventory initiative start this fiscal year, so that the department could carry out the work this fall and winter.

The second initiative is connected to the first. I have directed that the department bring interested stakeholders together for a symposium in the new year. We will be extending invitations to a wide range of interests, including First Nations, the Yukon Fish and Wildlife Management Board, renewable resources councils, and NGOs such as the Yukon Fish and Game Association and the Yukon Outfitters Association. This will be an opportunity for everyone to discuss their respective interests as the department increases its capacity to do more data collection and inventory work.

I will now highlight some of the line items of the supplementary budget. On the operation and maintenance side, this supplementary budget is a three-percent increase in the department's overall investment in operation and maintenance. Of that total, 2.5 percent, or roughly \$497,000 is going to the major initiative that I just mentioned to update wildlife population and habitat data for future planning. As well, this wildlife data-gathering initiative is in response to the growing requests for more and timely fish and wildlife information that is needed for wildlife management and economic development planning needs. We consider this funding to be a long-term -- I stress, Mr. Chair, long-term -- continuing investment that is necessary to increase the department's data collection capacity in the years ahead.

This information is essential for decision makers such as the Yukon Environmental and Socio-economic Assessment Board, the renewable resource councils, the Yukon Fish and Wildlife Management Board, First Nation governments and municipal bodies who need to review land use and harvest management applications, and, indeed, the group we were talking about today in Question Period, the Porcupine Caribou Management Board. The data is also important to companies that need current information to make investment decisions for their proposed resource activities. The new funding takes the increased cost of conducting the surveys into consideration and the need to use helicopters instead of fixed-wing aircraft for some of the survey work. I think the advantages are obvious.

The specific projects approved for this winter include: a Mayo moose survey; a Liard east moose population monitoring project; a Coast Mountains mountain goat survey; wildlife habitat mapping for the Peel planning region; population, distribution and demographics of elk; population, distribution and demographics of bison; a Finlayson caribou census; and a LaBerge-Pelly caribou composition count.

I will try and keep my remarks as brief as possible so we can engage in debate.

On the capital side, the \$149,000 or five-percent increase in the capital budget is to cover projects that were either put on hold in the last fiscal year or simply ran out of time to be completed by the end of the fiscal year. An example of an item running out of time was the \$57,000 investment to finish work on the gates and feeding stations at the Yukon Wildlife Preserve.

We are also revoting \$42,000 so that we can resume the work to bring in *Wildlife Act* amendments for species at risk management and amendments to make the *Wildlife Act* consistent with the land claims final agreements.

Of course, our number one priority will be our obligations under the land claims and final agreements to ensure that Yukon government legislation is consistent with those agreements.

On the recovery side, the federal government's habitat stewardship program for species at risk has agreed to fund an experiment proposed by our regional biologists to see if we can reduce wildlife roadkill on our main highways. The experiment will involve the use of lithium chloride, a mild substance that will cause slight nausea but will not affect the overall health of caribou and moose. The experiment is to see if applying lithium chloride will condition the animals to avoid the road surface and licking the rock salt that is mixed in with sand and gravel to prevent freezing.

A section of the Alaska Highway that is used by the Rancheria herd will be treated to see if the procedure can reduce roadkill. Sadly, more Rancheria caribou are killed each year by vehicles than by hunters. If this experiment is successful, then we could see it being adopted for other locations where roadkill is starting to increase in numbers.

Overall, this supplementary budget will help the department carry out projects that will ensure that optimum benefits can be derived for all Yukon people.

I think it's clear that we have taken some steps in this supplementary budget to advance the department's overall agenda.

We have clearly demonstrated that the Department of Environment will be playing a major role in this mandate and in this government's corporate structure.

Mr. Elias: First of all, I look forward to being the Environment critic for the official opposition. I also look forward to proceeding in a way that will be conducive to the department achieving their departmental objectives. I will just get right into it. It is hoped it will be brief. I appreciate the minister's opening comments in which he addressed some of the line items in the supplementary budget. I did scratch off a couple of questions here.

The Tombstone Park interpretive centre has been an initiative for many years now. I note that there is a modest sum of \$10,000, with zero in the first column. What is the present status, and what are the long-term objectives for this? That is one question. Another question is regarding climate change. I find it interesting that there is only \$30,000 for reporting on the state of the environment and only half of it was spent.

Can the minister shed some light on those two questions for me?

Hon. Mr. Fentie: With respect to the Tombstone Park interpretive centre, the line item as mentioned is for exhibits in the centre itself. The overall project has been transferred to the Department of Highways and Public Works, where the expertise for building buildings is housed. The overall project is with project managers in the Department of Highways and Public Works.

With regard to climate change, it would be very difficult in this supplementary budget to capture the major initiative that we are going to undertake in the Yukon for climate change. We have already developed our strategy. I have publicly tabled the Yukon's climate change strategy, but we now must do the work to develop the action plan. This will include a very intensive public consultation with respect to the action plan. Some of the investment for that is already in operation and maintenance in this supplementary budget.

Mr. Elias: On the subject of climate change, as you may or may not know, this is a very important issue with regard to my constituents in north Yukon and in Old Crow and to the Vuntut Gwitchin. It's interesting to note that outside the administration building in Old Crow this summer, for the first time there was a hummingbird seen. It was hovering near the front door. So when you talk about climate change, a hummingbird at the 67th parallel -- that hasn't been seen before.

The climate is changing so fast that our people are worried that if the animals aren't going to adapt quickly enough, they're going to perish and our culture along with them. The effects of deep snow alone on the caribou can be catastrophic. I can't stress enough the importance of our public governments and all governments in Canada, from the local to the national stage, taking action. What we individually can do, what businesses can do, what governments can do, what we can do regionally, and what we can do on the international stage is of utmost importance. I can't stress that enough.

With regard to the threats to the Porcupine caribou herd, as I said earlier in Question Period, protecting the calving grounds on the Alaskan side within the coastal plain of the Arctic Na-

tional Wildlife Refuge is still the major issue. The harvesting issue with regard to wounded loss -- many of the worker bees, so to speak, that are working in the territory and have a lot of experience, especially along the Dempster, consider the wounded loss to be upwards of 20 percent. That means every time 10 animals are harvested, there are two that are wounded that will die somewhere out in the wilderness. That is human caused.

There's an unknown First Nation harvest, and it has not been known for years. The unknown First Nation harvest with regard to caribou that have been harvested on the Yukon side of the border under the *Porcupine Caribou Management Agreement* that are transferred over to the N.W.T. side is unknown and is considered to be significant. If we can somehow coordinate our public governments so we can address these threats, we'll be in a position to make some good, solid decisions.

With regard to climate change and its effect on the Porcupine caribou herd, in my constituency, we've noticed that a number of different parasites have increased in various parts of the caribou, and there are some parasites that have not been seen before. A lot of our people consider that to be a result of climate change. To best explain it, over time, the parasites that now live within the caribou were in symbionts -- they relied on each other in a different temperature and a different way of life. Now the climate is affecting the caribou, and we don't know the potential effect on the caribou.

With regard to their habitat, there is an encroachment of early green-up areas where the scrub brush is taking over the coastal plain where they calve and the grasses and stuff are being overridden by that. We see that on aerial photographs and consider that a result of climate change.

Our elders on the land have especially noticed that spring in north Yukon is coming three weeks early, and it has now for a decade. It has been consistent in doing so. If that continues to be the trend, the cows will not be able to make it across the Porcupine River and up to the calving grounds, where they're supposed to be. For two years in a row, 1999 and 2000, I, along with the chair of the Porcupine Caribou Management Board, were taking newborn calves across the Porcupine River because they could not swim. We were physically taking them across so they could be with their mothers on the other side. That's a fact; I've seen many people do it. That's what is happening in terms of climate change.

There's increased insect harassment for longer periods of time; the incubation period is very early because of hot temperatures in June. These are the kinds of things that are affecting the caribou in the north.

Again, we haven't had a census completed since 2001. I can't just stand here and present the problems. I consider this Porcupine caribou issue an issue that could be a shining example of how this Legislature could be successful. I can't just stand here without presenting solutions -- such as working with the minister within the Government of the Northwest Territories to man the border to count what is going on over there -- to address what some people are considering to be a commercialization of the Porcupine caribou herd.

There is a provision within the *Porcupine Caribou Management Agreement* that says we can share among ourselves and trade and barter among ourselves. There is word, and we can't ignore it, that there is commercialization going on on the Northwest Territories' side of the border. Hopefully that can be addressed.

Increased hunter education programs -- I think we have a very good hunter education program here in the Yukon. If we can somehow work with the Government of the Northwest Territories to integrate both systems -- I am not sure if they have one -- and be able to deliver that program in the schools in the delta so that the children can grow up learning hunter education and ethics that can be culturally integrated. We have to take action on climate change.

It is very important to mention that advocating the protection of this herd at all levels -- from the grassroots to the international stage -- is very important. The Democrats in the U.S. have control of the House and Senate. This is a very rare political opportunity. I don't see a reason why our government can't take the initiative and address the United Nations at the United Nations Educational, Scientific and Cultural Organization level and make a submission -- maybe from the Department of Environment -- to designate Ivvavik, the Vuntut Gwitchin settlement lands, the special management area, Herschel Island and the Arctic National Wildlife Refuge as world heritage sites and international biosphere reserves.

Finally, sections of the *Porcupine Caribou Management Agreement* -- to me -- can be revamped and reviewed in this era of self-governments. Many of the signatories -- for example, the Dene-Metis Association -- are no longer in existence. There are self-governing First Nations that have control over land and control over their people. That did not exist when the *Porcupine Caribou Management Agreement* was negotiated in 1984. I think that problems along the Dempster could be addressed by looking at the *Porcupine Caribou Management Agreement*, reviewing it, and putting it in the context of self-governance, especially in the Yukon.

I'm very concerned about another issue. What happens if we don't get a count in June? What happens if we continue to not know about the Porcupine caribou herd? What happens if the unknowns continue? I would stress that the minister err on the side of conservation if this occurs and to use section 194 of the *Wildlife Act*. To me, it would be beyond a reasonable doubt that there is a conservation concern. I, for one, am here and willing to help this government, particularly on the issue of the caribou, be successful in its leadership to protect the caribou. That's all I have to say.

Hon. Mr. Fentie: Mr. Chair, I think we recognize that the Member for Vuntut Gwitchin has an in-depth knowledge with respect to the environment and the ecology, particularly in the Vuntut Gwitchin traditional territory, interaction with the caribou -- all very important, long-standing elements of culture. But I want to try to express to the member opposite that we want to go to work on this issue because we too have great concerns about what is transpiring with respect to the Yukon wildlife -- in this case specifically the Porcupine caribou herd.

First and foremost, we have to get an updated count so we know where the herd is at in numbers, because that has a lot of bearing on other measures and decisions that will be made. So we will be pursuing a very in-depth count this year.

I announced that one of the changes we are going to undertake is that instead of fixed-wing, we'll start to use more helicopter time so we can land on the ground in any particular area. Helicopters tend to give a much better sight-line, if you will, versus fixed-wing. Helicopters can come in at a much lower altitude. Of course we have to deal with the U.S. government on the count on the U.S. side because of the gathering of the herd, and we need the herd to cooperate. They have to gather in a place in majority numbers so that an accurate count can take place. We also must look at the migration patterns of the herd -- let's say, over the last 10 years -- to see what's happening there so we have an understanding of that.

We will continue to work very closely with the Porcupine Caribou Management Board and deal with its recommendations as we always have. But what's happening right now that's very important to the member's issue is the whole aspect of the development of a harvest management strategy with all concerned -- First Nations, stakeholders, Porcupine Caribou Management Board and others -- so we commence the work as quickly as possible on a harvest management strategy. Those are the discussions that we are engaged in as we speak, not only with the Chief of the Vuntut Gwitchin, but I will be discussing, I believe, on Wednesday with representatives from the Porcupine Caribou Management Board this aspect of a harvest management strategy. Of course this will be brought up with my counterpart and the government of the N.W.T. in the spirit of collaborative pan-northern governance that we have undertaken in the north. All these factors will be part of that.

Climate change is an issue, as are the impacts of climate change on our wildlife, including the Porcupine caribou herd. That is why we are undertaking this major initiative in developing research for that very reason -- because we have to get an understanding of what climate change is doing overall and how we can adapt to what is happening to our environment, our land base, our wildlife and so on.

We have great concerns with respect to the herd and what is happening. That is why we are implementing the measures that we speak of, not only during the election but here in the supplementary and beyond. There is a tremendous amount of work ahead of us and we look forward to working with the Vuntut Gwitchin so we get knowledge from elders and an understanding from those who are out on the land base on virtually a daily basis to provide us what they are seeing.

One of the aspects of the data gathering for the Porcupine caribou herd is utilizing the campus in Old Crow as an area to establish, if you will, a base for the gathering of knowledge. You will see that in this government's announcements from a couple of months ago.

With respect to the issues in Washington, we will continue to accept our direction as requested by the Vuntut Gwitchin government, who want to be the lead on dealing with these matters. We accept that and will continue to assist and deal with the Vuntut Gwitchin government on this particular area.

I agree with the member opposite that with the Democrats' control of the House and the Congress, there is a new dynamic at play and it is highly unlikely that any great pressure is going to be brought to bear to drill in ANWR in the very near future. All these things are combined and we must get a clear understanding in all these areas on exactly what is going on, including the migration patterns of the herd, so we understand how all that fits with the overall land base.

I want to commit to the Member for Vuntut Gwitchin that we as a government will work with the member and his community along with others. For us, a number one priority would be the Vuntut Gwitchin and their issues, and we will continue to address those and work with them on a very constructive and proactive basis when it comes to the Porcupine caribou herd.

I think it's fair to say that when it comes to climate change there's much more involved. The department has to focus in on other areas -- some of those I've listed today -- that are triggered by this supplementary for our data-gathering initiative, which is critical to our ability to make management decisions with respect to wildlife, as well as to provide information to other departments, agencies and groups out there so they have an updated system of information to access. This gives us an ability to manage better what climate change is doing as well as hunting and predation so we have a clear picture of what's happening. Then adaptation can be achieved through that understanding, where needed.

Overall, climate change is a global phenomenon and we must recognize that, throughout the world, decisions will have to be made to reduce the contributing factors to global warming and climate change. We in Yukon will continue to do our part. Even though our emissions are minuscule, the impacts are quite severe.

The member talked about insects. All we have to do is look to the southwest Yukon to get an understanding of what insects are doing in this time of global warming, with the infestation of the white spruce forest in southwest Yukon.

There are many pressures we are experiencing in the north, whether it be melting permafrost, receding riverbanks, or receding coastal and lakeshores -- all these things are factors that must be worked on and adaptation measures become very important for us going forward.

All in all, I think it is fair to say that we have a tremendous team of professionals in the department whose credentials and skills will contribute greatly to what we have to accomplish here, but I want to emphasize that we won't do that in isolation, strictly on a scientific plane. We also have to consider the cultural and land-based approaches so that we engage all those who have tremendous knowledge in their daily lives. That input will be critical, matched with the science.

An interesting thing came out. I just want to tell a little story here, because it was something that I found to be very interesting. When we went through the process and made an agreement with the Vuntut Gwitchin for the protection of Old Crow Flats -- some 8,000 square kilometres of critical habitat -- a discussion took place about how we can come up with all these components of a plan to do something like this. We related it back with the chief to the land claim process itself and

the input of elders. The elders had tabled some aspects of change that were taking place in the environment and on the land base. They projected things into the future. What was interesting is that many of those things took place. A lot of the elders' projections actually happened. We must always reflect on that and ensure that that kind of information and data is used compatibly with science and other measures that we have available.

With that, I will turn it back to the member.

Mr. Edzerza: For the entire four years of this government's first mandate, there was absolutely no evidence of any commitment to the environment.

During the recent election, all of a sudden we saw the Yukon Party portraying itself as the best friend the environment could ever have -- all this in spite of the fact that the Yukon Party declined to answer a series of very direct questions about the environmental commitment when asked to do so by a coalition of environmental groups. In the throne speech once again, we hear how green this government intends to be over the next four or five years, but the real test of commitment is not in the government's words. It's in the government's deeds. As I look at the supplementary budget, Mr. Chair, I hope I can be forgiven for coming to the conclusion that there's not really a strong and passionate commitment to the environment or to the Department of Environment, for that matter. I will acknowledge that I am pleased to see some additional funding allocated to the environmental sustainability. I suppose it is also a bit of a step forward, but only a baby step, to see a small amount in the capital budget toward the Tombstone Park interpretive centre. I hope that next spring there will be a more substantial investment in that important project.

In this supplementary budget, we see a fairly significant amount allocated for the development of legislation. Unfortunately, since the government refused our request to have technical briefings on the budget, we don't know what legislation they have in mind. In his response, I hope the minister will clarify that.

In light of the fact that we have several departments left to consider and very few days to deal with them, I don't intend to spend much time questioning the minister this afternoon; however, there are a few areas I would like the minister to address, either with a verbal explanation or by way of legislative return. First, in keeping with the question my colleague asked the other day in Economic Development debate, I would like the minister to tell us what is happening with the Yukon Council on the Economy and the Environment? When will it be meeting next? What is it being asked to do, and what is the minister in his other role as Premier doing to make sure the council has the tools and resources it needs to do its job?

The second area I would like to hear from the minister on is the whole question of land use planning. I recognize that this is not primarily a responsibility of the Environment department, but proper land use planning is a critical part of any effort to make sure our precious environmental heritage will be preserved for future generations. So I would like the minister to give us a detailed update on what is being done to ensure that his department has the resources it needs to contribute to the

land use planning process throughout the territory, including within the City of Whitehorse and its periphery.

Perhaps the minister would prefer to give his response on that matter through a legislative return, and that would be acceptable to our caucus.

On another topic, while the minister has his computer up and running, perhaps he could also write a legislative return outlining what role his department is playing in terms of making sure the various mine reclamation projects in the territory are taking place in an effective and timely manner. I would appreciate having a full breakdown of all reclamation projects that are underway, as well as information he can provide about schedules for these projects and an indication of how many jobs these reclamation projects are providing to Yukon people.

Another topic that came up during the election campaign was the question of protection for more than 50 wetland areas that have been identified as important throughout the territory. I would like the minister to provide a legislative return identifying how his government intends to proceed on that, including an explanation of what kind of protection each of these wetland areas will have and what the timelines are for when they will be protected.

Finally, I would like the minister to give a verbal explanation of why the budget for the state of the environment reporting has been cut in half. We know this government didn't break any speed records in providing the latest state of environment report. I hope this cut of \$15,000 isn't an indication that the minister is in the process of backing away from the need to provide comprehensive and factual information about the state of the Yukon's environment and where our priorities should lie in terms of ensuring environmental sustainability for the future. With that, Mr. Chair, I will yield the floor and let the minister provide his responses.

Hon. Mr. Fentie: I thank the member for his scripted dissertation and will proceed to respond.

First -- let's get this one out of the way -- every question the member asked is on areas and on issues where all available information is public and I would encourage the member to avail himself of all those areas and access, so I will not be directing officials to start crafting legislative returns for this long list. In fact, I would encourage Department of Environment officials to not take the criticism of all the work that the department does year in and year out in protecting Yukon's environment, its wildlife, its ecology -- because they are professionals -- so not to take that criticism from the member opposite to heart; just continue your good work. Our officials are doing a fine job and I'll leave them doing what it is they are trained to do. We'll debate issues in this House and our scientists and biologists and others in the department will do what it is that is most important to Yukon's environment, and that is apply their skills in the appropriate manner and in the appropriate direction.

To suggest that this government has not had any focus on the environment is conveniently ignoring all the work done to date. I find it astounding that the member, when being scripted, would not reflect on that, considering how, when we came into office, we resolved the issue of Fishing Branch and the third

party interests and actually went ahead and implemented the management plan, which past governments could not do.

We addressed the Tombstone issue and came up with approaches that are all about conservation and protecting wetlands and other sensitive areas, not by some politically-charged process but through our obligations under the land claims, which resulted in 8,000 square kilometres of wetlands in the Vuntut Gwitchin traditional territory and the habitat protection areas such as the Lhutsaw Wetland. There is also a long list we are working on today of HPAs and SMAs that are all about conservation and protection of Yukon's pristine wilderness. So, the facts don't bear out what the member is suggesting.

Somehow correlating an accounting measure in a budget on environmental reporting is not a diminishment of the reporting we must or will do. It is simply an accounting measure to reallocate monies into a subsequent year.

When the member talks about the Yukon Council on the Economy and the Environment, that particular group is established under a mechanism that we have no intention of rescinding. Once direction is given to the group on an undertaking, we will provide that information to this House and to the public. But it is important to recognize the compatibility of this government's approach, as it relates to such groups as the Yukon Council on the Economy and the Environment, through our integrated resource management measures. Of course, that is ensuring that the Department of Environment is involved in all matters on the land base that are related to that particular area of management.

The member should well know that there is a new era in the Yukon when it comes to our environmental assessment, which is YESAA. This is the government that implemented YESAA and is proceeding with it. The member talked about mine reclamation. Well, in most instances, that reclamation falls under the federal government's regime. The mines are classed as type II sites and would be managed by the Department of Energy, Mines and Resources; however, through our integrated resource management planning, the Department of Environment is certainly involved. Type II mines sites are under the auspices, investment and direction of Canada in developing reclamation plans for those mine sites.

When it comes to Yukon's responsibility, we have a shining example like Brewery Creek, where we are refunding a corporate entity with environmental bonds and resources that were required, so that once the company has done its reclamation work and has passed the department's scrutiny, we will do our part in ensuring that we live up to the obligations of government.

The department is really in the forefront of many of these areas. I applaud the many skilled, committed and talented people we have in the Department of Environment. They will continue to do their work as they have done in the past. If the member is measuring the commitment of any individual department by the size of budget, all the member has to do is look back at the budgets over the course of our first mandate as a government. He can compare those with the budgets that are to come. As we have tabled in the supplementary -- not only the main estimates to main estimates -- we, over time, in our last

mandate, increased investment in the department. We have also increased investment in this supplementary in mid-fiscal year because of some very important measures that relate to our environment.

The evidence shows that this government pays serious mind and attention to the environment, and we are going to ensure that the department can always function and do its work as it should.

Thank you.

Mr. Edzerza: It appears to me that, in that response, the member opposite may have a real chip on their shoulder. I don't believe I deserved such a dressing-down for asking such a legitimate question.

I notice all members of this Legislature read from script, even the Premier himself, so to point that out is rather childish, in my opinion, and I think those kinds of comments are uncalled for on the floor of this Legislature. I mean, what was it intended to do? Make me feel less of a person? Well, it didn't work, because I still feel good to be where I am and I'll continue to feel that way.

Mr. Chair, the Premier always has this way of diverting issues and trying to make this side feel somewhat guilty for saying bad things about the staff. I never mentioned one bad thing about the staff. I have the utmost respect for all the people who work within government and I have no reason not to. Why would we criticize the staff? We know they do their job; there's absolutely no reason for anyone to stand on the floor of the Legislature and criticize people on the floor of this Legislature about not respecting government staff. Every party in this House has governed at one time or another and many of the staff today were here back then. I believe this shouldn't even be entered into this debate.

I merely asked some simple questions and asked for some simple answers. I don't have any more questions for this minister.

Hon. Mr. Fentie: Mr. Chair, unfortunately, the member has expressed great sensitivity in debate, but all the member has to do is to look into *Hansard* and read it. That is the crux and the essence of the issue. Criticism that is empty and unfounded has no place in this institution, and the government side will point that out on each and every occasion that it comes forth from the members opposite, and we will defend all involved to ensure that the wrong impression or perception is not something that would be an outcome in this institution.

The closing statement here is clear. The member for the third party suggests that this government has placed absolutely no priority in the Department of Environment and the Yukon's environment. That would be entirely incorrect. It is totally inconsistent with facts and evidence, whether it be, as I pointed out, on the budget, ongoing initiatives, work being done and all the things that have transpired under the last mandate and, indeed, what this government is going to do is go forward with major investments in a climate change research centre of excellence, updating our database and all functions therein that will help us better manage, protect and conserve Yukon's pristine wilderness, its environment and its wildlife. I make those points as intended, in the spirit of constructive debate.

Chair: Is there any further general debate? If not, we'll proceed line by line.

Mr. Edzerza: Mr. Chair, I request unanimous consent of Committee of the Whole to deem all lines of Vote 52, Department of Environment, cleared or carried, as required.

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

Chair: Mr. Edzerza has requested the unanimous consent of the Committee to deem all lines in Vote 52, Department of Environment, cleared or carried, as required.

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

On Operation and Maintenance Expenditures

Total Operation and Maintenance Expenditures in the amount of \$695,000 agreed to

On Capital Expenditures

Total Capital Expenditures in the amount of \$149,000 agreed to

Department of Environment agreed to

Chair: We will proceed with Vote 15, Department of Health and Social Services.

Do members wish a brief recess?

Some Hon. Members: Agreed.

Chair: We will recess for five minutes.

Recess

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

Department of Health and Social Services -- continued

Mr. Mitchell: I believe when we left off we were discussing the woefully inadequate funding levels for social assistance recipients. I believe the minister in his previous response said that it was not the intent of the social assistance program to provide a luxurious level of funding. It is intended to ensure that basic needs are being met, that no one goes hungry, that no one goes without food and that no one gets cold. He also emphasized the need to ensure that social assistance rates when viewed comparative to the minimum wage or those working within areas of low income -- that we don't create an incentive that actually makes it more expensive for somebody to be employed within the system and is in fact a disincentive for them doing so.

First of all, I would just point out to the minister that Yukoners are going hungry. Yukoners are going without sufficient nutritious food. That is why there has been so much pressure on the NGO-run food banks. The facts are that whether one is receiving social assistance or working for minimum wage or some combination of the two, it is very difficult to find rental accommodations that are decent and affordable based on the current social assistance schedule.

I would like to hear the minister acknowledge that there is a problem with the current rate schedule, which has not been adjusted for many years, and stop telling Yukoners who are on

social assistance that they are not to enjoy luxurious levels of funding. That's just adding salt to the wound, so to speak.

Again I would ask the minister to consider an immediate increase in the rates. I know that the minister has indicated that the department intends to review and study the rates, but it is winter, it is cold, and people need help now, not six months from now. I am sure that the Yukon Anti-Poverty Coalition can provide the minister with lots of good information to assist the minister to do the right thing.

I have just a few more questions for the minister, but I know that we have officials coming in from the Workers' Compensation Health and Safety Board this afternoon. I would ask, Mr. Chair, that you report progress.

Chair: Mr. Mitchell has moved that we report progress. Are you agreed?

Some Hon. Members: Agreed.

Motion agreed to

Chair: Pursuant to section 109 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 1, 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, Committee will now recess and reconvene at 3:30 p.m.

Recess

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

Pursuant to section 109 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 1, adopted on Thursday, December 7, 2006, Committee of the Whole will now receive witnesses from the Yukon Workers' Compensation Health and Safety Board.

I would like to ask all members to remember to refer their remarks through the Chair when addressing the witnesses. I would also ask the witnesses to refer their answers through the Chair when they are responding to the members of the Committee.

Mr. Cathers, I believe you will introduce the witnesses.

Witnesses introduced

Hon. Mr. Cathers: Mr. Chair, the witnesses appearing before Committee of the Whole today are Craig Tuton, chair of the Yukon Workers' Compensation Health and Safety Board, and Valerie Royle, president and chief executive officer of the Yukon Workers' Compensation Health and Safety Board.

Chair: Thank you. Would the witnesses like to make an opening remark?

Mr. Tuton: I think we'll just answer whatever questions are presented to us, Mr. Chair.

Mr. Inverarity: I would like to thank Mr. Tuton and Ms. Royle for appearing in the Legislative Assembly today. Welcome. I understand you were new coming here about a year ago so now you are sourdoughs.

The House has some pressing business so I am going to keep my comments fairly brief and my questions as direct as I can.

An accident at work can have very real and long-lasting effects on a person. I appreciate this is not WCB's fault when someone gets injured at work. WCB is not at the work site supervising the work and, as such, cannot be held directly accountable for workplace injuries. At the same time, WCB is charged with the responsibility for ensuring that workplaces are safe for workers and workers are following safe work practices, and when workplace injuries do happen, WCB provides care and compensation.

As an organization, WCB has undergone significant change. I appreciate how stressful that can be on staff and I realize that we are at the beginning of a long term and a long mandate and we are hoping to get a lot of things done. I can empathize with the difficulties of building a new management team.

Over the next few years to 2010, it appears Workers' Compensation Health and Safety Board wants to achieve some goals. The first goal they've stated is that work-related injuries and diseases will be substantially reduced. When I drive to work each day, I'm made painfully aware of how many people have been injured in the workplace. As the days go by, the numbers go up.

As the years stretch out before us, we are expecting economic growth, which essentially means more jobs, more workers and more employees. This suggests to me there will be more work-related injuries as well. I presume that both the president and the chair have considered these factors and many others in their plans and still have established the goal of substantially reducing workplace injuries by 10 percent per year.

My question for the president is this: how does this compare with the rate of injury over the last five years, and what has been your track record for reduced workplace injuries?

Ms. Royle: Mr. Chair, the number of injuries in the Yukon has been steadily increasing over the last five years. We at the board believe that it is completely unacceptable. We do have plans in place. The most significant is a new incentive program called "Choices". It was launched last week with our stakeholders. It will begin in 2007, with rewards and rebates in 2008. This will give direct, practical solutions for workplaces to enhance their work in health and safety. It gives very practical approaches, and we will reward them for their efforts. We have seen the impact such programs have had in other jurisdictions, and we believe that we can have the same impact here in the Yukon.

The second major initiative that the board has undertaken in that regard is a \$5-million prevention fund, which is available to our stakeholders. We currently have seven projects under the fund, which are in various stages. They range from return-to-work training that would be available to every worker and employer in the Yukon Territory, to mine safety training, and to continuing care health care workers, who are among the highest rate of injured and have the most difficulty with returning to work. We have some investment in PARTY -- prevent alcohol risk-related trauma in youth -- a program at the White-

horse General Hospital. All these things are through our prevention fund.

Stakeholders are really taking ownership through the fund. With the Choices program, we certainly believe that we can see the same rate of decline that other jurisdictions have seen, even though the number of workers is increasing.

Mr. Inverarity: One of the other stated goals, and it goes with the last question regarding the Choices program, is that Yukon employers have implemented appropriate safety management programs. It is really good to see that they have these two programs in place.

Regarding the Choices program that has just recently been launched -- and I appreciate that it is an incentive program for employees and it's voluntary -- my question for the president is this: does he have any volunteers yet? Has there been any interest at all? How many employers do you expect to enrol this year, next year and the year after?

Mr. Tuton: Just to correct the record, Choices is not an incentive program for the employees, it is for the employers. As stated, it was only announced last week, and part of that initiative -- to get the incentives, you have to meet certain criteria. Until companies meet those criteria, they won't be eligible to get any. We do have, however, 18 companies in the Yukon that are COR -- certificate of recognition -- certified, and part of that COR certification is that they have certain safety policies and procedures or manuals in place, so those COR companies would in fact be eligible to apply for the incentives now.

Mr. Inverarity: One of the other goals stated is that injured workers receive early intervention, quality medical care, safe and early return to work opportunities and comprehensive rehabilitation. Have baseline measures been established for these indicators? Is there something currently established that can be used for future reference to measure the progress for the success so that we can follow up in future years?

Ms. Royle: Yes, we do, Mr. Chair. In addition to the strategic plan, we have an internal scorecard to keep track of how we're doing on the various measures. One of the things that we do look at with respect to early intervention is our time to first payment, which is the time from the date of injury to when a worker would receive their first decision and benefits. That's certainly an indicator of how quickly we're getting on the claim. That has been cut by 50 percent in the last 12 months. We're very pleased with our work in that regard. We also have measures put in place measuring duration, looking at return-to-work indicators as well. In the last quarter, for the first time in five years, our claim duration has reduced. So we do have measures. We are keeping track. We certainly would be willing to provide those measures to the Committee. We're starting to see progress, and we can see some real benefits. The biggest piece that we need for return to work is education and training so that people out there understand what to do when an injury happens. That's incorporated in our Choices program, and it's also the major thrust of the prevention fund project I spoke of earlier regarding return to work, which is being administered for us by the Federation of Labour.

Mr. Inverarity: Actually, I would really look forward to receiving that information. That would be great. Thank you.

The president and chief executive officer of Workers' Compensation Health and Safety Board is a leader of a large organization that is pursuing a worthy cause, and I want to do my part to ensure that Workers' Compensation Health and Safety Board has all of the resources that it needs. Is the chair aware of anything further that can be done to help Workers' Compensation Health and Safety Board achieve these stated goals?

Mr. Tuton: Well, presently we have embarked in the final stages of an IT solution in our claims department. We're scheduled to have that on-line toward the end of February. Once that computer solution comes on board, it will be able to provide us with more data, quicker, so we can react. We feel that we know where the areas we have to concentrate on are, and we're moving ahead with that. Obviously, the legislation, which has yet to be proclaimed, will help. That will be sometime early in the new year, I hope. We have the occupational regulations passed, so that is going to help our occupational health and safety branch conduct their business a lot better. I think because of our small size, we can only take on so many tasks at one time. We're really confident that the steps that we've taken to date and that we're working ahead with will more than enable us to move into the future in a positive sense.

As I said to the stakeholders when they were out for the launch of our Choices program, the issue we have to deal with is -- beyond preventing the accidents from happening -- we have to look within our own four walls at the duration of those claims. The length of the claims is getting so -- we used to pride ourselves on being down at the bottom of the country, but now we hate to admit that we're at the top of the country in claims duration. We're over 100 days in duration. Most jurisdictions shoot for 30 to 35 days of duration, so we have a long way to go.

We have taken positive steps to recognize that and start dealing with it. Part of it, of course, is early intervention. We're looking to the employer community to help us in that respect because, as you know, by the legislation they have three days from date of accident to report that injury or accident to us at the board so we can open a file. If we don't receive their confirmation of the report, then it sits there.

It is getting better but it will need to improve. The relationship we have with the stakeholders is such that I see positive results happening sooner than later.

Mr. Inverarity: Just a point of clarification about the legislation he was referring to: could he just elaborate which legislation was proclaimed there?

Mr. Tuton: The act review that was put into place -- there are 88 issues and we anxiously await the minister to deal with those 88 issues in the act review.

Mr. Inverarity: I didn't think there was any legislation that had been passed recently.

Is the president aware of any obstacles right now that will prevent her or WCB from achieving these goals?

Ms. Royle: I believe we have done a thorough environmental scan at our board level, as well as at our administrative level, to look at what is happening in the economy and what is happening in Yukon workplaces. We can achieve the

goals if we can get the support of employers and workers in this territory. We believe that the Choices program will excite workplaces as something they can rally around and work together on. That will be the biggest barrier -- the culture of safety in this territory. It is changing. We have had very positive reactions to our sign. People were quite shocked when the numbers were all added up and it's right in your face, as you said, as you drive by. So that's the biggest barrier -- the culture in Yukon workplaces.

Injuries are not acceptable, unsafe work practices are not acceptable, and we need to change that culture. We have plans to do it and, with the support of our stakeholders, we can.

Mr. Inverarity: Every organization has a list of unhappy customers. There are people who claim to have been injured at work who also claim that they have not received satisfactory response from the Workers' Compensation Health and Safety Board. Unfortunately for the Workers' Compensation Health and Safety Board, unhappy customers don't go away easily.

I appreciate the need to deal with each case on an individual basis. Does the Workers' Compensation Health and Safety Board have specific plans for managing long-standing, unresolved claims?

Mr. Tuton: Yes, in fact, we do. Quite frankly, certainly over the last four years, the relationship that the Workers' Compensation Health and Safety Board has had with the negative side of the ledger, from injured workers, has been reduced drastically. Part of that, of course, is partly because workplaces are becoming a safer environment to work in. Workers are becoming better educated in what their rights to a safe workplace are so they can speak out sooner to help prevent the problems, rather than later.

We do have, as members know, a number of long-term disabilities and, yes, we do have a plan in place to deal with each and every one of them, on a case-by-case basis.

Mr. Inverarity: The role of the chair is to ensure that the board fulfills its vision and carries out its mission. Given our expectations of economic growth, the mandate to keep people safe at work and substantially reduce workplace injuries is a huge undertaking. It is the chair's direct responsibility to provide the president with the resources she needs to ensure that the Workers' Compensation Health and Safety Board is able to succeed. Given both the responsibility and the authority for the success of the Workers' Compensation Health and Safety Board, please help me to understand how I can ensure that my expectations of the chair in this critical role are reasonable. I am very interested in having some means of measuring whether or not the Workers' Compensation Health and Safety Board is succeeding.

As I understand it, some of the measures that will be used to gauge the Workers' Compensation Health and Safety Board's progress over time include workplace injury rates and injury severity. It is my expectation that these will be substantially reduced over the coming years. Is this a reasonable expectation?

Mr. Tuton: Yes, it is a reasonable expectation. It is something that the board considered very seriously when it sat

down and developed its strategic plan about a year and a half or two years ago. Each and every one of those questions and items you related certainly are achievable.

The nature of our business is that we cannot operate as individuals and expect results. We have to operate as a team. Quite frankly, the relationship that the Workers' Compensation Health and Safety Board has strengthened over the last two years has been one that gives our board much delight. We now work very constructively with each of the stakeholders. There are many stakeholders in workers' compensation, as you can well imagine. We have been able to strengthen the relationships that we have with those stakeholders. Just to give an example, when we looked at the 88 issues in the *Workers' Compensation Act* review, we recognized at the outset that there were going to be differences between some of the stakeholder groups, but in order to make it work for everyone concerned with the health and safety of their workers, everyone had to come at it from the same side.

We formed a strategic alliance with our stakeholders, and we came to agreement on all 88 issues that were before that act review commission. I think that speaks volumes about how we were able to work together with our stakeholders to reach a common goal.

We also developed our prevention and safety program not in a closet with just the board, but we had, through a prevention and safety committee structured by the board, used that board to help develop our prevention and safety program which, as the president indicated earlier, resulted in a \$5-million investment in the board into the future safety and prevention of injuries as we move forward.

Although there are challenges in meeting some of the goals that we have laid out for ourselves, by having the support of our stakeholders, by having the support of the board -- both big "B" and small "b" board -- and we may have to stretch out the time frame to meet those targets -- we certainly do see achieving the majority of those goals within the time frame we specified.

Mr. Inverarity: Another measure is employee assessment rates. We have experienced a drastic increase this year. Yukon assessment rates are among the highest in Canada. I can appreciate that this is a result of a dramatic increase in workplace injuries as well as the scheduled elimination of the rate subsidies. With this in mind, it is my expectation that the assessment rates will not continue to escalate out of control. How can we be reassured that the assessment rates will not increase substantially again next year and the year after and the year after that?

Mr. Tuton: Quite frankly, the only way we can put any controls around assessment rates is by preventing the injuries, by making sure injuries don't happen in the workplace.

The *Workers' Compensation Act* is very clear. Our number one mandate is to provide the support for the worker once he becomes injured. We cannot control how that happens. We have sort of stepped outside the box here with our stakeholders in the prevention and safety initiatives to help employers provide better, safer work environments for all workers. If we can

do that successfully with all our stakeholders, that in itself will help bring the assessment rates down.

One thing we have to be quite clear on here in Yukon is that we operate quite differently from jurisdictions across the country. The number one reason is obvious. It's because of the size of our jurisdiction, because of the number of employers we have. I think today the number is about 2,600; the number of employees is somewhere in the 15,000 range. So our numbers, compared to a smaller jurisdiction like Nova Scotia or Prince Edward Island, are still small.

We have to compensate and provide assessments based on collective liability. We cannot break out industry classifications, as they do in the larger jurisdictions where they have experience ratings, some as low as company by company, so if a certain company has a very good experience over three years, they have the ability then to drive their assessment rate down by providing that safe workplace. We can't do that.

The best we can do in our small jurisdiction is only by industry. So, as I have clearly said at any opportunity I have to speak to the stakeholders, your industry and all your components -- in other words, all the employers within an industry group -- have to get together and recognize that it's an industry problem.

We know, as do all employers, that in each industry grouping and classification, there are employers that have low incident and accident rates and there are others that have higher incident and accident rates, and everyone in that industry pays the same rate.

Does the board have the ability to ensure that the assessment rates from year to year will not go higher? No, not entirely. We have an ability to help educate each one of those industry groups and each employer to achieve those results. In fact, for the last three years, we have put our money where our mouth is, and we created what started out as the Yukon Construction Safety Association, and now it has evolved to the Northern Safety Network, which reaches out to a broader community of employers, and it provides safety training to each one of those employers at various different levels. We're happy to say that we now have, through the prevention fund, the Federation of Labour, who are actually going to be the providers of safety training for employers. I believe their first course is scheduled to be in January, and it's based on return to work. Every one of the courses that they are offering right now are full. From our perspective, it appears to us at least that it's going to be a huge success.

Mr. Inverarity: I've just received the 2005 Annual Report today, so I haven't had a chance to go through it in much detail. One number jumps out at me -- actually, two. In the 2004-05 comparisons on page 18, it talks about administration and prevention. I noticed that there is almost a 25-percent increase in administration costs, from about \$5 million to about \$6.7 million. When I compare that to the amount of money spent on claimants, only about \$400,000 was paid out from 2004 to 2005. This strikes me as a substantial increase in administration relative to the amount of money paid out to claimants. I don't have the numbers for this year, Mr. Chair, but I

was wondering if you would care to comment if this trend on the administration side is continuing to increase or not?

Mr. Tuton: If I could comment first on the claims paid out in the year -- those were claims that were paid out for accidents that occurred during that year. Our administration is still paying out claims that happened in the 1970s, 1980s and the 1990s. So the cost to administer those claims doesn't go down every year; it goes up. In fact, when we did an internal comprehensive review about what the problems were, quite frankly, we recognized at the outset that we had to commit resources to enable us to achieve the results that we set out for.

We, as a board, committed additional funding in the areas of claims management because claims management is where the dollars are. As the president indicated earlier, number one is that we have to have a very clear and precise method of being able to get early intervention into those claims.

Let's just take a look at a simple back strain that could happen on the job this afternoon. If we as a board are able to intervene into that claim as it happens within the first few days or the first week, that worker should, in all cases, be able to go back to work within a week or 10 days. If we cannot intervene early into that claim, then that simple back strain turns into a back injury and that back injury may be the result of a claim that the system is liable for, for years and years to come.

So, early intervention is very critical to us. We provided, as a board, the resources to the administration -- to Valerie and her team -- to shore up the claims department so that we could get, number one, early intervention and, number two, so we could tackle the problem of claims duration, because that is where the money is going today -- claims duration. We are not proud of this -- claims duration -- because it is 100 days of duration.

I just came back from a meeting with my national counterparts and the chairs of other boards were concerned because their claims duration in some cases had exceeded 45 days, and we worry about 100 days.

We have to put the money to the resources that we require to turn this around. It isn't easy. We don't apologize for making those changes, because it is required. The cost to administer a claim today in the Yukon has not really gone up. What goes up is the duration of the claim, the numbers of claims and the costs of the medical attached to each claim. The medical costs are not simply related to doctors. We have physiotherapy and vocational rehabilitation and all those other aspects. It could be chiropractic or a number of different areas as well.

I hope that answered the member's question.

Mr. Inverarity: Yes, thank you very much. I have a couple more questions, but I am going to pass on those for the moment. I would like to thank the witnesses for coming in, and I will turn questioning over to my honourable colleague for the NDP.

Mr. Cardiff: I would like to thank Mr. Tuton and Ms. Royle for being here today. It's always good to have the corporations and Workers' Compensation Health and Safety Board come into the Legislature to answer questions and provide an update on their activities. I don't have a lot of questions. Actu-

ally, my colleague did a good job of asking several of the questions that I wanted to ask. There is no sense in repeating those.

The board has taken this tack of prevention and reduction of claims duration, and it's good to hear that progress is being made. I would like to revisit a couple of questions that I asked last year to get an update. Specifically, I asked last year about the government's response to making the COR certification mandatory on government contracts. From the transcripts, it appears that the government was looking favourably on making the COR program a requirement for government contracts.

I'm just wondering if he could update us on where that's at, at this point.

Mr. Tuton: We have been in ongoing discussions with the Government of Yukon over the year. Actually, we're quite happy with our relationship with the government. They have taken a very important role in our stakeholder groups and have provided input, both in the prevention and safety side, as we move forward.

The latest understanding we have in talking to government is, I believe, they're seriously looking at 2008 as an implementation year for COR. One can simply understand that the numbers of projects they have and the volume of projects are much greater than the City of Whitehorse, which, as you'll recall, initially started out with a \$500,000 cap and I believe this year it drops down to \$100,000.

Our talks are ongoing, but we sincerely hope they can bring it inside sooner than later. I did mention we had 18 companies that were completely certified and I believe we have in excess of 60 other companies today that are in some stage of completing that COR certification.

I'm also very happy to say at the same time, in response to your question, that we at Workers' Compensation Health and Safety Board are one of those 60 companies plus that are almost complete in COR certification. The only reason we have slowed down our certification process is we have a number of other projects we want to concentrate on first, so we're looking at becoming certified probably in the spring-to-summer schedule of next year.

Mr. Cardiff: I have a related question: are there government departments actually participating in the COR program? Are they broken out by department or by workplace?

Mr. Tuton: The short answer is yes, there are government departments -- the Department of Highways and Public Works is one. I would have to get back to you with the others. But I know that the level of interest today compared to two years ago is extremely high.

Mr. Cardiff: It would be great if you could send that information over, and I am sure my colleague from Porter Creek South would appreciate getting that as well.

I think it's great that Workers' Compensation Health and Safety Board has done a good job of working with stakeholders on a variety of issues. Specifically, the act review seemed to be a long, drawn-out process for a lot of people and, in the end, for WCB and the stakeholders to get together and reach a consensus on how to respond to the 88 issues. It is not easy to reach consensus on that many issues.

I am wondering if you have any indication from the minister or the government on what their response to that joint submission is going to be.

Mr. Tuton: I agree, too, that it was quite a lengthy and long, drawn-out process, but at the end of the day it was probably good that it was lengthy. It is never really good, but it allowed all the stakeholders to concentrate more upon the issues that were important to everyone concerned with workers' compensation and it allowed everyone to look at the bigger picture of workers' compensation. It allowed us an opportunity for sober second thought to get together with the stakeholders to form that cohesive group that at the end of the day didn't agree with every single issue; we reached consensus on every single issue, which I think is equally important.

In answer to your other question, no, I have not heard back from the minister on what his plans are for the final document.

Mr. Cardiff: We'll save that question for the minister at a later date, I suppose.

One of the other things that I consistently bring up at this time of the year is the issue of indoor air quality and the way that it ends up being dealt with, but it's around second-hand smoke related injuries and the potential liabilities. I have brought this up a number of times, and I'm just wondering if you've made any progress on this issue since we last had a chance to discuss it.

Mr. Tuton: Mr. Chair, I will agree with you. This is something that gets brought up not only at this time of year but from time to time in our stakeholder sessions. Indoor air quality is the issue. The issue is not whether smoking is the issue, but the issue is indoor air quality, because as we know there are air quality issues other than second-hand smoke. Yes, we have had discussions about indoor air quality at various levels. We do however commend, in Yukon, the City of Whitehorse and the municipality of Dawson City for the efforts they have made with the second-hand smoke issue. We, however, deal only in workplaces. Because we're a small jurisdiction, we can only take on so many projects. That's not to make light of the issue of second-hand smoke, because we all know that it is an issue, but we do have other pressing issues. We have laid out a very aggressive schedule. I think I mentioned this when I was here last year. In fact, there are only two areas across the country where workers' compensation deals with the issue of second-hand smoke, those being the Northwest Territories and Nunavut, and the second one being British Columbia. The other provinces deal with it in provincial legislation, but I think the majority of that legislation across the country is still at the municipal level. We encourage all levels of government to continue to look at the issue of indoor air quality, but we from the Workers' Compensation Health and Safety Board are, with our partners and with our stakeholders, continuing to look at the issue of indoor air quality.

We're trying to deal with these other issues first. As I said, I am not trying to apologize or make light of it, but we are a very small jurisdiction and we can only pull so many feathers out of the hat at one time. We really have an aggressive agenda over the next few years, but we encourage any of our stake-

holders who wish to enter into a conversation with us around that issue to please do so.

Mr. Cardiff: I am going to touch briefly on something that my colleague covered off. It's about historical claims. It's about claims that go back a long way, I guess. As mentioned, you are administering claims that go back to the 1970s, 1980s and 1990s. Unfortunately, I guess, it causes the people who are on the other side of the table from you -- the claimants -- a lot of stress and they end up going through a lot when it comes to dealing with WCB.

If I heard correctly, there is a plan and WCB is dealing with some of that. I think I probably know the answer to this question but I don't have it right at my fingertips. I would just like to get some clarification on this. When there is a long-term, historical claim that hasn't been settled and the claimant dies, does it transfer to the estate? How is that dealt with?

Ms. Royle: It depends on the situation and the legislation that the worker would be under at the time. If a worker is on benefits and they die as a result of their injury either today or 10 years from now, then the benefits will continue to the spouse and dependants. If the worker died of something unrelated, then the money would revert back to the fund. If the worker's annuity had been paid out to him or her, it would go to their dependants. If the annuity has not yet been paid out, it would remain with the board. So, it depends on the situation you are in. So, yes or no, depending on the person.

Mr. Tuton: If I can just add -- when you talk about historical information, I wanted everyone to be aware of this. As I said, I was just back east, along with Valerie and all the other heads of boards across the country. When you talk about historical data and long-standing claims, we had the opportunity in the offices of the workers' compensation board in Toronto to view the original document that Meredith wrote -- hand-written document -- as he was outlining his thoughts around workers' compensation. It's a leather-bound document, as were the minutes of the board of that historic period of time.

When you look at those minutes and the types of injuries they had back in those days and what we have to deal with today, there's not much change other than the size of the compensation and perhaps the duration. It was quite an interesting moment to see those documents. It's one thing to hear about the Meredith principles, but when you can actually see the archive version of his hand-written notes for preparing the first act, it's quite a sight.

Mr. Cardiff: I think I'll limit it to one more question along the same lines. I'll thank the witnesses for coming today and taking time from their busy schedule and the good work they're doing.

I'm wondering if there has been any more movement or resolution on an issue. I know a number of claimants were pursuing lump-sum payouts awhile back. Have any of those been resolved lately?

Ms. Royle: We recently paid out five and we have a number of others in various stages. So, five have been paid out and we're working on others.

Mr. Cardiff: Just quickly then, how many remain?

Ms. Royle: There is a finite number of workers who will be eligible to get a lump sum. I don't have the number in front of me, but I believe it is about 23. Five have been paid out. Some have said that they are not pursuing a lump sum; they want to remain on benefits. I know that there are at least four in various stages. That is the information I have at my fingertips.

Mr. Mitchell: I will try to be brief, because most of the questions I would have asked have been asked by the Member for Mount Lorne and the Member for Porter Creek South.

As the Member for Porter Creek South mentioned, we just got the annual report for 2005 this afternoon so we haven't had a lot of time to study it. I do note that it is not only the employee portion that has gone up, in terms of the administrative cost, but also other administrative costs, such as suppliers and so forth. There is a 20-percent increase, or more, and it is just a bit of a concern in terms of the future of the fund.

Looking at the comparisons from year to year, we can see that the investments actually have grown nominally from 2004 to 2005. I am wondering, since I don't have the previous years in front of me -- I know that several years ago the board undertook a change in the type of investments that they were allowed; therefore it was, in one sense, perhaps not as conservative and wasn't only fixed instruments. Over the past four years or so, has the fund varied greatly or continued to grow? Is the reserve larger now than it was, say, four years ago or has it fluctuated up and down a fair bit?

Mr. Tuton: The Member for Porter Creek South asked us if there were certain things that we could wish for that would help make life better at Workers' Compensation Health and Safety Board. I am sure we can all agree that if the financial markets were to continue to strengthen, it would help us as it would any other board or any other corporation that invests in the markets. Although we do have a 50:50 split on our fixed-to-equity investments, we still are fairly conservative compared to some across the country. Our fund which is \$130 million odd is still fairly small in comparison when you look at our neighbours in B.C. -- I believe it is \$14 billion to \$15 billion. The power that they have with their money managers certainly exceeds ours.

One of the things that they do is invest through the B.C. Investment Group. That is something we have talked about at the board level. We have thought of discussing with, for example, the Yukon Hospital Corporation, the Yukon Housing Corporation, Yukon College and all those various corporations, the possibility of looking at jointly and collaboratively putting our investments funds together. Of course we would have to look at the legalities that go along with that, but I think your line of questioning is absolutely right. We only have two sources of income. One is through assessment of the employers, and we really don't have any control over that. That really depends on what the accident and incident rates are. As well, we don't have control over the markets. Where we do have control is in how we invest, and we still are fairly conservative, but we have seen a slow but steady increase in the values of our investments.

Mr. Mitchell: Thank you, Mr. Chair, and I thank the chair of the board for that answer. Of course, as the chair of the board knows, the funds would be separate, but merging the investment program with some of the other corporations might provide a reduced charge from people who handle the fund, but it doesn't necessarily improve the rate of return on the investments. That still speaks to the policy that the board puts in place, versus any other corporation.

One of the strong things about our situation in Yukon, in our fund, is that we have been fully funded for the full projected life of any existing claims, unlike some other jurisdictions. I presume that continues, but I guess I would ask: in arriving at those projections, has the board over the last four years made any changes in the actuarial assumptions used to make that determination? I know we had a fairly conservative assumption rate on rate of return, but there are always suggestions from actuaries of moving that one way or another. I'm wondering if that has changed or if it has remained constant.

Mr. Tuton: That obviously is an issue that we try to deal with on a yearly basis. As a matter of fact, we're just about to go into that process with the actuaries in January. We're in a position of having to renew the contract with our actuaries, so one of the opportunities that we want to take is to review exactly that. Our actuaries, quite frankly, have always had a very high level of conservatism. In fact, about two or three years ago, we reduced the level of conservatism, which had a slight impact on the benefit liability. But we still have a very healthy position and, in fact, we're still over 100-percent funded in the fund. Part of our vision and the goal in our strategic planning is to make sure that we don't dip below that positive, fully-funded status.

Mr. Mitchell: It may amuse the chair of the board to know that, in this matter, I fully support being very conservative. I think it's the only way to be.

I wonder if the chair or president could provide an update on the new claims information computer infrastructure that was implemented over the last while and is continuing to be. Do we have a total cost at this point, from start to finish, of what will have been expended on this?

Mr. Tuton: I'll provide some information and ask the president to fill that date in. This has been a very aggressive project for the board, as you can imagine. If you remember back four or five years ago, the total estimated cost to complete this project was \$6 million and rising. We're happy to say we refocused our attentions on that system and now we're just over \$2 million. I'll have the president provide those numbers to you.

It has had issues, as anybody who has had any major IT changes in the last few years will attest to. It's not just as easy as taking it out of the box, plugging it in, teaching your people how to turn it on and then you move forward. We've had our challenges. The company we contracted with has been excellent to be partnered with in this process. In fact, some of the slowdowns and challenges have been to do with us; others have been to do with the resources they've had the ability to provide us with. All in all, we expected to go live in December of this year but, because of the issues around us and because of Can-

ada Winter Games coming in February and March, we thought the process should best be put on a slower go-forward basis. From what we can see so far, the results will be astounding, and not only for us and the board but in our ability to provide our stakeholders with much better data in a much more timely fashion.

Perhaps Val can just fill you in a little bit more on the costs.

Ms. Royle: The original budget for this particular project, for both our external consultant, the supplier of the software, as well as our own internal cost, was \$2.2 million. We are on that budget, except with the extension Mr. Tuton just referred to. The final project will come in at the \$2.6-million mark. So we're quite pleased with that, as that is less than half of what the original proposal to do a claims system had been several years ago.

We're looking at going live February 5, 2007. When we started doing some testing -- the purpose of testing, of course, is to find bugs, and we found them. We will not put in a computer system that in any way jeopardizes the benefit payment to any individual injured worker in this territory. So we decided to take the extra two months and make sure this thing produces properly. It's too important a system, and it will be the cheque-producing system for injured workers, so the extra time will certainly be well worth the extra cost.

Mr. Mitchell: I thank both the chair and the president for that update. As I do recall, those earlier projects were more than simply looking at a claims information system. I think at one point it was referred to as a business information project, so it was looking at overhauling how the board operated. But nevertheless, it's always good if we can get the same results for less money.

The chair of the board noted previously that there are only two sources of revenue -- obviously, the existing reserve fund and the assessments that are charged to employers. Of course, we all heard this year reaction to some substantial increases to the assessment rates, which I take it are required to meet the up-turn in claims and claims duration that you've already described.

Again I recognize that you can only look at the year at the end of the year and say, "What's happened?" But is there any reason to believe that we're going to turn this ship around rapidly enough not to have to look at increases again in successive years? You can't really build cushion into these things because you only charge what you're entitled to charge to cover the costs. So I'm wondering if there's any thought as to what the next year or two might be looking like, or is that simply subject to waiting and seeing how it turns out?

Mr. Tuton: I can assure the member that we at the board share those concerns about the rising assessment charges. As I said earlier, really the only way to control the dollars that we have to charge for assessments is to actually reduce the number of incidents, the duration of those incidents and, more specifically, the lost-time claims.

We believe that with all the resources that we have invested and all the partnerships -- in the prevention and safety fund, in the initial outlay of that \$5 million, I think we have

seven partnerships established, for a total of roughly in the \$2.7-million range. These aren't going to be overnight fixes. We are not going to see the results and benefits of both the contractor safety association -- in other words, COR -- and the safety programs that we have initiated through our partnerships in the prevention safety fund happen today or tomorrow. Quite frankly, we believe that the incident rate will climb. We said that last year, and it was proved true.

As a matter of fact, today, when I passed the board office this morning, we were at 1870-something and today, when I went by this afternoon, we were at 1884. Now, we have to understand that those are not all lost-time claims. However, they are claims that are put into the system. So, as that number continues to rise -- we expect it to rise, and there are a number of reasons for that. As you know, the economic interest in the territory has grown and, along with that, of course, there are more employers. Along with more employers, there are more employees. But the one thing we do find, and it does send a bad signal to us, is that because of the employment environment we have in Yukon today, a lot of the workers who are getting on these jobs are unskilled and untrained in that particular workforce and, therefore, that is causing more of a concern for safety.

One of the initiatives we really hope we can convince the government to partner with us in the near future is in education. We would really like to follow some other jurisdictions and provide health and safety training, starting in grade 1 and moving up as the students move forward. As you know, Mr. Chair, we are very active. We have a very active employer community, including government, regarding our passport to safety program. This provides early training for our young workers. We really have to encourage a culture change, which is what the board and I believe has to start at a very early age. That way, when one first walks on to a job site, it may be a new job and paying a lot more money than the job one had yesterday, but the worker still has the right to say to that employer, "Mr. employer, I don't want to climb that ladder, because it doesn't look safe to me," and know that when that statement is made, they will agree with it and provide two things: the proper training and the proper equipment. That way, the worker can do the job in a safe environment.

Mr. Mitchell: I just would like to thank the chair and president of the Workers' Compensation Health and Safety Board. I would like to commend them on the evolution of the injury-prevention approach from the days of the Yukon Construction Safety Association to the Northern Safety Network Yukon that has evolved. I would particularly like to commend the board for working toward joint prevention initiatives involving both stakeholder partners -- the workers and employers -- and for the focus on youth.

I know that when I have attended some of those same meetings in years past, it was very disheartening to hear some of the stories. Some were relayed by the parents of the young people. It was sometimes on the first day of the job when they didn't feel empowered to resist what they were told to do or ask questions and they were injured or killed. That's clearly the

only answer, and it is very positive that the board is moving that way.

Hon. Mr. Hart: Members of the board and my colleagues across the way discussed the aspect of COR, and if the government is going to get into COR as part of their contracting, there are many small businesses in the Yukon and so I'm a little concerned that they are going to need some assistance to ensure we get a balanced playing field on government contracts, and that will slow the process if we go to the government contract. So I'm wondering if the board has some sort of education or training program that is going to assist our many small businesses -- and there are a lot in the Yukon that will need to know what it is they have to do in order to get there. What I'd like to do is avoid the last-minute rush at Christmas-time if we bring it in in January 2008, or whatever we do. But in essence, I think we need to get more people on the program before we install it, so I'm just wondering if the board has some sort of program with regard to that?

Mr. Tuton: One of the big driving pushes to help encourage employers to move ahead with those issues, of course, is the Choices program, because in order to qualify for the benefits under Choices, you have to have the safety backing -- either training or programs. One of the reasons that COR is so successful is because it's a nationally recognized certification program. Because it's a nationally recognized certification program, they as well as us see that there are more employers out there than the mid- to large-size employers that would fall under COR. So they are pursuing, as is the Northern Safety Network, a COR program for small employers. Part of what we hope to achieve out of our prevention fund initiatives is the ability for smaller companies, even the company that only has one or two employees, to go to one of our partners in the prevention program and have them provide for them a safety manual or some form of safety training for their employers so they will, as well as everyone else, be able to fall within the guidelines of COR either at the government level or the City of Whitehorse level or whatever community chooses to use COR as part of their bidding process.

Chair: Are there any further questions for our witnesses?

Hon. Mr. Cathers: On behalf of Committee of the Whole, I would like to thank Craig Tuton, chair of the Workers' Compensation Health and Safety Board, and Valerie Royle, president and chief executive officer of the Workers' Compensation Health and Safety Board, for appearing as witnesses today and answering questions from the members. I extend my thanks on behalf of all members of the House.

Witnesses excused

Chair: Committee of the Whole will resume debate on Vote 15, Department of Health and Social Services under Bill No. 3, *Second Appropriation Act, 2006-07*. Would members like to recess?

Some Hon. Members: Agreed.

Chair: We will take a five-minute break.

Recess

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

Bill No. 3 -- Second Appropriation Act, 2006-07 -- continued

Department of Health and Social Services -- continued

Chair: The matter before the Committee is Bill No. 3, *Second Appropriation Act, 2006-07*, Vote 15, Department of Health and Social Services.

Mr. Mitchell: I'll try to move through these expeditiously. Having gone over my notes, there are a few questions that either weren't answered at all or not to my satisfaction. We previously had asked for the minister to elaborate on his government's plans for implementing a trial collaborative health care facility here in Whitehorse. The minister didn't get to respond to that question, so I will ask it again: how will this be implemented? Will there be a different fee/compensation schedule for medical practitioners who choose to operate under this model versus the traditional, privately owned clinic model? Will the government be paying all the overhead costs -- for example, for rent and utilities and billing and accounting support personnel -- or will the government be charging the doctors and other health care practitioners a fee to cover providers who paid for these expenses and to level the playing field for other doctors and health care providers who pay this overhead directly at their clinics and offices?

Has the government to date held any consultation meetings with the YMA regarding these issues, or are they just planning to do so? I'd like to note for the record that we do support this idea in principle. We too had included it in our platform during the election. We just want to know how the government plans on addressing these issues because we know it is of some concern for the doctors.

I'll just raise a few more issues, and then I'll sit down and let the minister answer.

I know that in Question Period the minister responded to questions regarding potential increases in the direct operating grant to pay daycare providers and also the subsidy for parents by indicating that the government intends to take a larger view of the issue and look at the issue of early childhood education and how it can best be provided. I'm wondering if the minister can provide us with any timelines for this approach. When does he envision having some concrete plans for assisting parents and childcare providers, regardless of whether it's via the existing funding provisions or with this new overall approach? This is an issue that we've all heard a great deal about, both before and during the recent election campaign. I know the minister has made references to the increases already provided over the previous four years, but obviously there is still a need, as we're hearing from many of our constituents that the cost of putting children in childcare is still very high.

So, I'd like to just be able to provide some timelines to my constituents when they continue to ask me about this issue.

Regarding the universal childcare benefit, the minister indicated in his previous reply that the current tax bill, Bill No. 31, *Act to Amend the Income Tax Act*, has addressed this issue.

There is some confusion about this because what we were told in our briefing with department officials is that this bill only addresses one aspect of the problem, up to a limit of \$300 per year in the existing Yukon family low-income tax credit. It does not solve the problem for many Yukon families who do not qualify for this particular tax credit. The problem remains in that the Government of Canada has defined the universal childcare benefit, which can amount to \$1,200 per year per preschool child, as taxable income and department officials have told us that we cannot, on our own, redefine that money as non-taxable income. But the Yukon government does have the ability to address this issue via any tax credit.

I would encourage the Health and Social Services minister to work with the Finance minister to do just that so we do not end up taxing this benefit for many Yukon families at the territorial level and we don't continue to claw back a portion of this funding for any Yukon parents at the territorial level.

I was going to say "finally" but the Member for Vuntut Gwitchin has handed me one other note. I will raise his note first. The constituents of the Vuntut Gwitchin riding have identified a full-time family and children's support services professional being resident in Old Crow as being a priority for their community. The issues to be addressed include family violence prevention, alcohol and drug addictions, the face of prevention and providing consistent long-term service. I pass that on, on behalf of the Member for Vuntut Gwitchin.

Finally, I would ask the minister if he could update us on the funding arrangements for foster families. I would also ask the minister -- this is an issue that has been raised directly with me by a constituent -- whether there are any funding programs available or that could be made available to assist grandparents who have assumed or inherited the responsibility of providing care for their grandchildren but have not legally moved to be considered as foster parents. I know that is one somewhat awkward approach that grandparents can take, to actually apply to become legal foster parents to assist these people with the cost of child rearing, which they may not be in a financial position to do.

I have heard of grandparents who are methodically cashing in their RRSPs because they did not anticipate becoming parents again at this more advanced stage of their lives and they cannot afford the costs of providing food, clothing and school supplies and so on for their grandchildren. They do so, of course, out of love for their grandchildren. They would not deny their grandchildren that support, but their concern is that they are doing so at the peril of their own future security. Is this something the department can have a look at? There are people who fall through the cracks of not being well off enough to take on this responsibility but who are not necessarily people on social assistance or other existing support. If the minister has any thoughts on that, I look forward to hearing them. I thank the minister in advance for his responses.

Hon. Mr. Cathers: I will endeavour to answer the leader of the official opposition's questions; however, by firing things out rapid fire, as members are aware, I was not able to answer his questions the last time I stood up. Since I was not able to get through answering all of his previous questions, and

he has now added more to that list, I will endeavour to answer within my time allotted.

With regard to social assistance rates, which the member raised before the break, I would urge the member to review the Blues, as I have. My intent, in speaking of social assistance rates, was to check exactly what was said. I would urge the member to review the Blues from December 7. He would note that the word that he has used, which is "luxurious", in reference to social assistance rates was very much taken out of context. In fact, the passage from the Blues where I referred to it was in terms of noting the fact that people on social assistance do not have a large amount of money and there are challenges in budgeting. It was, in fact, in response to the member suggesting that there are challenges. I was noting that, yes, of course there are challenges and we recognize that.

That's exactly why we are reviewing the social assistance rates and their adequacy. I do have to stress once again that we have the ability within the emergency funding at the director's discretion to address emergency needs, whether they be for food, clothing or shelter. That is there, and so for the member to suggest that we have an issue that, by not making a snap decision, without doing the proper due diligence, we are somehow preventing people from having the means that they need to support themselves throughout these winter months, is quite simply incorrect. We do have the funding available through emergency funding, even if the existing amounts within the base rates are not adequate to address needs. This is being reviewed.

I again stress this and note that we are reviewing two areas particularly with social assistance rates -- that being the adequacy and the financial disincentives, which sometimes make it difficult for people to transition from social assistance into the labour force. We want to help them do so. We are committed, as noted in our platform, to work on incentives that help them make that transition. We are going to work with the Department of Education, among others, and Yukon College for example, to address issues of skills and trades training. If the issues that are preventing someone on social assistance from moving into the labour force are related to lack of training or education, we want to help them get that training and education so they can take that step and earn a successful and productive living within the labour force.

Moving on to other areas in the member's questions, the member also asked about the universal childcare benefit. I don't have Bill No. 31 in front of me, but I do note that, as committed, Bill No. 31 does address the issue of the income tax side of the clawback of the universal childcare benefit. We have, as I have stated, addressed the issue within social assistance. The universal childcare benefit is not included in the calculation of income for social assistance purposes.

I'd be happy to provide the member a copy of the order-in-council once it has been signed by the Commissioner to allow him to frame that on his wall. As I previously stated, we've dealt with that through policy previously and it has been backed up through Cabinet direction and regulation.

With regard to the issue of childcare, the member raised concerns and questions regarding that, and I do have to point

out again that our commitments, our direction, is to deliver territory-wide childcare and early learning strategy for children and parents based on the priorities of creating more available spaces for children of all ages, reducing the rates parents pay for childcare, increasing financial support and reducing disincentives to allow parents to participate in the labour force. Again, another issue related to a difficulty some face in moving from social assistance to the labour force is that single parents may find it difficult to pay for childcare and enter the labour force. So we're looking at those issues.

Resuming the list of priorities: ensuring the parents with children in kindergarten are not charged full-time preschool rates for their childcare and developing a new five-year plan to address issues of concern to day home operators and childcare centres, including training, education, wages for staff, a greater focus on early learning for preschool children and collaborating with First Nations, community groups and non-governmental organizations to provide an integrated system that better serves the educational and cultural needs of parents and their children in all Yukon communities.

I should also note to that end, again, our continued commitment to continue working with the N.W.T. and Nunavut in emphasizing the need for a national early childcare agreement with Canada that reflects the needs of the north. As I stated before and will state here once again, we were not satisfied with the funding arrangements and commitments provided by either the previous Liberal government or the current Conservative government in terms of reference to this area. So we are continuing to lay out our position and reflect the needs as we understand them to be.

With regard to the leader of the official opposition's questions around the subsidy and the timeline for review of childcare funding, I have to state again that we are completing right now -- as stated before -- the work under the four-year plan. The one final, remaining area had been the review of regulations. That is ongoing right now. I believe the final date that we've set for feedback on that is about the 15th of this month, if memory serves. It's coming up very shortly, and we look forward to the input received from day homes, childcare operators, parents and workers in this area. We'll take a look at the work from that and, of course, we will go to work based upon this -- engaging in further discussion with the Yukon Child Care Board and the associations representing operators, if we feel the need exists in that area. And then we will look at amendments to the regulations, based on what we've heard from there.

Once we've completed the work that is being done on the regulations, we'll move forward on the development of the five-year plan. In fact, we may even -- depending on what stage we're in prior to the regulations actually being passed -- be able to begin the early discussions related to the five-year plan.

Again, I point out that, yes, we recognize their issues here. We did in the last plan, the four-year plan in our previous mandate, provide a 40-percent increase to the direct operating grant -- collectively. We recognize that there are pressures that still exist and that, again, is largely due to the fact that the previous Liberal government and the previous NDP government didn't

act in this area, and we're trying to come up to the mark in terms of what was not addressed by the previous governments.

That's why we had to take this a couple steps at a time. The first step was the four-year plan and the second step will be the new five-year plan.

The member also asked about a collaborative practice clinic. I would point out to him that his questions around this were exactly the reason we took issue with some of the timelines that had been set by the Liberals in their election announcement. We do have some discussions that need to be done on this. We may be able to do that quicker than the Liberals had promised or it might take longer, depending on the work that is done.

In terms of moving forward, the biggest cause for concern is ensuring that health professionals who will be involved and affected will have reasonable and appropriate opportunity to be involved in the planning, work and discussions, and that we come up with a model for this clinic that is, in fact, an enhancement to the system.

The Yukon Medical Association, in particular, has expressed that they have some strong concerns with this. I have made it clear to them that we are committed to moving forward on this, that we are committed to this project. We are confident that an appropriate model can be established. It has been done in other jurisdictions. This is not reinventing the wheel. It is not rocket science or some endeavour that we don't know can be completed. It has been done in other areas. We need to have a Yukon model that addresses and responds to the needs and priorities of Yukon citizens, but we are confident this can be done; therefore, we will move forward to it.

As far as the member's question about whether we consulted with the YMA, that is what I have to stress on this -- this is not a matter of consultation; this is a matter of working with the health professions to come up with an appropriate model. There has been significant work on options related to collaborative care and a collaborative practice clinic developed by what has been referred to as "the group of seven", involving seven health professions, including originally the YMA.

Unfortunately, the YMA members were not able to fully participate in the discussions so the latter part of that work did not have their involvement. We have asked them again and laid out our intent to move forward in this area. I have stated -- and will once again state -- to physicians and all other health professions that would be affected that we want to hear their input and we want them to identify ways to us that we can make this work and make it work better. We want to ensure that any problems are addressed prior to establishing this model. We want to ensure that, when a clinic is established, it is flexible enough to adjust, based on the real-life experience of operating this clinic.

One of the issues that the member asked about is the fee structure. I have stated to the Yukon Medical Association that we recognize there is a need to change the compensation arrangement to allow for an alternate payment method. To have doctors in a government-owned facility being paid the same fee-for-service rate as doctors who have their own clinics and have overhead to pay for would obviously be an unreasonable

and unfair arrangement. It would possibly destabilize the system. We want to ensure that this is an enhancement. We recognize that the vast majority of non-acute primary health care within the territory will continue to be delivered by family physician offices and, in some communities, by community nursing stations. This is a collaborative family practice clinic and our vision for it is that it would be an enhancement to the system. It would be a component to address some of the demand and create increased access for those who do not currently have access to a family physician. It is not intended to be a sea change to the system. It will not be something that would go beyond one clinic.

I am not saying that collaboration successes from that may not extend, by choice, between family practices, but we want to ensure that this situation does not create problems for family practices and difficulties that make it harder for them to operate.

We want to simply use this as one step to provide a bit of a different model of care delivery that has been used to some success as an enhancement to the family practice system in other jurisdictions of Canada.

With regard to the member's questions about the cost of this and the overhead structure, who pays for it and how it's dealt with -- these are all things that have to be dealt with through the discussions involving the government and the involved health professions. We need to work out a management model that works. There are a number of different ones that have been used in different jurisdictions. We may not use one identical to any other jurisdiction, but we need to ensure that the work is done, the discussions take place, and we want to ensure that all professions have the opportunity to lay their needs, concerns and suggestions on the table before we make any determinations. We are committed to the concept. We are committed to a structure similar to that in place within other jurisdictions. Beyond that, we are open to hearing the input and the experience of health professions, including the physicians, as they were the group mentioned by the member opposite.

I'd like to go to an issue that the member opposite raised earlier with regard to mental health, which I did not have the opportunity to respond to before. In terms of addressing issues related to mental health, in addition to the press release that I previously referred to from late August, referring to our increased services in terms of a clinician for rural areas, based out of Dawson City, and a youth clinician for mental health, based out of Whitehorse, that we have also provided the \$50,000 this year for planning around the needs for residential supports for mental health patients. We're doing work currently with the Yukon Hospital Corporation to discuss and determine the best manner in which to provide in-patient mental health beds. We recognize that is an issue.

It must be addressed and we are committed to addressing it. Currently we are doing the work with them in terms of how to address those space needs. That of course, as members have mentioned, had been one of the potential uses for the Thomson Centre but, based on the review that we had completed, it was not an appropriate use for it, considering the demand in continuing care and the fact that, though poorly built, the Thomson

Centre was well-designed in terms of layout for delivering continuing care.

I would also like to identify to members in terms of the issue of mental health that the 2006-07 supplementary budget this fall includes money for increased mental health counselling services in the community in the amount of \$135,000 and early psychosis intervention with a focus on early identification of mental health concerns in the amount of a \$70,000 increase.

I have items in my notes that I would like to bring to the members' attention on that page. I would note the increased support that we have put into community nursing. This year this budget seeks \$174,000, due to heightened nurse-recruiting activity, and increased travel during periods of nursing shortages in communities, in terms of our community nursing offices.

As well, this budget contains an increase to the Yukon communicable disease unit and administrative support for that in the amount of \$85,000; increased supply costs for environmental health water testing in the amount of \$20,000; and an increase to contracted dental therapy services, as a result of difficulties recruiting and retaining the in-house dental therapists. That's in the amount of \$83,000.

I believe that my time is up right now. I look forward to further questions and to the opportunity to deliver some of the answers to previous questions that I have not had the opportunity to do.

One other point with regard to mental health that I missed noting is the fact that, under the corrections action plan in work for developing a new facility, that is one of the considerations that is being looked at.

I believe my time is up, Mr. Chair.

Mr. Edzerza: I would like to start by referring to the Blues of December 7 to correct the record. I asked the minister about a part of the plan outlined in the Yukon community court to deal with offenders with drug or alcohol addictions, symptoms of FASD, and mental health. That was my question, based along those lines -- about clients who could be recruited from a community court.

I would have to express gratitude that at least the minister is actually reading the corrections action plan now. It's a pleasure to see.

The part I want to correct is that it's the minister who was out in left field, because the DVTO Court has absolutely nothing to do with the line of questioning that I was asking. It is a program that was started many, many years ago. I was talking about the new program. I just wanted to correct the record for that. I didn't really catch it at the time, because of the quickness of the response. They are both good programs; there is no doubt about it.

I could probably spend the whole rest of this sitting and half of the next sitting talking about Health and Social Services because it just so happens that this area really affects a large number of people, directly and indirectly. It goes from the unborn, and the conditions of the unborn, to the elderly, so it covers the whole spectrum of the beginning of life right up until the end of life. So it's going to be a fact that there will always be questions in this area.

One thing I was a little bit concerned about -- I heard the Premier make the comments that there may be challenges in maintaining the cost in health. That kind of raises a red flag for me because it's almost an indication that it is possible that the government may be thinking about privatization. There's a hint of it there. I don't know if there's really a direct connection there, but maybe the minister can clarify that a little bit, just as to what may be suggested there.

I know that right across the Yukon Territory childcare is an area where there is an awful lot of friction between how the government does their job with regard to the *Children's Act* as it is. I know the minister will stand up and say, "Well, that's why we're rewriting the act." But, again, I would be the first one to say it's moving far too slowly. The point is that while this act is probably taking -- it has been four years now. I believe it could probably be another two years or more -- maybe three. Now, we're looking at seven years, and adding, about all of the necessary changes still having multiple negative effects on the families and their children.

Grandparents -- one of the issues I hear a lot of in my riding involves things like parents losing their children to foster parents who move out of the territory. Some of my constituents want to know why it is that a foster parent can take their child out of the territory. I believe there are some who have gone many, many years without seeing their child. All contact and any chance of bonding are totally annihilated.

At the end of the day, if we were to do some kind of a study of all the children who were apprehended over the last 30 years in the Yukon, I think we would find a correlation between the people in prison and those who were in foster care. It's sad to say, but it's true. It appears that, at a certain age, the department washes their hands of the child. They no longer want them in their care, especially if they get into trouble with the law. That's definitely one way that a child will get out of care. Then that individual ends up coming back to the parents and creating havoc for them.

One has to go back and try to seek understanding of really what goes through a young person's mind when they're apprehended and taken away from their parents. I've heard on numerous occasions where a young person would accuse the mother of being the one who gave them away, not understanding that family and children's services may have felt it necessary and taken it upon themselves to take them into care, without the consent of their parents.

One thing that is used against First Nation people across the country is the problems with alcohol. I think that shouldn't be grounds for totally separating a family. If there is a threat of harm to the children, definitely there has to be some kind of intervention; however, I don't believe that it does anyone justice for a family to be broken up with what appears to be no intention whatsoever of reuniting them. I know how the process works. I don't mind stating that usually the initial apprehension takes place. The department has two years where they can build a really good case to go for permanent custody. I hate to say this, because it shouldn't be like that. Where there is an apprehension, there should be an immediate process to start working with the family to ensure that they stay together. That is not the

case. There are always two years of docking -- following the children and following the family. Many provisions are put on the family. If they comply, I've seen cases where they still don't get their children back. What are we saying to these families?

I've heard comments in some of the communities where they describe it as their community being a dead horse and all the social workers are the ravens. It is sad when a community actually feels like it is being preyed on, just so they can get a hold of some of the children.

I think the whole vision that some people have can be turned around, because I do believe wholeheartedly that family and children's services is a necessity. There has to be a department that is willing to move in to ensure the safety of the children, because children are vulnerable in many ways and they can't protect themselves against a lot of the elements of society. So they are necessary, but I can't stress enough to the minister how important it is to really get on with revising the act and to definitely have some sincere and genuine input from First Nations, because there is a cultural clash here.

We used to do things very differently from the government system of today. We used to have a system in place that included the family members. I remember talking to my mother, who passed away when she was 92 years old. I asked her these questions because I wanted to learn and I wanted to know how First Nations were able to maintain order in their communities and look after their children.

I know that in the community of Telegraph Creek, where my family comes from, there is one road in and none out. So, you go in and you have to turn around and come back out on the same road. At one time, there was no road in there. It was predominantly the Taltan Nation who lived there and no one else.

We survived. I was interested in how we survived without all the social workers to look after us and give us directions on how to do things. How did we survive? My mother told me that it was based on the family and community input. If the parents were having problems in the family, it was common for other family members to step in. They didn't need to get permission from another government to intervene and help take care of that child or their grandchildren. Even in this day and age many, many grandparents do raise their grandchildren -- right to this day. My mother told me that it was never that big of an issue because there was not a lot of outside influence. They had the opportunity to work closely together in the community. Everyone practised a lot of traditional knowledge, values and beliefs to the point where they acknowledged the fact that together they could make things better in the community.

I have for one question for the minister, and hopefully we can get some answers to this. For example, what percentage of family and children's services protection cases become children-in-care services? If all of a family's children are taken into care, does the case remain open under family services or child protection in the hope that changes will come about and the family can have its children back? What percentage of families have their children returned? And how long does the case remain open after that? What is the policy on returned children?

After being an advocate in this area for many, many years -- probably 20 years plus -- I hate to say that I don't know of very many children who were returned. I don't know of many families that can actually say, "You know, I was so pleased to have so much help from family and children's services to get my family back intact. I can thank them for that today because they were so helpful." I can't tell you of any families that can say that.

So there's something drastically wrong with this whole system and how it's going on.

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

Chair: Mr. Edzerza has moved that we report progress.

Motion agreed to

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

Chair: Mr. Cathers has 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

Mr. Nordick: Mr. Speaker, Committee of the Whole has considered Bill No. 3, *Second Appropriation Act, 2006-07*, and directed me to report progress on it.

Also, pursuant to section 109 of the *Workers' Compensation Act* and Committee of the Whole Motion No. 1, Craig Tutton, chair of the Yukon Workers' Compensation Health and Safety Board, and Valerie Royle, 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 4:30 p.m.

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

The House adjourned at 5:30 p.m.

The following Sessional Papers were tabled December 11, 2006:

06-1-10

Yukon Heritage Resources Board 2005-06 Annual Report (Taylor)

06-1-11

Yukon Workers' Compensation Health and Safety Board 2005 Annual Report (Cathers)

The following document was filed December 11, 2006:

06-1-8

Yukon Geographical Place Names Board 2004-05 Annual Report (Taylor)