



Yukon Legislative Assembly

Number 145

1st Session

33rd Legislature

HANSARD

Tuesday, April 22, 2014 — 1:00 p.m.

Speaker: The Honourable David Laxton

YUKON LEGISLATIVE ASSEMBLY

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

DEPUTY SPEAKER — Patti McLeod, MLA, Watson Lake

CABINET MINISTERS

NAME CONSTITUENCY PORTFOLIO

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

GOVERNMENT PRIVATE MEMBERS

Yukon Party

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

OPPOSITION MEMBERS

New Democratic Party

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

Liberal Party

Sandy Silver	Leader of the Third Party Klondike
---------------------	---------------------------------------

LEGISLATIVE STAFF

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

Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, April 22, 2014 — 1:00 p.m.

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

Prayers

DAILY ROUTINE

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

TRIBUTES

In recognition of Earth Day

Hon. Mr. Dixon: It is my pleasure to rise today to pay tribute to Earth Day, which is observed every year on April 22.

Earth Day organizers say it's the largest environmental event in the world. More than six million Canadians participate in an Earth Day activity in their communities. For Earth Day, Canada's mission is to foster and celebrate environmental respect, action and behavioural change that will reduce our impact on the earth. It's a mission that I think is fair to say all members support.

As Yukon's Environment minister, I am keenly aware that, every day, education, awareness and actions are underway. For instance, the issue of global climate change is one of the most challenging that we face. The Government of Yukon is advancing this agenda in many ways. We have increased and continue to increase our capacity of renewable hydroelectric generation and distribution in the territory. We have been coordinating a variety of climate change research projects in partnership with the federal departments of Aboriginal Affairs and Northern Development, Natural Resources and the Public Health Agency of Canada.

We have adopted a vision and strategy for energy that provides us with a long-term vision for the responsible development of energy resources for the benefit of Yukon's people, businesses and environment and we have in place a climate change action plan to support coherent, comprehensive work by governments and organizations to reduce emissions, adapt to the impacts of climate change and better understand what is going on and why.

I would also like to commend the efforts of the City of Whitehorse in their efforts to improve our environment. Improvements to the bus system are making it easier for more people to take public transit and they have a tremendous trail system with more coming to encourage walkers and cyclists.

I recognize also the efforts of many Yukon communities to upgrade their landfills, increase their groundwater monitoring and improve, in big ways and small, the quality of their environment.

I would also like to praise the work of the Climate Change Secretariat, which is leading in the development of a one-stop-information-shop website for climate change adaptation information relevant to the circumpolar north. This

Arctic adaptation web portal is sponsored by the Arctic Council. When it is ready for use in 2015, anyone in the world will be able to use it to access research results and information about best practices, and monitor data.

The Yukon government recognizes that climate change brings opportunities, as well as serious challenges to our unique quality of life. The portal project aligns with our overall focus on responding effectively to climate change. Every day, there are great stories about innovative solutions and practical examples of making a positive difference — it's about finding opportunities instead of challenges.

Today, on Earth Day, let us celebrate the many ways Yukoners and Yukon businesses promote respect, action and behaviour change that reduce our impact on the earth. Every day, let us think about how we all can continue to work to protect our environment.

Ms. White: I rise on behalf of the NDP Official Opposition to pay tribute to Earth Day.

Today we celebrate the 44th anniversary of Earth Day. From its beginnings in the United States in 1970, much in the world has changed. Back then, the debate was whether or not climate change was even real. This month, a series of large-scale studies have been released that confirm the scientific consensus on the link between carbon emissions and climate change by the United Nations, the American Association for the Advancement of Science, and the Intergovernmental Panel on Climate Change.

We know that climate change is real. The climate change debate has ceased to be a debate at all. I think of myself as a global citizen. Here in the Yukon, I am surrounded by global citizens who try to make decisions that will have the least amount of impact on the world around us, knowing that our actions affect the global environment and, in turn, affect people in countries far, far away from our borders.

Life in the Yukon is very different from many realities worldwide. We live in a place of open spaces. We are surrounded by nature. We live near lakes, rivers and creeks with clean water. We breathe in fresh and clean air. At every turn, I am reminded of how lucky we are to be living where we do. Sometimes I wonder if we don't take all of these things for granted, because to us they are our everyday reality.

This year's global Earth Day focuses on green cities. This is a unique environmental challenge of our time as the world's population migrates toward cities. As the realities of climate change become increasingly clear, the need to create sustainable communities is more important than ever.

There is a brilliant short video on the www.earthday.org website. It explains the idea of our global community and the choices we face so clearly. It's so brilliant that I want you to watch it, but for now I'm going to share it with you. Humanity has come to an important decision. Two futures stand before us. We can continue on our current path and rely on outdated electricity grids, inefficient buildings and dirty power plants that contaminate our air — or we can change. We can create greener cities where solar panels and wind turbines power our homes; where buildings use less energy and save money;

where our air and our water are cleaner; our quality of life is better and our economy is stronger. Here's the thing: this cleaner, more sustainable future is within our grasp. To get there, we need to rethink old conventions, improve energy efficiency and invest in green technology. Most of all, we need to stand up for the future we deserve. It's time to green our cities.

We are lucky to live in a territory where our population is aware of the changes that are happening worldwide. Yukoners understand our vulnerability with respect to food security. Yukoners understand our responsibility to break away from our fossil fuel dependency that worsens climate change. That leaves me with one final question.

What choices are we as decision-makers making here in the Yukon to support the efforts of Yukoners to develop a more resilient and sustainable future?

Mr. Silver: I rise today on behalf of Liberal caucus to also pay tribute to and mark the 44th annual Earth Day 2014. Originally launched on April 22, 1970 in the United States as an environmental awareness event, it is considered to be the birth of the modern environmental movement. Today, more than six million Canadians join together with more than one billion people in 170 countries to stage events and to provide awareness of local environmental issues.

Earth Day is a chance to celebrate all that we have and provides us with occasion to learn more about the actions we can take in our daily lives to ensure that we all can enjoy a clean and healthy environment for generations to come. For example, the website www.earthday.ca provides a top-ten list of actions to reduce your impact on the environment. Mr. Speaker, as Yukoners we have a lot to celebrate in our environment — whether we ski, canoe, skate, hike, camp or merely take pictures, there is a lot for us to be thankful for.

The Government of Yukon and Environment Yukon both provide opportunities for community members to be engaged, such as Raven Recycling's recycling program and the Yukon Youth Conservation Corps. These programs provide employment and education and not only give our youth and communities tools to keep their environment healthy today, but also for generations to come.

We are pleased to recognize Earth Day. Living in a healthy, beautiful territory is something we are fortunate to enjoy and hope to pass on to future generations by working together and getting involved in projects in our communities. This is something that we can accomplish both on Earth Day and every day.

Speaker: Are there any visitors to be introduced?
Are there any returns or documents for tabling?
Are there any reports of committees?
Are there any petitions to be presented?
Are there any bills to be introduced?
Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to meet its promised target of 50-percent waste diversion by 2015.

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

THAT the Government of Yukon urge the Government of Canada to:

(a) reverse its decision to reduce the level of protection given to the northern Pacific population of humpback whales under Canada's *Species at Risk Act* by downgrading humpbacks from a threatened species to a species of special concern; and

(b) uphold Canada's responsibility to protect the critical habitat of humpback whales off the coast of B.C. in the face of potential threats posed by tanker traffic.

Speaker: Are there any further notices of motions?
Is there a statement by a minister?
This then brings us to Question Period.

QUESTION PERIOD

Question re: Whistle-blower legislation

Ms. Hanson: It should come as no surprise that in a recent statement, the Yukon Ombudsman echoed what the Official Opposition has been saying in this House. The Yukon Party's proposed whistle-blower law needs to be fixed before it's tabled this fall. That is because it ignores a key recommendation made by the Select Committee on Whistle-blower Protection when it tabled its report over a year ago. The committee recommended that if a government worker is fired or suffers from any other reprisal after reporting wrongdoing, the Ombudsman should have the authority to override any punitive actions taken against them.

Why did the government decide to ignore this key recommendation and give Yukon departments or corporations — and not the Ombudsman — the authority to remedy reprisals against whistle-blowers?

Hon. Mr. Dixon: It's interesting to see the NDP pick and choose which recommendations of the select committee they support. I've heard the Member for Whitehorse Centre in the media previously criticizing one of the recommendations that an employee should exhaust all departmental options before undertaking the whistle-blower process. We see again that the NDP are selectively choosing which recommendations they choose to acknowledge in the select committee's report.

Mr. Speaker, I am aware of the Ombudsman's release last week. I've had a chance to review it now. I would like to thank her, of course, for the input she has provided, but this is exactly the reason why we conduct these sort of consultations. It's to gather input from affected stakeholders — in this case, the unions, the Ombudsman, as well as the public. I would like to thank the Ombudsman for her input. We will, of

course, take it into consideration as we move to draft this legislation. Obviously, as I've indicated previously, we have a goal of tabling this particular legislation in the fall. The NDP wanted to delay that process with an extension of the consultation, which would have further delayed our legislative tabling dates, but we're committed to this particular legislation and we're committed to moving forward. I will look forward to tabling legislation as soon as it's ready.

Ms. Hanson: Mr. Speaker, for once, Yukoners would like to see a Yukon Party government committed to actually following the recommendations of a select committee. That's what the Ombudsman was saying.

This government's proposed whistle-blower law says that the Ombudsman will only be able to recommend a remedy for any reprisals taken against a whistle-blower. If the Ombudsman only has the power to recommend a remedy, it does not guarantee that an employee who makes a complaint of wrongdoing will be protected from reprisal.

This will not ensure that employees who access the whistle-blower process in good faith are protected from reprisal.

Does this government intend to provide real protection for whistle-blowers, as recommended by two select committees, and will it follow the recommendations to give the Ombudsman the authority to remedy reprisals imposed on whistle-blowers?

Hon. Mr. Dixon: Again I should point out that the NDP selectively acknowledges which recommendations of the select committee's report they choose to discuss. Obviously we take the input from the Ombudsman very seriously and we appreciate her suggestions.

There are three particular alternatives that she has suggested to us. Our staff in the Public Service Commission are in the process of reviewing all three, as well as any other options. Of course, the reason we went with the approach we did was that it is generally consistent with the approach taken in two other Canadian jurisdictions where the same authority has some legislative responsibility for dealing with allegations of wrongdoing and complaints of reprisal — those two being Saskatchewan and Alberta. That process has worked fine for Saskatchewan and Alberta, but if we need to adopt a different model here in Yukon, we're open to that.

As I said, we take the input received from stakeholders, the Ombudsman and the public very seriously and we'll take it all into consideration as we move forward with the drafting of this legislation.

Ms. Hanson: We've seen that before, Mr. Speaker.

The information package released by the government for consultation didn't write itself. There had to be direction from the minister as to what to include and what not to include. Obviously he's not concerned about reprisal against whistle-blowers. Despite two select committees saying otherwise, it appears that the minister's direction was not to give the Ombudsman the authority to reverse reprisals against whistle-blowers. The Ombudsman voiced her concerns that the proposed law would be too weak if there is no proper protection against reprisals.

The long-overdue whistle-blower legislation is expected to be tabled this fall. It too will not write itself.

Will the minister direct that the whistle-blower legislation be drafted to give the Ombudsman the authority to remedy reprisals against whistle-blowers?

Hon. Mr. Dixon: I should note that I am surprised to hear the NDP leader reference the consultation document. Two weeks ago, she encouraged me to include in the definition of wrongdoing the gross mismanagement of public funds or assets. That was in the recommendations — in the public consultation document — and she clearly hadn't read it at that point. I'm glad that she has taken the time to read it now. Also, it appears that she has changed her opinion now on the report provided by the select committee, and she now supports it despite her previous criticisms of some of the recommendations.

I appreciate the input provided by the Ombudsman. She provided a number of good alternatives to what is being presented presently. We will consider all three of those alternatives, as well a range of other options, to ensure that individuals who choose to exercise their power under this particular legislation are protected. I look forward to tabling this legislation in due course, with an eye to aiming for this fall's sitting to table this particular piece of legislation.

Question re: Oil-fired appliance safety

Ms. Moorcroft: This government owns 487 buildings. They include schools, health facilities, seniors centres and the workplaces of hundreds of Yukoners. Many of these facilities are heated by oil-fired appliances.

Can the Minister of Highways and Public Works tell the House if all Yukon government buildings have had their oil-fired appliances inspected in the last 12 months?

Hon. Mr. Istchenko: When it comes to building condition assessments or oil-fired appliance inspections, that's more operational stuff, but I know we have ongoing inspections of all our facilities. Whether there is an oil-fired furnace or other heating systems, we do annual inspections.

Ms. Moorcroft: The *Oil-Fired Appliance Safety Statutory Amendment Act* was assented to on May 2, 2013. This bill was supported unanimously because everyone recognized the need to improve oil-fired appliance safety in Yukon. Since the bill has passed, many Yukoners have improved the safety of their own homes and businesses when it comes to the state of their oil-fired appliances. This government must step up to the plate and ensure that the appliances it owns meet the high safety standards that they expect Yukon homeowners and landlords to meet.

What is the state of compliance for government buildings heated by oil-fired appliances? Do they all currently meet the safety requirements set out in the *Oil-Fired Appliance Safety Statutory Amendment Act*?

Hon. Mr. Istchenko: Of course, Yukon government is responsible for the management and condition of hundreds of public buildings. The member opposite alluded to the number of buildings that we have. We take great pride in

keeping our buildings in good repair and we want Yukoners to be proud of their public buildings.

We have a key strategy for Government of Yukon buildings to keep them shipshape. We conduct regular assessments on their condition. We're doing this whether it be on a community-by-community basis or whether we do it comprehensively over the long haul, but the Department of Highways and Public Works and Property Management that do inspections on our facilities do annual inspections on a regular basis.

Ms. Moorcroft: It sounds like this government has a "do as I say, not as I do" approach to the inspection and upkeep of their oil-fired appliances. This government has an obligation to Yukoners who work in and use government buildings and facilities on a daily basis. The requirements of the *Oil-Fired Appliance Safety Statutory Amendment Act* were made for a reason. Rod Corea's reports highlighted that many of the Yukon's oil-fired appliances were unsafe and that only a strong inspection and enforcement mechanism would lead to improvements.

This is about the safety of Yukoners and Yukon government employees. We hear the minister say that a limited number of inspections have been done on an operational and ongoing basis, but we don't have the numbers. What have inspections revealed about the condition of the Yukon government's oil-fired appliances? Were defective or unsafe appliances found? If so, have they been brought up to code?

Hon. Mr. Istchenko: First of all, I just want to let the members opposite know that, on this side of the House, we have great confidence in our staff who do the inspections and the maintenance on our buildings. We have over \$11 million in a maintenance program ongoing every year that we utilize. Approximately 50 building condition assessments were carried out in 2013-14. Condition assessments on 130 of our Whitehorse buildings were done. We do ongoing maintenance where we take the safety of the public going into our buildings or the staff in our buildings with the utmost seriousness. I have great confidence in our staff and I look forward to more — I'm good, Mr. Speaker.

Question re: Hydroelectric dam project

Mr. Silver: Last summer the Premier announced that the government was moving forward on building a new hydroelectric dam. After the Yukon Party government and the former energy minister spent several years trying to sell our hydro system to Alberta, this is a welcome change in direction.

However, since the formal announcement in November, there has been no word from this government on how it intends to proceed. Mr. Speaker, last fall the minister did ask the Yukon Development Corporation to start planning. He gave them a 90-day period to prepare a report. The minister should have had that report by late February. We did hear of an extension earlier this year, in the spring legislative session.

Has he received it and will he make it public?

Hon. Mr. Kent: As the member opposite referenced, there was the provision in the directive that we gave to the Yukon Development Corporation to grant them an extension, and that extension was granted. Although I have not received the final workplan yet, I anticipate getting it before the conclusion of the spring sitting and I will either table it or make it public at the time that I receive it.

Mr. Silver: While the work being done by the Yukon Development Corporation proceeds, the minister has decided to also start a separate process to look at developing a hydro project near Skagway. It is part of a \$250,000 undertaking with the State of Alaska and is not even due, as a report, until December 31, 2014.

The minister has two separate projects going, with two different departments in charge, with two different timelines in play. Yukoners have been waiting for this government to get serious about expanding our hydro capacity for more than a decade and it appears that we continue to wait.

We know that a previous minister spent years signing contracts to have experts look at the best way to privatize our energy future, and that did set planning back by several years. However, last summer the Premier did tell the national media that a new dam was high on his top priorities.

Realistically, how far away is a new hydro dam from actually happening?

Hon. Mr. Kent: When it comes to clean power initiatives, this government has short-term, medium-term and long-term plans. Of course, the legacy hydro project that the member opposite referenced in his first question is something that really speaks to the longer-term vision for providing clean power and addressing economic development opportunities with clean power initiatives.

As many Yukoners know, we're very fortunate to have 95 percent of our power generated by hydroelectricity — hydroelectricity that was built in the 1950s and 1960s by the federal government. We feel that the legacy hydro project is something that can really address our power concerns in the longer term.

The member opposite also referenced the Alaska-Yukon electrical and telecommunication connections, and that's more of a medium-term solution to addressing some of our power needs. There was an MOU signed last fall, and we awarded a contract last week to look at the feasibility of connecting Yukon and southeast Alaska via a power grid. The power project that the member opposite referenced is actually something that's being led by Alaska Power and Telephone. It's something that they look to tie into this grid potentially so that we can purchase power from them in the wintertime when we need it and we can sell excess hydro in the summertime when they need it.

Mr. Silver: Mr. Speaker, Yukoners can appreciate that proper planning does take time. We only have to look at the \$6 million wasted on the scrapped design for F.H. Collins to see what happens when planning is not done properly.

What Yukoners are not impressed with is the fact that the Yukon Party government is only starting to address this issue after 12 years of being in office. It's very unfortunate that

many of these years were spent with a former Energy, Mines and Resources minister leading the way toward privatization.

Now, fast-forward to today, and we are facing growing demands and our supply beyond more diesel is unknown because of this government's failure to map its way forward.

When is this government going to make a decision on which new hydro project it intends to pursue?

Hon. Mr. Kent: It is very interesting to listen to the questions from the member opposite, because he certainly criticizes us on many days for poor planning and now we are getting criticized for doing proper planning with respect to the hydro project.

As mentioned, the Yukon Development Corporation will be coming forward with a workplan that will spell out which projects will be considered for the legacy hydro project, where they are located, and those types of aspects with respect to planning a major project of this undertaking.

When it comes to the energy future of the Yukon, we want to ensure that we plan it properly and we do it right. There are a number of things that we've done to address power needs in the short, medium and long term. Medium term — we spoke about the inter-tie between Yukon and southeast Alaska.

Longer term — the legacy hydro project. Of course, we have the microgeneration program in place and consultations this year on the independent power producers policy. There are a number of things that we are looking to do to address the power needs of Yukoners, both now and into the future.

Question re: Pelly Crossing airfield

Mr. Tredger: The Pelly Crossing airfield remains unusable for medevac flights. It needs to be upgraded. A patient who needs serious medical attention is taken by the Pelly ambulance to Stewart Crossing where they are transferred to the Mayo ambulance, which then takes them to the Mayo hospital where they are then medevaced to Whitehorse.

Aside from serious time delays, this takes two ambulances out of service in their communities. After many years of such utter nonsense, that this still continues is shocking. It is unacceptable. The residents of Pelly Crossing and area have waited long enough.

Will the residents of Pelly Crossing see their local airfield upgraded in this year's budget so that medevac flights can use it?

Hon. Mr. Istchenko: The Department of Highways and Public Works likes to protect those who live and visit and work in the territory, and we take that responsibility very seriously when it comes to our airports. Our staff work hard to meet the high safety standards set out by Transport Canada, and this government invests to improve airport facilities for everyone. You just need to look at our budget this year. We take pride in providing a safe environment for aircraft, pilots and passengers alike. We always work in partnership with local, national and international airlines — always with Nav Canada — and every other pilot who uses our facilities on a

day-to-day basis. That keeps us with an excellent safety record, and we're proud of that.

Mr. Tredger: The upgrading of the Pelly airport has been a long-standing request from chief and council, and I've raised the issue in the House before. Last year in response to my question, the minister said that \$8.1 million had been set aside in the budget for capital improvements to airports. Again this year the minister has allocated over \$7 million for other airport projects. The people in Pelly Crossing have been patiently waiting, but they deserve better.

Why is the safety of Pelly Crossing residents not a priority, and when will the Pelly airport be upgraded so that medevac flights can use it?

Hon. Mr. Istchenko: This government has invested millions in Yukon's airports and aerodromes and we will continue to invest in upgrades and repairs to our facilities and maintain our excellent safety record and continue developing the infrastructure that is required to realize Yukon's full economic potential. We need to look at the budget this year. We have over \$11.1 million in more capital investments.

Question re: Solid-waste management

Mr. Barr: In 2011, all parties including the Yukon Party promised to reach a target of 50-percent waste diversion by 2015. We are quickly approaching the deadline for this goal and the government has been largely silent on the steps they have taken to divert waste from our landfills since they mothballed the solid waste advisory committee in 2009. A 50-percent waste diversion target is an important benchmark for the Yukon.

Is the government standing by its commitment to meet the targeted goal of 50-percent waste diversion by 2015?

Hon. Mr. Cathers: First of all, I do have to point out to the member that in fact he appears to be unaware of the work that has been going on with the Yukon government and with municipalities. Subsequent to the solid-waste action plan and the Solid Waste Advisory Committee, the Yukon government worked with municipalities through the solid-waste working committee of the "Our Towns, Our Future" project. We also worked directly with municipalities, including the Town of the City of Dawson through an arrangement with them around the Quigley landfill. We have had direct discussions during tours conducted by my predecessor as well as by me in fall of last year — going to Yukon municipalities, sitting down with mayors and councils to talk about issues including opportunities for increased collaboration on solid waste.

That includes increased recycling, improved handling of special waste and hazardous materials and looking at opportunities around diversion — not only of materials including electronics, but also around other materials, such as cardboard, which can significantly reduce the volumes going into landfills. We will continue to do that work.

Mr. Barr: I didn't hear that we are going to meet the target that this Yukon Party stated of 50 percent in that reply. Action also speaks louder than words.

The fact is that the amount of waste in the Yukon and in the City of Whitehorse landfill is increasing faster than expected. The landfill has seen a major increase in solid waste dumped at their facility over the last several years and it shows no sign of slowing down. This is a concern for the city, as there is a limited amount of space at the landfill. The City of Whitehorse takes a large share of the solid-waste management burden in the Yukon, as they have to deal with a large and more varied amount of waste.

What is this government doing to help the City of Whitehorse improve the waste diversion at the Whitehorse landfill?

Hon. Mr. Cathers: Again, I would draw the member's attention to the facts. As the member should be aware, one of the specific examples of tangible areas where the Yukon government is working collaboratively with the City of Whitehorse on improving waste diversion is working with them through the investments that were jointly announced by myself, Mayor Curtis and MP Ryan Leef last fall of the new composting facility and the investment in equipment that came from all three levels of government to make that happen at the city dump. We're also working collaboratively with the City of Whitehorse.

It is an important partner for us, not only in addressing the bulk of the population who are their citizens within the City of Whitehorse, but of course because of the move that we made a few years ago to end the burning of solid waste and transferring it into Whitehorse, the City of Whitehorse provides the facility where that waste is received, so we are working collaboratively with them on that.

We have also — on an interim basis at the request of the recycling processors — implemented a pilot project to match the diversion credits the city put in place for cardboard. That is underway right now and we look forward to evaluating how well that is working.

Mr. Speaker, I see I am running out of time to list the many areas we are working together with municipalities on this file.

Mr. Barr: Maybe the minister should keep track of his own notes of what is happening with composting — that is no longer going forward, as the rural cement pads and all that are not even going to be used anymore in Carcross, for example. They are talking about making that the free store platform.

My constituents in the Hamlet of Mount Lorne have been leaders when it comes to waste diversion. The Mount Lorne transfer station has already met the 50-percent waste diversion goal and is ready to do more. They believe that with the government funding for education and waste monitoring, they will be able to achieve a diversion rate of 75 percent by this time next year.

Will the government provide the funding that the Hamlet of Mount Lorne is requesting to meet their unprecedented 75-percent waste diversion goal?

Hon. Mr. Cathers: First of all, I must correct the member — who stood to correct me — on the composting facility and clearly had not listened to the response. I was referring to the investment in the equipment located at the

Whitehorse dump and I believe we issued a press release about it.

There will be pictures as well up on the government website of the joint announcement by Mayor Curtis, myself, and MP Ryan Leef of the joint federal-provincial-territorial-municipal funding of the composting facility at the Whitehorse dump. In fact, with the area of Mount Lorne, while the member quite rightly does give credit to the society that runs this facility, I would remind the member that an important element of their success has been the continued funding by the Yukon government, which has increased over the years. While we don't negotiate budgetary requests here in this House, certainly any proposal put forward by the society running the Mount Lorne facility will be considered within the context of our entire program. It will be evaluated carefully by staff. We look forward to working with them, as we have with all municipalities, on increasing diversion, increasing recycling, and together improving the management of our solid waste — which just a few short years ago under both the NDP and the Liberals — involved burning solid waste in Yukon communities to the detriment of those living around it.

Question re: Yukon Housing Corporation programs

Ms. White: A significant part of energy consumption in the Yukon goes to heating homes and businesses. In the Yukon, homeowners can access a \$35,000 home improvement loan with a 12-year payback period. This is a great program that allows homeowners to make energy conservation choices. However, the Manitoba government offers rebates to homeowners who add Power Smart insulation to their existing homes. Eligible homeowners may receive up to 100 percent of the insulation cost.

Would the Yukon government consider a similar rebate for Yukon homeowners who take measures to reduce their home energy consumption?

Hon. Mr. Cathers: In fact, the Yukon Housing Corporation does provide a number of programs, including loan programs that assist citizens in upgrading their housing to improve energy efficiency, as well as to address issues such as access for persons who have disabilities or who are reaching an age where they need improvements made to their house to accommodate declining mobility.

The program criteria are something that involves the board of Yukon Housing Corporation. I would be interested in hearing the member's specific suggestions. I'm not familiar with the specific program she referenced, so I would be happy to see what information she is suggesting. I would caution the member that, of course, for every program, we need to have the financial resources to do it and, in some cases, proposals such as 100-percent coverage, rather than partial coverage, are not necessarily the most effective ways to utilize the dollars at hand.

I would be very interested in seeing the member's specific proposals.

Ms. White: The Internet is a fascinating tool that gives you a glimpse into all sorts of governments and their actions. One of the most cost-effective tools for meeting Yukon's

energy needs is energy conservation. The most effective way of encouraging consumers to use less energy is through a combination of both incentives and education. This is part of the mandate of Yukon's Energy Solutions Centre. The centre offers a number of programs to promote energy efficiency in Yukon homes and businesses, including an appliance program that encourages the purchase of Energy Star appliances with a rebate.

Depending on how they are constructed and installed, doors and windows are an important source of both energy loss and energy efficiency for a building. Would the Yukon government consider creating a tax credit or rebate program for energy-efficient doors and windows, similar to the one it currently offers for appliances?

Hon. Mr. Cathers: First of all, I would like to thank the member for her positive words about the success of the good energy program. I can't resist taking the opportunity to remind the member that I was the minister who announced the creation of that program.

While we would be prepared to take a look at the specifics of any of the member's suggestions and proposals and consider them on their merits, we are always dealing with the situation of limited financial resources and trying to ensure that those limited resources are used in a way that is financially appropriate and also considers the issues of both fairness to other citizens and the demands on the programs. I would be happy to look at the specifics that the member is suggesting. I would remind the member that the home repair programs that are in place have typically taken the approach of providing loans to people to help them take those steps in a more affordable manner without getting into a situation where their fellow citizens are being asked to subsidize specific elements of their home.

Ms. White: I congratulate the minister on the appliance program and I hope that the same minister gets to announce new programs to help Yukon home owners tackle climate change.

In jurisdictions across Canada, the importance of government leadership in energy conservation has been proven time and time again. Here in Yukon, existing programs go part of the way to support the efforts of Yukoners across the territory who are investing both their time and money to reduce their own energy consumption.

What is the government doing to lead by example by reducing their own space-heating energy consumption in Yukon Housing Corporation buildings?

Hon. Mr. Dixon: Yukon government reviews all of our buildings across the portfolio of building assets that the Yukon government has, and it works to ensure that, when there are new constructs, they are built to the highest, most reasonable standard for energy conservation and efficiency.

One of the examples we can look to is the F.H. Collins project, which will be built to LEED standard — LEED silver standard, I believe, is the more specific term.

I know that the NDP doesn't support that. They've characterized it previously as an ice palace and they don't think that's a good step forward. We take energy conservation

and efficiency very seriously, and we look to construct all new buildings across government to a high standard and one that reflects the need for conservation — especially when they're burning fossil fuels for the use of heating. In some cases, homes or government buildings are heated with electricity, which is provided by our hydro dams, which have no carbon footprint. That's a positive thing as well. We'll continue to ensure that our buildings across the Yukon government's portfolio are built to a high standard.

Speaker: The time for Question Period has now elapsed.

Notice of government private members' business

Hon. Mr. Cathers: Pursuant to Standing Order 14.2(7), I would like to identify the motions standing in the name of government private members to be called for debate on Wednesday, April 23. They are Motion No. 649, standing in the name of the Member for Vuntut Gwitchin, and Motion No. 627, standing in the name of the Member for Vuntut Gwitchin.

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

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 72: *Act to Amend the Government Organisation Act* — Third Reading

Clerk: Third reading, Bill No. 72, standing in the name of the Hon. Mr. Pasloski.

Hon. Mr. Pasloski: I move that Bill No. 72, entitled *Act to Amend the Government Organisation Act*, be now read a third time and do pass.

Speaker: It has been moved by the Hon. Premier that Bill No. 72, entitled *Act to Amend the Government Organisation Act*, be now read a third time and do pass.

Hon. Mr. Pasloski: I am here today to present a third reading of Bill No. 72, entitled *Act to Amend the Government Organisation Act*.

The amendments reflect our government's ongoing commitment to ensuring that the instruments of governance in Yukon remain modern and relevant and that they keep pace with Yukon's political evolution. This act will improve the clarity and consistency of the law governing the executive arm of government and will consolidate executive powers as much as possible under one act.

The amendments will make Yukon legislation more consistent with the constitutional conventions of responsible government and the *Yukon Act*. They will facilitate the appointment of ministers, the establishment of committees, of Cabinet and the assignment of the responsibility for the executive functions of government.

They will also recognize the power of ministers to sign intergovernmental agreements in areas within their portfolios, consistent with current practice. These amendments, while

relatively minor, reflect our ongoing commitment to supporting good governance and ensuring the clarity and consistency of our laws and processes.

Ms. Hanson: My comments will be brief. I have indicated previously that the Official Opposition does support the *Act to Amend the Government Organisation Act*. I just want to reaffirm that the Official Opposition thinks that it is incredibly important that we do, in fact, use every means at our disposal to ensure that legislation that governs this territory is both modern and relevant and that, as we move in this piece of legislation to consolidate executive power under one act, we are mindful that it has been 11 years and counting since the coming into effect of the devolution transfer agreement.

One of the outstanding commitments in terms of good governance of this territory is a commitment of this Yukon Party government to work with First Nation governments to ensure that we look at the modernizing of the mining legislation in this territory — a commitment that was made in all solemnity by all parties to that agreement.

It is important that there be a more holistic approach taken to how we view the necessity of legislative amendments in terms of keeping pace with the requirements of a modern government — a government of the 21st century — and we would encourage this government to take a more systemic and systematic approach to that review.

Mr. Silver: I am happy to rise today to speak on the *Act to Amend the Government Organisation Act*. The act is a fairly straightforward housekeeping bill. However, during Committee of the Whole, the Premier was unable to define where the responsibilities for the Yukon Housing Corporation and Yukon Liquor Corporation will fall with the repeal of Section 6(1) of the corporate governing acts, other than the current minister will continue to hold them for the time being.

That is my only comment on the debate that we had in Committee of the Whole. I would like to thank the officials in the department for their briefing last week and their work on this bill and we will be voting in favour of Bill No. 72.

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

Hon. Mr. Pasloski: The government is pleased to see the support being echoed across the House. Just a comment — apparently the Leader of the Liberal Party didn't understand the answer to the question he had at the time. It was asked by the Leader of the Liberal Party and answered by me that the existing ministers retain that responsibility and it will always be the prerogative of the government to make those decisions as to which responsibilities corporations will be entrusted with. That is an ongoing part of our system — the Westminster system — that will continue in the future.

As has been echoed, this falls within our commitment as the Yukon Party government to ensure modern and good

governance, and we're proud to bring these amendments forward at this time.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Mr. Elias: Agree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. Moorcroft: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Clerk: Mr. Speaker, the results are 16 yeas, nil nays.

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

Motion for third reading of Bill No.72 agreed to

Speaker: I declare that Bill No. 72 has passed this House.

Bill No. 69: Act to Amend the Fatal Accidents Act — Second Reading

Clerk: Second reading, Bill No. 69, standing in the name of the Hon. Mr. Nixon.

Hon. Mr. Nixon: I move that Bill No. 69, entitled *Act to Amend the Fatal Accidents Act*, be now read a second time.

Speaker: It has been moved by the Minister of Justice that Bill No. 69, entitled *Act to Amend the Fatal Accidents Act*, be now read a second time.

Hon. Mr. Nixon: The Department of Justice proposes amendments to the *Fatal Accidents Act* to expand allowed out-of-pocket expenses to better reflect actual costs, both before and after the death of a loved one and to allow bereavement damages for the first time here in Yukon. These damages would apply where a person is killed in an accident caused by the wrongful conduct of another person.

The amendments would allow certain close family members the right to claim compensation from the wrongdoer for grief and loss of companionship suffered by the family.

This compensation is often referred to as bereavement damages.

As I will discuss in more detail in a moment, the amendments propose that once a claim is made and the liability of the wrongdoer is established, the amount of compensation would be automatic and there is no requirement for the family members to prove their grief in court. It is also proposed that family members entitled to make a claim include the spouse, parents and the children of the deceased. These claims are very common in auto accidents and most often the damages that are awarded will be paid by the insurance company of the person found at fault.

There are two parts to the amendments before the House today. I would like to explain them in more detail. Currently, the act only allows for damages for out-of-pocket costs, such as funeral costs, for family members. The first amendment would expand the definition of what expenses family members can claim repayment for, including expenses such as: care for the deceased person between the injury and death; travel and accommodation expenses for visiting the deceased person between injury and death; and grief counselling fees. As noted, these amounts are paid by the person who caused the loss or by their insurer.

The second amendment allows close family members to claim damages in amounts fixed in the act from the wrongdoer who is responsible for the death. Again, it is likely to be paid by their insurer. This issue was brought to our attention after the death of a young person in a car accident south of Whitehorse last year.

The family of the deceased asked us to make changes so that other families that may go through similar situations will have the ability to receive financial support as they try to get back on their feet.

Under this proposal, a family would not have to testify about the grief they experienced in order to receive compensation. The proposed amendments are based on Alberta's approach, which provides compensation for close family members only, and amounts are fixed in the legislation. Alberta adopted a fixed-dollar approach to provide fair compensation to family members. Alberta recently raised the amounts for bereavement compensation and their rates remain among the highest, on average, in Canada.

There is a general trend of increasing compensation in other provinces as well, Mr. Speaker. While Alberta's compensation may be more than other provinces, this is balanced by limiting compensation to only the closest family members. Saskatchewan, for example, provides for lower fixed amounts of compensation but allows a much wider range of family members to be eligible. A true, direct comparison of compensation amounts is simply not possible due to the differences and rules in each jurisdiction.

For example, other jurisdictions provide an amount for each parent, whereas Alberta's damages for parents are split between the parents. Therefore, Alberta provides the highest award only where there is just one parent of a deceased child.

After examining all the models, Yukon has decided to propose a compensation scheme based on the Alberta

example. We have proposed compensation of \$75,000 for a spouse, \$75,000 for a parent or guardian, which would be split if there are two parents, and \$45,000 for each child.

The fundamental advantage of a set, statutory amount is that once a claim is made and liability of wrongdoer is established, the award is automatic. No testimony or evidence of grief is necessary for the claimant to receive that award.

The underlying concept is that the law should acknowledge the grief and loss of guidance, of care and compassion, and allow the family members to deal with the tragedy without the intrusion of litigation. No amount of money can ever fully compensate a family for their grief and loss of a loved one, so setting an amount for damages is not easy. These damages are not a measurement of the value of the loss of life. They are meant to give recognition to the seriousness of the family's loss and compensation for grief and loss suffered by the surviving family, thus the amount must balance a number of factors. It must be large enough to be meaningful to the person receiving it. It must be empathetic. It must be justifiable within the context of existing damages made in other areas of the law and across Canada. It must also take into account that with the said amount, some survivors might be overcompensated while others may be undercompensated when the specific circumstances of each case are considered.

It must be re-emphasized that an automatic amount is meant to save the family from the stress and aggravation of litigation. As mentioned, the cost of compensating surviving family members for grief is paid by the wrongdoer, which is often covered by the wrongdoer's insurer when the death results from motor vehicle collision or other incident — with insurance coverage. Insurance coverage in Yukon, Mr. Speaker, is often provided by insurers that also offer coverage in Alberta and Saskatchewan. Justice consulted with insurance providers that offer policies here in our territory. The insurers are comfortable with fixed amounts for bereavement damages, because they often administer similar claims in provinces that also have fixed damages for bereavement set out in legislation.

Insurance rates in Yukon are either based on the rates applied to the pool of customers in a company's home province or on a broader pool of customers throughout Canada.

Past experience shows that there are very few eligible fatal accidents in Yukon. In some years there were none.

The department has recognized that there may be varied opinions among Yukoners about which family members should be compensated and in what amounts. Individuals and groups were asked to review a discussion paper that provided background information on bereavement damages across Canada, which was posted on the department's website, and to provide their opinions on how to best address bereavement damages to Yukon Justice. The amendments, as they are before you today, were informed and supported by those who provided feedback during the consultation.

In conclusion, this bill links the government's commitment to protect and support families. Maintaining

legislation so that it is in line with modern practice is a stated government priority. Yukon's *Fatal Accidents Act* is over 100 years old. These amendments show that the government is responding to the needs of Yukon families and that we recognize and are empathetic to the seriousness of a family's grief and loss when one of their own dies in an accident caused by the wrongful conduct of another person.

Some Hon. Member: (inaudible)

INTRODUCTION OF VISITORS

Ms. White: With the House's indulgence, I would like to welcome Charles and Sandra Behan to the gallery today. Thank you for your courage and strength in helping us make the amendments to this act. This is because of these parents here — so thank you so much for being here.

Ms. Moorcroft: The Official Opposition will support this bill. I would like to thank the minister's officials for the briefing they provided on these amendments. As well, I acknowledge that the Department of Justice released a discussion paper on the proposed amendments to the *Fatal Accidents Act* and held a period of public consultation in February and March of this year.

Most jurisdictions in Canada do have legislation that provides guidelines to a court for payment of bereavement damages to a family member when a person dies as a result of someone else's wrongful conduct. Providing guidelines in law has the potential of reducing court costs for grieving relatives. In most cases, bereavement damages would be paid for by the wrongdoer's insurance.

This bill sets out the payment of damages for grief and the loss of guidance, care and companionship in the amount of: \$75,000 to the deceased person's spouse, unless they were living apart; \$75,000 for the deceased's parents, to be divided by two if there are two parents living; and \$45,000 to each of the deceased's daughters and sons.

How this bill will support bereaved families relies on the definitions of family members and these are being amended. The new definition of spouse recognizes what we generally refer to as common-law spouses — a person who has cohabited with the deceased as a couple throughout the preceding 12 months is recognized as a spouse. This ensures that same-sex couples will be recognized as spouses and is consistent with the Yukon *Human Rights Act*. I am pleased to see this amended definition and expect there will shortly be legislative amendments brought forward to this chamber to update the definition of spouse to include same-sex relationships in order to bring other statutes in compliance with the *Human Rights Act*.

Some of Yukon's other legislation that needs to be updated to include same-sex relationships in the definitions of spouse are the *Family Property and Support Act*, the *Children's Act*, the *Vital Statistics Act* and the *Land Titles Act*. Currently the definition of a parent in the *Fatal Accidents Act* includes a grandmother, grandfather, a step-parent and a person who stood in the role of parent to the deceased. The amendments however, specify a more limited definition of

parent that applies solely to section 3 damages after a fatal accident.

For the purposes of the award of damages in any action brought in court, the definition of a parent in relation to the awarding of damages is: "... a person is the parent of a deceased only if the person is the deceased's father or mother." This definition means that a grandparent, step-parent or other person who stood in the role of parent to the deceased will not automatically be eligible for an award of damages following a fatal accident that takes the life of their child.

Does this mean that grandparents and grandchildren are not eligible relatives in the event of a fatal accident? These are important policy decisions for a government to make and governments need to act in the interest of all citizens. We know that many grandparents in Yukon are raising their grandchildren, acting in the role of parent. Some grandparents have legal guardianship. Others raise their grandkids without any legal documentation or recognition. It concerns us that these amendments may shut out grandparents, even when they may be the primary caregiver of children.

What happens when a child dies and the person who is raising them is not the deceased's father or mother? An example would be grandparents, aunts or uncles who are parenting the child, but who may or may not have legal guardianship or custody. If a grandparent who is a primary caregiver was killed in a fatal accident, would the dependent children in their care receive compensation? These family members would then be in the position of having to go to the courts to testify about their loss and seek compensation. Would these amendments limit the ability of family members in such circumstances to receive bereavement damages? It's not clear where they would stand, given the definitions that will be changed by this bill.

Mr. Speaker, the act will continue to cover out-of-pocket expenses for family members. I would like the minister who referred to the fact that insurance companies have experience with these types of claims because of the acts of other jurisdictions — I would like to hear the minister speak more to the issue of insurance rates and what the insurance industry has indicated about potential increases in coverage rates as a result of the bill.

What, if any, is the statute of limitations applied to the amended *Fatal Accidents Act*?

I will have these and other questions for the minister during Committee of the Whole debate. I do thank the government and the department for their work in putting forward a consultation paper and hearing from the public and bringing forward the amendments, and I will be looking forward to the debate in committee.

Mr. Silver: Thank you to the minister for his opening comments. He did answer a lot of questions on the methodology that his department used in coming up with compensation amounts and also the models to which they compared. I appreciate the opening comments there.

I am happy to rise today to speak to the *Act to Amend the Fatal Accidents Act* and I want to thank the department staff

for their work on this as well. It is impossible to quantify the death of a loved one in financial terms, but this bill does do its best to provide adequate compensation for those grieving. This legislation is much needed. It's a much needed update to the current act and it brings Yukon in line with most other Canadian provinces and it puts us ahead of the other two territories.

I will be supporting this bill, as I feel it is in the best interests for Yukon families, and I do look forward to debate in Committee of the Whole.

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

Hon. Mr. Nixon: Thank you Mr. Speaker. My comments will be very brief but I do accept and welcome the comments from the members opposite and I look forward to answering questions in Committee of the Whole.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Nixon: Agree.

Ms. McLeod: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Mr. Hassard: Agree.

Mr. Elias: Agree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Barr: Agree.

Mr. Silver: Agree.

Clerk: Mr. Speaker, the results are 17 yea, nil nay.

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

Motion for second reading of Bill No. 69 agreed to

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair: (Ms. McLeod) I will now call Committee of the Whole to order. The matter before the Committee is Bill No. 69, entitled *Act to Amend the Fatal Accidents Act*.

Would members like to take a break?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 69: Act to Amend the Fatal Accidents Act

Chair: The matter before the Committee is Bill No. 69, entitled *Act to Amend the Fatal Accidents Act*.

Hon. Mr. Nixon: The Opposition asked a couple of questions regarding the *Fatal Accidents Act*, and I would like to address those in my opening remarks there today. The first set of questions had to do with the limitation period of filing a court action under the *Fatal Accidents Act*. These amendments do not affect the length of time, or the limitation period, during which a plaintiff can start a court action under the *Fatal Accidents Act*. That limitation period is one year after the death of the deceased, although a court can extend that time frame in certain special circumstances.

A complicating detail is that it may be the case that the one-year clock starts not with the actual death but, instead, when the person bringing the action can first discover that the death was caused by someone else's fault. In 2012, the Yukon Supreme Court ruled that this discoverability rule, which applies in other contexts, might apply in *Fatal Accidents Act* cases. The court didn't actually decide the point.

The next question had to do with the effect on insurance rates. As members are aware, the government does not control insurance premiums in the territory, so insurers will decide on their own whether these changes make enough of a difference to the amounts they pay in wrongful death cases to actually warrant increasing premiums. That said, such cases are rare enough that there is no reason to expect much, if any, effect on premiums.

This was found to be true in Alberta, when the initial estimate effect in a much larger population would be minimal on insurance rates. This estimate, Madam Chair, was done by the Government of Alberta when introducing changes to their *Fatal Accidents Act*, and Yukon has followed the Alberta model.

In Yukon, during the consultation we heard back from local insurers and it was explained that the Yukon has area-specific costs associated with the pool that Yukoners are in, but that in general the pools are attached to much larger pools of insurance from the south.

Those are my opening comments and I look forward to taking questions from the members opposite.

Ms. Moorcroft: I would like to acknowledge and welcome the officials from the Department of Justice who are

here with the minister this afternoon. I would like to thank the minister for his answer on the two questions related to insurance rates and limitation periods.

I would like to move on to the issue of who may be standing in the position of parents, in cases where a grandparent or a step parent, or even an aunt or an uncle, may be a primary caregiver of a child who died, or a child may have a grandparent as a primary caregiver and then that grandparent may die in a fatal accident where someone else was at fault.

I note that in the table that was provided in the discussion paper, there were six other jurisdictions where it indicated clearly that a grandparent would be eligible to make a claim. I did put on the record a few questions in relation to grandparents and other family members who may be primary caregivers, because that's the reality here in the Yukon.

Could the minister begin with just answering the question of what would happen when a child dies and the person who is raising them is not the deceased's father or mother?

Hon. Mr. Nixon: I thank the member opposite for her question. It was definitely one that was taken into consideration when we were looking at different regions and the best approach from the stakeholders and the people who were involved in the discussions.

The question we had to ask ourselves was: How do we move forward in the territory? We could have either taken a step where there was a broad context of people who would have an automatic claim or award when there was the loss of a loved one. We felt — and in discussions with caucus and Cabinet and with those who were in the general consultation — that a narrower scope was better suited for Yukon. That scope included parents and siblings. We felt that it was better for Yukon to have a narrower scope and a larger claim than a smaller claim and a larger scope. That's how we would move forward in the territory.

Now getting back to the member opposite's question — in a case where, let's say, grandparents are raising their children's children and the grandparents were in an accident, that would be a situation where the children would have to go to civil court, as can be done now, and the courts would determine an amount payable by, let's say, an insurance company or an individual, in a case where the children relied on revenue coming in from the grandparents. I think that answers the question that the member opposite asked.

Ms. Moorcroft: Yes, that does answer the question. The amendments are being brought forward to reasonably spare family members the pain of having to prove in court, in the event of the loss of a child or a parent. I do wonder, though, why the government chose a narrower scope and a larger claim and thought that would be better suited to the Yukon. I think the minister must be aware that there are, in fact, a number of families where grandparents are raising children or where there are other family members who would have the legal guardianship or legal custody of children and are raising them. Those family members, as a result of the narrow scope of this legislation, would in fact have to go to civil court and would have to testify.

Can the minister indicate what their reasons were for preferring a narrower scope as being better suited to the Yukon?

Hon. Mr. Nixon: I thank the member opposite for her question.

Through consultation with people throughout the territory, we had to make a decision. Through those conversations, it was determined that the best way for the territory to move forward would be to follow Alberta's model, and that was a narrower scope with a larger automatic award following a fatal accident.

Ms. Moorcroft: I believe that it was the position of the Grandparents' Rights Association of Yukon that they thought that there should certainly be coverage for grandparents. The minister too would be aware that a number of Yukon First Nations have a strong interest in child custody and family matters. Some are looking at drawing down their legislative authority in relation to child and family services.

Were any of the First Nations that were consulted on this legislation expressing a view about other family members who may be raising children and about how this act might apply in the awarding of damages following a fatal accident?

Hon. Mr. Nixon: When we looked at other jurisdictions, we took into consideration everything that was on the table.

There is only one other jurisdiction in Canada that appears to provide any sort of award to grandparents, and that is Manitoba. Pulling it back, we looked at a tighter scope with a larger award and we felt that was best in moving forward following the Alberta model.

In a situation — whether it be grandparents, or aunts and uncles, or other people — where they would adopt a child and they become the mother or father, then there would be claim that would be paid out automatically. In other words, they would have to follow the civil process and go through the court process. The courts can then decide, in those special circumstances, what compensation or an award would look like.

Ms. Moorcroft: Thank you to the minister for that answer that an adopted parent would be considered as a parent — what about a legal guardian?

Hon. Mr. Nixon: Legal guardians would not be captured under these amendments.

Chair: Does any other member wish to speak?

We are going to proceed to a clause-by-clause reading of the bill.

On Clause 1

Clause 1 agreed to

On Clause 2

Ms. Moorcroft: In the second reading debate, I spoke about the changes to the definition of "spouse", which are found in section 2. I see that also in this section, the definition of "child" has been amended to replace it by adding the phrase, "In this Act, except as otherwise provided" child, et cetera, and then it has the definition of "child". My question is this: Why does the definition of "spouse" not similarly have the addition of a qualifying phrase that says, "in this act,

except as otherwise provided” and then proceed with the definition of “spouse”?

Hon. Mr. Nixon: In section 2, it states, “In this Act, except as otherwise provided” — is prior to any other definition of child or spouse, so I’m not sure where the member is coming from with her question.

Ms. Moorcroft: In looking to the amendment, the new definition of “child” would say: “In this Act, except as otherwise provided, ‘child’ includes a grand-child, a step-child, and a person to whom the deceased stood in the role of parent”.

It would seem that if the definition of “child” in the definitions section includes a grandchild, then why would a grandchild not be eligible for the damages as we were discussing in the debate on the main amendments?

Hon. Mr. Nixon: If I heard the member opposite correctly, she is asking about why the grandparents aren’t eligible for —

Some Hon. Member: (inaudible)

Hon. Mr. Nixon: Okay, maybe she can restate the question please.

Ms. Moorcroft: In the definitions updated — I’m going from the *Act to Amend the Fatal Accidents Act*, clause 2, definition 2(1) of “child”, and I am also referring to the *Fatal Accidents Act* because we are just adding a phrase to the definition in the statute that is being amended.

So we’re adding the phrase, “In this Act, except as otherwise provided” before “‘child’ includes a grand-child”.

The minister has said, in second reading debate, that grandchildren are not included. So I am questioning, if the definition of “child” includes grandchildren, why do the damages not apply to grandchildren?

Hon. Mr. Nixon: Madam Chair, we’re only changing the portion before in quotes — before the definition of “child” — that’s what is changed, not the actual definition of “child.”

Ms. Moorcroft: Exactly. The definition of “child” includes a grandchild. Is that not inconsistent?

Hon. Mr. Nixon: In the new provisions, “child” is not used. It is son or daughter.

Ms. Moorcroft: Thank you, Madam Chair.

Chair: Is there any further debate?

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Title

Title agreed to

Hon. Mr. Nixon: I move that Bill No. 69, entitled *Act to Amend the Fatal Accidents Act*, be reported without amendment.

Chair: It has been moved by Mr. Nixon that Bill No. 69, entitled *Act to Amend the Fatal Accidents Act*, be reported without amendment.

Motion agreed to

Chair: We’re going to move on to Bill No. 14 and the Department of Environment. Committee of the Whole will recess for 15 minutes while we wait for officials.

Recess

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

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

Chair: The matter before the Committee is Vote 52, Department of Environment in Bill No. 14, *First Appropriation Act, 2014-15*.

Department of Environment

Hon. Mr. Dixon: We are here today to review the main estimates for the Department of Environment for this year and review some of the priorities set out in our budget.

I would like to start by reviewing some of the plans for the coming fiscal year which are captured in the main estimate documents before you.

I would like to start by noting that I’m joined by Deputy Minister Kelvin Leary and our policy analyst Diane Gunter, in our office upstairs, is listening in.

I would like to start by noting my appreciation of the good work done by all the officials in the department and for their advice and guidance in conducting the work that we do on behalf of Yukoners. Stewardship, knowledge, trust and excellence are all strategic values that guide everything that they do. Their actions support a healthy, sustainable and prosperous Yukon now and into the future. Whether you’re out hunting or enjoying a relaxing weekend in a government campground, or marvelling at Yukon’s pristine environment, the Department of Environment staff have a role in making these safe, welcome activities.

The appropriation that the department seeks today is about 12 percent higher than the 2013-14 main estimates. Most of the increases are due to the government’s decision to build new campgrounds, which I’m sure we’ll discuss thoroughly today. We’re proposing a capital budget totalling \$4.568 million. Of this total, \$1.854 million is identified for the construction of a new district office in Watson Lake.

We need a new office facility for this community because there are significant maintenance issues with the existing buildings. We intend to build the new office facility on the same property as the current office. A purpose-built office will improve services to the public by the Conservation Officer Services, Fish and Wildlife branch, Animal Health unit, and Parks branch staff.

The current space consists of older buildings, including a pre-1970 modular building with an attached wooden-frame

addition and a trailer on a wooden foundation installed more than 20 years ago. An assessment completed earlier determined that it was not feasible to renovate or expand the existing buildings.

I would also note that in this budget there are dollars set aside for the construction of campgrounds. We've discussed the Conrad campground earlier this sitting with the debate and passage of a motion to that effect. I would note that campgrounds within a two-hour drive of Whitehorse are at or near capacity just about every weekend during the camping season.

This coming year, we expect to see yet another increase in the number of daily permits and annual permits sold. The department will be working closely with the Carcross-Tagish First Nation to develop conceptual plans for a new campground on Windy Arm next to the Conrad historic site and at the foot of Montana Creek. We propose to spend \$734,000 in this budget on planning, research and — subject to a review by the Yukon Environmental and Socio-economic Assessment Board — construction.

Our goal is to have work on the campground begin this summer or fall. The campground itself is to include RV sites, tent sites, two picnic shelters and a boat launch. Extra measures will be taken to ensure that the campground complements the adjacent historic site. As I noted previously, this work is being done pursuant to the requirements and agreements within the final agreement of the Carcross-Tagish First Nation, which require a number of measures specific to this site.

Included within those are the provisions for the creation of a steering committee and a management committee for the historic site and the planning of the management of that historic site. I think that the development of this particular project will be an excellent step forward for that site. I know that it is a beautiful site to begin with, but many of the more historic aspects or artifacts on that site have been deteriorating and have been subject to some degradation as a result of interactions with people and visitors to the Yukon. I think that by creating the opportunity for Yukoners to celebrate that history and to provide some interpretive signs or some information panels for folks who are visiting the site to understand the relevance and importance of some of those sites and artifacts to the Yukon's history, we will further protect that site and ensure that Yukoners and visitors alike are able to enjoy both the Yukon's beautiful aesthetic features and our unique history.

The capital expenditures also include an additional \$434,000 that is proposed for several information systems projects, along with \$71,000 for capital maintenance and upgrades of a fairly minor nature.

With respect to operation and maintenance, we are proposing expenditures totalling \$34.257 million in the fiscal year of 2014-15. This is a 10-percent increase over the 2013-14 estimates. Part of this increase is due to increased personnel costs arising from the new collective agreement, which we identified in the first supplementary estimate of fiscal 2013-14.

Government transfers and amortization expenses have increased slightly as well by about five percent. Some costs have climbed simply due to the small increase in the cost of living over the past year of 2.2 percent, which affects our operations in many ways.

I would like to now draw members' attention to the good work of the site assessment and remediation unit. We are seeking \$4.057 million for its environmental liabilities remediation work in this fiscal year — a significant increase over last year's estimates.

This unit has the overall responsibility for quantifying the environmental liabilities arising from contaminated sites owned by the government, as well as managing the remediation of these sites. This year, we have budgeted \$500,000 to determine the extent of contamination at three locations in the community of Old Crow. These include the nursing station and the aviation maintenance fuel storage and handling area.

We have also budgeted \$1.06 million for remediation work at the Klondike River highway maintenance camp — the former Dawson highway yard — and a metals-contaminated stockpile at the Whitehorse airport. The unit will arrange for groundwater to be monitored at 27 Yukon government-owned landfills, which is expected to cost up to \$400,000.

It will also conduct up to 10 phase-1 environmental site assessments — work that we expect will create more than 11 full-time jobs in the private sector.

It is worth noting that over \$3.5 million has been spent remediating Yukon government-owned contaminated sites since 2008. Three sites have been successfully remediated for hydrocarbon contamination. Those include the Del Van Gorder School, the department's compound in Haines Junction and the department's compound in Watson Lake.

Several sites, like the Klondike River highway maintenance camp, are multi-year projects. This work will take many years to complete. Ninety government-owned sites have been identified where contamination is known or suspected to exist. At this point, the Yukon government's environmental liability is estimated to be in the order of approximately \$27 million. We are tackling remediation of those projects with greatest risk to human health and the environment first — and then move to other sites as required.

I would note that the contamination for most of the sites took place decades ago and usually involves petroleum hydrocarbon products. Modern day fuel and chemical handling practices minimize the risk of spills, and we now have an effective government spill-response process in place.

I would be remiss in my remarks about remediation if I did not mention the good work underway at the Marwell tar pit site in Whitehorse. This year, Department of Environment staff will finalize remediation options, complete a plan for restoration and then submit the plan for the YESAB review. This work is estimated to cost \$750,000 in this fiscal year with \$525,000 of that to be recovered from Canada pursuant to our agreement for that site. The total cost of the project is estimated to be \$6.8 million. The Yukon government's share is \$2.04 million, which is largely sourced from the northern

strategy fund. Cleanup activities will start once the remediation plan has been approved and permits are in place, which we expect will be by 2016.

The Environmental Sustainability division of the Department of Environment has a wide range of responsibilities — from fish and wildlife management to compliance with the *Wildlife Act* and *Environment Act* and their regulations. We are seeking \$21.17 million for 2014-15 for operation and maintenance, which is a two-percent increase over the 2013-14 estimates for the Environmental Sustainability branch.

Another project I would like to draw attention to is the pilot project led by the Conservation Officer Services branch to reduce human-wildlife conflict. This budget is the third and final year of the project. The government is directing \$75,000 annually to this work, which includes the popular on-line bear incident map that allows users to track current human-bear conflicts in Whitehorse and the Southern Lakes area.

While we have had a focus on bears, the program also deals with increasing public awareness about how to avoid conflicts with foxes, coyotes and wolves. By investing in public education and awareness, we intend to reduce conflicts and foster stewardship. The pilot program includes a three-month conservation officer position this summer to enhance conflict response capacity. As well, conservation officers now use a graduated enforcement response, which starts with issuing warnings before progressing to dangerous wildlife protection orders, tickets and, in very extreme cases, court action.

We saw a dramatic decrease in the number of human-bear conflicts last year. While there were 42 bear-human conflicts reported, there were just three killed — two were in defence of life and property and one following severe injury by a vehicle. This was a relief after the summer of 2012 when almost 100 bear sightings were reported, 21 bears were killed by COs and the public, and 17 bears were relocated.

The City of Whitehorse and The Centre for Human-Wildlife Conflict Solutions are complementing the department's efforts through the development of public education resources and programs. I should note that they've done so with the support of other departments, including the Department of Economic Development and the community development fund, which supported that group.

The department will again provide \$25,000 to the centre, which operates as WildWise Yukon. In the City of Whitehorse, this group worked last summer to promote security devices for wheeled garbage and compost bins, which is an excellent project that I believe will be taking place again this summer. I know that the area of Copper Ridge, in the riding of the Member for Whitehorse West, was selected as a pilot, and my understanding is that it was quite successful. The prevention of human-bear conflict is a priority for the Department of Environment because we are committed to sustaining healthy bear populations.

Moving now to the Corporate Services branch of the department, operation and maintenance for the department's Corporate Services is budgeted for \$8.594 million in this

budget, a seven-percent increase over the 2013-14 estimates. Part of this is to support a short-term position tasked with developing a corporate health and safety management strategy.

As well, additional financial resources are being provided to the Human Resources branch. There is no change in full-time equivalents for the department with this budget.

Lastly, a total of \$436,000 is identified for O&M with respect to general management of the department, about a five-percent increase over the last year's budget. An additional \$17,000 will support various small projects in this area.

Moving on from operation and maintenance, in this budget we expect licensing revenues to remain the same as last year at \$922,000. The same is true of third-party recoveries, which are budgeted at \$244,000.

We expect recoveries from the Government of Canada to increase to \$2.253 million, in part due to an increase in funding for implementing government obligations under the *Inuvialuit Final Agreement*.

The Climate Change Secretariat will continue to manage climate change adaptation projects with funds provided by Aboriginal Affairs and Northern Development Canada. There will be an additional \$75,000 from Natural Resources Canada for new climate change adaptation projects.

Government transfers are budgeted for \$1.499 million in the budget, which is about a five-percent increase from last year. We are increasing our support for the Yukon Wildlife Preserve to \$650,000, reflecting the CPI increase of just over two percent, and we are increasing our support for the Fur Institute of Canada by \$1,000 to \$9,000 for this budget.

The most significant increase over last year is due to the \$35,000 identified for the Yukon Trappers Association. While the department has provided support to the organization in the past, we did not have a specific budget for it. This year going forward, we will ensure the support for the Yukon Trappers Association as a listed line item. The level of funding support is consistent with past years, although I would note that the association and a group comprised of members of that association, as well as the Fish and Wildlife Management Board, have successfully applied to the Department of Economic Development for some additional funding as well.

There is also renewed funding support for the Canadian Parks Council for a variety of interjurisdictional public events that the council coordinates. Funding is contributed by all provinces and territories. We propose to contribute \$10,000 this year.

I have tried to set out some of the important initiatives that the Department of Environment will undertake over the coming year. As we have done previously, I would like to finish my remarks with a few more good news items that were not singled out in the main estimates.

First of all, work has been proceeding on the Yukon water strategy. The public review of the drafted strategy held last year generated excellent observations and suggestions, which have been captured in a *What We Heard* document that was released in January. The same can be said of the effort to

update the *Environment Act*. The government's intent is to continue to recognize the importance of a healthy, natural environment as well support business opportunities and meet today's current legislative practices.

Lastly, building on the unanimous support of the members of this House for the modernized *Animal Health Act*, work is underway to establish a steering committee to inform the process for developing the regulations needed under the act. Representatives of key stakeholders, including livestock owners, wildlife stakeholders and veterinarians will be invited to participate in order to ensure that their concerns and values with respect to animal health are addressed.

In closing, I would like to note the Department of Environment works in many ways to achieve its vision of being a recognized leader and a trusted partner in environmental stewardship. This budget will make it possible for the Department to ensure a healthy, sustainable and prosperous future through environmental stewardship and the effective management of Yukon's natural resources.

Thank you and I look forward to some specific questions from members opposite.

Ms. White: I thank the minister for his opening comments. I thank the official for being in the House today and, as per usual, for his very good briefings that we get.

When we were talking about environmental reliabilities and remediation, the minister touched on the Marwell tar pit. Based on the briefing with the official, we were told about the ongoing participation of both the Kwanlin Dun First Nation and the Ta'an Kwäch'än. I was wondering if the minister would care to elaborate on that.

Hon. Mr. Dixon: I know members are familiar with the Marwell tar pit remediation project, but I am happy to provide some additional information that might be of use. By way of background, the Government of Canada and Yukon are funding the assessment and remediation of this site. The work is, of course, led by the site assessment remediation unit as indicated by the member.

It will cost an estimated \$6.8 million and take about 10 years to clean up Yukon's largest single-source hydrocarbon contaminated site. Remediation will help protect the environment from contaminants at the site and safeguard the health and safety of the residents of Whitehorse and all Yukoners.

We have completed an in-depth assessment of the site, including completion of a human health and ecological risk assessment. Remedial options have been developed and are being evaluated to determine the most appropriate option. Cleanup activities will start once the remediation plan has been approved and permits are in place.

This is phase two of the project and it is expected to start by 2016. We are continuing to ensure that the affected First Nations, individuals and businesses are briefed regularly about the project.

We continue to have discussions regarding project opportunities. During phase one, we worked with the Ta'an Kwäch'än First Nation citizens to prepare the site for assessment work. Additionally, we provided opportunities for

field tech trainees from the Kwanlin Dun and Ta'an Kwäch'än to work alongside consultants during assessment activities. This has proven to be a very successful approach and has provided for positive feedback from all involved.

We will continue to meet with both First Nations to ensure inclusion in project activities.

Recognizing that this site is on the traditional territory of these two First Nations and recognizing that, while this is an unfortunate situation where we have a contaminated site, there is an opportunity that comes from this site, and that is for a partnership between our department and those First Nations to provide these opportunities for especially young people to learn from the site and learn from the activities of our officials and the contractors we hire to undertake this work, and benefit from this contaminated site remediation.

As I've indicated, there are cases where we've had the First Nation citizens come to visit the site and where we've had First Nation youth or young members of those First Nations provided with training opportunities as a result of the remediation work. I think this is an excellent step for government to take, not only because it provides those training opportunities for young folks to learn from the site, but it will ultimately benefit government when it comes to having to pass our plan for restoration at the YESAA stage. If we're able to generate an understanding at the early stages, particularly among the affected First Nations, I think it will be a benefit for us when we ultimately achieve a plan of restoration and seek to get approval from YESAB for that plan of restoration.

It's my hope that, by building these relationships early and by maintaining them, we will ultimately provide some benefits to the First Nations for training, but also benefit all three of our governments when it comes to collaborating on the plan of restoration that will have to be approved by YESAB.

These are some good examples for the member and I think that answers her question.

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

With the positive experience of the Marwell tar pit, will other First Nation members have similar opportunities for learning experiences if contaminated sites are on or near their traditional territories? Is this something that the government is looking at investigating with other First Nation governments?

Hon. Mr. Dixon: The simple answer is yes. A good example I can point to is the recently announced work being done in Old Crow. We'll engage with the Vuntut Gwitchin First Nation to explore options to involve them and their citizens in the project work being completed in that community. There are the three sites that I listed in my opening remarks — I think there is potential for work that can be done collaboratively between Yukon government and the VGFN. My understanding from discussions with the MLA is that the community is welcoming this work and thinks it's a positive step forward to begin to characterize the contamination in this community. I look forward to liaising with both him and the Chief of the Vuntut Gwitchin to determine the extent and opportunity for VGFN citizens —

and in particular the youth — to gain opportunities for either training or participation in the remediation and assessment of these sites.

Ms. White: I thank the minister for that answer. I'm sure the citizens of Old Crow are looking forward to the opportunity.

Just to move on to water, how many surface water monitoring sites are there currently in the Yukon — or are operational currently in the Yukon?

Hon. Mr. Dixon: The Water Resources branch has a number of water monitoring networks that measure various parameters for water quality and for water quantity. The water quality program has good data records near historic mining areas — for instance, Keno Hill, Faro and Dawson as well as Whitehorse — but has sparse or no information for new potential resource development areas in the north Yukon and in the southeast. The hydrology program is comprised of a hydrometric snow survey, meteorological river breakup and groundwater networks. Yukon currently maintains a cost-sharing agreement with Environment Canada for approximately \$500,000 for the design, construction and operation of the hydrometric and sediment sampling that works in the territory.

I don't have an overall number, but I can try to note the number of sites in each of our networks and perhaps we can do rudimentary math on the fly here and get a number.

In the Yukon hydrometric network, which is the network that has the objective to collect long-term hydrometric data on small drainage basins and provide baseline information for future developments — it has 14 active stations on small streams in Yukon as well as 83 historical stations.

The Canada-Yukon hydrometric monitoring network, which is cost-shared and provides the monitoring network with the objective to provide Yukon hydrometric information as part of a national framework, was originally established in the 1940s. This network provides hydrometric information related to river transportation and has been expanded several times to account for hydroelectric and mining development considerations. There are now 51 stations in that network.

There are a number of stations that collect data for the Yukon meteorological network which supports the Yukon flood forecasting program. There are six meteorological stations located in the Upper Yukon, Stewart and Pelly river basins. Those test a number of parameters.

There is the Yukon snow survey network, which includes 62 sites. There are eight groundwater monitoring stations throughout the Yukon and eight water quality stations throughout the Yukon. As well, I should note that we recently invested in a number of sites in the north Yukon with regard to some of the possible increase in activity in the area.

Those sites have been installed, I believe. If they haven't been installed, they will be soon. We're working with the affected First Nations as best we can to ensure that they understand what we're doing, why we're doing it and how we're doing it and, in a similar fashion to our discussion about contaminated sites, providing opportunities for them to

participate in the installation, monitoring and collection of data at those sites. I think that's a positive step forward.

When it comes to groundwater monitoring, I've noted previously that is something that will be a focus of our upcoming water strategy. There's a likelihood that there will be increased activities as a result of that.

Ms. White: I thank the minister for that. The Department of Environment has a fantastic website. It just goes on and on. Under "Managing Air, Water & Waste" is the hydrology section. It lists off a lot of the numbers the minister just gave, although they're a bit different. Does the website get updated regularly to reflect the new ones? It says, for example, under "Groundwater Network" that there are seven active stations, and the minister just listed eight. How often does it get updated so it's current?

Hon. Mr. Dixon: I also forgot to mention that there are a number of new sites — solid-waste facilities — throughout the Yukon that are a result of this budget. My understanding is that the website currently does not reflect the new sites that have been added as a result of this budget and may be in need of updating, at some point. Obviously we try to maintain the best available and most up-to-date data on our website but, if it's not up to date, we can commit to updating it, of course.

Ms. White: I totally understand that if it hasn't been done since the budget has come through.

When the minister was talking about the hydrometric network and such things — how much information do they capture and what sort of information do they capture? Are we looking for certain properties? Are they properties based on the area, based on soil, environmental, naturally-occurring contaminants, unnatural contaminants? What kind of information do these sites capture?

Hon. Mr. Dixon: When we are looking at hydrology, we are measuring the volume of flow of water. I think the member is asking about the water-quality indices that we use. We test for a number of things, including some of the things she mentioned.

I know that in years past I have listed all of the different things — the ions and the compounds — that we test for and I won't do that again today, but I would encourage interested members to review, perhaps, the Blues and see a list of the hundreds of water-quality metrics that we test for. I don't remember exactly all of the things she listed there, but based on what she said earlier, I think we test for all of those things that she listed.

Ms. White: I thank the minister for not going through a list that I have previously had read off to me — so I do thank him for that.

During his presentation to the fracking select committee at the public proceedings in January, hydrologist Gilles Wendling emphasized that we are very ignorant about Yukon's groundwater resources. He said that we don't know where our aquifers are — not even the shallow ones. He pointed out that there are about 1,000 sites in Yukon where surface water is monitored, but only seven groundwater monitoring stations at that point — although the minister did

just mention that there are eight — and only one of those seven groundwater monitoring sites is in an area with the potential for shale gas.

As Dr. Wendling said, for groundwater there are seven monitoring stations being monitored by the territorial agency, so it's a big territory but very few locations where we look at groundwater and check groundwater. About a decade ago, Dr. Wendling was involved with a study examining the source of the Liard Hot Springs. The researchers found that the springs are likely sourced from surface water that migrates to depths of 3.4 kilometres where it reaches temperatures of 120 degrees Celsius before moving back to the surface. We know that the connection between groundwater and surface water is very complex, and he reiterated it again. Currently — and correct me if I'm wrong — the territorial government does not have a hydrologist on staff. Is that correct?

Hon. Mr. Dixon: My understanding is that our hydrologist who is staff in the department is not a groundwater hydrologist, but he is a hydrologist. I suppose the member is sort of correct.

I would also note that — actually I won't get into the other things. But yes — to answer her question — we have a hydrologist on staff, but he is not a groundwater hydrologist, which is a specific need that we don't have.

Ms. White: So understanding that we do have a hydrologist but not a groundwater hydrologist, is there any intention of the Department of Environment to hire a groundwater hydrologist in the near future?

Hon. Mr. Dixon: The answer is perhaps — pending the Yukon water strategy.

Ms. White: We have discussed the *Draft (Yukon) Water Strategy*, we have discussed principles in that and we have also been told that it is coming in the near future.

Does the minister have a more concrete timeline for that water strategy to be presented?

Hon. Mr. Dixon: In the near future the water strategy will be ready.

Ms. White: Can the minister elaborate a bit? Will be it be before the end of this sitting on May 15, or are we looking at somewhere toward the next sitting in the fall?

Hon. Mr. Dixon: Yes, somewhere in that range.

Ms. White: There are definitely lessons here about trying to get the questions a bit more pointy.

Does the department have a plan to do increased territory-wide baseline data collection and water monitoring collection prior to increased human development?

We talked before about the Coffee Creek area, we have talked about north Yukon and we can go down toward the Kotaneelee Range — so is there an intention to increase the water monitoring in the territory?

Hon. Mr. Dixon: When it comes to baseline data collection, there are a range of things included in there — habitat, wildlife and other considerations as well as water. But the member's specific question was about water, so I would say that the plan to increase the baseline water data collection will be articulated in the water strategy, so yes, there will be a plan and it will be available soon.

Ms. White: I look forward to that plan that will be available soon in the future.

There was a press release about aquatic invasive species, and there's an informative placard that I think is going to come up in some boat launch areas. Will there be any monitoring of boats that are crossing territory borders before going in water? Will that be one of the roles of the conservation officers in the summertime — to check boats for invasive species?

Hon. Mr. Dixon: The member was correct in noting that we recently announced the launch of an aquatic invasive species education program. Aquatic invasive species are something that Yukon has limited interaction with, to date, but it's something that I would characterize as a fairly substantial threat. When you look at jurisdictions like Manitoba or Saskatchewan, or even to a much greater extent, states in the United States, aquatic invasive species can have an incredibly detrimental impact on not only the ecosystems in terms of the watercourses themselves, but on the economies and livelihoods of citizens of those jurisdictions.

Members can Google flying carp fish in the southern states to give an example of some of the extreme examples of aquatic invasive species. But closer to home, the quagga mussels in Manitoba are a significant challenge being faced by that province.

The reason I'm saying this is that it is important that Yukoners recognize that while we are unique — and the fact that we're northern and that some of these species have challenges in the north — we still need to take steps to prevent them coming up here.

The beginning steps of that is this education plan. We'll be putting up signs at a number of boat launches throughout the territory, reminding Yukoners who take their boats south or, conversely, west that when they run their boat in a different body of water, they expose the boat to a number of different potential species that could cling to their boat and be transported — even if they're completely dried off — overland to the Yukon. It's very important that Yukoners are aware of that and that they take the measures necessary to prevent the spread of those kinds of species.

Simple measures like thoroughly rinsing off a boat once it has been in a watercourse outside of the Yukon, rinsing off personal gear like fishing gear or hip-waders that interact with the water and may carry species on them as well — it's very important for Yukoners to recognize this as well.

We've launched this campaign to raise the level of education among Yukoners, to raise awareness of the issue. However, we don't have the ability at this point to conduct inspections at the Yukon border, for instance. That would require us to have a staff of some kind at the B.C.-Yukon border to inspect incoming boats, which isn't really feasible at this point.

We're hoping to address this through education and through raising awareness and an understanding of the issue. I would add my voice to those who have said before that this is a serious issue and something that Yukoners should be aware of. That's why we've launched this campaign. I think it's a

good step and I'm supportive of it, as evidenced by the fact that we did a news release on it recently and have supported it financially.

Ms. White: There is a fantastic local organization called the Yukon Invasive Species Council and they do a lot of public education. They do workshops, they pull weeds along the highway, and they often identify when a new species comes to the territory. What support is the government giving the Yukon Invasive Species Council?

Hon. Mr. Dixon: We support the Invasive Species Council in a number of ways. We provide information through the Department of Environment about species and provide departmental resources in the sense that we will meet with them frequently and provide that information.

We have provided financial support to that organization through other departments. Notably, in my mind, the Department of Economic Development has provided funding to that council previously to conduct their educational campaigns that included the development of pamphlets and a website.

The Spotter's Network is something that is being sponsored by that organization. They may have had a meeting either last night or tonight — it escapes me now — seeking support from Yukoners to become — in quotations — "spotters". Spotters are everyday Yukoners who, in the course of going out on the land — whether it be for hunting or recreation, or simply to get out on the land — keep an eye open for invasive species. That allows them to bring that information back, centralize it and provide it to a central body that combines or collates that information into a usable document that documents cases of invasive species, or potential cases of invasive species.

If certain invasive species are noted, they are welcome to raise that with the Yukon government — the Department of Environment — and if it is something serious that is of great concern to Yukon, we will investigate and see if it is something we need to take action on.

There are a number of other ways that we are looking at to further support that group. I know that I have had some discussions with the Minister of Highways about the possibility of having some of the weed-pulls that are organized by the Invasive Species Council conducted in conjunction with the work done by Highways and Public Works — to brush the shoulders and rights-of-way along highways. The brushing and cutting of weeds in the ditches and in the rights-of-way of highways are good from an aesthetic and safety perspective, but they don't kill or eliminate the weeds themselves. In fact, in some cases, they can spread them. What we are exploring is the opportunity to have a weed-pull in conjunction with that work so that we can try to limit the spread of certain invasive species in the territory.

We have provided support — both financial and other — to the Invasive Species Council. I commend them for the work that they do and I look forward to continuing that relationship with them in the future as we develop new strategies and new

opportunities to combat the spread and entrance of invasive species to the Yukon.

Ms. White: On the department website, it has suggestions on how to help stop invasive species. My understanding was — when I was at the Invasive Species Council meeting — that they were one of the only groups that was actually targeting the roadside weeds and such. What does the Department of Environment do to target invasive species in the territory?

Hon. Mr. Dixon: We do a number of things, which I just listed. The education campaign for aquatic invasive species is just one. I've noted the possibility of doing some work with the brushing and highway work on roadside invasive species — the sweet clover that grows there. The educational materials that we've prepared for the safe, responsible and respectful use of ATVs in the territory includes encouraging ATVers to ensure they wash their machines thoroughly before entering new parts of the territory. Of course, when we talk about invasive species, there's not a hard line along the 60th parallel that is the border. If you take a machine from one part of the Yukon, you could transport — what I'm saying is there could be invasive species even within our territory that can move from one region to another. Even when you're staying within the Yukon, if you're going to a new region, it's a good idea to ensure your machines are thoroughly washed so seeds or small organisms aren't being transmitted on your machine from one part of the Yukon to the other, or from outside the Yukon into the Yukon.

If I could characterize the work that we've done to date with regard to this, it is educational, it is raising awareness and it is encouraging Yukoners to be responsible and to be aware of this issue.

I think that all Yukoners will agree, if they understand the issue, that no one wants invasive species in the Yukon and we should all be doing our part to ensure that we don't allow invasive species into the territory, particularly those negative or predatory ones.

Ms. White: I was getting away from just the education and the information sharing. At this point in time, it is the Yukon Invasive Species Council that is in the ditches pulling weeds and I was wondering if the Department of Environment, in conjunction with Highways and Public Works or something similar, is looking at a similar action. The Invasive Species Council is actually in those ditches pulling the weeds. We can have an education campaign. Has the government thought about having a weed-pulling day across the territory where they encourage people to get out, they identify what is there and we actually get some pulled out — understanding that won't solve the problem, but going from a verbal education or campaign material to an actual physical action of trying to deal with the invasive species?

Hon. Mr. Dixon: In terms of actually having boots on the ground, so to speak, our Y2C2 and our Conservation Action Team, which involves Yukon youth, do occasionally do this kind of work and do get out and pull weeds from time to time. I haven't tasked any officials to go out yet, but after

this briefing I think my deputy and I will be hitting the ditches and getting a weed pull, perhaps this afternoon if we get the chance, suits and all. I think we'll be starting probably on the road home today from the office.

Ms. White: That is fantastic news. I suggest that you wear sensible shoes because you would hate to get the fancy shoes all wet.

In the *Yukon State of the Environment Interim Report*, we talk about our greenhouse gas emissions and our targets. Can the minister just talk a bit about where we are right now and how close we are to our goal for our reduction by 2020?

Hon. Mr. Dixon: The Yukon government collects and reports its greenhouse gas emissions data annually through the Climate Registry as part of our commitment to reduce emissions from government operations.

In 2012, the Yukon government generated 40.6 kilotons of calculated and verified greenhouse gas emissions. This was 2.3 percent less than 2010 emissions. The Yukon government remains committed to reducing our greenhouse gas emissions and continues to take action to reduce fuel use in our vehicles and buildings — areas where our emissions are highest. The 2.3-percent decrease in greenhouse gas emissions noted was due primarily to a reduction in the amount of heating fuel purchased as well as more accurate reporting overall.

Greenhouse gas emissions in Yukon account for less than one percent of Canada's overall emissions, which in turn contribute less than one percent of global greenhouse gas emissions.

Despite the territory's relatively small volume of greenhouse gas emissions, the Yukon government believes it's important to demonstrate leadership by reducing its contribution to climate change. The *Climate Change Action Plan* progress report outlines a number of commitments. I believe there are over 20 commitments in it and I don't have a specific update on those individual commitments. However, I would note that we will be releasing this year's state of the environment report quite soon and that report will outline and provide the most up-to-date information, which I believe is the information that the member opposite is looking for.

Ms. White: In the 2011 Yukon Party platform, there is the "Implementing the Climate Change Strategy" section and it says, "Reduce our Greenhouse Gas (GHG) Emissions" — so "cap GHG emissions from Yukon Government internal operations at 2010 levels and reduce those emissions by 20% by 2015." I listened to what the minister said and I'm unclear as to whether or not we are on target to meet the 20-percent reduction by 2015 — if he can just try to give that answer back in maybe a more easily understood fashion.

Hon. Mr. Dixon: As I indicated earlier, we report through what is known as the Climate Registry, which is a non-government organization that provides governments, businesses and other organizations the opportunity to submit their data for third-party verification.

In 2012 — which is the most recent information we have because it takes some time to calculate this data and verify it with the climate registry — the government generated 40.6 kilotons of calculated and verified greenhouse gas emissions.

This was 2.3 percent less than 2010 emissions. So we saw a decrease, but not as significant a decrease as we would hope.

We are optimistic that we will continue to decrease our greenhouse gas emissions by improving the quality of our buildings through new construction, as well as renovation of existing buildings. I would note that the re-skinning of this very building we are in right now will play a significant role in that. This building, as is no surprise to any of the folks in this room, is terribly inefficient and burns through the diesel at an incredible rate. It is our hope that by re-skinning, reinsulating, installing new windows and taking a number of other measures to improve the energy efficiency of this building, we will decrease the emission of greenhouse gases as a result of this building.

Another good example since 2010 is the new jail. It is far more efficient than the old jail and incorporates a number of other opportunities for renewable energy as well, simply by virtue of the fact that the building is of a better construction standard than the previous jail. That is another large consumer of heating fuel.

Across the board — when we build new buildings, when we renovate old buildings — we try to ensure that we are building them to a standard that is acceptable and that will meet our goal. I think we have made good progress to date and I look forward to making more progress as we advance forward toward that goal.

The more contentious aspect of that commitment is going carbon-neutral by 2020. That's something we'll have to consider in the course of the next few years of how we get there. Obviously it's impossible for the Yukon government to achieve that through renovations or new construction. It will have to be something we consider with regard to whether or not we want to entertain the idea of credits — purchasing credits from other organizations or finding some way to meet that target. That's something that it remains to be seen how we'll address it, but we're confident that we're taking action toward the more immediate goal. We've made progress and look forward to making additional progress as we move forward.

Ms. White: Understanding that between 2010 and 2012 we reduced our greenhouse gas emissions by 2.3 percent, does the minister believe that, at the end of the reporting period of 2012 to 2015, we'll be able to reduce it by another 17.7 percent?

Hon. Mr. Dixon: What I am confident in is that we're taking steps to decrease our greenhouse gas emissions and that we're on the right track. Initiatives like the construction of the new F.H. Collins and like re-skinning this building will all reduce our collective use of heating fuel, which is a significant contributor to greenhouse gas emissions.

Obviously there are a number of other initiatives that will put us on that track. I think that what is important is that we make significant progress and that we make best efforts to reach that goal. I think we have made best efforts to ensure that the buildings we construct are energy efficient and, when we renovate buildings, we increase their efficiency and have

in mind the goals articulated in the climate change strategy whenever we make capital construction decisions.

Ms. White: Just based on that very last statement the minister made — understanding that he is the champion for the Yukon's desire to meet the climate change goals that we have set and with that desire to reduce our own greenhouse gas emissions — is the minister championing the reinstatement of geothermal at F.H. Collins?

Hon. Mr. Dixon: I am championing the construction of energy-efficient buildings, the renovation of old buildings that are inefficient and the exploration of renewable energy, wherever it is feasible and possible. Cases like the waste-water project in Dawson, where it is heated — and the last time I was up in Dawson, it was working quite well — that building is heated with biomass. I should note that in August of last year the government, particularly the ministry of Energy, Mines and Resources, put out a press release that indicated that the Yukon government was on track to exceed our renewable energy target. That is a positive step forward.

Those are the targets identified in the energy strategy. I think we've made exceptional progress to date in investing in renewable energy and increasing the availability of renewable energy in the territory.

Ms. White: So by that non-answer, I'm going to go for "not at this time".

The Aishihik bison herd numbers continue to rise, and I know that we changed the tag fees to make it more accessible. I understand that this year was not the most successful hunt. The hunting periods right now — we talked about them last sitting and I was told that the end-date was January 1 or January 3, but there was a period of time in there of the darkest, coldest months of winter to give all animals the ability to take a rest. Is the department contemplating extending the bison hunting period — either going over those cold months in winter or extending it further into spring?

Hon. Mr. Dixon: Pursuant to the management plan for the bison herd, we have a bison management team, which has representatives from the affected First Nations, as well as Environment Yukon. As well, we have a technical team that has technical officials from those governments. Between the bison technical team and the bison management team — as well as the Fish and Wildlife Management Board and the affected renewable resources councils — we're always reviewing our options for implementing the bison management plan.

We are considering some of the aspects the member mentioned, including the dates for the hunt. If it's determined, through those various processes and groups, that a change in the dates — and whether the six-week break is necessary and required — and if it's determined those changes need to be made, we'll consider making them. I'm certainly not opposed to making those changes if it's determined that it's in the best interest of the implementation of that bison management plan.

Chair: Before we start with the next part of the debate, would members like to take a brief recess?

All Hon. Members: Agreed.

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

Recess

Chair: Committee of the Whole will come to order. We're going to continue general debate in Vote 52, Department of Environment.

Mr. Silver: Thank you to the officials from the department for being here today.

Before I start my line of questioning here, I was intrigued with a comment made when the Member for Takhini-Kopper King was asking some questions. The minister said he was up in Dawson at the waste-water treatment facility and it was working fine. Could the minister please tell me if that is what I actually heard and also when that was?

Hon. Mr. Dixon: I think about a year ago I had a tour of the Arctic Inland facility as well as where they burn the chips and I got to see it in action. In my non-expert view of things, it appeared to be burning wood and heating the place.

Mr. Silver: I'm going to start with the Ddhaw Ghro Habitat Protection Area plan. On May 13, 2013, I tabled Motion No. 474, urging the Government of Yukon to publicly explain why the recommended Ddhaw Ghro Habitat Protection Area plan submitted to the Government of Yukon in June 2006 for final ratification had not been signed off on. In December 2013, the minister reported that they had not been signed off due to — and I quote: "...issues in years past with regard to fire protection within that particular protected area."

At the time, Madam Chair, the minister indicated that "those issues have been worked out" so I was wondering where we are with the habitat protection area plan, and has been it been signed off or not?

Hon. Mr. Dixon: Further to my comments quoted by the member, there have previously been a number of issues with regard to the management plan for the Ddhaw Ghro Habitat Protection Area. Chief among those issues was fire suppression. There were a number of other smaller issues, including ATV access and a few other smaller issues as well. The government has since sent a letter to the two affected First Nations — the Little Salmon Carmacks First Nation and the Selkirk First Nation — under my signature, of course, and provided what we believe to be solutions to the previous impasses experienced.

Now that government has passed along our ideas and solutions for those previously identified problems, I am optimistic that we can move forward. The ball, so to speak, is in the First Nations' court at this point. Previously the delay had been caused by Yukon government taking some time to review these things. I am, of course, aware that the delay occurred on our part and — I said Little Salmon Carmacks and I meant the Na Cho Nyäk Dun First Nation earlier. It is the Na Cho Nyäk Dun First Nation and not the Little Salmon Carmacks First Nation — correction, sorry.

As I was saying, we have provided our most recent plans for meeting those challenges and those will be provided, in letter, to the affected First Nations — the Na Cho Nyäk Dun and the Selkirk First Nation — and I look forward to hearing back from those First Nations with regard to their thoughts on what Yukon government has proposed.

Mr. Silver: I would like to move on to the Watson Lake district office. When the project was tendered in December 2013, the advertised price of the construction contract was \$1.4 million. Can the minister confirm that this contract has been awarded at \$2.1 million, which is 50 percent more than the advertised price, and could he give me some details as to the reasons for the increase?

Hon. Mr. Dixon: The actual mechanics of the contracting process are handled by the Highways and Public Works department, so I have to defer some of the answer to the Minister of Highways and Public Works.

I can confirm that the contract has been awarded — I believe it has, at least — and that it now includes the removal of the old buildings, which it didn't previously. That is some of the increased cost. Aside from submitting what our program requirements are for the structure, the Environment department doesn't play a role in the contracting of the construction.

Mr. Silver: I will be asking this in other departments as well. If the minister has the number readily available, as far as the amount for the previous building — if not, I will ask that question in Highways and Public Works.

The Atlin campground — is the minister planning to spend the money budgeted on this item or is it contingent on the successful resolution of the recent court action against the Government of Yukon?

Hon. Mr. Dixon: The money remains identified for the construction of the Atlin Lake campground; however, we won't be beginning construction or taking action in terms of developing that site until we have successfully resolved the legal action that is before us.

Mr. Silver: I apologize to the minister and his official. I will be jumping around, topic to topic here — coming in second after the Member for Takhini-Kopper King.

The audit of the *Environment Act* — the Premier said that the audit of the *Environment Act* would be ready in June 2013. In December 2013, the minister opposite told me that he had not seen a draft of the report. His understanding was, at the time of the audit, that the committee would be forwarding it to the Management Board. He attributed delays to staffing at the audit branch.

Has the minister now seen a draft of this audit and if so, when has he seen it? When will this audit be completed and released to the public?

Hon. Mr. Dixon: No, I have not seen it yet. I don't know when it will be ready.

Mr. Silver: We're getting close to a year on that one.

Over to YESAA, in the budget speech, the Premier said, and I'm quoting here: "Mr. Speaker, our government is working with the federal and First Nation governments to make improvements to the *Yukon Environmental and Socio-*

economic Assessment Act — YESAA — in order to increase the consistency and timeliness of assessments." The Government of Yukon has made a submission to the Government of Canada with regard to the upcoming amendments to federal YESAA legislation.

Did the Department of Environment make a submission as part of this process?

Hon. Mr. Dixon: The submission with regard to this is led by the Executive Council Office. Where necessary — for technical reasons — if there is support needed, we will provide it. We sit on any intergovernmental committees that deal with these sorts of things. The Department of Environment has not done any unilateral submission on this particular issue.

Mr. Silver: Did the Department of Environment contribute to any submissions from any other departments?

Hon. Mr. Dixon: The only submission is from the Executive Council Office and we support the Executive Council Office in creating that submission.

Ms. Hanson: Just following up on that question from the Member for Klondike — I do believe that when the Finance minister was giving the Budget Address there was a date. I thought it was around April 23 when we anticipated amendments to YESAA being introduced.

Can the minister update us as to when those federal amendments to YESAA will be introduced?

Hon. Mr. Dixon: I have no idea at all.

Ms. Hanson: I want to go back to the question with respect to the habitat protection area management plans. We've just recently — today — had third reading of the *Act to Amend the Government Organisation Act*, so it's my understanding from that act that the ministers now, with this modernized approach, enter into agreements and they do it on behalf of and essentially are binding on the Crown; that being the Yukon government.

I'm interested in knowing, when the minister signs a habitat protection area management plan — to confirm that he does this on behalf of Yukon government along with the recommendations made therein — if the First Nation then looks to the Minister of Environment to be the lead to work with the First Nation to make sure that Yukon government's side of those recommendations are carried out? I'm just referring to the — and I'm going to pronounce it incorrectly — Lhutsaw Wetland Habitat Protection Area for the Selkirk First Nation, which was signed in July by the First Nation and in August by the Minister of Environment on behalf of Yukon.

There are a series of recommendations that are made that come as a result of the joint efforts by the First Nation that signed its agreement. I think it came into effect in 1997 — so quite a few years later the special management area was completed. Recommendation 2 says that the Yukon government should permanently withdraw all Yukon government lands in the habitat protection area from locating, prospecting or mining under the Yukon *Quartz Mining Act* and the *Yukon Placer Mining Act* — from staking out a location for the mining of coal and from issuance of a licence

to explore for coal, pursuant to the *Territorial Lands (Yukon) Act*.

A reciprocal provision is provided for with respect to the Selkirk First Nation. The third recommendation has to do with oil and gas resources, and it says: “The Yukon government should permanently withdraw all Yukon government lands in the habitat protection area from disposition under the *Yukon Oil and Gas Act* and Selkirk First Nation should make any similar, permanent withdrawals.”

So that basically puts again that reciprocal provision.

My question is this: When these habitat protection area management plans are entered into, with the Minister of Environment representing the Government of Yukon, is it then his undertaking to work with his ministers to ensure that those recommendations are followed up on, on behalf of the Government of Yukon?

Hon. Mr. Dixon: When government is going to enter into a management plan, like a management plan for a habitat protection area, it is typically the Minister of Environment or sometimes the Premier, over the course of history, who has signed those. Before they sign those, of course, they get Cabinet approval — so yes, they are in that sense representing government.

In an event where I would sign a management plan for a habitat protection area, I would have first received support or endorsement from Cabinet and, therefore, would be signing the document on behalf of the government. Once we enter into one of those management plans, we undertake to meet the requirements or recommendations therein.

Sometimes those involve actions that are strictly within the purview of the Department of Environment — namely, conducting wildlife studies or fishing baseline data, or any of those kinds of environmental studies that would be within the purview of Environment Yukon. When it comes to land withdrawals, those are conducted through the Department of Energy, Mines and Resources, which has that responsibility. When it comes to implementing these management plans, they are often the responsibility of a number of different departments and a number of different ministers, although usually, if they are habitat protection area management plans, those tend to be related to environmental considerations and the Department of Environment conducts the majority of the work, but when it's necessary to work with other departments, we do so.

Ms. Hanson: I thank the minister for his response.

I want to go back to environmental liabilities. This is from the Public Accounts 2012-13. As of March 31, 2013, the government has recorded \$22 million as a liability for the costs related to the remediation of contaminated sites for which the government is responsible.

It does note in the summary statement that the majority is for highway maintenance camps. I would note that is up from \$16 million from the year previous. In the detailed notes in the Public Accounts with respect to environmental liabilities, the *Environment Act Yukon* — there's a paragraph on page 39 that says: “The *Environment Act (Yukon) — Solid Waste Regulations* include requirements for closure and

abandonment of a dump.” We have had lots of discussions about dumps in this Legislative Assembly.

The Public Accounts notes to the consolidated financial statement that there are 23 active or decommissioned landfill sites that are outside incorporated communities and therefore are the responsibility of the government. The government is the sole operator of these landfills. A liability is recognized as a landfill sites capacity is used with usage measured on a volumetric basis. As of March 2013, the net present value of total expenditures for closure and post-closure care is estimated to be \$6,611,000 and a liability in the amount of \$5,133,000. That is up from \$535,000 in 2012. Those values are recorded for these sites.

The amount remaining to be recognized in the future is \$1,478,000. The notes say that no assets are designated for settling these liabilities.

My question is: Can the Minister of Environment point to where in the budget funds are designated for this fiscal year for settling these liabilities?

Hon. Mr. Dixon: In my opening remarks, I noted that there are 90 government-owned sites that have been identified where contamination is known or suspected to exist. At this point, the Yukon government's environmental liability is estimated to be in the order of \$27 million. We are tackling remediation of projects with the greatest risk to human health and environment first.

To answer part of the member's question, in some cases where we have a site, we have to attach a value to it without having done a significant amount of assessment work. Those numbers are often subject to change. So when we allocate money to doing those kinds of assessments — and in this budget, we have around, I believe I said in my opening remarks, \$400,000 identified for that work — we conduct assessments, which give us an idea of the extent of the contamination and gives us a better extent of the value, or the cost, or the liability that exists. That gives us an understanding of how much it will cost to clean up.

We are constantly evaluating and re-evaluating our contaminated sites and updating, based on the best available data, the liability that exists.

That explains why the number increases. I should also note that the number decreases over time once we conduct remediation. So when we have conducted an assessment of a site, then developed a plan of restoration, then completed that plan of restoration and consider the site to be cleaned up, it is no longer a liability on the government's books. The liability and the amount we calculate for the liability is something that does change over time. It can either increase, as a result of better understanding of a contaminated site, or it can decrease as a result of us cleaning up a site.

The member is speaking about the 23 government-owned landfills. I should note that also the site assessment and remediation unit will arrange for groundwater to be monitored this year at those sites, which is expected to cost \$400,000, as I suggested. They will also conduct up to 10 phase-1 environmental site assessments, which is work that we expect

will create opportunities in the private sector as those works are undertaken by private sector companies and contractors.

So I think I've tried to cover it all, but I will let the member opposite provide more clarity if there is a further question there.

Ms. Hanson: I understand the minister's point. The fact is that at a point in time when the Public Accounts are published, the amounts as identified with respect to March 31, 2013 were the amounts I gave that had the amount remaining to be recognized as \$1.478 million. I would note that, yes, I agree that the numbers are changing and they do change. What I'm curious about is: Are we creating more liabilities or are we finding more liabilities? When I look at — he mentioned we have got 90 sites. As of March 31, 2013, the government was aware of 61 sites. In 2012, it was 46 sites. In 2012, the amount was \$13 million. In 2013 it was \$16.2 million. This is from Public Accounts and the minister is now telling us it is \$22 million. So are we creating more liabilities or are we finding more liabilities that had not previously been identified?

Hon. Mr. Dixon: The increase in number of sites occurs when we either find new sites or identify previous sites that weren't identified, for instance the 27 government-owned landfills that previously weren't included and are now included.

We identify sites. We include sites that we may have been aware of but did not consider contaminated sites, and then further work reveals that they are in fact contaminated. That adds to the list of sites. When we conduct work on those sites, the assessment work tells us whether or not we have properly valued those liabilities. We may have a site that we think is valued at \$1-million liability, we will conduct an assessment of it and it will tell us that actually, no, it's significantly worse than that — it's a \$5-million liability — and then our liabilities go up.

I should note that the way we evaluate these sites, the way we assess them and the way that we plan and prioritize these sites for cleanup and assessment is done in a manner that has been reviewed by the Auditor General. It's an area that we are constantly trying to improve on, and I'm quite satisfied with where we are currently. We've been able to clean up some sites, we have a good understanding of what sites are out there now, and we're beginning to tackle these sites by cleaning them up and remediating them.

Ultimately the goal over the course of time is to achieve a zero value of liabilities. That's going to take some time, obviously. For some sites — it will be determined, I'm sure — rather than trying to clean up the site because of the great costs it will incur, we may decide it's more appropriate to actively manage the site and continue to monitor it and determine if it's moving, if there's a threat of it spreading further. In that case, we may have to take further action, but if a site is stable and we are monitoring it, sometimes the decision is to simply actively manage it.

Ms. Hanson: In the course of three fiscal years, we've gone from \$13 million to \$22 million, from 46 sites to 90 sites. We've effectively doubled the number of sites. Does

the minister have a listing of these sites and the commensurate amount of money associated with each of those sites? Would he table that in the Legislature?

Hon. Mr. Dixon: We do have a list. I could table the list of the sites. I can't do it right now, unfortunately, but I would be willing to provide it, at least. I may not table it, but I can provide it to the members opposite. The value of the sites is something I'll have to look into.

The fact that the number increases — as she pointed out, it has gone from 46 to 90 — is an indication that we have a program in place that is actively seeking to identify these sites and to identify the liability therein. It's not a negative thing to see us increase the number of sites that we have on file.

These aren't new sites. Just because we identify new sites doesn't mean that they have newly been created. It means that they have been identified. The original contamination could have occurred 50 years ago and we hadn't done a proper assessment of it until recently, so we hadn't counted it. That's why we would increase the number.

I think the fact that we are increasing the number of sites that we're identifying and that we're getting a better understanding of how much it will cost to clean them up is a good thing and an indication of progress toward the goal of ultimately cleaning these sites up.

To her specific question, yes, I can provide the list of sites. I think I have read them in the House before, and the individual values we associate with those is something I'll have to look into — whether or not we have that in a form that is readily available for provision to the Opposition.

Ms. Hanson: One would think that if one has a listing of sites and, based on that, one comes to a cumulative total of — if we now say from 46 to 61 sites to 90 sites in each of those years, in 2012-13. The 46 sites related to \$13 million and the 61 sites related to \$16.2 million and 90 sites now relates to \$22 million — somebody, somewhere is doing the calculation that says we added those on.

I would just ask the minister, when he says that we're finding more as opposed to creating them, it was my understanding — and perhaps he could clarify this — that, at devolution, one of the items there had been identification of about 500 sites prior to devolution that were a federal liability — small contaminated sites. It was also my understanding that the significant majority of those had been remediated — everything from little spills of something to being quite significant — but they didn't factor into the type 2 — the big ugly ones, the seven sites.

Eleven years later, are these new finds of federal liability and will they be charged to the federal government, or are these simply — according to the Public Accounts — territorial obligations?

Hon. Mr. Dixon: These are Yukon government-owned sites. I perhaps didn't use the proper term when I said we "find them". It's not that we discovered them and had a eureka moment and found these sites. It's that we weren't counting them. We knew they existed and counted them in a different category. For instance, these 27 former landfills — we didn't count these under the environmental liabilities

program because they were former landfills. In consultation with the Auditor General and other groups, we determined that, yes, we should include these sites and, as a result of that, they are counted now.

That's what I mean when I said we found them. Perhaps I shouldn't have used the word "find" because it suggests that we didn't know they were there before.

Rather, we add them to the list and count them against our overall contaminated sites liability.

Ms. Hanson: I thank the minister for that clarification. I think my last question will be with respect to the phase 1 environmental site assessments. The phase 1 environmental site assessment review indicated that the level of contamination was likely low at nine at the 10 airports, four highway maintenance camps and 10 other sites.

The notes to the consolidated statements go on to say that significant remediation work is in progress for one highway maintenance camp and at the Marwell tar pits, which we've spoken of in this Legislative Assembly at some length.

Can the minister identify or tell us which of the airport sites — it's not likely low, so it's obviously higher than low — is subject to this review, indicating that work needs to be done?

Which highway maintenance camp is having significant remediation work done? It says that it's in progress as of March 31, 2013.

Hon. Mr. Dixon: I'm going to try to answer that and, if I miss some of this, I will ask the member to ask again. We're conducting 10 phase 1 environmental site assessments this year. Of those 10, as I said, we have a list of these sites and a general understanding of what they are and the extent of the contamination. We evaluate them based on a matrix of factors — including risk to human health and risk to the environment — and then prioritize them based on that matrix. The top projects for assessment on that list through that matrix are determined that we should spend the money to assess them.

The projects that we're conducting this year are the three in Old Crow, which are the aviation maintenance fuel storage and the aviation fuel storage handling area, as well as the nursing station. The highway yard is the Dawson highway yard — the Klondike River highway maintenance camp. As well, at the Whitehorse airport, we're conducting work to deal with a stockpile of contaminated soil. That contaminated soil, I believe, is from the old waterfront lot where the Kwanlin Dun Cultural Centre is now. When they removed that dirt, it was found to have metal contaminants and they needed a place to store it, so we're storing it at the Whitehorse airport and we're doing the work to deal with that — to clean up that soil that has been stored at the Whitehorse airport.

I have covered off which highway yard and the airport. As for the other airports — the other airports are determined based on the risk to human health and environment that I talked about earlier. I don't have the list of which individual projects are being done under those 10 site assessments, but perhaps we can look into that in the future.

Ms. Hanson: From what I hear from the minister, it sounds like — because in the report in March 31 they had identified, as he said, that the phase 1 of the environmental site assessments had been undertaken in all but two of the 61 sites, so it sounds to me like the work is ongoing now, to do the phase 2 environmental site work that needs to get done — for example, using the relocated soils from the area where the Kwanlin Dun Cultural Centre is.

I just want to come back to this issue of the liability with respect to the solid waste regulations. When I asked the question, maybe I was not clear. I just want to go back to what the notes say when they speak to the liability that is recognized for landfills and the fact that the amount remaining to be recognized in the future is almost \$1.5 million — with interest it's probably more than that and no assets were designated. The notes say that in calculation of the liability — the liability of \$1,478,000 — the remaining landfill life is estimated to be from zero to 50 years. Solid waste permits issued under the solid waste regulations specified 25 years of post-closure monitoring. Therefore, 25 years is used as the estimated length of time needed for post-closure care.

The issue is that if we don't have the funds identified on an ongoing basis — this is sort of the analogy I would use as a mini example of what we face with the type 2 sites where government of some nature — in that case it's the federal government and in this case it's the territorial government — will have an ongoing financial liability for 25 years at a minimum for these landfill sites. I guess I'm looking to see how that is captured in the budget.

Hon. Mr. Dixon: In the budget this year, we have identified funds to install monitoring stations at each of these 27 Yukon government-owned landfills. What those monitoring sites will tell us is if there are any problems and the nature of the problems. If there is no contamination or a certain type of contamination is found at those sites, we have to take a different course of action than we would if there was no contamination.

What we are doing in this budget is identifying funds to monitor those sites so that we understand what is happening on those sites. If action is needed to be taken, then we will take it in the course of our environmental liabilities remediation program parameters.

As I said before, we evaluate the sites, we determine the extent of the contamination, we do assessments and then we move forward with remediation vis-à-vis the plan of restoration. If those steps are needed to be taken at these sites, then we will have to take them as they are needed with regard to the level of risk at these sites.

As I said before, sometimes we determine that, while a site is contaminated and we know it's contaminated, the best course of action isn't to spend a bunch of money cleaning it up, but to monitor it and determine if it is an appropriate use of a significant amount of money to clean it up. In some cases, risk-managing a contaminated site is a more cost-effective way to deal with these sites than diverting all of our resources towards trying to clean up a site that isn't causing a problem.

To answer the member's question, in this budget there is money to conduct the installation of monitoring stations at the 27 Yukon government landfills.

Ms. White: How many water inspectors work within the department currently?

Hon. Mr. Dixon: There are three and a manager.

Ms. White: We talked earlier about what could happen with the water strategy as it comes forward. Is there a possibility that we will need more water inspectors in the future, depending on the goals of the water strategy?

Hon. Mr. Dixon: The inspectors in the Department of Environment conduct inspections on proponents that have water licences from the Water Board. I don't think that the water strategy will create an increase in volume in water licences being handed out by the Water Board. So I do not anticipate an additional burden on our water inspectors.

That being said, if we did have increased activity as a result of an increased number of proponents with water licences, we may find that we need to increase the number of inspectors but, at present, we're confident that our inspectors can fulfill the duties assigned to them and inspect the water licences provided by the Water Board to the extent that is expected of them by the Yukon government.

Ms. White: I thank the minister. I think I got my water people confused. How many people currently within the department are in charge of doing the water quality monitoring — the collection of data across the territory, analyzing groundwater, analyzing the flow rates, et cetera?

Hon. Mr. Dixon: All the staff in the Water Resources branch play an important role in the function of the activities that the member has listed. Basically the question is: How many individuals are there in the Water Resources branch? Between the deputy minister and myself, I think we're estimating 10, but it could be eight or it could be 12. I apologize to that branch for not knowing the exact number of people in that branch. I believe it's somewhere in that range of eight to 12.

Ms. White: I thank the minister and the deputy minister for that. With the water strategy that's coming out, would there be the possibility of increasing the number of FTEs within the Water Resources branch?

Hon. Mr. Dixon: To increase the number of FTEs, or to receive additional funds to conduct activities, requires both Cabinet and Management Board approval, so it is possible that in the approval stage of the water strategy there could be new FTEs or additional funds requested, but I won't preclude the approval process that we are required to go through.

Chair: Does any other member wish to be heard?

We are going to move into line-by-line debate.

Ms. White: In an effort of good time management, pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all lines in 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: Ms. White has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all lines in Vote 52, Department of Environment, cleared or carried, as required. Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

On Operation and Maintenance Expenditures

Total Operation and Maintenance Expenditures in the amount of \$34,257,000 agreed to

On Capital Expenditures

Capital Expenditures in the amount of \$4,568,000 agreed to

Total Expenditures in the amount of \$38,825,000 agreed to

Department of Environment agreed to

Hon. Mr. Cathers: Madam Chair, I move that you report progress.

Chair: It has been moved by Mr. Cathers that the Chair report progress.

Motion agreed to

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

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 69, entitled *Act to Amend the Fatal Accidents Act*, and directed me to report the bill without amendment.

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

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

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

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

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

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

Hon. Mr. Dixon: It is a pleasure to rise today to speak to Bill No. 73, *Act to Amend the Environment Act*. This bill represents a significant amount of work that has been conducted to date by officials in the Department of Environment. I would like to start off by thanking a number of them for their contributions to this work.

The deputy minister who was there earlier with us today, Kelvin Leary, has done a significant amount of work, but many of the folks who have done the yeoman's work to date are the folks in the policy shop of the Department of Environment — Diane Gunter and Dan Paleczny come to mind as folks who have contributed a significant amount of time and effort into this work. I would like to commend them for their work to date.

The amendments to the act are one piece of a larger legislative and regulatory system that we have been reviewing over the last number of years. Last year, I had the opportunity to present a new permitting regulation pursuant to the *Environment Act*, and I'll discuss that a little bit. As well, we are planning changes to a number of regulations under the *Environment Act*, including the beverage container regulations, as well as the designated materials regulations.

Then of course there are a number of specific changes within this bill that I will discuss both in our second reading discussion here today and when we get into the Committee of the Whole to debate the individual provisions of this act.

First of all, let me speak a little bit about some of the regulations that are pursuant to the *Environment Act* that have a very real impact on Yukon businesses and Yukon citizens, as they in many ways are just as important as the legislation itself. Last year in 2013, we consulted on the permitting regime under the *Environment Act* and conducted a number of changes. Those changes can be summarized into three categories.

The first was extending the maximum permit durations. The second was eliminating application fees. The third was formalizing the review fees associated with environmental reviews that are taken under these regulations.

First of all, why did we extend the maximum permit duration? Formerly, permit holders must renew their permits every three years even if there are not significant changes to the permitted activity. This is time-consuming for both proponents and government and it can result in significant costs. Yukon government proposed to extend the maximum duration of permits issued under the *Environment Act* to 10 years.

Nearly 72 percent of respondents during the public review had no concerns with that proposal. Actual permit lengths will be based on project lengths and consistency with other similar permits. To give an example, a municipality that operates a solid-waste facility and had a permit under the *Environment Act* for that facility previously had to renew their permit every three years regardless of whether or not there

were changes in the actual activities that were occurring on that site. We thought it would be prudent to modernize that regime by extending the permit duration, which applies to any permit issued under the *Environment Act*.

It is our belief that allowing that flexibility for increased durations will provide a significant benefit to a number of, in particular, smaller organizations like small municipalities or small communities that have a number of environmental permits for facilities in their communities. We wanted to reduce the administrative and technical burden on those groups by extending this permit duration. My understanding is that this has been well-received to date.

Obviously there was significant input in the public consultation process, but since then we've had additional positive feedback.

The second aspect of the regulatory change was the elimination of application fees. Seven of eight permitting regulations under the *Environment Act* require fees ranging anywhere from \$25 to \$100 depending on the type of permit. These application fees are inconsistent, arbitrary and an unnecessary inconvenience. Yukon government proposed to eliminate permit application fees required under the *Environment Act* in order to promote fairness and compliance. 73 percent of respondents during the public review had no concerns with that proposal.

Again, to reiterate, oftentimes permit holders in these cases are small groups, sometimes municipalities for instance, that are subjected to a nominal fee that provides no benefit to government. It certainly doesn't meet the cost requirements of applying that fee or collecting it, so, in fact, as strange as it sounds, I would suggest that eliminating a \$25 fee would actually save government money because it costs typically more money than that to collect it. By eliminating those fees and extending those durations, it's my belief that we have eliminated some unnecessary red tape within the *Environment Act* permitting regime.

The third aspect of that regulatory change was formalizing the review fees. Permit applications for some types of activities require applicants to provide specialized technical information, which is then sent to technical experts outside of the government who determine if the conclusions can be supported. Yukon government proposed to have the regulations make it clear that the government may charge applicants a fee for a review of their permit application and supporting documents prior to the issuance of a permit.

This change would increase the transparency of the permitting process, as well as ensure the proponents, not taxpayers, cover all costs associated with the technical review of their permit applications. Because review fees vary — depending on the type and complexity of the application and supporting material — they would not be set in regulation. Instead, review fees for each type of application would be set by the Department of Environment, based on the cost to have reviews conducted by a third party expert in the relevant field. This is simply a formalization of an existing method of doing business and it provides clarity and transparency for any of

those folks seeking permits and having to undergo environmental reviews in that process.

Following the change that I have just outlined to those regulations, we are also moving forward with proposals to change the beverage container regulation and designated materials regulation to update them and make them consistent with modern practices and provide increased opportunities for the recycling industry to benefit from activities in that field.

I look forward to bringing forward those proposed changes for public review later this year and look forward to having the discussions publicly with any who are interested in those changes. Naturally anytime there is change, there is some concern from various groups. I think that modernizing these regulations and bringing them into the 21st century is a necessary endeavour for government and will be a beneficial step forward in meeting our commitments to reduce the amount of solid waste that ends up in a landfill and increasing recycling opportunities in the territory.

Having covered those regulatory aspects, I wanted to turn now to the specific legislation that's before us today and the provisions that are specifically identified in this legislation.

This bill to amend the *Environment Act* will help government further reduce risks to human and environmental health, provide increased business opportunities and improve consistency between the act and our current practices. I will begin with an overview of the changes, followed by a summary of the public engagement on the bill.

While its goals and values remain the same, the updated act differs from the old one in that it enables the government to take action more quickly as well as addresses weaknesses that have arisen since the act was established in 1991. Some of the key changes include, first of all, the updated act increases the ability of government to ban hazardous substances through a ministerial order. This is a new power that did not previously exist under the old act.

The second key change allows businesses and individuals to become more involved in recycling by enabling industry-led recycling programs. This will allow Yukon to capitalize on more modern recycling options. Up until now, all recycling programs in Yukon had to be conducted through the Government of Yukon's recycling fund, which simply adds on a layer of government where other jurisdictions have identified that layer of government is not needed.

The third change allows governments to transfer the responsibility for cleaning up a contaminated site to another party. I'll get into the details of that in a moment, Mr. Speaker.

Lastly, the updated act enables government to deal with certain responsibilities with more flexibility. For example, it allows the minister to determine when the Yukon Council on the Economy and the Environment will be active or when the Yukon conservation strategy requires updating. The approval of solid- and special-waste management plans will now rest with the minister rather than Cabinet.

In developing this bill, the Department of Environment worked with an interdepartmental advisory group. We then sought public input on the proposed changes through late

summer and fall of 2013. You will notice that nearly half of this bill deals with the revised contaminated sites regime. The act now allows for the transfer of responsibility for a contaminated site to another willing party. This change will support the redevelopment and repurposing of remediated contaminated sites.

Another change to the act will improve our ability to divert recyclable — or waste — materials from our landfills and also supports business opportunities. Through amendments to section 109, industry-led recycling programs will be enabled. In this manner, a manufacturer of a product or a person who brings a product into the Yukon — rather than government — establishes a recovery and recycling process its product. Other jurisdictions already have similar recycling systems like this in place. With this change, we've made it possible for Yukon to do the same.

During the public review period, the department received comments from 64 respondents, including municipalities, First Nations, NGOs, industry and individuals. Overall there was support for the proposed changes. Consistent with the open and inclusive process for developing the amendments, public comments — as well as answers to questions raised by respondents — are set out in a *What We Heard* document published earlier this month.

We intend to have most of the amendments take effect immediately upon passage of the bill. The only exception will be Part 9, which deals with the release of contaminants and contaminated sites. This will take effect when consequential amendments are made to the contaminated sites regulation.

The updated *Environment Act* is part of Environment's commitment to "Moving Forward Together." We are looking forward to the future, putting in a system that is enabling and flexible so we can take the actions needed for a healthy environment and a prosperous Yukon.

Let me now speak about some of the opportunities that will exist in this new piece of legislation. Of course, one of the aspects contemplated is the provision that enables industry-led recycling. When Yukon's *Environment Act* was first developed in 1991, most recycling programs were run by governments for the benefit of their citizens. These types of programs are called product stewardship programs because the government acts as the steward of the products once they are discarded by consumers.

The recycling provisions in Yukon's *Environment Act* and the current recycling programs for beverage containers and tires were developed with this product stewardship model in mind. In our programs, as in recycling programs throughout the world, consumers fund the recycling of specific products by paying a fee when they purchase the product. In exchange, they can dispose of the product without charge when it has reached the end of its useful life. Right now the way the *Environment Act* is written, the fees paid by consumers must be deposited into the recycling fund that is managed by the Department of Community Services. This is an example of how the government acts as the steward for the recycling programs, because the fees paid by consumers are managed by government.

However, since the mid-1990s there has been a gradual evolution away from government-run recycling programs to programs that are run by the manufacturers, distributors and retailers that put products into the marketplace. This type of industry-run program is often called an extended producer responsibility, or EPR program, because it extends the responsibility of those involved in the production and supply chain from not only the new products that are sold to consumers, but also the products discarded by consumers once they are done with them.

Industry-managed EPR programs are getting acceptance throughout the world. In Canada, there are EPR programs for products ranging from milk containers to cellphones, from batteries to tires and aerosol containers — and more programs are being developed all the time.

One of the leaders in EPR in Canada is the Province of British Columbia. Under their recycling regulation, British Columbia diverts many end-of-life products into collection, recovery and management systems designed to deal with each specific product. These programs are managed by industry associations based on product management plans submitted to and approved by the B.C. Ministry of Environment. The product management plans are reviewed and updated every five years and industry is responsible for publicly reporting the success of their plans in diverting materials away from the waste stream.

One of the product categories covered by EPR regulations in B.C. is beverage containers. B.C.'s beverage container program is very similar to Yukon's in that most ready-to-drink beverages are subject to a surcharge paid up front and consumers who return the empty containers to a recycling depot get a portion of that surcharge back as a refund. In B.C.'s case, the other part of the surcharge is not sent to the government, but is kept by Encorp Pacific, the non-profit agency that runs their recycling program. The deposits are set by the B.C. government in regulations and the container recycling fee is set by Encorp based on economic factors and recycling volumes in order to cover the costs of the program.

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

Another example of a product category covered by EPR regulations in B.C. is electronics. The B.C. government has established an extensive list of electronics, for which industry is required to develop recycling programs. The industry group, Electronic Products Recycling Association of B.C., designed the recycling program in accordance with the regulations and has a contract with Encorp Pacific to run the program on their behalf. This is done in much the same way as the beverage container program — that is, consumers pay an up-front environmental handling fee, set by the EPRABC, at the time of purchase, then drop off old or unwanted items for free at depots run by Encorp. The difference with electronics is that no part of the environmental handling fee is refundable, but

again, the B.C. government is not involved in the running of the electronics program.

Most other Canadian jurisdictions, including jurisdictions that are small, like Prince Edward Island and Newfoundland and Labrador, now have similar EPR programs for a variety of product categories. Our neighbours to the south, in Alberta, are currently transitioning some of their existing recycling programs to EPR programs and, in the Northwest Territories, they are considering going straight to an EPR model for their next recycling program for electronics.

As Yukon continues to implement the solid waste action plan to modernize the ways we manage garbage throughout the territory, we will benefit from having more flexibility in how recycling programs for various products can be run. That is why we are proposing amendments to the *Environment Act* to allow for industry-led recycling programs that could be developed in the future.

Essentially, these amendments will mean that when government is assigned responsibility for a group of products to industry, the environmental fees paid by consumers on these products would not have to be sent to the recycling fund. Instead they would be held and used by industry to run the recycling programs subject to rules and on cost-effectiveness, efficiency and transparency that would be set out in future EPR regulations.

Mr. Speaker, to reiterate, these changes do not create any EPR system or create any specific recycling program but enable the creation of those types of programs should it be determined by government that it's an effective undertaking.

With regard to the transfer of liability from a contaminated site — there are many abandoned properties throughout the Yukon, and some of these have contamination from previous commercial or industrial activities on the site. Many of these properties are prime spots for sale and redevelopment, but the sale and redevelopment may be hindered by the contamination on the site. One of the more common examples of the situation is old gas stations where there might have been spills from the gas pumps or leaks from the underground storage tanks. Under the *Environment Act*, the person who was in charge of the contaminant at the time it was released into the environment was responsible for cleaning up any soil or water that was affected by the release. Most people fulfill their responsibilities under the *Environment Act* and clean up spills on their property right away. However, there are some situations where that may not happen — for example, when the owner of a gas station wants to get out of the business and doesn't want to spend money cleaning up the site before selling it. That owner might want to enter into an agreement with the purchaser who is willing to clean up the site in exchange for a reduction in the sale price of the property. In that case, the owner would want to ensure that the purchaser would be legally responsible for any cleanup work that they did or didn't do. They would want to make sure that, if there was a problem with the cleanup on the site, the government would not come back to them at some other time in the future just because they owned the gas station when the contamination occurred.

We are proposing amendments to the *Environment Act* to cover these types of situations so that contaminated sites can be remediated and put to use again by developers or new owners while still ensuring that someone has the ultimate responsibility to address the contamination.

This will benefit neighbourhoods and municipalities, which may see the redevelopment of long-abandoned properties, and site owners and purchasers by providing certainty for land transactions involving contaminated sites.

With regard to the banning of hazardous substances, I should note the following — hazardous substances are defined in the *Environment Act* as substances that fall under one or more categories in the federal *Transportation of Dangerous Goods Act* and regulations, including explosive, toxic and infectious substances, radioactive materials and corrosive materials. We use hazardous substances all the time, for many different purposes and in many different products. Some examples of hazardous substances include: black powder, an explosive; strychnine, a toxin; nuclear fuel rods, a radioactive material; and sodium hydroxide, a corrosive solid.

In all cases, hazardous substances need to be handled properly in order to avoid potential harm to human health and the environment. In some cases, hazardous substances may be so potentially harmful that they should not be used or handled at all. The *Environment Act* already includes provisions for the minister to ban the sale of products that may cause a significant impairment to the natural environment. This is one of the tools that the government has to protect the environment. The act also allows Cabinet to make regulations that do the same thing.

The ability to ban the sale of a product is meant to provide the government with the ability to act quickly and decisively to protect the environment and then follow up with more time consumer regulations if necessary. However, the existing provisions of the act only cover the sale of products, not their use, storage or bringing them into the Yukon.

That is why we are proposing to amend the act to add provisions that would allow the minister to ban the handling or importation of hazardous substances to fill a gap in the government's toolbox. This proposal will help prevent situations where a large quantity of hazardous material could be sold in the Yukon and then used bit-by-bit over time, even after the government instituted the ban on its sale over concerns about potential effects to human health and environment. It would also help prevent situations where people from outside the territory might be looking to bring hazardous substances into the territory. This is probably unlikely, but in the event that Yukon is ever faced with the situation, the amended *Environment Act* will give the government of the day a strong tool to prevent that from happening.

Examples of jurisdictions that have actually banned hazardous substances are harder to come by. Some provinces have banned cosmetic pesticides, particularly those containing a number of toxic substances.

It's clear that this provision will simply enable increased opportunity for government to take action for the protection of

the environment and the protection of the human health of Yukoners.

That concludes my remarks on second reading. I would commend Bill No. 73, an *Act to Amend the Environment Act* to the House.

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

Motion to adjourn debate

Ms. White: I move that debate be now adjourned.

Speaker: It has been moved by the Member for Takhini-Kopper King that debate be now adjourned.

Motion to adjourn debate on second reading of Bill No. 73 agreed to

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

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

Motion agreed to

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

The House adjourned at 5:25 p.m.