



Yukon Legislative Assembly

Number 273

1st Session

33rd Legislature

HANSARD

Wednesday, May 18, 2016 — 1:00 p.m.

Speaker: The Honourable Patti McLeod

YUKON LEGISLATIVE ASSEMBLY

SPEAKER — Hon. Patti McLeod, MLA, Watson Lake
DEPUTY SPEAKER — Darius Elias, MLA, Vuntut Gwitchin

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Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, May 18, 2016 — 1:00 p.m.

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

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of the rural experiential model

Hon. Mr. Graham: Thank you, Madam Speaker. It's a real pleasure for me to rise today on behalf of all members of the Legislature to pay tribute to the rural experiential model taking place this week on the traditional Kaska territory of the Ross River Dena Council in the community of Faro.

You may recall that there was a rural experiential model in Watson Lake for grades 10 to 12 students just a short time ago that the Member for Mayo-Tatchun and I attended during Education Week. Well, this session is different for a whole number of reasons. This is the very first time that a rural experiential model is being hosted in Faro. Previously, I believe, the only two communities that were considered big enough outside of Whitehorse were Dawson and Watson Lake, so we really — Carmacks, perhaps had one as well — are pleased to welcome Faro and Ross River into the fold.

Learners in grades 7 and 8 from 11 communities across the Yukon began arriving in Faro on Monday afternoon. Referred to as the “junior” rural experiential model, this week's sessions will focus on strengthening the cultural, emotional, mental and physical well-being of our grades 7 and 8 students in rural Yukon. To accomplish this, the Department of Education has designed a series of sessions that integrate both the traditional and modern teaching methods.

The format of the junior rural experiential model is different from what is offered to senior students. Instead of choosing a single session to attend for the entire week, these young students will attend two days and choose two sessions from each of three categories. Those categories are Yukon culture, personal awareness, or applied skills. Day session options include learning about critical thinking and the use of social media, the traditional uses of plants, and Destination Imagination. In all, there are 29 different day sessions to choose from, across the three categories. Students will also participate in evening sessions such as a *The Amazing Race*-themed challenge, golf, baseball and a wrap-up dance.

The rural experiential model is an excellent example of how successful collaboration between teachers, administrators, Public Schools branch staff, school councils, First Nations, rural communities and the private sector can empower Yukon students. The intent of the junior experiential model is to focus on the needs of these younger rural students

in grades 7 and 8 and to pique their interest in the senior REM programs when they enter high school. We have heard from school staff that there is a need to support this age group of students to develop a sense of belonging, confidence, cultural pride, decision-making skills, self-esteem, interpersonal skills, healthy relationships, resilience, leadership skills, self-worth, healthy lifestyles, problem-solving skills, and the ability to work as a member of a team. We realize two days is a little short to develop all of these things, but we hope to engender a spirit of learning in these students.

I would like to take this opportunity to not only thank the communities of Faro and Ross River for hosting the junior rural experiential model, but I would like to commend them for taking this project on. Thank you, Madam Speaker.

I just want to say that I also spent some time last night in a video conference with a number of young students to have a candid discussion with them about what they felt was right with the schools and where they thought things could improve. I will tell you, Madam Speaker, if I had to implement all of the things that they wanted to do, I would have to get another full five years as Education minister. It was an interesting conversation and I congratulate all the students and especially the people of Ross River and Faro for a wonderful time for these students.

In recognition of International Museum Day

Hon. Ms. Taylor: Thank you, Madam Speaker. I rise today on behalf of all members of the Assembly to pay tribute to International Museum Day, celebrated every year on May 18.

This is the 38th anniversary of this celebratory day that was first established by the International Council of Museums. It is a date recognized by the worldwide community of museums and its purpose is to raise awareness of the role of museums in our society. Last year, more than 35,000 museums celebrated this day in 145 countries. These numbers are a testament to the value and importance of this very day.

The primary mission of museums is to oversee heritage, whether it be inside or outside of their physical walls. A museum is a non-profit, permanent institution in the service of society and its development. Open to the public, a museum acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment.

This year's theme is “Museums and Cultural Landscapes”, which highlights the role of museums and cultural centres in creating a sense of both physical place and cultural identity. Not only within the Yukon museums and First Nation cultural centres, but right across the territory, we can find a synthesis of history and natural beauty. The two are very much deeply entwined.

The Yukon's stunning landscapes are imbued with its rich culture and heritage, just as our museums and cultural centres reflect the physical environment as well. We are truly fortunate to have a variety of Yukon museums, First Nation cultural centres and interpretive centres throughout the

territory that contribute significantly to our unique culture and heritage legacy, as well as our quality of life. Each of these institutions helps to tell the stories of Yukoners and the many things that have helped shape the territory and the people — from our diverse culture, including natural history and First Nation heritage, to the Klondike Gold Rush, the building of the Alaska Highway and other transportation stories.

Madam Speaker, the Yukon government is very proud to support these organizations through a number of initiatives and funding programs. Earlier this year, our government was very pleased to announce a funding increase for the second year in a row to support the ongoing operations and capital projects, bringing the annual funding for Yukon museums and First Nation cultural centres to just over \$1.8 million annually. The number of institutions receiving funding under the Yukon museums assistance program has increased from eight, back in 2002, to 18 today. Likewise, the overall budget has also grown by more than 300 percent. This important funding allows for the continued, sustainable operation of these important organizations that lead the work the work to protect, preserve and interpret Yukon's heritage.

Madam Speaker, I would be remiss if I didn't recognize the incredible work done by staff at our museums and the cultural centres that contribute to our well-being as Yukoners — likewise the many volunteers who contribute their energy, time and passion, whether it be as directors or in many other critical roles in support of our museums.

International Museum Day is an opportunity for residents of Yukon to celebrate the outstanding museums and recognize the importance of these learning centres to our community. This summer, I encourage all Yukoners to visit our many museums and cultural centres throughout the territory to experience our history and culture first-hand and to show these important institutions and the many volunteers who help run them that we value and support their efforts to preserve our culture, our natural world and our past accomplishments.

In recognition of National Police Week

Hon. Mr. Cathers: Thank you, Madam Speaker. I am pleased to rise today on behalf of the government to recognize Canada's National Police Week, occurring this year from May 15 to May 21. National Police Week presents us with an opportunity to reflect on the work of the Yukon RCMP and their ongoing efforts in support of community safety and the well-being of all Yukoners. It's important to recognize the efforts made by Yukon RCMP members and acknowledge the work they do in providing Yukon communities with a timely response to crime and community safety needs.

In 2015, the Minister of Justice's community safety awards recognized the exemplary efforts of six Yukon RCMP members for their contributions to community safety programs, impaired driving education and enforcement, youth mentorship, sports and literacy. Each year, the Minister of Justice communicates Yukon's policing priorities to RCMP leadership here in the Yukon and those priorities flow from the recommendations and the work of the Yukon Police Council and the citizens who serve on it.

The 2016-17 policing priorities remain consistent with those from recent years and reflect positively on the process of civic engagement undertaken by the Yukon Police Council and the Royal Canadian Mounted Police. Yukon's policing priorities for the 2016-17 year set strategic goals in the areas of violence against women, response to trends in criminal activity, community response to vulnerable populations, supporting at-risk children and youth, fostering relationships with First Nations and partner agencies and improving traffic safety and compliance.

Over the last year, we recognize that several communities have experienced an increase in property crime, particularly against businesses and commercial properties, and that the Yukon RCMP have brought a number of investigations into those reported crimes against property to a successful conclusion.

Community safety is also a shared responsibility. With that in mind, the Department of Justice and the Yukon RCMP have been engaging with partners on other ways to respond to property crime and drug trafficking in our communities. Out of these discussions, the Yukon government has announced support for the new Yukon Community Crime Stoppers Association which is currently working to implement a tip line and a website. I would like to acknowledge and thank the volunteers who have stepped forward to form that organization for doing so. Crime Stoppers programs have been successful across the country in promoting community engagement and responding to criminal activity.

Another helpful development in the last year was the creation of the Community Safety Committee. The mandate of this new committee is to engage service providers in working-level dialogue on policing and public safety issues. I'm also happy to note that this year, the Yukon government will be funding five new RCMP positions in Whitehorse by providing \$385,000 in funding in the 2016-17 fiscal year, which will strengthen the RCMP by four new members and one clerk, who will, of course, help those members and others to be able to spend more time out in the community rather than in the office doing paperwork related to investigations.

In addition, this year, the new 911 dispatch centre and public safety answering point opened, and I was pleased on behalf of the Yukon government, along with the RCMP Commanding Officer Peter Clark, to open that facility, which will be supported through the addition of five new operators funded by the Yukon government. The RCMP operates the call centre and public safety answering point on behalf of the Yukon government and Yukoners and performs an excellent job in doing that service.

I would also like to today acknowledge the work of the RCMP auxiliary police constables who are members of the public and volunteer their time to work with the RCMP on crime prevention initiatives and participate in community events and programs, including school visits, search and rescue and ceremonial events. Later in today's proceedings, I'll be tabling a motion regarding the auxiliary policing program.

It's important as well to note that the communities' projects and partnerships I've spoken about today are all closely tied to the RCMP and the important work they perform. I would also like to mention and bid a fond farewell on behalf of myself and the Government of Yukon to Yukon RCMP Chief Superintendent Peter Clark, who has been transferred to Newfoundland and received a promotion, for which we congratulate him. We very much appreciate his dedicated service here in the territory, which came at a critical time in Yukon's policing history.

Peter will be remembered for the leading role he played as co-chair to *Sharing Common Ground — Review of Yukon's Police Force* and the excellent work that has been done by the RCMP, along with other partners, including the Department of Justice, in building on what we heard from Yukoners during that review. Peter's empathy and respect served him well in building relationships with governments, community groups and First Nations and his leadership has been of vital importance — so a sincere thank you to Peter Clark for his years of service to the Yukon and best of luck in his new post.

I would also like to acknowledge the work of the many individual RCMP members across the territory. Although we do attempt, through initiatives such as the community safety awards, to recognize some of the exemplary efforts there, it would be impossible to note and properly acknowledge the sacrifice that individual members make and the efforts that they do in putting themselves in difficult and dangerous situations. I would also like to acknowledge their families, in that it can be difficult as well for families of RCMP members.

I would like to ask all members to join me in welcoming two of the RCMP members who have joined us here in the gallery for the tribute: Constable Trudy Pike has 10 years of service with the RCMP and, in addition to carrying out an exemplary role as an investigator at the Whitehorse detachment, she is active in the community and coaches a local girls' soccer team. In March 2016, Constable Pike and her youth team took part in a soccer competition at the Arctic Winter Games in Greenland.

I would also like to acknowledge Constable Kerry Jury, who has seven years of service and is a leader in road safety enforcement in Whitehorse, which includes impaired driving detection and prosecution of drivers abusing drugs and/or alcohol. She is also a trained drug-recognition expert and her good work helps keep our roadways safe.

I would like to ask all members to join me in welcoming them and thank them and the many other members who were not able to attend today for the excellent work that they do. I should also note that within communities across the territory, there are many RCMP members who volunteer their personal time to assist with sporting events. It has often been said in many rural communities that whether a hockey program exists or not is very often dependent on whether there is an RCMP member who is prepared to give up their time to engage kids in a positive manner and give them that opportunity.

I'm honoured to tribute all the members of the RCMP for their excellent work and I would like to convey my deep thanks to them and their families and the thanks of the Yukon

government for the excellent and important work that they do, and for putting themselves in harm's way for all of us in keeping our territory and our communities safer.

Applause

Ms. Moorcroft: Last Friday, May 13, over the lunch hour, Yukon Royal Canadian Mounted Police served a community barbecue in Whitehorse in honour of National Police Week. Police volunteers welcomed the public and a large crowd came to enjoy the sunshine and to meet those who work hard to keep our communities safe.

Inspector Archie Thompson, the officer in charge of the Whitehorse detachment, noted: "Police Week is about reaching out and connecting with our community." The barbecue draws people in a friendly way and everyone gets "... a chance to get to know us all a little better."

RCMP members in Yukon contribute in many positive ways to the communities where they are stationed. Just this week, RCMP attended the rural experiential school conference in Faro with students from all communities. RCMP take part in the prevent alcohol and risk-related trauma in youth, or PARTY, program.

I have heard parents and youth acknowledging RCMP efforts like coaching hockey in many communities, a young riders snowboarding program in Whitehorse for at-risk youth, and building bike trails in Teslin. As the 2010 *Sharing Common Ground* report on Yukon policing concluded, people want to see RCMP members integrated into the communities they serve, learning the contributions and cultural heritage of First Nation people and being trusted role models. Making programs, like those that I have just referred to, part of the fabric of policing in Yukon so they don't end when members are transferred to another location would establish stronger relationships between community members and the RCMP.

The recent *Together for Justice Protocol* between the Liard Aboriginal Women's Society, representing Kaska women and the Watson Lake RCMP detachment, and the *Together for Safety Protocol* between Whitehorse women's and aboriginal groups and the Whitehorse RCMP detachment are ground-breaking agreements. This multi-year coalition-building and collaborative work toward improving police response to Yukon's extreme levels of crimes of violence against women and children could be a model across Canada for similar initiatives to this national crisis.

I would also like to thank and recognize Peter Clark, the outgoing commanding officer, for his support during that time.

May 17 to 23 also marks Canada's National Road Safety Week, a national campaign sponsored by Transport Canada and endorsed by police to make Canada's roads the safest in the world. Canada's Road Safety Week is focused on reducing risks for all road users. The big four killers are impaired operation caused by alcohol and drugs, failure to use or improper use of seatbelts, distracted driving and aggressive driving. Police vehicles will be stationed at key locations around the Yukon over the May holiday long weekend to remind people that safe driving habits save lives and reduce

injuries on our roadways. Whitehorse Corporal Shawn Pollard reminded us that the police have all seen tragic losses and know that the involvement of the driving public is essential to achieve safer streets and highways.

I recognize constables Trudy Pike and Kerry Jury from the RCMP detachment here in the public gallery during National Police Week. On behalf of the Yukon NDP Official Opposition, we thank Yukon RCMP for the work that they do every day responding to many calls in our communities.

Mr. Silver: I also rise on behalf of the Liberal caucus to pay tribute to National Police Week, which runs from May 15 to 21. Police Week began in Canada in 1970 as a way to connect citizens with their local police force. We also use the week to honour members of our local force and to thank them for the hard work that they do in the line of duty.

This year, the RCMP is trying something new — the RCMP selfies. This week RCMP officers will be posting selfies on Twitter to show us what some of their officers do on a daily basis here on their home soil and throughout the globe as well. The RCMP is unique to Canada, providing a wide diversity of services and careers, which will most likely be showcased in their posted photos. Madam Speaker, if you want to go online, you would look up the hashtag #RCMPSelfies on Twitter. Here in Yukon, the RCMP — or the North-West Mounted Police, as they were called at the time — have a long history and are closely tied to the story of the Klondike Gold Rush.

In 1896, Inspector Charles Constantine was sent to Yukon to report on activities. He correctly forecasted the coming of the gold rush. As a result, officers were sent, and law and order — and Canadian sovereignty, most importantly — were enforced. The Klondike Gold Rush, for all its characters and stories of debauchery, was one of the most regulated and peaceful gold rushes, thanks in large part to the work of the NWMP.

Madam Speaker, today the RCMP still maintains a strong presence in our communities, with detachments in almost all of the communities. The RCMP deploys 135 officers throughout the territory, they volunteer at our community events, and they raise their families here.

I would like to take the opportunity to show gratitude as well to outgoing chief commander, Peter Clark, for the work that he has done in the Yukon over the past six years. We may have lost Peter to the Maritimes, but we have also gained Archie from there too, so I guess that kind of balances out a bit.

Madam Speaker, as we pay tribute to National Police Week, I would like to say, “Thank you”. Thank you to the brave men and women of the Yukon RCMP for their continued efforts in keeping our communities safe and for their sacrifices that they knowingly make each and every day. Thank you, Madam Speaker.

INTRODUCTION OF VISITORS

Hon. Mr. Pasloski: Thank you, Madam Speaker. It is an honour indeed for me to rise to recognize a couple of

people who have joined us in the gallery: Ione Christensen — of course, our former senator, former Commissioner, former mayor of this great city as well — and, of course, Sam Johnston and his wife Kelly — and everyone knows that Sam was a former Speaker of this Legislative Assembly as well. I invite all members to join me in welcoming them here today.

Applause

Mr. Laxton: I would like to introduce Darcy Grossinger, as well as Sam, Kelly and Ione, who are all here for the debate on the motto. I will take the opportunity now to introduce them to the House, but I will speak to them later as well.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Graham: Thank you, Madam Speaker. I have for tabling the 2014-15 annual report from the Yukon College.

Hon. Mr. Nixon: Thank you, Madam Speaker. I have for tabling the Yukon health status report for 2015.

Hon. Mr. Cathers: Thank you, Madam Speaker. I have for tabling today the *Yukon Judicial Council Annual Report — 2015*.

Ms. Hanson: Thank you, Madam Speaker. I have for tabling *A Bank for Everyone — Support Postal Banking*, a publication of the Canadian Union of Postal Workers in January 2016.

Speaker: Are there any reports of committees? Petitions.

PETITIONS

Petition No. 28 — response

Hon. Mr. Nixon: Madam Speaker, I rise to respond to Petition No. 28, a petition calling on the government to stop work on the new Whistle Bend continuing care facility until concerns identified in the petition are addressed.

While I thank those individuals who have taken the time to sign this petition, I must advise that this government will not stop work on this desperately needed facility. Today, there are more than 60 individuals waiting for continuing care in Yukon. In recent months, this number has crept up to more than 80.

Some relief was provided with the opening of the 10-bed Birch Lodge for intermediate care, but the new facility planned for Whistle Bend will deliver long-term care for 150 residents, including specialized secure programming for 12 long-term care residents with significant mental health-related behavioural issues, higher acuity care for six residents and it

will have 12 palliative beds for end-of-life care for community members in the hospice house.

Many comments have been made regarding the research by Dr. Pat Armstrong, who recently presented at a workshop in Yukon, and how her work does not support what Yukon is doing. The Department of Health and Social Services views the research on promising practices completed by Dr. Armstrong and her colleagues as valuable and affirming. Many of the identified promising practices are already in use throughout Yukon continuing care facilities and will be implemented in the new care facility in the Whistle Bend facility.

Madam Speaker, location of a care facility is important. This is why the selection of the site for the new continuing care facility followed a robust evaluation of the available and appropriately sized sites. We looked at sites throughout the city and no others were as appropriate and offered as much opportunity as the Whistle Bend site.

Whistle Bend is a rapidly growing, beautiful community that is minutes away from all of the most densely populated areas of Whitehorse. However, by the time the Whistle Bend facility opens its doors in 2018, the community will have developed even further. Family members are welcome in all of our facilities. The resident bedrooms at the WBCC will each have a sleep chair, so a family member can stay with the resident. Also, a small visitors' suite with a bed, shower and kitchenette will be available should a family member need a rest or a shower, but not wish to leave the facility.

As well, the facility will be on the city bus line and the facility will have a bus for transportation. The new facility is only minutes away from the Whitehorse General Hospital. Our care facilities have highly trained care staff, including licensed practical nurses, registered nurses and a nurse practitioner. All residents have attending physicians.

Our transfer-to-hospital rates are low, compared to care facilities in other jurisdictions. Being 10 minutes from hospital care is a luxury that many other facilities in other jurisdictions don't have, if and when this service is ever needed. Continuing Care is constantly consulting with residents, with their families and with its own staff.

The decision to build Whistle Bend was not made overnight, but after many years of research and discussions with people intimately involved in the field. Madam Speaker, this petition makes statements that are unfounded. Our long-term-care staff support this new facility, but obviously there will always be some detractors.

I've heard from individuals with family members in care that they want the experts to make the decisions around programming and services and to ensure quality of care, rather than a public forum. We need this facility, and we need it soon. Not every senior or others will require this level of care but, as the Minister of Health and Social Services, it is my responsibility to ensure that, when this care is required and when families and home care are no longer enough to ensure the safety and care of individuals, this level of care is available.

Madam Speaker, this government is proud of the Whistle Bend community and the families choosing to call it home. Developers, community members and government staff have worked hard to make Whistle Bend a welcoming, beautiful neighbourhood. I would like to thank them all for their contributions as we begin to see the results of their hard work. We are happy to see that new families are still moving in there every single week.

Madam Speaker, I'm pleased to see that the Official Opposition, the Yukon NDP, has come around to see the need for this facility and want to see it built. That leaves one party in this House, the Yukon Liberal Party, that would stop work and cancel this much-needed facility.

Petition No. 29 — response

Hon. Mr. Istchenko: Thank you, Madam Speaker. I rise today to respond to Petition No. 29, presented in the Legislature on May 11, 2016 by the Member for Copperbelt South. The petition called for the Government of Yukon to improve camping opportunities for persons with disabilities. I would first like to thank the member opposite for bringing forward this issue. Providing camping opportunities to all Yukoners is very important to me.

I would like to note that the Yukon government has done quite a bit of work to improve accessibility to government campgrounds. For example, over the last two years, the Yukon government has invested \$1.2 million to expand camping opportunities and improve facilities. These improvements include work to ensure accessibility for persons with disabilities.

Before initiating the improvements, the department's planning and operations staff had on-site visits with a disability expert to assess our campgrounds, to identify where the problems are and opportunities are for improvements, and also to provide an orientation to universal design.

"Universal design" is the idea that a space, building or product can be designed in a way that makes it accessible to virtually everyone. It creates an environment for all people to use and enjoy to the greatest extent possible. This concept is based on seven principles. Equitability use — this means the design is useful and appealing to all users, no matter their diverse abilities. No user group is stigmatized or segregated. Flexibility in use — this means the design can accommodate a wide range of individual preferences and abilities. Simple and intuitive use — this means that the design makes it easy to understand, regardless of the user's experience, knowledge, language skills or education level. Perceptive information — this means that all necessary information is effectively communicated, regardless of the surrounding conditions or the user's sensory abilities. Tolerance for error — this means that the design minimizes the potential hazards, accidents or unintended consequences. Low physical effort — this means that the design will function effectively and comfortably with minimum physical efforts from the user. Size and space approach and use is the last one, and this means that ease of access is paramount. How users approach, reach, control,

manipulate and use the design should be affected by the user's body size, posture and mobility.

I am pleased to say that the Department of Environment is adopting universal design as a core lens for designing, construction and maintaining campgrounds. This includes such things as avoiding barriers that interfere with people's movement and using ground materials such as concrete, wood chips or stone, thus enabling people to get in and out of their vehicles more easily.

A major milestone in this work is our departmental goal to develop at least one accessible campsite in each of our territory's major campgrounds. I think people will be impressed when they see this in action at the new Conrad campground opening May 20. Universal design principles were also incorporated into a new design for our campground information kiosks and could be experienced at the information kiosk later this year at the Wolf Creek campground. Another campground kiosk will be upgraded in the coming years. To further explain the universal design concept, it is a philosophy that attempts to meet the needs of the widest range of potential users. It means considering the needs, interests and abilities of everyone from the very beginning of the design process. Universal design facilities can be enjoyed by people of all ages, abilities and other factors.

Along with our work to implement universal design, we are developing building standards and guidelines referring to accessibility standards and guidelines from other jurisdictions. Earlier this year, the department contracted a consultant to review the standards and specifications of universal accessibility in respect to our Yukon territorial campgrounds. Out of this work, we are adopting standard specifications for campsite design — including surface conditions, picnic tables and fire pit specifications, minimum dimensions and other accessibility and safety considerations — and amenities — including outhouse, woodbin and garbage bin specifications, signage considerations and other accessibility and safety considerations — as well as various general design considerations. The amount of \$350,000 has been allocated this season to continue to improve Yukon government campgrounds.

Examples of ongoing and new improvements include the installation of barrier-free outhouses — these are currently in place in 32 of our 52 campgrounds and recreational sites — and the development of barrier-free campsites at Conrad, Wolf Creek, Marsh Lake and Twin Lakes campgrounds — these include barrier-free tables, outhouses, and access to garbage and recycling, cans and picnic shelters.

I would also like to point out accessibility opportunities at two specific campgrounds: our new Conrad campground and, one of our most popular sites, the Tombstone Territorial Park. The new Conrad campground includes two universal design accessible campsites with accessible parking, accessible picnic tables and parking —

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

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

Hon. Mr. Cathers: Thank you, Madam Speaker. I rise today to give notice of the following motion:

THAT this House urges the Royal Canadian Mounted Police to review the recent changes made to the auxiliary police program, including consulting with provinces and territories to ensure that any steps taken in the interest of volunteer safety also ensure that auxiliary members are able to continue their valuable work in supporting crime prevention, community safety, and policing.

Hon. Mr. Graham: Thank you, Madam Speaker. I rise to give notice of the following motion:

THAT this House urges the Yukon government to use the 2016-17 budget to invest an additional \$50,000 to expand apprenticeship trades in schools.

Hon. Mr. Nixon: Thank you, Madam Speaker. I rise to give notice of the following motion:

THAT this House urges the Yukon government to continue to ensure the rights and protections of Yukon children remain a priority by:

(1) entering into a renewed three-year agreement with the Canadian Centre for Child Protection with funding of \$25,000 per year;

(2) conducting public service awareness campaigns including content from the Canadian Centre for Child Protection's programs cybertip.ca and Kids in the Know;

(3) continuing to educate parents on supports, services and safety education programs for increasing the personal safety of children and reducing their risk of victimization online and in the real world; and

(4) educating child- and youth-serving organizations on prevention programs they offer.

Ms. Hanson: Thank you, Madam Speaker. I rise to give notice of the following motion:

THAT this House urges the Government of Canada to reinstate postal banking, operated through Canada Post, to provide banking services to Canadians, including rural Yukoners, where banking services are limited or non-existent.

Ms. White: Thank you, Madam Speaker. I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to make government facilities more inclusive by:

(1) designating single-user washrooms in government buildings, campgrounds and road stops as gender-inclusive, and replacing existing signage accordingly;

(2) including gender-inclusive washrooms in the design of all newly constructed or significantly renovated government buildings; and

(3) requiring gender-inclusive washrooms be available in Yukon government office spaces that are rented or leased.

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

QUESTION PERIOD

Question re: Economic growth

Ms. Hanson: Thank you, Madam Speaker. The importance of attracting investment to diversify and grow Yukon's economy cannot be overstated. The Minister of Economic Development stated — and I quote: “The Government of Yukon's objective of enhancing the development of Yukon's private sector economy, investment attraction activities, focus on the territory's investment-ready sectors, natural resources, technology and tourism.”

In November 2014, the Department of Economic Development released an investment attraction document for the mining sector. We have not seen any similar document for other sectors of the economy.

Madam Speaker, when is the Minister of Economic Development going to release investment attraction plans specific to sectors like knowledge and tourism, and will they include performance measurement indicators?

Hon. Mr. Hassard: Thank you, Madam Speaker. Of course, this government does understand the importance of diversifying our economy, and we continue to understand that mining is the cornerstone of our economy and so that is why we have done what we have done.

The Department of Economic Development's investment attraction study involves a relationship-oriented approach, with the goal of building stable networks between First Nations, industry, government and investors alike.

The department continues to strengthen existing relations with First Nation development corporations, industry and industry representatives. This includes a coordinated effort to ensure an effective and consistent promotion of Yukon and its resources.

The government has recently created a new unit focused on increasing investment in the Yukon and of course that is the Investor Relations Unit. The mandate of that unit includes current investment attraction activities, key after-care for investors after they enter the market and efforts to promote a competitive business environment within the Yukon.

As you can see, this government is definitely serious about investment in the Yukon and we will continue to do that good work.

Ms. Hanson: Thank you, Madam Speaker. The Department of Economic Development has talked about the benefits Yukon has received in general terms from investment attraction. Selwyn Chihong and the recent Goldcorp-Kaminak are examples the government utilizes to praise their investment activities, but for an effective investment strategy, it is important that there is clarity of objectives, with strong logic behind them. Those objectives are benefits to the local community, which could be jobs, new market entrance and technology transfers.

Madam Speaker, the department has spent public resources on trips, marketing, consultants and other services

they deem necessary for investment attraction. What measureable direct benefits — jobs, new business opportunities and First Nation participation — have resulted from the monies being spent on investment attraction? Not the efforts of words; not the platitudes.

Hon. Mr. Kent: Thank you, Madam Speaker. As the Minister of Economic Development mentioned, we have invested significantly in investment attraction for the mining sector, but we also invest in other sectors that the member opposite referred to in her initial question.

As Minister of Highways and Public Works, under the leadership of the Premier, in some of his community conversations that he hosted last fall, there was request made of us to expand the IT envelope. We're very pleased that we have expanded that by \$3 million in this current budget. That's a planned 46-percent increase of work to ensure funding levels keep pace with the high degree of local capacity that exists throughout Yukon's rapidly maturing IT sector. I'll quote from the news release that we put out from Chris Lane, who is the YITIS president. He said: “We view that investment as a vital component in the health of the IT ecosystem in Yukon. We are very gratified it has come about.”

These are some of the other opportunities that we are taking to diversify the economy through natural resources, through investments in tourism, and through investments in IT. We're very proud of those investments and we're excited by the other opportunities that are emerging in the Yukon economy.

Ms. Hanson: Thank you, Madam Speaker. It's good to see team play across the way.

The Department of Economic Development created the Investor Relations Unit, and its purpose is to promote current investment attraction activities, work with key investors once they enter the market and promote a competition business environment within the Yukon. The department is also giving the Yukon Mining Alliance \$300,000 per year over three years to plan investment attraction initiatives in a manner, as the minister said, that is industry-led and government supported. If we add the costs, the department is spending \$1 million per year on investment attraction.

Madam Speaker, the question is: What goals, controls or other measurements have been built by the Department of Economic Development into the various strategies to measure success or to determine whether they need to change direction?

Hon. Mr. Pasloski: Thank you, Madam Speaker. This government is very proud of the work that it has done. We've said many times that the resource industry is a cornerstone of Yukon's economy. We also know that, for every mining job that's created, we create five to eight other jobs in this economy. I think it's an opportunity to speak of some of the comments that we've received as a result of the budget that we tabled after having more than 60 meetings with Yukoners right across this territory.

The Whitehorse Chamber of Commerce said to me, “Premier Pasloski, you are committed to a balanced budget;

you have presented a budget that predicts a surplus — it's good news." The chamber gives high marks for the support in training and development of the key sectors of our economy: mining, tourism, information technology and the retail services sector.

Of course, Madam Speaker, we also know that the Yukon chamber gave this government a B-plus for its budget this year. I'm also pleased to say that the investments over the last few years are beginning to bear fruit. We do know that our growth in 2015 was down, but that was primarily because of the mining sector speaking to the volume and the importance of the mining sector to this territory. Also what we know is that all the other major sectors of our economy grew — construction, retail, trade, professional, scientific and technical services, real estate, transportation, warehousing, health care, education and finance.

Question re: Teacher staffing, on-call status

Mr. Tredger: Thank you, Madam Speaker. All Yukon teachers are not being treated fairly by the Yukon Party government. Our substitute teachers are the only ones in Canada without access to a bargaining unit. As well, temporary teachers in our school system are being considered temporary for far too long. When temporary teachers take a contract, they do so with the understanding that it's a pathway to a permanent position. The Yukon *Education Labour Relations Act* agrees. Several years ago, an adjudicator upheld the law, saying that the over 30-plus temporary teachers with two years on the job had the right to a permanent contract unless there were special circumstances.

Now we hear that there are increasing numbers of temporary teachers. Madam Speaker, how many temporary teachers are currently employed in Yukon's educational system?

Hon. Mr. Graham: Thank you, Madam Speaker. Temporary teachers are hired for a defined period of time, usually, to meet temporary programming needs in Yukon schools. What the member opposite, I know, is aware of — because he worked in the system — is that there are a number of reasons for this. Teachers are away on a number of different leaves — they can have education leave or paternity and maternity leave. The types of leave are numerous that require temporary replacement of a permanent employee.

In the past, as the member opposite indicated, the Supreme Court of Yukon refused to overturn an adjudicator's decision ordering that a temporary teacher who had been employed for more than two consecutive years be given the status of a permanent employee. As a result of that, the YTA has filed a number of grievances. It believes that temporary employees who are employed for more than two years should be converted to permanent status.

I realize I am not answering the member's question directly, but we are now, I think, working on 30 different cases between the YTA and the Education department that involve teachers on temporary status.

Mr. Tredger: Thank you, Madam Speaker. The last I heard, there were over 100 temporary teachers out of about

500. That is one teacher in five on a temporary contract. Did the government decide to put budgeting ahead of the benefits created by permanent teaching positions in our schools? When a teacher has a permanent contract, it's good for them as workers, but it's also good for the community. Teachers who can lay down roots in their communities are more effective mentors for their students and more effective members of their community.

The Premier has spoken at length about how he believes in a new vision for education. Does that new vision include fair treatment for Yukon's temporary teachers?

Hon. Mr. Graham: Madam Speaker, the member opposite is correct. There were approximately 101 temporary teachers in the school system at the beginning of this year; 19 of these have been employed for more than two continuous years.

The member opposite talks about these teachers belonging to a union, and yet, as my colleague indicated yesterday, we have made the offer to the Yukon Teachers' Association that, if they sign up a majority of members, we would be only too happy to include them in the union and we would make the necessary changes to the legislation. We have not yet heard a response from the YTA.

What the member opposite doesn't seem to understand is that these temporary teachers are just that — temporary. The permanent teachers are expected to come back to their jobs. In many cases, because these temporary teachers have proven to be exemplary employees, they are moved to another temporary job; however, they remain temporary. At the present time, I know we are going through a process with the YTA to determine how many of these people should be considered permanent employees, and I will wait for those negotiations or those discussions between the YTA and the department to complete before —

Speaker: Order, please.

Mr. Tredger: Thank you, Madam Speaker. In some schools, close to 50 percent of the teachers are temporary. The minister can't stand up in the House and claim he is overhauling Yukon's education system when there are so many temporary teachers in our schools. This government is also relying ever more on temporary contracts for educational assistants. When educators are unable to be a long-term part of their school community, the quality of education may suffer. A new vision for education has to start with a better deal for the front-line workers in our schools who work in our classrooms.

Why is this Yukon Party government still relying on temporary contracts for so many of our Yukon educators when what we need is long-term partners in our children's education?

Hon. Mr. Graham: Madam Speaker, the member opposite, I think, is getting his terminology confused. Temporary teachers are part of the YTA. If the teacher is teaching as a temporary teacher in the school system, they are part of the YTA — as are educational assistants, as are aboriginal language teachers. They are all members of the Yukon Teachers' Association; they are all covered by the

YTA collective agreement; they are all paid at the same rate and have the same benefits as if their jobs were permanent. If the member opposite is talking about substitute teachers, that's an entirely different matter.

Temporary teachers are part of the YTA. They're paid at the same level. The only difference is if they are on a specific term-limited contract.

Madam Speaker, we have only so many teaching FTEs within the Department of Education — permanent FTEs. We can fill those permanent FTEs; that's all. If the member opposite has a wonderful idea over there that he would institute which would give us a whole lot more FTEs and create a number of teachers who aren't teaching anywhere, maybe he would do that. But — I'm sorry, Madam Speaker — we have a more conscientious approach to the problem here.

Question re: Low-water impact on hydroelectric power generation

Mr. Silver: Thank you, Madam Speaker. Each year, the Department of Environment publishes information on snowpack conditions. Surveys published this spring confirm what most Yukoners already observed in the wintertime, and that is that the snowpack conditions in the Whitehorse area and across the Yukon have been well below normal.

In the Southern Lakes basin, the average has been estimated to be only 48 percent of normal. This is something that I know the minister responsible for Yukon Energy Corporation is watching closely. A snowpack this low could mean that both Whitehorse and Aishihik hydro plants will not have the normal water in which to generate hydro. In normal conditions, the dam spills extra water. This year, we may not have that luxury.

Could the minister outline the impact of this year's low snowpack on our hydro generation?

Hon. Mr. Cathers: Thank you, Madam Speaker. I'm not sure where the member is getting the figures from. The preliminary numbers that I had is that the snowpack level in the Southern Lakes was roughly 60 percent of the average, in Aishihik it was between 60 to 75 percent of average with snowpack, and the snowpack in the Mayo area was actually estimated at the time of the note being prepared at somewhere between 90 to 126 percent of average. I don't have the final figures. If they have been released, then I will stand to be corrected on that.

What I should note as a general matter is that what is done by the Yukon Energy Corporation Board and as part of what they are required to submit to the Yukon Utilities Board, as the regulator, does include contingency plans for low-snow years — or “drought years”, as they call them because of factoring in both snow and rainfall. The impact is that, if there is not enough water in those areas, then the consequential impact can be a requirement to burn fossil fuels to supplement it. But the other part that does get a little complicated on this is that there are times in the summer when we're spilling water through the Whitehorse facility that is not producing power because of the current demand, so I don't have the precise figures at this time.

Mr. Silver: The information that I'm getting is from the department's website. We are starting the season with half of the snow that we normally have. This situation could, depending on a few factors — and the minister represented factors like snowfall and also rain — include a lot of problems for next winter, not necessarily in the summer, which would mean a multi-million-dollar cost for Yukon Energy Corporation.

For example, if they don't have enough water, they would have to run LNG or diesel. The corporation has a low-water fund that will be used first. The questions to the minister are: How much money is in that fund? Has the corporation run any numbers regarding the potential extra costs to address what looks like a very low-water year ahead of us?

Hon. Mr. Cathers: Thank you, Madam Speaker. Again, if the Department of Environment has released more updated figures than the numbers I have in front of me from Yukon Energy Corporation, I will look forward to seeing that data. The information I had was that the snowpack was estimated at a higher number than what the member has just recently indicated.

I should note that snowmelt only contributes 40 percent of the total water input into the Southern Lakes system. Input from glacial melt and rainfall contribute 60 percent of the water to the system. Based on the last note I had from Yukon Energy Corporation, even though this year the Southern Lakes show slightly below-average snowpack, they were not concerned about the amount of water available for operations this summer or this coming winter.

This was something that may stand to be updated, based also on what our rain conditions are over this year, but the most recent information I had from Yukon Energy Corporation, as of slightly earlier during this Sitting, was that the snow numbers were down because of the fact that snowmelt only contributes 40 percent of the total water input in the Southern Lakes system. They were not anticipating an impact to rates or costs at this point in time due to increased diesel or LNG use. But again, that could stand to change based upon what this summer's weather entails.

Mr. Silver: Thank you, Madam Speaker. Instead of questioning the actual numbers, the minister could still give us the numbers here, as far as what the plan is if we do have to run the LNG because we don't have enough water. How much money is set aside in the fund? He does know the numbers for this. This isn't a hard question, Madam Speaker.

There is the potential for some expensive hydro bills in the future, based upon low snowpack from the year. The water basin that feeds the main power dam in Whitehorse, for example, has what we know is half of what it normally gets in the winter. There is a low-water fund in place to protect ratepayers that would be used first. I just want to know what the numbers are.

It is clear that there could potentially be extra costs on the way. Is the minister prepared? What is not clear is how much extra power would be generated. Also, in the event of more power being needed, would the Yukon Energy Corporation be meeting this demand by diesel or by LNG?

Hon. Mr. Cathers: Thank you, Madam Speaker. I think the member may not have been listening to my previous response. As I indicated, in the most recent information I have from Yukon Energy Corporation, although the total snowfall this year is down from its normal levels in the Southern Lakes district — as of the most recent note that they provided to me regarding this topic — they were not anticipating a need to burn diesel or LNG this summer or this coming winter as a result of those numbers because of the fact that snowmelt contributes only 40 percent of the total water to the source.

Because the input from glacial melt and rainfall contribute 60 percent of the incoming water to the system, the actual amounts of precipitation we receive during this summer and fall will have an effect as well. Those current predictions are subject to change based on what the weather is this summer. If we have a dry summer or if we have a rainy summer, those numbers will change.

Again, though I don't have the exact numbers at my fingertips for the diesel contingency fund, those numbers are publicly available. They're provided to their regulator, the Yukon Utilities Board, in each rate filing. They're required to follow the direction of the Yukon Utilities Board, but at this point in time, they're not expecting to dip into that fund, so I would encourage the member not to speculate too much. We will have to see what happens this year for precipitation though before we're able to make any final predictions.

Speaker: Order, please.

Question re: Seniors housing

Mr. Laxton: Thank you, Madam Speaker. This is a general question for any of the ministers.

What is the current status of the work with the Vimy Heritage Housing Society and what does the future hold for the society within their independent housing supported living project?

Hon. Mr. Kent: Thank you very much, Madam Speaker. With respect to the Vimy Heritage Housing Society, there are a number of departments that are involved in advancing that project. Both of the departments that I'm responsible for — Energy, Mines and Resources and Highways and Public Works — have a role with the Vimy society.

Through Energy, Mines and Resources, of course, members will know that we're engaged in a planning process for the 5th Avenue and Rogers site in partnership with the City of Whitehorse. That process also includes representatives from the Vimy Heritage Housing Society, as they had expressed a desire early on to possibly build their facility on that site so we have offered them — and they have been engaged with that planning work.

From a Highways and Public Works' perspective, Madam Speaker, we have also been engaged with the society in a functional plan. We've provided some dollars to the planning phase and have involved the Vimy society as full partners. We're continuing to work with them from both of my departments. I know the Housing Corporation and Health and Social Services are also engaged in this file. It's an important

project, I recognize, to the member opposite and we're looking to advance it and look forward to it potentially being built and providing another spoke in the continuum for housing here when it comes to seniors, in addition to the social seniors housing and other care that we offer.

Mr. Laxton: Thank you, Madam Speaker. While I appreciate the fact that the minister says they're moving forward with this functional plan and the work on 5th Avenue and Rogers, can the minister give me an idea of when some of this work will actually come to completion? This has been going on for almost five years and it's getting a little old.

Hon. Mr. Hassard: Thank you, Madam Speaker. Of course, as the Minister for Energy, Mines and Resources has previously stated, we are working with the Vimy Heritage Housing Society. We are working with them to complete the functional plan. Of course, that plan will help define space and options that will optimize program delivery as well as on-site requirements. The initiative is consistent with the housing action plan for the Yukon as it links to housing with supports, which, of course, is one of the three pillars of the housing action plan. This program would fill a gap in the housing continuum between independent living and continuing care.

The Vimy Heritage Housing Society would be responsible for providing meal preparation and housekeeping services to seniors who are otherwise considered able to live independently. We understand the importance of this project. It serves a niche in the housing continuum that isn't currently being addressed, and we are very happy to work with the Vimy Heritage Housing Society in moving this project forward.

Mr. Laxton: Thank you, Madam Speaker. So there is not a date for any of these things to be completed?

Will that require Vimy to have to start over again following the election or is this government prepared to enter into a memorandum of understanding or some sort of agreement to have some things in place for them to move forward with perhaps a new government or with the government in place?

Hon. Mr. Nixon: Thank you, Madam Speaker. I certainly extend my thanks to the member opposite for asking this question. This government has made significant investments in seniors housing just even over the last number of years. Through the Department of Health and Social Services, we have a vast array of supports for seniors and will continue to make those investments. More importantly, I think in this community, we have a very active senior population and active senior NGO population. I thank all of those volunteers for their work.

With respect to the member opposite's question, we will continue to work with the Vimy Heritage Housing Society. As the Minister of Highways and Public Works indicated, we are in the planning process — functional plan — through a number of the departments and look forward to working with Vimy as they certainly steer their ship in the right direction. Vimy had recommended that I visit a number of seniors facilities down in Vancouver. I took the recommendation and did so, and I was quite surprised by the supports and housing

services that they do offer there. I look forward, as the Minister of Health and Social Services, to working with the Vimy Heritage Housing Society as they move their project forward.

Question re: Whitehorse Correctional Centre programming

Ms. Stick: Thank you, Madam Speaker. A long-standing mental health issue in the Yukon has been the territory's designation of the Whitehorse Correctional Centre as a hospital. The designation means that individuals who are not criminally responsible, or are unfit to stand trial, remain behind bars. Individuals found not criminally responsible have been held at the Whitehorse Correctional Centre for months — and in some cases, even years — without appropriate treatment. One of the core values of any hospital is to provide a safe, supportive environment that is efficient and effective in delivering a high standard of care.

Do the patients at Whitehorse Correctional Centre have access to nurses and doctors around the clock as they would at Whitehorse General Hospital?

Hon. Mr. Cathers: Thank you, Madam Speaker. What should be noted is that, under the *Mental Health Act*, the Whitehorse Correctional Centre is not designated as a hospital, but where it does in some cases include inmates staying at the Whitehorse Correctional Centre, that typically applies to offenders who are either designated not criminally responsible or who are undergoing review by the Yukon Review Board about the status of whether or not they are criminally responsible.

The decision to place an accused person with an alleged or possible mental disorder at Whitehorse Correctional Centre is a decision that is made by the courts. Pending a Yukon Review Board hearing, the services that are provided at the Whitehorse Correctional Centre include the services of a psychiatrist who manages the programs and there is an effort by both this position and the case management staff to ensure that the appropriate treatment and services are provided to inmates who are in the Whitehorse Correctional Centre.

Ms. Stick: Thank you, Madam Speaker. It is my understanding that under the act — and I'm not sure if it's the *Mental Health Act* or the *Hospital Act* — that the jail, WCC, is in fact designated as a hospital. It is the responsibility of this government to provide a safe environment for the treatment of patients struggling with mental health issues. The hospital does not have a psychiatric unit that can accommodate and treat these individuals, so they are sent — many of them — to Whitehorse Correctional Centre. At Whitehorse Correctional Centre, mental health supports are also inefficient. To be clear: the centre is not a hospital.

Madam Speaker, we've had a new mental health strategy come out. Why was this issue not addressed in this government's mental health strategy?

Hon. Mr. Cathers: Thank you, Madam Speaker. I don't think the member fully understands the situation, because under the *Mental Health Act*, the Whitehorse Correctional Centre is not considered a hospital. However,

pursuant to section 672.1 of the *Criminal Code*, on October 25, 1993, the then-Minister of Health and Social Services ordered that: "The following facilities be designated as hospitals for the custody, treatment or assessment of an accused in respect of whom an order, disposition or placement is made under the *Criminal Code*". Under there, they listed those facilities as: Whitehorse General Hospital; Mental Health Services, Health Canada; and the Whitehorse Correctional Centre.

Again, I would remind the member that we have taken significant steps not only to improve the overall programming at Whitehorse Correctional Centre, but through a number of initiatives — including the very successful Community Wellness Court initiative, which has been recognized nationally and internationally for the excellent work that that court is doing in terms of people, including people with mental health disorders — that there have been significant steps taken in improving the quality of mental health services available, including at the Whitehorse Correctional Centre.

I would again remind the member that people who would be at Whitehorse Correctional Centre — their cases would be those who were either found to be not criminally responsible or pending disposition of that. I hope that has clarified some of the member's confusion.

Ms. Stick: Thank you, Madam Speaker. I missed the last part of that sentence, but what I do understand is that individuals with mental health issues are being housed at the Whitehorse Correctional Centre as a hospital designation, and that is not appropriate. This mental health strategy has left out a very critical piece in the treatment of individuals with mental health issues in Yukon. Too many individuals are not able to seek appropriate treatment at the Whitehorse General Hospital and some, instead, spend their time at Whitehorse Correctional Centre. This is criminalization of individuals who are not criminally responsible. They are not criminally responsible, and yet they are in the jail. To me, that is criminalization.

Madam Speaker, when will this end? When will these individuals be treated appropriately at a place other than the Whitehorse Correctional Centre?

Hon. Mr. Nixon: Thank you, Madam Speaker. The Whitehorse Correctional Centre has health services in place that provide access to a psychiatrist, a psychologist, specialists, counsellors and medical staff, if required. Whitehorse Correctional Centre physician and case management staff work closely with the community resources, Mental Health Services and the Yukon Review Board to secure services and a continuation of care to those who are mentally ill. All Corrections branch staff are provided with training with respect to working with those individuals who suffer from mental illness.

As Minister of Health and Social Services, I would like to extend my appreciation to the staff working at the correctional facility providing that level of health care to those inmates.

Speaker: The time for Question Period has now elapsed. We will now proceed to Orders of the Day.

ORDERS OF THE DAY

OPPOSITION PRIVATE MEMBERS' BUSINESS

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion No. 1201

Clerk: Motion No. 1201, standing in the name of Mr. Laxton.

Speaker: It is moved by the Member for Porter Creek Centre:

THAT this House recognizes the efforts of the Royal Canadian Legion, Branch 254, Whitehorse in proposing “Remembering our Past, Embracing our Future” as its recommendation for a motto for Yukon by:

(1) considering the value and importance of each word within that proposed motto;

(2) endorsing “Remembering our Past, Embracing our Future” as its recommendation for a motto for Yukon; and

(3) directing the Speaker of this Legislative Assembly to communicate the House’s endorsement of the proposed motto to the Canadian Heraldic Authority.

Mr. Laxton: Thank you, Madam Speaker. To start, I would like to recognize the efforts of the Royal Canadian Legion, Branch 254, Whitehorse in bringing forward a model for Yukon. This is not the first time that Branch 254 has been involved in the heraldry of the Yukon. The flag of Yukon was officially adopted on March 1, 1968. The flag was chosen from a territory-wide competition, as part of Canada’s centennial celebrations of 1967. The competition was sponsored by the Whitehorse branch of the Royal Canadian Legion.

A \$100 prize was offered to the winning design. There were a total of 137 submissions, with the winning design coming from Yukon College graduate Lynn Lambert. Lambert submitted 10 designs, of which one made the final three designs, as selected by a committee, with his eventually being named the winner.

A prototype design was sent to Ottawa for suitable heraldic description. An expert in Ottawa sent back an amended version of the submitted flag design. The committee in Whitehorse, however, kept the original design and the flag was adopted by the *Flag Act* on December 1, 1967. I would like to thank Wikipedia for that generous information.

Realizing that the Yukon had a flag, a tree, a flower and even a tartan, but not a motto, the Legion set their sights on Canada’s 150th anniversary, with the idea of having the Commissioner making the official announcement at the Canada Day celebrations in 2017. Be very wary of veterans sitting around the Legion and talking about just any old thing — you never know what they are going to come up with.

Knowing that the final approval for Canadian heraldic authority can take many years, Mr. Red Grossinger, on behalf of the Legion, started the process in 2014. Today at 11:00 a.m., the Legion held a press conference to announce the winner, outline the process and introduce their committee to the judges.

In attendance today in the gallery we have Joe Mewett, who is the president of the Legion and was also one of the organizing committee members. Karen Carriere was also on the organizing committee but she was unable to join us today. Ione Christensen was a judge. Jim Robb, who was not able to join us, was a judge. Sam and Kelly Johnston, who were introduced earlier, were judges and we were happy that they were able to participate. Daryl Komos was also a judge. Thank you for your attendance and your assistance with this possibly historic moment in Yukon history.

Their plan, their organization — as I mentioned, they had a motto committee made up of two members of the Legion membership, and they were to organize the project and run it, and monitor the submissions. Their work was to be done in confidence, reporting to the branch executive. In this particular case, they were reporting to themselves, as Mr. Mewett is the current president of the Legion and Ms. Carriere is the first vice-president of the Legion. Press releases and advertisements were sent out, and the public was asked to submit their ideas for mottos through an online process on the website and other places. They were also able to submit them on a written form. Each submission, once they were received by the Legion, was given an individual number, and all of the personal information of the person who submitted it was separated off and stored securely. In total, there were 184 submissions from all across the Yukon and, from what I understand, there were a few from outside the Yukon — there always are.

One of the things about the committee also is that they were not allowed to submit a motto suggestion of their own. The judges — who I have already mentioned — were also not allowed to submit suggestions for mottos and they were also not told who the other judges were. They did not know who they were, but later they would find out.

Once the motto submission deadline had closed, all of the mottos were brought together and a package was put together for each one of the judges. They were given to them to go through. No motto submissions were taken out no matter how ridiculous they were or whatnot. The judges were to go through them at their leisure and identify their top five selections and then give those selections back to the committee.

The committee then compiled the top five selections into a list. The judges met for the first time in a conference room outside of the Legion so that the general public and Legion members still did not have an idea of who the judges were — all of this to ensure that there was no possibility of anybody trying to influence a judge to gain a little bit of favour. In the end, they selected a motto.

I would like to just share with the members here a few of the mottos. We’ve already heard within the motion what the winning one was. Here are some: “Yukon, where the odds are good but the goods are odd”; “The legend lives on”; “Extraordinary”; “The best place to live, play and raise a family” — I think I’ve heard that one somewhere before, Mr. Premier, and you might hear that one again; “Come for a visit; stay for a lifetime”; “The golden rule, not the gold will

rule”; “Nature’s full monty” or “Mother Nature’s full monty”; “Kiss da toe”; “rub this... it cold”; “Might be old, might be cold, but we like our gold”; “Yukon do it”; “It’s not what you expect... it’s more than that”; “Let’s all Yukoff to the Yukon”; “We are proud of our Canadian Veterans and are here with open arms to all service men and women. Welcome everyone” — while I like the sentiment, I think that’s a bit long for a motto for the Yukon and kind of centred on one theme; “Yukon-River be thy veins, Aurora be thy soul” — that’s another nice one.

A motto is not a slogan. There’s a difference between the two. The *Merriam-Webster* dictionary says that a slogan is a word or phrase that is easy to remember and is used by a group or business to attract attention. “Larger than Life” — it’s a slogan; we’ve heard it before. “A great place to live, work and raise a family” — again, a very good slogan.

What’s a motto? According to the online dictionary.com, which is based on the Random House dictionary, it is “a sentence, phrase, or word expressing the spirit or purpose of a person, organization, city, etc., and often inscribed on a badge, banner, etc.” Again, the *Merriam-Webster* dictionary describes it as: “a sentence, phrase, or word inscribed on something as appropriate to or indicative of its character or use.” It goes on to say: “a short expression of a guiding principle.”

We have a few consistencies here — a word or phrase inscribed on something. If we look across Canada and we look at the crests and the various coats of arms, underneath there is normally the motto — often in Latin, but not necessarily always in Latin — the word or words intended to express the spirit, purpose or guiding principle. The intention is for the words to last forever, to stand the test of time. Together the word or words and the item that they are associated with or inscribed on are to bring pride, encouragement and a powerful sense of togetherness. These are not to be taken informally or lightly. For example, the Lord Stratcona’s Horse — Royal Canadians — a very proud military unit and the first unit that I served with — their motto is simply: “Perseverance”.

The second unit I served with was the Mapping and Charting Establishment: “We show the way”. They make maps. It’s a very good motto for them. The 17th/21st Lancers is a British unit. Their motto is: “Death before dishonour.” We might know them better as the Light Brigade, and as they charged into Balaclava, a lot of them died before they would be dishonoured.

One that we are probably a lot more familiar with is the Boy Scouts’ motto: “Be prepared”. How about: “Hope for the best and be prepared for the worst.” I am not sure who this belongs to, but quite likely it should be the motto — if it isn’t — for all the political parties.

On Susan Munro’s website, she says that the provinces of Canada have each adopted a motto, which is inscribed on the provincial coat of arms or crests. The territory of Nunavut is the only one of the three territories of Canada with a motto. Alberta has done theirs in Latin, and I am not going to torture Hansard or us with my pronunciation of Latin — but the English interpretation is “Strong and free”. Manitoba’s is:

“Glorious and free”. We look at those words — “strong” — robust, sturdy, stout, durable and solid — each to the strength of the province. “Glorious” — it is magnificent, wonderful, splendid, celebrated — and they are both free. I am assuming they are democratically free. New Brunswick — even its name; there is something there: “Hope was restored” — “hope” — confidence, optimism, courage; and “restored” — reinstated, re-established, returned. They were looking for something new and they found it; they had their strength and their confidence restored and replaced.

At the risk of leaving other members with no other provinces to talk about and repeating what I’ve already said, I’ll leave the other provinces to the other members.

As I said before, most of these are done in Latin, but not always. In Quebec, it is “I remember.” It’s a very personal one. It speaks to the person about remembering. What is it they remember? At the time when their motto was done, it was a time when they were uncertain — uncertain of their future and what it held, because they had lost the Battle of the Plains of Abraham. Canada was starting to build. Britain had taken over. There was talk about their culture; they wanted to make sure their people remembered their culture, so they individualized it, so that they, as an individual, would remember their culture in case it was starting to be lost. Fortunately, it hasn’t, so they took strength from that motto and kept going.

These are the reasons why mottos are important. As I said, a motto should inspire. We can see this inspiration in a lot of these; they are guiding principles and stand the test of time. These are very old mottos, in the case of a lot of these.

The United States motto — and this is interesting — the modern motto of the United States of America, as established in 1956, which isn’t really that old — it was the year after I was born — signed into law by President Dwight D. Eisenhower, is “In God We Trust.” It first appeared on United States coins in 1864, so it had been around for a little while and he just happened to sign it into law later on.

The second choice of the judges was from Isabel Bouffard of Whitehorse, and her motto was “Vast land of legends and promises.” We have a vast land of legends, of stories — there are certainly legends and we have lots of legends and stories, but we also have promises.

The winner, the judges’ first choice, was from Darcy Grossinger, who was here earlier and unfortunately had to go: “Remembering our Past, Embracing our Future.” I had one very similar to this; I must admit that I submitted a few. I had “Remembering our Past,” but I had every other word except “embracing”. I had “our future”. Darcy got it, and this is really good. I really do commend him on this.

When you listen to it, it conjures up all kinds of different ideas and thoughts, and they’re unique to all of us. Remembering — just remembering, not to forget, recalling, the past, historical, or gone by in time and no longer existing — no longer existing?

There are: the poems of Robert Service; the books and movies of Jack London; the historical accounts of Pierre Berton, the paintings on the Blue Fish Caves; the

archeological finds that we're seeing more and more of as the glaciers recede; and, unfortunately also the painful recollections of the residential schools; the intertwining tales of individuals; the hunting and fishing stories that we all share, sitting around a campfire with friends and family.

These are all things of our past. Our past is a second ago. It's also thousands and thousands of years ago and everything in between. In fact, just this past Sunday, my family, some friends and I were celebrating the life of my mother-in-law and her past — Verle Elaine Voisine. We were talking about when she arrived here with her first daughter, who was five months old. They stepped off the Dawson City-3, which is our weather vane up there — into a January snowstorm that greeted them in 1955. It's a story of her past, but it's also a story of the Yukon's past; how people got here and what it was like.

It's also the stories of the gold rush and the people who climbed up the Chilkoot; the stories that most of us were told about some kids rafting down the Yukon River to go to school in Dawson. Or even my own story — coming here in search of a place to call home. The First Nation stories passed from generation to generation, told through storytelling and over the thousands of years. This is all the past of the Yukon. This is what makes the Yukon. I believe it's that and so much more.

Looking at this motto — “Embracing our Future” — embracing: to take or receive gladly or eagerly; to accept willingly.

We can't know for sure what our personal future or future of the Yukon will be in the long term. I can tell you something — my immediate future. Shortly I will stop speaking so that other members may speak to this motion and cast their vote. Then we'll all carry on with the rest of the work we have planned out today. This future soon will become the past. This is true for us here and the 36,000-plus who we represent — all of our futures mixing to become our collective past. That said, legislative acts and policies and motions we create and pass here are about how we want to influence our future, one that will soon be written into our past. Remembering our past and embracing our future.

In both sections of this motto, it says “our” — belonging to or associated with Yukon. Our remarkable territory is comprised of many different cultural groups and individuals with each bringing forward something special — an identity, a character and a past. Yukon's future — our future — must embrace the cultural differences of all who live here. That's how we celebrate our uniqueness. That's how we embrace the exceptional opportunities that await our future and, in turn, become our legacy for a past worth remembering.

Thank you, Madam Speaker. I look forward to hearing from my fellow colleagues.

Hon. Mr. Dixon: It is a pleasure to rise today on behalf of the government to respond to this motion.

Let me begin by — on behalf of my colleagues in the government — sincerely thanking those members of the Yukon Legion who have brought this forward. In hearing the

member opposite, the Member for Porter Creek Centre, explain some of the process that went into this, I think it struck me certainly — and I know a number of my colleagues — some of the incredible personalities that have been involved in this and some of the exemplary Yukoners who have been involved in the process by which this motto comes to us today. It is clear that a lot of thought and effort has gone into this on behalf of the local Legion, and we are certainly very appreciative of that effort.

Likewise, with regard to the motto itself, I, on a personal note, happen to think it is a beautiful motto. I appreciate the Member for Porter Creek Centre outlining some of the differences between a motto and a slogan, and how the motto is something that carries a lot more weight and seriousness than a slogan does. I think it is something that is a weighty matter and something that we need to give some thoughtful consideration to.

The first subheading of the motion, I think — with regard to the phrase that the member used in putting this forward — “considering the value and importance of each word within that proposed motto” — is something that, to date or so far, the Member for Porter Creek Centre has done an excellent job of. His conception of what that motto means was very much appreciated by me — and I know by some of my colleagues as well — and we think it is an excellent explanation of why it is a sound motto and something that we should be considering certainly.

However, Madam Speaker, there are a few things that I wanted to cover off. What this motion asks us to do is to endorse — as a legislature — this particular motto and submit it to the Governor General or the Canadian Heraldic Authority. With that, the motto would certainly carry the weight of all members of the Legislature as well as the Yukon government since, of course, many of us are members and representatives of the Yukon government.

One of the unfortunate — or fortunate, depending on how you look at it — things about the Yukon government formally endorsing something as profound as a territorial motto is that it requires a certain amount of, for our part, process and protocol. While I appreciate the considerable amount that the Legion has done to date — and with the involvement of the public to the degree that they have been able to — for government to formally endorse something like this, there are certain obligations on us. Of course, I know that it was done, perhaps, a little differently in the course of the Yukon's history in adopting either our tartan, our flag, our territorial bird, gemstones and so on. Those have all occurred in fairly different ways, either through the Legislature or, before there was an elected Legislature, the Government of Canada.

In today's world, Madam Speaker, there are certain obligations on the Yukon government for these types of things. For instance, in order for the Yukon government to endorse something of such a profound nature as a territorial motto, the Yukon government would first need to conduct a certain amount of consultation. Most notably, I would say, Madam Speaker, consultation with Yukon First Nation

governments is something that would most certainly need to be conducted.

I don't believe that the *Umbrella Final Agreement* or any specific Yukon First Nation land claim specifically says that, if the Yukon adopts a territorial motto, you must consult in this way; however, I think it's pretty fairly clear that the spirit and intent of those agreements, as well as the reconciliation that they seek to achieve, would certainly be furthered by extending this discussion at a government-to-government level with Yukon First Nations.

Likewise, Madam Speaker, I think it is important that we recognize, in our government-to-government relationships with Yukon municipalities and other communities throughout the territory, that a certain degree of involvement from those elected officials would be wise and, I think, valuable in this process.

Madam Speaker, I'll be proposing a friendly amendment to this motion. It's one that I will explain in a few moments, but what I would like to see happen is that this be the beginning of a further conversation about this particular topic and that we recognize the tremendous amount of work and effort that has been done to date by the local branch of the Legion and those individuals who have participated in this process. Again, as I noted when the Member for Porter Creek Centre outlined some of the individuals who were involved in the panel and the process to date, I was fairly taken aback at the incredible caliber and exemplary nature of some of these individuals. To have that group of people come together for any purpose — I think any other group or any other purpose would be envious to have such a notable group of people involved.

As I have indicated, Madam Speaker, I think there is some more work to do in order for Yukon government to be able to formally endorse a motto in the way that the motion is currently asking us to do.

So, I will propose an amendment that will add some additional work for Yukon government. However, I do appreciate the timelines that have been articulated by not only the Member for Porter Creek Centre, but members of the Legion who spoke earlier today about their ultimate goal of having this ready for Canada's 150th birthday next year. I think that we'll be able to achieve that and I will speak a little bit more about this perhaps in explaining the amendment once I put it forward.

With that, Madam Speaker, I will put forward an amendment now.

Amendment proposed

Hon. Mr. Dixon: I move:

THAT Motion No. 1201 be amended by:

(1) deleting clauses (2) and (3); and

(2) replacing them with: "(2) urging the Government of Yukon to consult with Yukon First Nation governments, municipalities, unincorporated communities, and all Yukon citizens regarding whether 'Remembering our Past, Embracing our Future,' or alternative choices suggested during that consultation, should be recommended to the

Canadian Heraldic Authority as a motto for Yukon and reporting the results of the consultation to this House; and

"THAT the Speaker of this Legislative Assembly communicate the House's endorsement of a motto for Yukon to the Canadian Heraldic Authority."

Speaker: The amendment is in order.

It has been moved by the Minister of Community Services:

THAT Motion No. 1201 be amended by:

(1) deleting clauses (2) and (3); and

(2) replacing them with: "(2) urging the Government of Yukon to consult with Yukon First Nation governments, municipalities, unincorporated communities, and all Yukon citizens regarding whether 'Remembering our Past, Embracing our Future', or alternative choices suggested during that consultation, should be recommended to the Canadian Heraldic Authority as a motto for Yukon and reporting the results of the consultation to this House; and

"THAT the Speaker of this Legislative Assembly communicate the House's endorsement of a motto for Yukon to the Canadian Heraldic Authority."

Minister of Community Services, on the amendment.

Hon. Mr. Dixon: Thank you very much, Madam Speaker. The amendment that I put forward today here, I think, keeps the general thrust and intent of the motion sound and allows us to do what we need to do in order to provide that level of formal endorsement that, as members and representatives of the Yukon government, we would be obliged and expected to do.

As amended — I will provide the members with this — the motion would read:

THAT this House recognizes the efforts of the Royal Canadian Legion, Branch 254, Whitehorse in proposing 'Remembering our Past, Embracing our Future' as its recommendation for a motto for Yukon by:

(1) considering the value and importance of each word within that proposed motto;

(2) consulting with Yukon First Nation governments, municipalities, unincorporated communities and all Yukon citizens regarding whether "Remembering our Past, Embracing our Future", or alternative choices suggested during that consultation, should be recommended to the Canadian Heraldic Authority as a motto for Yukon; and

THAT the Speaker of this Legislative Assembly communicate the House's endorsement of a motto for Yukon to the Canadian Heraldic Authority.

Madam Speaker, as I indicated earlier, I believe that we have undertaken the first part of the motion already in our discussion, and I look forward to some further thought and discussion on the value and importance of each of the words in the proposed motto that will occur throughout the rest of today.

On behalf of the Yukon government, I have recognized and thanked the Royal Canadian Legion, Branch 254, Whitehorse for their work to date but, as I've indicated, I

believe there is a little bit more work to do on the side of the Yukon government with regard to consultation.

Once that consultation has occurred between now and July 2017, the Legislature will be able to then consider the results of that consultation. The reason that the motion includes the possibility of alternative choices is simply a recognition that, in order for it to be meaningful consultation, we need to be willing to consider alternatives. Should something come up in the consultation, either from a First Nation government, a municipality or others, we would want to give that due and thorough consideration at that time.

Madam Speaker, I will conclude. I believe that the amendment is consistent with the spirit, intent and general direction of the original motion and that, by passing this amendment, we will, as representatives of the Yukon government and as legislators here today, be able to pass it unanimously.

With that, I will conclude my remarks on the amendment.

Speaker: Does any other member wish to speak on the amendment?

Mr. Laxton: “Friendly”? It’s always a friendly amendment, even when it’s not a friendly amendment. The amendment asks for the opportunity to put forward other choices, which is reasonable enough in that it’s easier to modify something instead of going out looking for ideas.

I certainly understand the idea of going to the First Nations, communities and municipalities to get further consultation. In its capacity as a Legion, it doesn’t have the resources that the government has and the contacts to approach the various organizations to consult with them. They certainly don’t have any of the resources available that the government has.

The idea of taking it for further consultation, I think, is a good idea. I’m a little concerned about the idea of alternate suggestions but, at the same time, while we’re out there, we should actually look for other suggestions. We have had 183 of them. This is one out of the 183. This has given people more time to think about it and get an understanding of a slogan versus a motto.

The only other thing I can think of here would be: How long would this consultation process be? Is it over the summer, next election, or is it going to carry on? Is it going to end in July 2017 by the time we get it to the Canadian Heraldic Authority? That will be 2019 by the time we have a motto.

I will be in favour of the amendment. Those are my concerns. They are not showstoppers by any stretch of the imagination. Consultation is certainly a good thing and we have something to take to the First Nations, to the communities, to the people and say, “What do you think of this?” This is a good thing. Maybe there is something that we can tweak a little bit here and there.

Thank you for your friendly amendment, minister, and thank you, Madam Speaker.

Ms. Stick: I rise on behalf of the Official Opposition to support this amendment. I want to thank the Member for Copperbelt North for this. I also want to thank the Member for Porter Creek Centre for bringing this motion forward on behalf of the Royal Canadian Legion, Branch 254, Whitehorse. It is from their initiative in recognizing that Yukon did not have a motto, seeking input and making recommendations that we have this motion before us today. Thanks to those members and thanks to the judges also.

As most will know, Yukoners care about the symbols and the words that we use to represent the Yukon and to represent ourselves. Yukoners care a lot. Yukoners cared in 2002 when a bird — a perfectly appropriate bird — was proposed as the official bird for the Yukon. It just wasn’t the raven. What followed were petitions, letters, songs, and even poetry. Yukoners knew what they wanted and they voiced their choice. The result was the *Raven Act*. Yukoners cared when the miner was removed from the Yukon licence plate. Then, too, Yukoners voiced their concerns — through petitions, through the media — until the miner returned.

All of this to say, Madam Speaker, that Yukoners want to have an opportunity and a say in something so important that represents all of us and will be permanent. We support this amendment because it involves all Yukoners.

Personally, I would love to see this invitation go out immediately to all schools across Yukon and to ask our future leaders what they think and what they would like. Every time I see the distinctive Alaskan flag with the Ursa Major and the North Star, I am reminded that this was created by a 13-year-old native student of Alaska in a competition open to all school children. I can only imagine what Yukon students might be able to come up with or choose, given the opportunity.

We are all Yukoners and the symbols that represent our territory and represent us are important. I truly believe that all Yukoners would want a say in this, and their say may be the proposed motto or it may be another, but let’s ask and let’s include all Yukoners.

The Official Opposition will be supporting this amendment. Again, we thank the Royal Canadian Legion, Branch 254, Whitehorse for their work in bringing this forward and to the Member for Porter Creek Centre.

Mr. Silver: As well, I would first like to recognize and thank the Royal Canadian Legion Branch 254, located here in Whitehorse, for bringing forward such a thoughtful motto for our territory. I did have an opportunity to speak today to my legion — Royal Canadian Legion, Branch 1, Dawson City. I believe that representatives there would be in support of this amendment, which would allow other legions as well to have an opportunity to voice their opinions and go through a stage of consulting.

On the amendment, we are very happy that it focuses on engaging a well-rounded representation of all entities of the Yukon. I believe that the input of all Yukoners should be validated and represented when putting forward a new motto for the Yukon. It would be very beneficial to hear the views of

other governments and other groups and organizations that want to speak about their opinion.

I would like to thank the Member for Porter Creek Centre for his original motion. I would also like to thank the Member for Copperbelt North for his amendment, and I will be in favour of the amendment.

Speaker: Are you prepared for the question on the amendment?

Amendment to Motion No. 1201 agreed to

Speaker: Is there any further debate on the main motion as amended?

Does any other member wish to be heard?

If the member now speaks, he will close debate.

Mr. Laxton: I will leave you with a couple of last thoughts. The motto for Prussia from 1525 to 1947 was, “To each his own”; Fiji: “Fear God and Honour the Queen”; Chile: “Through reason or by force”; Puerto Rico: “John is his name”; the State of Maryland: “Manly deeds, womanly words”; and New Mexico: “It grows as it goes”.

I think “Remembering our Past, Embracing our Future” is something we could be very proud of and I hope the government will move fairly quickly and steadily with their consultation. It sounds like we may have something unanimous to pass here today. Thank you.

Speaker: Are you prepared for the question on the motion as amended?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Pasloski: Agree.

Hon. Mr. Cathers: Agree.

Hon. Ms. Taylor: Agree.

Hon. Mr. Graham: Agree.

Hon. Mr. Kent: Agree.

Hon. Mr. Istchenko: Agree.

Hon. Mr. Dixon: Agree.

Hon. Mr. Hassard: Agree.

Mr. Elias: Agree.

Hon. Mr. Nixon: Agree.

Ms. Hanson: Agree.

Ms. Stick: Agree.

Ms. Moorcroft: Agree.

Ms. White: Agree.

Mr. Tredger: Agree.

Mr. Silver: Agree.

Mr. Laxton: Agree.

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

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

Motion No. 1201, as amended, agreed to

Motion No. 1204

Clerk: Motion No. 1204, standing in the name of Ms. Hanson.

Speaker: It is moved by the Leader of the Official Opposition:

THAT this House urges the Government of Yukon to work with Yukon First Nation governments to establish, as an overarching priority, the development of a land use planning strategy with the objective of completing regional land use plans throughout Yukon in order to:

(1) support sustainable and responsible development;

(2) reduce conflict resulting from the use of ad hoc policies and decisions;

(3) provide certainty to the resource sector, tourism sector and other economic stakeholders and civil society interests;

(4) facilitate a greater linkage between regional land use plans and the *Yukon Environmental and Socio-economic Assessment Act*; and

(5) achieve the objectives and principles set out in chapter 11 of the First Nation final agreements and the principles set out in common law.

Ms. Hanson: I’m pleased to rise to speak today on Motion No. 1204. Madam Speaker, it is clear that the architects of Yukon’s historic *Umbrella Final Agreement* and First Nation final agreements are constitutionally protected covenants among equals. Canada, Yukon and Yukon First Nations had a shared vision for the future of our territory. At the core of that shared vision was a recognition that the ways of the past — premised as they were on a history of colonization, where both the colonizer and the colonized had come, more by force of habit than by choice, to adopt ways of being and of treating each other and the environment around them — that were not grounded in a respect necessary for a mutually beneficial coexistence in the shared land.

It is telling that it was Yukon First Nations who brought forward the idea of sharing, reflected most poignantly in their declaration, entitled *Together Today for Our Children Tomorrow*. It was and is a call to work together to move toward the reconciliation called for by Canada’s Truth and Reconciliation Commission.

Madam Speaker, we should be celebrating the fact that, unlike many post-colonial situations, we have — as Canadians, as Yukoners; First Nation and non-First Nation — chosen to negotiate an understanding of our relationship. In doing so, we must recognize the inherent power imbalance at play in those negotiations.

First Nations could have insisted, resisted, and fought for 100-percent control of this territory. It would have been ugly and it would ultimately have been futile. Many of the First Nation leadership of the day had served Canada as veterans of overseas conflict. They did not want that path. The path

chosen by First Nation leadership was one of pragmatism which, in turn, led to many compromises.

In return for retention of less than 10 percent of Yukon's land mass as First Nation land, Yukon First Nations negotiated in good faith a number of processes and public government bodies that both implicitly and explicitly set in place new governance reality for Yukon.

To make this new reality work, the mindsets, the practices and policies of both Yukon and First Nation governments required and require significant shifts in attitude and practice. As former Chief Justice Thomas Berger put it — and I quote: “For Aboriginal peoples, these land claims agreements have constituted the first phase of decolonization — that is, the process by which Aboriginal people can regain control over their lives, largely by regaining control over the use of their land and resources.” Nowhere is this more apparent than when it comes to land use planning.

Mr. Deputy Speaker, as Thomas Berger has said: “Land use planning is what land claims are about.” He went on to say: “Our land claims agreements are the foundation of modern land use planning.”

It is that notion of modern land use planning that appears to have eluded the current government over the past 14 years. At times, it has appeared as if this government has approached the notion of land use planning with either — or both — fear and loathing — fear that what might be agreed to is forever etched in stone and loathing the notion of sharing responsibility for decisions about stewardship of our shared land.

Mr. Deputy Speaker, the Yukon — and Canada's north as a whole — is undergoing rapid and often uncontrolled transition, whether it is the unknowns of climate uncertainty, demographic changes or the vagaries of international markets. In this context, the provisions of the Yukon's final agreements, set out in chapter 11 of both the *Umbrella Final Agreement* and the First Nation final agreements, set common objectives for the completion of eight regional land use plans throughout the Yukon.

I reiterate that the objectives of the land use chapter of the final agreements are: (1) to encourage the development of a common Yukon land use planning process outside community boundaries; (2) to minimize actual or potential land use conflicts, both within settlement land and non-settlement land and between settlement land and non-settlement land; (3) to recognize and promote the cultural values of Yukon Indian people; (4) to utilize the knowledge and experience of Yukon Indian people in order to achieve effective land use planning; (5) to recognize Yukon First Nations' responsibilities, pursuant to settlement agreements, for the use and management of settlement land; and (6) to ensure that social, cultural, economic and environmental policies are applied to the management, protection and use of land, water and resources in an integrated and coordinated manner, so as to ensure sustainable development.

Mr. Deputy Speaker, that notion — and the incorporation of the language and the definition of sustainable development — was absolutely critical, as it comes from the Brundtland

Commission — and I will come back to that in a bit. It is quite a landmark to see a modern treaty incorporating the language of sustainable development and the incorporation of a United Nations commission on the environment and development. It was a landmark decision at the time. That definition, from the Brundtland report — and, as you will recall, Mr. Deputy Speaker, Brundtland was the former Prime Minister of Norway, who was asked by the Secretary General of the UN to chair the World Commission on the Environment and Development — has become the basis for much of the work on sustainable development going forward.

It's very important that we think about and acknowledge the use of the language of sustainable development in chapter 11, which means development that meets the needs of the present without compromising the ability of future generations to meet their own needs. Mr. Deputy Speaker, this is at the core of the work that is set before all Yukon citizens and Yukon governments — First Nation governments and the Yukon government itself.

Land use planning has been described as an exercise of social choice that requires us to define a common vision, assume responsibility for our actions, take account of alternative values and interests and think about the long term and make explicit choices now that will have important implications for our future and for the lives of future generations — another way of saying “sustainable development”.

Often, we lose sight of the fact that when governments follow a pattern of making decisions about land and resources on an apparent ad hoc or reactive basis, rather than based on a comprehensive understanding of those options or alternatives — a shared understanding of those alternatives or options — they foreclose on future options, which then again runs counter to that whole notion of preserving the opportunities for future generations.

Those options, when we involve ourselves in thinking about the comprehensive understanding of them — the Yukon land claims agreements — make them available to both Yukon government and Yukon First Nation governments.

Mr. Deputy Speaker, the issue of land use planning and the focus on Yukon's land use planning has been quite interesting. There was a recent conference here in February, I believe, of experts from across the world talking about comprehensive land use planning and there was also another one in 2010 that the Conference Board of Canada organized here in Whitehorse that was actually chaired by the former Chief of the Teslin Tlingit Council, Eric Morris.

At that conference, one of the foremost experts on land use planning — an individual who was involved in establishing an Alberta framework for land use planning, Steven Kennett, said — and I'm quoting: “Land claims agreements and devolution are transforming governance in Canada's Northern territories. The principal dynamic is the transition from the centralized and sometimes distant authority of the federal government to territorial, regional and community empowerment. A closely related shift is from decisions dominated by non-Aboriginal values and institutions

to co-management and the increased authority and capacity of Aboriginal governments. Land use planning supports this transition through regional planning commissions or boards and through an emphasis on recognizing Aboriginal cultural values and giving communities a meaningful voice.

“The pressures on Northern planning are tremendous as it assumes a pivotal role in the emerging governance structure. Nowhere else in Canada is there a greater range of economic, social, environmental, and cultural interests at play in land use planning...” than in Canada’s north; than in Yukon .

It is precisely because of this complex interplay of interests that land use planning in the Yukon as is contemplated by the wording of this motion is both an opportunity and an imperative. Kennett put it this way — land use planning — as I said — is “... an opportunity and an imperative... Northerners have a tremendous opportunity to establish a meaningful vision for sustainability in Northern lands and a roadmap to achieve it before options are severely constrained by significant development. Few places on Earth can match the potential of Canada’s Northern territories to use planning to get ahead of the development curve.”

Madam Speaker, this is particularly meaningful coming from Mr. Kennett because when he spoke at this conference in 2010, he was talking about the experience of Alberta, which, after they had 60-plus years of extensive resource development and exploitation in their province, realized that when the City of Calgary could not expand because there was no more water to build subdivisions, they needed to begin to look at regional land use planning and they developed a plan — a framework for planning. How lucky we are to have had the visionaries — First Nation governments and Yukon government — to actually contemplate and set in place the framework for us to complete our land use plans and to commit that in a constitutionally protected document — a covenant.

Kennett also talks about what he called the “lords of yesterday”, a term for anachronistic laws and policies that continue to govern much land use.

Chapter 11 of Yukon First Nation final agreements are the basis for an open discussion among citizens, stakeholder groups and governments, with a view to moving past the anachronisms of the past. In speaking about why land use planning is an imperative — an imperative echoed in the wording of this motion — that calls upon us to make, as an overarching priority, the development of a strategy to complete regional land use plans in Yukon.

Mr. Kennett says, “Without direction from an integrated regional plan, decisions made through resource allocation, project review, and regulatory processes tend to focus on objectives and standard-setting for specific activities or sectors, rather than on achieving defined cumulative outcomes. As the extent and intensity of activity grow, the alternative to outcome-based management at the regional level is a future determined by the unintended and sometimes undesirable results of a multitude of uncoordinated individual actions.”

We have seen the consequences of that around the globe. Integrated regional planning is therefore much more than drawing lines on a map. It plays a pivotal role in managing cumulative impacts by settling and achieving objectives that respect limits. That’s a very important concept.

Madam Speaker, land use planning is also essential to helping people live together. As activity levels increase and as population levels increase, so do land and use conflicts and we are seeing that today in the absence of land use planning. The often polarized debate over development versus conservation in the Yukon is one sign among others that land use conflicts are already happening. We hear it daily in this Legislative Assembly.

Kennett said — and I quote: “Planning offers an alternative to escalating conflict by separating incompatible land uses and establishing rules that allow potentially competing uses to coexist.” That’s often lost — establishing rules that allow potentially competing uses to coexist. It fosters certainty by enabling existing land users and potential new entrants to form and protect expectations that their land use values and interests will be respected. That’s a particularly important aspect, Madam Speaker. As I said from the outset, when we were talking about the changes that are so important as we move the past to the future, the future is our shared future, not rooted in one or the other, so we have shed the colonial past. We need to move into the future together.

It would be hard to deny, in the absence of agreed-upon land use planning, that, in Yukon, there is an increased level of disagreement — sometimes conflict, as I have said — as de facto decisions about what priorities are placed on land uses — the granting of residential title, for example, on placer claims that are on First Nation settlement land.

Madam Speaker, when those settlement land parcels were chosen, knowing that there were placer claims on them, they were called an “encumbering right”, as you would know from your past experience.

In places like Dawson where the land had been largely alienated through the gold rush, there was very little land in the immediate area — very little land at all — to achieve reasonable land selections for First Nations. When First Nations made those selections, they knew that they were an encumbering right as long as the individual was performing the mining activity required under the legislation. To suddenly change the rules and say, “Oh no, that’s not what we intended; the person now has the ability to get fee simple title on that land” — begs the question of whether or not that was done in good faith.

Those kinds of conflicts can be overcome, as was pointed out by the Tr’ondëk Hwëch’in First Nation in their correspondence — their series of correspondence to the Yukon government over the years with respect to successor resource legislation. It was never intended to grant rights that trumped First Nation rights de facto. Other examples abound, as I am sure my colleagues will expand on.

If there is any one message that I gleaned from my years in and around the negotiations process, it was the clarion call for certainty. At every briefing, at every stakeholders meeting,

at every caucus meeting — internal and external — the issue was what are we doing that will achieve certainty, with particular emphasis on how we achieve certainty with respect to land and land use. When we speak about that, we know that industry wants certainty regarding access to land and resources, regarding the rules of the game and regarding the rules of the game that will apply to project proponents within environmental assessments and regulatory processes.

First Nation people want certainty that their values and interests will be respected and that a stewardship ethic will guide land use decisions. Environmentalists want certainty that development will not cause severe and irreparable harm to natural ecosystems. Yukoners, as a whole, want certainty that decisions about land and resources reflect their current needs and their aspirations for the future. Regulators and resource managers want certainty in the form of clear and consistent guidance for their day-to-day operational decisions. Governments want certainty that major land use decisions will not trigger intense social conflicts and adverse political fallout.

We are on the cusp on a number of decisions in this territory and if land use planning had been completed, or was complete, we may — may — avoid or have avoided some of the coming conflict. We have the blueprint set in a binding agreement to work toward that certainty. We need only the political will to embrace that opportunity.

It is worth noting that the NDP are not the only ones calling for renewed efforts to complete land use planning. The spring 2010 report of the Auditor General of Canada also called for renewed efforts to complete land use planning throughout the north. Implicit in the OAG recommendations is a warning that failure to complete, approve and implement regional land use plans in the north may have significant, adverse consequences for ecological, economic and, ultimately, social perspectives.

As we develop a strategy for fulfilling our mutual commitment to completing Yukon land use planning, it has been suggested that we follow three broad principles: begin with the end in mind; think outside the conservation-versus-development box; and demonstrate a long-term commitment to lead and support planning. There has to be a commitment to all three principles, Madam Speaker, if we are going to succeed this time around.

The fact that, in the 21 years since the first four First Nation final agreements came into effect, there is only one finalized, approved, regional land use plan — north Yukon — should not deter us. Failure should be an incentive to identify and overcome the obstacles. The three simple principles just stated would be a good start — begin with the end in mind.

I'm quoting from Kennett again because, Madam Speaker, his comments at that conference were really quite useful: "Charting a smoother course requires 'beginning with the end in mind.' That means clarifying expectations for first-generation plans and anticipating issues that may arise at the approval and implementation stages by establishing policy direction and political context at the outset." My goodness, wouldn't it be a different world today with respect to the Peel

watershed plan if that had been done? "Investing in pre-planning issue-scoping, setting the policy goalposts for planning, and capturing this direction in clear terms of reference, would lead to more focused and efficient planning, more rapid approval, and more effective implementation." It's all about communication — effective communication.

As was recommended by the Yukon Land Use Planning Council — they also recognize the first generation of regional land use plans — because it is an iterative process. That is the challenge we face. People seem to get fixated — "this is it, this is the only way it is going to be" — or else they ignore it, as was done with the Peel, and not provide any direct feedback.

There is no such thing, they said, as a perfect plan. They need to evolve in a logical fashion. There needs to be accountability and consequences for non-performance by all involved. I think that all parties to land use planning in the Yukon have demonstrated — well, with the notable exception of the current government players in the last little while, because they abdicated. But they did do the north Yukon plan, so there is credit where credit is due. We know, and we have seen, that there are consequences to not achieving land use plans in the Yukon.

We need to keep in mind that land use planning figures so prominently in our land claims agreements, in our final agreements, because it is such a powerful instrument of change. The planning bodies are dependent on government so they can bring a different perspective to land use decisions and to think creatively about new solutions to problems.

It's imperative, as we develop a strategy to complete land use plans in this territory, that we avoid at all costs any attempt to perpetuate the status quo. As members of this Legislative Assembly, there is not one among us who can plead ignorance to the consequences of failure to fulfill the obligations set out in chapter 11, whether it is the hampering of implementation of YESAA by the lack of comprehensive regional land use plans, or the near-daily challenges to ad hoc government decisions. The serious negative implications for Yukon's reputation as a safe place to invest, as a result of litigation that rises when fundamental principles set out in First Nation final agreements are ignored or rejected — the ongoing Peel watershed land use plan saga is a sad and negative commentary on what could and should be a mutual sense of achievement.

We can do better: 21 years; one plan; seven remaining. It will take good will and trust to embark on the necessary journey to commit to a strategy to complete all remaining regional land use plans mandated by chapter 11.

Madam Speaker, we should not ignore the necessity of completing regional land use plans in the regions of Yukon not covered by a treaty or land claims agreement, whether it is the Kaska or the White River First Nation, because now this Legislative Assembly and Canada have recognized and signed on to the *United Nations Declaration on the Rights of Indigenous Peoples*, which includes the language of free, prior and informed consent. Now that we have the common law — most recently the Tsilhqot'in decision — we cannot use the

excuse that, because they don't have a land claim agreement, we can't do land use planning.

As I said, precedents do exist. The Kaska in Yukon and Kaska Dena in British Columbia, together, were engaged as active partners in the achievement of the Muskwa-Kechika regional land use plan in northern British Columbia. It's a good example of a multi-stakeholder land use planning process that achieved an agreement. It can be done if the political will and trust exists.

In closing, Madam Speaker, I look forward to hearing the views of others in the Chamber this day. I would close with a quote again from Steven Kennett, who said — and I quote: “Although, like most constitutional instruments, land claims agreements may contain very specific provisions, their central purpose is to describe an idea. The framers were, in each case, drafting a document to establish a new relationship between Canada and Aboriginal peoples...”

In our case, a new relationship “... that would last for generations; they were not simply setting out performance requirements in a contract. And we must be as constructive and creative in implementing land claims agreements as the visionary men and women on both sides of the negotiating table who drafted them in the first place.”

Madam Speaker, we owe it to those architects, to the visionaries, to Elijah Smith and his colleagues, and to our future generations to devote the time and the energy and the political will to fulfilling the basic element of First Nation final agreements, which is land use planning, because — as I said at the outset — as Thomas Berger said, land claims are about the land; they are about land use planning.

Hon. Mr. Cathers: In speaking to this motion, I do want to point out to the member that where the motion itself is a bit odd in its framing — not to mention factually incorrect — is in the fact that the member is apparently proposing through this motion that, rather than working on individual land use plans — regional land use plans — with First Nations, the government instead put that on hold while consulting on a strategy to develop land use plans.

I know the NDP seems to be somewhat enamoured with the word “strategy”, but there are times when developing a strategy is important, necessary and effective, and there are times when engaging in a broad, overarching strategy that affects the entire Yukon can make it more complicated and take more time than to work on individual regional land use plans.

What should be noted as well for members — the Leader of the NDP is attempting to paint a picture of delay on the part of government in doing regional land use plans. I would remind the members that, in fact, that is not accurate. There has been significant work on regional land use plans. But in doing regional land use planning, the Yukon government and individual First Nations do run into capacity restrictions because of the sheer volume of work and consultation that needs to be done by government departments and by First Nations — by whichever branch in the First Nation government is dealing with that process.

In the case of regional land use plans that overlap with another area, where all plans proceed at once, it would severely strain the capacity, not only of the Yukon government — but any First Nation that was trying to keep up with more than one regional land use planning process at a time would find it very difficult.

One thing that we have heard directly from First Nations as a result of things including economic activity caused by the staking boon that occurred in 2010 and 2011 roughly — and by work being done in advancing projects — including Kaminak and Casino, as well as the ongoing work at Minto being done by Capstone and the work on projects such as Carmacks Copper — is that all of those projects — because they are of concern to First Nation governments directly in the area and adjacent to it, these places, with simply the technical work required, add a burden to their staff. Because of the desire for leadership to be aware of the policy issues or potential concerns that arise from that, all of those projects place a significant workload on First Nation governments — not to mention on Yukon government departments, which have larger resources than the individual First Nations — so it does become something that requires a significant amount of time and effort. The bottom line is that means that it is difficult to undertake too many regional land use plans at the same time.

I would remind the member that, in fact, although the NDP is waxing eloquent on the topic of land use planning, this government is the only government that has actually concluded a regional land use plan with First Nations since the signing of the *Umbrella Final Agreement* over 20 years ago. We also have work that is ongoing on the Dawson regional land use plan — though I should say it is in a paused stage while clarity is being received through court rulings around the interpretation.

I should note for the member and for any others listening — to clarify for those who have not read chapter 11 of the *Umbrella Final Agreement* — that, contrary to assertions that have been made by members in this House, there was a difference of understanding. That section has different interpretations and different perspectives as far as the roles and responsibilities of respective parties for engaging in the process and with the level of detail and engagement that was appropriate at each stage in the process, both during the time that commissions were handling it and after that stage.

We have seen some clarity come into that, but it should be noted that, just as with some other sections of the final agreements, different words can mean different things to different lawyers and to different levels of government. In the wake of the conclusion of the *Umbrella Final Agreement* and individual agreements, the reality is that those situations do lead to bumps in the road initially, but that over time, through the work of government-to-government relationships, hopefully we can get to a shared understanding of interpretation roles and responsibilities, legal obligations and so on and so forth, as they relate to each of these individual agreements.

I should also note to the member — as the Leader of the NDP was painting the image where the only thing that needed to be done to make everything work perfectly is a strategy around regional land use plans — that the work is ongoing across many government departments on a daily basis on everything from pieces of legislation to community initiatives to energy projects to local area planning. I would remind the member that, at this time, we are proceeding with local area planning at a level that is unprecedented here in the territory. While a local area plan is not the same thing as a regional land use plan, local area planning in the area — to name a few examples: Marsh Lake, Fox Lake, Sunnyside/West Dawson — the work that has been done in these areas and others is an important part of reflecting the needs of communities and interests of various levels of government and various parties in the areas where there tends to be the most potential for conflict; that being in areas around populated parts of the territory.

There has been significant work that has been done, which the member was not noting. I would again go to the point and remind the member that, in fact, urging a delay in regional land use planning while a strategy is developed is really not, in my view, a very well-advised request and proposal on the part of the member.

I should note that one of the areas that I missed in mentioning as far as local area planning initiatives includes the Tagish Lake local area plan. Tagish Lake local area plan, Fox Lake local area plan and Marsh Lake local area plan are currently underway. Sunnyside/West Dawson has been recently completed. There are a number of reviews of zoning regulations that were conducted and in a couple of cases are ongoing by the Yukon government. When we set out to ask Yukoners — as part of implementing our commitments from the 2011 election to make more land available to Yukoners, one of the things we did is in the Whitehorse periphery ask people in those zoning areas if there was an interest in reducing the minimum lot size for those areas.

In the case of the Mayo Road area, where that process was first initiated by a petition, the majority of property owners who responded were in favour of reducing the minimum lot size. Ultimately, through the process of two stages of surveys and two or maybe three public meetings — they are all part of the process of reaching the end conclusion — the majority of people who responded were interested in reducing the minimum lot size to two hectares, and that is what government ultimately did. There were detailed discussions by residents around things such as the ability for the owners of commercial lots to subdivide off a rural residential parcel.

We have also made changes in the Ibex Valley area to reduce the minimum lot size there, again at the request of the local advisory council and residents and supported through a survey. Most recently, changes were made again at the request of residents and through consultation involving the local advisory council. Ultimately, with a recommendation from the LAC, changes were made to allow livestock as a discretionary use on smaller rural residential lots. On the south side of town,

work and amendments were done in the Mount Lorne area, reflecting the feedback we heard through a survey there. In the case of Mendenhall, we asked residents there if they wished to reduce the minimum lot size and open up development potential, and in that case most were not in favour and so no further work proceeded.

What I am attempting to illustrate to the member is just an example of some of the detailed, specific planning initiatives that involve the Yukon government, but also involve affected First Nations who participate and involve citizens in those areas. All of those efforts are not only examples of collaboration, but in fact are a drain on the resources of each of the governments involved in that process.

A few other examples I would point to of recent collaborations with First Nations in the areas around energy projects include: the Kluane First Nation, where we are currently supporting their wind energy project; the recent agreement with the Kwanlin Dün First Nation around their investment in the liquefied natural gas generators that were added at YEC's site; the forest resources plans being done in a number of areas throughout the territory; and the work on collaboration around justice initiatives, including around the correctional reform project and, most recently, the consultation around correctional programming.

In the area of housing initiatives, not only did we give First Nations the majority of the money received from the northern housing trust to use individually, but the portion that the Yukon government retained for the territorial government included investments made that, in at least two cases, supported projects brought forward by First Nation development corporations in the communities of Carmacks and Carcross.

These are just a few of the examples of the many, many areas of ongoing work, collaboration and discussion between various levels of government and, specifically, between the Yukon and First Nations. I should also note other examples of collaboration on energy initiatives include: the benefits agreement related to the Mayo-Dawson transmission line and the benefits provided to the Na Cho Nyäk Dun as a result of the Mayo B project, which is in keeping with not only our obligations under the final agreement, but in fact goes beyond our obligations of the final agreement.

To that end, I should note that, in the case of the investment by Kwanlin Dün First Nation in the LNG generator project added at Yukon Energy Corporation's main site in Whitehorse, it was not clear from the interpretation of the final agreement whether we had an obligation to offer them interest in a project of that type, but we chose to do so because we believed that, regardless of the strict legal interpretation, it was in keeping with the spirit and intent, in our view, of the final agreement to offer them that opportunity, even if we were not strictly obliged to do so.

As members may know, Ta'an was also offered an investment opportunity and they ultimately chose not to take up that opportunity. Kwanlin Dün, then, was offered up to 50 percent of the investment in the project, reflecting what Ta'an Kwäch'än Council's share would have been, and they

chose to take that up, so they are a 50-percent investment partner in that project.

Another thing I should note in the motion as proposed by the Leader of the NDP that quite simply is not factually correct is the member, in her motion, suggesting that there is ad hoc decision-making. While it may make a nice tweet, that does not actually reflect the facts.

Over the years since the Epp letter of 1979 and through the process of devolution, the Yukon government has continued to develop the legislative, regulatory and policy structure by which decisions are made. We focus on evidence-based decision-making, but we've seen the Leader of the NDP, when she doesn't like the science, and members of her caucus stand up and dispute evidence because it doesn't fit with their ideology. That is not the approach that we will take and it is simply inaccurate in the member's motion to suggest that decisions that are being made are ad hoc.

Members would be well-advised to look at and better understand the process by which YESAB considers any projects that fall within YESAB screening and the technical information that is provided by government departments as part of any YESAB review, and recognize that, when departments make decisions or recommend actions to the minister or to Cabinet, if those decisions are made at that level for any of those areas, there is a focus on good information, evidence-based decision-making and providing the very best information that the Yukon government, its employees and its consultants can provide to enable whoever is making the decision regarding any specific area to do so in an informed manner with the objective of meeting the best interests of not only the Yukon government but of all Yukon citizens and future citizens of this territory.

I'll acknowledge that there is always room for improvement in these areas, but I would note that the member should recognize the good work that has been done to date. I would also note that there are other parts relating to management decisions that the member was not recognizing in her motion. This includes the fact that the *Umbrella Final Agreement* spoke to many areas, including areas such as the management of wildlife resources that is done in large part through the work done by the Yukon Fish and Wildlife Management Board and renewable resources councils.

In reminding members of the regional land use plan that has been committed to, I would like to quote briefly from the *North Yukon Regional Land Use Plan* to provide members with information they may not be aware of. I should also note that — for the clarity of all members and any Yukoners listening to this — to understand the level of detail and information that ends up being in a regional land use plan, in addition to the issues and interest reports, the plan ultimately includes things such as, in the *North Yukon Regional Land Use Plan*: land use categories and integrated management area zones; maps showing ecologically important areas; heritage resources and Vuntut Gwitchin land use; economic development potential and interests; and, after the finalization of the plan, includes implementation reports that are done by the respective parties.

Just as a bit of an illustration for people who are looking — I won't go into the plan and cite large sections or the number of pages — if you look on the Energy, Mines and Resources webpage under the *North Yukon Regional Land Use Plan*, you'll see that, to download the *North Yukon Regional Land Use Plan*, the size of that file is 41 megabytes. That is just somewhat illustrative to those listening — to understand the fact that there is a tremendous amount of detail and discussion that is dealt with, not only by government departments and consultants, but also with the commission tasked for the area and any other parties and interest holders providing input into it.

I would again return to the point I made earlier, which is that, while “strategy” is a buzzword that the NDP appear to like using, were the government to do as the Leader of the NDP encouraged and delay regional land use planning while there's work on a land use planning strategy, that would require extensive consultation with all Yukon First Nations and would not speed up or facilitate a conclusion of those regional land use plans.

Madam Speaker, I would also like to note, as I mentioned before I diverted from my remarks briefly, that returning to the *North Yukon Regional Land Use Plan* and the letter of approval, I'm going to quote from the letter of approval, which notes: “In accordance with the approval process described in Section 11.6.0 of the Vuntut Gwitchin First Nation Final Agreement (VGFNFA), the Yukon and Vuntut Gwitchin governments hereby present the approved '*North Yukon Regional Land Use Plan*'.

“The review and approval of the North Yukon Regional Planning Commission's Final Recommended Plan under 11.6.0 of the VGFNFA included formal consultations in Old Crow and with the First Nation of Nacho Nyak Dun as an affected First Nation.

“We congratulate the North Yukon Regional Planning Commission for its outstanding work in completing Yukon's first regional plan under a First Nation Final Agreement. Their dedication and commitment to the process and their vision for sustainable development in the North Yukon Planning Region is to be commended. We offer our sincere thanks to the Commission and its staff.

“In approving this plan, the Vuntut Gwitchin and Yukon governments are approving the following:

“1) Landscape Management Units

“The governments recognize and approve the 23 land management and sub-management units.

“2) Land Use Designation System

“A zoning system based on intensity of use rather than type of use is also approved.

“The Vuntut Gwitchin and Yukon governments will address and immediately implement the zoning recommendation concerning the areas affected by the lifting of the North Yukon land withdrawal.

“The governments approve the specific Land Use Designation system wherein Land Management Units are designated either Protected Area (PA) or Integrated Management Area (IMA). Designated IMAS are further

classified into one of four zones (or management intent) which range from a conservation emphasis to a development emphasis based on the values and the sensitivity of the land and natural resources.

“3) Cumulative Effect Indicators

“The governments will use surface disturbance and linear density indicators to track new activity, with consideration being given to previous activity in the planning region. For greater certainty governments will use these indicators as guides for adaptive management and will establish necessary protocols as part of implementation of the Plan. The indicator levels will not necessarily be construed as limits to development as these will be determined by the Parties depending on the particular circumstances.

“4) Recommendations

“Subject to the above points of clarification, the governments approve and commit to implement all the recommendations in the Plan including (but not limited to):

“a) Establishing a Whitefish Wetland protected area and a study area for the proposed Summit Lake-Bell River protected area and related land withdrawals;

“b) Accepting the recommended zoning for the balance of the North Yukon withdrawal area and removal of related land withdrawals as soon as possible;

“c) Tracking surface and linear disturbance, and agreeing to meet to discuss management options if an LMU disturbance (indicator) level is reached; and

“d) To review and modify the plan at regular intervals.

“5) Plan Implementation

“In addition to committing to implement the plan recommendations, the governments will:

“a) Establish a protocol so that either party may trigger a review and amendment of the plan as it applies to its respective jurisdiction to accommodate significant nonconforming uses or changing circumstances;

“b) Commit to tracking access from the Dempster Highway which is utilizing existing linear disturbances; and

“c) Take into consideration the general management directions in making land and resource decisions.”

“The Vuntut Gwitchin and Yukon governments will continue to jointly monitor plan implementation and to ensure proponents and resource decision makers understand and adhere to this plan.”

That was signed in Old Crow on June 25, 2009. It was signed by the Premier of the day and Joe Linklater, Chief of the Vuntut Gwitchin government. I attended the signing ceremony as then-minister responsible for regional land use planning through Energy, Mines and Resources, and we held that in Old Crow.

I will not add much more to what I noted, but I will point out to members that the *North Yukon Regional Land Use Plan*, as it shows up on the webpage posted for all who wish to see it, shows 143 pages to the plan itself. The letter, which is the part that I read, is itself rather detailed.

The fundamental point that I am trying to make to members, in hopes that they will perhaps take a different tack on this, is that it's easy to simplify complex debates down to

terms like “strategies” or to use buzzwords in a motion, but the work around regional land use planning — just as the work around local area planning or forest resource management plans — requires a lot of complex work by not only the Yukon government, consultants for government and contractors, but also by First Nation governments. If the plan process is flowing properly, it provides an opportunity as well for affected interest holders, including those who have existing third-party rights, those who use an area and those who have traditional knowledge about an area to provide their input. In taking that local knowledge — and the knowledge of those who use it for everything from business purposes to recreational interests to subsistence hunting and fishing — all of those pieces of information are supposed to be considered.

Although others may disagree, I believe that most involved — and the officials of respective governments — do, in most cases, make a very sincere effort to understand and consider the information from those who are users of an existing area, or for whom it has other value. Considering all of those pieces of information — pieces of local and traditional knowledge — and understanding the specific issues related to any person's interest in the area is not a simple process. It does not serve the process well to overly simplify it and suggest that all that is required is a snap of the fingers or the passing of a motion that commits to developing a strategy. As I hope I have laid out effectively for those who are listening, the development of a strategy, which requires consultation with all 14 First Nations, would in fact delay work on individual regional land use plans.

It is a much more effective process, in my view, to take Yukon's existing regional land use plan, the north Yukon plan, and recognize the value and the excellent work done in that plan — and recognize as well that that planning process was not without its bumps in the road, but a sincere effort was made by the Yukon government and Vuntut Gwitchin government to continue to move it forward and to ultimately reach a plan that both endorsed and signed off on.

In doing future regional land use plans, I would personally argue that respective levels of government, as well as the public, would be well-advised to understand the north Yukon plan, consider the work that went into that and recognize that each individual land use plan, while it should be unique to the area that it represents — it would, at the end of the day, probably be in the best interests of Yukoners to see some degree of consistency and comparability between how plans operate so that, once the territory has all regional land use plans in place, it does not require an advanced degree or thousands of dollars of consultant time to understand what, as a citizen or a small business operator — whether you be a wilderness tourism operator, an outfitter, or in mining exploration — you need to do to be able to use the land, to operate there and to use it for everything from business and recreational purposes to hunting and so on.

Clarity and comparability are, I think, worth considering. Just as with local area plans over the years, we've made an increased effort — while acknowledging the individual needs of those communities and not trying to impose a one-size-fits-

all zoning regulation — and recognize that many citizens also find it beneficial if the zoning rules in Mount Lorne do not vary dramatically from the zoning rules out on the Mayo Road.

With that, I will look forward to hearing remarks from others. I would also like to commend the many, many people who have put hours of work into development of regional land use plans, local area plans and zoning regulations for their efforts. I would also like to acknowledge the work done on forest resource plans. I have not mentioned many other areas of collaboration between First Nation governments and consultation involving Yukoners as well.

One other notable example I should mention as well are the hundreds of clauses in the *Land Titles Act* and the work that has been done and is currently being done on the regulations with Yukon First Nations that are interested in the possibility of registering settlement land in the Land Titles Office. We are leading the country in this area and, to our knowledge, we are the first jurisdiction to enable and allow the registration of settlement land in the Land Titles Office — another example of the many areas where the Yukon government continues to work with First Nation governments.

While those discussions and those processes are not without their bumps from time to time, it is my hope and belief that with a sincere effort by all levels of government to work together collaboratively — and where we disagree to disagree with each other's positions respectfully — and that sincere effort of working together in the best interests of Yukoners and our respective citizens will, I think, in most cases lead to success.

With that, Madam Speaker, I will conclude my remarks.

Ms. White: Thank you, Madam Speaker. There were some interesting points that the minister raised and I will come back to those.

When the final agreements were negotiated, the land use planning process was clearly described. When the *Umbrella Final Agreement* was signed in 1993, I believe, it was with a clear understanding from both sides about how all parties would move forward in these processes that were set out. In chapter 11 of the *Umbrella Final Agreement* is the land use planning section, and it lists out the objectives. I'm going to read from the document right now so I'm just going to read chapter 11.1 of the *Umbrella Final Agreement*.

It says, "Objectives — The objectives of this chapter are as follows:

"to encourage the development of a common Yukon land use planning process outside community boundaries;

"to minimize actual or potential land use conflicts both within Settlement Land and Non-Settlement Land and between Settlement Land and Non-Settlement Land;

"to recognize and promote the cultural values of Yukon Indian People;

"to utilize the knowledge and experience of Yukon Indian People in order to achieve effective land use planning;

"to recognize Yukon First Nations' responsibilities pursuant to Settlement Agreements for the use and management of Settlement Land; and

"to ensure that social, cultural, economic and environmental policies are applied to the management, protection and use of land, water and resources in an integrated and coordinated manner so as to ensure Sustainable Development."

When the minister opposite talked about how there were different interpretations for this document, he's absolutely right — he's absolutely right. In 2004, a land use planning process was entered into, pursuant to chapter 11 of the final agreements of the First Nations of Na Cho Nyäk Dun and the Tr'ondëk Hwëch'in. They were going in to create a plan for the Peel watershed area.

Following approximately five years of work, the Peel Watershed Planning Commission released a recommended land use plan for the Peel watershed in December 2009. After receiving proposed modifications from both the Government of Yukon and the affected First Nations, the commission released its final recommended land use plan for the Peel watershed on July 22, 2011. This plan — it's important to know — was reached collaboratively with all partners involved.

Then, in January 2014, relying on its authority to modify the plan, the Yukon government amended the planning commission's final recommended plan after the fact. These changes weren't minor. When the final recommended plan said that for the first 15 years, 80 percent of the watershed would be protected, and then 15 more percent could be developed, the plan — the modifications — that were proposed by government left it with 29 percent of the watershed protected. The First Nations took a little second and they decided what they wanted to do, and they decided that they needed to defend the integrity of their final agreements, which means that government has to be an honest player in the discussion of land use planning. They took it to court. This is another example of this Yukon government being taken to court by First Nation governments defending the integrity and the intent behind their final agreements.

In 2014, in the first court case, Justice Veale found that the government's actions with respect to the Peel plan were inconsistent with the principles underlying chapter 11 of the final agreements. As the final agreements have a constitutional dimension, the Government of Yukon has a duty to respect the process in a manner that upholds the honour and integrity of the Crown. So that's the really important line — that the Yukon government has the duty to respect the process in a manner that upholds the honour and the integrity of the Crown. By subverting the land use planning process and setting out modifications to the plan outside of the process defined in chapter 11 of the plan, the Yukon Party government failed to act with that honour and integrity, and we've seen the results, Madam Speaker.

The results have led to conflicts between the Yukon government and its partner governments and it has led to a disruption in the Yukon's entire land use planning process,

due in part to the distrust that was laid by this government when they changed the rules at the end.

In April 2013, the Yukon Land Use Planning Council sent a letter to the Minister of Energy, Mines and Resources, the then-Minister of Energy, Mines and Resources, the then-Chief of the Tr'ondëk Hwëch'in, the then-Chief of the Gwich'in Tribal Council, the then-Chief of the First Nation of Na Cho Nyäk Dun, and the then-Chief of Vuntut Gwitchin. The title of this letter is: "Re: Yukon Government's consultation on the Peel Watershed Planning Commission's *Final Recommended Peel Watershed Regional Land Use Plan* and the New Plan Concepts".

I am going to quote from some sections of this letter — this is from the second paragraph: "The 'What We Heard' summary reinforces our concern that 'courageous leadership' will be required to restore public confidence in, and credibility of, regional planning as a governance tool; trust in the process itself; and understanding of the role of the commissions in plan preparation. The consultation report clearly demonstrates a public perception that the Government of Yukon did not follow either the spirit or intent of the rules established in Chapter 11 of the Umbrella Final Agreement and hijacked the process."

"From the Council's perspective, we need to find a way forward that restores public confidence, meets our collective obligations under the UFA, and gets the regional land use planning program back on track. To put it bluntly, the Peel Plan has become a boat anchor and a lightning rod for division on a number of fronts. A clear vision of what all Yukoners collectively want to accomplish through the regional planning process together with statesmanship, mediation, creativity and sound planning principles are required for successes in regional planning in the Yukon. The present situation is untenable for all."

"The Peel is also a distraction for industry and undermines Government efforts to demonstrate that the Yukon is a good place to invest. Land use certainty, clear rules and an effective land use administration system based on best practices is a goal shared by all."

"The Council believes that the regional land use planning program is in trouble. A number of negative precedents may have been set that undermine the trust and public confidence required to sustain an effective land use planning program. Policy and operational changes are required."

They go on to say — one of their concerns: "Concern # 3: The proposed modifications were not based on consultation outcomes but cobbled together with little 'supporting evidence as to their validity'."

This is what the letter says: "The land claim agreements indicate that the Parties would base their modifications primarily upon the outcomes of the consultations with the communities (Yukon Government) and dialogue with each other on the Final Recommended Plan."

"However, the Yukon Government introduced potential modifications before consultation with the public. As noted in the Consultation Report, this is arguably inconsistent with the spirit and intent of the land claim agreement. It 'obfuscated

the consultation process' certainly as envisioned in the LOU. The rationale behind the concepts and legitimacy of the proposed new land use categories struck many as illogical, vague and even naïve. This is unfortunate because it meant that the ideas themselves did not end up getting fair consideration."

"Concern #4: It is desirable that the Land Designation System used across all Yukon Regional Plans should be relatively consistent in terms of definition and application. The approved North Yukon Regional Land Use Plan provided a guide to build upon." That was the headline for concern 4.

"Council continues to encourage the Parties to apply a generally consistent land designation system throughout the Yukon. This allows the regional plans to be 'pieced' together as seamlessly as possible like pieces of a jigsaw puzzle. One of the reasons this is difficult is the absence of an overall vision for the Yukon as a whole supported by appropriate legislation and policy. This is also reflected in the consultation summary themes through terms like 'balance' and seeing the 'big picture'."

"The proposed land designation system associated with the New Plan Concepts has a *Wilderness Corridor* as a *subset* of a *Wilderness Area*. Not only is this simply confusing, the use of the word 'wilderness' as a part of the title of an area where development is allowed (roads, mines, etc.) is misleading. It does not provide the clarity of intended use associated with a good land designation system. While an operational definition of wilderness is not provided in these plan concepts, the Yukon Government's State of the Environment Report from 1999 does provide a spatial definition of wilderness that could serve as a way of defining, measuring, and managing wilderness in the Peel and elsewhere in the Yukon.³ Using the language of the North Yukon land designation system would be a more accurate representation of the intended use of areas in the Peel region."

Then it goes on to say: "To reiterate, Council believes the negativity that has enveloped the Peel is undermining the credibility of the regional land use planning program. The present situation is untenable for all."

So when we had the Peel explode the way that it did; when people participated in the process for such a long time — they went to meetings that were held all over the territory, and they participated — they felt like they were being heard. Then when the plan came out, people felt like it reflected what they thought.

When government said, "this isn't what we imagined and these are our proposed modifications", it undermined people's trust in the process. Land use planning won't work unless people are able to participate and they participate in good faith.

There are other examples. We have the example of the Peel and that put government against government. Then we have the most recent example of a Judas Creek placer mine and that's putting Yukoners against Yukoners. We have examples with Freegold Road, which puts industry against wildlife.

The Judas Creek placer mine application and subsequent YESAA review fostered animosity between Yukoners due largely in part to a lack of adequate land use plans. Had we completed a land use plan in that area, it would have been identified, I'm sure, by First Nations as being important habitat for the Southern Lakes woodland caribou but, because we haven't yet completed that plan, the placer miner was able to go ahead and put their money, their time and their energy into the project, until they hit the point where they had to go to YESAA.

The concerns, when this went in front of the YESAA review board, came quickly and probably came quite furiously from the perspective of the applicant. There were concerns about water quality, about migratory birds and, most importantly, the winter habitat of the vulnerable Southern Lakes woodland caribou herd.

Local residents, the affected First Nations and both the departments of Environment and Energy, Mines and Resources all weighed in. We know already that the Department of Environment and the Department of Energy, Mines and Resources came at it from two different perspectives. One said, "No, you can't mitigate the development," and the other one said, "Yes, you can."

Ultimately, YESAB has just come forward with a recommendation that says that the project does not proceed forward. It's unfortunate that the proponent was caught off-guard by this process, by the interests and concerns raised about the project. Had a comprehensive land use plan been in place, perhaps he would have been better able to anticipate and adapt to the concerns that would be identified and not go ahead with the proposal altogether.

The Freegold Road is an example of a proposed road location. The road was proposed to go through the Klaza caribou herd winter range, and the Department of Environment said over and over and over again, "No, you can't do this, because this is a vulnerable population," and the Department of Energy, Mines and Resources said, "Of course you can, you can mitigate the factors."

We know through documents that we attained through ATIPP that the Department of Environment's primary concerns about the road — and I quote: "If the road is constructed, is expected to result in significant and unmitigable impacts to the caribou population. This has been and continues to be our primary concern with the proposed construction and all-season use of the Freegold Road."

It's interesting to know that the mining company took the suggestion that you could divert the road and not have to worry about it. They were prepared to go forward with that. They were prepared to make the amendment to the road application, and then they were told by the Department of Energy, Mines and Resources, "No, just continue on — go through that." As it stands, pending YESAB approval, the Freegold Road extension will be built in sensitive late-winter habitat for the Klaza caribou herd. In this case, the effect of not having a land use plan in that area is the need to juggle industry and the potential for economic development with the health and risk of this caribou herd.

It's interesting, because the minister just talked about how he respects other plans. I think there are a couple of examples I am just going to bring forward, because I think that it always comes down to interpretation, right? It could be considered that this Yukon Party government doesn't respect official community plans, so we have a couple of examples. There was the golf course land purchase deal. It was done to bail out the Mountainview Golf Course behind closed doors and that was inconsistent with the City of Whitehorse official community plan, but that didn't stop the government. Right now, we have in the media the example of Teslin. When they went through with their official community plan, there was no mention of a liquor store. We have heard that the member for the area is doing a consultation to find out where the public stands, while not advocating for things that were put in the official community plan.

We have heard how this government respects local area plans. Well, the Sunnyside/West Dawson — in the development process, there was a strong consensus that there shouldn't be staking allowed on certain parcels of land. However, Cabinet removed those restrictions on staking and this has had significant impact on the land use plan.

We have heard about the Mayo Road area and that was done without consultation. This pits people against each other in the area and now YESAB has to sort out this government's mess. We have heard about this from the Member for Mayo-Tatchun.

Then we have the example of another local area plan and that would be Mount Lorne, when this government tried to circumvent the Mount Lorne local area plan, but they were only stopped after the intervention by the LAC from the area.

Finally, it's interesting to hear the member opposite, when he spoke about his respect for local area plans, because we've tabled four petitions on this side of the House talking about the Hot Springs Road local area plan, and the only reason we tabled them is because, when constituents tried to speak to their representative, they felt like they weren't getting anywhere. So, instead of trying to continue on that dialogue, they went so far as to have petitions — and they asked us to table them.

Land use planning is such a huge deal, and I think, like many, before being elected, I didn't really understand what that meant.

In the territory, we're supposed to have eight land use plans and, so far, out of the eight, we only have the one done in north Yukon. To be clear, we're lucky that the north Yukon one is done and we're lucky that there is so much protected space. It's fantastic. It might be a good lesson where sometimes we need to look at an area and we have to acknowledge that maybe the value there isn't just industrialization and it just isn't industry — that there is value behind landscape, there is value for habitat and there absolutely is value for cultural and recreational uses.

Madam Speaker, I'm looking forward to hearing from the Member for Copperbelt North, because I know there is an amendment coming our way. I've pondered what that's going

to look like. I look forward to hearing it. Thank you for the time, Madam Speaker.

Mr. Silver: Madam Speaker, it's unfortunate that a motion like this has to come to the floor of the Legislature — unfortunate, but necessary — and I do commend the Leader of the Official Opposition for bringing it forward.

Under this government, land use planning has ground to a complete halt. It's not lost on anyone that the Yukon Party government has failed at land use planning. Their torn relationship with Yukon First Nations and Yukon citizens has not been mended and a court decision has confirmed they ignored proper consultation processes set out in our final agreements.

While this government continues to pay Outside lawyers hundreds of thousands of dollars to fight their continuing court battles, land use planning has fallen by the wayside. Very little has been done recently and there is no light at the end of the tunnel yet.

The continual division between the Yukon Party government and land use planning stakeholders creates a lack of certainty for possible investors in the Yukon, which in turn places a dim outlook on our economy. The land use planning process is stalled due to a lack of leadership by this government and their unwillingness to work with others. They have not properly consulted with First Nations and Yukoners, let alone developed working relationships around land use planning. This is actually the first step that is needed to be taken. The government must amend those relationships or the next government will.

This all being said, I don't necessarily believe that a land use planning strategy is necessarily needed to rectify the situation. What we need is a government that will develop those relationships and those rapports. Developing a strategy does not necessarily mend those relationships, and I believe that this is what is needed to happen before any progress can truly be made on land use planning in our territory. We need a government that will stand up for its citizens, listen to what they have to say and have working relationships with other levels of government and stakeholders.

Hon. Mr. Dixon: I will be fairly brief. I think that my colleague, the Minister of Justice, did a good job in outlining a number of points about the motion. In fact, I think the Leader of the Third Party did as well. For those reasons and others, I will propose an amendment to the motion that I believe will make it more palatable for members and more suitable and accurate.

Amendment proposed

Hon. Mr. Dixon: I move:

THAT Motion No. 1204 be amended by:

(1) deleting the phrase “establish, as an overarching priority, the development of a land use planning strategy with the objective of completing” and substituting the word “complete” for it; and

(2) deleting clause (2) and replacing it with “increase the collaboration between all levels of government regarding land use policies and decisions”.

Speaker: It has been moved by the Minister of Community Services:

THAT Motion No. 1204 be amended by:

(1) deleting the phrase “establish, as an overarching priority, the development of a land use planning strategy with the objective of completing” and substituting the word “complete” for it; and

(2) deleting clause (2) and replacing it with “increase the collaboration between all levels of government regarding land use policies and decisions”.

Does any member wish to speak on the amendment?

Ms. Hanson: On the face of it, I don't have a problem with — the language is general and it's nice language. What it does do is it removes the sense of any expedient action or sense of urgency — a sense that we are compelled, as members of this Legislative Assembly, to address the fact that, as I said earlier, after 21 years since the first four final agreements came into effect in 1995, that we still only have one finalized regional land use plan — the north Yukon plan.

I, of course, believe that the Government of Yukon should work with Yukon First Nation governments to complete regional land use plans. I love the notion of increased collaboration between all levels of government regarding land use policies and decisions. It renders what would have been a motion that would have been a bit more compelling to one that's somewhat innocuous and almost banal; but that's fine. It's a general statement, at least for the record, that members of this Legislative Assembly do recognize that we should use every opportunity to work with Yukon First Nation governments to complete regional land use plans because we do understand that it's important to demonstrate our support for sustainable and responsible development and that we do think that there is a need for collaboration between all levels of government regarding land use policies and decisions related to that. We do understand and respect the importance of providing certainty to the resource sector, the tourism sector, other economic stakeholders and civil society interests as well. We do understand the importance of facilitating that linkage between the completion of regional land use plans and the understanding that, until those are completed, the application or the implementation of the *Yukon Environmental and Socio-economic Assessment Act* is rendered more onerous, more complicated and more costly. We understand that, by doing so — by completing land use plans — we're both achieving the objectives and principles set out in chapter 11 of the First Nation final agreements and, as we talked about earlier today, the principles set out in common law as well as the *United Nations Declaration on the Rights of Indigenous Peoples*. So, for sure, I have no problem supporting the motion as amended.

Speaker: Are you prepared for the question on the amendment?

Amendment to Motion No. 1204 agreed to

Speaker: Is there any debate on the main motion, as amended?

Ms. Moorcroft: Land use planning is a democratic process that gives all land users a say in the future of a region. Land use planning is also a prominent feature of our final agreements, with 11 Yukon First Nations that are now self-governing.

My colleague, the Leader of the Official Opposition, brought this motion forward for debate today because of the Yukon Party government's failure over the last four and a half years to recognize and implement our final agreements between Yukon First Nations, Canada and Yukon governments. These agreements were reached after decades of negotiation and are designed to bring in a regime where indigenous and non-indigenous people work together.

These agreements belong to all of us. These agreements envision First Nation governments and Yukon government cooperating on determining land use planning in our territory. First Nations gave up more than 80 percent of their traditional territory land base in exchange for an agreement that they would be part of shaping the future use of land and resources.

I want to read some of the objectives of chapter 11, the land use planning chapter of the final agreements, because the Minister of Justice seemed to be quite confused about what they are designed to do. The objectives of the land use planning chapter are: to encourage the development of a common Yukon land use planning process outside community boundaries; to minimize actual or potential land use conflicts both within and between settlement land and non-settlement land; to recognize and promote the cultural values of Yukon Indian people; to use the knowledge and experience of Yukon Indian people in order to achieve effective land use planning; to recognize Yukon First Nations' responsibilities pursuant to settlement agreements for the use and management of settlement land; and to ensure that social, cultural, economic and environmental policies are applied to the management, protection and use of land, water and resources in an integrated and coordinated manner so as to ensure sustainable development.

Madam Speaker, regional land use planning processes in the Yukon are designed to be linked to all other land and water planning and management processes established by government and Yukon First Nations, minimizing any overlap or redundancy between the land use planning process and those other processes.

What this Yukon Party government has instead done is exacerbate land use conflicts by its actions of rejecting the *Final Recommended Peel Watershed Regional Land Use Plan*, of giving priority to oil and gas and mineral extraction over other activities, including agricultural, trapping, outfitting, forestry, wilderness tourism and traditional First Nation land use.

There are many ways that the government has done this. They consolidated authority into the Department of Energy, Mines and Resources, which has a primary mandate to expand and promote extractive industry by, for example in 2012, quietly moving authority for mining inspections under the *Waters Act* from Environment Yukon to Energy, Mines and Resources, so that EMR became both the promoter and the regulator.

They also did this by rejecting or varying numerous YESAB recommendations relating to minimizing negative environmental impacts of industrial development. They have expanded the EMR role in resource access roads and granted privileged access for extractive industries, while undermining land use planning. One example of that which my colleague, the Member for Takhini-Kopper King, spoke about the YESAB recommendation on the Freegold Road and that concern about building in sensitive caribou habitat, which was objected to by the Department of Environment and was overruled by Energy, Mines and Resources. There is no regional land use plan in effect in that area.

Madam Speaker, good governance is best achieved through an appropriate separation of powers.

I want to turn to some comments that were made in a letter from the director of Tr'ondëk Hwëch'in natural resources to the Deputy Minister of Energy, Mines and Resources related to the proposed double assessment credit program and, of course, to land use planning, which of course is part and parcel of that.

This government believes that free-entry staking is the highest and best use of the land and that this mandate has resulted in the alienation of huge tracts of land from a land use planning regime that was set out in the framework agreements — so quoting from the letter of April 28, 2016:

“Yukon mining legislation has essentially dictated the land use plan for the southern portion of TH Traditional Territory, rendering Chapter 11 of our Final Agreement virtually meaningless.

“The Supreme Court of Canada has recognized that First Nations with Final Agreements gave up title to most of the traditional territories in exchange for, among other things, a right to ‘participate in the management of public resources.’ By providing cheap and near-permanent rights that trump any other interest in the land, Yukon's mining regime violates the intent of our Final Agreements.”

Madam Speaker, I would add that the refusal of this government to bring forward modern and progressive placer mining and quartz mining legislation, which is their duty, is a failure to follow through on the devolution transfer agreement.

Yukon First Nation governments have made it clear for a number of years that Yukon mining legislation is inconsistent with final agreements. The Ross River Dena Council took the Yukon government to court over free-entry staking. The courts have clearly indicated a need for governments to consult with First Nations before a prospector or a mining company stakes a property. The Yukon appeal court in the Ross River decision gave this government an opportunity to come up with a new forward-looking legislative regime to

replace the *Quartz Mining Act* and *Placer Mining Act* — and they failed to do that.

There is a need for the Yukon government to return to the table to develop comprehensive land use plans, as required in the First Nation final agreements. This government has alienated a huge majority of the Yukon public in its unilateral rejection of the final recommended land use plan. Comprehensive land use plans, as required in final agreements, would result in respect for ecological, social and economic values. It seems it is only the stale Yukon Party government that does not recognize that the Yukon landscape is of significant, inherent value — its mountains, valleys, rivers and lakes, its fish, bird and wildlife habitat, its source of food and subsistence economy for indigenous people, and its cultural heritage and spiritual values. Those values are significant, not only for Yukon residents and for Yukon First Nations, but for the planet as a whole and for all of humanity.

In the spring of 2012, the Auditor General's report recommended completing regional land use plans to respect ecological, economic and social values. The Yukon public supports final agreements and regional land use plans. Fulfilling this commitment to complete regional land use plans — a prominent feature of final agreements and a powerful instrument of positive change — would support sustainable and responsible development. It would reduce conflict and provide certainty to the resource sector, tourism sector and other economic stakeholders and civil rights interests.

Before I close, Madam Speaker, I want to say that Yukon First Nations final agreements are a framework for reconciliation. They are modern treaties and they are about land use planning. In the truth and reconciliation calls to action, they asked for a proclamation that would repudiate concepts used to justify European sovereignty over indigenous lands and peoples, such as the doctrine of discovery and terra nullius — the truth and reconciliation call upon federal, provincial, territorial and municipal governments to repudiate concepts used to justify European sovereignty over indigenous peoples and lands.

The *United Nations Declaration on the Rights of Indigenous Peoples* is also consistent with our final agreements. Article 32 states that:

“1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

“2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.”

Those documents and those declarations are consistent with the final agreements in the Yukon and with the government's responsibility to implement those agreements. We are calling through this motion for this Yukon Party government to fulfill the requirements for regional land use

plans, which are a powerful instrument of positive change in the Yukon.

I support this motion and urge members to vote for it.

Mr. Tredger: I will be very brief. I represent three First Nations whose traditional territories are in my riding. The completion of land use planning in their territories is a fulfillment of the hopes and aspirations from the *Umbrella Final Agreement*. They are very concerned about the delays around land use planning. They feel that it is an integral part of the promises that were made. They have shown a willingness and a patience — a willingness to put time, energy and effort to complete land use planning for their children, grandchildren, First Nation citizens and all of the citizens of Yukon. Land use planning is not just about First Nations; it's about Yukon — all of Yukon. They are concerned that with each passing year, more and more of their land is encumbered, making land use planning increasingly difficult. They know there are competing interests. They want to ensure: that the interests that the leaders of the First Nations brought to the table are met; that our land provides an economic base, a traditional base and a spiritual base; and that we have the ability to be stewards of that land.

So here we are, after years of delay and many promises and talk of relationships, we have completed one out of eight promised land use plans. I look forward to the day when we have completed eight out of eight.

It will be a challenge — it is a challenge — to rebuild some of the relationships, to build the trust and respect so that we, as Yukoners, can truly be stewards of our land.

I thank the Member for Whitehorse Centre for bringing forth this motion and I encourage members of all parties to take this beyond the words that were said here today and put them into action.

Motion No. 1204, as amended, agreed to

Motion No. 1089

Clerk: Motion No. 1089, standing in the name of Mr. Silver.

Speaker: It is moved by the Leader of the Third Party:

THAT this House urges the Government of Yukon to provide up-to-date cost estimates for the new F.H. Collins Secondary School project.

Mr. Silver: The motion before us is very straightforward, so I'll be very brief. The government should provide the public with a full accounting of the cost of the new F.H. Collins Secondary School and the whole project. This has been asked for repeatedly over the last few years in the Legislature and the government has not necessarily provided the full spectrum. They have provided bits and pieces, but have not been willing to date to account for the entire budget that has been spent.

We do know this project has a checked history — photo ops for the 2011 election for a project that was never built. What we don't know is what the scrapped project cost and

whether the government includes those numbers when it talks about the overall budget for the complete project.

To be brief, like I said, I will just point out the items that we are looking for. We want to know the costs associated with the original project and we want to know what they are, specifically — and the costs paid to an architect for a free — I use that word loosely — plan from Alberta, and also the cost for the demolition.

There are also costs for the actual construction project that the government did proceed with, and there are costs for the upgrade to the tech wing that the government originally tried to claim were not part of the costs of replacing the school. There was also the cost of outfitting the school with equipment.

It is a very simple request, and I hope the government can provide that information today.

Hon. Mr. Graham: I think I'll be able to briefly summarize the cost. The only cost that I don't have with me to provide — and I apologize for that — is the cost of the original design work done on the building, the original design, the one that came in at \$47.8 million, which was more than 20-percent higher than the approved budget. That would be the only cost that I'm not 100 percent certain of.

I'll run through the cost structure. But first of all, I think it's really important that we understand that what we have constructed at the new F.H. Collins site is a world-class facility that meets the current needs of the community, and also meets the long-term needs of our school community in a fiscally responsible manner.

It's a technologically advanced project. It has a capacity of 750 students, which is more than the number of students in the building at the current time. During the construction of the school, even though the contract went to an Outside firm, since construction began, approximately 75 percent of the workforce on-site — and that includes both tradespeople and supervisors — were local community members.

One of the other things done that was done as a result was — the track and field project was in place, and it has an irrigation system in place as well. I know that the track, in its new location, isn't the perfect track from a track-and-field point of view, but we're working with the local association to try to improve it somewhat.

Demolition of the old school is scheduled for this summer — the summer of 2016. At the present time, we do not have a price, but I believe that was not part of the original contract in any event, so that wasn't part of the original \$47.8 million for the first design.

Madam Speaker, I'll go through from the beginning, as I understand it. Like I say, I don't have the original numbers from the planning exercise that was carried out. The infrastructure work, the in-ground work, carried out amounted to about \$2.02 million. We have determined that about 60 percent of that will be reusable, especially if a new francophone school is put on that location. We will be able to use even more, I believe, at that time. However, we believe that about 60 percent of that will be reusable, and that is

because the new trades wing is utilizing some of that infrastructure as well. The feeling is that the remaining 40 percent can be used for future development on the old school site.

The actual construction of the school itself was estimated at \$34 million. It came in slightly under that — the actual construction. That, again, does not include the fit-out of the school because that was separate; that was a Department of Education responsibility, as far as we are aware. It was not part of the original \$47.8 million as well — so, \$32 million there. The track relocation was \$737,000.

The tech wing renovation was also not part of the original \$47.8 million, but the tech wing renovation is budgeted at \$3.6 million. The tech wing renovation, in light of the fact that the French school board has now determined that they would like to build the French high school in that location, is additionally important because we believe that the F.H. Collins and the new French school, if it is located there, will both be able to make use of the tech wing. In fact, from a school point of view, it is very good because it will allow us to hire bilingual instructors in the tech wing over time and allow the French immersion students, as well as the French-first students, to utilize the tech wing. We think that this is very good.

In the original \$47.8 million, there was also a discussion about geothermal. Given that the school location was changed and there was an increased distance from the well location, it was determined that more research was required to determine the viability, given the additional distance that we would have to travel. Highways and Public Works is working with the Energy Solutions Centre to develop an assessment tool, shall we say, to assess various heating sources to ensure the appropriate heat source for any government building — but, in this case, the school building itself.

The only price that I do not yet have — because it is still out to tender discussions — is for the demolition of the old school, and that is because it was determined to be a YACA project. Kwanlin Dün and the department are currently discussing prices and, as soon as that is done, I would be in a position to have a number for you as well. What I will undertake is to ensure that we also bring back the number, if we can, of the consultation that led up to the first school design because that's the only part of the project that I don't have at the present time.

Thank you, Madam Speaker. That's all I have.

Ms. Moorcroft: It's my pleasure to rise on behalf of the Official Opposition to speak in support of this motion. I want to thank the Member for Klondike for bringing it forward and I want to thank the minister for his remarks.

I want to say that my constituents are disappointed at the numerous delays and changes. When I was knocking on doors in 2011, I was talking to people who expected that their children would have graduated from the new F.H. Collins, which was opened in January of this year, and now some of those students are graduating from university so there certainly have been delays.

We know that there was a planning exercise that involved a committee with representation from the community at large and with representation from Yukon First Nations, but that design was scrapped and the government ultimately purchased a model from Alberta and put that up instead.

The initial replacement school — which students, teachers and parents all had input on — was actually big enough. It had plans for geothermal heating and it would have been built by a local company, but it was cancelled by the Yukon Party government because it would have been too costly at \$47 million.

After throwing away the money that they spent on planning — I expect it's fairly large, but the minister has been unable to provide it — the Yukon Party awarded the general contract to Alberta's Clark Builders. Now we have a school that is much smaller than the original design and may cost more than the made-in-Yukon design that was cancelled for being too costly when you add all the components together.

We've asked different ministers on a number of occasions in briefings about this issue, and we haven't received a full answer. We still don't have quite a full answer today. In the last Sitting, we asked the minister to provide us a true cost estimate and we were told that the original bid was \$48 million, and more than 20 percent more than the approved budget for construction at \$38 million.

I'll review the Blues to see what the numbers that the minister has just provided add up to. I noted that they do not yet have the complete cost of demolition or of the initial planning.

I remain disappointed that the location was changed and that, for that reason, the geothermal possibility was rejected. It could have been a model project to look at a renewable energy source and it's something that we've been asking for a long time.

We are in support of this motion and would like to acknowledge the Member for Klondike for bringing it forward and the minister for providing us with, once again, an incomplete accounting of where the F.H. Collins Secondary School costs stand.

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

Mr. Silver: Thank you very much, Madam Speaker. We are still very interested in the numbers for the cost for the original design. I hope from the minister's comments that he is going to endeavour to get that for us. There are still some unregistered amounts for the complete tendering of this project. I think also it is worth noting that, as far as the proposed French school that is going to be coming in and replacing where the old F.H. Collins building is — if the intent is to share the tech wing with two schools now, I can see that it is going to be a little problematic. When we have a tech wing that, I am assuming, is being used at least more than half the day now with one school, we are going to find an awful lot of problems with that overlap in scheduling.

I know in Dawson, a good example is being able to use our gym for the community and the school. Different arrangements have been made, so that at 6:00 p.m. the recreation department takes over, but we have basketball programming, volleyball programming, et cetera coming out of the school, so just within a community with one school, it's very hard to program with that one facility.

With tech and trade, this is an important part of our education system. I would like to see an ability to have dedicated tech and trade courses that could actually, for one specific school, run the whole day — maybe even more programming so that we spend more attention on our tech and trades programming. It would be great to even offer academic programming in trades and technology, but what we have now is two schools sharing one facility.

I would like to thank the minister for the numbers that he gave us today. I will take a look at the Blues, add up the numbers and see what's missing.

Motion No. 1089 agreed to

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

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

Motion agreed to

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

The House adjourned at 5:15 p.m.

The following sessional papers were tabled May 18, 2016:

33-1-203

Yukon College 2014-2015 Annual Report (Graham)

33-1-204

Yukon Health Status Report — Focus on Substance Abuse — 2015 (Nixon)

33-1-205

Yukon Judicial Council Annual Report — 2015 (Cathers)

Written notice was given of the following motions May 18, 2016:

Motion No. 1214

Re: removing members of the Yukon Human Rights Commission (Cathers)

Motion No. 1215

Re: appointing members to the Yukon Human Rights Commission (Cathers)