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HANSARD

Tuesday, April 16, 2019 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2019 Spring Sitting

SPEAKER — Hon. Nils Clarke, MLA, Riverdale North
DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Don Hutton, MLA, Mayo-Tatchun
DEPUTY CHAIR OF COMMITTEE OF THE WHOLE — Ted Adel, MLA, Copperbelt North

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NAME	CONSTITUENCY	PORTFOLIO
Hon. Sandy Silver	Klondike	Premier Minister of the Executive Council Office; Finance
Hon. Ranj Pillai	Porter Creek South	Deputy Premier Minister of Energy, Mines and Resources; Economic Development; Minister responsible for the Yukon Development Corporation and the Yukon Energy Corporation
Hon. Tracy-Anne McPhee	Riverdale South	Government House Leader Minister of Education; Justice
Hon. John Streicker	Mount Lorne-Southern Lakes	Minister of Community Services; Minister responsible for the French Language Services Directorate; Yukon Liquor Corporation and the Yukon Lottery Commission
Hon. Pauline Frost	Vuntut Gwitchin	Minister of Health and Social Services; Environment; Minister responsible for the Yukon Housing Corporation
Hon. Richard Mostyn	Whitehorse West	Minister of Highways and Public Works; the Public Service Commission
Hon. Jeanie Dendys	Mountainview	Minister of Tourism and Culture; Minister responsible for the Workers' Compensation Health and Safety Board; Women's Directorate

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Yukon Liberal Party

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Paolo Gallina	Porter Creek Centre
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Brad Cathers	Lake Laberge	Patti McLeod	Watson Lake
Wade Istchenko	Kluane	Geraldine Van Bibber	Porter Creek North

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New Democratic Party

Liz Hanson	Leader of the Third Party Whitehorse Centre
Kate White	Third Party House Leader Takhini-Kopper King

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Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, April 16, 2019 — 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.

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Ms. Frost: I would like to ask everyone in the Legislative Assembly to please help me in welcoming some very important people to me: my dear sister, Shirley Frost, and my adopted brother, Garry Njootli. Welcome.

Also, in honouring Father Mouchet today, we have members here: Knute Johnsgaard, Pavlina and Rudy Sudrich and Mike Fancie and Paula Mullin.

Applause

Hon. Ms. Dendys: I would like to ask my colleagues in the House to help me in welcoming board members and staff from the Yukon Workers' Compensation Health and Safety Board: we have our president, Kurt Dieckmann; chair, Mark Pike; alternate chair, Vicki Hancock; board member Heather McIntyre; board member Lisa Martin; board member Luigi Zanasi; board member Christie Harper; director, Catherine Jones; director of human resources, Karen Pearson; vice-president, Jim Stephens; director, Lisa Clarke; board manager extraordinaire, Pauli Gabb; Andrew Robulack with communications; Robyn Coffin, legal assistant; and Erin Dixon, executive assistant.

Thank you so much for coming today — it's really supportive.

Applause

Hon. Ms. McPhee: I ask all of my colleagues in the House to help me in welcoming Jessica Lott Thompson, who is here today as the president of the Canadian Bar Association, Yukon branch.

Applause

Hon. Ms. Frost: I would like to ask everyone to help me in welcoming my other sister, Glenna Tetlich. Welcome.

Applause

Mr. Gallina: Members have been introduced, but I wanted to take a moment to just recognize some constituents and one in particular. I would like to recognize constituents Christie Harper, Andrew Robulack, Mark Pike, and Heather McIntyre. Heather was a leader to me when I was a young man working for her at the Westmark Hotels, and it is a pleasure to see her in the gallery today.

Applause

Speaker: Are there any further introductions of visitors?

Tributes.

TRIBUTES

In recognition of Father Mouchet Memorial Loppet

Hon. Ms. Frost: I rise on behalf of all members today to pay tribute to the Father Mouchet Memorial Loppet. This Saturday, the Old Crow ski chalet will burst to life with a roaring fire in the stove, a bubbling pot of caribou chili on the stove, and lots and lots of excited skiers.

April 20 marks the sixth year of this humble little race I like to call the "best race north of 67" — sorry, Inuvik.

The inspiration for the Father Mouchet Loppet came from the people of Old Crow. At Father Mouchet's funeral in 2013, many people from my home community of Old Crow travelled to Whitehorse to pay tribute to the late oblate. Sitting around reminiscing about those good old days, my sisters Glenna and Shirley and others said we should have some kind of event in Old Crow that brings skiing back to the community. We wanted to honour Father Mouchet's legacy — and what a legacy it is.

Father Mouchet came to Old Crow in 1954. He was an oblate priest from France. Instead of converting us to the western concept of God, he converted us to skiing. In the late 1960s, he started a territorial experiential ski program affectionately known as "TEST". By 1970, the Canadian national ski team was filled with athletes that Father had produced from Old Crow and Inuvik. Through the 50 years he coached athletes across the north, Father Mouchet inspired hundreds of young people to discover what they could accomplish through hard work and dedication. For many young indigenous youth, skiing became an escape from abuse and racism. Skiing and the discipline and success that came with it was a way to develop self-esteem during a very difficult period of people's lives. As my sister Glenna shared: "Father always said that you filled your inner physiology first. Play comes later." My dear friend Norma Kassi says, "Father taught us about discipline and perseverance, which brought us to where we are today in life, to be successful contributors to society."

Many of Father's athletes went on to Canadian championships, world ski championships, and the Olympics. In 1970, four cousins from Old Crow — Shirley, Glenna and Mary Frost and Agnes Charlie — made the Canadian Junior Championships, ranking first, second, third, and fourth under the leadership of Father Mouchet and coach Jim Boyd. The following year, Mary and Glenna won the North American junior championships, coming in first and second. In 1965, my Auntie Martha Benjamin won the Canadian Senior National Championships along with her teammate, Ben Charlie, who won the men's division. These are accomplishments that have not been repeated in the history of Canadian sport.

Mr. Speaker, throughout my life, there have been three people who shaped who I am today: my mother, Alice Frost,

my grandmother Joanne Njootli, and Father Mouchet. The life and legacy of Father Mouchet guided many other Yukoners. Pavlina Sudrich and Knute Johnsgaard were some of Father Mouchet's last athletes. They honour the legacy of Father Mouchet each year by putting on the ski race affectionately known as the "Old Crow Father Mouchet Loppet". With the help of Air North, they travel to Old Crow each year to work with the Vuntut Gwitchin recreation leader, Lindsay Johnston. They ski with the kids from Chief Zzeh Gittlit School, they snare rabbits, they boil water and make hot chocolate under the endless sun of the Old Crow spring.

Volunteers Paula Mowat and Mike Fancie help with the crew as they shovel out the windblown downhills, slash overgrown willows, and clean and organize countless pairs of skis. The true spirit of this little race, Mr. Speaker, comes from the love of the community. This is an event where everyone lends a hand. The kids from Old Crow take up their slash axes and shovels and help to prepare the ski trails. Martha Benjamin stocks the chalet with wood, cooks a big caribou chili, and helps the little kids around the 2K. Members of the community make sure that the ski chalet has wood and water and is in good repair. Earl makes sure that elders have a ride to the chalet on race day. Stephen builds a big bonfire out front. Bertha brings a basket of bannock. About 50 athletes put on a bib and race each year. In a community of just over 200 people, that's saying something. There are medals and prizes and an Easter egg hunt for the kids. More than that, the loppet is a chance for the kids of Old Crow to ski alongside their parents and grandparents and to know that, when they hear the name Father Mouchet, they are part of a story that reaches back seven decades and to know, like their parents and grandparents, what it's like to feel strong and free, moving fast through the trees down Crow Mountain.

Mahsi' cho.

Applause

In recognition of Law Day

Hon. Ms. McPhee: I rise today on behalf of the Yukon Liberal government and the Third Party NDP to recognize Law Day 2019. Law Day began 37 years ago to commemorate the signing of the *Canadian Charter of Rights and Freedoms*. As we celebrate Law Day this year on April 17, I invite this Assembly and our fellow Yukoners to reflect on the soundness and history of those hard-won rights and freedoms.

Law Day is indeed an opportunity for the public to learn about the law and to learn about the legal profession, the provision of legal services, and the structure of our legal entities and institutions.

Tomorrow will also be an occasion for lawyers and other legal professionals to build and strengthen bridges with citizens as they share and discuss the rule of law and the foundation of Canadian democracy.

Today's youth will emerge as our eminent judges, our future lawyers, legal professionals, community advocates, and rights seekers. Thus, the young generation must also seize this day as a great chance to develop their sense of civic duty and

their understanding of the previous nature of Canadian values on which our society is shaped and founded.

We had an amazing display of young leaders in this very House last week, Mr. Speaker, when 19 young parliamentarians participated in a very successful Youth Parliament. Beyond being an educational day, Law Day is, above all else, about taking pride in our *Canadian Charter of Rights and Freedoms*. The *Canadian Charter of Rights and Freedoms* has been a blueprint for other democracy-seeking countries. Across Canada and the Yukon, April 17 always comes as a reminder of our democratic achievements that we must cherish, respect, and protect each and every day. It is from these vested rights and freedoms that the theme of this year's Law Day has been chosen: "Our Language Rights".

Also, most fitting is the 2019 United Nations International Year of Indigenous Languages, with an aim to establish a link between language development, peace, and reconciliation. Our territory is proud to be one of the few jurisdictions across the country that has embraced this right to the point of enshrining it in law. Under the Yukon *Languages Act*, which was enacted in 1988, Yukon acts and regulations must be published in English and French, with both versions having equal authority.

In the Yukon, the public also has the right to use English, French, or a Yukon indigenous language in the Legislative Assembly or in any Yukon court.

In this respect, Yukon is proud to be able to count on Justice Edith Campbell who last year became our first francophone judge to be appointed to the Yukon Supreme Court and is the only resident Supreme Court Justice who can preside over matters in both English and French. This fundamental respect for our citizens' differences, codified through our official languages legislation, guarantees every Canadian citizen access to an open, independent, and unbiased judicial system.

Before I finish, I would like to acknowledge the contribution of the Canadian Bar Association and its branches across Canada in the organization of Law Day activities. Once again, our territory is a leader and has become accustomed to celebrating Law Day after the official date of April 17, when sometimes the days are at their best and a bit warmer. Although the sun has returned its warmth surprisingly a bit early to us this year, the 29th edition of the Law Day run and walk event will be held on Friday, May 3.

I encourage all Yukoners to meet up, participate, and be ready to walk, run or roll at 11:30 a.m. at the Whitehorse visitor information centre. Every year, the Canadian Bar Association, Yukon branch chooses a local organization to receive the proceeds of the Law Day event. This year, the Youth of Today Society will receive all funds raised.

The Law Day fun run and walk on May 3, 2019, is another good reason to gather with our friends and families and exercise some of our most fundamental freedoms enshrined in our *Canadian Charter of Rights and Freedoms*.

Mr. Cathers: I am pleased to rise today on behalf of the Yukon Party Official Opposition to pay tribute to Law

Day, an event hosted across Canada in recognition of the proclamation of the *Canadian Charter of Rights and Freedoms*. The Charter, signed April 17, 1982, was built upon the foundation of the *Canadian Bill of Rights* brought forth in 1960. Prime Minister Diefenbaker stated that a bill of rights was required to take a forthright stand against discrimination based on colour, creed or racial origin.

The *Canadian Charter of Rights and Freedoms* protects the rights of all Canadians, including the right to life, liberty, and security of the person. Under the *Canadian Charter of Rights and Freedoms*, everyone has these fundamental freedoms: the freedom of conscience and religion, freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication, freedom of peaceful assembly and freedom of association.

The Charter also protects equality rights, stating that every individual is equal before and under the law and has the right to equal protection and equal benefit of the law. The Charter also protects the right to fundamental justice, as well as the right to counsel.

I would point to the omission within the Charter of a key part of the Diefenbaker bill of rights, which is the right to own property and to not be deprived of that property, except in accordance with due process of law. This right should have been given more explicit protection in the Constitution. I would note that the principle of that was supported when the Charter was being developed through a motion moved here in this Legislative Assembly by the late Andrew A. Philipsen in November of 1982.

It is all of these rights we celebrate annually during Law Day and it is important to mention that here today as we recognize the 37th anniversary. It is also a reminder of the duty that we as elected representatives have to protect the Charter rights of all Canadians.

The Yukon chapter of the Canadian Bar Association is hosting its annual Law Day fun run and walk on May 3, beginning at the Whitehorse visitor information centre. This year's recipient of funds raised is the Youth of Today Society, which does so many amazing things for youth to help them identify their interests and strengths in a supportive atmosphere. This non-profit society is devoted to empowering, educating and supporting Yukon youth through a variety of services and opportunities, with programs ranging from food programming, counselling, mentoring and integrating youth into opportunities according to their interests and talents such as business, graphic arts, photography, and more. Participants in the annual Law Day fun run and walk can sign up ahead of time at a discounted rate at Sport Yukon until April 30. Last year, the event raised over \$5,000 for Yukon charities, and hopefully this year can bring in as much, if not more.

I would like to thank all of the volunteers who make sure that this event happens each year and give special thanks to Tom Ulyyett for his tremendous dedication to the event as well as the Canadian Bar Association, Yukon chapter and all of the volunteers and sponsors.

Applause

Speaker: Are there any returns or documents for tabling?

Are there any reports of committees?
Petitions.

PETITIONS

Petition No. 7 — response

Hon. Mr. Streicker: I rise today to respond to Petition No. 7, introduced by the Member for Takhini-Kopper King on April 2.

The petition urges the Government of Yukon to implement a mandatory fee on all single-use retail bags to effectively reduce their use and encourage reusable alternatives. I would like to begin by thanking the nearly 1,700 Yukoners who signed their names to this petition. It was affirming to see so many signatures from Yukoners encouraging government to balance the economy and environmental stewardship. Thanks as well to Zero Waste Yukon for circulating the petition, collecting the signatures, and championing the issue.

In February, we drafted a designated material regulation to do what the petition is calling for and initiated a three-month engagement process on a potential fee for single-use retail shopping bags, both paper and plastic. The engagement runs to April 26, 2019, and I encourage all Yukoners to provide their feedback to me or through engageyukon.ca by the end of next week.

In order to respect the engagement process, I have taken the petition and shared it with the folks from Environment and Engage Yukon who are collecting feedback from Yukoners. Once we have collected the diverse range of views from all Yukoners, we will then take a decision on the potential designated material regulation. In the meantime, let me use this opportunity to share some information regarding plastic waste, polluter pay, and the need for us to reduce.

More than 400 tonnes of plastic are shipped out of the Yukon annually. This represents less than one-fifth of all plastic waste in the territory. More than 2,200 tonnes of plastic end up in our landfills every year. The cost of recycling plastic waste has doubled in the last five years. The Yukon government and the City of Whitehorse combined diversion credit has increased from \$150 per tonne in 2013 to about \$350 per tonne today.

In response to the unanimous motion in this House last fall to work to eliminate single-use plastics, the Ministerial Committee on Solid Waste recommended a designated material regulation for both single-use retail plastic and paper bags. This was our commitment.

In the Northwest Territories, this program reduced single-use bags by 70 percent. This is just one step in an ongoing process to bring the Yukon closer to best practices. We are exploring an extended producer responsibility program for the Yukon. This kind of program has been implemented in most of the provinces. It puts the responsibility on industry to manage the entire life cycle of the product including disposal, incentivizing, reuse, less wastage and recycling systems.

We are putting together a campaign to educate Yukoners on the cost of waste and encourage reusable alternatives. We are working with municipalities to tackle the question of liability in a shared manner to come up with a regional landfill model that is fair for all Yukoners. We're also working to increase the fines for illegal dumping. Dumping of waste should not be tolerated. It is unacceptable and just plain trashy.

The Yukon's current solid-waste management system is not financially or environmentally sustainable and it is time to take action. As responsible governments, we are making changes and we are asking all Yukoners to join us as we improve the way we deal with solid waste as a territory.

Speaker: Is there any other business regarding petitions?

Petition No. 10 — received

Clerk: Mr. Speaker and honourable members of the Assembly, I have had the honour to review a petition, being Petition No. 10 of the Second Session of the 34th Legislative Assembly, as presented by the Member for Watson Lake on April 15, 2019.

The petition presented by the Member for Watson Lake meets the requirements as to form of the Standing Orders of the Yukon Legislative Assembly.

Speaker: Accordingly, I declare Petition No. 10 is deemed to be read and received. Pursuant to Standing Order 67, the Executive Council shall provide a response to a petition which has been deemed read and received within eight sitting days of its presentation. Therefore, the Executive Council response to Petition No. 10 shall be provided on or before April 30, 2019.

Are there any further petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to continue to develop policies and draft the legislative framework needed to update the *Liquor Act*.

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

THAT this House urges the Senate of Canada to recognize the importance of ensuring judges have sexual assault law training before hearing cases of that nature by supporting Bill C-337, *An Act to Amend the Judges Act and the Criminal Code*, and passing that legislation without further delay.

I also give notice of the following motion:

THAT this House urges the Premier to commit that, before he makes any change to the Yukon's electoral system,

Yukon voters will have the final say on any proposed change in a binding referendum.

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

THAT this House urges the Government of Yukon to introduce permanent funding for continuous glucose monitors to include all Yukoners with type 1 diabetes.

Speaker: Are there any further notices of motions?

Is there a statement by a minister?

MINISTERIAL STATEMENT

Workers' Compensation Act and Occupational Health and Safety Act re-development

Hon. Ms. Dendys: The health and safety of Yukon's workers, both mental and physical, is a priority for this government. We also want to see Yukon businesses succeed and flourish. These concepts do not conflict with one another; in fact, they depend on one another. The healthier and safer workers are, the more success employers will enjoy. That is why this government has asked the Yukon Workers' Compensation Health and Safety Board and the Department of Justice to explore ways to improve the legislation governing the Yukon workers' compensation system and our occupational health and safety system. This includes two acts: the *Workers' Compensation Act* and the *Occupational Health and Safety Act*. Both pieces of legislation have fallen out of step with modern workplace practices and, more importantly, do not align well with one another.

Consider the *Workers' Compensation Act*. It governs the board's business, compensation, and return-to-work efforts. You could say that it provides a system of care for workers who are injured. Its most recent major update involved a variety of amendments in 2008. Since then, the act has largely remained untouched. It's beginning to show its age, particularly in areas like mental health.

Then there is the *Occupational Health and Safety Act*. It provides for the prevention system to keep workers healthy and safe. Yukon's first *Occupational Health and Safety Act* came into force in 1984. It was pieced together quickly at the time based on a variety of similar legislation from other Canadian jurisdictions. Those pieces haven't proven to be cohesive. More importantly, however, the act does not align well with the *Workers' Compensation Act*.

Both of these acts now require considerable amendment to modernize them so that they are in line with the 21st century workplaces. A responsible government reviews and works to update legislation. The care and the prevention systems need to be harmonized. Both lack of attention and lack of updated legislation have put our workers and our employers at a disadvantage when compared to other Canadian jurisdictions. That's why I asked the board to review both pieces of legislation. We see tremendous opportunity to bring care and prevention together. This work will recognize and embrace the interest of both workers and employers.

We know there are many stakeholders, workers, employers, and other members of the community who will want their voices heard in the course of this review of the *Workers' Compensation Act* and the *Occupational Health and Safety Act*. Our government will begin the public engagement later this year. It will involve employer and worker stakeholders plus members of the public. We will publish a full report on this effort to the public following the engagement. The report will establish a comprehensive rationale for legislative amendments that we will bring forward to achieve improvements to this important legislation. Thank you very much, Mr. Speaker.

Ms. McLeod: Thank you for this opportunity to respond to this ministerial statement.

As the minister referenced, the board has been tasked to review these pieces of legislation. As you know, the board is governed by this legislation, so there is a question about asking a board to review legislation that ascribes their own powers. That said, we do think that we should always be looking at ways to improve outdated workplace safety, and we are supportive of efforts to do so.

It's important, as this moves forward, that the minister ensures this process takes into consideration the views of individuals, workers, and businesses. By having the government lead the process, it could potentially morph into a government-growing and red-tape-adding exercise, so we think it should be looking at ways to improve safety without adding a bunch of unnecessary and complicated red tape. In order to do this, we think that the government should be putting more focus on working with major stakeholders such as industry associations and unions to design the process to ensure that it reflects their priorities and not just the priorities of the Liberal government. We also believe that there is an opportunity to improve the relationship between Occupational Health and Safety and employers, so we think this should be examined as part of this process.

Ms. Hanson: The Yukon New Democratic Party welcomes the announcement of the long-overdue legislative review of the *Workers' Compensation Act* and the *Occupational Health and Safety Act*. As well, we are happy to see a ministerial statement that is not just a repeat of a news release or announcement the government has already made. We believe that it is important that legislation that has such a critical impact on the lives of workers and their families, as well as their employers, be reviewed and updated to meet the changing work environment of the 21st century.

It is important to note, however, that although the minister implies that identification of the need to review this legislation was or is a novel idea emanating from her office, for the record, the Yukon NDP has called for a comprehensive review of this legislation for a number of years, asking both this minister and her predecessors to act. In fact, in the *Workers' Compensation Act*, it calls for such a review. The review in section 129 states that the minister may conduct a comprehensive review of this act in 2013. That was five years

ago — after it was introduced in 2008 — and is why we, the NDP, believe there should be mandatory — not discretionary — reviews built into legislation. 2013 is six years ago — six very long years ago.

This is important, and members of this Assembly will recall that every time the board has appeared before this Legislature as witnesses, we have asked about provisions of the existing outdated legislation that prevents the Workers' Compensation Board from doing the right thing for workers injured on the job or suffering the long-term impact of work-related illnesses.

Today we see more individuals working in precarious employment situations, on contract or self-employed, with poor access to ongoing workers' compensation coverage. We would note that section 129 of the legislation also specifically points to the need for a review of the effect of retirement on entitlement — another question we have asked before. We have specifically asked the minister about constituents with permanent disabilities who have come to us asking for support in terms of lump-sum payouts so that they might be able to purchase their own care as needed and determine how best to address their own needs. Unfortunately, there was a negative response because the current law prohibits it.

When the NDP raised issues with respect to the recognition of post-traumatic stress disorder, this government ignored the outcome of the public consultation that identified that PTSD not only occurs in first responder occupations, but across a broad spectrum of occupations.

As the government rolls out the terms of reference or scope of the review of these two vitally important pieces of legislation, we will be vigilant in ensuring that, unlike the Yukon Liberal government's response to PTSD — which was essentially to say that they chose to restrict the application of coverage for PTSD so as to minimize their financial exposure — the NDP will expect this government to safeguard the covenant that was established over 100 years ago when, in exchange for assurances of wage replacement and/or medical benefits and rehabilitation to employees injured in the workplace, employees relinquished their rights to sue their employer.

As the act is modernized, it will need to reflect the full scope of that agreement, including medical conditions beyond the current scope, particularly with respect to mental health. We will look for provisions that recognize that the field of occupational health and safety has expanded greatly and that professional opinion in that field needs to be respected. With regard to this announcement, we look forward to hearing from the minister today to clarify the timelines. When will the consultation roll out, and when does she anticipate tabling new legislation in this Assembly?

Hon. Ms. Dendys: I thank my colleagues for their comments and the questions they have brought forward today. The passion that's being demonstrated on this issue is truly something to be celebrated. It's clear that, as with our collective efforts on the establishment of the PTSD presumption for emergency response workers, we will all

work together on this as well. Together we will focus on the interests of workers and employers as we find a way to join prevention and care more closely in a comprehensive wellness system.

We'll find a way to safeguard workers, their mental health and their physical health. We will definitely find ways to reduce red tape — that's going to be a major outcome of these act reviews and redevelopments. For both workers and employers, it will reduce the burden on their lives and their business operations. This is our role in the Legislative Assembly as a governing body — to responsibly lead Yukoners to better lives and better communities.

I will rely on the expertise of our public bodies to guide our hand in the development of this legislation. Their expertise is informed in equal parts by experience and public engagement. Stakeholders, the worker and employer communities, and members of the public in general will have much to contribute to this conversation in the coming months. I have heard the ideas here today, and I again hear an incredible amount of passion, as we have on this side of the House.

I would encourage my colleagues to participate in the public engagement process once it begins and to bring their partners and constituents to the table with them. This government sees an opportunity to merge the workers' compensation system with the occupational health and safety system into a workplace wellness continuum, from prevention to care through return to work and back to prevention again.

This is an important conversation that impacts our economy and the well-being of Yukoners. I really look forward to working together to find a way to amend these important pieces of legislation in such a way that stands the test of time and will take us through these next decades and into the future of workplace safety, with the interest of all Yukoners at heart.

I again thank my colleagues today. I'm really proud to make this announcement. It's going to be an incredible piece of work for this government, and I'm excited about it. I'm excited to have the team here today to share in this announcement. We will have further announcements, in terms of timelines and the work schedule. As I have said, it's going to be an extensive amount of work. We have proven on this side of the House that we're not scared to take on big pieces of legislation, and that's what we're announcing here today.

Speaker's ruling

Speaker: Before the House proceeds to Question Period, the Chair will provide additional information regarding a point of order raised yesterday by the Government House Leader and the Chair's ruling on the point of order.

Yesterday during Question Period, the Member for Lake Laberge said that the proposed electoral reform process "... seems designed to stack the deck in favour of the Liberals."

The member also quoted from a media report wherein a representative of Fair Vote Yukon said — quote: "I think the premier has taken too much onto his shoulders. He doesn't need to be a dictator."

The Government House Leader then rose on a point of order and said — quote: "... the comments being made by the member opposite have crossed the line into imputing false motives. I think the word 'dictator' and the comments about 'stacking the deck' et cetera are improper in this House and I ask that he withdraw them." In response, the Member for Lake Laberge said that he was quoting something that had been said by a member of the public.

The Chair ruled on the point of order yesterday but also committed to take the matter under advisement. The Chair will now provide a more detailed ruling.

The Chair does not believe that the "stacking the deck" comment violated Standing Order 19(g) — the imputation of a false or unavowed motive to another member; however, the Chair, having reviewed the Blues, believes that the use of the word "dictator" in the context in which it was used yesterday constituted insulting language and therefore violated Standing Order 19(i).

This Standing Order prohibits the use of abusive or insulting language, including sexist and violent language, in a context likely to create disorder.

Finally, the Chair would also like to reiterate a point made yesterday that members cannot do indirectly what they cannot do directly. In other words, a member cannot avoid being called to order by attributing unparliamentary words to another person. The fact that the Member for Lake Laberge was quoting another person cited in a media report provides no protection for what the member said.

The Chair thanks the Government House Leader and the Member for Lake Laberge for their contributions to the resolution of the point of order.

The House will now proceed to Question Period.

QUESTION PERIOD

Question re: Health and social services programs and services review

Ms. McLeod: Mr. Speaker, 15 days ago, I asked the Minister of Health and Social Services to tell us about the results of the internal work conducted by the tiger team in the Department of Health with respect to the health review.

In response, she said that they came up with 14 recommendations to fix inefficiencies in the department. The minister even said that some of them had already been implemented.

When asked for further details on April 1, the minister refused to provide information with respect to these changes. Yesterday, my colleague the MLA for Takhini-Kopper King asked the minister to provide us further details on these 14 recommendations, and once again, she refused.

Mr. Speaker, now that the minister has had 15 days to get briefed on the 14 recommendations to fix inefficiencies in the health care system that, according to her, the department is already implementing, can she please tell us what those 14 recommendations are?

Hon. Ms. Frost: I believe I responded to the question. I said that I would provide the recommendations once they were made available, allowing the department and the team to

work to finalize that. I would be happy to do that when they have completed their work.

Ms. McLeod: So regarding the internal work of the Department of Health and Social Services regarding inefficiencies in health care, here is what we know. There was an internal tiger team whose work was guided by an internal steering committee. This work began 10 months ago and, according to the documentation that was obtained by media and others last session, it cost up to \$1.5 million.

Can the minister tell us when all 14 recommendations — which she says have already been implemented — will be completely implemented?

Hon. Ms. Frost: The first phase of the process looked at collecting information and historical data, as well as looking at the reports that were generated by the previous government to look at what was implemented, what was recommended and how we have then collaborated with our partners to ensure that we better align with service delivery — identifying our partners, identifying financial trends over the last five years from 2008 — actually, the first report — to where we are now.

That report is completed, and the internal team did an awesome job. I'm very happy with that. They provided the support to the independent expert panel. At that point, their job was completed, and now the independent review has been commissioned and they will go about doing their good work.

Ms. McLeod: As we have stated, the internal work at the Department of Health and Social Services started in June 2018; 10 months and \$1.5 million later, they have come up with 14 recommendations to improve efficiencies in our health care system. That means that Yukoners paid about \$100,000 per recommendation.

Can the minister tell us how much money these 14 recommended efficiencies are expected to save the Government of Yukon?

Hon. Ms. Frost: \$1.5 million — I'm not sure. I think that what happens with the internal team — the team that was established already existed. It's part of their job. The work that they are expected to do on a daily basis is to provide the necessary support and analysis to look at how we are delivering services to all Yukon citizens and to all of our communities. I am very pleased about that.

With respect to the future — I cannot predict that. I will leave that to the independent expert panel to do their good analysis and work for us and then provide us with recommendations. We will do that in good faith with our partners, and we will continue to look to the future and look to the recommendations.

Question re: Housing programs

Mr. Kent: On March 22, the Minister responsible for the Yukon Housing Corporation announced a mixed-income housing project for downtown Whitehorse. The headline for that news release is — and I quote: “Mixed-income housing project plan for Whitehorse”. However, on April 11, the minister continually referred to the project as a mixed-use housing project. The definitions of “mixed-income housing”

and “mixed-use housing” are very different. “Mixed use” is a type of urban development strategy for housing that blends residential, commercial, cultural, institutional, or entertainment uses, while “mixed income”, on the other hand, includes diverse types of housing units such as apartments, townhomes, and/or single-family homes for people with a range of income levels.

Can the minister confirm if the project that she announced on March 22 is still a mixed-income development, or has it changed to be a mixed-use development?

Hon. Ms. Frost: I am very proud of the housing investments that we have made over the course of my mandate. Construction for a 16-unit housing residence in downtown Whitehorse is almost completed. Just this morning, I met with the City of Whitehorse and Kwanlin Dün to look at Safe at Home — to look at the philosophies and the housing action plan that the community had established to look at what is required in the city.

One of the recommendations is to look at new innovative initiatives. Looking at the diverse population that we have — the aging population, and we have younger people moving into our cities. We are looking at mixed-use facilities in our community. Yes, when I speak about the investment in the mixed-use housing project, we look at a mixed-income model and we look at mixed use in terms of the demographic groups. We will have seniors in there. Right now, what we are looking at is integration and correspondences with the community. Perhaps the member is not clear — the vision is mixed use and mixed income as two separate things, and when we look at the demographic groups — what we are hearing back from the community is they want to look at a philosophy that integrates all of the needs of our community. We are taking that model, and we are going to seek then to have some really good dialogue and discussions with community members and our partners.

Speaker: Order.

Mr. Kent: The minister appears to be further confusing this issue for Yukoners who are trying to determine exactly what type of housing development she is planning for downtown Whitehorse. As we have stated, there are two different definitions for “mixed-income housing” and “mixed-use housing”. That is why we were interested when the minister started referring to this mixed-income housing project as a mixed-use project.

Regarding mixed use, last year the *Financial Post* published an article written by a professor at Ryerson University about housing. The article states — and I quote: “Mixed-use developments make housing affordability worse — and residents more miserable.” It goes on to say — and I quote again: “... affordability in mixed-use neighbourhoods is worse than in other parts of a city.”

If that is the case, can the minister tell us why she is spending \$18 million on a mixed-use development?

Hon. Ms. Frost: As I said earlier, we are not trying to make the housing market worse, as perhaps we have seen historically. We are trying to improve the market. We are trying to improve opportunities — the opportunities to re-

enable, the opportunities to provide Safe at Home initiatives, the opportunities to work with our community partners. That is what we are doing.

We are looking at mixed income, and mixed income means that we look at the diversity of our community. Mixed use, in terms of demographic groups — we are trying to look at — of course, there are definitions, and we can pull out definitions and define what that means. What we are trying to look at is providing an open, transparent dialogue with our community, community members, and partners to try to solve and look at solutions for our community. We do that in partnership with the community, with discussions on what we see as an opportunity and a way forward. Notably enough — the conversations and the discussions around the community aging-in-place sessions that we have had over the course of the last year really highlighted the need to look at the integration of seniors with younger populations in the same facilities. So that is what we are looking at.

Mr. Kent: What we have seen with this minister is that, first of all, she announced a mixed-income housing project in her March 22 press release. Then on April 11, during debate for the Yukon Housing Corporation, she started referring to it as a “mixed-use” project. Mr. Speaker, this is an \$18-million project, so it is a bit concerning that she hasn’t been clear on what that project actually is.

When the minister was asked about this project on April 11, she did say that it would include market rental housing in the development. With this, it appears the minister is getting in the business of doing business, contrary to what the government has stated in the past.

Can the minister tell us why this housing development will be competing with private sector landlords for market rental housing?

Hon. Mr. Silver: What we are doing here is witnessing a government that is engaging with Yukoners, modernizing our legislation and rebuilding relationships with the First Nations, as well as investing in the future for Yukoners. When it comes to housing, I’m extremely proud of the initiatives that the minister has taken on with a whole-of-government approach. Construction is almost completed, as she mentioned, of a 16-unit Housing First residence in Whitehorse — the first of its kind in Yukon. We released those 90 lots in Whistle Bend, including townhouses, multi-family and residential lots, with hundreds more to come this year.

We completed a new sixplex in Ross River to house Yukon government employees so that they can provide critical services in the community. We funded Challenge Disability Resource Group to help them buy land from the City of Whitehorse for the new mixed-use Cornerstone Housing project. We have also launched the housing initiative fund and received 20 submissions for innovation in housing projects, and we will see 110 units of housing come available here as well, allocating another \$3.6 million to projects selected this year.

I’m trying to show that, when it comes to housing — whether it be affordable housing, social housing, or working

with our stakeholders in the private sector — this government is making big commitments to Yukoners.

Question re: Social assistance ceiling for disabled

Ms. White: NGOs such as Inclusion Yukon and Challenge offer individuals with disabilities training and support to find employment. For some, it will be part-time work, and for others, it might be self-employment. These programs are invaluable as they provide individuals the opportunity to be involved in the community and to be able to contribute. Many of these individuals also receive social assistance to supplement their income and meet their daily needs, such as rent and food.

Currently, the *Social Assistance Act* regulations set a yearly income ceiling of \$3,900. Once an individual earns \$3,900, the Government of Yukon claws back 75 percent of that individual’s social assistance. Yukoners with intellectual disabilities are often forced to choose between their social assistance support and their job and mental well-being.

Mr. Speaker, does the minister recognize that, as it stands, the income ceiling attached to the Yukon *Social Assistance Act* not only discourages but punishes people with intellectual disabilities from participating in the workforce and working to their full potential?

Hon. Ms. Frost: I would like to thank the member opposite for the question, because clearly that is what we have been looking at. Those are some of the challenges and barriers that we have taken to assessing to look at an evaluation of the Yukon Housing Corporation programming, as well as Health and Social Services, so that the clients who perhaps come through the Yukon Housing Corporation to access housing, or the income support clients — it is to work together to ensure that we provide services that best align with the clients’ needs.

Clearly, the objective is not to penalize, but to incentivize and create opportunities to educate the individuals — to help the individuals to stabilize, not to put up barriers.

I am clearly looking forward to the assessments that are being conducted. We are currently looking at our policies internal to staff in social housing and we are working with the Yukon Housing Corporation and the Department of Health and Social Services to do just that.

Ms. White: These acts will continue to penalize people with intellectual disabilities until the review is completed maybe sometime next year.

Under 30 percent of Canadians with intellectual disabilities are employed and Yukon’s numbers are likely similar. But when it comes to creating the right conditions to encourage Yukoners with intellectual disabilities to work, Yukon is far behind the pack. Alberta’s income ceiling is set at \$12,864, British Columbia’s is at \$12,000, and the Ontario government is considering increasing their ceiling to \$13,200. Mostly recently, British Columbia raised their income ceiling, recognizing the benefits associated with employment for people with intellectual disabilities.

This government has said that it supports Yukoners with intellectual disabilities, yet their current social assistance income ceilings don’t reflect that.

Mr. Speaker, will this government commit to reviewing the income ceiling and regulations attached to the Yukon *Social Assistance Act* with a view to increasing the income ceiling of people on social assistance with intellectual disabilities so that they can fully participate without fear of losing their safety net?

Hon. Ms. Frost: I can commit that the Department of Health and Social Services will work with the Housing Corporation and we will also look at the need to assess and evaluate all of our policies to ensure that we provide fairness to all clients — not as a means in which to dis-incentivize, but to incentivize them to support and encourage them.

I do believe that the question being asked is a fair question and it is one that we will certainly take under advisement and look at as part of our review.

Ms. White: It is a well-established fact that when people with disabilities are able to participate in the workforce, everyone benefits. Changing our social assistance income ceiling would benefit not only those on social assistance but also those who employ them.

As it stands, the social assistance ceiling discourages full participation in the workforce. Currently, someone would work 306 hours in a year to hit that ceiling. If it was increased, individuals could participate more fully, which helps boost confidence and self-esteem, can increase independence, and allows them to contribute to the community they live in. Employers also benefit, as people with disabilities will no longer be forced to cut short their working hours when they hit the \$3,900-income ceiling.

Mr. Speaker, I am hopeful. I am hopeful that this government will include this. If this government does decide to consider an increase to the income ceiling, will they also consider indexing these increases to the consumer price index to ensure that future inflation does not limit the ability of people with intellectual disabilities to fully participate in the workforce?

Hon. Ms. Frost: What I do want to acknowledge is that Yukon social assistance benefit rates are among the highest in the country. Our earned income exemptions, which support people to re-enter the workforce, are also greater than any other jurisdiction.

What I can say is that we are working with the clients. We are working with the Yukon Housing Corporation and Health and Social Services to look at alignments and we are looking at the expanded scope and looking at facilitating efficiencies within Health and Social Services so that we can align the client needs.

I acknowledge the question that is being asked and we will take that under advisement as we look at the review process.

Question re: Yukon Fish and Wildlife Management Board appointments

Mr. Istchenko: On March 26, I asked the Minister of Environment if she was allowing the Government of Yukon appointments to the Yukon Fish and Wildlife Management Board to simply expire without replacing them. She confirmed

that she would not be proceeding with the replacement of the YG positions on this board, which is her responsibility.

The minister is developing a bit of a reputation for not being able to get along with boards and politically meddling or handcuffing them to suit her needs.

Can the minister please provide a rationale for why she is not replacing these appointments and essentially weakening the board?

Hon. Ms. Frost: Under the *Umbrella Final Agreement*, the responsibility of appointing the members falls on a number of entities — CFYN being one. We just received the appointments, so I'm happy to say that we have a full complement of board members. The Yukon government has decided to hold the nominating process for the members for our appointments until we have completed our review and our work with the Yukon Forum's recommended review board to look at the Yukon Fish and Wildlife Management Board, which is conducted by the management working group. When that is completed, we will then proceed.

Question re: Whitehorse emergency shelter

Mr. Hassard: Mr. Speaker, the government has indicated that they are intending to change the governance model of the Whitehorse shelter by transferring control over to another organization. This facility is surrounded by a number of businesses, a school, and private residences.

Can the minister tell us if these groups will be consulted as part of any changes to the operational management moving forward?

Hon. Ms. Frost: That is a great question. What has happened historically is that conversation never happened. The conversation with the community didn't happen when the facility was built and turned over to the Christian-based organization.

Will this happen in the future? Yes, it will.

Mr. Hassard: As the government considers transferring the Salvation Army facility to an NGO or another level of government, there is the question about the existing employees. Any organization that is considering taking on these responsibilities will need to have the full details. Previously, the minister has told us that there are 37 employees currently at the shelter, so can the minister tell us what the plan is for these 37 employees if the governance of the facility is transferred to someone else?

Hon. Ms. Frost: That will be a discussion that we have with our partners in the community. I'm happy to say that this was the topic of discussion with the City of Whitehorse and Kwanlin Dün. We will continue to work with our partners as we look at the Safe at Home strategy.

By the way, for those who are interested, there is a forum coming up next week. I encourage everyone to participate so that we can have that conversation around what efficiencies look like for Safe at Home and/or shelters and programs and services, because that was part of the housing action plan and part of the Anti-Poverty Coalition discussion that the members opposite encouraged and of course participated in. So I encourage them to continue that dialogue so that we can

provide a bang-up appropriate, effective shelter and services for the residents and community members of the City of Whitehorse.

Mr. Hassard: On a number of occasions, we have asked the minister and the Premier to provide us with a financial breakdown associated with the current operational costs at the shelter. We are curious today if the minister would be able to commit to tabling that documentation here in this House before the end of this Sitting.

Hon. Ms. Frost: It's very interesting dialogue, I would say. When the facility was built and handed over, there was no discussion around how we were going to accommodate and provide services and support the O&M associated with the facility. Now we're in a position where there were major, major challenges, Mr. Speaker, with that facility. Clients were not being entered; clients were being barred. There were a lot of perhaps physical altercations and things that were happening in that facility that was inappropriate. We will continue to work with our partners. We will put the resources around that facility to ensure that it's effective and that it better aligns with the community needs.

With respect to how much money was assigned to that project historically, the facility cost in excess of \$14 million that was handed over to one Christian-based organization and nothing was put in place around a service delivery model. That's right.

Question re: Medical travel

Ms. McLeod: On March 14, 2018, the Liberal government committed to review the medical travel program to ensure it's meeting the needs of Yukoners.

After seven months of taking no action to live up to this commitment, the Liberals watered down their promise. On October 3, they passed a motion in this House that said they would follow through on the review of the medical travel program as part of the comprehensive health review. That's why I was excited when she told us she was tabling the much-delayed terms of reference for the comprehensive health review. But that excitement was quickly turned into disappointment, Mr. Speaker, because if you look at the terms of reference, there's absolutely zero reference to reviewing the medical travel program.

Mr. Speaker, why are the Liberals abandoning their promise to fix medical travel yet again?

Hon. Ms. Frost: All of the programs and services and the themes that have been identified will be assessed and medical travel is part of that — part of the major cost drivers. We know that we have one of the best medical travel rates in the country and we will ensure that we provide balanced services, provide collaborative care models, ensure that Yukoners get the right services where they reside in their respective communities. That has never been considered historically. We will ensure that happens.

Ms. McLeod: Mr. Speaker, here's the Liberals original commitment on medical travel on March 14, 2018: "That this House urges the Government of Yukon to initiate a review of

the medical travel program in order to ensure it is meeting the needs of all Yukoners."

Instead of taking action on that last March, they punted it further down the road by saying this work would be done as part of the health review, but the terms of reference issued yesterday do not include this work.

This is interesting, because on October 3, this House also passed a motion where the government indicated that they would be including a review of social assistance in the health review. Guess what, Mr. Speaker: Social assistance made it to the terms of reference yesterday. But when it comes to medical travel, the minister is leaving Yukoners out in the cold.

Will she agree to amend the terms of reference to include medical travel and ensure it is meeting the needs of Yukoners?

Hon. Ms. Frost: Let me remind the member opposite: I don't prescribe the themes; the independent expert panel has gone ahead and provided us with their review, their overview, and what it is they feel is necessary to focus on.

Will the comprehensive health review contain medical travel? It most certainly will. It will look at the cost drivers. It will look at efficiencies. More importantly, it will ensure that we provide services to our communities. It will provide services to ensure that Yukoners live healthy, happy lives where they reside as part of the review — not add more resources to medical travel. We will add more resources where it's essential. We will bring the services to the Yukon for specialized supports. We have done that very effectively, Mr. Speaker, with our ophthalmologist and some other specialized supports that we have brought into the Whitehorse General Hospital. We will ensure that we provide those types of incentives and, of course, try to bring some more supports into Dawson City and Watson Lake and maximize the hospitals that are there.

Ms. McLeod: The minister doesn't seem to realize that she is responsible for the health review.

The minister said that she would include a review of medical travel to ensure that it was meeting the needs of Yukoners in the health review, but it is not in the terms of reference. Yukoners in our communities who need to travel for medical purposes are being financially burdened, whether you are from Mayo-Tatchun or from Watson Lake.

While the Minister of Health and Social Services and her Liberal colleagues can find money to give the Premier a raise or increase the budget for the Liberal Cabinet offices, they are refusing to give more money to help Yukoners who are in need of medical attention.

Since she has excluded reviewing medical travel to ensure that it meets the needs of Yukoners, will the minister agree to immediately increase the travel rates for medical travel?

Hon. Ms. Frost: What I won't do is what the members opposite did in their past reviews. We will ensure that we allow the independent review committee to do its work, and we will effectively put into practice and implement the recommendations. They have defined for us access, quality, sustainability, coordination of care, and — what is most

important — reconciliation to ensure equity of services for all members of our society. We will ensure that we improve access to appropriate, integrated programs and services that build on the strength of and respond to the health systems and local needs of all Yukoners.

Question re: Government staffing

Ms. Hanson: In 2013, there was an internal audit by the Audit bureau with respect to the Public Service Commission and staffing competitive processes and non-competitive processes. In 2018, the internal audit bureau did a further audit with respect to retention and succession planning. One of the key issues identified over the last number of years has been the number of appointments within the public service of Yukon that are done without a competitive process.

Can the minister respond and tell this House what the current rates of appointments without competitive processes are?

Hon. Mr. Mostyn: I am very happy to talk about the Public Service Commission this afternoon on the floor of the Legislative Assembly. This government — and myself, certainly, foremost among them — is committed to making sure that we have a representative civil service and that the jobs that we post are filled through a competitive process.

That said, Mr. Speaker, we are in a period of time where we have an awful lot of change happening within our civil services. We are bringing in a whole new generation of people. We are seeing the babyboomer generation step into the retirement years, so there is an awful lot of transition happening within our civil service.

We have to maintain the tools that we have at our disposal to make sure that our civil service is training and that there is a passing of information between the very experienced, very knowledgeable civil servants who we have who have been working diligently serving the people of the territory for decades and the new generation of people who are just coming into the government. As that happens, we will manage that transition. We are coming up with a transition plan to accommodate that, and I will handle the rest of the questions as they come.

Ms. Hanson: Any transition plan with respect to public service is not merit-based. Any transition plan with respect to the public service that does not respect the fact that public servants have to be respected is without merit. One of the concerns that has been expressed — and the Premier is well aware of this — is that there are a number of positions where appointments have been made at the assistant deputy minister level without competitive process. We acknowledge that deputy ministers can be appointed at pleasure — be appointed by ministers, be appointed by order in Executive Council. Within the public service, the next rung down is the assistant deputy minister.

Can the minister tell us how many assistant deputy minister positions in the Yukon government have been appointed without competitive process?

Hon. Mr. Mostyn: The answer to that question, of course, is no, I don't have those numbers at my fingertips, but I will endeavour to get them to the member opposite.

We recognize that recruiting, retaining and developing talented employees is important for the effective delivery of programs and services. It is an issue that requires a coordinated approach. All Yukon government departments are actively engaged in workplace planning to find and keep the people they need to fulfill their mandate. The recent audit report that the member opposite referred to provides guidance on improvements that can be made to our human resource practice. The recommendations of the audit report reinforced the Public Service Commission's ongoing commitment to continuous improvement of our human resource management processes. Some of the initiatives currently underway that support the recommendations of the audit include permanent establishment of the human resource services centre on April 1, which will centralize high-volume transactional work so that departments can focus on strategic human resource work including talent acquisition and retention. There is a project to enhance the analysis and reporting of human resource metrics to help departments assess and report on the efficiency of their human resource programs and there is the leadership pathways which is a program that identifies and supports leaders from across the organization.

Ms. Hanson: If the minister, in reading the speaking points that he was reading there, had actually listened to himself and listened to the actual importance of those — he was speaking about the importance of a merit-based competitive process. The lack of competition for positions, particularly when we move into the realms of senior management — the lack of competition can leave staff who work hard within the public service, who are qualified — they may feel that their contributions are not valued. This can result in disengaged staff rather than a highly engaged, fully contributing workforce — the professional workforce that this public service needs, that the Yukon needs, in order to fully deliver on the mandate of this government or any government.

Mr. Speaker, can the minister commit to tabling — since he doesn't have the information today — the number of appointments at the deputy minister level that have been made within the last fiscal year that have been appointed without competition, by department?

Hon. Mr. Mostyn: The member opposite referred to listening. I think I was quite clear in my opening answer how important having a competitive process for our civil service is. I guess I can't state that enough. I will repeat it again and say it clearly: There is an importance to having competitive job competitions within the civil service — absolutely, Mr. Speaker. That said, I will say that we have to have a system that is resilient and flexible enough to be able to fill the jobs that we need.

In this job environment, with a very low unemployment rate and with a lot of fluid changes in our job market, we have to make sure that our hiring processes can accommodate all sorts of different situations. I will say again to the member opposite that having an open and competitive job process is

very important to the civil service for all the reasons she mentioned — for fairness, to make sure that the job positions are respected, to make sure that they are appreciated, to make sure that we have a healthy and respectful workplace. It is absolutely important, but we will continue to staff the positions as we deem necessary.

Speaker: The time for Question Period has now elapsed.

Notice of government private members' business

Hon. Ms. McPhee: Pursuant to Standing Order 14.2(7), I would like to identify the items standing in the name of government private members to be called on Wednesday, April 17, 2019. They are Motion No. 423, standing in the name of the Member for Mayo-Tatchun, Motion No. 403, standing in the name of the Member for Porter Creek Centre, and Motion No. 114, standing in the name of the Member for Copperbelt North.

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

ORDERS OF THE DAY

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Mr. Hutton): I will now call Committee of the Whole to order.

The matter before the Committee is Bill No. 30, entitled *Act to Amend the Education Labour Relations Act*.

Do members wish to take a 10-minute recess?

All Hon. Members: Agreed.

Chair: Committee of the Whole will recess for 10 minutes.

Recess

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

Bill No. 30 — *Act to Amend the Education Labour Relations Act*

Chair: The matter before the Committee is Bill No. 30, entitled *Act to Amend the Education Labour Relations Act*.

Is there any general debate?

Hon. Ms. McPhee: I would like to welcome here to the Chamber with me today Nicole Morgan, the deputy minister of Education, and Mike McBride, who is the director of policy and planning with the Department of Education.

I have a few opening comments to present today and I am welcoming questions on the amendments to the *Education Labour Relations Act* here in Committee today.

I am pleased to speak today, Mr. Chair, to Bill No. 30, entitled *Act to Amend the Education Labour Relations Act*. On March 26, 2019, I made a second reading speech about this bill. As a quick summary, the amendments to the *Education Labour Relations Act* will address the provisions that the Government of Yukon and the Yukon Teachers' Association agreed upon during the recently concluded round of bargaining for a new collective agreement. The *Education Labour Relations Act* provides the legal framework for the management of labour relations matters for school-based staff, school administrators, teachers, aboriginal language teachers, educational assistants and remedial tutors.

We were happy to be able to settle a number of long-standing issues with the Yukon Teachers' Association during this round of bargaining. These matters included the acquisition of bargaining rights for substitute personnel — also known as “teachers on call” — and probationary periods, temporary employment, and layoff of school-based staff.

With respect to teachers on call, the negotiations with the YTA resulted in an agreement to allow substitute school staff to be included in the YTA bargaining unit upon amendment of the *Education Labour Relations Act*, the bill that is here before the House.

During the bargaining process, the YTA demonstrated that the majority of substitute employees at the time had provided written support for inclusion in the bargaining unit. We were glad that these amendments to the *Education Labour Relations Act* will address substitute personnel's request to become YTA bargaining unit members.

With respect to temporary employment, probation and layoffs for teachers, the amendments here in this bill will also address provisions dealing with probation, temporary employment, and layoffs in relation to school-based staff. There have been long-standing challenges working with these particular provisions in the act, and there was a lack of clarity in these areas. The Government of Yukon and the YTA have had differing interpretations of the application of these provisions. A number of grievances and decisions over the years have highlighted the need to change how we deal with these matters. The Government of Yukon and the YTA reached agreement on how to address these concerns during the recent round of collective bargaining.

The new collective agreement outlines specific criteria for managing issues related to temporary employment, probationary periods, and layoffs. These legislative amendments are required in order to bring the provisions related to those topics in the collective agreement fully into effect.

These amendments will remove or revise key sections of the act related to temporary employment, probationary periods and layoffs, and then negotiated provisions of the collective agreement will then apply — so the removal of those items from the act so that they can be dealt with in the collective agreement. To be clear, there will be specific criteria in the

collective agreement that outline the terms of temporary employment, probationary periods, and layoffs. Moving forward, we will refer to these criteria in the new collective agreement for direction on these matters.

As Minister of Education, I am pleased to bring forward the *Act to Amend the Education Labour Relations Act*. These changes address some long-standing issues and support an improved framework for labour relations with these education staff members and with the YTA.

Mr. Kent: I would like to welcome the officials here as well today. I thank them as well for the briefing. We tacked it on to the back end of the budget briefing for Education. I don't even think Mr. McBride made it into the briefing room, but he was ready and willing to assist. Neither the Member for Takhini-Kopper King — the NDP Education critic — nor I had very many questions about the legislation then.

I do have a few that I want to just get on the record now. The first one that I wanted to ask about was: During the negotiations with the YTA, whose responsibility was it to reach out to the existing substitute teachers or teachers on call as far as what their desire was as to being included in the association or not? What threshold was set by whichever party was responsible — was it 50 percent or 60 percent? What type of threshold was set for inclusion of substitute teachers in the Yukon Teachers' Association and the bargaining agreement?

Hon. Ms. McPhee: The information that we had prior to the negotiations beginning was that substitute personnel were asking to become bargaining unit members. The YTA, at that point, demonstrated to the Yukon government's satisfaction — at the time, of course, the Public Service Commission as well as personnel and officials from Education were at the table — they demonstrated that the majority of individuals who were registered as substitute teachers at the time had provided written permission to the YTA that they were interested in becoming members.

I am not sure if we have numbers, so if I could just have a moment.

Thank you for the moment to confer with the officials here, Mr. Chair. The numbers have fluctuated, and do fluctuate, with respect to the substitute teachers, but it was approximately — I think it's fair to say — two-thirds of the individuals then registered as substitute teachers who replied to the YTA and provided them written authorization.

Mr. Kent: I apologize if the minister answered this question, but I am curious as to if she could let us know the number of registered substitute teachers within the system, what the qualifications are to become a substitute, and if that has changed in any way because of the inclusion now into the professional association.

Hon. Ms. McPhee: The substitute teacher numbers — I don't think we have answered this in the recent past. As of January 10, 2019, there were 304 teachers on call, 106 of which are certified teachers — because there are different categories — so 304 in the Yukon education system.

I can provide the breakdown between Whitehorse and the communities, if that is helpful. The three categories are: certified teachers, of course; there are substitute teachers on

call, who are presenting and spending time in schools and who have a degree in the area in which they are asked to be a substitute — so a bachelor of science in a science class but not necessarily a certified teacher; then there some substitute teachers whose highest education is high school. There is a variety of those three categories.

In Whitehorse, as of January 2019, there are 225 teachers on call — 90 who are in the certified teacher category, two who were in the otherwise related degree category, and 57 whose highest education is high school. In the communities, there is a total — again, in January 2019 — of 79 teachers on call — 16 who were in the certified teacher category, 16 who were in the degree category, and 47 whose highest education was high school.

Mr. Kent: My final set of questions is with respect to budget implications and financial aspects of this. I will just list them, since there are a few here.

I was wondering, first of all — I know that the CBA for the Yukon Teachers' Association expired last June and there will be some retroactive pay due to members. Is there any retroactive pay due to the substitute teachers who were registered, as far as this goes? Is that covered off in this legislation? I guess that would be the first question.

Also, what are the overall budget implications of the new CBA? How many additional resources will be required for the teachers, the paraprofessionals, and the substitute teachers going forward? Are all of these increases included in the budget that we are looking at today, or will there be additional resources required going into the portion of the next school year that is included in this 2019-20 fiscal year?

Hon. Ms. McPhee: I should go back to answer a question from the member opposite that I neglected to answer when I was last on my feet, and that is that there are currently no changes to the teachers on call qualifications or categories — I think that was asked.

The member opposite is correct that there are some rates of pay for substitute — let me start again. The rates of pay for substitute employees will increase by the same percentage and will be in effect on the same day and as the same rate of pay increases for other employees under the YTA collective agreement. So that's part one, I hope.

We do not anticipate that these changes will significantly affect the department's budget for substitute employees, other than the fact that their rates of pay will increase by the same percentage as other YTA employees going forward. I understand that there is to be no retroactive pay situation with respect to the teachers on call. They are paid a daily rate. I will confirm that with the officials.

The 2018-19 budget for substitute staff was \$2,613,680. The budget for 2019-20 is \$2,680,854. I don't want to do the math in my head, but it is a small increase. Mr. Chair, I stand corrected — there will be retroactive pay for substitute teachers who worked between the period of time when the contract ended, so they would have been members based on the changes that have now been negotiated. So yes, there will be retroactive pay for both teachers on call and for other teachers affected by the negotiations of the collective

agreement. All of the adjustments to the budget to take those payments into account are included in the 2019-20 budget.

Ms. White: I thank my colleague for his questions. Of course, I thank the officials for being here, and I echo the humour that we got the briefing without the drafter of the legislation.

At this point in time, I have no questions. I am happy to see this brought forward, as this was in the line of questions I had last year — about making sure that substitutes, or casual and on-call teachers, were treated the same way as other educational staff. I thank the department for the quick response. I congratulate them of course on the negotiations with the Yukon Teachers' Association, knowing that education in the territory looks far different from this point forward.

With that, Mr. Chair, I have no questions.

Chair: Is there any further general debate?

Seeing none, we will proceed to line-by-line debate.

Ms. White: Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all clauses, and the title of Bill No. 30, entitled *Act to Amend the Education Labour Relations Act*, read and agreed to.

Unanimous consent re deeming all clauses and title of Bill No. 30 read and agreed to

Chair: Ms. White has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 30, entitled *Act to Amend the Education Labour Relations Act*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

On Clauses 1 to 6

Clauses 1 to 6 read and agreed to

On Title

Title agreed to

Hon. Ms. McPhee: Mr. Chair, I move that you report Bill No. 30, entitled *Act to Amend the Education Labour Relations Act*, without amendment.

Chair: It has been moved by Ms. McPhee that the Chair report Bill No. 30, entitled *Act to Amend the Education Labour Relations Act*, without amendment.

Motion agreed to

Chair: The matter now before the Committee is general debate on Vote 53, Department of Energy, Mines and Resources, in Bill No. 210, entitled *First Appropriation Act 2019-20*.

Do members wish to take a 10-minute recess?

All Hon. Members: Agreed.

Chair: Committee of the Whole will recess for 10 minutes.

Recess

Bill No. 210: First Appropriation Act 2019-20 — continued

Chair: Order, please. I will now call Committee of the Whole to order.

The matter before the Committee is general debate on Vote 53, Department of Energy, Mines and Resources, in Bill No. 210, entitled *First Appropriation Act 2019-20*.

Is there any general debate?

Department of Energy, Mines and Resources

Hon. Mr. Pillai: I would first like to welcome the officials here to the Committee today — Mr. Paul Moore, who is no stranger to this process, but now I have the opportunity to work with Mr. Moore in his new role as deputy minister of Energy, Mines and Resources. Truly, Paul, it has been fantastic to build a working relationship, and I look forward to moving some significant files forward together. I appreciate your insight and experience from your time with Yukon government.

I would like to also welcome assistant deputy minister Shirley Abercrombie. Thank you, Shirley. When you are here, I feel comfortable. So thank you. I appreciate it. Thank you for all your time and dedication to Yukon government and your help on some very significant files, which we will probably touch on here later on today.

With that, I rise to present the 2019-20 mains budget for the Department of Energy, Mines and Resources. If it wasn't for an extremely hard-working group of people in Energy, Mines and Resources who handle a tremendous and diverse body of work, we wouldn't be able to share the story we have today. It's always with these particular files — many complex conversations and challenges, but I am always astounded by the solutions and work ethic of the individuals with whom I have the opportunity to share the table in this role.

The Department of Energy, Mines and Resources has an important role in regulating the responsible development of our natural resources. It is a diverse department, covering the mining, agriculture, oil and gas, land, forestry, and energy sectors. Officials in the department showcase their expertise, demonstrate their professionalism, and carry out important programs and services. The work provides benefits to our citizens and to the economic well-being of Yukon.

It has been a very busy and successful year in the department. The Government of Yukon, along with Tr'ondëk Hwëch'in, the First Nation of Na Cho Nyäk Dun, Vuntut Gwitchin, and the Gwich'in Tribal Council are collaborating to finalize, approve, and implement the *Peel Watershed Regional Land Use Plan*. Our independent power production policy is fully implemented. I especially want to thank Shirley, as well as Shane Andre, for the leadership on that file. This allows First Nation governments, communities, and entrepreneurs to generate renewable energy and feed new electricity into the electrical grid to help meet local demands.

The Government of Yukon passed amendments to the *Territorial Lands (Yukon) Act* and the *Forest Resources Act* in the fall 2018 session of the Yukon Legislative Assembly. The changes were intended to deter violations of Yukon's lands

acts during resource development in other activities and would allow Yukon to apply higher fines in some cases when the acts are violated.

A two-month public engagement began in February 2018 on the Government of Yukon's proposed approach for regulating off-road vehicle use in Yukon. The Government of Yukon is also consulting with Yukon First Nations and transboundary indigenous groups on the development of this regulation.

We are drafting the new agricultural policy in collaboration with industry through the Agriculture Industry Advisory Committee. Over the summer of 2018, we completed a public engagement to collect input on this policy.

The Government of Yukon is taking action at the Wolverine mine to address urgent works concerning water management. These activities are being undertaken to ensure the protection of the surrounding environment and the public.

We are developing a new resource road regulation that will provide tools to manage the construction, operation, and decommissioning of Yukon's resource roads.

Those are just a few of the highlights from recent months in the department. There is a much broader range of initiatives and services happening across all of the branches in the Department of Energy, Mines and Resources. I am pleased today to speak to all of these areas.

I will now provide a summary of the department's budget and then go into more detail on many of our programs and their estimates.

The total appropriations for the Department of Energy, Mines and Resources are estimated at \$67.2 million, which represents a decrease of \$9.7 million — or 13 percent — from last year. The total operation and maintenance appropriations are estimated at just under \$66.4 million, which represents a \$9.6-million decrease from last year. The decrease is primarily a result of the transfer of the \$19.6 million for care and maintenance of the Faro type 2 mine to the Government of Canada. The amount is offset by the increase in funding for the Wolverine mine at \$4 million, and the new funding from the Government of Canada for energy projects at \$5 million.

The total capital appropriations are estimated at \$871,000, which represents a \$57,000 — or six percent — reduction from last year's capital budget. The reduction originates from Corporate Services, which has a capital budget estimate of \$265,000, down 29 percent from last year. The primary reason is reduced expenditure for the online class 1 notification system and operational system upgrades.

The total revenues for the Department of Energy, Mines and Resources are estimated to be \$23 million, a decrease of 28 percent from the previous year. This is primarily a result of the reduction in recoveries from the Government of Canada for type 2 mine sites, as discussed earlier.

Taxes and general revenues are expected to increase by \$355,000 — or 14 percent — to \$2.8 million. This increase is mainly from changes in activity levels anticipated from Land Management and Mineral Resources.

Third-party O&M recoveries are estimated at \$4.6 million, which is a significant 29-percent increase over

last year. This increase is mainly due to the inclusion of securities held by Yukon government for the Wolverine mine.

At just over \$15 million, recoveries from the Government of Canada represent 23 percent of the department's total \$66-million O&M budget. This year's recovery of \$15.6 million is decreased by \$13.8 million — or 47 percent — from last year. The decrease originates from governance changes for the Faro mine.

\$26 million is allocated for departmental personnel overall — a \$933,000 decrease due to adjustments in the forecasting method and minor staffing changes.

There is a \$12.2-million net decrease in the Other category to \$23.8 million. This is from changes in our work plans for type 2 mine sites.

Government transfers are budgeted at \$10.9 million, which is up from last year's \$7.2 million. This increase comes as a result of the addition of contributions toward new cost-sharing projects and the rebate programs managed by the Energy branch as part of the low carbon economy leadership fund.

I will now discuss in more detail the budgets for the branches for Energy, Mines and Resources.

Under Corporate Services — which includes the deputy minister's office, human resources, and finance and administration — this part of the Department of Energy, Mines and Resources provides leadership and support services, finance and administration, records management, information technology, human resources, and library and research services. Some of these are legislated under the YEU collective agreement, the *Financial Administration Act*, the *Financial Administration Manual*, and the *General Administration Manual*.

Corporate Services has an O&M budget of just under \$3.6 million, which is a slight decrease from last year. This is due to adjustments in the forecasting method and minor staffing changes. There are 27.4 FTEs under Corporate Services, funded by a budget of \$2.8 million.

Sustainable Resources division has an O&M budget of just under \$11 million, which is a one percent-decrease from last year. This division includes the assistant deputy minister's office, Land Management, Land Planning, Forestry Management, and Agriculture. There are 69.2 FTEs funded at \$7.5 million under the Sustainable Resources division, which is a decrease from last year. The decrease is associated with adjustments in the forecasting method and minor staffing changes.

Land Management branch makes land available for Yukoners and Yukon development projects through land tenure and management legislation regulations and policies. These services are legislated under the *Territorial Lands (Yukon) Act* and the *Lands Act* to make available and dispose of suitable land for residential, commercial, industrial and recreational purposes. \$2.9 million is budgeted for operation and maintenance costs for the coming year. Revenue forecasts are estimated at \$660,000 for fees collected related to application fees, administration fees, land leases, quarry royalties, and interest on land.

The Land Planning branch develops and implements local area planning and zoning regulations. They administer the *Subdivision Act* to support orderly development and land use in rural Yukon. Branch staff also plan for the development of residential, commercial, and industrial land to meet the needs of rural Yukon in the communities. Another function of the Land Planning branch is to manage and support the Yukon government's regional land use planning responsibilities. The operation and maintenance budget is \$1.6 million. Revenue forecasts are estimated at \$7,000 from application fees for the subdivision and consolidation of property.

The Forestry Management branch develops, manages, and regulates the forest resource sector, including strategic and operational planning, forest engineering, forest health and research, industry development assistance, forestry inventories, reforestation, and fee collection. The branch has legislative responsibilities for the management of forests under the *Forest Resources Act* and its regulations in chapter 17 of the *Umbrella Final Agreement* responsibilities. The operation and maintenance budget for the branch is \$3.4 million — a 3.9-percent decrease primarily related to personnel changes.

In addition, to fund for inventory, science, and forest operations, \$70,000 has been allocated in transfer payments to the Yukon Wood Products Association, to various universities for forestry research and science, and the Canadian Council of Forest Ministers.

Under capital, a total of \$356,000 is budgeted for developing timber harvest areas in Yukon, primarily in the development, maintenance, and decommissioning of forest roads. This forest engineering work will occur in many Yukon communities. Revenue forecasts are estimated at \$48,000 for fees collected for timber permit applications, which are payable upon submission of an application for a commercial harvesting licence.

Timber royalties are collected on a per cubic metre basis for the removal of timber. Timber royalties vary based on the calculation of various components which apply to the specific licence.

The operation and maintenance budget for the Agriculture branch is \$2.4 million. There is no change to the total Agriculture branch budget from last year. A significant component of the Agriculture budget is the Canadian Agricultural Partnership, a funding and support program that is comprised of funding from the governments of Canada and Yukon. This agreement sets out priority areas and funding envelopes for each province and territory.

Over the past fiscal year, the branch has approved 95 projects at \$730,000, recently funding projects and initiatives that include: support to the Fireweed Community Market; funding for business plans; support for farm internships; funding for expansion of an egg-layer operation; building of grain storage bins on a livestock operation; purchase of a pig scalding for the Yukon Hog Producers Association; support for butcher shop upgrades; and support for community gardens.

Overall, the agreement allocates \$1.48 million for agriculture in the Yukon. These figures include federal and

territorial in-kind contributions and an estimated \$875,000 for industry projects. The branch has transfer payment items of \$875,000 under the Canadian Agricultural Partnership, as well as \$90,000 for the Yukon Agricultural Association.

Under capital, \$250,000 is allocated for agricultural land development to identify and plan areas for development, develop those areas, and sell the resulting parcels. These are Yukon government development costs and are 100-percent recoverable through their sale. This year's expenditures for agricultural land development will contribute to three development projects undertaken by the Agriculture branch. There is \$180,000 for the Takhini Crossing road re-route and upgrades to two six-hectare soil-based lots; \$30,000 for the development of a lot at 1480 on the Hot Springs Road; and \$40,000 for development work in the Ibex Valley at Murray agricultural subdivision, phase 2.

The Energy, Corporate Policy and Communications division has an O&M budget of over \$11.7 million, an increase of \$5.2 million from last year. The increase is a result of transfer payments associated with the federal government's low-carbon economy leadership fund. That includes an increase in staffing requirements in the Energy branch. This division includes the assistance deputy minister's office, Corporate Policy and Planning, Communications and Energy. There are 32.3 FTEs under the Energy, Corporate Policy and Communications division, with \$3.6 million in personnel costs. This is an increase from last year, which is due to the reallocation of five FTEs from within the department to create term positions to administer the low-carbon economy leadership funding from the Government of Canada.

The Corporate Policy and Planning branch provides legislative, regulation, and policy development, strategic planning and implementation, risk identification, and research and analysis. The operation and maintenance budget is \$1.3 million. There is also \$70,000 in transfer payment costs for the successor resource legislation working group.

The Communications branch increases awareness and understanding of Department of Energy, Mines and Resources programs and activities through effective communication and public engagement. The operation and maintenance budget for the coming year is \$663,000, a \$30,000 decrease — or four-percent decrease — primarily related to personnel changes.

The Energy branch develops and delivers energy policy, projects and programs which increase the sustainability in energy use in Yukon. The operation and maintenance budget for the branch is \$9.4 million, of which there is \$6.52 million in transfer payments for energy programs. The good energy program has a budget of \$250,000. It promotes the purchase of energy-efficient appliances to reduce residential energy loads. Over the last decade, 16,512 good energy incentive rebates have been issued, with participants saving over \$7.9 million in energy costs and preventing 39 kilotonnes of carbon dioxide from being emitted.

Mr. Chair, with that, I just want to thank and touch upon — because we only have a couple minutes — also of course we will speak about the Oil and Gas and Mineral Resources,

which is a very busy shop — of course supporting and commending all the work there from the entire team at Assessment and Abandoned Mines — as we know, with all the activity here in Yukon — just a tremendous amount of work being done throughout the Yukon on all of our hot projects.

The Oil and Gas Resources branch is specifically working in north Yukon. The Yukon Geological Survey — renowned across the country for the work that they do — whether it's branching out to do some of our work around geothermal or the incredible work they do to provide data, which of course is the cornerstone of investment in Yukon. I am happy to see some extra dollars go into their budget as well this year.

The Client Services and Partnerships strategic alliances — all key players, as well as our Compliance Monitoring and Inspection — just a top-notch team of people who really are such a cornerstone of our economy and as well, protecting our environment.

With that, I think I will just open it up to questions and hope that we get to touch on some more detail on some of these aspects as we continue on.

Mr. Cathers: I thank the minister for those introductory remarks. I would like to as well welcome officials to the Assembly. It's a bit of a strange change that one gets used to after awhile — having sat with Paul and Shirley many times here in this Assembly in different roles. Thank you both for the good work that you do on behalf of Yukoners.

Mr. Chair, I am going to start out in asking the minister some questions — first of all, related to the forestry area of his portfolio. We have had some discussion here in this Assembly about the work that is being done by government agencies as well as by the Whitehorse FireSmart group and the Yukon Wood Products Association around trying to raise the awareness of citizens of the importance of firesmarting as well as building public support for the vision of doing more targeted harvesting to reduce the risk of wildfire in and near Yukon communities — using that as an opportunity to expand the private sector as well as to ultimately increase the use of wood, fuel or biomass in heating not only homes, but also government and commercial buildings as an opportunity to reduce our dependence on fossil fuels, reduce our fossil fuel emissions and also provide another area where we're able to meet our own needs here in the territory.

We had some discussion on that. I just would like it if the minister could provide some additional information around whether they are looking at targeted harvesting to reduce the risk of wildfire and whether this is being done as part of the Whitehorse and Southern Lakes forest management plan, or whether it is being looked at a bit separately in order to expedite the work in that area.

I would also just ask if he could provide information about whether he has met with the Whitehorse FireSmart group and the Yukon Wood Products Association to discuss this area. If so, what sort of next steps are being talked about in this area?

Hon. Mr. Pillai: I will just start by sharing a little bit of information. I think I will focus on the Whitehorse and Southern Lakes first, just from an overall planning perspective.

The joint planning committee anticipates recommending a plan to participating governments in the spring or early summer of 2019. We had a discussion about that here in the Assembly. The joint planning committee is waiting for final edits and confirmation from Carcross/Tagish First Nation on the work and permission around that recommended plan. Our final meeting is being scheduled to officially recommend this plan.

The Government of Yukon, Kwanlin Dün First Nation, and Ta'an Kwäch'än are prepared for the meeting, and now the government is following up with Carcross/Tagish First Nation just to ensure that their edits are incorporated into this work. We want to make sure that we have a true partnership with them.

Within 45 days of the plan being recommended, the Minister of Energy, Mines and Resources must then of course make the plan available to First Nations, renewable resources councils, and the public to allow a minimum of 30 days for input. Within 120 days of the closing of the consultation period, the Minister of Energy, Mines and Resources then must accept or reject portions of the plan that apply to public land and must provide written reasons for that decision.

The planning committee addressed the main values identified by the public within the recommendations on mitigating wildfire risk to communities, providing access to fuel wood, maintaining caribou habitat, managing access, and respecting traditional use of the forest. There is considerable overlap between the areas at risk for wildfire and the Southern Lakes caribou herd winter range. These of course are things that we have to take into consideration. I know that the member opposite knows that these are part of the complex challenges that we have as we look at some of these very significant risks that we have.

The Yukon Wood Products Association had opportunities to participate in the development of the plan and has indicated support for the draft recommended plan.

I would say that is, from sort of a macro or high level, where we are at within the engagement that has been ongoing for a number of years.

I think the key to focusing, when we are talking about our threat of wildfire — not just about making that harvest available and the fibre available to residential users — is the fact that it is really what we visited — we have looked at it as a multi-faceted approach from departments. We think that the role of Community Services — and when I say "we", I am talking about Cabinet and caucus, but also about the work that is being done by two of my colleagues — not that it doesn't affect other colleagues, but certainly, my colleagues from Community Services and from Highways and Public Works.

The three of us, in our work, have brought together the senior leaders of all of the departments — of those three departments — so that we can understand how there is very significant interconnectivity around this file. As the member

opposite has touched upon, there is a significant opportunity — not just to mitigate the threat of forest fire. As we see today, of course, Yukon Energy has just unveiled some snow load reports — that is out in the media. There is some very serious data there, as our fingers are crossed for more precipitation and rain throughout the spring and summer. These are very key variables as we look at this conversation. Once again, understanding that we really have to work with all three departments to understand how the capacity can be used in an optimal way from the strong capacity we have in Community Services under wildfire. Mr. Chair, I know you know that well. Also, how do we ensure with my partners — my colleague who oversees Property Management — how do we ensure that there is also an end user, potentially, for some of our biggest energy users — being government, how do we make sure there is an end user?

Those are the conversations that the three of us are having. Of course, Forestry — inevitably, things start with the work we are doing, so we want to conclude that plan. Also, it is important that Yukon Development Corporation — this has been in the media as well. There was a report that was written by local technicians. That was something that the Yukon Development Corporation felt was a necessary and important tool to be able to take a look at the strategy around a number of aspects, not just what we have to look at in the Southern Lakes, but also what the opportunity is for biomass. You have seen that in the newspaper of course. There is a reason why we wanted that work done, because we think it is important work for government to have that local expertise — be able to share some concepts with us.

Just to finish — we are of course a funder of the Yukon Wood Products Association, and just yesterday afternoon, I was speaking with my team. We continue to provide — I think it's about \$40,000 to the Yukon Wood Products Association. We had a very in-depth discussion at their AGM last year. They have provided me, as of yesterday afternoon — or over the last couple of weeks — but I had a chance to discuss these three potential dates. I know that the ministers for Highways and Public Works as well as Community Services have both been invited as well. Those are key conversations because really those are the individuals that have the most industry knowledge in the Yukon when it comes to this — or at least actively working in the field — and have tremendous experience.

Really, some of the things that we have seen, such as the work that was done by Energy, Mines and Resources to support Yukon Gardens' infrastructure — which a lot of people would think that it was just about making sure that there was fresh food for Yukoners nine or 10 months of the year, right here in the Yukon. For some people — not everybody, depending if you live in the communities or certain parts outside of Whitehorse — for many people are very proud of the work that the department did. People are going in to pick up their produce that was grown less than a mile away from their grocery store.

What a lot of people don't know is that the energy source for that, in many ways, was biomass. We had job

opportunities being created through local entrepreneurs in the Kluane area and we are seeing this complete integration of renewable sources and local food production, which is also such a significant adaptation for climate change — being able to grow local food.

I am sorry that I have gone a little bit more broadly for the Member for Lake Laberge, but that is really the way that we are thinking. It has to be an extremely holistic approach. We know we have to get ready to have a plan in place in the Southern Lakes. We know that Operation Nanook is going to be an important part of our planning process around fire, which is being led by Community Services. We also know that our future — as we have demonstrated by our investment in 10 biomass units in Teslin; we see a very important part of our future focused around the work in Teslin.

I want to thank our staff. We had a bilateral conference that we hosted and toured, which has just completed. That was through our friends from Alaska as well as the local Wood Products Association and proponents of biomass. Alaskans had a chance to go to some of our communities and see the work they are doing, as well as our teams having the opportunity to then in turn go to Fairbanks for the conclusion of that conversation. It was really about shared expertise. So 13 commercial buildings — many of which members of the Assembly know.

Those conversations, whether we are having them with the team in Teslin or the teams here in the Yukon, are about understanding where the wood source is going to come from. Is it going to be from FireSmart? Is there going to be increased FireSmart? Is it going to be from large cut blocks? Then there is the understanding that through the work that has been in place — and the member opposite worked on some of these files diligently of course — under chapter 17 water obligations. So it's ensuring that we look at the current risks and threats and still respecting the governance models that are the foundation of this territory.

Mr. Cathers: Mr. Chair, I appreciate the information the minister provided in his answer. I would just like to encourage him to continue to work with those groups that are mentioned, including the Whitehorse FireSmart and the Wood Products Association. I would also encourage the minister to, in working with them and working with other levels of government, take advantage of the fact that we have an opportunity here that I think is the result of fires that we were all saddened to see in areas like Telegraph Creek, Lower Post and Fort McMurray, as well as the Paradise fire in California and fires in BC. This seems to me to have really created increased public awareness of the risk and the fact that, although the beauty of the boreal forest here in the Yukon is an important part of what many of us love about the Yukon, we also need to recognize that when it is near communities, it does pose additional risk. We need to take a realistic look at the fire risk, do targeted harvesting to reduce that risk in and near communities, and balance those competing priorities of the natural beauty that we all enjoy so much with the fact that we all want to keep our homes and communities safe.

So I am just encouraging the minister to take advantage of that wave of public support and awareness and to use it to work with and try to impress on all partners the sense of some degree of urgency in moving forward in this area — having it not become something that we keep talking about for years and years and years in a planning process, but to focus specifically on the issue of targeted harvesting to reduce wildfire risk in and near communities as a matter of high priority for everyone, which might even be expedited ahead of other areas of planning work around harvesting.

Another area related to wildfire risk reduction that has been talked about recently in the public is the fact that development of agricultural areas does provide some degree of a firebreak if you have cultivated fields in production. I would just ask the minister two questions on that — one being whether government is looking at developing more agricultural lots other than in my riding, particularly in areas such as on the south side of town — on the west side of town — to provide firebreaks as a result of that — as well as making more land available for Yukon farmers to grow food. If so, what steps are being taken in that area?

I would also like to just suggest the idea to the minister that they may even wish to consider — in the context of the agriculture policy review and their joint work with Community Services — the possibility of tax incentives for land that is in production — just providing one more method to ease the cost to farmers and encourage production of food.

Just before I leave Forestry and move into the area of Agriculture, I would just also ask the minister two specific questions — one being what the status is of the forestry planning work in southeast Yukon.

The minister had also previously indicated that they would look at reviewing the *Forest Resources Act* and the regulations to address concerns that we've heard from the Yukon Wood Products Association and others — if he could just provide the House with an update on that.

Hon. Mr. Pillai: Mr. Chair, I may need the member opposite to just note some of those questions again, but I will do my best to walk through those and try to use the same order as they were tabled.

I agree — I do think there is — we'll call the first subtitle "opportunity". I do think there is an opportunity at this particular time. It has been something that has been growing. I think there's a public sentiment that has been growing. Based on what we've seen over the last number of years — not that forest fires are new to the Yukon or new to many parts of Canada, but I do believe that — with the change in our weather patterns and climate and some of the devastation — we've realized that if you go back in the history of the Yukon, there were some pretty significant devastation in different particular times, but in our current modern history, I do believe that people are very aware.

I think that my conversations — I will state that I think I have — don't tell the Premier and don't tell the Leader of the Official Opposition or the Leader of the Third Party — but I think that the Member for Lake Laberge and I have a great working relationship. I think our ideology aligns on many of

these things. That can be edited later on by any one of the opposition, but on some things, we have had some great discussions — just about the Yukon in general and not just about agriculture, but we have touched on this topic. I think everybody feels it is such an important topic. I want to say this with complete neutrality, but I will say this with my colleagues in this Legislative Assembly — all three of us believe that it is something that is such an important topic and it is not something that any of us want to see politicized. This is something that is really important to the Yukon.

I agree — there are going to be some conversations around some of these topics, but I think that there is a general will in the Assembly to make sure that we put the proper safeguards in place. We have to figure out how to seize this opportunity now and to make sure that the work is in place. I think a lot of that is going to be working with my colleague the Minister of Community Services. We heard it loud and clear at Forestry, at the federal-provincial-territorial meetings last year, around the fact that a large portion of the conversation focused on fire. We know where the Yukon ranked last year. We know where the Northwest Territories has also ranked over the last couple of years. Of course, last year, we were sitting there with our neighbours from British Columbia at those meetings and we know how close that got last year and what has happened — for anybody who travelled through the Southern Lakes last year, we know the risks that we had and how it played out.

With that being said, the forestry ministers' table, believe it or not, may not always be the epicentre of collaboration across the country, but certainly at this particular time, it has become an area of great concern and a lot of focus. Those meetings will be taking place this year. I know that we will have officials there. I am still figuring out which meetings — of course, with this portfolio you have Agriculture, Forestry, and a number of different energy and mines, so I know that either the deputy minister or I will be taking part in, I believe, this year's conversations, which will be taking place in Saskatchewan — but also Community Services — the infrastructure meetings are also — when we look at things such as disaster mitigation, the minister has also been involved with that. We are watching to see what funds are available for specific projects that we may be able to leverage.

As well, we have had the opportunity through some of our external meetings to tap into some of the bright minds in the country. We had the opportunity through the University of Waterloo — Intact Insurance has an R and D facility that is really focused right now on fire mitigation and how that is going to play out. They are doing a lot of work with Fort McMurray. I just want to share with people — I know there is a lot of anxiety and concern around this as we all work together to make sure that we have all those keys in place.

Just for the record, I will say — not to say that the Agriculture branch or our team around lands haven't taken into consideration that agricultural land can be a good firebreak — I'm not challenging that. Personally, in my briefings, we haven't had a conversation on that topic.

We have definitely had a conversation on our interest in developing agricultural land. I am well aware of the sensitivity around agriculture development as it contrasts with traditional use. I know that the member opposite would be well aware of that. When you take into consideration large tracts of agricultural land and then you think about traditional uses such as hunting or trapping and then you take into consideration our regulation around setbacks under certain activities — it can be a challenge. Once again, it is a complex conversation but is one that needs to be had as we think about how we look at food security in the north.

Just to touch on it — over the past 18 months, the Government of Yukon Agriculture branch has titled 10 lots to Yukon farmers. Five planned lots, comprising over 240 hectares, were released for application this winter, including three 63-hectare lots within the Murray agricultural subdivision. A further eight planned lots, comprising 124 hectares, are expected to be made available in 2019 around Whitehorse, Watson Lake and Haines Junction. These lot releases will mean up to 370 hectares of over 900 acres of new farmland and will be available to Yukoners in 2019. Many of these parcels of course are being made available after years of planning efforts undertaken by the Government of Yukon in partnership with First Nations. We also continue to offer the agricultural spot land application program on appropriate land throughout the Yukon.

I am also going to just switch back, because I want to conclude our conversation about forest management and the act, and then we can get into a larger conversation around agriculture.

As well, on the forest management — actually, I'm just going to go into the resource piece here.

I hope that the information that was provided earlier on the Southern Lakes — and we talked about the spring and summer. For southeast Yukon, the Government of Yukon is engaged with Kaska representatives on a review of the draft plan in 2016, with funding provided under the framework agreement. The Government of Yukon is continuing those conversations with the Kaska Nation.

What I can share is that we have had a very consistent dialogue with Liard First Nation around — and I may have this wrong, but I believe it is Fire Lake. We, of course, had some extensive burning last year. That really led to some key interest from the Kaska, led by Chief Morgan and his team, to ensure first that there could be some harvest opportunities. As the member opposite would know well, there is a framework and some policy work. There is a long history in southeast Yukon around that framework and the relationships, and I would say that we are trying to find an efficient way forward, because I do believe that there are strong mutual interests and there may be some opportunities that are time-limited based on some harvests that could be done in that post-burn area.

I know that our forestry team has been directed and been very involved, and I appreciate the work they're doing on that conversation. There is also a strong interest — and I say this understanding full well that I must respect our role, and our team must respect the many stakeholders who are involved in

the Watson Lake area — but when you go back to that earlier theme of opportunity, I know we have had some signals from Liard First Nation of some interest in some very aggressive actions around fire mitigation around Watson Lake.

That is a conversation that needs to be had — which I have not had, I will put on the record — with the Town of Watson Lake. I know that there is constant dialogue happening with the Minister of Community Services — there definitely is. When I see the southeast — and I know that I haven't been party to the conversations that have taken place with the Teslin Tlingit Council and the Liard First Nation, but I know there has been dialogue over time around the potential for access to fibre.

On a couple of occasions, we have also had — I should share — the private sector looking at southeast Yukon. We have measured support at this particular time for some of the requests, but we are going to ensure that we do this, not just in the interest of a short-term gain, but as a sustainable relationship for forestry management in the future.

The other item would be the *Forest Resources Act*. I'm just going to put this on the record. Reviewing the *Forest Resources Act* is important because it supports our regulatory environment that is effective, clear for industry, and allows for responsible resource management. In 2017, we engaged with First Nations to establish a process for reviewing the *Forest Resources Act*, and we appreciated receiving the feedback and I want to thank all those who participated.

We are now moving forward with First Nations to review the *Forest Resources Act* and we are establishing a working group with representation from the Teslin Tlingit Council, the Liard First Nation, and the Taku River Tlingit First Nation. Since devolution, the Government of Yukon successfully worked with First Nations to develop the *Forest Resources Act*. This is the first and only post-devolution natural resource legislation created by Yukoners, for Yukoners.

We are working collaboratively with First Nations, industry and stakeholders to conduct the mandatory review process — so just a bit of an update there on the resources act.

Just before concluding, I'll go right into the expected planned lot release, and I'm going to just toggle back here to the agricultural piece. From our data — we have one lot on the Hot Springs Road, two in Mayo — these are 18. We have the Hot Springs Road, two in Mayo and three in Ibex Valley. That was all through the late summer, fall and winter into 2018. Then we have two in Ibex, three bigger ones, and then Takhini River Road, Haines Junction and Watson Lake — one each — Haines Junction being about 50 hectares, and nine in Watson Lake.

I think we have hit most of those questions and, if I haven't, the member opposite can get me back up and I'll do my best.

Mr. Cathers: I do appreciate the answers and would invite the minister to review the Blues. In the interest of maximizing time, I am not going to repeat questions that I asked earlier. If he and officials could review the Blues and get back to me with other information through a legislative return or a letter, that would be appreciated.

I am going to go further in the area of agriculture. The agriculture policy review is underway, and I know the timelines of when it started as well as public engagement on it. I would hope the minister wouldn't put all of that on the record in the interest of time this afternoon. I would just mention that we have had a constructive dialogue, as the minister noted, around agriculture policy. I do appreciate the work that is being done and the opportunity that we have had to have conversations with the minister — myself as well as the Member for Takhini-Kopper King — about the area of agriculture and what perhaps we can do collaboratively in advancing and supporting the growth of Yukon's agriculture sector.

I would ask the minister if he could provide the House with an update about what the status is right now — that policy review. I know there was a dinner held that farmers were invited to, to provide input. I believe it was April 4; I know it was earlier this month. If the minister could just provide an update of what they're looking at in terms of timelines for the completion of the review and whether he is able to give us any hints on the outcomes of that. I know that, on the policy itself, the minister may be constrained in some areas by Cabinet confidentially about what he can commit to here on the floor of the Assembly, but I would just note a few of the areas that I have heard questions about from people include the idea, as I mentioned earlier, of an agricultural production tax credit that could potentially be one way to incentivize people to use farmland and to ensure that they have land in production. As well, it would offset the increasing costs that farmers are facing in many areas and would be one way to support this sector. Of course, in terms of a tax credit, it would not necessarily be an expense of government necessarily but simply lost anticipated revenue in that area.

There is also interest from people in areas such as the subdivision of agricultural land. As the minister knows, there have been some suggesting changes to that policy including being less prescriptive about the size of a single one-time subdivision as well as some farmers who have been requesting other changes potentially for retiring farmers and that type of thing. If the minister could just provide an update on anything he is at liberty to share with us, now that would be appreciated as well. If the minister could indicate, as I mentioned, the timelines around the anticipated final approval of that policy and any additional work with stakeholders or other levels of government that is being done for that.

Hon. Mr. Pillai: I would like to thank the members opposite for touching back on those. There are two lingering pieces there. The fire management — although a new topic — has come up during the agriculture policy review, I think, for a number of reasons — probably not just for the firebreak but also for the concern that our agriculture sector has for their own safety and their infrastructure and such.

We are still considering tax-related input that we have received. We're still considering that and really trying to, in that spirit, walking into the process — which is really about hearing from a number of stakeholders, going back to the

agricultural industry. Of course, we have a framework that has identified how we communicate with a broad section of Yukoners on this policy. I would say that working with our team, trying to come up with fair and appropriate policy that does give advantage to an industry that operates in a climate and jurisdiction that can be a cumbersome place to grow in for a whole bunch of reasons. I really get excited about those policy conversations with my colleagues here on this side of the floor and also with our table that we have put together with my two critics who have lots of great ideas. I try to take those ideas back and work with our team, so part of what we're doing is taking those concepts that sometimes do come up. There have been conversations. It's early stage, so I think we also see this level of confidentiality, but I try to bring it back to the branch and then try to groundtruth these concepts. That has been a really refreshing act working in a democracy.

On that particular one, I would say that's where we're at. I will give you just the overview of where we're at on the policy. The Government of Yukon of course is updating the existing 2006 Yukon agricultural policy to provide direction until 2030. Over the summer of 2018, the Department of Energy, Mines and Resources completed a public engagement to collect input on Yukon's agricultural policy. We received 206 responses to the online survey as well as another 48 inputs through face-to-face meetings, e-mail submissions and group meetings. We received input from First Nations, industry associations, farmers and the general public. We have released the "what we heard" report which is available on engageyukon.ca and we are now drafting the new policy in collaboration with industry through the Agriculture Industry Advisory Committee. We continue to be open to hear industry concerns for the betterment of course of the agriculture in the territory.

The new policy will seek to improve food production and advance the goal of food self-sufficiency for Yukoners. We're looking at factors such as the efficient use of agricultural land, the suitability of our current protection of agricultural land, and how to best support the industry as it becomes increasingly commercial.

Eighty-nine percent of respondents noted that it was important or very important to have access to local foods; 74 percent of respondents were satisfied or very satisfied with local products; and a significant number of respondents emphasized the need to maintain strong environmental protection while growing the agricultural industry.

It was also just asked of me if — I believe, as some of our current farmers retire, I think the question was really around land availability. It is more complex than one would think. What we have tried to do was ensure, first of all, through the policy process, that we have this feedback. We are going back with some of the draft policy language concepts that we think are important. To be very open, probably weekly, I have people with a multitude of different perspectives reach out to me, especially at this particular time, because we are developing policy. There are many who feel that there are large tracts of agricultural land that should be subdivided and provided to others. That is one perspective and that is

something, of course, that had taken place in the past. I think that there are probably some great examples of how that worked, but I think there are also some examples of how we have lost agricultural land, which is really something that's so important and so hard to find in the Yukon.

We also, as I stated in the comments I just made, have a lot of pressure where we are now looking at local area planning. There are a multitude of perspectives there where people are trying to ensure that some of their investments, depending on how that came about, can operate in a free market, but at the same time, what does that mean for large tracts of agricultural land? One thing that has come forward to me in this role and to our team is that we have tried with eloquent solutions to deal with tracts of land that have multiple uses, such as tourism and agriculture, trying to ensure that if the primary use is agriculture, we respect that, but at the same time try to grow our economy and understand that many of our farmers need multiple sources of revenue in order to sustain their operations. In some cases, they will take the revenue and hopefully the profits that they have realized from one operation and reinvest it into equipment and the farming operation.

There are historical relationships between people and land that are also very complex. I try to ensure that I constantly seek advice from our team at EMR. I also take the opportunity to sit with some of our farmers who have probably farmed the longest in the Yukon to understand and seek more understanding. There are differences of opinion from many of them, as well, but it's important to get that perspective and understand how there is sometimes conflict between traditional use — people who want to develop land versus local agriculture.

We are expecting the completion of our policy no later than this summer. We are still working with the Agriculture Industry Advisory Committee on this work. I know that once we conclude today, we are going to go home tonight — some of our team — and prepare. I think you are committed to that meeting — we have a meeting at 7:30 tomorrow morning with the president of the Yukon Agricultural Association, so we are in constant dialogue. We will be meeting with Mr. Gray tomorrow to discuss his findings on his trip to Iceland, where he did an extensive tour and looked at a number of different opportunities and potential technologies and innovations that could be paralleled and used here.

Also, it will give us a chance to understand what the perspective is, coming out of the work to date — knowing full well that not everybody will feel that we met their expectations, but if most of the people don't feel that we have it exactly right, then maybe then we have it exactly right. We are going to try to make that work by September.

Other than that, I think I have hit most of it, so I will leave it at that, Mr. Chair, and hand it back over.

Mr. Cathers: I thank the minister for the response and the information provided. I would, just before moving on from the agriculture policy — recognizing that there may not be much more that he can provide at this point due to the stage it is at and expectations around not making commitments in

advance of Cabinet approval — I would be remiss if I didn't note the importance of ensuring that the agriculture policy includes a commitment to ensuring that the building code recognizes farm buildings in an appropriate manner. As the minister knows, he and I have both heard directly from farmers — including my constituents — who have been affected by this and who have experienced the difficulty of going through permitting for buildings and being held to a standard that was really designed for commercial buildings that have members of the public in them. Provisions around things such as fire exits and matters for their safety are issues that — the standards they are being held to in some cases are of significant additional costs to the farming sector, without actually providing — I would argue — any public value through holding them to that higher cost standard.

The minister, as well, will recall that we have heard from farmers about the challenges of how some buildings that can be purchased in Alberta as prefabricated structures — I am referring of course to sheds, barns and that type of thing — that in Alberta, it would be legal for a farmer to buy them and to build them themselves, and that would meet the code. When it comes into the Yukon, that same building, which is perfectly acceptable for a much larger farming sector in Alberta without being stamped by an engineer, requires a farmer to go to that additional expense of having that engineered here. As the minister knows, this is certainly not an exhaustive list of the issues.

I would just encourage the minister, as well as his colleagues, to ensure that in the agriculture policy, they include recognition of the need to have a farming building code in the Yukon that recognizes that farming is expensive enough — government doesn't need to be part of the problem. Government should be ensuring, in the area of the building code, that there is an appropriate safety standard, but not an overzealous safety standard, when it comes to matters including the building code.

I would also note that in the area of agriculture — I am not going to spend too much time here on history, but I do urge the minister to keep in mind when they are talking about issues such as underutilization of farmland, one important thing to keep in mind is the impact of how government policy created a situation where, in the 19-year period ending in 2003 with devolution, the federal government had a policy of a freeze on spot land rural residential applications within 20 miles of Whitehorse. While they didn't always follow that policy — which is another story — that did create a situation where many people who wanted to acquire rural residential land were told that they couldn't apply, but they did have the opportunity under the 1982 agriculture policy to apply for an agriculture piece, develop 53 percent of it and then acquire title to it.

So one important historical thing to keep in mind around the utilization of farmland is that the issue of government policy led people during that time period to come up with a work-around to acquire what they really wanted as residential property. There has certainly been an evolution since that time, but that again leads to the point, as I have stated and will

reiterate, that there is room for government to consider — and they should look at — incentives to encourage people to take underutilized farmland and put it into production. From my perspective, philosophically, I think that the area of doing that type of thing through taxation incentives and tax credits would be better than doing that through subsidies from the government. I leave that point there for the minister to consider.

I want to touch on one more matter related to the agriculture policy specifically before moving on to another related area. I understand that there has been talk of agricultural leases within the agriculture policy. I know that there are currently some farmers who have leased out their property to other farmers. The challenge, as I understand it from people who have done so, is that for people who are interested in leasing land, there is a limited market and the costs of leasing land versus the viability of the farmer are often a challenge.

I would just pass on what I have heard from constituents, which I think is an accurate prediction. The agricultural lease program by government will compete with the private sector in doing that, which will probably lead to limited success. They may be wiser to look at an approach that encourages opportunities for people who own farmland and who do not want to farm it to lease it to others versus having government get into the business of leasing farmland.

Moving on to the related area, as I mentioned — I think the minister can probably guess what I am going to ask him about here. As the minister knows, there has been an ongoing issue around the government's elk. I have talked to the minister on a number of occasions about this. I wrote the minister a letter in December regarding impacts on farmers from the government-introduced elk. In my letter, I recognized that steps have been taken, under the current government and prior to that, in an attempt to manage the herd, mitigate damage to farms, and compensate farmers for damage. I emphasized in that letter, and wish to do so again today on behalf of constituents who are affected, that none of the steps taken to date have been adequate, and more needs to be done in this area.

I thank the member for his response to my letter. I did receive a response to my December 20 letter in January, and I thank the minister for that. I would note that it was a joint letter to the Minister of Energy, Mines and Resources and the Minister of Environment. I haven't actually yet received a response to my December letter to the Minister of Environment. I would appreciate one. This is a matter of significant importance to the farming sector and to affected constituents.

I want to note that the damage to farms that is happening as a result of the elk — which, as the minister knows, were a government-introduced species that were allowed to grow to their current population and expand out of the core range. I have heard reports of property damage happening this winter. I know there has been some success with the conflict hunt, but I have still heard from a number of constituents who were finding it quite cumbersome, and ultimately the issues around

the total population size and the fact that the herd grew from what — according to the then-Department of Renewable Resources in 1991, there was an estimated population of roughly 30 to 35 elk in the Takhini herd, and that population has now grown significantly.

A related issue is that the impact on farming — because the management techniques that government is asking them to take includes — there is an onus on farmers to reduce attractants, and some of the methods that are being asked for to reduce attractants go against best farming practice and they cost farmers time and money they don't have. Because of the elk, they can no longer graze fall crops or stubble, which would save money and emissions and keep cattle and horses in better condition by foraging naturally. I would also note on that point that, in ruling out the ability to use crops for forage for livestock, it is also a more emissions-intensive practice. So it is a case of government — in trying to help farmers reduce the damage from elk — asking them to do less environmentally sensitive farming practices and increase their carbon emissions.

What I would just like to note, related to that, is I would appreciate any insight the minister can provide. I recognize that he and the department staff have been working on this and have to work with the Department of Environment in this area. There was additional information about this that has been presented by the Department of Environment publicly at the biodiversity forum. What struck me as notable about this — I just want to bring this to the attention of the minister and his colleagues, in case they haven't noted that point — is that there has long been the indication from the Department of Environment that they didn't believe the elk were really having a negative impact on naturally occurring wildlife populations. What is in the report — which I have somewhere in front of me — provided by Environment about the winter tick problem would suggest otherwise.

I note, as the minister knows very well, as would his colleague, that there was an attempt made by the Department of Environment a number of years ago to address the winter tick problem on the elk. That led in part to an increase in herd population due to reduced predation at that time, but in the winter tick monitoring project presentation that Environment made at the biodiversity forum at the Beringia Centre in early March, it struck me that they were talking about the areas where they had found winter ticks beyond where they had previously thought they were.

According to Environment staff, they acknowledged a couple of facts that, to me, are quite key — one was that they acknowledge that they believe the winter ticks were brought in with the government-imported elk, and they acknowledged that the presence of the ticks where they found them largely corresponds to the core range of the elk, although it had expanded beyond the core range — just like the elk have themselves.

Because of the additional information provided by Environment — noting the damage that these winter ticks can cause to other hosts including moose, deer and naturally occurring wildlife — I would submit to the minister as well as

his colleague — the Minister of Environment and their colleagues that this information should cause the Department of Energy, Mines and Resources and the Department of Environment to re-evaluate their previous assumptions about the impact of the herd on naturally occurring wildlife. It certainly seems to me, from the information Environment presented, that this has demonstrated that the government-imported elk were both the source of the winter tick problem and the primary source of its spreading to other wildlife. Since the winter tick can actually be fatal to other species such as moose and deer, it would lead me to suggest to the ministers that it is time to reconsider and re-evaluate the management approach to listen to the request that has come from the agriculture sector in the past to do more to contain the elk to the core zone and to create an exclusion zone where outside that area the elk could be harvested year-round and to look at reducing the overall herd target size in recognition of the fact that, while the elk may not themselves be directly competing for feed with naturally occurring wildlife, the parasite that they are spreading is a clear and present danger to naturally occurring wildlife. Of course, I would emphasize, it is having an ongoing impact on my constituents and others who are trying to farm and are seeing significant costs as well as significant hassle as a result of that.

With that, I will just leave that point there and look forward to what the minister may be able to say in response. I do want to emphasize to the minister that I am not attempting to give the minister a rough time on this issue; I am simply pointing out that, based on the scientific data and the facts that are available, I would hope that the minister would agree that information provided by Environment gives more cause to seriously re-evaluate the approach to managing the government-introduced elk herd to increasing the number of harvesting opportunities for all Yukoners and to look at containing the elk to the core range and reducing the target population size for that herd.

Hon. Mr. Pillai: I am just going to start by addressing some questions around our building standards. I think it should be noted, and I appreciate the question, that we are in agreement. I think that we are in agreement that, for some of the building standards when it comes to agricultural infrastructure, there has been a bit too much rigor. Although the member opposite's constituents Mr. Stannard and Mrs. Stannard — although they do a phenomenal job, I do agree. I don't believe that they have done such a great job raising their hens, but I don't think any hens at the Little Red Hen operation understand how to use the exit signs at the back of the barn. For any of us who have gone to visit, although there are safety mechanisms in place for the farmer themselves, we did have a great opportunity. It was opened up to the entire Legislative Assembly, organized by the Agriculture branch. It was just an opportunity for any of us who had the opportunity to get out there and take a look at some of these operations. What has happened is that our public servants, as all of us know in this Assembly, have a set of tools that they are provided. Some of them are legacy tools and they do their best to do it. Sometimes that can lead to

some situations where we are using policy and regulation that is maybe the only thing in the toolbox, but it can be a bit cumbersome. People are trying to do the right thing and, at the same time, people are trying to run a business and do it in the most efficient manner.

With that in mind, I want to thank the team at Community Services as well as Energy, Mines and Resources. The agriculture policy, which will be concluded in the summer of this year, will be identifying the fact that we will be adopting the National Building Code in 2020. The National Building Code has specific areas that will speak to farm building codes. That will give us the flexibility to have the right tools in the toolbox for our teams, but at the same, it will reduce the red tape for our business community. It is a commitment we made and it is identified in my mandate letter. This will be a chance for us to really make things a bit more flexible.

I do appreciate the comments around agricultural leases. The member opposite is absolutely correct. It is still a discussion point. I am trying to ensure that I have that time to continue to have bilateral discussions with the Agriculture branch to understand this very important work as it goes forward. We know that one of the proposals is that almost 25 percent of our lots would be released through leases. I have listened and heard different perspectives as well around the effectiveness of leases and the costs surrounding that. Of course, our team at the branch know these files very well. Part of those conversations with some experienced long-time farmers have really been around them saying to me, "You know, before you go and develop more land, which is a costly undertaking, how do you ensure that you utilize the land that's there that is underutilized?" That is what it is really about. So I can say wholeheartedly that there are no final decisions, but these are going to be the things that are contemplated as we come to the end of the policy work.

Just on another note before I conclude with some of the agriculture policy, I think it has been very effective to have the Department of Economic Development work with the Agriculture branch and the Department of Energy, Mines and Resources. Upon having the opportunity to work with those departments, it has become clear to most of our team members that agriculture is not only a great opportunity in the fact of food security, but we also think it is a significant opportunity to diversify our economy. We know what our slippage looks like — of the amount of food that's being brought into the Yukon. We know that our neighbours, our local markets — it still dawns on me, going to the southeast Yukon economic conference, thinking about the fact that \$2 billion-plus worth of food is consumed just across the border next to us and only approximately four to six percent of that is own-source, so it's either coming up a highway through the Yukon or it is being shipped in. Although we are a small player, but still an important player, during the NAFTA negotiations, any opportunity I had to voice that we have special circumstances in the Yukon, as well as our friends in the Northwest Territories — who are doing different types of food security strategies — it's important for direct conversations with all

the ministers on the phone, with Chrystia Freeland, talking about the fact that there's a real opportunity.

The lead negotiator for NAFTA, in the end, happened to be a negotiator on the agricultural file. So at our FPTs, we had the opportunity to meet with Frédéric and then hope that he would champion some of our causes. There are bigger conversations at stake in that discussion when you think about what's at play, but we try when we have the opportunity.

Within that, we are working — not only the work that was done on the Yukon Gardens, but we are now moving forward this year, and we have put a proposal in and are just looking to see how that will play out. I will absolutely share that with the Assembly — looking at ways to look at food innovation. The Department of Economic Development and the branch have been working with federal funders to see if there's an opportunity. What that is really about is to take local products that are currently being produced and looking at value-added and bring in Yukon College — soon to be the Yukon university. They have had a very effective and well-respected culinary program for a long time. They have all of the appropriate policy in place to do that work. We're trying to take a look at whether there is a way for us to take not just haskap berries, which have a real opportunity on that side of things, but also some of our other products — just to share.

There is over \$108 million invested in Yukon farms, including land, buildings and equipment. Yukon farms produce a wide range of fresh, healthy products, including vegetables, preserves, eggs, honey and meats. Yukoners can find a growing selection of locally grown products in retail stores, community markets and gourmet meals prepared by restaurants and caterers.

We know our producers — what they're finding is they're going into our local grocers and now it's a challenge just trying to keep up on the demand, because Yukoners love buying Yukon-made products. They love it, and they want it. They are comfortable paying that extra price point because they know where the food is coming from and they know how important it is to support.

We are looking at a larger conversation around that — so that is something that I think is going to be pretty exciting. It is something where we saw an opportunity — Economic Development's team working with Agriculture embraced that and we are just trying to shore up what that will look like in a sort of a multi-faceted partnership.

The Yukon's elk management plan was renewed in 2016. It includes a goal to address conflicts between elk and agriculture and outlines the shared responsibility to solve these problems. The elk-agriculture conflict hunt is one tool we used to condition elk herds to stay away from conflict areas. So far this season, most of the elk are staying in the core range and the measures taken appear to be effective. We continue to work with affected landowners, farmers, and First Nations on a number of approaches to address elk-agriculture conflicts.

Based on recommendations from the Elk Agriculture working group, we increased hunting pressure on the elk

earlier in the 2018 season. This is taking place in a focused area where ongoing conflicts occur.

Another tool we will continue to work on is exclusion fencing that can be used to keep elk off the agricultural operations. In addition, farmers who lose crops due to elk conflict may be eligible for compensation.

I know that, when we look at this particular year, this has been — as the member opposite said — I have to go back and look at the history — I think he touched on — I think it was 1991 when this began. I get myself in trouble by commenting on how this began or whatever it may be, but it is a file that leads to lots of emotion. I know that, as of March 4, 2019, this year, we have had 71 hunters participate in the elk-agriculture conflict hunt training sessions, 37 hunters have been issued permits, and 18 elk have been harvested. I know that the numbers are pretty significant — comparably — but I would say that my colleague the Minister of Environment and I have been in dialogue. This year, as we look at the management plan that is in place, we are continuing to look at what the results are from this year.

The Member for Lake Laberge would quickly call me on not being as transparent as I should have been if I didn't say that I am still continually hearing from farmers about the conflicts. It is a tough file. We know that it has always astounded me — just the cost — there are very significant costs associated with fencing infrastructure in the Yukon. It is interesting. There is a lot of money spent on it. My experience with fencing was my grandfather using a chainsaw to cut stud wood and then basically sharpening a point on it, hammer it in with a sledgehammer, use old, bent, rusted nails that he would straighten out, and then hammer three lines of barbwire on it — usually old rusted barbwire that he carried around the woods for the last 15 years. Not quite the same in the Yukon — tens of thousands of dollars — for some, over a \$100,000 put into infrastructure, making sure that they meet out policy guidelines.

That is something that the Minister of Environment and I will continue to work on. Nobody is going to stop informing us about their perspective on it. We are trying to come up with a solution that works for all Yukoners, but we are still very focused on what is happening this season. I know that I will continue to work with the member opposite on this file.

I must say that my knowledge of the winter tick is not as extensive as the member opposite. That was a good education for me. I know that the Minister of Environment said that she will take that information under advisement. It is something that we will have to come back and discuss — the implications of that. There was some good knowledge passed on, and I will go back to do my due diligence on that particular topic.

I believe that we have covered all of the questions, and so I will pass it over to you, Mr. Chair.

Chair: Do members wish to take a 10-minute recess?

All Hon. Members: Agreed.

Chair: Committee of the Whole will recess for 10 minutes.

Recess

Chair: Committee of the Whole will now come to order. The matter before the Committee is general debate on Vote 53, Department of Energy, Mines and Resources, in Bill No. 210, entitled *First Appropriation Act 2019-20*.

Is there any general debate?

Mr. Cathers: I am going to move on to other subjects. I do thank the minister for his commitment that he will look into the winter tick matter further. Before moving on to my next area of questions, in the interest of the limited time this afternoon, I do just want to note that the impact of the introduced elk is having an ongoing effect on my constituents. Without more action and a change as to how it's being handled, they will continue to cause property damage and negatively impact the agricultural economy. It needs to be recognized that everyone involved in this has had good intentions, but government also needs to recognize that the current approach is not working and that more needs to be done — particularly in light of the issues I mentioned there and the fact that the information Environment presented about the winter tick problem suggests that this may be a growing problem that will put moose, caribou and deer at risk as a result of that parasite carried by the introduced elk species.

Moving on to other questions in the interest of the limited time available — I do want to ask the minister about the commitments made to the mining sector, particularly around the review of YESAB and the collaborative framework — what is the status of that work? As the minister knows, we have heard frustration from that from placer miners and hardrock miners about this.

Secondly, another issue is — while government has talked a lot about a one-government approach to dealing with issues, we have heard strong concerns about the wetlands policy. We are hearing that for the private sector dealing with this, they are facing a very siloed approach within government. As I indicated, what I have heard directly from people involved is that in fact they are dealing with three different approaches from three different government agencies — namely Energy, Mines and Resources, Department of Environment, and the Water Board. There seem to be different visions, and they are feeling quite frustrated with the lack of coordination by government in this area.

I would also ask if the minister could indicate — there was, I understand, one court decision regarding a specific project that mandated the wetlands reclamation guidelines to that project be developed in consultation with Tr'ondëk Hwëch'in. If the minister could indicate what the expected conclusion date of that work is — I understand that particular company has been left stuck waiting for this for awhile.

I would also ask if the minister could indicate — in the area of YESAB, is government meeting its legislated timelines for issuing decision documents? We have heard that this may not be the case. If that is correct, could the minister indicate how many projects are meeting the legislated timelines and what government is doing to ensure that it is not breaking the law by not meeting those legislated timelines?

I have one more question in front of me.

Just to be clear, I understand that the Department of Energy, Mines and Resources is not always meeting the timelines set out in YESAA. If the minister is aware of this, can he provide information on it? If he is not aware of it, I hope that he would treat the matter as seriously as it should be treated and recognize that it is imperative that the Yukon government be meeting its legislated timelines under the YESAA process — not just for compliance with the federal law, but as well for the very reason that those timelines were put in, in the first place, was to provide certainty for Yukon businesses, both large and small. If the timelines are not followed, the certainty that was supposed to be provided as part of the spirit and intent of the *Yukon Environmental and Socio-economic Assessment Act* — the spirit and intent will not be met in that area. I would appreciate it if the minister could provide that information.

Also I have heard that there have been concerns that there has been a reorganization in compliance monitoring and inspections and that this has included a situation where inspectors are being cross-trained but also then doing inspections in areas of the branch that they don't have a lot of background or training for. I have heard that this includes — and again, I am not saying this to make light of anyone's training, but I understand that they have had forestry inspectors go to inspect mines and vice-versa. There has been the concern that we have heard on the part of the private sector that they have not always felt that the people doing the inspections understood the issue as well as they should have, and this caused them — as the minister can well appreciate, I'm sure — concern about the procedural fairness that they were dealing with. If government inspectors make a mistake — even if that mistake is made with the very best of intentions, it can have a significant cost on people and affect their ability to make a living.

Mr. Chair, in capping off those questions — in the interest of time, I would just ask the minister if he can elaborate on if he has heard concerns from exploration companies that will not be getting anything back under the carbon tax rebate structure because it is based on calculating assets. For exploration companies that are leasing their assets, this could mean that the rebate scheme is meaningless to them. Has the minister heard concerns from the mining community over the way the carbon tax rebate structure is designed? What, if anything, does he plan to do in this area to address concerns from placer miners, mining exploration companies, and hardrock miners over the cost of the carbon tax on their operations?

Hon. Mr. Pillai: That was a wide range of topics. Some topics correlate to the budget we are debating, others not as much. I will try to go through the lengthy list and do my best.

I think the question concerning the YESAA reset oversight group — I will speak to this just so I can provide to the member opposite — of course this is not something that particularly lives in Energy, Mines and Resources, but has great impact on Energy, Mines and Resources of course. That work is being led through the Executive Council Office. So

the YESAA reset oversight group is a joint effort between the governments of Canada and Yukon and First Nations to collectively seek efficiencies and other improvements to the YESAA process. The oversight group and other results of the YESAA reset memorandum of understanding demonstrate a genuine commitment by all parties to improve relationships and make progress on long-standing issues.

The oversight group has jointly drafted a priorities and work plan document, and action on the work plan will occur through the YESAA forum in technical working groups. The oversight group's priorities look at how we each interact and understand the YESAA process in order to help guide the improvements and efficiencies.

The YESA board is responsible of course for implementing most of the YESAA process. Recognizing its unique role, the oversight group has engaged constructively with the board and will continue to work with it on these important priorities. We know that industry is expecting immediate, tangible outcomes. Yukon government is committed to bringing industry into conversations regarding their issues with the goal of delivering practical, made-in-Yukon solutions that work for Yukoners. First Nations who are not party to the memorandum of understanding are also welcome to contribute to the oversight group's discussions. I believe that is what the member opposite referred to.

What I can share on this particular topic is that the YESAA reset oversight group — as stated here, we do, at Energy, Mines and Resources, understand that industry is expecting immediate, tangible outcomes. What I would want to reflect on is that as the work that built up to Bill S-6 was in place — I would reflect on the time and efforts that were put into place previous to Bill S-6. I think it was a significant amount of time, and I do apologize to the Assembly that I don't have that number in front of me. If we look at the chronological order up to Bill S-6, then the response to Bill S-6, then the work and conversations, then of course Bill C-17 — which repealed Bill S-6 — and then the pieces that are playing out here.

Through Executive Council Office, I have to say that I don't have a particular budget line item that financially supports that work, but I would take the opportunity to touch on the fact that the work we have really focused in on around the 49(1) option that was identified in Bill S-6, taking into consideration that in many cases, it was a very valuable tool. I don't think anybody would debate that.

In our work at the MOU table — the mining memorandum of understanding table — with our Yukon First Nation partners — in fall 2018, we collectively came to the understanding that Government of Yukon would embark on an exercise to review policy. This is something that we have also signalled to industry that would look at another avenue to potentially provide the same level of results that a 49(1) element would have in Bill S-6 — but to look at the regulations that we have. I am not going to predetermine if that can be a successful outcome. It is something that we think is worthy of the investigation. I have given direction to deputy ministers here today and previous deputy ministers, as well as

our team of ADMs through the deputy minister — that we would then begin to look at our internal capacity and, if needed, to procure capacity that specializes in this level of regulation and legislation so that we can take a look at building a potential draft solution that would then go back to the MOU table.

That's our short term work, at least in our department. I know there is going to be a continuation of the work that is happening. I think it is important to say that the Yukon Chamber of Mines did a really good job of bringing together a number of players at the geoscience conference. It was led by the chamber, and they brought, as I remember — and I might be wrong on a couple of the invites — but it was YESAA, Energy, Mines and Resources, the Mining Association of Canada — I can't remember if the Yukon Producers Group had representation there.

They were all brought into the room and, at that particular time, the discussion was about industry being at the table. The comments that were shared primarily in that discussion were between the Grand Chief and the Mining Association of Canada, but there was definitely language that talked about the history of the relationship and work that was felt needed to be in place before there was engagement with all the parties at the oversight table.

At our MOU table, it is a bit of a different working plan. That plan is really focused on a number of items of priority, but also looking at something — a real significant collaborative area that we want to embark on between industry, Yukon government, and First Nations. It was something that was investigated by the previous government and now we are looking at a different approach to an overall strategy.

As for the timelines — we generally meet our legislated YESAA timelines. Our team is very aware of the policy framework that exists. What normally happens is that, in some cases, there is a particular request that comes through, which is part of what is appropriate in the process. Requests will come through, usually from First Nation governments, that will request extensions that are within — it is my understanding that it is within the language that is provided for. In those cases, there becomes an extension. In some cases, some of the files that we have worked on — the team, as they have walked through this — they are working on decision documents. That is work that is done internally within the department but, from time to time, you hear the complaints because there are groups that are on one side or the other side of a perspective and they want more time or they are waiting for a decision.

It is difficult too because we also have particular cases in the Yukon where — coming into this role, you have a self-governing First Nation, then you have a nation that does not have a modern treaty, and then there are transboundary conversations and then there are assertions — it can be extremely complex. I think the department is always trying to ensure that they can respect the stakeholders and that we provide, inevitably, documents that can stand the legal test for the work that has been done, the understanding that is here,

the legal guidance that we have within the organization, and the work that has been done through Aboriginal Relations, and then coming up. So yes, sometimes the teams who are working on this are not usurping the law. It is actually counter to that. They are trying to ensure that the work they do meets the test of the law so that when industry does get a document, they can stand by it and it's not going to lead to activity that then would be challenged and that it would be found that the government had done something they shouldn't have. So that is the work they try to do on that one.

As for wetlands — I know our teams continue to do work. There are different conversations around wetlands — you are correct. There is the work that we have undertaken that is really focused on the Indian River. That has been work that was touched on in the question — I believe it was the Northern Exposures court decision. Of course, we were — the officials were — waiting for our proponent to submit a revised reclamation plan on that particular project. We had done a lot of work with the Tr'ondëk Hwëch'in. There has been some exceptional technical work that has been undertaken as well. Again, as many know, this is a very difficult conversation because there is the historical activity that has occurred. There is the work that has been done to identify particular areas — when you are looking at the fen and bog — and when you try to look at strategies for reclamation. That is there. You are also working within the framework and relationship to try to ensure that you are respecting the rule of law and, at the same time, understanding the difference in perspective on this particular area.

I spent a bit of time there last summer with a couple of different operators. I have also had the chance to fly in with the chief of the Tr'ondëk Hwëch'in, as well as the President of the Klondike Placer Miners' Association to look at areas and the different impacts from one area to another. That is ongoing work.

We are looking to conclude some of the work on the Indian River, and then I would leave it for the Minister of Environment — although our teams are working through that — to talk a bit about the overall wetland strategy. This is ongoing work that has industry, the Yukon Conservation Society, and a multitude of players who are looking at a total strategy for the Yukon. The Government of Yukon is developing the Yukon wetlands policy, and this process involves collaboration of course with Yukon First Nations as stakeholders.

Just for the record, I would like to state that currently the Yukon government is working with the Tr'ondëk Hwëch'in on developing a protection and reclamation policy on how wetlands are impacted by placer mining and how they are managed in the Indian River valley. This will include the development of interim policy and guidelines for mining and reclamation of wetlands and additional scientific studies to fill in knowledge gaps. The goal is to develop the final policy and reclamation guidelines for wetlands in the area.

The Yukon Water Board is developing wetland planning guidelines to assist applicants in developing plans for projects where wetlands are present to be submitted as part of project

applications. As well, the wetlands research study that was led by the Klondike Placer Miners' Association and Ducks Unlimited Canada was conducted to develop a better understanding of waterfowl use of reclaimed wetlands.

We also recognize that it's a challenging issue, as I stated, and we will continue to bring together all involved to work on solutions. We know that, even in the community of Dawson City, there are, in some cases, very opposing or contrasting views between one neighbour and another.

I think that is the YESAA conversation. We touched on the wetlands. We did talk about Northern Exposures. We touched on the decision documents.

I will continue on the other conversation about exploration companies and continue to seek advice and insight from the Yukon Chamber of Mines. It was just about two weeks ago, I think, that we had our last meeting with me, the Deputy Minister of Energy, Mines and Resources, and the deputy minister responsible for the Executive Council Office — going in to answer questions and give updates — as well as a number of our other team members who were there. Although I have not had any direct conversations — meaning that nobody has reached out directly concerning the exploration companies and how they are looking at the carbon-pricing mechanism — I have listened to the comments that have come through from the chamber on a multitude of things that they feel comfortable providing me with advice on.

I will read into the record that of course Yukon will rebate revenues to four groups: individuals, businesses, First Nation governments, and municipal governments. The Yukon exploration businesses would fall under the business sector. The Yukon government carbon-price rebate is the result of significant discussions with Yukoners, industry, and other governments. Yukoners will receive favourable rebates that will make up more than 100 percent collected by individuals, governments, and businesses as the Yukon government will be rebating its significant share to Yukoners along with the levy collected from visitors. Rebating Yukon government's portion to Yukoners will also contribute to the Yukon government's goal of increased efficiency by creating a greater incentive for us to lead by example and to improve the effectiveness of our operations.

There are lots of touch points with our industry. It has been asked on a couple of occasions — as we see compression in the investment sector across Canada, what are some of the things that will be happening? I will just touch on the fact that many of my colleagues here in the Assembly — many of our caucus members — will be in Watson Lake as well as Ross River in mid-May. We will be taking part in a number of meetings and lots of community activities. I know that some of our senior officials will be flying in investment marketing opportunities. I know that the deputy minister will be in London later this spring — again, talking about the opportunities for investment in the Yukon and then continuing to do the work that we do during our regular season and continuing to look at opportunities to ensure that there is interest and funding available for our exploration companies.

Ms. Hanson: I welcome the officials here.

I would like to see if we can change this up a little bit, given the very short period of time that we have left.

The federal contaminated sites action plan, which is the mechanism by which Canada pays for the remediation and cleanup of the type 2 mine sites in the Yukon, was established in 2005 and expires next year. First of all, I have two questions: What role is the Yukon government playing, if any, with respect to any renewal of the mandate for FCSAP? Because Treasury Board was clear — it was \$4.5 billion over 15 years. We have spent \$400 million on Faro — god knows what we spent on the other type 2 sites. What role is Yukon playing with respect to the renewal of the FCSAP mandate, and what is the current forecast for the remediation of the Yukon type 2 mine sites?

Hon. Mr. Pillai: I will start with our overview of our current sites and then I will lead into our bilateral discussions with our federal ministers and counterparts around the relationships around abandoned mines. The Government of Yukon manages type 2 mine sites in a way that seeks to balance environmental stewardship with opportunities to strengthen and diversify our economy. The range of approaches selected to remediate type 2 mines are customized to the unique environmental issues at each site and the specific needs and interests of affected First Nations and communities. We are collaborating closely with affected First Nations and local communities to ensure that the chosen remediation approaches recognized local needs, and that local interests lead to local solutions.

We support the development of a thriving, prosperous, and diversified economy that provides well-defined benefits for communities and First Nations in Yukon and integrates a high level of long-term environmental management.

I am just going to give a quick background and then I will go right into Mount Nansen and other projects.

Some Hon. Member: (Inaudible)

Hon. Mr. Pillai: Yes, I heard your question — funny how the tone changes. There are 18 positions in the Assessment and Abandoned Mines branch. Four positions are associated with Faro, and 14 other positions are for other type 2 sites and general branch support. Four of the positions are funded by Government of Yukon and 14 positions are federally funded. The Government of Yukon provides \$707,000 in funding for personnel and O&M and Canada provides \$14.265 million for assessment work.

You will see from the spirit of our approach to abandoned mines — and of course it was reflected in the original conversation piece to start off this particular budget discussion — the approach around the Faro mine. I have touched on it. You have seen it reflected — the fact that Canada has taken on that leadership role versus what was experienced in the latter part of 2016 upon taking this role. It was a decision that was made after speaking with our team at Energy, Mines and Resources but also dealing with the affected First Nations.

I have to say, when you talk about the opportunities that we have seen since then, I want to commend specifically Ross River and their development corporation for the work that has been accomplished. We are now seeing local contracting

opportunities for entrepreneurs in both Ross River and adjoining communities. We are also seeing some of our strongest Yukon companies in joint ventures with the Ross River Dena Council. Now we are seeing sticky dollars — which of course is keeping those dollars that are coming into the Yukon, in the Yukon. We still see that our general contractor, who has been awarded — that is a company that was procured a number of years ago from outside of the Yukon. What we are seeing is the most success in a long time around that procurement approach. That is extremely important to share with Yukoners.

I will switch to Mount Nansen, which is another very important project. The Government of Canada is in the process of selling the Mount Nansen site with a court-appointed interim receiver — which is PricewaterhouseCoopers — coordinating the sale. The successful purchaser will be required to complete the remediation work previously selected and approved by the Government of Yukon, Government of Canada, and Little Salmon Carmacks First Nation.

Three qualified bidders submitted detailed proposals for remediation, and that included First Nations and the Yukon socio-economic benefits. The Government of Yukon participated in evaluating these proposals in April 2018. The Government of Canada is currently negotiating with a top-ranked bidder to finalize a long-term purchase agreement. To support the sale and remediation process, Cabinet approval is being sought to issue a land lease and to amend the existing Water Board policy. That is some of the work that we have to do internally and the work that is ongoing.

I know that Little Salmon Carmacks is quite excited to see this work move ahead — the work with the Gateway project — to ensure that we have the geotech work, but part of that is the bypass — understanding that we are going to see increased traffic to Freegold Road. Over time, it is very important that we move some of that traffic out of the direct community and straight to Freegold.

The Keno project — the Elsa Reclamation and Development Company submitted a project proposal on the remediation of the Keno mine site to the Yukon Environmental and Socio-economic Assessment Board in September 2018. This is of course the first time that a type 2 remediation project is being assessed under *Yukon Environmental and Socio-economic Assessment Act*. The project proposal is based on the remediation approach that was selected in 2015 by the Government of Yukon, Government of Canada, Na Cho Nyäk Dun First Nation, and Elsa Reclamation and Development Company.

Also, Clinton Creek — there has been some significant activity over the last number of years there. Government of Yukon is working to develop six remediation options, three for the Clinton Creek side, and three for the Wolverine Creek side. Designing these remediation options is challenging due to the sites' technical complexity. That's further work, and all the chances we have the opportunity to support the Tr'ondëk Hwëch'in, as well as their Chief Isaac development corporation, to be able to seek appropriate partners and

ensuring that we have a transparent process of procurement — but that we can hopefully see these benefits stay with Yukon companies when we have that opportunity.

There's a lot of field work that I think is important to touch on which was implemented in the summer of 2018 to further characterize site conditions, advance design and support the selection of closure option 2019. I know from the procurement that we're doing, there continues to be significant work that is being undertaken around water quality testing, sampling, and that type of work to stabilize and ensure we are not seeing further degradation of the site.

Just to touch on Ketz River — the Ketz River mine site — since 2015, the Government of Yukon has been responsible for the care and maintenance and remediation planning for the Ketz River mine. Following a tender process, the new care maintenance contract was awarded to Boreal Engineering Ltd., which started September 1, 2018. The contractor's performance is being tracked against identified benefit targets. There are a number of First Nations that are party to those discussions. The Government of Yukon signed a memorandum of understanding with the Government of Canada in accordance with the devolution transfer agreement on the remediation approach to the site.

I know the member opposite is well aware of this file. There has been a process underway to ensure that we identify responsibility between the federal government and the Yukon government, as well as to continue to come up with a strategy for the site.

The federal government is proposing a new northern abandonment and reclamation program, and the fund is targeting the largest sites in the territory. We anticipate that funding will be long term and adequate to cover our liabilities. Yukon involvement has been limited, but we are looking to support the outcome.

It's important to say that part of the role — which may be unique, but which I thought was appropriate — at least on a couple of occasions, I have had conversations directly with the federal minister and have actually travelled around the Faro file with the Kaska leadership to Ottawa and had meetings with the lead federal bureaucrats around abandoned mines. That team — the lead, Joanna Ankersmit, has now moved on. Her junior has now moved into the leadership role and is the point of contact for our technical teams.

I'm glad this question came up, but I had just reached out to the Kaska, who had asked me last week if I would go out to ensure that these relationships between the federal government and Yukon continue to stay moving forward and that we can continue to see a sustainable relationship. I had provided this morning some dates in mid-June that I thought were appropriate to travel with Chief Caesar to have those discussions.

We will be having the intergovernmental forum, which is coming up. It is an opportunity to speak to some of the leadership and the minister who is involved and oversees this. We also have taken the opportunity — I think it is important, in conclusion — of Bill C-17 — even though it is a bit of a different topic — to talk about the fact that it is important that

our First Nations have the dedicated capacity and resources that were committed to on the conclusion of Bill C-17. It's the same minister. Our new federal funding amount that is being tabled is about \$2.2 billion over the next 15 years. Our team members feel that this is appropriate to conclude this work.

I am happy to get into any other specific details on these. I am well aware that I did not touch on the Wolverine mine, which is a significant reclamation focus for us, but it falls under the responsibility of the Yukon government and is not a type 2 mine site.

Ms. Hanson: It would be really helpful, since we are talking about the budget here — I appreciate the context and the minister's opinion on things — but when we are asking for budget-related things — and we did have a discussion with respect to how we were going to move budget debate along and to have shorter responses — like, not 14-, 15-, 13- or 18-minute responses or questions. I am trying to keep my questions down to one minute.

When I mentioned FCSAP, the question I raised — I appreciate that he said that it's going to Treasury Board next year. I was aware of that for next year. But in the last 15 years, it was \$4.54 billion and it is now, I understand, \$2.2 billion over 15 years. What is the cumulative total that has been spent to date on type 2 sites in the Yukon? What is the forecast requirement to complete the remediation and cleanup costs on the type 2 sites that are a federal responsibility?

Hon. Mr. Pillai: That was, I believe, the first question that I answered for the member opposite. I know that she had timed my other ones. It's very difficult when you have seven to eight questions and subquestions to answer it all within —

Some Hon. Member: (Inaudible)

Hon. Mr. Pillai: Please let me finish.

That becomes difficult, but I will respect it.

I think that the information that has been provided to us to date, based on the different levels of project scope — whether you look at Clinton Creek or Mount Nansen — as we conclude this complex work, I would say that there would not be sufficient information to project the total cost to conclude cleaning these projects up at this particular time. I think we have a phased approach.

I will say to the Legislative Assembly that I could be wrong. I will endeavour to get information that can speak to that very robust question.

I will ask our team — because they are very busy on active projects — to take a walk down history lane and to prioritize that question as well, because I think the work that we are doing right now is very important. I will work with our team to get the cumulative cost that has been spent to date.

The work that I am trying to accomplish in working with the team is to make sure that we spend money appropriately and wisely as we go forward. I will endeavour to get the historical costs and projected figures, while taking into consideration the high level of engineering and data that we currently have. I would hope that the member opposite would take that into consideration upon perusing the information that may take us a bit of time to provide her.

Ms. Hanson: I do look forward to receiving that. I think this is going to be an area — because it has been something that has been on the books and subject to many variations in terms of governance models with respect to how type 2 sites were originally envisioned — it is a concern I think, to both the citizens of Yukon and Canada, when we look at whether or not we have value for money for the expenditure of billions of dollars.

The minister spoke a bit about the Yukon Geological Survey, and I just wanted to come back to the work that has been done with respect to energy and energy sources. What we are aware of right now is that we are looking at spending another \$60 million on diesel and LNG in this territory. I guess I am curious as to what future and what role the minister responsible — and if he would outline the government's planned strategy with respect to the work that has been done on geothermal in Yukon. We know that there has been work since 1976 on this and a number of studies have been done. Most recently, in 2016, the Yukon Geothermal Opportunities and Applications report talked about how Yukon's potential could be more than 1,700 megawatts of energy — that is the equivalent of 18 times the current energy supplied by Yukon's renewable electrical system.

What is the minister doing to realize the potential of this renewable source and where do we see that reflected in current and forecasted budgets?

Hon. Mr. Pillai: The Yukon Geological Survey continues to research and identify prospective areas in Yukon for geothermal resources for potential district heating and power generation. They recently completed the temperature gradient measurements in two 500-metre-deep wells near Whitehorse and Ross River. I believe that the results from this work are available on the department's website. Ongoing work is planned in the Teslin, Burwash Landing, and Haines Junction areas, where studies indicate good potential for evaluated heat flow.

In the 2018-19 budget, the Government of Canada announced that the Canadian Northern Economic Development Agency would be offering ongoing funding for the strategic investments in the northern economic development program. The purpose of the program is to advance northern development in Canada's territories by strengthening the driver sectors of the economy — economic diversification and encouraging the participation of northerners in the economy.

The Yukon Geological Survey received \$595,000 from SINED in 2019-20 for two years. From April 2019 to March 2020, total SINED funding will support projects in the following areas: project 1 — geothermal research, \$150,000; project 2 — information services, \$280,000; project 3 — community workshops and capacity building, \$35,000; and project 4 — compilation of industry-filed geophysics, \$30,000.

We continue to endeavour to gather data on these particular topics, which is important. There has been traditional work done by the federal government. Once again, as I've said in the Assembly before, this is one avenue that we

should be looking at. There are different levels to it between doing some of this drilling and some of this geothermal work — but it is important to note that it is extremely costly to do. If we have the opportunity to ensure that we had 100-percent renewable energy available to us — which is what I would say our long-term goal is at this particular time — spending potentially \$50 million to do an extensive amount of work drilling and R and D — and I say this lightly because I am not sitting here with all the project files, but what I've gained to understand about this — and then still not have a solution to offset what we put to the public today, which is very significant data around snowpack which is of course what feeds our existing infrastructure. So we have to ensure that, at the same time, it is a balance between doing the research that is needed to find and look into some of these sources, but also take into consideration how we are going to manage that — and the financial impact of some of that work.

I have had at least one proposal from individuals who have come to the Yukon, laid it out, and said, "You know, this is what you can have for \$50 million or \$100 million." Those are significant. When you look at the ROI on those versus some of the work we are looking at on other projects that are renewable based — it's a real challenge. Of course, it is something that we have committed to. It is something that the Yukon Geological Survey feels is important, and we will gather this data and see if this data can guide us on some of these potential opportunities.

Ms. Hanson: I guess my understanding from that is that, after 40 years, we are still not going to move on integrating geothermal in a real way into the energy future of the Yukon.

When will the wetland policy, beyond the Indian River pilot project, be completed?

Hon. Mr. Pillai: I will note that I have been working on this file with our team for about 2.5 years. I missed the other 37, but I am going to try to catch up.

As for the Indian River — we have put a tremendous amount of time into this work. We have continued to be very open partners at the table with the Tr'ondëk Hwëch'in. I am not going to predetermine the end date to this. There are two partners that are working together. There has definitely been a lot of good work that has been accomplished. There have also been some challenging conversations around our perspective. Again, I will state that I am not going to put a closing date on this at this particular time. I know that this is a project that is a priority to the department and it is a priority to me.

Our department had reached out to Tr'ondëk Hwëch'in last week. My plan was to have spent this past weekend in Dawson City discussing these topics as well as other hot topics. It was their general assembly, so there were other priorities for the First Nation, but I know that our technical team will continue to work on this, as will I.

Ms. Hanson: On the website, there is information on the Yukon Resource Gateway project and the Carmacks bypass. Can the minister confirm whether or not completion of this road is dependent on Casino going ahead?

Hon. Mr. Pillai: It is not.

Ms. Hanson: The ORV consultation and public process closed April 8. What are the next steps? What is the timeline for implementation of regulations?

Hon. Mr. Pillai: I will get back to the member opposite after further discussions with our department. If I could be so bold as to read two notes here into the record without wasting the member opposite's time. As of April 4, 2019, open houses have occurred in 13 communities including Dawson City, Haines Junction, Mayo, Carmacks, Carcross, Beaver Creek, Burwash Landing, Ross River, Faro, Teslin, Watson Lake, Old Crow and Whitehorse. The open houses have been well-attended. Whitehorse had 95 individuals, Haines Junction had 65, and Dawson City had 35 people. An open house happened April 8, 2019, in Pelly Crossing, and on April 11, one has just concluded in Tagish. We have also had the opportunity to meet directly with five First Nations, 14 organizations' representatives, as well as the City of Whitehorse as part of our consultation engagement process. These open houses and meetings have provided valuable opportunity to receive direct feedback.

Input received from these open houses throughout the territory will be reflected in the drafting of a regulation that will support the creation of the off-road vehicle management areas. The survey is available through our online engageyukon.

I will conclude that with saying that part of what we are wrestling with is that we know that we have committed to this work. A previous government committed to it as well — to conclude this work after the select committee, which of course you can see reflected in Hansard. Now what we are trying to do is to align the fact that certain portions of the work that would be done do have a connection to our *Highways Act*. That is going to be a bit of a bulkier piece of work.

So the department is moving to conclude this. They are taking into consideration what has been heard at these many public meetings. Of course, we are also trying to then ensure that I work with my counterpart to figure out how to dovetail this into a process that will be able to be an effective piece of policy.

With that, Mr. Chair, I move that you report progress.

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

Motion agreed to

Hon. Ms. McPhee: I move that the Speaker do now resume the Chair.

Chair: It has been moved by Ms. McPhee that the Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Mr. Hutton: Mr. Speaker, Committee of the Whole has considered Bill No. 30, entitled *Act to Amend the Education Labour Relations Act*, and directed me to report the bill without amendment.

Committee of the Whole has also considered Bill No. 210, entitled *First Appropriation Act 2019-20*, and directed me to report progress.

Speaker: You have heard the report from the Chair of Committee of the Whole.

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

The House adjourned at 5:30 p.m.