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HANSARD

Monday, October 29, 2018 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2018 Fall 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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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
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**Yukon Legislative Assembly
Whitehorse, Yukon
Monday, October 29, 2018 — 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 ask my colleagues to please help me to welcome: Marjorie Jensen, Don Sippel, Karen Pregizer, Crystal Shimoon, James Low — director of people services and culture with respect to the volunteers at the Yukon Hospital — Carole MacCannell, Suzanne Evans, Reina Thurmer and Kate Beckett. I would like to take a moment to acknowledge my son's dear auntie in the Legislature today, Pauline Sidney.

Applause

Hon. Mr. Streicker: For our tribute today for Singletrack to Success, we have several people in the audience. First of all, there are some folks from the Yukon First Nation Chamber of Commerce, including Albert Drapeau and Michelle Kolla. We have some folks from the biking community, including Mara Pollock, Jonah Clark and Sierra Van der Meer. We have friends and family of the Governor General's award recipients. We have Tim Koepke, Mark Koepke, Jane Koepke, Val and Dave Stockdale — Dave Stockdale, of course, is the longest-standing Yukon politician who I know of. We have Penny Ferbey and Sammy Salter. We also have recipients Justin Ferbey, Derek Crowe and Jane Koepke. We also have in the audience, Mr. Speaker, Mr. Shane Wally with some of his family. I think they are Gwen Wally, Pauline Sidney — maybe I didn't get that right — and also Robert Wally. Please welcome them all.

Applause

Ms. White: I am going to ask my colleagues to take this opportunity to join me in welcoming my friends to work day.

Although the minister has mentioned them, I'm going to fill in a little bit of the blanks. Jane Koepke was one of the starters of the Dirt Girls series a million years ago. She and I started riding bikes when I was still in my 20s, so we know that was a couple of days ago. Derek Crowe has this phenomenal ability to find trails where a trail doesn't exist and a perfect example of that is a trail on Grey Mountain called Money Shot. It goes down slopes that you wouldn't think that you should ride a bike down and it's supreme. Sammy Salter is the current president of the Contagious Mountain Bike

Club, of course, sitting next to the past president, Sierra van der Meer. I have spent a lot of time with both of these two women on bicycles and they are incredible role models for the community. We have Jonah Clark who is the owner of Icycle Sport, and Jonah nurtures cyclists from the very beginning stages through the boreal programs up to adults like me.

Today I am truly grateful to have my friends in the audience. I'm so proud of the work that you guys continue to do, so thank you so much.

Applause

Mr. Gallina: I wanted to take an opportunity to welcome Leneath Yanson who is also with the Yukon First Nation Chamber of Commerce as their membership coordinator. I will take a moment to recognize Mark Koepke, a colleague of mine with whom I have worked in the past. It's good to see both of you here today. Welcome.

Applause

Hon. Mr. Pillai: Mr. Speaker, I would also like to welcome the Deputy Minister of Economic Development, Mr. Justin Ferbey, to the Assembly today. He is here, of course, for the Singletrack to Success tribute, but this is just an opportunity to thank him for the work he does on behalf of the Government of Yukon.

Although I think that my colleague gave a very warm welcome to Mr. Dave Stockdale, it's also great to see him here in the Assembly today. I absolutely enjoyed my time working next to Councillor Stockdale at that time.

I enjoyed the travelling and the conversations and learned lots from him about the history that he had in representing people in the Yukon in his many years serving the citizens of Whitehorse. It is great to see you today, Dave.

Thank you, Mr. Speaker.

Applause

Speaker: Any further introductions of visitors?
Tributes.

TRIBUTES

In recognition of Canadian Patient Safety Week

Hon. Ms. Frost: I rise in the House today to acknowledge this week as Canadian Patient Safety Week.

Safe patient care is a priority for all Yukon health care providers and everyone who helps support our health teams in providing quality health services in the territory. This includes our many volunteers, many of whom are in the gallery today. Each day, Yukoners — young and old — with diverse experiences and backgrounds support the work of our skilled health teams in ensuring a quality and safe patient experience. Our territory is fortunate to have many volunteer first responders as part of Yukon EMS services, keeping citizens safe and well cared for on the way to the hospital in many critical situations. I know we rely quite heavily on our emergency responders in our communities in rural Yukon to provide those essential services.

We are also fortunate that Yukon Hospital Corporation now has more than 60 volunteers at the Whitehorse General Hospital, giving time in a number of ways to enhance the great work of our incredible medical team by making the hospital a more welcoming, comfortable and safe place to receive care.

For decades, the community has been involved in supporting hospital care through the ladies' auxiliary and spiritual care committee; however, Whitehorse General Hospital is now home to Canada's first formal volunteer program north of 60.

Hospital volunteers greet people coming to the hospital, help patients and families find their way around. Volunteers spend time reading, sharing stories, playing board games, making crafts and offering a glass of water or a warm cup of tea or coffee. Volunteers also offer comfort during difficult and stressful times, such as during cancer treatment or longer than expected hospital stays. Volunteerism has been a long tradition of our long-term care facilities as well, with individuals spending countless hours supporting Yukoners who have made these facilities home. Yukoners giving their time to comfort and support other Yukoners speaks to the truly special nature of our home.

In closing, I would like to recognize the importance of Canadian Patient Safety Week and acknowledge the work of all Yukoners who are doing such a great job in ensuring that care is provided to all of our patients who are in need of some friendship and camaraderie at the hospitals and through our care facilities.

I would like to thank the dedicated volunteers for improving the health and well-being of all Yukoners.

Applause

Ms. McLeod: I rise on behalf of the Official Opposition and the Third Party to pay tribute to those who dedicate their time and effort as hospital volunteers. The action of volunteers in the hospital setting is significant and they make a hospital more than just a place for treatment. These caring people perform meaningful acts on a daily basis that can make a difference to patients, families, doctors and nurses.

The volunteers are there to spend time with patients, to hold a hand or to chat, to make a difference, to learn, to grow and share. Remember, this volunteer commitment works both ways. For patients who must spend various lengths of time in the hospital, they will find volunteers who can assist them with some of their requests. Volunteers have said that it is very rewarding and they are pleased to be part of the hospital community. Sometimes it is the simple comfort of companionship that will make a difference in someone's stay. Volunteers support family members in difficult times or offer directions and information to members of the public. They also assist in cultural support through First Nation health programs, help with the traditional foods program or other activities.

A volunteer services information package is available online for those looking for more information or to sign up as

a hospital volunteer. It's easy. Once you decide to commit at least 60 hours of time over a seven-month period, it takes about four to six weeks to be named a volunteer. You will be processed and screened and once you are cleared, you are required to take a two-hour orientation program — a small amount of time.

When that is complete, you are ready to go. As the Yukon hospital volunteer brochure says, make "each day brighter."

We would like to thank all of our hospital volunteers and we encourage people to contact the Yukon Hospital Corporation to find out if they can help, not only at the Whitehorse General Hospital, but at our community hospitals in Watson Lake and Dawson City.

Applause

In recognition of Singletrack to Success project

Hon. Mr. Streicker: One track at a time. I rise today on behalf of the Yukon Liberal government to pay tribute to the Singletrack to Success project.

This project was initiated in 2005 through the Carcross/Tagish First Nation, which was looking for a way to promote community wellness, get youth back on the land and promote tourism in the area. The aim of Singletrack to Success was to create a world-class trail network to generate tourism, youth employment and promote community active recreation and connection to the land.

Over the course of a decade, Carcross/Tagish youth worked to build almost 75 kilometres of single-track trails for biking and hiking almost entirely by hand. The project's credo, "building a destination one trail at a time", has not only been met, it has been exceeded. The now-legendary Montana Mountain trail network attracts an estimated 4,000 to 5,000 visits each summer to Carcross, both from Yukoners and visitors from around the world. It has helped to kick-start a decade of renewal and investment in this small Yukon community.

Despite these accomplishments, Singletrack to Success' true success lies in its transformative impact on the many youth who participated in the project. These young people rose to a formidable challenge and brought honour to their nation, their community and to themselves, day after day and year after year battling bugs, weather and fatigue along the way. Their perseverance and pride served as a reminder of the inherent potential of youth to lead and to inspire. No individual better represents their determination and integrity than Shane Wally, who started in Singletrack to Success' inaugural year at the age of 16 and over time became a venerable leader of other youth and an instrumental part of the project.

With all of the greatness that has surrounded the Singletrack to Success in recent years, it is easy to forget that success was never assured. Singletrack to Success started out as an unconventional idea and required taking risks and building trust between unlikely partners. There was no shortage of skepticism about whether or not it could work. Three individuals — Justin Ferbey, Derek Crowe and Jane Koepke — shaped and relentlessly championed the

project and its youth participants and gave Singletrack to Success a solid foundation to grow from. For this contribution, they were recently awarded the Meritorious Service Medal by the Governor General of Canada, the Hon. Julie Payette.

When I spoke with Derek, Justin and Jane over the past week, they asked that I acknowledge the community support around this project that helped make it happen. First of all, the volunteers through Contagious Mountain Bike Club of Whitehorse, Icycle Sport, Boreal Mountain Biking, Kelly Milner for her beautiful film *SHIFT*, the Yukon First Nation Chamber of Commerce, the Carcross/Tagish Management Corporation, the late Wayne Roberts, with his beautiful bench overlooking Montana Mountain now, and of course, the 65 or so youth who built the trails, including Shane, who is here with us in the Legislature today. Congratulations on your well-deserved award.

To all of those involved: You saw potential, you saw opportunity for your community and you brought it to life, one trail at a time.

Applause

Ms. White: It is a great honour to rise on behalf of the Yukon NDP Caucus and the Yukon Party to celebrate the achievements of Singletrack to Success, culminating in the Governor General's award. Like all good stories, this one has a past, a present, and a future.

Wayne Roberts was a mountain bike trail pioneer in the Carcross area in 1998. Looking for an amazing place that he could use while guiding with his company, Fireweed Hikes and Bikes, he started to scope out a trail on Montana Mountain.

He slogged up the mountain carrying shovels and all the gear that he would need to build his trail every day until it was finished with the help of the S2S crew. In 2011, what he scouted and built over a number of years has since been named one of the five Canadian epic rides listed by the International Mountain Bike Association — that is the trail Mountain Hero.

History is, at times, a little hazy and the year is hard to pinpoint, but I can only imagine the fireworks that happened when Wayne Roberts, Jane Koepke, Derek Crowe and Justin Ferbey started to look at that mountain in a more serious fashion while writing funding proposals, flagging and scouting trails and building bridges between communities.

I remember the first years of the Montana Mountain trail building as Dexter Kotylak, Joe De Graff, Spencer Clark and a young Shane Wally worked under Jane's direction. The trail names were different, but the core trails were laid down — Upper and Lower Telegraph, Wolverine, Goat, Grizzly and Black Bear emerged from the wilds.

Even then, the model of mentorship and forward-thinking was born. Dexter has transitioned into a position with the City of Whitehorse to continue the good work that Jane started. Spencer is an arborist specializing in big tree removal. Joe has followed his love of trail building. He has helped scout and build incredible trails on Mount Sima, around the City of

Whitehorse and even went back to Montana to build the much-loved AK DNR. All these successes and passions were born in the traditional territory of the Carcross-Tagish First Nation. Shayne Wally, who started out way back in the day as a young teenager, now supervises construction, scouts trails and trains new members. S2S is more than just a job. It is a foundation of what is yet to come.

The foundation of what has become Singletrack to Success may have started out small, but that dream of what could be has become reality — local youth building and maintaining world-class mountain bike trails in their own backyard. When the program first got rolling, the only people who really knew what was happening on Montana Mountain or in the community of Carcross were the mountain biking community. Justin Ferbey saw the potential of what mountain biking tourism could do for the community of Carcross and he added his full support. Derek Crowe brought his years of trail scouting and building and a no-nonsense attitude when he took over the role of foreman.

Jane kept doing what Jane does best: building relationships and consensus one conversation at a time.

There was support from Norco, which has been there since the beginning when they sent the first 10 bikes up to the north for the trail crew to use. Ongoing support from organizations like Icycle Sports and Boréale mountain biking have kept S2S rolling from the beginning.

In 2014, Contagious Mountain Bike Club nominated S2S for the MEC Dirt Search competition and the territory threw their full support behind the project with people across the territory voting online daily. Even the Scottsdale, Arizona, Rotary Club got involved and encouraged rotary members across the state to vote.

Singletrack to Success was on an upward climb in recognition with Yukon's full support. Validation of the effort made by the youth and the planners was shown in each and every one of the 6,551 votes. Icing on the cake, Mr. Speaker? They won \$10,000 from MEC and a \$2,000 donation from Yukon Energy Corporation, and Dei Kwáan was born — the People's Trail. It's an uptrack that takes you from the low end of the parking lot all the way up the mountain.

2016 was a big year for the singletrack crew as they were taken to a global audience. Documentary filmmaker Kelly Milner released the film *SHIFT*, and then later in that season, they met the Duke and Duchess of Cambridge up on their home turf. You could say that it was a pretty big year for that little mountain community.

With the ongoing support of the Carcross/Tagish First Nation, the sky really is the limit for the Singletrack to Success team. With dozens of kilometres of trails already built and more in the works, Carcross truly is a world mountain bike destination.

The young people now applying to the crew don't remember a Carcross without mountain biking, and that alone is a testament to the program's success. The S2S model is expanding in Yukon with a successful summer this year building in both Carcross and Dawson City.

The mountain bike community is a special one and we remember where we came from. Wayne Roberts courageously chose to end his battle with cancer on August 21, 2016, and a trail is named after him on the mountain. Wayne's World is fitting. It has beautiful views and, depending on the day, it can be pretty maddening — just like the lovely man himself.

We thank Derek, Jane and Justin for their dedication and vision, because we know that the mountains of Yukon are endless, matched only by the potential of the Singletrack to Success team.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Streicker: I have for tabling today a legislative return in response to a question from the Member for Pelly-Nisutlin during general debate on Bill No. 207.

Speaker: Are there any further returns or documents for tabling?

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House supports improvements at the Whitehorse airport to support the long-term growth for the facility and the private sector and to improve services and travel experiences for Yukoners and visitors.

Speaker: Are there any further notices of motions?

Is there a statement by a minister?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Medical travel

Ms. McLeod: Many Yukoners in the territory are required to drive from their communities to Whitehorse in order to receive medical treatment. The current rate of reimbursement for patients to do this is 30 cents per kilometre. Last year, we pointed out that the reimbursement rate for Government of Yukon employees who travel for work was double that — at 60.5 cents per kilometre. We asked the minister to raise the medical travel rate to bring it in line with government travel, and the minister said no. She claimed that the government couldn't afford to increase the medical travel rates but it turns out that the Liberal government did find money to increase the Government of Yukon reimbursement rate from 60.5 cents per kilometre to 62 cents per kilometre.

Can the Minister of Health and Social Services tell us how the Liberals were able to find money to increase that, but

when it comes to sick Yukoners who are forced to travel to Whitehorse for medical reasons, they tell them, "tough luck"?

Hon. Ms. Frost: I'm pleased to rise today to speak about medical travel for Yukoners.

As noted previously, this government takes pride in ensuring that all of our clients in Yukon who require access to health care are given the highest priority possible, including for medical travel. We have one of the best medical travel rates in the country and we want to ensure that we provide the services required to all Yukoners. The objective, as noted previously, is to ensure that we provide collaborative care where the patient resides. In the event that we are not able to do that, then we provide access to appropriate medical services, whether they are specialized services in the city — as a note, we do provide the best medical rate in the country. We will ensure that as we go through the collaborative health care review those are things that will be taken under consideration.

Ms. McLeod: The Liberals are telling Yukoners who have to travel to Whitehorse to receive essential medical services, "Sorry, we don't have enough money to support you." But then they go ahead and jack up the reimbursement rate for Government of Yukon employees. The reimbursement rate was already double the rate for medical travel, and now it's even higher.

Further, the Liberals have even found money to give the Premier a raise. How is that fair for anyone in the communities? How can the Liberals justify spending money to increase the Premier's salary while leaving Yukoners who have to travel for medical reasons out in the cold?

Hon. Ms. Frost: Travel for medical treatment programs is, of course, always a priority for Yukoners and for this government. As Yukoners, we are fortunate to have a medical travel treatment program. As noted, most jurisdictions in Canada do not have a medical travel program. Of those that do, Yukon has the most generous travel program for its residents, without any deductibles or co-payment requirements. There is \$75 a day provided for accommodations and the meal subsidy is the highest subsidy of its kind in Canada.

It is important to remember that the purpose of the subsidy is to assist patients with the cost of their accommodation, meals, taxi and any other expenses incurred while on medical travel status. It is not intended to cover all expenses; however, what we do endeavour to do is provide supports to the patients in our rural communities, and that means that we need to, as part of our collaborative care discussion, look at mobilizing through the mental wellness support units with specialized services as well as through our hospitals and looking at the specialized services that we can potentially use at the hospitals or bring into the two rural hospitals.

Ms. McLeod: The Liberals are telling Yukoners that there is not enough money to increase the medical travel rates. They are telling the Department of Health and Social Services that it needs to find cuts in their operation and maintenance budgets. Meanwhile, the Liberals are going to give the

Premier a raise. The medical travel rate for someone driving in from the communities is 30 cents a kilometre. The Liberals just increased the Government of Yukon travel rate to 62 cents a kilometre, more than double the current medical travel rate. Will the minister agree to stop shortchanging Yukoners in the communities who have to drive to Whitehorse for medical treatment and increase the medical travel rates today?

Hon. Ms. Frost: Let's maybe focus our discussion on the efficiencies with our budgets and our partnerships. As noted, a week ago, when the hospital board director, chair and CEO were in this Legislative Assembly, we talked a lot about partnerships, efficiencies and the need to look at effective services. That means that we need to look at the services we do provide and maximizing the opportunities. It's important to note that last year the medical treatment program assisted 3,850 Yukon residents with 7,639 trips, both within and outside of the territory, for medically necessary transportation. This covered ground and air.

Also, I would like to note that, through the territorial health initiative funding, my department is working on a number of areas that would help to reduce medical travel and provide increased services to individuals in their home or in their home community. It initiates access to health care providers through telehealth, expanding remote patient care delivery — individuals who can be provided for virtually in their homes and through technology.

There are many opportunities to look for efficiencies, and we're doing that very effectively with our partners.

Question re: Medical travel

Ms. Van Bibber: Mr. Speaker, in the spring, the government committed to a review of medical travel. This fall they revised their commitment and now have rolled the medical travel review into a broader review of the health care system. We know that the minister has said the health care review is going to look at doing things more efficiently, but we also know that the Liberal's definition of "efficiencies" means "cuts", as shown in the leaked document from the Department of Finance that asks all departments to find cuts in their operation and maintenance budgets.

Will the Minister of Health and Social Services commit to zero reductions to the medical travel budget: Yes or no?

Hon. Ms. Frost: I believe I answered that question. I am not sure if the members opposite understand the response because we are looking at efficiencies, and "efficiencies" means that we are looking, through our partnership with the Hospital Corporation, to ensure that we provide efficient and effective services to all of our citizens in the Yukon. The commitment to look at and review through a collaborative health model — through our comprehensive health care review — will look at all of the efficiencies that are required to ensure that we maximize the opportunities and not duplicate efforts — but look at programs and program coverages and look for efficiencies with respect to medical travel — if necessary — but we also have to recognize that we have rising costs in medical travel. That means that we need to

look for services, supports and efficiencies with our rural hospitals and work with our partners to address that.

I note again that we have one of the best medical travel rates in the country.

Ms. Van Bibber: Last year, the Minister of Health and Social Services refused to increase the rates for medical travel even though they were not keeping up with the cost of inflation. Now we have the Liberals' impending carbon tax scheme, which will increase the cost of travel even further. The Liberals are finding money to increase the wage of the Premier — if only the average Yukoner had the ability to just increase their salary whenever they want to account for those increased costs.

The Minister of Health and Social Services has kicked the can down the road on any review of medical travel to at least the fall of 2019. For many Yukoners, the fall of 2019 is too late; they need help today.

Can the Minister of Health and Social Services please rethink this decision and review medical travel rates today?

Hon. Ms. Frost: When we look at efficiencies and at a comprehensive review, focusing on only one small aspect of our overall budget — the growth of our budget, the expenditures of all the programs — it is essential, critical and imperative that we look at all of the programs and look at efficiencies throughout the department. The rising cost of health care, the rising cost of medical travel, and the fact that we don't have the specialized supports in Yukon that Yukoners require are really important. We cannot continue to send patients outside of our jurisdiction when, in fact, we have three hospitals and are not maximizing the opportunities and potential at those hospitals.

What I do commit to is that, as we look at the comprehensive review, we will consider all of the pressures that we are facing with our rising costs of health care and look at ensuring — at the same time — that every Yukoner is given the essential services and supports that they need where they are in their communities.

Ms. Van Bibber: Sadly, it appears that the Liberals are out of touch with the priorities of Yukoners. Last fall, we asked the Minister of Health and Social Services to increase the medical travel reimbursement rates. The minister said that money was tight so they could not do it. Then they went and spent half a million dollars on a new logo and website, and now they are finding money to give the Premier a raise.

Governing is about priorities, and I'm willing to believe that most Yukoners would rather the government spend money on Yukoners who need to travel for medical purposes than spend it on a new logo that no one was asking for. If the Liberals are going to claim there is no money for medical travel, will they at least put their money where their mouth is and agree to vote against the Premier getting a raise?

Hon. Mr. Pillai: The member opposite talks about Yukoners and their inability to raise their salaries. Yukoners sit at their kitchen table — every night, there is a family sitting down, figuring out how they can deal with the revenue coming in and their priorities and their expenses. Families have to make those tough decisions. They can't spend more

than they have coming in because that would end in an ugly manner. They would lose their house or something along those lines.

But we have to go back and remember why we are going through this exercise. It's because the Yukon Party was spending \$1.50 for every new dollar they had coming in. We saw it year after year. That's why we have to look at efficiencies. That's what we're doing. Yukoners understand that. Yukoners don't run their homes like that. Their feelings are that they want to see us have that same responsibility to them and to this government, so that's what we're going to do.

I would like it, though — at some point when this redundant question keeps getting asked — if the opposition could once and for all tell us: Are they supportive of ensuring that we reduce the cost that we have in our growth going forward? Do they want us to find efficiencies, or do they want us to continue to spend the way they did? Maybe that's a sign of what would happen if they were on this side of the floor.

Question re: Pioneer utility grant

Ms. Hanson: The pioneer utility grant assists seniors with the cost of home heating. The grant formula was reviewed in 2015. As a result, the pioneer utility grant is now income tested. At the time, the minister made it clear that the intent was not just to cut the program to save money but rather — and I quote: "... to redistribute the money so that those who need it most will receive it." The minister even went further, saying that if savings did occur, they would be used to increase the base amount of the grant.

Well, Mr. Speaker, it turns out that in the first two years of the new formula the government saved \$1 million. During the same period, though, the base grant only went up \$19. So will the government use the savings generated by this new pioneer utility grant formula to increase the base amount for seniors who need it most?

Hon. Ms. Frost: Our government is committed to programs and services that support the well-being of Yukoners at all stages in their lives. Income-tested programs ensure that those who need supports the most receive the highest amount of support. Through our review, the Department of Health and Social Services will ensure that all of our government programs support those who need the support the most in a fiscally and socially responsible manner.

Ms. Hanson: This government has had two years to review this program and to realize the impact it has on seniors. This issue was brought up in last Friday's *Yukon News* through a letter by Seniors' Action Yukon. The letter highlights that reductions to the grant start at \$40,000 incomes for single persons and \$56,000 for a couple. The seniors advocacy group also pointed out that the government passed regulations so that single, older adults are now receiving much less than a couple receives. They ask — and I quote: "Does anyone know of a case where heating a home costs less for one person than for two?"

I'll assume that the minister doesn't know of such a case; I certainly don't. Does the minister agree that the pioneer

utility grant should be allocated by household instead of the current formula that penalizes single, older adults?

Hon. Ms. Frost: With respect to the pioneer utility grant, the grant was introduced in 1978 to assist seniors with their winter home-heating costs. It has been reviewed over the course of years. Most recently, in the fall of 2014, the new act introduced a number of program changes. Most notably, as the member opposite raised, was the income-tested grant and the ability to prescribe the income threshold with respect to the income levels of the home. The income-tested grant is intended to ensure that the lowest-income seniors receive the full grant, that middle-income seniors receive a portion of the grant and that the highest-income seniors no longer receive the grant. The question is: Is that fair?

I can advise that the assessments that have been conducted over the course of years are to look through a review of the Health and Social Services to ensure that the programs we do provide are provided to those who are most in need and are fiscally responsible. As we look and assess how to help through the comprehensive review, we'll certainly take that under consideration.

Ms. Hanson: It is pretty clear that the current formula makes no sense. A couple living in an house identical to a single, older adult will be receiving more support to pay for home heating. This penalizes single, older adults. The government has \$1 million in savings to fix this problem. A simple question: What are they waiting for?

As noted, the 2015 changes to the pioneer utility grant also made the application process much more complicated for seniors. They have to provide copies of various documents, home-tax assessments, income-tax assessments and tenancy forms and fill out a much more detailed form than in the past.

The changes create a barrier to accessing the grant for some vulnerable seniors, and there are no doubt increases to the administrative costs of the pioneer utility grant. Three years after this change took place, how much have administrative costs gone up, and has the government evaluated if the pioneer utility grant's new formula is fair to all seniors? If it has done that evaluation, will it table it in this House?

Hon. Ms. Frost: I don't disagree with the assessments. I think that the seniors, as they voice their concerns — we've heard that through our aging-in-place discussions throughout the Yukon. Those are issues that are coming to our attention as well. As we look at the comprehensive review, the objective is not to penalize anyone but to look at efficiencies and provide opportunities for those who are most in need.

Through the advisory panel, the recommendations are to look continuously at efficiencies. It is imperative that we look for fairness and sustainability as we continue into the future — not to add more pressures to our budgets, but to look for efficiencies and do that in collaboration with the individuals who are impacted. That's what we've committed to do, and we will continue to have that dialogue with the seniors action group and other seniors in rural Yukon.

Question re: Children in care

Ms. White: Yukon group homes made the headlines for all of the wrong reasons earlier this year. In September, the Minister of Health and Social Services finally apologized for the mistreatment of youth living in government group homes after a media briefing was held on an external report. The report itself has not been made public but a number of recommendations from it were shared. One recommendation was that a historical critical incident review be initiated and an external contractor be hired to complete this. The government indicated that they had already initiated this recommendation.

Mr. Speaker, can the minister tell this House whether or not the review has been completed, and will she share with the Assembly the findings, recommendations and any actions coming out of the review?

Hon. Ms. Frost: I would like to thank the Member for Takhini-Kopper King for the question. As noted, for Yukoners, there are a number of reviews happening with group homes. As we noted, going back historically there have been many issues and concerns that have come to our attention with respect to youth in group homes. Effective work has been happening with the department in terms of looking for service supports and pulling things together but also looking for some of the deficiencies. We are fully cooperating as the reviews are being conducted. We are working in collaboration with the Yukon Child and Youth Advocate's office. We have hired an independent investigator, as noted, out of Vancouver to look at a review of relevant policies and procedures on the operations of the group homes.

We know that a lot of deficiencies have transpired where youth have raised some significant concerns. Those are things that we take very seriously. The summary of the report obviously can't be released, as it names a number of youth and there is personal information that we want to protect, but we are willing to have a broad and open discussion about some of the deficiencies.

Ms. White: I look forward to having a discussion about those recommendations. The minister made a point to discuss how programming would change and transitional support and services would be available to youth leaving the care of the government. In February of this year, we heard of plans for the department to spend over \$1 million to purchase a home in Porter Creek that would become a transitional home for youth aging out of the system. A public open house was held in May of this year and a news conference again in September. To date, no youth have moved into this new transitional home, and we are now hearing through the media that youth will move in sometime in 2019, over a year after the initial announcement.

Mr. Speaker, can the minister explain the delay in opening this transitional home for youth who are aging out of government care and tell us what the government is doing to provide the appropriate transitional services to youth right now?

Hon. Mr. Mostyn: I am more than happy to talk about this issue this afternoon. In April 2018, the government purchased the property at 22 Wann Road to install a new

group home. A tender for building renovations will be issued in November — or perhaps as early as December — and the work should be completed by the spring of 2019. Those renovations will convert the building from a bed and breakfast to a group home and bring it up to the current building code and safety standards so we can actually have youth in that building safely.

The original project estimate, without completed drawings or design specs, was pulled together. Some design work has taken place, the estimate has been verified, and final costs are determined once the project is tendered and we have a contract awarded.

Ms. White: It's interesting that the Minister of Highways and Public Works made a response, because what I was asking about was the transitional services being offered to youth aging out of care right now.

Much has been made of the lack of supervision in group homes in Whitehorse, especially in the evenings and on the weekends. The Yukon Employees' Union has been raising concerns about this issue since 2016, especially when staff are left to work alone or are required to change group homes mid-shift. One recommendation the government acted on was a trial evening supervisor to cover all the group homes, with the potential to have a second supervisor added later.

Can the minister tell us if there is a full-time group home supervisor working evenings and weekends, and have they added a second supervisor?

Hon. Ms. Frost: Let me speak briefly about the reviews that we have received and some of the results. Certainly, the concern that the member opposite is raising with respect to transition support services for youth who are aging out of the system is one that is high on our radar, and it is obviously very prevalent for the youth as well. That's one of the major issues that they have raised.

Care is essential and we have to ensure that we provide the necessary supports. We did that very effectively, and one of the things that we did with the Wann Road project was to focus on closing down two group homes that are no longer suitable for clients. The one unit is intended to provide efficiencies for youth who are transitioning out.

Transition support means education and capacity support as we look at providing supports within the department on an interim basis and ensuring that we listen to every youth and we adjust our programs accordingly, and we have done that efficiently and effectively by providing additional staff support in the evenings and on the weekends to ensure that no staff is ever left alone and every youth is provided case management support when they need it.

Question re: Yukon Hospital Corporation funding

Ms. McLeod: Last week, I asked the Minister of Health and Social Services to confirm if the Yukon Hospital Corporation currently has a financial request before the Department of Health and Social Services. In response the minister said — and I will quote: "... the capital side of the proposal that they submitted will take some time..." Can the

minister please explain what the capital side of the proposal is and what the dollar value is?

Hon. Ms. Frost: As the member opposite would know, the Hospital Corporation, as a corporation, is required to submit a proposal to the Department of Health and Social Services on an annual basis. The objective there is that we provide supports to the hospital to ensure that we provide necessary supports for not just acute care, as was historically done. What we are doing with the hospital now is looking at providing services and supports to all Yukon hospitals.

So O&M expenditures — for an example, the two rural Yukon hospitals in Watson Lake and Dawson City — what types of services are we providing out at those hospitals? What type of specialized services are we providing out at those hospitals?

The objective of having a building as robust and efficient as those hospitals — providing minimal supports — we want to increase that to ensure that specialized supports are brought to those hospitals. That means that we may need to make some adjustments. When we talk capital, we talk about what type of infrastructure needs there are and what type of requests are coming at us with regard to, say, the secured medical unit, for example. The operating room expansion is another good example. Those are two very critical, expensive items.

Ms. McLeod: I didn't hear anything there about the capital side of the proposal that is before the department right now. The minister has confirmed that there is a financial request from the Hospital Corporation in front of the department and she said that the capital side of the proposal will take some time.

Can the minister please explain what the capital side of the proposal is?

Hon. Ms. Frost: As I was stating earlier, when we speak about capital requests that come from the hospital, we have to take into consideration the overall expenditures of this government — looking at efficiencies across government. So the requests that come in from the hospital need to also consider efficiencies around services and support that are critical and essential. Those items that we need to capture in a longer-term budgetary process are considered with the hospital. As they put their budgets forward, the consideration is: What do they deem as key priorities now and what we can actually fund and support this fiscal year or what can we support in years to come? That is the work that is happening in partnership with the Hospital Corporation and the board of directors.

As noted, we have looked at improvements to the operating room. That is a capital expenditure. We are looking at expansion to the telehealth system and the IT system. We are looking at the secured medical unit, as an example. That schematic is being drafted right now with the Hospital Corporation. Before we make any substantive decisions on any types of big expenditures, we need to see the results of the business model and the business plan with the fiscal plan.

Ms. McLeod: The minister has confirmed that there is a financial request from the Hospital Corporation in front of

the department and she said that the capital side of the proposal that they have submitted will take some time. The minister has alluded to some things that may be considered capital.

Will she confirm and explain what the capital side of the proposal is that she is referring to?

Hon. Ms. Frost: I don't believe I committed to anything. I said I would work in partnership with the Hospital Corporation and the specific ask has yet to come. We are working with the Hospital Corporation on a longer-term plan as they submit their proposals. We will take those under consideration and, in good faith, have that discussion with the Hospital Corporation.

We'll look at the services in rural hospitals as well, at the types of services that they require and what type of adjustments they need to make to their facilities to better accommodate the needs of Yukoners, always keeping in mind that our objective and our focus is collaborative care and ensuring that every Yukoner is given the best care possible to ensure that they are provided with the essential services they need.

Speaker: The time for Question Period has now elapsed.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 21: *Equality of Spouses Statute Law Amendment Act (2018)* — Third Reading

Clerk: Third reading, Bill No. 21, standing in the name of the Hon. Ms. Dendys.

Hon. Ms. Dendys: I move that Bill No. 21, entitled *Equality of Spouses Statute Law Amendment Act (2018)*, be now read a third time and do pass.

Speaker: It has been moved by the Minister responsible for the Women's Directorate that Bill No. 21, entitled *Equality of Spouses Statute Law Amendment Act (2018)*, be now read a third time and do pass.

Hon. Ms. Dendys: I would like to, of course, start by thanking our officials from the Women's Directorate and the Department of Justice for their hard work to get us here today. We have covered significant ground during debate on this bill in the House. I would like to also thank all of my colleagues in the Legislative Assembly for swiftly moving Bill No. 21, the *Equality of Spouses Statute Law Amendment Act (2018)*, through Committee of the Whole last week, and I look forward to the final vote today, along with assent.

I would like to take a few moments to discuss the bill before the final vote. This bill amends nine acts and it repeals the Yukon *Married Women's Property Act*. A recent review of Yukon legislation found references to domestic partners in 46 enactments. Today we are amending nine acts. They are the *Dependants Relief Act*, the *Estate Administration Act*, the *Evidence Act*, the *Family Property and Support Act*, the

Government Employee Housing Plan Act, the *Income Tax Act*, the *Marriage Act*, the *Spousal Compensation Act* and the *Judicature Act*. Most of these acts need amendments to be inclusive of same-sex partners. Two acts need amendments to be inclusive of non-binary genders.

The majority of the amendments are designed to remove gender-binary and heteronormative references to married and common-law partners. They will be replaced with terms that are inclusive of non-binary genders and same-sex couples. Other amendments, like changes to the definition of “marriage contract” in the *Family Property and Support Act*, replace gendered terms like “a man and a woman” to “two persons”. These changes are specifically designed to include people with any gender identity and gender expression.

Repealing the *Married Women’s Property Act* affirms that we are a modern jurisdiction. We no longer need this outdated law in our statutes. It is fitting that we will repeal this act today, as October is Women’s History Month. This year’s theme is “Make an impact”, celebrating the women in Canada who have made a lasting impact. I firmly believe in legacy moments and I believe this is one of those moments in the history of Yukon.

The independent legal identity of women, married or not, has been affirmed through society and law. It has been enshrined in section 15 of our *Canadian Charter of Rights and Freedoms*. Many other jurisdictions have repealed theirs as well. The changes in the *Judicature Act* affirm in no uncertain terms that a married person has a legal identity separate from their spouse. The changes recognize that married persons have the same legal capacity as unmarried persons. The *Judicature Act* applies to married persons of any gender or sex.

With these amendments, we are doing the right thing and quite frankly, Mr. Speaker, we are also avoiding the costly litigation that often precedes most legal changes in this area. It is both the just course of action and the correct course of action.

To some members of the public, the changes and words may seem excessive or unnecessary, but I assure you that they are neither excessive nor unnecessary. To members of the LGBTQ2S+ community, these changes affirm the diversity of genders and the equality of spouses. LGBTQ2S+ people are vital members of our Yukon communities. They pay taxes, they vote, they may or may not marry or have children and they are absolutely valued members of our community. They are our relatives, friends, colleagues and professionals. Including LGBTQ2S+ people in the language of our laws is not a courtesy; it is a right.

With this act, we continue our progress toward making our legislation inclusive and just. Our deputy minister-led committee on sexual orientation and gender identity will keep meeting and working on these issues. By continuing our engagement with the LGBTQ2S+ community, we will receive more advice in identifying priorities to ensure that the Yukon government meets the rules and social standards for non-discrimination.

Mr. Speaker, I would like to close with a quote from Dr. Martin Luther King: “Injustice anywhere is a threat to

justice everywhere.” By amending these acts, we are removing threats to justice to valued members of our Yukon communities.

Thank you, Mr. Speaker.

Mr. Cathers: In rising to speak to this legislation at third reading, I would just like to briefly recap for the record some of the debate that went on in the second reading stage as well as the questions that we asked the minister at that point.

A concern of ours with this legislation was regarding the lack of public consultation. We have seen the Liberal government in a number of areas, such as the *Public Airports Act* and the *Coroners Act*, failing to properly and thoroughly consult with the people affected by legislation.

Related to that point, officials from the Women’s Directorate and the Department of Justice did provide a briefing to the members of the opposition on this legislation. They provided us with a handout that said — and I quote: “No engagement was required because the amendments reflect changes in common law.” I did ask the minister at the second reading stage to confirm that this is her understanding of both the reason for the choice not to consult and the current state of law as reflected by and as iterated in court decisions. Of course, when legislation conflicts with court ruling, those court rulings prevail. The Minister responsible for the Women’s Directorate did reply to my question on October 15, and I will quote from her response contained on page 2981 of Hansard — just briefly for the record, Mr. Speaker. The minister said — and I quote: “... I’ll just answer the question that was posed by the Member for Lake Laberge. He asked specifically — and I did say this in my opening comments so maybe he didn’t hear them. I did say that we did not specifically consult on this bill, and the reason for that is that the changes proposed in Bill No. 21 are a legal and constitutional obligation.” With that, we will accept the explanation provided by the Minister responsible for the Women’s Directorate regarding this legislation simply reflecting what is in court rulings today, and we will be supporting the legislation for that reason.

Ms. White: It is a pleasure today to rise and speak to Bill No. 21, entitled *Equality of Spouses Statute Law Amendment Act (2018)*. I am well aware right now, on the floor, that we have trailblazers in the gallery. We have Rob and Stephen Dunbar-Edge, who have done so much for the territory, as well as Chase Blodgett, who has also supported change in all of the ways that we needed to. The reminder is that human rights are human rights are human rights.

I can only imagine how slowly time moves for those who are most adversely affected by laws and legislation as we ask them to be patient as governments and society work to catch up. Today I am so pleased to be here, to know that we have removed more of those barriers, knowing people like them who have been fighting these injustices since the beginning of time. It is a great day to be here in the Assembly and to know that the 34th Legislative Assembly is making Yukon a more just and welcoming place.

I thank the minister for her work and, of course, both the Women's Directorate and Justice for the work that they have done. It just feels like a very proud day to be here. Thank you very much, Mr. Speaker.

Speaker: Is there any further debate on third reading of Bill No. 21?

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

Hon. Ms. Dendys: Again, I am so pleased that we are at this day today. I did not want to end on this notion of no consultation, but I am going to because the member has raised it. The amendments that we are bringing forward today are a legal obligation. I expressed that during second reading and again through Committee of the Whole. There were no questions from the Official Opposition during Committee of the Whole at all.

I thought that we had put it to rest, but apparently we haven't. I would like to just say again that these are legal obligations that have been tested in courts. They have been enshrined in our laws in Canada, and the Yukon is catching up. So we remain unwavering in our commitment to make our territory an equal and just place for every single Yukoner.

I would like to end with that note, and I thank all of my colleagues for their good work on this, and we will continue to bring forward further legislative amendments as they are identified.

Speaker: Are you prepared to for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Ms. McPhee: Agree.

Hon. Mr. Pillai: Agree.

Hon. Ms. Dendys: Agree.

Hon. Ms. Frost: Agree.

Mr. Gallina: Agree.

Mr. Adel: Agree.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Mr. Hutton: Agree.

Mr. Kent: Agree.

Ms. Van Bibber: Agree.

Mr. Cathers: Agree.

Ms. McLeod: Agree.

Mr. Istchenko: Agree.

Ms. Hanson: Agree.

Ms. White: Agree.

Clerk: Mr. Speaker, the results are 16 yea, nil nay.

Speaker: The yeas have it. I declare the motion carried.
Motion for third reading of Bill No. 21 agreed to

Speaker: I declare that Bill No. 21 has passed this House.

We are now prepared to receive the Commissioner of Yukon, in her capacity as Lieutenant Governor, to grant assent to a bill which has passed this House.

Commissioner Bernard enters the Chamber accompanied by her Aides-de-Camp

ASSENT TO BILLS

Commissioner: Please be seated.

Speaker: Madam Commissioner, the Assembly has, at its present session, passed a certain bill to which, in the name and on behalf of the Assembly, I respectfully request your assent.

Clerk: *Equality of Spouses Statute Law Amendment Act (2018).*

Commissioner: I hereby assent to the bill as enumerated by the Clerk.

Commissioner leaves the Chamber

Speaker: I will now call the House to order.

Hon. Ms. McPhee: 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 (Hutton): I will now call Committee of the Whole to order.

Bill No. 27: *Coroners Act*

Chair: The matter before the Committee is Bill No. 27, entitled *Coroners Act*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

The matter before the Committee is Bill No. 27, entitled *Coroners Act*.

Is there any general debate?

Hon. Ms. McPhee: Mr. Chair, 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's statement

Speaker: I will now call the House to order.

I would like to address the House. It is with a profound sadness that I announce that a long-time colleague and friend of many of us in the Chamber — certainly of the Minister of Justice and the Speaker — and a long-time Supreme Court Justice and lawyer in the territory, Mr. Justice Leigh Francis Gower, has passed away. We are crushed by this news.

I thank the House's indulgence for having spoken to members about how to proceed. I anticipate that the Minister of Justice or I will have further words in the future.

Our condolences go out to Leigh Gower's extended family here, in western Canada and in South Africa as well. We're certainly shocked by this news.

I had an opportunity to speak with government members and I believe that government members have spoken with the members of the opposition on how they wish to proceed and at this time it's my understanding that the Minister of Justice is prepared to proceed as was previously scheduled.

Thank you for your indulgence and thank you for the time.

Does the Government House Leader have a motion?

Hon. Ms. McPhee: 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.

Bill No. 27: *Coroners Act*

Chair: The matter before the Committee is Bill No. 27, entitled *Coroners Act*.

Is there any general debate?

Hon. Ms. McPhee: I am going to ask that two of the officials from the Department of Justice join me today, Mr. Dan Cable and Ms. Sheri Hogeboom — they will sit here with me. I welcome them to the Chamber. Thank you very much for being here.

Mr. Chair, in my earlier remarks in second reading with respect to this bill, I summarized the changes that we have made to the *Coroners Act* and reviewed its updated structure. Today I will outline our engagement efforts and research in

more detail and what Yukoners told us during that process. Our engagement efforts were carried out primarily between June and September of 2018 and were divided into various separate components.

Department of Justice officials began meeting with the Coroner's Service in June on a weekly basis to review issues of policy and procedure that have adversely affected the current Coroner's Service, made that work difficult and failed to properly support their work. The outdated provisions and language of our current legislation were an initial focus of their deliberations.

I would like to thank the Yukon's chief coroner, Heather Jones, for her participation, efforts and guidance in those productive meetings as the department went about addressing issues and anachronisms to ensure that the new legislation is consistent with modern best practices and investigatory procedures.

A second component of engagement activities consisted of seeking participation through correspondence, including a hard copy of the public survey to targeted stakeholders. We wrote to community coroners, to First Nation governments and senior management of the RCMP M Division. The targeted engagement also included Government of Yukon departments, the purpose of which was to ensure that the provisions of an updated *Coroners Act* would be consistent with other legislation that deals with the disclosure of information to coroners for the purposes of investigations or that deals with other aspects of the coroner's services.

Parties were also invited to contact the Department of Justice if they needed further information or wanted to meet to discuss the *Coroners Act* under consideration. This targeted engagement resulted in some organizations and individuals answering the survey questions and submitting them directly to the Department of Justice or sending written responses, such as the ones submitted by the RCMP in which they provided considered responses, suggestions and feedback. In particular, the RCMP provided suggestions and guidance about the way the Coroner's Service interfaces with its members at the scene of an unexpected or an unexplained death.

The proposed new act has powers to allow the chief coroner to enter into agreements with peace officers to define procedures and protocols in these instances, ensuring that each party can fulfill its investigatory mandate and work in a complementary manner on behalf of Yukoners.

The Yukon public was invited and encouraged to participate and provide commentary through a survey or to contact the department to participate otherwise. A number of concerned Yukoners took the time to respond to the department's online survey that ran during July and August of 2018. In total, 224 responses were received by the department.

Topics on the engagement survey included questions pertaining to qualifications and the appointment term of a chief coroner, inquest criteria and who may call and preside over inquests, and whether the family of a deceased should be able to request an inquest into the death of their loved one.

Regarding the appointment of coroners, Yukoners were generally split over whether the updated legislation should require certain prescribed credentials and whether a specific term should be codified in the statute. A number of comments, however, showed that Yukoners understand that the work of the chief coroner is highly specialized and that retention of specifically trained individuals — and providing significant and ongoing training to them — is important. Others noted that the job of the chief coroner is nuanced and mentally taxing, and thus strong coroners should be retained as long as they are performing well in administering and guiding the legislation and the Coroner's Service itself. With respect to the considered qualifications of the chief coroner and whether or not they should be prescribed in legislation, a number of respondents noted the challenges associated with appointments in a small jurisdiction, stating concerns about favouritism and small applicant pools.

While a number of comments were supportive of ensuring that there is always a medically trained and accredited individual appointed as chief coroner, a number of respondents also noted that excellent people skills and a knowledge of Yukon First Nation culture is a key qualification and is just as important as their professional background, as communicating with families in high-stress situations is a key required skill.

Others stated that the role of the chief coroner is procedural and that as long as the coroner has the ability to engage expert opinion when required, the chief coroner should be appointed from as wide a group of individuals as possible.

Mr. Chair, in response to the department's questions regarding inquests — including how they are called and by whom, who shall preside over them and if there should be a process for families to request an inquest into the death of a loved one in certain circumstances — the survey results were less evenly distributed. A clear majority of respondents were in favour of a provision to call an inquest being at the discretion of the chief coroner or the Minister of Justice. This is the direction that the updated *Coroners Act* proposes. It is important to note that much care was given during policy consideration and the drafting process to clarify the criteria necessary for an inquest to be called. Yukoners were also adamant that there be a process for families or other interested persons to request an inquest. That process is laid out in section 43 of Bill No. 27.

Respondents were generally split over who should preside over an inquest, with a slight majority preferring that an inquest be presided over by the chief coroner rather than by a lawyer or a judge. One of the government's stated goals in the development of this legislation — and I would add, supported by the research across the country — was to ensure that each phase of a coroner's case is handled by the professional who is best skilled and prepared to carry out those responsibilities. The process, procedures and guiding law of inquests has grown more complicated over the years, and it has become commonplace in other jurisdictions for senior lawyers or members of the judiciary to preside over inquests. This is now the proposal for the Yukon as well.

We have also ensured some future flexibility in this provision as there is the ability to prescribe other classes of individuals who could be called upon to preside over an inquest, allowing coroners or medical examiners from other jurisdictions to preside over inquests here in the territory if it was deemed appropriate in a particular case.

It is noteworthy here — if I could just have a moment — that the Yukon Court of Appeal in the recently released *Blackjack* case considered the recommendation from the Yukon Supreme Court that an inquest in that case be presided over by a territorial court judge. The Court of Appeal stated — and I quote: “Further, I do not interpret the judge's recommendation that a judge of the Territorial Court conduct the inquest as a negative comment on the impartiality of the chief coroner. Rather, in my view, the recommendation was simply intended to promote the public-interest function of allaying the expressed concerns of Ms. *Blackjack's* family and community and contributing to justice being both done and seen to be done.” Mr. Chair, this clearly supports the proposal contained in Bill No. 27 as having no adverse effect on the authority and the independence of the chief coroner.

In addition to the engagement process described so far, it is important to note that the department conducted extensive research into other Canadian jurisdictions' best practices and modern coroners' services. In committing to multiple types of engagement, this government is confident that the *Coroners Act* proposed in Bill No. 27 balances the needs of Yukoners and stakeholders with the ability to administer the Coroner's Service, using modern investigative processes and best practices exercised in other Canadian jurisdictions. Considering how outdated our current legislation is, it was extremely helpful to learn from the developments and modernization of other jurisdictions that have kept pace with modern laws.

The Yukon RCMP chief superintendent and the Yukon Child and Youth Advocate took the time to provide thoughtful suggestions to the department regarding the operations of the *Coroners Act*, and this was extremely helpful. Some of their suggestions were already incorporated into Bill No. 27. Some of the issues that they raised will be dealt with in the upcoming development of regulations for the *Coroners Act*, and still others will be considered in the reviews of other pieces of legislation — for example, one from the Yukon Child and Youth Advocate in the *Child and Youth Advocate Act*. Their contributions to this act were very informative, and for this I thank them on behalf of all Yukoners for their participation and guidance in this process.

It was also important to hear from a broad cross-section of Yukoners. It is notable that two-thirds of survey respondents reside in Whitehorse and 70 percent of respondents identified themselves as female. Fifteen percent of respondents identified themselves as First Nation, Métis or Inuit persons. We believe that this multi-streamed approach to engagement and multi-component approach has resulted in gathering essential feedback from stakeholders and the Yukon public. I believe that we have been successful in ensuring that each phase of the coroner's case is carried out by the

individual professionals who are skilled and best suited for that task.

We are confident that the new *Coroners Act* will provide the clarity and certainty in terms of process and modern practices that Yukoners deserve.

It is important that we remember, as we go forward in our discussions with respect to this piece of legislation, Bill No. 27, that the coroner's responsibilities are as a quasi-judicial investigator. Her work must be independent from government, law enforcement agencies and health authorities. Her job is to review the circumstances of each death and plan for the required investigation. Her job is to determine the identity of a deceased and the cause of death. The options available to her include the classification of death as natural, accidental, suicide, homicide or undetermined.

It is important, I think, to remind all of us, as we go forward with respect to this conversation, about the significant and unique role of a coroner. The coroner's work becomes critical, and her role is to collect information and conduct interviews, inspect and seize documents or any evidence necessary and to secure the scene of an unexplained or an unexpected death.

Also, she can request specialized experts to assist with an investigation, such as: the RCMP, a fire marshal, occupational health and safety persons, pathologists, forensic dentists and other professionals, as appropriate, depending on the case. Clearly that is the model and process that we've had here in the territory for an extended period of time — pathologists, of course, being cooperative partners in having the coroner assess the cause of death.

The process that we have here in the territory, with respect to our partnerships with pathologists who reside outside of the territory, has been extremely successful and was a portion of the Coroner's Service that we have maintained in the proposed legislation.

Good and effective legislation is a framework, a foundation upon which to build a strong, modern house. Regulations must be thoughtfully developed in order to complete the structure. The department is looking ahead to its work on the accompanying regulations, and that will be necessary to bring this act into force as soon as possible.

I'm trying to emphasize this: further public and stakeholder engagement will be necessary for the development of regulations, and I look forward to hearing from more Yukoners — or the same Yukoners — all Yukoners who have engaged in this process so far so that we can have the regulations take shape to give real value to this legislation.

I would like to thank all of those who took part and took the time to provide their opinions and feedback. For the coroner's service to operate in the public interest, the feedback is essential to developing the statute that contemplates such a difficult subject matter.

We all hope that we will never have an encounter with the Coroner's Service, but it is our responsibility as the government and as Members of the Legislative Assembly to provide the chief coroner and other coroners with the tools

that they need to do the job. It is with this in mind that we have tabled an updated *Coroners Act* that ensures that efficiency, impartiality and compassion are woven into the fabric of the Yukon Coroner's Service. I look forward to further comments and questions from the members of this House and to further discussing the details of Bill No. 27.

Mr. Cathers: In rising to speak to this legislation, I do want to note for the record that the Official Opposition, the Yukon Party, does support the need to modernize this piece of legislation; however, we do continue to have concerns based on the information provided to us by the government and by officials at the briefing regarding who was consulted and the level and detail of that consultation.

As the minister knows, we also provided a suggestion and solution to the government, urging the government — earlier in this Sitting through a motion that I tabled — to not proceed with Bill No. 27, the *Coroners Act*, until it has conducted meaningful consultation on the text of the bill with people and groups including the Yukon Child and Youth Advocate, the Yukon Medical Association, Yukon Registered Nurses Association, the Volunteer Ambulance Services Society, Yukon Emergency Medical Services staff and volunteers, the Royal Canadian Mounted Police, former Yukon chief coroners, community coroners, families who have had personal experience dealing with the Yukon Coroner's Service, First Nation governments, municipal governments and the general public.

I know the minister has referred to the engagement that was done. However, the questions in that engagement were quite high-level. They do not constitute, in our view, a meaningful and detailed consultation with the health professionals and others whom I mentioned. The details are important, particularly as they pertain to, for example, a section of the legislation that affects whether a coroner or an RCMP member has authority on a scene. We were advised by officials whom we asked that the RCMP had not seen the text of the bill which includes that area. In my humble opinion, the RCMP are very capable of reviewing legislation. They depend on it. They understand it quite well.

As the minister will know, even legislation, in its interpretation by a court, can hinge literally on one word. That is why a high-level consultation is quite simply not sufficiently detailed enough to give people the opportunity for that meaningful, detailed involvement in the development of the legislation — using the example where — quite literally in some court rulings — a judge's interpretation of legislation has literally come down to the phrasing of one word — if such a case were to occur, the RCMP, not having the opportunity for that detailed review, may have been able to identify a potential problem to the government that, by the fact of government not showing the text in the legislation, they did not have the benefit of that input from the RCMP. The same could also apply to any and all of the Yukon's former chief coroners as well as to the community coroners and others such as EMS staff and volunteers, including the role of supervisors.

We did present a constructive solution. The government has made it clear, by calling this legislation today, that they

don't intend to accept our suggestion, which was that government should press the pause button on this legislation and consult with these groups. We even suggested that, if government was not willing to see this bill delayed until the spring, they conduct an expedited consultation during the Fall Sitting and come back with any necessary amendments to the bill.

Since the bill was tabled, as all members are aware, the Yukon Child and Youth Advocate has taken the step of providing specific comments that she would have provided had the government consulted with her prior to tabling the legislation and has listed several specific amendments to the bill she would like to see made.

I do have to just point out that, as all members will know, an officer of the Legislative Assembly doesn't take the step of requesting changes to legislation that has been tabled if they are satisfied with the consultation on that legislation.

I would also note that we have made reference — both in my speech at second reading on October 16 as well as in the motion that I tabled — to the value of consulting with the families.

While I will, of course, leave it to the Third Party to state their views on the act itself and whether they view the consultation that occurred as sufficiently detailed, I would note that, at least in principle, we have shared some commonality in terms of who should be consulted. Last year, the Leader of the NDP, in bringing forward a motion urging the government to review the *Coroners Act* on November 8, 2017, on page 1577 of Hansard, said the following — I am just going to quote a part of her longer comment. The Leader of the NDP said — and I quote: “We truly believe that this whole act and the regulations need to be reviewed. The chief coroner and community coroners need to be consulted. There needs to be consultation involvement with the medical community, with the public, with the RCMP, with the chief medical officer and others.”

Again, Mr. Chair, I want to make clear that I am not presuming to state whether the Third Party shares the same dissatisfaction that we have with the level of consultation that occurred. We are simply noting that, in principle, they have clearly also supported the fact that there needs to be consultation with the public and with medical professionals.

I would provide the minister with the opportunity to share any additional information that she wishes to at this point, but what we are advised by officials is that, while they contacted all community coroners, they didn't actually know whether any written feedback had been provided. From the handout provided to us by officials, we were advised that there was only one written memorandum of response received by the minister and that the rest was simply filling out the rather high-level survey that occurred.

To begin, I would just ask the minister: Why was the decision made not to consult with the Yukon Medical Association, the Yukon Registered Nurses Association, the Yukon Housing Corporation and the Volunteer Ambulance Services Society?

Hon. Ms. McPhee: I appreciate the quote from Hansard, because it seems to me that, with the exception of the chief medical officer, all of the individuals or groups noted by the Leader of the Third Party were, in fact, consulted. Others, of course, had the opportunity to consult throughout the public engagement process. I think it is important to note that it is the position of this government — and, frankly, my personal view — that we have meaningfully consulted with respect to drafting this legislation to this stage. I have noted that there will be requirements for regulations to put the walls up on my house — if that is the way to say it — and the details are to come with respect to that. That is an important opportunity, again — not instead of, but again — for the public to engage.

Mr. Chair, I am concerned that in saying that no meaningful consultation has, in fact, been done, it diminishes the efforts of those who have responded and those who have taken the work and the opportunity to review this. A lot of thought, a lot of comments and a lot of very helpful feedback were given to the team here and the team working at the department during the consultation period.

I will say just briefly about the coroner, for instance, that the coroner participated fully in this process through weekly meetings. She is fully informed of the former coroner's comments, written and otherwise, that came to the department over the last number of years and was involved in the conversations that took place here. As well, the coroner before the last chief coroner took part in this process by taking the time to write to me and taking the time out of her schedule to meet with me personally as well as with some other community coroners. The individuals who know the details of the problems with the current piece of legislation and where we need to go in future to modernize this piece of legislation with respect to best practices from other coroner's services across the country were, in fact, not only given the opportunity to provide a few comments, but were deeply embedded, in my view, in this process of coming to a best practices piece of legislation, and that's in Bill No. 27.

I certainly have heard the member opposite. I certainly have heard the request that we delay this. I think Yukoners deserve to have a working piece of legislation that can give the Coroner's Service in this territory the tools that they need to do their job in very difficult circumstances. I appreciate that there are some things that are not in this legislation that will be put in regulation, and I ask the indulgence of this House to ask all the questions they need to about that as we go forward, because I think that is a critical part of this new modern law.

I can also indicate — and it's important to do so — that it is not common practice, I am so advised, to provide draft legislation with respect to members of the public or other members who might be involved or who might, in some cases, come into contact with the coroner through other parts of their work. It is more common practice for the *Pharmacists Act*, for instance, to be shown in draft form to the Pharmacists Association. Clearly I have just explained that, in this case, the coroner was involved intimately in this process.

For the member opposite to suggest that the RCMP or the Yukon Child and Youth Advocate or anyone else — that their comments were less than valuable because they hadn't seen the draft act or were not taken into account in great seriousness with respect to the comments that they took the time to provide would simply just not be correct.

Mr. Cathers: I'm going to keep it short and simple for the minister. What consultation was done with the Yukon Medical Association and what comments were received from the Yukon Medical Association?

Hon. Ms. McPhee: Because of the nature of the work of the medical professionals in the territory and the way in which the *Coroners Act* interacts with the medical profession, they, of course, are on the plan to be dealt with, consulted and engaged with through the process of regulation making.

As I noted earlier, the coroner's role is to be quite independent from medical health authorities, if I could say it that way. As a matter of fact, they weren't specifically on the list of targeted individuals or organizations for that reason. Certainly, they would have been welcome to participate in the public engagement, but we don't have anything that came from them specifically.

I will note that the comments that were quoted earlier by the Leader of the Third Party — and I certainly will have this conversation with her — I took to mean, last year when she mentioned them, that a full examination of the Coroner's Service versus a medical examination model is what she was concerned with at the time. Certainly, that work was done through the process of not only the committee put together to do this, but the review of other Canadian jurisdictions and the ways in which the Yukon Coroner's Service had worked for many years, successfully, primarily with the idea of a pathologist being outside of the territory and having a coroner's service model interact with this.

Mr. Cathers: We didn't actually get an answer to that question in the minister's speech regarding what feedback was received from the Yukon Medical Association. I am going to ask again another very short, specific question: What consultation was done with the Yukon Registered Nurses Association and what feedback was received?

Hon. Ms. McPhee: I am happy to have all of those in one question. We didn't consult with the Yukon Registered Nurses Association, specifically targeted. They were certainly welcomed, encouraged and invited to participate. If individuals or their organization were interested in providing commentary, they will be engaged through the process of regulation, because that is the way in which the Coroner's Service will interact with them.

Mr. Cathers: I am going to ask another specific question: What consultation was done with the Volunteer Ambulance Services Society and what comments were received?

Hon. Ms. McPhee: Let me just say it this way: The Department of Justice did reach out to EMS for comments or feedback. It was not provided in any formal way. There was not a targeted letter that was sent for requests specifically to the volunteers who we have here in the territory who do this

very important work. Again, the opportunity still exists and will exist. The plan is being developed as we speak for further targeted — I'll use the member opposite's term — "meaningful consultation" with those individuals, because they will be concerned about regulations that might affect their interaction with the Coroner's Service. In our view, that is the best use of their time, to engage in this process at that stage.

Mr. Cathers: I am going to group two similar questions together. What consultation was done with Emergency Medical Services staff and what comments were received? The second area of questioning is: What consultation was done with Emergency Medical Services volunteers and what comments were received?

Hon. Ms. McPhee: I didn't hear the last organization. Consultation with EMS staff — and I didn't hear the last one mentioned, I'm sorry.

Mr. Cathers: It's a reiteration of the same two questions regarding EMS volunteers. What consultation was done with EMS volunteers and what comments were received from EMS volunteers?

Hon. Ms. McPhee: The consultation with EMS staff — I just mentioned this in the answer to the last question — was done through the departments. There was a request for consultation or for further meetings with respect to that, if necessary, or for their input. It was not forwarded in any formal way with respect to the volunteers. I think I just said that they were not necessarily a targeted group; however, they will be consulted and engaged with respect to the development of regulations, because that is, in fact, where their input will be directly related to the development of regulations, which will be the opportunity for us to flesh out the details of their interactions when necessary with the *Coroners Act*.

I appreciate the questions, but I think I need to say that I spent some 20 minutes at the beginning indicating that the consultation was specific in general. I guess I can't say that no EMS staff members or volunteers were any of the 224 people who might have participated in the survey online or provided comments otherwise because that's not identifiable. Some of those individuals may well have participated at that stage or in that way in this engagement with the public.

Mr. Cathers: I'm going to ask another specific question: What consultation was done with the Yukon Hospital Corporation and what comments were received from the hospital?

Hon. Ms. McPhee: If I have not really been clear, I guess I want to take the opportunity to say that, of course, the general public piece is much broader, but the targeted consultations, the research and the consultations between departments are designed to elicit and have the participation of individuals and organizations that will interact with the *Coroners Act* at the *Coroners Act* stage.

All of the individuals and organizations noted by the member opposite, as I have said before and I'm happy to repeat, will, in fact, interact at the regulation stage or in that part of Bill No. 27 when it becomes law, and as a result, the

engagement process and the components of engagement were divided in that way.

Mr. Cathers: I'm just trying to be clear and specific with the minister. I would note that, in reference to her last explanation, that some of the 94 sections of this bill may have been of more than a little interest to those groups and agencies, but unfortunately, they didn't have the opportunity for meaningful input.

I'm going to ask the minister another question or another two groups of questions. What consultation was done with former Yukon chief coroners? What comments were received? What consultation was done with community coroners and what comments were received?

Hon. Ms. McPhee: I am happy to answer this again. I did mention it in my opening remarks and in a question earlier, but I'm happy to be completely clear. The current chief coroner was involved intensely, if not on a daily basis, with the development of Bill No. 27. She is fully informed with respect to the public and private — internal to the Coroner's Service office — positions put forward in writing and otherwise by the former chief coroner and by the chief coroner before the former chief coroner, so two chief coroners ago. She brought that knowledge and that information to the table in helping with the development of this piece of legislation.

I can indicate in addition to that, as I said earlier, I met personally with Chief Coroner Hanley, as she was then, and received some written comments from her as well. Also in attendance at that meeting was the current chief coroner as well as, I believe, three community coroners on the phone because they didn't travel, and we spent quite a bit of time together discussing any of the concerns that they had and the process with respect to Bill No. 27. They had specific and general questions about that. It was an excellent meeting.

I can also indicate that each of the community coroners received — I'm going to say including the survey; I think that's correct — a targeted letter with respect to asking them to participate, because their knowledge was also critical to their experiences with the current piece of legislation and what it might be going forward. Then they had the opportunity to participate in that way as well.

Mr. Cathers: Again, I'm going to ask another very specific question: What consultation was done with families who have had personal experiences dealing with the Coroner's Service and what comments were received from those families?

Hon. Ms. McPhee: Again, I don't know whether some of the 224 people who proceeded to give information, feedback and interest on this topic were former family members or are current family members or have experience, unfortunately, with interaction with the Coroner's Service. I don't have that information, and I don't think that would be appropriate in any view. We certainly have the "what we heard" document on our website that clearly indicates that some of the individuals responding were people who had experience or interaction with the Coroner's Service. They were generally positive, although the outdated and not-modern

legislation was obviously of concern and brought people to the table to have that conversation. With respect to individual names associated with comments — not possible.

Mr. Cathers: The minister should be well aware that, of course, I was not asking for individual names of any of the families. I am well aware that this type of information is protected by ATIPP — as, of course, is the minister herself. I was simply asking what consultation was done with those families who have had personal experience dealing with the Coroner's Service after bereavement and what comments were received.

Is the minister saying that she cannot confirm whether any families provided feedback to the government regarding the *Coroners Act* consultation?

Hon. Ms. McPhee: We can confirm that individuals who have been involved with the Coroner's Service in the past were respondents. Of course, their information has been anonymized in the "what we heard" document, but individuals were invited and encouraged, along with the public, to participate in this process — the information that they have, as individuals having been directly involved with the Coroner's Service, was absolutely critical, and some of them did respond.

Mr. Cathers: I am going to move on to another specific area. What consultation was done with First Nation governments? What comments were received from First Nation governments? On a similar note, what consultation was done with municipal governments, and what comments were received from municipal governments?

Hon. Ms. McPhee: As I noted earlier, a targeted letter and survey request for participation went to every First Nation government here in the territory. Municipalities were not targeted or did not receive that information in quite the same way. I will take the opportunity to note that the Minister of Community Services, when he engages with municipalities at various times throughout the year — and particularly at Association of Yukon Communities meetings — takes the list of current engagement topics from the Yukon government with him and invites them to participate, informs them that is the case and invites them to have their comments forwarded pursuant to those engagement processes. We did not receive any specific letters from a First Nation government, although we had participation by individuals through that process — we had one woman.

Sorry; I have misspoken there, Mr. Chair. If I can be corrected, we did have one response in writing from one First Nation. They participated in that way. Again, First Nation governments and municipal governments will be — individuals and organizations that will be asked to participate in the development of and commentary on the regulations going forward.

Mr. Cathers: I would just note that the "what we heard" document was not available at the time of the briefing. I notice that it has been posted since. Again, the level of detail in it doesn't provide opposition members with a lot of information about what was actually said. I recognize the need to not compromise anyone's privacy, but when the "what we

heard” document for a piece of legislation like this is as short as it is — and it is shortened down to a handful of comments. It looks like five individual comments that have been referred to as — according to the “what we heard” document — and I quote: “... a cross section of comments received.” We really don’t have a lot of information provided to the opposition about this. That is another area where the information provided by government is lacking. We do feel that it is quite unfortunate that the government chose not to meaningfully consult with the groups, governments and individuals I made reference to earlier.

I am not going to ask too many more questions here this afternoon in the interest of expediting business, but I do have to ask a couple of specific questions related to the act. One change that we noticed in going through the legislation and that was confirmed by officials at the briefing was the issue around the ability to seize items without a warrant for seizure. We are advised that the current state of law is that entry is allowed in an emergency situation related to a death under common law, but that seizure of items without a warrant is not allowed. As the minister will know, the issue of the ability of anyone to seize people’s personal property without a warrant is something that is of great concern to a number of citizens, especially those with a passion for civil liberties or more of a libertarian bent.

To hear that government is expanding this area and is removing the safeguard with the requirement for a warrant in this case is concerning to me. Can the minister explain why this change is being made and why the government did not instead allow for the ability for someone to apply for a telewarrant or a warrant via remote communications — as exists under several other pieces of legislation, including, but not limited to, the *Child and Family Services Act*, which provides for telewarrants, and — the legislation’s name has escaped me at the moment — related to animal protection — which provides the ability for someone to apply for a telewarrant rather than simply being empowered to act without a warrant?

Hon. Ms. McPhee: I appreciate the question. I think this is an important distinction here in Bill No. 27. Of course, it was proposed for practical purposes with respect to investigations. The provision — which lives in section 26 of the powers of investigation of the coroner in section 26(2)(c) — indicates that the coroner may: “...seize anything that the investigating coroner believes on reasonable grounds is relevant to the investigation.” So there is distinction there: It must be relevant to the investigation. It is not an opportunity to seize things that are not connected to the investigation.

The question by the member opposite is with respect to removing the current requirement for a warrant to be issued prior to the seizure of items material to a coroner’s investigation. This requirement for obtaining a warrant to seize items was identified during our legislative review as cumbersome and inconsistent with efficient and effective coroners’ investigations. We can all perhaps imagine a situation where the coroner is on the scene of a particular situation where there may be potential evidence lying nearby

indicative of the cause of death — perhaps the person appears to have been stabbed and there is a knife. The former requirement to obtain a warrant to seize those items was, in effect, inefficient. It is also not conducive with an appropriate investigation.

We can also indicate that a warrant to seize those items was not something that is also easily obtained in every circumstance, either in the communities or other situations — at 3:00 in the morning, et cetera — and that the requirement for obtaining a warrant was identified during the legislative review as a problem. Further research was done, of course. Further discussions with the RCMP were held. Most jurisdictions in Canada have eliminated this requirement, and the removal of this requirement in the current legislation to the bill that’s before you for a warrant was, in fact, recommended by the RCMP during the response that they sent to us during the targeted engagement with respect to this piece of legislation.

I will also take the opportunity to note that it’s important to address the concerns of the member opposite. To allay any unnecessary concerns, section 27 of the bill goes on to note how the cataloguing of any items seized in this kind of a situation is required. The records of such must be returned as soon as possible or as soon as practicable after they are no longer required. Certainly, in the example that I have noted, the RCMP would also be involved in an investigation of these kinds of items if there was an allegation or some evidence pointing to foul play. This is a situation where, while it appears perhaps somewhat extraordinary for the purposes of this piece of legislation, in fact, it is not. It is common practice, because often the coroner is the person who is seized with the responsibility of a particular scene and investigating the death therein as well as cooperating with the RCMP in those kinds of matters.

Mr. Cathers: I appreciate the explanation, but I have to say that this is an issue where I have a problem with the decision that the government has made in this area. I think that it is fair to say that there are a number of members of the public who were not consulted meaningfully on this proposed provision who might see this as a step onto their civil liberties without judicial oversight.

I am sure the minister is not going to make this change, but I do feel obliged to make the point — as one more civil liberty falls through government legislation — that there are a number of people, including police and territorial officials who are empowered to take action on behalf of government, who do have authority to act, but it is practice to add the requirement for a warrant simply for the reason that, although we trust those officials, it has been recognized that the ability for them to act and do things — such as, in this case, to seize people’s property — requires additional oversight and a second set of eyes to recognize that when potential encroachment on someone’s civil liberties and freedoms occur, there is the requirement for the RCMP member on the scene or the coroner on the scene, in this case, to satisfy a judge that there are reasonable grounds to act. If there were challenges in the ability for the warrant process, it is my

strong belief that the minister would have been better to take steps to speed up the ability to apply for a telewarrant in this circumstance.

I am sure I am not going to convince the minister to change her mind in this. I will just move to the end of my questions here. I provided the minister a written question on October 18, 2018, directly related to the coroner's office, which I have not received a response to. It also relates directly to Cabinet's actions in proving the revocation of Order in Council 2012/91 and Cabinet's approval of Order in Council 2018/170 and OIC 2018/171. The question for the minister is: Did the Government of Yukon do a competition for the position of chief coroner prior to Cabinet taking those steps? If there was a competition, when did that occur and how, and where was that job opening advertised? Was it advertised publicly?

Hon. Ms. McPhee: I have received the written question by the member opposite and I appreciate receiving the question in that format. I have the draft response — not in a folder that's on this desk but in a folder on another desk, which I will review as soon as possible and provide that to him. I think it's appropriate to do it in that format because it involves questions that bump up against personnel matters, if that's the way to say it. I think a careful approach and a careful written response are needed here.

Mr. Cathers: I can't say that I'm satisfied with the response. I do think the minister could have answered that simple question without delving into personnel matters because it related directly to a job posting.

There are a number of areas where I could go on all afternoon debating parts of this with the minister. The primary concern the Official Opposition Yukon Party has is with the lack of meaningful consultation with a number of groups and agencies. I am disappointed that the minister has chosen not to accept our constructive suggestion about expedited consultation but, in the interest of expediting the use of House time this afternoon, I will conclude my comments at this point and cede the floor to the Leader of the NDP, who I am sure has questions or comments related to the *Coroner's Act*.

Ms. Hanson: I thank the Member for Lake Laberge. I'm actually surprised the Member for Lake Laberge would go back and read Hansard and quote the Leader of the Third Party.

I just wanted to go back, and there are not very many areas, because I hope that we will get into a number of specific questions as I had mentioned when we were doing second reading. On October 16, there were a couple points raised that I wanted to come back to for clarification.

At one point, the minister made reference to ATIPP and talked about — if I may, I will just point out where my confusion arose. The minister spoke about there being a disclosure section under part 7 of the act that notes that the Coroner's Service is not a public body under ATIPP.

So that creates a general prohibition on the release of information gathered by and for a coroner's service. It goes on to say: "Despite the fact the old act was silent on this topic, for the purposes of openness and accountability, certainly there

are parts of the Coroner's Service that must be subject to provisions like ATIPP..." I am just trying to figure out how ATIPP works in relationship to the Coroner's Service. I am quoting here from page 3009 on October 16. It was basically saying that there is not a public body and therefore there is a creation of a general prohibition on the release of information gathered for and by a coroner's service in carrying out the functions described in the act that are related to situations like investigations and the findings of death, except in certain circumstances. Then it goes on to other things and the statement goes on to say that, despite that fact, there are parts of the service that must be subject to it.

I'm just curious as to how, in fact, that relationship will work out in real life.

Hon. Ms. McPhee: I appreciate that there may have been some confusion. It was obviously not a detailed explanation formerly when we were having comments with respect to this. Also, I very much appreciate the question because there was lots of conversation about whether the chief coroner's office or service and office should just be exempt from ATIPP. It is not a policy decision that our government would support, but there are aspects of the work of the chief coroner that must be able to be confidential.

The first opportunity to do that is in part 7, as noted, in section 76, where the *Coroners Act* is established as a statutory entity. It notes that this involves the chief coroner, all investigating coroners, all presiding coroners and any staff who provide services to them in their function as a coroner. When they are investigating a matter of the coroner or dealing with an inquest through that process — not unlike an RCMP investigation that ultimately becomes a trial — those things are not available through that process.

Those can and must be kept confidential. However, that section goes on in clause 78 with a general prohibition on disclosure, but then goes to clause 79, where disclosure is allowed. The description there for the purposes of defining — and in fact, ensuring — that family members of a deceased can gain copies of a coroner's various reports and that those with a valid interest can request copies of those reports — that is an important distinction, and I will submit to this House that it was necessary to be written that way so that it could be defined in a way that would support families.

Clause 79 goes on to indicate that it will be up to the chief coroner to determine how publicly to give information. Of course, that is a portion of her important role, that some of that information will not be available to the public but will be available to families. In the last part of 79(4), it describes a balancing that must be done — a decision must be taken by the chief coroner. A portion of that section lists the criteria that the coroner must be mindful of when determining if they will disclose personal information relating to an investigation — or not — and it balances the public interest of disclosure versus the personal privacy of the individual to whom the records pertain.

It is an extremely serious matter and quite a large burden, but it is something that the chief coroner does all of the time in relation to the work that she does — the balance between

providing information to the public that will, hopefully, affect any future incidents of the same kind if there was an unusual or unexpected death where there would be some public interest in that knowledge, and the personal privacy of the family or the individuals going forward. I hope that addresses the clarity there.

I will just take one step further and say that one of the conversations that I was involved in — and I know is happening at the level of the policy advisors and others who participated in this process — was, in fact, that things like the budget or the details on how many people work at the office and those kinds of administrative things must be available to the public. A blanket prohibition through ATIPP or otherwise, that the coroner's office and service was exempt from that, in our view, was not appropriate.

Chair: Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

Chair: Committee of the Whole will now come to order. The matter before the Committee is Bill No. 27, entitled *Coroners Act*.

Ms. Hanson: Mr. Chair, one of the issues that the minister had raised when speaking to this bill in second reading — and certainly in response to questions from my colleague for Lake Laberge — was concern about families being involved in this. She had noted that section 43 of this act provides for a right to request an inquest by a family member or another interested person. I guess I have a couple of questions about that. One is that they have a right to request it — does that mean that they have a right to have an inquest called? I think about that in the context of situations that we have experienced here in the Yukon where, in the past, without that right, families have had to go to extraordinary means to expend a lot of time and emotional energy to get a coroner's inquest to be called. That involved expenses, meeting with ministers and meeting with coroners at the time. Once that was achieved, then the families had to fight to have standing at the inquiry — again, paying for their own travel and their own accommodation. In those kinds of situations, you have other witnesses who are called and you have a jury that is set up and they are paid; the individuals and the family are not. None of their expenses are covered.

Does a family who is successful in having an inquest called have to represent themselves, or do they have a right to legal counsel? How is that covered? Past experiences have proven not to be very equitable. I guess that is the kindest way I could put it based on having spent an awful lot of time with at least two of those separate instances with two separate families over the last six or seven years.

My question is: What is the scope of what is envisioned in the new *Coroners Act*? Certainly, it is a welcome step to say that a family has a right to request an inquest and that the

general procedure is established, but what is going to be covered by that? I don't think I need to reiterate. I think I have seen some notes being taken across the way, so I would ask the minister to see if she could identify the scope of what is envisioned here with respect to enabling — not just recognizing — that right.

Hon. Ms. McPhee: This is a large topic but I'll endeavour to hit on all the notes, and if I don't then the member opposite can ask more specifically.

Part 6 of the bill, section 40, is entitled "Determination whether to hold inquest", and that actually compels the chief coroner, after reviewing an investigation report that will be done under section 35, to make a determination that an inquest is or is not necessary. That is required by that section. This section lays out the criteria that the chief coroner must consider when determining if an inquest is required.

Under section 40(2), there are a number of subsections, including things like in section 40(2)(c): "... whether an inquest would bring dangerous practices or conditions to the knowledge of the public and facilitate the making of recommendations to avoid preventable deaths". We must remember that the role of the coroner is, in fact, to do that — it is not to find fault in any way, but, in fact, to protect the public.

Section 40(2)(d) says: "... whether an inquest would educate the public about dangerous practices or conditions to avoid preventable deaths" and, under section 40(2)(b): "... whether the public have an interest in being informed of the circumstances surrounding the death and whether an inquest would serve that purpose". Those are the criteria, and it is very critical that they are included here.

I can note in a further part to the question, under section 43(1), it provides a statutory scheme: "A family member of a deceased person or another person interested person may..." — I'm just going to take a moment to stop there to say that a lot of discussion about this — and a lot of discussion over the years — about whether or not this provision should be in there always involved family. Of course, it almost always is family who are involved. I am very pleased that we have "... or another interested person..." here, not because it should inappropriately broaden that process, but because we need to recognize that individuals may not have family in the traditional sense but who are, of course, concerned about this situation and should, in fact, have the ability to be involved in that part of the process.

It is not a right to an inquest; it's the right to request an inquest. I think that is an important distinction, as made by the member opposite. This section also compels the minister to provide a chance for the family or an interested person to give reasons for wanting the inquest if the original request did not cover that information. I actually might go further to say that, even if it did cover that information, there may be something in addition or there may be an opportunity for them to present it in a different way or more compelling way, if that were their concern, or if they felt they weren't being listened to or their concern was not properly addressed — none of which I would anticipate by the chief coroner, frankly. However, the

protection here and in other pieces of legislation that look like this are, in fact, for that opportunity for the minister to consider the public interest in the broadest possible way about informing the public through this process. It is, of course, no decision that any minister will ever want to make, but we have all kinds of responsibilities that we hope never come to us as in this example, whereby family members are feeling that they have not been properly heard. Nonetheless, it is appropriately here.

This section also compels the minister to notify the person who requested the inquest under this section of the decision and to hold or to not hold the inquest. I think that is an important piece. We have all seen pieces of legislation where — I won't mention it here, but I saw one recently which I was just really shocked at as it was sort of vague beyond vague, and which doesn't help any individual understand the process. It is not this piece of legislation, I should say, and not any that are before it. It is very old. Lastly, this section lays out the contents of a notification that is contemplated by section 43(3) and a timeline.

Section 44 of that section also talks about direction by the minister. I will note that — I am going to have one of my colleagues give me the section — I think section 50 of the act deals with standing. That decision about standing at a coroner's inquest would be dealt with by the presiding coroner because it is a common-law practice to determine standing. There is no way to legislate the concept of one party or another always having standing before a coroner's inquest or not. It is a common-law power, but standing is contemplated there as a decision going forward.

I am looking at section 50(2), where a person who has been granted standing may, in fact, be represented by counsel, which again is not automatic, but it is an opportunity to contemplate these things. There is reference in the fees section that lives in section 86(2) that says: "The legal fees incurred by a person who is granted standing to participate in an inquest are to be paid to the extent provided for in the regulations". So there is that opportunity to connect those two things and then, of course, the consideration of those things in regulation in future. Section 86 is enabling in that way and contemplating, I hope, exactly the situations that we have encountered in the past where families or others are adversely affected by the operation and simply, in the current legislation, where there are just no provisions that deal with any of these topics — they're very critical.

Ms. Hanson: I appreciate the clarification from the minister and the assurances that she outlined contained both directly in the legislation and anticipated to be covered by regulations. That certainly would, in the future, should there be any of those — well, there will always be those kinds of awful situations that would address and deal with some of the difficulties that families can encounter.

Section 44, which the minister just mentioned, is the section that can provide a power for the minister to call an inquest if they determine that it is in the public interest that an inquest be held. I guess there is a lot of discussion about — to meet the greater public interest where the minister may have a

broader systemic knowledge of an issue or of a community concern — the criteria that the minister will have to use. I guess I'm looking for the criteria around public interest. The second part of that would be if the minister says, "Yes, I considered it, but no" — what are the grounds for appeal?

For example, with this recent Supreme Court of Yukon decision on Cynthia Blackjack's inquest — if the coroner says no, would you not have to go to the minister? Would they have to still go to court if the minister said no under the construct of this legislation?

Hon. Ms. McPhee: Thank you for the opportunity to confer with the officials here. Thank you for the question. I think it's an important one, because this is a new process beyond the one that exists in the current legislation and is in line with some other jurisdictions. I think the Blackjack case that we made reference to earlier, in fact, talks about the BC model, which is appropriate in these circumstances and is outlined here in these sections.

Let me go first to the concept of public interest set in section 44. Public interest is, in fact, very broad. It is not necessarily about the public being concerned but, in fact, an evaluation of whether or not — not unlike the criteria in section 40 — there is something to be gained by the public to have this knowledge — were they to have this knowledge. I think there are definitely situations that we can all imagine where that would absolutely be the case. There would be other situations where circumstances of a particular death might be more related to something without a public interest, even though there may be individuals who think there is a public interest in it. That evaluation would have to be done — that assessment would need to be done every time. There are guiding criteria for the coroner in section 40, and I would suggest the criteria could be of use to the minister as well if that person needed to make this decision.

The concept of public interest is very broad. I sometimes think about the concept of the law society, for instance. The law society governs the profession of lawyers and legal professionals in the public interest — not in the interest of lawyers, not in the interest of government and not in the interest of a particular client or individual, but what is in the public interest. There is a certain standard of behaviour that is required, so that is a concept that is not necessarily well-known. Certainly, some people would think that the law society licensed lawyers for lawyers, but that is not, in fact, the case. The *Legal Profession Act, 2017* notes that every clearly. The *Legal Profession Act, 2017*, in fact, sets out all of the behaviours and criteria with respect to that and always with the driving force of what is in the public interest. I hope that helps a bit with respect to that.

The criteria set out in section 40 — if the chief coroner were to make a decision that didn't sit well with the family or loved ones in the circumstances, there is an option at that point for a judicial review of that decision if they had some allegations that something was done improperly or the act was not abided by — something like that. It is important to note that this act, like the BC model, says that there is the step of going to the minister first. We would hope that this would

resolve the situation. All of this is to say that likely the process set out in section 40 is judicially reviewable — because almost everything is if there are some inappropriate decisions taken — and, of course, the appropriate criteria for a judicial review case are met. It is also likely that the provisions set out in section 43 for the process for a family and later in section 44 for the minister are likely also reviewable in certain circumstances. There is no right of appeal — neither of those processes are automatically appealable. In fact, if there was some activity that was untoward or inappropriate, someone could bring an application for judicial review of either the decision by the coroner or the decision by the minister. I think that addresses the question.

Ms. Hanson: I thank the minister for that. I think it does. I think there will always be some concerns. Perhaps some of us are more skeptical about the altruistic view of what public interest, as defined by the minister — how she describes it. We like to aspire to that but I do not always believe that is what we achieve.

I would just like to move on if I can, because we will come back to that in section 44(2) — an interesting aspect of that.

I had raised some questions with respect to the scope of this legislation in terms of what is anticipated being reviewed. The legislation talks about children or youth who are in care or in facilities of care. I had asked the question on why deaths that occur in a hospital — or where delivery of health care is somewhere connected, and that would include in an ambulance en route to a hospital, in an ER or a recovery room — would trigger a coroner's inquest? It's my understanding that in other jurisdictions it is a trigger and something that automatically happens. It's a way for lessons to be learned.

Again, going back to the minister's comments earlier this afternoon — I don't see a coroner's inquest as something that you trigger or where you are pointing fingers and blaming, but you are saying that if a death occurs in certain circumstances, you have to learn why that happened so that you can prevent it happening. Obviously the objective, as I understand it, is to prevent certain circumstances from repeating themselves. Certainly, there were lessons learned from the situation in Watson Lake, and potentially from the circumstances that have arisen in Carmacks, where we can see where there might be lessons learned. We have questions about that. If the minister can point to the section — if that, in fact, is covered and I have just misread it, I would appreciate that.

Hon. Ms. McPhee: I am going to make reference first to section 13, which is the requirement to notify the coroner of a death. The general duty is set out there, and it may or may not occur.

I just want to make sure that I understand the question. I think it is about individuals who die in a hospital and whether there is a duty to require a notification. If any of those criteria are present in that situation in section 13 under the general duty, it is set out there to ensure that the chief coroner is notified as soon as an initial investigation is triggered by any of those circumstances. There is a duty under section 14 with

respect to the duty of an institution to notify the coroner of deaths occurring. In section 14, all of those organizations or places are where someone is compelled to stay. I just wanted to make that distinction.

Section 16, of course, is the requirement for individuals to notify the coroner of a child death. A child death would be of anyone under the age of 19 — so from zero to 19, if that is the way to say it. It's a provision that has been added as a modern best practice from other jurisdictions. Persons responsible for the duty to report will be articulated in the regulations, so that will be more specific. The notifications under this section trigger the duty to perform at least a preliminary investigation into a child death. Even in an accident situation or a car accident perhaps — something where it may not necessarily trigger, as a passenger in a vehicle or that kind of thing but, of course, in this case, it will.

I think it is important to note that the general provisions of section 13 lay out the circumstances that trigger a general duty to report an unexpected or an unexplained death and, in fact, go further to say that, when the report is made, the chief coroner or assigned investigating coroner is required to carry out an investigation.

I don't know if I have specifically answered the question. I am happy to try again if that isn't what you were asking about.

Ms. Hanson: Section 14, as it says, is a duty of an institution. When I read that — and I do believe that when I went through this again — it is my understanding that 14(5) isn't a cause or reason to investigate, but what I am worried about, or concerned about, is how this whole section 14 jives with part 4, 18(d), which then talks about the purpose of an investigation, which is to determine to the extent that is possible — the identity, when, where, cause and manner of death.

Why would we be limiting this section to people who are institutionalized? It is a narrow, narrow scope and when it talks about the hospital, the minister is quite correct that, if somebody is an involuntary patient at the facility — or while detained there under section 5 or 10 of the *Mental Health Act* — and when, in fact, there are lessons to be learned from somebody — when the circumstances surrounding a death in a hospital — for example, in the ambulance en route or in the operating room, or somebody in recovery and something goes wrong there — we have seen circumstances of that.

I guess I'm questioning why there is not the ability to have that covered by a coroner's inquest as well, or if it is, where it is set out in the act. This is broader than those who are being forced to be, by some act — and I will come back to another act in a moment, but the scope of section 14 is quite narrow. I don't see how that is going to address part 4 — 18(a) to 18(h) listed there.

Hon. Ms. McPhee: I appreciate the question because I think it's an important distinction. We want to be clear about that.

The general duty set out in part 3 — the requirement to notify the coroner — is not a duty necessarily placed on an employee or an individual who works there, but any allegation

that someone died as a result of violence, negligence, malpractice or misconduct — I'm looking at section 13(a) — or in an accident is required to be reported to the coroner. Certainly, that covers reference to the situations where someone dies in a hospital or en route to a hospital if those circumstances present themselves.

It goes on, of course, in section 13(c) — suddenly or unexpectedly when the person appeared to be in good health from a cause other than a disease or sickness — when there are questions, when it is unknown. I think that section 13 is extremely broad with respect to the duty report and notify the coroner of a death and certainly would include the death that fits into any of those categories that might occur in a health facility.

With respect to section 14, the intention is that it is to deal with situations of individuals who might be in the care of a facility — whether they are required to be there. Obviously the Young Offenders Facility, the Whitehorse Correctional Centre — for those in the care of the director of the Yukon Family and Children's Services and the duty to report a death of an individual detained under the *Mental Health Act* — those are specific to section 14 so that any death that occurs in that situation is absolutely required and triggers — and I just want to clear up one thing that the member opposite said. These trigger duties to report to the coroner and ultimately for the coroner to investigate — they don't trigger an inquest. The only piece that automatically triggers an inquest is if an individual dies while in the custody — and "in custody" is defined by virtue of the Whitehorse Correctional Centre — or on their way to that facility or in the custody of a peace officer. Those are more specific.

I want to make sure that I'm properly answering this question. In my view, section 13 is extremely broad and requires reporting not only by individuals who may work there but by anyone who has any knowledge. Those are matters that are required to be reported, as opposed to someone who might just choose to report an incident to the coroner, who has an obligation to proceed after that.

I want to make one more reference if I can. Back to section 40, which determines the concept of the coroner deciding to hold an inquest — I would say that clearly that criteria is there for the purposes of having the coroner make that decision in those circumstances, but it is also extremely good guidance for the situations in which the coroner will become involved and the determination of how — in the public interest — any of that information might be useful to people.

I'll also take a moment to note section 19. Section 19(b) indicates that the coroner can investigate a matter when there is "... reason to believe that the death is one notification of which is required..." So if something comes to their attention in any way, section 20 is the authority for the chief coroner — where she must investigate — and ensures: "If the chief coroner is notified of a death under part 3..." — or any other part of this act — they will: "... investigate the facts and the circumstances of the death" or assign an investigating coroner to do so.

It might be helpful to note what may be the last link in that chain — at section 39(3), it says that the chief coroner may, on her own motion, open or reopen an investigation into a death if the chief coroner considers it in the public interest to do so. If something were to come to her attention, the duty to report is trying to instruct the behaviour of other individuals, but this piece of legislation, of course, is the authority for the coroner to act and the requirements for her to act in circumstances that come to her attention.

Ms. Hanson: I thank the minister for that clarification. I guess my next question would be — under section 13(1), it says: "An individual must notify the chief coroner, an investigation coroner or a peace officer of the facts and circumstances related to the death of a person, immediately after the individual first has reason to believe..." — and then there is a list of enumerated circumstances.

What if there is a dispute? What if there is no agreement? I can say to you that with Joe Blow none of these reasons apply, but I could say that there is a difference and that this not the experience of my family. I'm just talking about and thinking back to the circumstances in particular cases. What is the onus and how is somebody going to know about it? Is it reported? Are all deaths reported with one of those reasons noted?

Hon. Ms. McPhee: I think it is an excellent question. I guess the short answer is that the duty to report is on all individuals. In the example given by the member opposite, if there were to be a dispute of some kind, clearly if one person thought there were circumstances that should be reported to the coroner and somebody else didn't think they should, you err on the side of judgment and you report, whether that's family members or medical professionals or whoever.

This is a practice certainly in line with other practices in Canada. The duty to report is presumably something where others like the coroner may want to do some public education with respect to this if this is the case, but this is currently the situation as well. If individuals have concerns or questions about an unexplained or unusual death of an individual, they are required to tell the coroner about it. That's the police practice. It's certainly the hospital's and medical individuals' practice. Funeral directors regularly report things to coroners.

I'm not speaking about anything specific, of course, but in general, individuals who deal with the death of a citizen or the death of a person in the territory are well aware of their obligations to provide notification if there is something unusual or unexpected to the coroner for the purposes of having the coroner assess that situation and go further. Certainly, it is not the coroner's role to investigate in a fashion about an individual's death and whether that was the result of a criminal offence of some kind, but coroners work very closely with the police and they notify each other. They regularly attend the scenes of such a situation together. The coroner is there first and they will, of course, advise anything of concern to the RCMP and vice versa. It is certainly a situation at an accident site, for instance, that both parties attend and that assessment is made as to what it is they are dealing with and what kind of investigation is to go forward.

Ms. Hanson: I appreciate the minister's response. I think it describes a best-case scenario. I think it really does underline the imperative of that targeted education piece, because we would be naïve to think, even in our small jurisdiction, that there are not systemic issues where, in particular institutions of all sorts — past, present and potentially in the future if we don't address it — some of these situations occur and there is despite perhaps a core understanding of the duty to report, it doesn't necessarily and has not occurred.

I would like to switch if I could, Mr. Chair, to sections 14(1) and 14(3). We talked earlier about the duty — and I would like to link that to the duty to notify of a child's death. I understand that, in section 16, work is still being done on the regulations, because in section 16 it says: "A person who is required by regulation to provide notification of the death of a child must do so in accordance with the regulations..." — yada yada. Section 14(3), which really talks about the death of a child, seems to be constrained by the notion that: "A director within the meaning of the *Child and Family Services Act* must notify the chief coroner of the facts and circumstances relating to the death of a child immediately after the child dies, if the child dies while living in a residential facility." I had raised concerns about this, and then we saw last week that the Office of the Yukon Child and Youth Advocate also has raised concerns and has suggested that section 14(3) should be amended to provide that a director under the *Child and Family Services Act* must notify the chief coroner of the facts and circumstances relating to the death of a child who was receiving any services and programs as currently set out in section 10 of the *Child and Family Services Act*. The minister and the director of Family and Children's Services do have direct responsibility for what goes on in any residential facility for which they have responsibility, but under the act, they also have responsibility for a broad range of services. They could be providing out-of-home care. They could be providing respite care. They could be providing other kinds of support services.

It is not only residential services, and we have seen circumstances in other jurisdictions where children who were under the care of either extended care arrangements or whatever, but not in residential care facilities — that the children have died while under the legal care and guardianship of the minister. I question why the scope of this is structured so narrowly — just having it in terms of residential care facilities.

Similarly, why is there not a clear understanding that we should be looking at ensuring, particularly as we have a huge focus in this jurisdiction and elsewhere on kids who are transitioning out of care — so that period of time, whether it is a two-year period as the Yukon Child and Youth Advocate has suggested — but if a young adult who has received designated services within a given period of time dies, why wouldn't we want to be looking at the circumstances of that death? Where, systemically, could we be learning lessons that may prevent that kind of outcome in the future?

The first part is why it is so narrowly defined — or have I misread that? Secondly, why would we not want to look at including the death of a young adult who received designated services within two years of their death?

Hon. Ms. McPhee: I think the questions are excellent ones. The reference to section 14 — and I am going to talk about 14(3), which has been the reference made by the member opposite. With respect to a residential facility, all of the subsections in section 14 make reference to places where individuals are required to be. So they are there by some sort of order with respect to each of those institutions — I hesitate to call them that — but each of those places, so 14 is specific and the policy decision was about specifically adding that piece. Of course, all the sections need to be read together and the overriding section is section 16, which requires the reporting of any child death in any circumstances.

The coroner has the opportunity then to — well, it's triggered by, I think, 19. I'm sorry, it's a little late and I want to make sure I get the numbers right. It's triggered by the section that the coroner must investigate as a result of that, and section 16 is the overriding section for the reporting of all child deaths regardless of the circumstances.

I will add that there certainly is some room in the regulations going forward to make sure that — I wouldn't want to narrow the scope of section 16. It should be as broad as humanly possible, and it should require all child deaths to be reported regardless of the circumstances and, of course, that then triggers action by the coroner, appreciating that this will also include a child who dies in a hospital as a result of a cancer diagnosis or as a result of an accident of some kind. Regardless, section 16 is the authority there.

Ms. Hanson: I do appreciate that clarification. I think the minister had a clear statement there with respect to the importance and the intention that all child deaths would be investigated, so then I'm sure there will be future and further conversations about the correlation between how all of the *Coroners Act* interrelates with the *Child and Youth Advocate Act*, but I'm not going to raise them during this discussion.

One of the questions I had raised with the minister was to get a clarification on the process of posting judgments of inquiry and inquests. I'm curious as to what is anticipated here. We know that in other jurisdictions — and I don't have my notes in front of me, but it's notably in Alberta. In Alberta, the practice there is that the findings are posted as well as the recommendations as a matter of public record. What we've seen is that we only see a small portion. There had been a process of posting judgments of inquiry and inquests that seemed to be quite robust starting in August 2013, and then it seems to have diminished. So we want to know what the expectation is with respect to these postings. How will the public be able to access unpublished judgments of inquiry? Will the posting of reports be limited and are they subject to the discretion of the chief coroner as to what will be published? On what factors would they be able to limit the publication of public information? I'm just curious as to what the constraints are and what is the intention of public posting? Again, if we want to ensure that the good work that is being

done by the coroner — if there is an inquiry, what kinds of recommendations might come as a result of that public inquiry? I'm just looking for the broad criteria that would guide what will be posted and how it will be posted. In terms of a modernized website, what are we looking at?

Hon. Ms. McPhee: I'm just going to look for a section here. Again, we will go back to section 79(3) for the reference that, of course, sets out the balance we talked about earlier of balancing the public interest and the private information. This criteria set out here would, of course, apply to investigation reports as well as inquest reports, which are obviously two different things.

I can say from personal experience that this is something that I worked on in a past life — this idea of exactly how much information should be included in the judgment of inquiry and when the public interest took precedence — if I could say it that way — over the individual's personal information. It is something I know, through our work together, that the coroner has struggled with, because the current legislation, of course, doesn't have any criteria about when to publish or how to publish those things. In fact, I would say it has complicated references in the current act as to whether or not the coroner can even write a judgment of inquiry or in what circumstances she is able or required to do so. It is certainly an area that is of concern. It is through the criteria set out in section 79 that the beginnings of that balance — how that will have to happen. There is, in my view, an opportunity and requirement for the chief coroner to determine not only what the decision is in an individual case, but perhaps work through the regulation concept of criteria for when that will happen or what those judgements should look like.

Clearly we have an interest in making sure that the public is aware of these things. The whole concept of the coroner's investigation or inquest is, of course, in a public knowledge and public education format, certainly in circumstances where we are trying to prevent other situations, whether they are accidents or deaths. The concept of how one might actually make those reports, I think, is something that needs further work.

In particular, there are situations across Canada where an investigation report is completed — an inquest is slightly different, but investigation reports can be completed by a coroner and then ultimately redacted or a public version made of that report that is appropriate for disclosure to the public so that individuals' privacy can be respected. There is lots of guidance from other Coroner's Services to do that, and it will be something that the coroner should continue and we will continue to work on. What we can put in regulation about that for guidance I think is absolutely critical.

I can also make reference to section 5(o), which indicates that the coroner has the power to "... communicate the recommendations made following investigations and inquests to appropriate persons, ministers, agencies or departments of government and make public any response or lack of response to those recommendations."

I think that is an incredibly important authority for the coroner to have. It, of course, allows the coroner to meet the public interest by communicating recommendations to the relevant officials and to the public, which is an important addition — we don't have anything like that in the current legislation — and, in fact, to publish any response, or lack thereof, that those officials affected by the recommendation may or may not give. Whether you call it the power of moral suasion or whether you call it the power of public interest or public concern, that authority rests with the coroner alone, and she can make those determinations if she is unhappy or unsatisfied, I guess, with the way in which recommendations have been acted upon.

I very much appreciate these questions, because it allows us to sort of tie the strings of these different sections together and how, in fact, they relate to one another.

Ms. Hanson: I thank the minister for clarifying that. When I look back on my highlighted notes on the act, I actually had bright pink on that particular section, because the notion of communicating the recommendations and making public any response or lack of response — I guess that goes back to the form of how that is communicated — and whether or not the department or the coroner's office has given thought to whether or not these are going to be reports that are filed away and you have to go to the coroner's office and find them, or will they be online so that people can actually access them that way, because it is two different worlds, actually.

I am just curious as to what the intention is.

Hon. Ms. McPhee: I haven't spoken to the coroner about her website. I know there has been some lag time in having those things done more recently, partly because we are in this process of this bill and ultimately modernizing this legislation and partly because some toxicology reports have been unusually delayed.

May I stop there to say that in the event that there is some allegation of foul play with respect to the death of a Yukoner and the matter is transferred for investigation or for autopsy — and the pathologist report goes to British Columbia, where we have a relationship — it is my information that Yukon matters go very high on that list so the issue of foul play can be dealt with quite quickly. In the event that this is not the case — there has been some delay with toxicology.

I want to go back in order to make reference to section 5, because there was no prohibition on anything there. That is wide open for the coroner to determine that process and the authority is there for her to do that. I expect that we will do that in conjunction with a further plan for engagements so that we can hear what would be satisfactory to Yukoners and to others who might be interested in this information. I don't want to comment on our current website or something like that but I can commit that the department will work closely with her to make sure that we are providing this information to Yukoners in a way that is useful and beneficial to them.

I think we sometimes forget that, while we're going rapidly down the path of online access for things, it is not always available to people in the communities. I think we have to remember that. We have to have an option that also

allows for people to have information sent to them. Perhaps they may have e-mail but not access to the Internet. They may have an interest in a particular matter — could they receive a paper copy? I think that we need to make sure we understand that not everybody in the world has full access to the Internet. I appreciate that it is primarily likely the way in which this can be communicated, but we want to make sure that we're covering all of the bases for Yukon citizens.

Ms. Hanson: I would agree. I would also point out, though, that for the purposes of data gathering and research, I think it is pretty well accepted that you are going to get your data, and that for people who are doing comparative research across the country — looking at what our stats are and ours compared to others — it is a heck of a lot easier to get that online than to have to send off to the coroner in Saskatchewan and everywhere else to get a comparative analysis.

I just had a couple more questions, Mr. Chair, if I may — partly because it is as far as I got in terms of a couple of areas I highlighted. I am curious as to section 22(1) where it says: “The chief coroner may for any reason direct an investigating coroner to stop their investigation into the facts and circumstances of a death.” It struck me as — big question mark — odd, because it says that if the coroner directs them to stop, they have to direct another person to do it or investigate the death themselves. Why is that kind of provision in there? Why would you want to direct somebody to stop investigating? Is it because there is a concern around not conducting it well, or it's too long or too delayed? What would be a rationale for that?

Hon. Ms. McPhee: The member opposite is finding all kinds of interesting puzzles for us today.

With respect to section 22(1), it is an opportunity to address a current practice under the current legislation that is commonplace — and I will explain that in just a second — but for which there is currently no authority. It is simply missing.

Regularly, an investigation might be started by a community coroner into a particular matter, and then ultimately the chief coroner might take that over or often does take that over, depending on the complexity of the case.

Right now, the way the act is written — and remembering that the word “stenographer” is in it — a community coroner who starts an investigation must complete that process, but this is to provide for circumstances in which their work can be transferred to the chief coroner to continue it, and the authority is there for them to stop an investigation — for an individual to stop.

There might also be circumstances in which, for instance, a coroner's investigation would stop temporarily or otherwise, remembering that there is authority in here for her to start it again and to continue or complete an investigation that has not been completed. For instance, the RCMP could take over for the purposes of an investigation of a criminal matter or something to that effect. Section 22(1) allows the chief coroner to stop an investigation by an investigating coroner only, and the process occurs under the current act, but there is no authority in the current act to do that, but it reflects the coroner's current practice.

I can also make reference again back to section 5(g), which indicates that the coroner has the power to “establish policies governing when the chief coroner may assume jurisdiction of particular investigations or may direct investigating coroners to investigate particular deaths...”

It is really about codifying the authority and practice that has been adopted in other jurisdictions and giving the coroner specific authority to deal with the matters that regularly come before them and to avoid unnecessary challenges and things to that effect where somebody might say that the chief coroner has no authority to stop an investigation. Clearly she does here, but more importantly, she has the authority to start one again or to do one where there has been no notification and other things we have been speaking about today.

Ms. Hanson: I appreciate the minister clarifying, because I had highlighted section 5(g) there with a question so she clarified where that links to — to section 22(1).

I have one last question, as the minister made the reference to the dated nature of the old legislation. I guess I question whether or not those types of dated financial references are also contained in the offences, because I find the offences either for failure to report a death is \$500, and then if you disturb a scene it is \$1,000. I'm just curious as to the modest nature of the fines that are intended to be imposed — fines not exceeding \$500 or \$1,000, or on the final one of imprisonment up to six months. Is there a reason why the fines are so modest in this new legislation?

Hon. Ms. McPhee: It is not very often that I get to answer a question in this House about why things cost so little. I am perfectly happy to make reference to that.

The fines set in this section are not intended to be punitive. I appreciate that they are considered modest in nature. They are in line with other similar types of fines under the *Summary Convictions Act*. The decision was made to do that with respect to these fines so that they would not be out of line with other situations of similar offences against territorial legislation. It is certainly something that can be reviewed, but for the purposes of outlining a proper offence requiring a penalty of some kind — but not necessarily a punitive one — that decision was made.

Seeing the time, Mr. Chair, I move that you report progress.

Chair: It has been moved by Ms. McPhee that the Chair report progress.

Motion agreed to

Hon. Ms. McPhee: I move that 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. 27, entitled *Coroners Act*, and directed me to report progress.

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

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

Hon. Ms. McPhee: Seeing the time, I move that the House do now adjourn.

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

Motion agreed to

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

The House adjourned at 5:27 p.m.

The following legislative return was tabled October 29, 2018:

34-2-159

Response to matter outstanding from discussion with Mr. Hassard related to general debate on Bill No. 207, *Second Appropriation Act, 2018-19* — Appendo Learning Systems for Be A Responsible Server (Streicker)

Written notice was given of the following motions October 29, 2018:

Motion No. 355

Re: Golden Horn Elementary School capacity issues (Kent)

Motion No. 356

Re: patient wait times (McLeod)

Motion No. 357

Re: Grizzly Valley subdivision school bus service (Cathers)

Written notice was given of the following motion for the production of papers October 29, 2018:

Motion for the Production of Papers No. 13

Re: Yukon Hospital Corporation funding proposal (McLeod)