



# Yukon Legislative Assembly

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## HANSARD

Monday, November 5, 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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NAME	CONSTITUENCY	PORTFOLIO
<b>Hon. Sandy Silver</b>	Klondike	Premier Minister of the Executive Council Office; Finance
<b>Hon. Ranj Pillai</b>	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
<b>Hon. Tracy-Anne McPhee</b>	Riverdale South	Government House Leader Minister of Education; Justice
<b>Hon. John Streicker</b>	Mount Lorne-Southern Lakes	Minister of Community Services; Minister responsible for the French Language Services Directorate; Yukon Liquor Corporation and the Yukon Lottery Commission
<b>Hon. Pauline Frost</b>	Vuntut Gwitchin	Minister of Health and Social Services; Environment; Minister responsible for the Yukon Housing Corporation
<b>Hon. Richard Mostyn</b>	Whitehorse West	Minister of Highways and Public Works; the Public Service Commission
<b>Hon. Jeanie Dendys</b>	Mountainview	Minister of Tourism and Culture; Minister responsible for the Workers' Compensation Health and Safety Board; Women's Directorate

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<b>Paolo Gallina</b>	Porter Creek Centre
<b>Don Hutton</b>	Mayo-Tatchun

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<b>Brad Cathers</b>	Lake Laberge	<b>Patti McLeod</b>	Watson Lake
<b>Wade Istchenko</b>	Kluane	<b>Geraldine Van Bibber</b>	Porter Creek North

### THIRD PARTY

#### New Democratic Party

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

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**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Monday, November 5, 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. McPhee:** I hope that my colleagues will all help us welcome a number of visitors here today in the gallery, many of whom are here for the tribute to the music, art and drama program. We have with us Mary Sloan, Jeff Nordlund, Carolyn Westberg, David Canary and Brian Fidler, all current and former instructors at the school. We also have with us some former students: Elizabeth Hall; David Sutton; Betty Sutton, the mother of a former student; Jessica Hall; and Emily Farrell. We also have with us Dave Sloan, Anne Daub and Shaun Kitchen. We have — very welcome here today — the current MAD class: Aaron, Makiah, Arden, Florence, Chris, Liam, Rémie, Arlene, Angel, Rory, Layla, Selena, Alia, Cadence, Riley, Marina, Maeve, Gabe, Ella, Caius, Anais, Ella, Luna, Kaylee, Jason, Louve and Aliyah.

Thank you all for being here.

*Applause*

**Hon. Mr. Pillai:** Mr. Speaker, it's a little bit out of step with our normal procedure, but I just want to recognize a couple of individuals who will be here. I think they're probably on the other side of the door there, but they will be coming to see us: Scott and Jackie Dickson, whom we will have a tribute to in a little bit — as well as Matt Ball and Rod Jacob, both from Energy, Mines and Resources. They will hopefully be with us in the next couple of minutes.

*Applause*

**Hon. Mr. Streicker:** Brian Fidler was just welcomed into this Legislature, but I thought I should acknowledge that last summer he was chosen as Yukon's representative as part of Canada 150 to take his infamous theatre in the bush as part of Ramshackle Theatre to Gatineau. It was a very successful production. I had the privilege of getting to see it, and I just think it's quite an accomplishment. I wonder if we can just say thank you and welcome.

*Applause*

**Ms. Hanson:** I just want to ask my colleagues to join me in welcoming Steve Geick and Paul Johnston from the YEU and some of their colleagues.

*Applause*

**Speaker:** Tributes.

## TRIBUTES

### In recognition of 25<sup>th</sup> anniversary of the music, art and drama program

**Hon. Ms. McPhee:** I rise today on behalf to the Yukon Liberal government to pay tribute to the 25<sup>th</sup> anniversary of the music, art and drama program. For a quarter of a century, this program that we know as “MAD” has given Yukon's aspiring young artists a place to hone their craft as part of their high school career.

Mr. Speaker, I am quite mindful of the fact that perhaps I should be dramatic today in front of all of these students who are such great performers, but I will do my best to keep it on track.

MAD is a very demanding program. Each semester, students and staff put on three shows, and great shows they are. Students get a solid foundation in all aspects of theater production, including acting, stagecraft, music, dance and playwriting fundamentals. They develop skills in self-expression, self-direction, creativity, cooperation, adaptability and conflict resolution. These skills are invaluable and are a way of the future of education — not just here in the Yukon but everywhere. Our redesigned curriculum encourages student-centred hands-on learning, and this is something that MAD has been teaching successfully for 25 years.

MAD is just one of the many programs offered at the Wood Street Centre School and all of these programs focus on student-centred hands-on learning opportunities. The personalized and flexible learning approaches offered at Wood Street Centre School are in line with the interests, needs and aspirations of Yukon students.

As I noted, this style of education delivery is the way of the future and we look forward to continuing to deliver these experiential programs for years to come. Wood Street Centre School's programs are extremely popular and let students expand their experiences. From its beginning at the Yukon Arts Centre in 1992 to its home at the Wood Street Centre, the program's legacy can be seen all around us. Former MAD students have gone on to become dance teachers, actors, musicians, art administrators and filmmakers — to name but a few. One of the program's current teachers, Carolyn Westberg, is even an alumna of the program.

For the last number of weeks, MAD students were very busy with their final preparations for one of their biggest productions of the year, the Halloween haunted house. The students did such a great job to spook our community.

MAD would not exist without the support and contributions of countless educators and arts community members over the years. MAD was founded by teachers Ross Peterson and Jeff Nordlund. They were quickly joined by Mary Sloan, who taught MAD for 16 years. Dale Cooper was a long-time dance teacher and was very involved in MAD's beginnings. Today, teachers Carolyn Westberg and Dave Canary continue to deliver this exemplary Yukon program.

The launch of MAD in 1992 was possible thanks to James Boyles, the Yukon Arts Centre executive director, who has since passed away; the superintendent at the time, Fred Smith; Principal Gary Nohr; and the Yukon Arts Centre technical director, Rodger Lantz. This is a wonderful opportunity to also thank the educators and artists from our community who have helped to teach students through the years.

At the heart of the program are the students who give their all to their art. I have had the pleasure of knowing some past students of the MAD program, and they are wonderful people who still talk about their fantastic experiences in the MAD program. It truly shapes students.

To the students who have participated in this demanding program over 25 years, we love watching you grow as performers and artists. Our community is better for it.

For a quarter of a century, MAD has been sowing the seeds of Yukon's theatre and performance arts scene. We look forward to enjoying MAD performances and watching our young people find their talent for many more years to come.

*Applause*

**Mr. Istchenko:** I rise on behalf of the Yukon Party Official Opposition to pay tribute to the music, art and drama program as it celebrates its 25<sup>th</sup> anniversary in the Yukon. This is one of those programs in school where acting up in class is probably encouraged. For two and a half decades, MAD has gained in popularity both with high school students and with the public, who eagerly look forward to the very dedicated students of MAD bringing talent and creativity to the stage. Students who have participated in MAD over the years have been provided with solid fundamentals in so many areas, including acting, singing, dancing and stagecraft. Many go on to further their careers in one of these areas, and MAD has proven to provide the skills needed for students to enter a variety of university programs and jobs in theatre and production.

MAD for grades 9 and 10 is held during the fall semester. During their time in the program, students are involved in the fundamentals that I mentioned and also receive credits for both English and social studies. MAD for grades 11 and 12 is held in the spring semester, and not only do they have a chance to build on those skills of drama, acting, music, dance, playwriting and stagecraft, but they are able to complete their English, socials, career and personal planning, acting and other fine arts, and applied skill credits.

MAD is available to students in all Yukon schools, and I see one student from the school where I am an alumni — St. Elias Community School. Good to see you in here, Jay. On that note, his brother and sister also went to MAD over the years too.

As the father of a MAD student, I have seen first-hand all that the program has to offer. I would encourage any student with just a little inclination to perform, or even if you don't like to perform — guess what? They will teach you. Look into MAD and see what it can offer you. Even if you don't have a child in the program, one other thing that I can tell you first-

hand is that the performances are wonderful. It doesn't matter which MAD class it is — usually every single class makes the front page of our local paper, so you're doing a great job. It is worth checking out because MAD fundraises through ticket sales and your support helps to keep the program alive and helps to create further opportunities for students.

Thanks to all the MAD teachers, organizers, students and volunteers, past and present, for your dedication to music, arts and drama in our community.

*Applause*

**Ms. White:** It is an absolute pleasure to rise on behalf of the Yukon NDP caucus to celebrate the 25<sup>th</sup> anniversary of the music, art and drama program. As it says on the website, MAD is an experiential learning program where students are immersed in all areas of the performance arts: music, drama, dance, stagecraft, theatre tech and video. But, Mr. Speaker, MAD is so much more than that.

It's crazy to look back at a school program that I did nearly 24 years ago and see it as a turning point, but that is exactly what it was for me and what it has been, and will continue to be, for others. I think I was in the 1994 intake when MAD was still run out of the Yukon Arts Centre. Ross Peterson, Jeff Nordlund and Mary Sloan were the teachers on the ground. Looking back, I now know that they must have been trying to figure out what works. To see it 25 years in, you know that the program is a finely tuned machine. You might ask yourself how a program with zero course planning works, and I can tell you that every MAD student will tell you that it works like a hot damn.

The curriculum was student-led. We decided what we wanted to learn, and the teachers facilitated. We did a lot in that semester, but our final project was massive. We wrote, directed, costumed, scored, built sets, stage-crewed and peopled the stage, for a full-length play: the *Epic of Troy: Love, Lust in a Wooden Horse*.

We had never worked so hard, missed so little school or been more involved in education than during that semester. I know this still rings true for current students.

I asked Mary Sloan if she was aware of what alumni were doing now and, oh my, the list is colourful, beautiful and so incredibly long that I wouldn't be able to capture each individual, but there are professional actors, choreographers, dancers, set and costume designers, technical directors, teachers, recording artists, thespians, doctors, scientists, videographers, documentary filmmakers — and we even have an archaeologist — and the list goes on.

I know for myself that being part of the MAD family was the first time that I had found my community — people with similar and complementary interests all working together toward common goals. I asked others what they thought and it's pretty incredible what they said. These are some examples: "Life changing." "For the first time in my young life I found acceptance and belonging amid a group of peers. MAD helped me to find my voice and to use it. I owe so much of my growth to that experience." "MAD made me realize that being a creative person is alright. MAD opened up

opportunities that I would never have explored otherwise. I also felt special and good about being different and not part of the regular school system.” “I saw so many people, myself included, blossom and embrace things about themselves that they didn’t know should be celebrated, hadn’t seen celebrated elsewhere. When you live in a smaller town, you don’t get a lot of exposure to more ‘metropolitan’ arts and culture. It opened our eyes to a whole other world.” “Thank goodness for MAD.” “MAD came to me at a time when I needed it most. I thought, at first, that it was just a way to indulge in something that I enjoyed..., but it turned into a valuable life lesson about work ethic and team work, all while validating my own abilities, therefore increasing my sense of self-worth. It was life changing.” “... I can hardly express what being part of MAD meant to me. To be a teacher who was able to work in a program that encouraged students to be authentic and to create work that was experienced by the community outside of school, and, mostly, to see these young people blossom and express their thoughts, ideas and talents, was the ultimate a teacher could ask for. It was a ton of work, and it was a huge challenge, but it always gave me that feeling that the kids were really doing something that made a difference.”

Mr. Speaker, all past, present and future MAD students thank those who knew that, given the chance and space, creative kids would use all of their experiences and grow to be thoughtful, hard-working and exceptional adults.

*Applause*

### In recognition of 2018 Yukon Farmer of the Year

**Hon. Mr. Pillai:** As promised, Scott, Jackie, Matt and Rod are here with us.

Mr. Speaker, each year, the Yukon government’s Agriculture branch recognizes a farm family, farmer or a farm advocate who has made an outstanding contribution to Yukon.

Recipients are nominated by their peers for their commitment to and passion for local farming. Today I rise to pay tribute to the 2018 Yukon Farmers of the Year Scott and Jackie Dickson, who operate the Takhini River Ranch. Scott and Jackie have been farming for over 10 years at their ranch on the Takhini River road north of Whitehorse. They raise laying hens, meat birds, hogs, sheep and cattle.

This farm couple has shown a talent for making things work and have been part of the momentum in supplying more local meats to Yukoners. In the words of their nominators, Scott and Jackie show unbelievable love, care and attention to their animals throughout their lives and it shows in the products that they produce.

They are both professional and kind and represent what I believe all Yukoners and Yukon farmers should represent: resourceful, hard-working, with a good dollop of perseverance.

Mr. Speaker, I just would like to add that when you talk about hard-working — and I know that my colleagues in the opposition are also going to speak to this — Jackie has been a huge contributor to the public service of the Yukon government, and Scott has worked in a number of different areas and has contributed lots to self-governing First Nations

and in the private sector. They both did that while building what they built on their property.

Amid all of their work, Jackie still takes time to teach as well through their riding lessons at home or at the riding arena. Scott recently completed his butcher’s certification with honours, which is another step toward their vision of an on-farm butcher shop.

Yukon’s farmers and ranchers told us of the love, care and attention Scott and Jackie show to livestock and their mixed cow- and-calf operation. They have built a viable operation based on hard work, resourcefulness and dedication to their neighbours and to their community. The growing Yukon agricultural industry is built on the passion, resourcefulness and care of farmers and ranchers such as Scott and Jackie.

Mr. Speaker, Jackie just shared some words at the agricultural banquet on Saturday night. I think they were eloquent words that she shared with us where she compared gold fever to what I will call “farm fever”. Certainly that is what they have. I think we see a lot of Yukoners who have that — people who are absolutely dedicated and who just want to work more on their properties.

We thank you for your dedication to the industry and to producing quality local food for Yukoners.

*Applause*

**Mr. Cathers:** I am pleased today to rise on behalf of the Yukon Party Official Opposition to pay tribute to the Yukon’s 2018 Farmer of the Year, Scott Dickson and Jackie McBride-Dickson of Takhini River Ranch. I am pleased to see them in the gallery here today — welcome. Scott is no stranger to the outdoor life. The grandson of Tom and Louise Dickson — he has been around outfitting and guiding his entire life. His father, Richard Dickson, owned and operated the Dickson hunting outfit before selling it to Scott’s brother in 1989. Richard raised his kids to help with the outfit, and this is where Scott gained many of the skills required to run a successful ranch day to day. Scott and Jackie met in 1994. Together they built a business around trail riding, guided horseback trips and horse camps. They share a love of horses and bred quarter horses and paints, which would serve to be a foundation of their business.

Today, Takhini River Ranch has grown in its scope, and Scott and Jackie dedicate their time to its success. Located by the Takhini River, the ranch is a producer of beef, pork, poultry and hay. In addition to their hayfields and livestock, they are adding a butcher shop to their operation, which I believe I heard them say is almost complete.

They also raise quarter horses, with Jackie being a Canadian Equestrian Federation certified coach and a western and English instructor with certification in equine studies. As the minister noted, Jackie also, for many years, contributed to the public service as well as assisted other Yukoners in exploring and growing their love of horses through riding lessons.

I would like to thank Scott and Jackie as well for hosting MLAs during the farm tour this past September, where MLAs

from all caucuses were able to see their operation first-hand and to look at their then-under-construction butcher shop. I hope that the insight into the industry that MLAs gained through the tour and hearing from Scott and Jackie will help everyone to see the importance of the Yukon's agriculture and agri-food sector, which is a major economic activity in my riding of Lake Laberge and is also a growing part of the Yukon's economy and a growing part of our food supply.

Congratulations to Scott and Jackie on being named this year's Farmer of the Year. This honour is well-deserved, and in her acceptance speech at the North of 60 Agriculture banquet on Saturday, Jackie delighted us all with her witty comparison of farming fever and gold fever as she read from an old list of supposed symptoms of gold fever.

Scott and Jackie, your farming fever may be infectious. The result of your hard work is not only a major contribution to the Yukon's agriculture sector, but an inspiration to other Yukon farmers.

Congratulations to you both and thank you for your contributions to the Yukon.

*Applause*

**Ms. White:** The Yukon NDP caucus would like to add our congratulations to Jackie and Scott Dickson on winning this year's Farmer of the Year Award. Just like the couple themselves, the Takhini River Ranch is a warm, welcoming and exciting place. Until you go out there for a visit yourself, it is really hard to understand just how magical the place really is. After listening to Jackie's acceptance speech, it is much easier to understand why. They were so gracious as they thanked every single person who had helped them to get to where they are. They talked about the future that they dream of and, Mr. Speaker, we can't wait to see what the future holds for the Takhini River Ranch and farming in the Yukon.

Congratulations and thank you for your enthusiasm and dedication to farming in the Yukon.

*Applause*

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

### TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Mostyn:** I have for tabling the *Yukon Public Service Labour Relations Board Annual Report 2017-2018*, pursuant to section 101 of the *Public Service Labour Relations Act*.

I also have for tabling the *Yukon Teachers Labour Relations Board Annual Report 2017-2018* pursuant to the section 103 of the *Education Labour Relations Act*.

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

THAT this House urges the Yukon government to oppose the federal Liberal government's plan to allow Statistics Canada to access the personal financial information of 500,000 Canadians without their consent.

**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: Department of Education budget concerns and whistle-blower protection

**Mr. Hassard:** Mr. Speaker, at the end of last week, we saw the CBC report on a leaked e-mail where a concerned Government of Yukon employee indicated that the Liberals' search for cuts in all government departments includes the Department of Education. The whistle-blower said that the government is telling departments to reduce spending. It says — and I quote: "The Department of Education is not immune to this, and Wood Street Centre and its programming are also being scrutinized."

In response, the Liberal Cabinet sent out a statement indicating that they were going to hunt down the whistle-blower. Under the Liberal government, we have seen whistle-blowers sought out, targeted or fired in the past, so we are concerned to see the political office indicate that they are trying to track down a whistle-blower again.

Will the Liberal government commit to end their witch-hunt and not punish any individuals for raising the concern that the Liberals have asked the Department of Education to find cuts?

**Hon. Mr. Mostyn:** I thank the member opposite for the question. It is very important that I communicate to Yukoners that we are not at all concerned about the release of information in this government. We actually encourage all employees to bring forward issues or ideas for how we can improve services for Yukoners. In most Yukon government workplaces, there is trust between employees and supervisors. We continuously receive feedback that informs changes to make our programs and workplaces better. If an employee of a public entity believes a serious wrongdoing has been committed or is about to be committed they can seek advice or make disclosure of wrongdoing under the *Public Interest Disclosure of Wrongdoing Act*, and be protected from reprisals for doing so.

We had a long talk about this in the former session, and I cannot make this case strongly enough. We foster communication in this government. We encourage people to communicate and we want to know what is happening out there. We were perplexed and there was a lot of incredulity on Friday morning when we heard the news reports suggesting that we were going to close the Wood Street Centre School. I'll get back to this on supplementary questions.

**Mr. Hassard:** The Liberals have directed all departments, including Education, to find cuts. They are also giving the Premier a raise, and the whistle-blower has concerns over this. The Liberal political offices issued a statement on Friday indicating that they are seeking out the whistle-blower. We have seen what happens to whistle-blowers under the government, and it isn't good. They have legitimately created a culture of fear from within. In the public service, people are worried about with whom they are seen going out to coffee. Will the Liberal government commit to end this witch-hunt and commit to not punish any individual for raising concerns about the Liberals asking the Department of Education to find cuts?

**Hon. Mr. Mostyn:** This has nothing to do with whistle-blowing. Whistle-blowing involves wrongdoing; there has been no wrongdoing here. We're not at all concerned about this. We were incredulous when we heard that there was some move afoot to do something with the MAD program. We were perplexed. It was never our intention, on this side of the House, to have any program cuts — certainly not at the Wood Street annex or anywhere else for that matter. When we heard information about this, we were perplexed, and we were seeking: Where did this information come from? We had no idea, so we were verifying the information.

I personally — and I don't think anybody on this side of the House — cares where the information came from. We just wanted to know what the information contained. We had no idea, so we were doing that, but in the end, we really had no interest in finding out who or whatever. Again, it comes down to verifying the information, because we want to make sure that we're giving the right information out of this government. We want to make sure the information is correct. When we hear things in the media, we want to find out if somehow some poor information has come out of the government that went before the public. We wanted to make sure that wasn't happening.

We have learned that is not the case. The bottom line to the government side is that we are not making any cuts to the Wood Street program, and that is good news for all Yukoners.

**Mr. Hassard:** So once again we see that when the facts don't align with their narrative, the Liberals claim it is fake news and try to rewrite history. It was a very simple question, Mr. Speaker, and it is unfortunate that we are not getting much of an answer. I will try it again. Will the Liberals commit to ending the witch-hunt for this whistle-blower? Will they commit to not punish any individual for raising concerns about budget cuts at Education?

**Hon. Ms. McPhee:** I hope Yukoners heard me earlier this morning on the public media talking about how misinformation causes anxiety unnecessarily and how contributing to that misinformation is, in fact, irresponsible. The "witch-hunt" is the members of the opposition's word; "whistle-blower" is their word.

Mr. Speaker, this was an e-mail that came to parents and alumni encouraging them to do a survey. It inappropriately, or perhaps mistakenly, unfortunately contained inaccurate information about it being linked to some potential reduction

in budgets. That is not, in fact, the case. It is simply not happening and unfortunately that e-mail was of concern.

The comments with respect to whatever was said on Friday, I can assure the members of the public that what the note said was that we were looking to see where the e-mail came from so that we could make sure that person — as well as all members of the staff, all members of the public and the school communities — had accurate information about the Wood Street programs.

#### **Question re: Budget estimates and spending**

**Mr. Cathers:** In his first budget speech, the Premier claimed that his budget forecast would be more accurate than previous budgets. Last week, the Public Accounts proved that this was another one of his empty promises. His budget for 2017-18 projected spending \$516 million on personnel; however, government spent a whopping \$16.6 million less on personnel than he said it would. We are glad the Liberal government didn't spend as much of the taxpayers' money as the Premier said in his budget speech, but it is our job to question his budgeting choices, including why he would overbudget this item by \$16.6 million.

Since it was one of the most notable changes in the actual spending, can the Premier tell us why he didn't even mention it in his press release last week? Was he hoping Yukoners wouldn't notice?

**Hon. Mr. Silver:** It gives me great pleasure to get up and speak about the Public Accounts here in the Legislative Assembly. As anticipated during the spring 2017 budget speech, the government's non-consolidated Public Accounts for the 2017-18 year showed a surplus on both a consolidated and non-consolidated basis. The non-consolidated surplus for the year was \$18.7 million, while the consolidated surplus was \$56 million. The actual surplus exceeded the amount budgeted in both cases.

At the end of the fiscal year, the non-consolidated net financial assets were \$37 million, and consolidated net financial assets were \$248 million. Again, we provided a briefing to the opposition on the Public Accounts, which is an unprecedented event — in my time in politics, anyway. Again, we have been getting these numbers out and always have a great opportunity to speak to the fact that, through efficiencies, we have been able to actually save money. The biggest thing that people should be noticing on the Public Accounts is that through a whole-of-government approach of trying to find better ways to spend Yukoners' money, we actually had done better by the Public Accounts than we had budgeted.

**Mr. Cathers:** When the Liberals took office, they tried to claim the finances of the territory weren't as good as they actually were. Now the Public Accounts prove the Liberals' spin on revenues and expenses by the Yukon government is absolutely wrong. For eight of the past 10 years, revenues exceeded expenses — they were higher than expenses. When this Premier took office, budget projections for future years changed dramatically, with a lot more red ink in his projections. We questioned whether he was deliberately

overestimating costs for future years to inflate deficits for political reasons. He vowed that his budget forecasts were more accurate than previous ones but government spent \$16.6 million less on personnel than the Premier said it would, which is probably a new record.

Will he admit now that his budgets were less accurate than he claimed and tell us how much the lapse in personnel is expected to be this fiscal year?

**Hon. Mr. Silver:** We have been speaking in the Legislative Assembly in the 20 or so hours of general debate about how forecasts come in and then the Public Accounts has an opportunity to tell from a federal perspective and a territorial perspective how much money was actually spent. We're proud of the fact that, compared to the forecasts, this government has done a better job with Yukon's expenditures. We're very proud of the supplementary budgets that are the lowest in modern history in the Yukon, making sure certainty goes out to the private sector as they plan their five years — and also other governments. We have done a good job of making sure those capital assets are up front and making sure that our supplementary budgets are exactly that, just supplementary.

The non-consolidated surplus of \$18.7 million is about \$12 million higher than the budgeted surplus of \$6.5 million, and the change in that surplus results primarily from higher than estimated revenues of \$1.1 million and lower than anticipated expenses of \$10.2 million and a variance of less than one percent. These are the stats that, of course, the members opposite glaze over as they take a look at the consolidated and non-consolidated expenditures.

During 2017-18, the non-consolidated net financial assets decreased. We are very proud of those decreases and I will continue on my third response to get into some more details of the budget.

**Mr. Cathers:** Unfortunately for the Premier, the Liberals' spin on government revenues and expenses has been disproven by the Public Accounts. Anyone can go to page 4 of the Public Accounts and see the truth. The Public Accounts are signed off by the Auditor General and they show this inconvenient truth. For eight of the past 10 years, revenues were higher than expenses. The facts as shown in the Public Accounts simply do not line up with the Premier's spin. We're left wondering the Premier actually read the Public Accounts before he tabled them.

Will the Premier now apologize to Yukoners for the Liberals' spin and admit that their talking points are proven wrong by the Public Accounts, or is he going to continue spinning his wheels on this issue?

**Hon. Mr. Silver:** What we're hearing here is the world against the Yukon Party. The Yukon Financial Advisory Panel was not my financial advisory panel; it was an independent financial advisory panel. If the member opposite thinks that his accounting is better than professionals on that particular — as he speaks off-mic and doesn't like the truth. I guess he only likes his convenient truth that he likes to perpetuate here in the Legislative Assembly.

Again, the Financial Advisory Panel identified the revenues and expenditures narrative. We have seen the member opposite use his convenient truth of trying to compare numbers to numbers that were oranges to apples in this Legislative Assembly. I think Yukoners are happy with the Office of the Auditor General's report.

They are happy that we are finding efficiencies here in the Yukon and happy that the Public Accounts have been audited by the Auditor General of Canada and have received an unmodified accounting opinion. We will let the good work of the Department of Finance and a whole-of-government approach when it comes to spending taxpayers' money speak for itself.

#### **Question re: Many Rivers Counselling and Support Services compliance with *Societies Act***

**Ms. Hanson:** As you may be aware, the workers at Many Rivers have been on strike since Friday. Many Rivers provides counselling and support services across the Yukon through its offices in Whitehorse, Watson Lake, Haines Junction and Dawson City.

The organization is separate from government, but it receives the vast majority of its budget from the Yukon government — over \$2 million this year alone. However, the government's corporate registry indicates that Many Rivers is currently in default, meaning that they have not met their obligations under the *Societies Act*.

Is the minister aware that an organization that receives over \$2 million in government funding is not complying with the *Societies Act*?

**Hon. Mr. Streicker:** I am sure the Minister of Health and Social Services will get up and talk about the department's relationship with health and social services.

If the question from the Leader of the Third Party is if I was aware that this group was in default of the *Societies Act*, my answer is no. I was not aware. I don't get a daily report about which societies are in default or not. I am sure that she is driving to other points. I am sure that we will be able to give those responses in a second.

**Ms. Hanson:** When an organization receives millions in government funding, there needs to be some accountability and transparency. Many Rivers' 2018 AGM was cancelled at the last minute this June. We have been told by people who attended the 2017 AGM that no financial statements were presented at that time. Membership forms to join the society have been removed from the website and individuals have seen the request to join Many Rivers society ignored. We have even heard rumours that a board meeting recently took place in Vancouver for a Yukon-based, non-profit organization.

This raises many questions, especially given that Yukon government provides over \$2 million a year to Many Rivers, which is nearly their entire annual budget.

Will the minister table the funding agreement that it has with Many Rivers in this Legislative Assembly?

**Hon. Ms. Frost:** With respect to the specifics of the funding agreement with Many Rivers, at this moment, I am not able to speak to the specifics of the agreement. What I can

say is that the department, as we advance with the relationship with Many Rivers — to ensure that we provide the services that Many Rivers generally provides to Yukon citizens with respect to counselling services and supports — are followed through on, knowing right now that Many Rivers is in a potential strike situation or they are in a strike situation. We are ensuring that we provide the necessary supports to all Yukon citizens. I am sure that we will have further discussions with Many Rivers — comprehensive discussions. That will then form a broader comprehensive review as well as the services that are delivered to Yukoners.

**Ms. Hanson:** I am not talking about a strike.

Mr. Speaker, sports teams and other non-profits are required to comply with the *Societies Act* to get a few thousand dollars in government funding. It is concerning when an organization funded to the tune of over \$2 million by government isn't in compliance with the same act, but like any other society receiving money from government, there should be an expectation of accountability and transparency.

Mr. Speaker, this government is providing the vast majority of Many Rivers' funding, yet the organization is not complying with the *Societies Act*. Will the minister tell Yukoners if the government has taken steps to ensure that Many Rivers complies with the *Societies Act*?

**Hon. Mr. Streicker:** Mr. Speaker, we want all of our societies to be compliant. It's not about one or the other.

I'm sorry, Mr. Speaker, but when members opposite raise some concerns — maybe even allegations — as I stood and answered my first question — I'm not aware of what those concerns are, so I would need the time to ask the department to speak with the registrar, who has the duty and responsibility to make sure that these things are being kept up. While I respect that those concerns are there, I haven't known the registrar to not do her work diligently in the past. I will take the time to go back and make sure.

While I'm up, I think that our societies do a tremendous service to the territory, and I think the work that they do is great. I'm happy that we support many societies across the territory in support of that work. We always want to make sure that the money is going to groups that are compliant and are working effectively for Yukoners.

### Question re: Energy supply and demand

**Ms. Hanson:** For the second year in a row, Yukon Energy Corporation will need to rent diesel generators. The estimated cost is over \$1.5 million. Last winter, Yukon Energy Corporation leased four diesel units for emergency backup. This year it is six units — this on top of a new LNG unit that has been installed to increase LNG energy production. When first introduced by Yukon Energy Corporation, LNG generators were presented as an emergency backup for the foreseeable future. What happened?

Yukoners have had to rely on fossil fuels every month for the last year, including every day of the last week. Our reliance on fossil fuels is going up despite the government talking points on climate change. Mr. Speaker, where exactly

does this increase in fossil fuels fit into this government's climate change plans?

**Hon. Mr. Pillai:** Mr. Speaker, I will speak to the responsibility in the portfolio, at least over the last two years that I have been in the role, not previous to that — what was the catalyst for the LNG infrastructure. I think that we are really parsing words. When we talk about putting IPP legislation in place over this calendar year — making sure that we work with a number of different groups to have renewable energy — there is sincerity. The teams are working on it. Even today with our YDC team, they are continuing to work on that.

When you're dealing with immense water levels fluctuating in both the Mayo area and in Aishihik and you start to take into consideration where snow loads are in both of those areas and you have less of a backup, then you have to move to it. I don't think anybody in the Legislative Assembly is happy about that fact. We have looked at — as has been publicly stated — the increase in use of thermal and going from that 98 percent down to around 96 percent now. The conversation continues to look at how we make sure we have short-term and long-term renewables and maybe also some microhydro, which Yukon Energy Corporation continues to look at — but we are still going to make sure that Yukoners are safe and warm.

That why, with an N-1 scenario, you make sure that you have backup. That is what those sea cans are for. I will wait for the next two questions.

**Ms. Hanson:** The corporation has announced the addition of a third permanent LNG generator this fall in addition to the two it installed in Whitehorse in 2015. They are needed due to low water levels in Aishihik Lake. The corporation would have preferred to have leased LNG generators, but it was unable to. After spending over \$48 million for an LNG plant that was to be used for emergency backup, we now have a third LNG generator and six rented backup diesel generators, and the amount of fossil fuel Yukon Energy is burning to generate power has more than quadrupled in the last three years — all to keep the lights on. When will this government invest as much money in new renewable energy as it is investing in fossil fuel infrastructure?

**Hon. Mr. Pillai:** I think that most of what the Leader of the Third Party reviewed is — it is all accurate information in the sense of where we are going.

Mr. Speaker, it is not just like flipping a light switch — excuse the pun — to turn from having infrastructure in place that is renewable or not renewable. What we have seen over the history of, I believe, renewable energy production in the Yukon is that — when you look at hydro, which takes a long time, we saw an exercise that was performed over the last number of years. There was a partnership that was looked for — the previous government searched for a partnership. There were no willing partners at that time, although there were some options for potential hydro. There are some smaller projects that Yukon Energy Corporation is going to continue

to look at. That is going to be sort of a mid-term plan on how you can come up with hydro production.

When it comes to the last question: When do we look at having an investment in renewable energy to the same extent as, I guess, the previous government did on LNG? Well, the biggest question is — when you have the battery technology that can work within our grid system. I think we would all be behind that, but that is a key indicator. We are looking for the innovation there, and when we have it, we can make those investments.

**Ms. Hanson:** We know that First Nation governments, municipalities and Yukon citizens are all working hard to do their part to reduce greenhouse gases. They are investing in solar power, biomass, wind power, retrofits to older buildings and planning and building SuperGreen buildings. Just like its predecessor, this government throws in a few dollars and shows up at the ribbon-cutting ceremony, but they are not leading the way when it comes to new renewable energy. Instead, we are seeing the increased dependence on diesel generators and more money going into fossil fuel infrastructure.

How can this government pretend to be a climate leader when they have overseen such an increase in fossil fuel consumption?

**Hon. Mr. Pillai:** The tone of the question — although I agree and support the passion that is in place — is spun in a very big political web. If you go through either from north to south on this one and you talk about the First Nation governments or the partnerships that are happening in communities — whether it is Watson Lake, Teslin, Na Cho Nyäk Dun, Champagne and Aishihik or any of those communities — they are doing those projects in partnership with the Yukon government, Yukon Energy Corporation.

I want to thank Dr. Michael Ross, who as our energy chair, helps to provide expertise. Everybody who is working on these projects in the Yukon is working on them in tandem. This is a team effort on these particular projects. It is not as though the entities that were listed do it in isolation. I think it is a disservice by the Leader of the Third Party to our Energy branch. I want to thank Shane Andre and their team for the good work and Shirley Abercrombie. I know there is a comment off-mic, but these are the people who get up, are passionate about it and are doing this hard work every day. So let's not take away from how they are helping our communities.

So yes, the Yukon government is working hard on this, and I think that it is a shot in the dark — but there won't be a shot in the dark because we have those backup sea cans that are here for us this winter.

#### **Question re: School capacity**

**Mr. Kent:** There has been much discussion in this House about the lack of a plan by the Minister of Education to address the overcrowding pressures at a number of Yukon schools. We aren't certain why she is not showing any urgency toward these issues, but we do know that she doesn't

think this is a terrible problem to have. For the families who are having their children wait-listed, it is a terrible problem.

With the school currently at 96-percent capacity, what is the minister doing to address the overcrowding at Holy Family Elementary School?

**Hon. Ms. McPhee:** I am afraid that I will sound a bit like a broken record, but I will need to take issue with the preamble to that question as simply not being true.

With respect to Whitehorse elementary schools, which are what we are talking about here, I can indicate that there are 11 elementary schools in Whitehorse. There has been no long-term planning to address enrolment pressures for almost the past 20 years. We are now, Mr. Speaker, doing that work because it is necessary. To be clear, Whitehorse elementary schools are at 79-percent capacity overall, which, of course, does not mean that some schools are not above that 79-percent capacity, but as of the end of September 2018, there are 700 available class spaces in Whitehorse elementary schools.

Enrolment numbers fluctuate widely over time as neighbourhoods and demographics change. Our job is to adapt in a way that makes sense for all of our schools in Whitehorse.

**Mr. Kent:** Of course, we all know that Whistle Bend is growing and the pressures that it is putting on Holy Family School and Jack Hulland Elementary School are only going to increase. We have heard from families at the Holy Family School who are worried about what next year is going to mean in terms of capacity at the school. As I mentioned, Holy Family School is at 96-percent capacity and Jack Hulland Elementary School is currently at 83-percent capacity.

Will it mean that students will be wait-listed? Will it mean that families will have to send their children to one of the minister's empty seats on the other side of the city? It is not clear, but what is clear is that the lack of leadership, urgency and plan from this Minister of Education is only making the problem worse.

Can the minister tell us what she is going to do before the beginning of the next school year to ensure the capacity issues at Holy Family School and Jack Hulland Elementary School do not get worse?

**Hon. Ms. McPhee:** The only person who doesn't think we have a plan is the former Minister of Education, and I am going to guess that is because they didn't have a plan. I can tell you that this department actually does have a plan, and they are working very diligently with respect to working with every school community to make sure — and by school community, I mean school councils, administrators of schools and school families — that the planning that hasn't been done for over 20 years to look at the future pressures of enrolment in Whitehorse schools is, in fact, being done.

We are working diligently to have short-term, mid-term and long-term solutions with respect to the schools that are reaching capacity. At this point, the plan must make sense for all Yukon communities. I guess it is important to remind folks that there are 700 empty spaces — not in every neighbourhood — overall in the elementary schools here in Whitehorse. I suggest to you that most Yukoners definitely would think that those school spaces are a significant number

as we work with each and every family to make sure that their wishes can be best respected, if possible, and if not, that their students are placed in a school that suits them going forward as we work with each student to focus on their education.

**Mr. Kent:** From that response, I take it that it does mean that families may have to send their children to a school on the other side of the city.

Earlier this Sitting, the Minister of Education said — and I quote: “Accuracy is important to me.” Yet we have seen that isn’t necessarily the case as she claimed to have only become aware of overcrowding issues causing children to be home-schooled on October 11 of this year.

As has been discussed, these issues have been raised with her numerous times, dating back to last December. Yukoners need her to show some more urgency on this file. As we have mentioned, pointing to a 10-year capital plan that is only in development is not going to help the children who are wait-listed today.

Is the minister able to tell us how much money will be invested this school year to expand capacity in our schools?

**Hon. Ms. McPhee:** I think it is critical to address this issue with respect to a long-term plan that will deal with schools and work with school communities in the short term, the medium term and the long term, because there is no one set of solutions to this problem that has been ignored for a ridiculously long period of time.

At any point in time, we are aware of what the enrolment pressures will be five years ahead because we look closely at the number of potential students — children who are born here in the territory each year. Of course, what we cannot predict is the growth of the economy, the growth of neighbourhoods and the growth of individuals moving with their children here to the territory.

That said, Whitehorse elementary schools are at 79-percent capacity. There are 700 empty spots as of September. I think Yukoners want us to make sure that we are doing the analysis necessary for future growth in our enrolment numbers to make sure that they are adapting and planning for a way that makes sense for all of our Yukon schools, noting that enrolment numbers fluctuate and neighbourhoods change. It is not an exact science, but it is certainly something we are working on every day with Yukon families and with our school communities.

**Speaker:** The time for Question Period has now elapsed.

We will now proceed to Orders of the Day.

## ORDERS OF THE DAY

**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):** Committee of the Whole will come to order.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

### Bill No. 23: *Lobbyists Registration Act*

**Chair:** The matter before the Committee is Bill No. 23, entitled *Lobbyists Registration Act*.

Is there any general debate?

**Hon. Mr. Silver:** I am pleased to speak today to Committee of the Whole on Bill No. 23 — what we like to call the “Michael Jordan act” — the *Lobbyists Registration Act*. I would like to welcome the public servants here from the department.

I just want to review a little bit. On November 1, I made a second reading speech about the *Lobbyists Registration Act*, which is the legislative framework that will be supporting the Yukon lobbyist registry. As a quick summary, we are aiming to improve transparency regarding who has access to decision-makers by requiring lobbyists to identify themselves. I would like to clarify this point for the Leader of the Third Party. Based upon her comments during second reading of this bill, there was a concern as to whether the proposed act would include a proactive requirement to register. We did speak off-mic about this, but just for Hansard’s sake and for the transparency here in the Legislative Assembly, I can commit that the bill is explicit on this point. Registration will be mandatory for those who meet the criteria set out in the act.

Our aim is that Yukoners are informed on who is communicating with government and on what topics. Lobbying is a legitimate part of the policy decision-making process, and we are not looking to prevent access to government officials. The act and the lobbyist registry it establishes will only pertain to lobbying activities directed toward Government of Yukon. This means that lobbying directed toward First Nation governments, municipalities or local advisory councils will be outside of the scope of the new lobbyist registry designed by the Government of Yukon.

On a related note, the Government of Yukon’s relationship with other governments will not be included within the scope of who needs to register. This means that employees, officials or other governments — including Yukon transboundary First Nations, local advisory councils and municipalities — will be excluded from needing to register when they are acting in their official capacity. Employees of the Council of Yukon First Nations — CYFN — and also the

Association of Yukon Communities — AYC — are excluded from needing to register in recognition of their roles in providing support to either First Nation governments, local governments or local advisory councils.

For the purpose of this new act, elected and unelected government officials will be considered public office-holders, which include employees of the Government of Yukon, departments and corporations, as well as members of the Legislative Assembly and their political staff.

Yukon's *Lobbyists Registration Act* will cover two types of lobbyists, as we reviewed in the second reading. Consultant lobbyists are self-employed or work for firms that lobby on behalf of their clients. The second type is in-house lobbyists who are lobbying on behalf of their businesses, organizations or employers.

Consultant lobbyists have to register regardless of what amount of lobbying they do, but the in-house lobbyists only have to register when they lobby for 20 hours or more in a year or in the collective hours of lobbying done by the organization or business totalling 20 hours or more in a year.

During public engagement, we received feedback to consider other criteria in terms of who needs to register as a lobbyist. Aside from focusing only on paid positions, there was concern that these positions may still wield a high degree of influence. In response to public feedback, we included positions that oversee or control operations of their business or organization as needing to register if they reach the lobbying threshold. These specific positions may not be paid — such as a board of directors, for example. We recognize that only focusing on paid lobbying creates a significant loophole for registration. Instead, we focused on positions that may have a significant influence on policy.

The bill proposes two types of lobbyists so that different reporting requirements can be established. We recognize that the capacity of a lobbying firm may be different from the capacity of a local NGO — non-government organization. Consultant lobbyists will have a maximum of 15 days to register when they start lobbying for a client. The reporting period for consultant lobbyists will follow the duration of their lobbying contract. They will submit a return at the start of their contract, provide an update every six months and submit a final return when the contract ends. The reporting period of in-house lobbyists follows a calendar year. They will submit a return when they reach 20 hours of lobbying for the year, followed by a return or update at the end of the calendar year. In-house lobbyists will have up to 60 days to submit their first return when they reach the threshold in a year.

I want to talk a bit about penalties, Mr. Chair. If an individual is convicted of not complying with the requirements in the act, they may be subject to a maximum fine of \$25,000 for a first offence and a maximum of \$100,000 for subsequent offences. These fines are consistent with other Canadian jurisdictions. A judge is not required to levy the maximum amount of the fine. The purpose of these fines is to deter large corporations that are well funded from intentionally not complying with lobbying legislation. The act also empowers the commissioner to ban an individual from

lobbying for up to two years if they are convicted of non-compliance with the act.

We are expanding the role of the Conflict of Interest Commissioner to oversee the lobbyist registry. We are committed to creating a lobbyist registry that promotes transparency, which is why we selected an independent officer of the Legislative Assembly to be that oversight body. In addition to overseeing the lobbyist registry, the act will give the commissioner the ability to educate the public and lobbyists, as well, regarding the rules associated with lobbying in the Yukon.

Mr. Chair, we were mindful, as we drafted this act, of our size and of our resources. We wanted to create a law that would promote transparency while also staying within our means. This is new for Yukon. It has never been done here before. We followed the lessons of other smaller jurisdictions in Canada and we incorporated public feedback to create an approach that could work for the Yukon.

With that being said, Mr. Chair, I will have a seat and open up the floor to the members of the opposition for questions on this bill.

**Mr. Hassard:** I appreciate the opportunity to ask some questions here in Committee of the Whole on Bill No. 23, and I would also like to thank the officials for being here today to help the Premier in his endeavours.

My first question would be: Would someone who is on contract with the Government of Yukon have to register their interactions under this new legislation?

**Hon. Mr. Silver:** I think that a lot of the conversation today is going to be around the difference between a lobbyist and an advocate and these types of things. It's a great opportunity to clarify. Again, we, the government, are not a client of the act. If we are not a client of the act, the simple answer to the question is no.

Again, we are looking to identify what a lobbyist is to begin with — consistent with the rest of Canada as far as that definition goes. Lobbying is when a person or an organization tries to influence the outcome of a government decision, and lobbyists do this by communicating with public officials or politicians — for example, by having meetings or by sending e-mails.

Specifically to the member's question in that particular example, the answer would be no.

**Mr. Hassard:** During the Spring Sitting, it was revealed that the Liberal government had directly awarded six contracts in 2017 valued at about \$160,000 to a lobbying firm, BlueSky Strategies. Since then, a number of contracts were directly awarded to the same firm in 2018. We never got a real clear answer from the government as to who from the Premier's office met with this southern lobbying firm to establish these contracts.

I'm curious, Mr. Chair: Would this information be captured and made public under this new legislation?

**Hon. Mr. Silver:** I guess, in a nutshell, as previous governments have done and as we do as well, if we are going to be working in Ottawa then there are times where there is going to be an opportunity for us to hire lobbyists for the

federal government. Under those confines, that's lobbying for the federal government. Those activities would not be part of this.

Now again, so as not to splice hairs, if an organization wants to influence decisions by this government, then, of course, that particular lobbyist would have to register — if their interactions with the government are to influence decisions being made here in the Yukon.

**Mr. Hassard:** Would the legislation as worded now allow a government to hire a lobbyist on contract and then the lobbyist would be exempt from registering under the act? I'm presuming that's what the Premier is saying, but just for clarification, Mr. Chair.

**Hon. Mr. Silver:** I assumed from my very specific answer that if we're working with an organization in Ottawa to help us with the federal government, well, there might be some kind of requirement on the federal government's side for that particular organization to register. Again, unless that organization was coming up here to lobby on behalf of a company or an organization — those types of things — and having meetings with me, the Leader of the Official Opposition or the Leader of the Third Party — that would be a different scenario.

Here is an example: If a consultant sends one e-mail to a deputy minister on behalf of a client to encourage several requirements of a permitting process to be changed, in that case, that particular person is a consultant lobbyist and would need to register, regardless of the time spent lobbying. Another example would be a sole proprietor who meets with a minister at a barbecue, and he or she is talking about their business and mentions that they are interested in more contracts with the government for services — that particular person's business offers — then, yes, that sole proprietor is an in-house lobbyist, but only needs to register if her lobbying reaches 20 hours or more in that calendar year. Again, these are specific examples here to answer maybe the more general question from the member opposite as far as a particular group who has, in the past, helped this party in Ottawa.

**Mr. Hassard:** I'm curious: Does the Premier feel that it is a loophole that a lobbying firm would not have to register if they have a contract with the government?

**Hon. Mr. Silver:** That is not a loophole. We're not responsible for federal legislation.

**Mr. Hassard:** Okay. I guess my last question would be, then: Would the Premier consider lobbying work that is being done for free — does it not have to be included in the registry?

**Hon. Mr. Silver:** I did identify this in my opening comments. Maybe the member opposite was getting ready for the grilling questions. Paid versus unpaid lobbying — I'll read it again — well, without reading it directly, it's not about whether you're paid or not, it's the activity. If it walks like a duck and if it talks like a duck, it's probably a duck. It's not about whether or not you're paid, it's more about what activities are being undertaken.

**Ms. Hanson:** The Premier just made reference in his opening remarks this afternoon to the fact that this act does not apply to municipal governments.

My question is: Does this act provide an opportunity for an opt-in for municipal governments and local governments and/or does the *Municipal Act* provide for the ability of municipal and/or local governments to adopt this legislation as if it was its own?

**Hon. Mr. Silver:** Our bill does not require lobbyists to disclose when they are lobbying for a municipal government — not the question from the member opposite — but just under the guise of municipalities. Lobbying registration among provinces does not typically include provisions that make it applicable to municipalities, with the exception of Quebec. It is the “only” that has that part to it.

When developing our legislation, we were very mindful that we know very little about lobbying in the Yukon because no one is tracking that right now, so we didn't know if the rules that we have created would be appropriate if applied to local governments in the Yukon other than the territorial government. For this reason, we considered the approaches taken in other similar-sized smaller provinces in Canada and followed their model in this regard.

Our legislation does not prevent municipalities in Yukon from developing their own rules for lobbying, but under that pretext, we weren't looking toward the lens of necessarily applying it for a municipality or for First Nation governments. That being said, there is nothing stopping municipalities or First Nation governments from adopting this particular legislation as they are taking a look moving forward themselves in that sense of transparency when it comes to who is talking to the decision-makers in municipal governments and First Nation governments.

**Ms. Hanson:** I appreciate that clarification and I would hope that other levels of government would look to this, again, as another example of maturing governance and the opportunity to provide that greater accountability and transparency.

One of the other questions I have is: I don't see anywhere in this legislation where there is any requirement for public office-holders to maintain any record or registry of meetings with lobbyists. There is an onus on the lobbyists to register, but not even a reference in terms of best practices with respect to public office-holders to keep a note to verify or to cross-reference the accuracy — there is sort of a trust piece here that we are assuming lobbyists will register.

Is there anywhere in the legislation where we can see any reference to the fact that it is encouraged by designated public office-holders to maintain their own records of meetings with lobbyists?

**Hon. Mr. Silver:** When it comes to public office-holders reporting and the requirements therein, the onus is on the lobbyist to disclose their activities. That's the basis of our legislation. The federal government does require public office-holders to file returns when they have met with lobbyists, but this is a much larger jurisdiction. We're following a model from smaller jurisdictions and smaller provinces. For this

particular part, we're following the model that we have seen in provinces like New Brunswick, for example. We wanted to find an approach that would work for Yukon and that wouldn't demand additional resources to implement getting this out the door.

This is new, and there is going to be some time from a hopeful assent here in the Legislative Assembly to actually implementing the legislation. We're planning on holding a public education campaign to coincide with the launch of the new registry to ensure that the public and the potential lobbyists understand these new requirements. The Leader of the Third Party made reference to this as well.

It's going to take some time to figure out from the NGO side of things — more so than the paid lobbyists — as far as what this looks like. Again, we baked right into this legislation a public education campaign so that people are well aware of the requirements and the comparisons between this legislation and legislation from other jurisdictions, but specifically when it comes to public office-holders, I do concur that, on a federal basis, the federal government does have that requirement, but being a smaller jurisdiction and with this being new to the north, we wanted to follow models that we see in other smaller jurisdictions.

**Ms. Hanson:** I would argue that just because we are smaller, it makes it a lot easier — and demonstrating best practices for Cabinet ministers, other public office-holders and designated public office-holders — to simply keep a record. Surely to goodness — people keep a running calendar of meetings that are held and with whom they are held. It's simply asking, as we talked about with the ATIPP legislation the other day, for the retention of public records for public purposes.

I'm not asking for an elaborate system. I'm simply saying: Would this minister not recommend to his colleagues and to designated office-holders that it would be a good practice to keep a record of meetings held with just about anybody, but particularly those who are engaged in lobbying?

**Hon. Mr. Silver:** This might be where we are going to agree to disagree. When you take a look at the limited resources and getting this thing off the ground, our perspective is that concept of smaller jurisdictions and taking a look at what they have done. These are more modern legislative pieces as well.

I believe Nova Scotia and New Brunswick have more modern legislation — so again, working from their perspective and baking into that a review — but this does put an onus as well on those public office-holders to then figure the difference between advocacy and lobbying and having to determine that. All meetings aren't necessarily lobbying, Mr. Chair.

With the definition of a "lobbyist" being a person or organization that is trying to influence the outcomes of a government decision, lobbyists are doing this by communicating with government officials. That is where we are focusing our attention. Again, there will be a public component to this where we will be seeking an education

campaign and looking to see if this is something of concern to those office-holders, and we will go from there.

On that, as well, from the federal government's perspective — when the federal government legislation came out, it did take some time afterward for that reporting requirement. So after having the lobbyist registration, I believe it was several years for that to become part of it as well. In our first year, we are going to keep it quite straightforward and simple in those classifications that we decided upon, trying our best to be more open and accountable, but at the same time have a conscientious approach when it comes to our limited resources here in the Yukon as well.

**Ms. Hanson:** Well, the first federal legislation came into effect in 1989, and I think it took almost 20 years before we started getting the onus on the designated office-holders to keep a record. My question would be: Why wouldn't we just simply say, "Good lesson". We want to be able to have some, if nothing else, plausible deniability. Somebody says, "I met with that minister and I was lobbying", and they say, "No, I didn't." Well, who do you believe? I want my ministers, my senior public servants and others who are going to be lobbied to have a clear record of who they did meet with on lobbying activities and not just rely upon — hopefully rely upon, because I will come to this in a second — the lobbyist to have registered. How long of a period of time are we anticipating before we anticipate having a fully functioning lobbying legislation in this territory?

**Hon. Mr. Silver:** In a nutshell, my response to the member opposite is that the intention is to improve transparency without necessarily making the process overly burdensome. Again, if we are taking lessons from a federal government, it is a federal government with much more resources than what we have here. We might have to agree to disagree, from the first initial stages of getting this out of the door, as far as whether or not what the Leader of the Third Party — whether it actually helps with transparency or actually just makes the process a little bit more burdensome. In the end, we are putting something out the door that hasn't happened before and which deals with all meetings and all communications being considered lobbying. Let me say that another way; we are starting with: Who are you communicating with? What is the purpose of your communication? Who are you? If you have not represented a client, how many hours have you spent lobbying?

Having these questions right off the bat and it being a new system is where we are starting from, and we believe that is a fundamental place to start. It's a lot; it's new; it's new to Yukoners. It might not be new to the paid lobbyists who have worked in other jurisdictions, but it is to our non-government organizations and others.

There is going to be a review within five years. We are not putting the reporting requirement onus on the public office-holders. It has been reported that the member opposite believes that we should. We will go out to the public as well in this educational campaign and we will see if there are more requests for that.

Again, from our perspective right now, we want to improve our transparency without making the process overly burdensome.

**Ms. Hanson:** A simple question: Does the minister opposite currently keep a record of all meetings and the subject matter of those meetings?

**Hon. Mr. Silver:** No, I don't, Mr. Chair. From time to time, depending upon who we are meeting with, we have agendas. Depending on whether the meeting is advocacy or if that meeting is lobbying — those are two different things — but this does ask the question of how important it is to get information out there as far as who is trying to influence the decisions that are being made. Currently, I do not keep track of every meeting that I have. We have had the previous government talk about getting rutabagas in the grocery store and whether or not that was considered a meeting or not. I am not there, but what we are doing is we are putting forth an act that is going to put the onus on those who are lobbying in these meetings to make sure that lobbying activity is being recorded.

**Ms. Hanson:** Will the public education campaign that the minister referred to include the notion that designated office-holders and public office-holders should retain a record of meetings with lobbyists as an option as part of the education campaign?

**Hon. Mr. Silver:** Part of that public engagement plan will be to get out to MLAs as well to ask them about what their good ideas and good practices are. I would put this under the category of a good suggestion from the member opposite, so, sure, the answer would be yes.

**Ms. Hanson:** I thank him for that response.

Does this act contain within it a code of conduct for lobbyists?

**Hon. Mr. Silver:** Most provinces do not have codes of conduct for lobbyists. Instead, they put ethical principles directly into their legislation, and that's exactly what we have done as well.

According to our bill, it is an offence to knowingly place a public office-holder in a position of real or potential conflict of interest while lobbying that public office-holder.

It is also an offence to knowingly submit a return that contains false or misleading information, and these principles are reflected in the federal code of conduct for lobbyists. We put these principles directly into the legislation to make sure that the rules are clear and easy to find. As far as a specific code of conduct, no, there isn't one, but we are following the lead of other provinces and making sure that these ethical principles are put directly into the pages of the legislation.

**Ms. Hanson:** I thank the minister opposite for that reply. Could he tell me which section those ethical principles are set out in?

**Hon. Mr. Silver:** I'll direct the member opposite's attention to part 5 of the legislation, section 23(1), which states, "Subject to subsection (2), an individual who submits or provides a return or other document that contains false or misleading information commits an offence." That is pretty self-explanatory.

The second piece here — and I quote again — this is subsection (2): "An individual does not commit an offence under subsection (1) if, at the time when the return or document was submitted or provided, the individual (a) did not know that the information was false or misleading; and (b) could not, with the exercise of reasonable diligence, have known that the information was false or misleading."

It is not an offence (a) if the individual did not know at the time that they were returning the submission that information was false, and then (b) also it is not an offence if he or she could have known — that is in that section. That is 23(1) and 23(2), but also, continuing on to conflict of interests on public office-holders, section 24 states: "An in-house lobbyist or consultant lobbyist, who, in the course of lobbying a public office holder, knowingly places the public office holder in a position of real or potential conflict of interests commits an offence." Again, it is an offence to knowingly place a public office-holder in a conflict-of-interest situation while lobbying.

**Ms. Hanson:** The federal code of ethics for lobbyists talks about conflict of interest and specifies three broad areas. In addition to what the member opposite referenced in quoting the sections of the legislation, they also talk about and specify — and I will just read it: "A lobbyist shall not propose or undertake any action that would place a public office holder in a real or apparent conflict of interest."

The first one is preferential access: "A lobbyist shall not arrange for another person a meeting with a public office holder when the lobbyist and public office holder share a relationship that could reasonably be seen to create a sense of obligation... A lobbyist shall not lobby a public office holder with whom they share a relationship that could reasonably be seen to create a sense of obligation." Going back to the nature of the territory and what the member opposite referenced earlier, it's a small territory and there is no six degrees of separation in this territory.

I am wondering how preferential access is dealt with in this legislation. The second part of that, in terms of these highlighted areas, is: "When a lobbyist undertakes political activities on behalf of a person which could reasonably be seen to create a sense of obligation, they may not lobby that person for a specified period if that person is or becomes a public office holder. If that person is an elected official, the lobbyist shall also not lobby staff in their Office(s)."

We're talking about political activities, preferential access and gifts. It is expressed in the legislation here: "To avoid the creation of a sense of obligation, a lobbyist shall not provide or promise a gift, favour, or other benefit to a public office holder, whom they are lobbying or will lobby, which the public office holder is not allowed to accept."

We know from other guidelines that exist that this includes everything from offerings of gifts, dinners, theatre — you name it. There are all sorts of things that are offered seemingly with good will, but often the underlying thing is that it is a gift with a purpose, which is, "I want to be with you to talk to you about this issue". It is a paid thing and it actually records as their expenses.

Are those kinds of conflicts of interest explicitly referenced in this legislation?

**Hon. Mr. Silver:** No, they are not, but we do have conflict-of-interest legislation that currently exists. When we talk about these concepts and about the sense of obligation — not necessarily in this legislation, but Yukon, as a government, has this conflict-of-interest legislation already there. If you find yourself in a situation — the member opposite is correct that Yukon is a small town. We wear many hats and sometimes have certain relationships with people who are either public office-holders or lobbyists. That obligation to declare a conflict of interest already exists here in the Yukon. I will draw members' attention to section 19(1) of the proposed legislation. The purpose here is to provide further clarification to the public and lobbyists on matters relating to lobbying and the lobbyist registry. This gives the commissioner the authority to educate the public, and I'll quote — it's section 19(1): "The commissioner may issue and publish advisory opinions and interpretation bulletins with respect to the enforcement, interpretation and application of this Act and the regulations."

The reason why I'm saying it at this point is that as we are moving into that public education aspect, clarification as to conflict of interest can be addressed through the public education, but also there is something built right in here for the commissioner to have that authority as well though that clarification system.

There is no written code specific to this legislation that, I guess, the member opposite is looking for, but conflict-of-interest legislation does already exist in the Yukon.

**Ms. Hanson:** That conflict of information that the minister opposite references has been repeatedly called upon by the Conflict of Interest Commissioner to be updated, as it is so out of date. Is there any intention, as well as doing a public education piece on the goals and objectives of lobbying legislation, to also bring forward new conflict-of interest guidelines and legislation?

**Hon. Mr. Silver:** As the member opposite knows, there is lots of antiquated legislation. It is an opportunity for this government — if we try our best to keep the budgetary considerations to the spring budget and use our supplementary budget time wisely — to be able to do more legislating — then we will have an opportunity to do so. Also, within the five-year review, there is an opportunity as well to highlight the specifics of the acts that we do have that would work hand in glove with this new legislation to identify deficiencies in our current legislation.

**Ms. Hanson:** Could the minister confirm for the House the timing for the establishment of the registry and the public education program?

**Hon. Mr. Silver:** The coming-into-force date is dependent upon the creation of the lobbyist registration itself and also that educational campaign to inform Yukoners of those new requirements. In that process, we have a whole-of-government approach here, working with Justice and other departments, to make sure that this happens as fulsomely as possible and in a timely manner. Without hedging any bets

here, we are looking at spring 2019. Again, it is hard to make that commitment, necessarily, without seeing how that public engagement time frame goes, but that is our trajectory right now.

**Ms. Hanson:** I don't think I have any more questions on the overall legislation. Probably when we go through it clause by clause, I will have some notes that will come out.

I also just want to thank the officials as well for their briefing and for working on this legislation, which, in fact, is very much needed. I am very pleased to see that it is before the House even though it is not quite what I would like to have. It's not quite there, but it's good.

**Mr. Kent:** I just have one quick question for the Premier. This isn't my primary critic role obviously, but I was looking through the legislation. Are school councils going to be captured as lobbyists or are they exempt? I don't see them in the exemption list here, and I know they are an elected body, so I'm just curious if they are captured in here or not.

**Hon. Mr. Silver:** Again, if a board is lobbying, then a board is lobbying. That's what it comes down to. It is the activity and not necessarily whether you are paid or whether you are not. They aren't mentioned specifically, but if any organization or any board comes to the government to advocate or to lobby for changes in policy or changes, then that activity could be considered that of a lobbyist.

I was going to answer the Leader of the Third Party's question. Sorry, I was going to make some comments. She has done her questions.

I think the crux of the conversation here is: Is this lobbying? That is the question. If a person is lobbying the government — whether it be a board or whether it be a paid lobbyist or those types of things — then registration may be required. It all depends on whether they are lobbying on behalf of a client, an organization or a business.

To answer the member opposite's question — the House Leader of the Yukon Party — again, it all depends on whether they are lobbying on behalf of a client or for their organization or for their business. Not all meetings and not all communications are considered lobbying, and not everyone who communicates with the government is a lobbyist.

I would imagine that most meetings between a school board and a department or a teacher wouldn't necessarily be considered lobbying. Who are you communicating with? Are you communicating with a public official, a public servant or a public office-holder? What is the purpose of that communication? Are you communicating with the intent of influencing the outcome of a government decision?

Who are you? Are you communicating on behalf of a client or for the purpose of your organization or your company? If you are not representing a client, how many hours have you spent lobbying? If you spent 20 hours or more lobbying the government on behalf of your organization or company, then in that case, you would have to register.

We have been asked a few times about our threshold on the 20 hours of lobbying in a year. That is low. That is low when considered in comparison with the rest of Canada. We are trying to strike a balance between capturing organizations

or businesses that are experienced at lobbying and do it frequently with organizations or businesses that may do very little lobbying — as per the example that the member opposite asked.

Again, those are the questions that you have to ask yourself when you are meeting with a public stakeholder. I will see if there are any more questions from the members opposite.

**Mr. Kent:** I'm just curious as to why school councils weren't considered to be exempt, given that they are elected bodies. The other elected bodies — the local advisory committees and, I think, municipalities and First Nation governments — were obviously considered to be exempt, so I'm curious why the government decided not to include school councils in that exemption list.

It's not just school councils, but it's also the francophone school board as well that would obviously be captured here, I think, as a lobbyist organization.

**Hon. Mr. Silver:** I would direct the member opposite's attention to — they're not necessarily listed, but five pages in, in the definitions section under what "organization" means — school councils and school boards haven't necessarily been listed specifically, but anybody who hires a lobbyist would have to be considered lobbying for those purposes.

If your organization means: (a) a business, trade industry, professional or voluntary group; (b) a trade union or labour organization; (c) a chamber of commerce or board of trade; and (d) a society, association, charitable organization, coalition or interest groups — all of those things go under the definition of "organization" under the act, which applies to the in-house lobbyist section of that act.

It would be — and I go back to this — that if it walks like a duck and if it talks like a duck — if you are lobbying, you need to register whether you're a board or any of these organizations under the definition of "organization" that is very specific in the act when talking about defining non-governmental organizations and businesses that are not corporations.

**Mr. Kent:** I'm curious. It sounds like the Premier, the minister, has said that school councils are considered lobbyists. They are elected; they're paid — it's not a huge amount of money. It's essentially a volunteer job for a lot of them. I'm just curious as to why the school council and the school board wouldn't have been considered. I know they're not a municipal government and they're not a First Nation government, but they are elected in most cases. We run school council elections.

I'm just curious why they weren't exempted as far as lobbying goes. We, as opposition members — and I'm sure as government members as well — meet with school councils on a regular basis in their ridings and talk to them about specific issues. A lot of the times, it probably would be considered some sort of lobbying, but we're adding an additional administrative burden to register as a lobbyist and to track meetings and issues for essentially a volunteer board of parents.

Again, I asked that question of why they wouldn't have been considered, although not equal to municipal governments or First Nation governments, along those same lines and exempted from this legislation.

**Hon. Mr. Silver:** I don't know if I was clear enough for the member opposite. As we take a look at the definition of "organization" when it comes to defining non-government organizations, I don't see in (a), (b), (c) or (d) any of these pertaining to a school council or school board. However, if a school board or a school council hired a lobbyist, well, then of course they would have to register. I want to be very specific to the members opposite.

Taking a look at the definition of "organization", this does not look to be an area where you would have to register. If that is not clear enough in the actual legislation, it could be something that we can work out in the regulations after the fact. Again, to my reading of this particular legislation — and we take a look at the definitions for "in-house lobbyist" and "consultant lobbyist" and we get to that part where we are talking about what an "organization" means — I don't see the school boards or school councils that the member opposite is talking about as being a business, a trade, an industry or a volunteer organization, so it wouldn't be (a); (b) a trade union or labour organization — no, that doesn't fit either; or (c) a chamber of commerce or board of trade — no, it doesn't fit that definition. Maybe it could be under (d) a society, but again, I wouldn't say so — or association — no, I wouldn't say that. To me, if it is not clear enough in the legislation, it definitely can be something that can be worked out in the regulations. Again, this is not a group that we are necessarily targeting. Would the member opposite want us to specifically mention them in the legislation? I think that the legislation is clear enough.

**Mr. Kent:** When I am looking at the legislation, I recognize where he was talking about that specific part. I am looking at part 2, section 4(1). I will read where it says: "This part does not apply to a person who is a member of any of the following classes of persons, when acting in their official capacity." It then mentions MLAs, Cabinet employees, caucus employees, members of the Senate, members of the House of Commons of Canada and their employees, employees within the meaning of the *Public Service Act*, employees of the Government of Canada or of the government of a province and members of councils of municipalities and of local advisory councils within the meaning of the *Municipal Act* and their officers and employees. It goes on to list members of First Nation governments and their employees, officers and employees of the Council of Yukon First Nations within the meaning of the *Cooperation in Governance Act* and of the Association of Yukon Communities within the meaning of the *Municipal Act* and of the Inuvialuit Regional Corporation. Subsection (j) is: diplomatic agents, consular officers and official representatives in Canada of a foreign government; (k) officials of specialized agencies of the UN in Canada or officials of any other international organization to whom privileges and immunities are granted under an act of Parliament; and subsection (l) is prescribed classes of persons.

I am wondering if the Premier would consider, during clause-by-clause debate, amending this part of the act to include members of school councils and the francophone school board — that they also be included in this part where the part does not apply so that again, as elected members, they are given the same consideration as other elected members are throughout this piece where this part does not apply.

**Hon. Mr. Silver:** I would respectfully say that, as opposed to looking at the section of the legislation that specifically talks about those who are exempt, we could take a look at Division 3, “In-House Lobbyists”, and the actual interpretation of what it means to be a lobbyist. By reading through section 11, the member opposite hopefully will concur that the school councils and the school boards do not qualify in those definitions of what it means to be an in-house lobbyist; therefore, there would be no need for us to amend the current legislation.

However, with that being said, I will direct the member opposite’s eyes — in that section that he was referring to, section 4 — to 4(1)(l) which says, “prescribed classes of persons”. This area here gives us the ability for additional positions to be identified through regulations. Already baked into the legislation is a compartment that allows us, through the regulation process, to identify anybody if there is a grey area considered.

Again, if you take a look at the “in-house lobbyist” and the definitions in there, I understand the member opposite’s concerns, but I believe that, through the definition of what is a “lobbyist”, we have already dealt with that in the legislation and also through our regulation portal, if you will. We have a section that allows for additional positions to be identified through the regulations.

**Chair:** Is there any further general debate?

**Hon. Mr. Silver:** I did want to go over a few other examples here. I do appreciate the conversation here on the floor of the Legislative Assembly. This is new to the Yukon, so there are going to be some questions on who is a lobbyist compared to who is advocating for their businesses or their non-profit organizations and those types of things.

I went through a consultant example. I went through a sole proprietor example. I want to go through a couple of other examples as well — for example, when it comes to volunteers. A volunteer board member from a small, non-government organization, for example — let’s say that somebody writes several letters to me as Premier or to the Leader of the Official Opposition indicating that a new law should be created. Other volunteers for the same organization — let’s say that they meet with MLAs for the same reasons. There are other volunteers who are running bake sales and lemonade stands, and they are not necessarily board members. In this particular case, the volunteer board member is an in-house lobbyist — for example, they are trying to direct people toward this, but the other volunteers are not captured by the definition of “in-house lobbyist” in this particular example, because they are not employees or senior officers and they do not control or oversee the operations-directing mind —

basically, for example — as set out in the definitions of the act.

Therefore, only the lobbying of the board member or of other board members counts toward that collective total — the total number of hours spent lobbying by the organization. If the board member lobbies or other board members lobby for 20 hours or more in the calendar year, then they will need to register.

We have had lots of conversations in the development of this legislation about that concept. We have so many non-government organizations and agencies in the Yukon. That is definitely going to be a big conversation at a lot of next meetings once this legislation starts getting underway, so we really encourage anybody who has these questions, as we get into the public engagement part, to have some questions up front about your organizations and about the work that you do, and ask yourself some questions based upon the legislation — how you, in-house, are going to keep track of these pieces.

I know in my experience working on boards of non-profit organizations or non-government organizations, that sometimes there is a lot of work being done that you may or may not know is happening with other members of your organization, so it is an opportunity now that we are moving forward with this open and transparent piece of the government to have those conversations at that level.

Another example, Mr. Chair, would be the executive director of an environmental group who uses Twitter or other social media to encourage the public to contact their MLA to vote down a bill. Is that lobbying? Well, the executive director in this case is an in-house lobbyist, and the method used is grassroots communication, which is lobbying. That person would need to register if they are lobbying or the collective lobbying of the organization — only if that reaches 20 hours.

Again, it is a collective effort for the in-house that we are looking for — those 20 hours. We are looking at other jurisdictions when we come up with those numbers, and I think it is really important to look to those other jurisdictions of similar size when we are developing this first-in-Yukon legislation.

It was brought up when I was in opposition — just talking to an MLA when you are at a local event or you see an MLA in the grocery store and those types of things. The question is: Is talking to an MLA at a local event considered lobbying? Again, Mr. Chair, it depends on the purpose of that conversation and who is involved. Members of the public who are not lobbyists can contact the government or their MLA at any time. The act refers to individuals who are communicating with the government on behalf of an organization or business in an attempt to influence a government decision. They would need to register if they do so for more than 20 hours in a year. Again, the 20-hour piece is the most important piece of that in-house lobbying.

In conclusion, why are we introducing a lobbyist registry? Again, we are creating this lobbying registry to make lobbying activities more transparent to the public.

We want to establish a mandatory, publicly accessible registry that is similar to other jurisdictions in Canada to make

sure that the general population knows who is attempting to influence the government and the opposition MLAs as well as other public office-holders.

I'm happy to be answering questions here in Committee of the Whole. We believe that this is progressive legislation and that it is time in the Yukon for us to mature as a government. It's an interesting concept. Lobbyists and lobbying endeavours are things for which, if you are actually paid as lobbyist, you are happy to register. This is another way of showing the people for whom you work that you are doing your job. It's a way of telling the general public as well who is meeting with whom and trying to influence these governments.

With that, I will see if there are any other questions from the opposition.

**Chair:** Is there any further general debate?

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

*On Clause 1*

*Clause 1 agreed to*

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

**Hon. Mr. Silver:** Sorry, Mr. Chair. You are going pretty quickly here. There was a lot in that last section. I'm just going to go back to clause 3, if that's okay. I did have a note here.

Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to revisit clause 3.

### Unanimous consent re revisiting clause 3

**Chair:** Mr. Silver has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to revisit clause 3.

Is there unanimous consent?

**All Hon. Members:** Agreed.

**Chair:** Unanimous consent is granted. Carry on.

*On Clause 3 — revisited*

**Hon. Mr. Silver:** Thank you to members of the Assembly. I just want to take a look at the commissioner's discretion in section 3, which states — and I quote: "This Act does not require identifying information about an individual to be disclosed if the commissioner reasonably determines that disclosure of the information could reasonably be expected to threaten the individual's safety." It's an important piece, and I just wanted to identify it in the legislation. This provides the commissioner as identified in this section with the authority to exclude identifying information from being published in the public registry if there is a risk to that individual's safety. It's an extremely important piece of the legislation, in my opinion.

As an office of our Legislative Assembly, records created by or under the control of the commissioner are not subject to ATIPP as well. I just wanted to make that clear to members opposite.

**Ms. Hanson:** I just ask the minister to again clarify: How could a paid lobbyist be at risk of being identified? I don't quite get that. Could the minister explain again?

As I understand it, this does not require identifying information about an individual to be disclosed, but it seems oxymoronic in a lobbyist legislation to be talking about not disclosing the identity of somebody who is already obliged by the legislation to register because they're a lobbyist. I'm just not sure what is intended here.

**Hon. Mr. Silver:** This isn't about exemptions or anything like that. This is about extenuating circumstances where the person believes their individual safety to be threatened, and this does provide the commissioner to use that discretion.

**Ms. Hanson:** I guess the issue, then, centres around the word "individual". Is the individual a lobbyist?

**Hon. Mr. Silver:** Thank you to the member opposite. For clarity — yes, you can think about it from the context of lobbying on behalf of a particular organization and it's a contentious issue that is happening and god forbid, there are some threats out there in the public. This is one of those safeguards — for the safety of those individuals.

*Clause 3 agreed to*

*On Clause 4*

*Clause 4 agreed to*

*On Clause 5*

*Clause 5 agreed to*

*On Clause 6*

**Hon. Mr. Silver:** I would like to focus attention to section 6(2), which states — and I quote: "A consultant lobbyist who has, on or before the day on which this section comes into force, started to lobby on behalf of a client further to an undertaking must submit a return, in writing, not later than 90 days after that day." I just want to talk about the grace period. We're allowing a grace period here for when the act comes into force to allow lobbyists sufficient time to understand the requirements of registering. I just wanted to direct the attention of the members opposite to that particular clause.

*Clause 6 agreed to*

*On Clause 7*

*Clause 7 agreed to*

*On Clause 8*

*Clause 8 agreed to*

*On Clause 9*

*Clause 9 agreed to*

*On Clause 10*

**Ms. Hanson:** This whole section talks about the duties of the lobbyists — to submit returns. We're going through this rapidly, and I have a note to myself that this is all complaint-driven — and no proactive requirement in terms of registration. How do you know if somebody hasn't registered unless you find out by hearsay or whatever? Is there an absolute requirement for registration of consultant lobbyists?

**Hon. Mr. Silver:** Again, there is a requirement to register in the act. That is the onus put upon the lobbyists and the organizations.

In section 3, we did speak to the role of the commissioner. The member opposite is right; we haven't put an investigative power into the office of the commissioner. We are trying to work within our means, and we are trying to get people to register as well. Time will tell how many people are actually going to register and fit these criteria that we have set out.

In that, we did not give those investigative powers because we want to work inside our means, but if someone doesn't report — and there are many different ways that it can be found out through that office. The commissioner does have the ability to make penalties based on the information that finds its way to the commissioner's office. That is kind of where we have the legislation right now — without an investigative power of the Conflict of Interest Commissioner.

**Ms. Hanson:** I guess I understand, but it goes back to my earlier comments about the importance, then, of public office-holders and designated public office-holders, including MLAs, members of Cabinet and senior public servants establishing best practices with respect to keeping records of themselves — of meetings with lobbyists. If there is no legal onus to register except by somebody registering a complaint with the Conflict of Interest Commissioner, then I would suggest that it presents a challenge to the whole system.

**Hon. Mr. Silver:** I would say that there is a legal requirement. This act provides that legal requirement to register and to be within the law as it is stated. This is a public registry as well, so the information will be public. Under those two constraints and confines, you find yourself in a situation where, yes, the onus is on the lobbyists and the organizations to work within the law.

*Clause 10 agreed to*

*On Clause 11*

*Clause 11 agreed to*

*On Clause 12*

*Clause 12 agreed to*

*On Clause 13*

*Clause 13 agreed to*

*On Clause 14*

*Clause 14 agreed to*

*On Clause 15*

*Clause 15 agreed to*

*On Clause 16*

**Ms. Hanson:** I just have questions in terms of setting out how the commissioner's functions are going to be — the current Conflict of Interest Commissioner resides in Edmonton and comes up here once a year usually for a bit — a short time.

How are these commissioner's functions going to be carried out? What's the intention? What's the infrastructure to do this in terms of the lobbyist registry? Where is it housed? Is there a website — all that kind of stuff? Who is going to be responsible for ensuring that all of that information that we have been discussing this afternoon and prior to this about the lobbyist registry — could the minister elaborate on the infrastructure for this please?

**Hon. Mr. Silver:** Thank you for the question from the member opposite. Again, this particular section is where a lobbyist registry will be created — it must be created.

As far as the expanded role of the Conflict of Interest Commissioner, as we all know, they are an independent officer of the Legislative Assembly. The role will serve as the registrar of the lobbyist registry in order to oversee and monitor the lobbyist registry.

The act gives the commissioner the power to also educate the public and to provide clarification regarding the rules associated with lobbying. Again, to the question of new roles and responsibilities for this particular commissioner — just for the record, the commissioner will also have the discretion to temporarily ban someone from lobbying after a conviction. It's good to get that into Hansard.

As far as the level of support needed, that will depend on a number of — how many people are going to register, for one. As far as the expanded role in general, I will deal with that first and then we will talk about the geography piece. We are going to find that out as we go once we know how many people are going to register — the number of registrants — and also how the registration system is designed. That's a key piece as far as the geography of where that particular commissioner resides.

For example, online systems are typically more automated and require less secretariat support. Our department has been in discussions with the Legislative Assembly Office on this matter. Once we have more information about the resource requirements — of course, as members know and hear in the Legislative Assembly — we will then go to the Members' Services Board to request additional resources if necessary or if needed. Again, switching to more of an online-based system will really help as far as reducing the barriers of time, space and distance for the current Conflict of Interest Commissioner. That particular commissioner's extended role is based upon this legislation.

**Ms. Hanson:** Just to confirm then — so it is the intention to have secretariat support from the Legislative Assembly Office. For example, if we look at 16(3), the register is also to be available on a website maintained by or for the commissioner. Practically speaking, are we asking somebody in Edmonton to do this, or are we asking somebody who is based in Whitehorse to do it?

**Hon. Mr. Silver:** Let Hansard reflect that I'm pointing at the person who is probably going to — no, that would be here, Mr. Chair.

*Clause 16 agreed to*

*On Clause 17*

**Ms. Hanson:** Again, going back to this issue of the secretariat function. Is it — when I read "commissioner", am I to read "commissioner or delegate or substitute" or whatever? Because when it says, "The commissioner may verify the information contained in a return or other document submitted or provided to the commissioner under this Act" — if we're talking about registering somebody and the information — the baseline data, the tombstone data — about that lobbyist, is that the commissioner who is going to actually have to do that, or

is it the secretariat function that is supporting the commissioner? How am I supposed to read it? That is what I'm looking for.

**Hon. Mr. Silver:** Thanks for the question. So this section is basically saying that the commissioner has the authority to verify the accuracy of information that is submitted by the lobbyist but also does have the authority to delegate that responsibility to the secretariat.

*Clause 17 agreed to*

*On Clause 18*

*Clause 18 agreed to*

*On Clause 19*

*Clause 19 agreed to*

*On Clause 20*

*Clause 20 agreed to*

*On Clause 21*

*Clause 21 agreed to*

*On Clause 22*

**Ms. Hanson:** I just want to go back to clarifying clauses 21 and 20.

**Chair:** Ms. Hanson, we've already cleared those. We will need unanimous consent to go back.

**Ms. Hanson:** Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to revisit clause 21.

#### Unanimous consent re revisiting clause 21

**Chair:** Ms. Hanson has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to revisit clause 21.

Is unanimous consent granted?

**All Hon. Members:** Agreed.

**Chair:** Unanimous consent has been granted. Carry on.  
*On Clause 21 — revisited*

**Ms. Hanson:** Thank you, Mr. Chair, for your due diligence.

Could the minister clarify what would be — I'm looking for examples on why there would be an exemption from prohibition with respect to lobbying for a period of time that — I mean, it's fairly standard to have a six-month cooling-off period for just about everybody. We have seen instances in the past — not-so-distant past — in the public service at senior levels where people one day are a public servant and the next day are lobbyists. I can't think of any reason for any of the listed activities. That's why I was flashing back so rapidly there and missed that opportunity to stand, because I was looking to confirm again the definitions or the designations of who would be held in there. I guess I'm looking for why there would be any exemptions provided for in this section.

**Hon. Mr. Silver:** It is a very legitimate question. When we take a look nationally at other jurisdictions, this requirement is in all legislation. The piece that I would direct the member opposite's attention to is section 21(2): "The commissioner must enter the following in the register: (a) the terms and conditions of each exemption; (b) the reasons for the exemption." As opposed to trying to figure out what would be a specific case, the important piece to take back

from the legislation is that, whatever that circumstance or situation is, the commissioner must publicly state what the reasons are for that.

*Clause 21 agreed to*

*On Clause 22*

*Clause 22 agreed to*

*On Clause 23*

*Clause 23 agreed to*

*On Clause 24*

*Clause 24 agreed to*

*On Clause 25*

*Clause 25 agreed to*

*On Clause 26*

**Hon. Mr. Silver:** On clause 26, as it was pertinent to the conversation here today, under "Returns and information" — and I quote: "An individual who contravenes any of sections 6 to 10 and 12 to 15 commits an offence." Again, this is based upon questions from the member opposite, the Leader of the Third Party. It is an offence to not comply with the provisions regarding how, when and by whom returns should be submitted for consultants and for in-house lobbyists. I thought it was important to point out this particular section of the legislation.

*Clause 26 agreed to*

*On Clause 27*

*Clause 27 agreed to*

*On Clause 28*

**Ms. Hanson:** Mr. Chair, I am just curious about the levels of offence — for the first offence, a fine of not more than \$25,000, and for the second or subsequent offence, a fine of not more than \$100,000. I am pleased to see that this is taken so seriously considering some of the other legislation we have seen before us this session with considerably smaller fines. Are these fines in line with what we see across the jurisdictions in terms of other provinces?

**Hon. Mr. Silver:** Another great question — yes, these are standard right across Canada. The focus, again, is on not necessarily the NGOs and the ones that are leading up to the 20 hours — that type of thing — but it is these lobbyists who know the rules of the game, they know what the registry is, and it is more of a focus on those consultants who should know, in every jurisdiction in which they work, the rules and regulations that are set forth by those particular governments. These are numbers that we have gotten from other jurisdictions.

*Clause 28 agreed to*

*On Clause 29*

*Clause 29 agreed to*

*On Clause 30*

*Clause 30 agreed to*

*On Clause 31*

*Clause 31 agreed to*

*On Clause 32*

*Clause 32 agreed to*

*On Clause 33*

*Clause 33 agreed to*

*On Clause 34*

**Ms. Hanson:** Again, this is another one where we anticipate there will be regulations, but I am just curious as to what the timeline is. Some of these are operational regulations, so are there timelines with respect to having the operational aspect of these regulations? Some of them enable — as time goes on, you can pass regulations, but for those that are specific to getting this up and running, when is the anticipated coming into force of the whole of the legislation, including regulations?

**Hon. Mr. Silver:** Just to clarify, the coming into force of the legislation is not determined upon the regulations, so we can definitely get that up and running. The big thing about when that timeline happens is the technology piece, as far as how we are going to get the registry set up. That is the big timeline consideration. We can have that done and not be dependent on any changes or creation of regulations pertinent to this act under section 34.

*Clause 34 agreed to*

*On Clause 35*

*Clause 35 agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. Silver:** Mr. Chair, I move that you report Bill No. 23, entitled *Lobbyists Registration Act*, without amendment.

**Chair:** It has been moved by Mr. Silver that the Chair report Bill No. 23, entitled *Lobbyists Registration Act*, without amendment.

*Motion agreed to*

**Chair:** The matter now before Committee of the Whole is continuing general debate on 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:** Order, please. Committee of the Whole will now come to order.

### **Bill No. 27: Coroners Act — continued**

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

Is there any further general debate?

**Hon. Ms. McPhee:** I will just welcome Dan Cable and Sheri Hogeboom from the department. I recall that we ended with some remaining questions in general debate. I'm happy to do that. I thank my colleagues for being here. I will not take any more time on the floor other than to invite further general debate questions. Thank you for the opportunity to introduce the officials.

**Mr. Cathers:** I don't have any further questions at this point in time. Just for the record for anyone reading Hansard, we have outlined and we stand by our concerns regarding the

process with which the government developed this legislation. I previously on several occasions urged the minister to press the pause button and do more consultation with a list of groups and agencies before proceeding further. Of course, the minister has indicated a lack of willingness to do so. The fact that these include, among others, the Yukon Hospital Corporation, Emergency Medical Services, the Volunteer Ambulance Services Society, the Yukon Medical Association and the Yukon Registered Nurses Association, the Official Opposition continues to believe that those that we have listed in the motion tabled in the House, as well as mentioned in previous debate, would all provide a valuable perspective and that the government should have taken the time to hear from them. Once the issue arose that it became evident that they failed to consult in detail with these agencies and groups, the government should have taken our constructive suggestion, paused the progress on this legislation in the House and done an expedited consultation. Since the government has chosen not to do so, we don't see much value in taking up time in this Assembly and reiterating points that we have already made which the minister is choosing not to listen to.

I will hand the floor over to the Third Party for any questions that they may have.

**Chair:** Is there any further general debate on Bill No. 27?

**Hon. Ms. McPhee:** I appreciate, Mr. Chair, that it wasn't a question from the member opposite, but I think it's important to note that, while I appreciate his comments, it is the government's position that we have done public consultation. We have done specific consultation with Yukon First Nations, with the RCMP, with former coroners and with community coroners. We have taken into account commentary from the Yukon Child and Youth Advocate as well as from the RCMP and other organizations that we saw fit. We had submissions from 224 Yukoners to the public consultation, and there remain opportunities for further engagement with our partners and others involved in the development of regulations going forward — that, in fact, this Legislation is woefully outdated. It is my position and the position of our government that the chief coroner requires a modernization of the tools that she needs to investigate matters on behalf of Yukoners and that, as a result, the legislation has been developed through the process that I outlined earlier in response to questions.

As such, I'm happy to continue answering questions about this, but it is unfortunate, in my view, that we have not heard from the Official Opposition with respect to any substantive matters involving this legislation. I appreciate that they have concerns about the engagement process and I have answered those questions, but it is, in my view, unfortunate that substantive questions from them have not been forthcoming. I'm sure that, should they have issues, we will be able to address them through answers to other questions brought forward either in general or in line-by-line debate.

**Mr. Cathers:** I was going to hand over the floor, but one of the comments that the minister made simply cannot be left unchallenged. To suggest that our suggestion that the

health professionals and others who are involved in and will be affected by this legislation should be consulted with in detail and in a meaningful manner was not a substantive point — it is very offensive to hear the minister characterize those groups in that manner and suggest that they could not provide valuable input.

I don't pretend to be a health professional or to deal with these situations in the field — as rural EMS members, rural supervisors, RCMP members, doctors, nurses and others do — but for the minister to dismiss the very idea of getting their input is, I think, offensive to those groups. I think she should apologize to them — not to me. I don't require any apology from the minister, but she should apologize to them for her attitude toward them.

With that, I will cede the floor to the Third Party.

**Hon. Ms. McPhee:** I think I need to clarify that my point about substantive questions — not that the issue raised by the member opposite isn't a substantive one in his characterization — I'm sure it is substantive to him. I was making reference to the concept of no commentary with respect to the substantive sections of the act, which, of course, is a legal term about substance versus process. That's my reference.

**Ms. Hanson:** I don't have many comments, because I think we did cover quite a bit of ground in the second reading. I do look forward — because there is a lot to go through in clause-by-clause debate — in part to maybe address some of the concerns raised by the Member for Lake Laberge. Is there a review provision in this legislation — and if not, why not?

**Hon. Ms. McPhee:** There is no automatic review provision in Bill No. 27.

**Ms. Hanson:** I would just ask the minister to clarify what the intention of government was in terms of not building in a review given, as she said, that there had been no substantive — this legislation, in its original form, dates back to 1958, and there have been bits and pieces over the years. If this is an attempt to modernize this legislation, wouldn't government want to have a sense of whether or not it is achieving the objectives that were set out for it and to do that within a timely manner?

**Hon. Ms. McPhee:** I appreciate the question from the Leader of the Third Party. It is my experience that review provisions are often put into — or should be put into — brand new pieces of legislation, and I appreciate that this looks brand new. We are removing things like “stenographer” references, and that seems pretty brand new. In order to proceed with the modernization of this, it wasn't an automatic concept. Clearly we want to be checking in with the chief coroner to make sure that the provisions we have put in Bill No. 27, if and when they are passed by this Legislative Assembly, are, in fact, practically applicable on the ground and in the concept of her investigations.

I think it is also important to note that automatic review provisions for every piece of legislation can potentially overburden the system. With respect to proceeding with either new pieces of legislation or a full review of an act every five years, which is often the case in those kinds of provisions — it

may achieve what I think is being suggested here. In this case, I think we will be looking very closely to make sure that this piece of legislation does work for the coroner. If there are new modernization techniques or new issues that need to be dealt with from other pieces of legislation and best practices across the country, we will bring those forward.

As also noted in my two technical amendments acts that have been brought before this Legislative Assembly, I am keen to make sure — as is our government — that there are updates when needed, without the necessity of perhaps a full review of this piece of legislation. The policy determination was made to not put in an automatic review clause, which could potentially overburden — and we want to be closely watching to make sure that the coroner has the tools that she needs.

**Ms. Hanson:** Just one sort of sidebar comment — I would suggest that there is no gender associated with “coroner”, so it should be just “the coroner” from my point of view, in that we are not talking about any specific individual — “he” or “she” at this stage of the game — it is “the coroner”.

I asked the question about reviews because, for example, we talked about the submission made by the Child and Youth Advocate with respect to areas where the Child and Youth Advocate had advocated that certain provisions of Bill No. 27 are too narrow. I will just use one example — section 14(3) of the bill requires the director to notify the coroner only when a child has died while living in a residential facility. If the child is in the care of the director of Family and Children's Services, regardless of where they live I would hope that we would want to provide for that. Are we going to be amending — I don't know which legislation — if we are not making that a part of this legislation? Short of a review provision, how are these kinds of recommendations, which are fairly critical to the effective operation of the act, going to be addressed?

**Hon. Ms. McPhee:** I think that we discussed this the other day, but I want to be sure that I correctly understand the question — a reminder that section 14, and then (3), makes reference to “the residence” because all of section 14 refers to individuals who are required to be in a particular location. Of course, section 16 notes that there is a duty to notify the coroner of any child death in any circumstance. I think that is the general provision. Again, we have noted earlier in our conversations that, in answering questions, all provisions need to be read together.

I want to comment briefly on the Child and Youth Advocate concept — that it was too narrow. There is an enabling provision here in this legislation — and I will ask my colleague to find it if I can't make reference to the section — that allows the coroner, which does not exist in the current legislation, but allows the coroner to have agreements whereby their practices and procedures would interact with other professionals. I certainly anticipate that the chief coroner — and I have no reference whatsoever to gender — I was referring earlier, Mr. Chair, to the current chief coroner, who is a female, and I take the point — but generally, there is no such provision for the current chief coroner to have such

agreements with other professionals for the purposes of carrying out the requirements of this legislation. That is something that I would anticipate would happen going forward. I am certainly not suggesting or directing or anything like that, but I can certainly anticipate such an agreement between the chief coroner and the Child and Youth Advocate, whoever they may be, for making sure they have a mutual understanding of the practices that affect each.

**Ms. Hanson:** I just raise it because there is a difference between 14(3), which is an obligation under the legislation, and 16, which talks about doing so in accordance with regulations — and regulations that still haven't been developed.

So if we are trying to give comfort and clarity that any child in the care of the director of Family and Children's Services — not just the kids who are in the residential facilities, but anywhere — I raise this just as I raised it last time, because we have seen across this country where we're getting into different kinds of arrangements, but that doesn't take away from the director's legal obligations to those children who are in care, wherever they may be.

**Hon. Ms. McPhee:** I appreciate that the regulations will place the duty to report a child death on a particular group of people or individuals. Let me just back up to say that a general requirement to report to the coroner any death in which there are suspicious circumstances or concern of any of the enumerated situations in section 13 is, of course, the overriding situation and is not related to location or status or care or anything like that.

The duty to notify of a child death in section 16, I suggest, is quite broad. I suggest it should be even broader in a specific way through the regulations. I will suggest that the death of a child in the care of the director of Family and Children's Services would, by way of best practices, be required no matter the situation in which they are being cared for — whether it's with a family member, whether it's by way of an agreement, whether it's under a court order, whether it's residential or a foster home — all of those situations — clearly the government being the parent, the director of Family and Children's Services being the parent — those situations few and far between in the Yukon Territory — thank goodness — would, of course, not escape the concept of regulation. There is no way, in my view, that the regulation should narrow that responsibility in any way, shape or form.

In fact, the broad duty to report a child death should be — and I suspect, upon further engagement, will be — recommended no matter the situation, clearly for all the reasons contemplated by the Leader of the Third Party, for all of the horror stories that some of us have heard of across the country. At no point should the death of a child not raise questions to the point where, for instance, there would be some sort of requirement or regulation that would not require that death to be reported and, therefore, properly investigated at the time so as to avoid some of the other situations that we have seen where inappropriate circumstances have gone unrevealed.

**Chair:** Is there any further general debate on Bill No. 27?

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

*On Clause 1*

**Ms. Hanson:** I just ask for clarification of the inclusion or the death specifying — including “stillbirth”. Does that mean all stillbirths will be subject to a coroner's review? I guess what I'm just trying to figure out is, was it just for clarification?

**Hon. Ms. McPhee:** Under the definition section — if the member opposite could just make reference to the word defined that I'm —

**Some Hon. Member:** (Inaudible)

**Hon. Ms. McPhee:** Thank you.

I'm advised that — and did not recall this independently, but I'm very happy to have assistance — a stillbirth, by virtue of the definitions and the operation of the *Vital Statistics Act*, would not be included in the death of a child under that definition under the *Coroners Act* in the various places here. It would be — because of the definition in the *Vital Statistics Act*, we wanted to be perfectly clear here that this could and should be reported, especially if there were allegations of some sort of intentional act or concern about the other situations that are set out in section 13.

**Ms. Hanson:** I have a question of clarification. So there's a definition for “health facility”, there is a definition for “place of temporary detention”, there is a “residential facility” and a “youth custody facility”. Where would one place something like the Sarah Steele Building alcohol and drug treatment centre?

**Hon. Ms. McPhee:** Let me just deal with the definition piece first. Residences like the Sarah Steele residence, which is a voluntary program, are not therefore defined here by virtue of the operation of section 14, which does have definitions attached to it in the context of individuals living there. Of course, the general requirement for someone to have died unexpectedly or under any of the circumstances in section 13 — clearly the general provision of section 13 is that the coroner should and needs to be advised of unexpected and unexplained deaths of anyone. The resident's provision in section 14, again, speaks to individuals who are there by virtue of an order of some kind or a requirement to be there. Should someone have passed away, for instance, at a facility like — I don't want to blame the Sarah Steele facility, but a facility like that — the provisions of section 13 apply, and the resident's piece should be irrelevant as far as the notification or any investigation done by the coroner, unless of course there is some connection through the details of an investigation.

*Clause 1 agreed to*

*On Clause 2*

**Ms. Hanson:** It comes back to the members of the public service. We have had this conversation about a coroner — the various models that could have been chosen. I guess what I am looking for is some sense of the scope. It just says that you are going to choose from the members of the public

service. With all due respect, not every member of the public service can be a chief coroner or a coroner.

**Hon. Ms. McPhee:** The provision and the wording in clause 2 are really a drafting piece to indicate to the public that, under the authority of this act, the chief coroner will be an employee of the Yukon public service. There is, of course, separate — appropriately, in my view — and apart from this bill a chief coroner’s job description, which can be changed from time to time and adjusted, if necessary, based on the duties and responsibilities not only here in the Yukon, but taking into account best practices of the other coroner’s services in Canada.

**Ms. Hanson:** Just clarify then — when reviewing legislation across the country, it is general practice then that coroners are employees of the government in question and are not appointed, for example, by an order-in-council or by independent officers of the legislative assemblies?

**Hon. Ms. McPhee:** Thank you for the question. It is, by our recollection, the general practice that, as with other particular employees of the territorial or provincial government, it is both appointments to the positions and employees. Another example in the Yukon might be correctional officers, but by virtue of their duties, there is a requirement under the various pieces of legislation for them to be appointed and employees. By recollection, that is the situation in most provinces or territories that have a similar coroner’s service to ours. We will confirm that and, if I am incorrect, provide that information to the member opposite.

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

*Clause 4 agreed to*

*On Clause 5*

**Ms. Hanson:** Just for the record, I would like to ask a question with respect to section 5(g): “... establish policies governing when the chief coroner may assume jurisdiction of particular investigations or may direct investigating coroners to investigate particular deaths”. My question that I have written in my margin is if this is intended to be expansive. Section 22(1) says, “The chief coroner may for any reason direct an investigating coroner to stop...” — so this is about stopping it. I was just curious as to what the intent of section 5(g) was?

**Hon. Ms. McPhee:** I think we spoke a little bit about this the other day. This is new. I am referring to section 5(1)(g), which is the context to the question.

This is a new provision in the Yukon statute, but it does, in fact, reflect a power that is already currently being exercised by the chief coroner. I may have said the other day that it’s not in the current act. It actually is sort of in the current act, but finding it and determining that authority is quite complicated. Clearly we wanted to provide a clear statement of the authority and the policy that is currently being practised by the chief coroner and the community coroners for that reason. Often a community coroner in the current practice — and this is expected to continue under this

statute — does a preliminary investigation, but then the chief coroner comes to deal with the matter if that person would be available to do so.

It does allow flexibility in the management of investigations and is something that is occurring. It could contemplate also with respect to particular deaths or particular investigations an investigating coroner under this piece of legislation who had a particular expertise, for instance, from their own experience as an investigating coroner or from perhaps previous experience in their career if they were a former RCMP officer or if they were a former individual who dealt with any certain circumstances that would allow them or inform them as to how to complete an investigation or do one. It allows the chief coroner the flexibility to manage investigations. It also clearly states here that this person has the authority to do this, which I’ve said is generally what happens now but was quite unclear in the current legislation.

**Ms. Hanson:** Just with respect to section 5(1)(k), it says, “... assist investigating coroners and presiding coroners to engage experts where necessary.”

I don’t see any clarification later on in terms of experts, so are we talking about pathologists? Could the minister just give a couple of examples?

I’m just curious: Would the coroner not want to also in certain circumstances as coroner engage experts? It says this is a power to do all these enumerated things to assist investigating coroners and presiding coroners. What about the coroner having to engage experts?

**Hon. Ms. McPhee:** I appreciate the close attention to detail by the member opposite with respect to the wording of section 5(1)(k). She is quite right. It refers to investigating coroners and presiding coroners and not back to the chief coroner, but that is because when the chief coroner is completing an investigation himself or herself, they are acting as an investigating coroner, so it will cover that situation. It is also an authority that rests with the chief coroner, because for practical purposes, it is the chief coroner who can contract and make arrangements for experts to assist in an investigation. It can be a pathologist. It is very broad — it could be the expertise of a handwriting expert perhaps or another kind of medical expert other than a pathologist. It might be a particular lab situation that would need an analysis done. It might be an expert in gunshot wounds or something to that effect. I am trying to think of things that would be very broad. It is not restrictive at all for the chief coroner.

I am glad attention has been brought here. In my view, it is a very important provision, based on how Bill No. 27 is laid out. The authority rests with the chief coroner to run the investigation — the person with the expertise in this area — and also properly and clearly permits her or him to contract and receive assistance from experts in the area. Clearly, a chief coroner is not going to be an expert in every area. When the need arises — and certainly for specific authority — broad authority properly rests with the chief coroner to complete the work that they need to do.

**Ms. Hanson:** If I may just have a moment for a non sequitur — the minister’s comment just reminded me when

she talked about the handwriting expert. On *As it Happens* the other night, a woman was talking about being a handwriting expert and body language consultant. Perhaps the coroner could call upon her as well.

With respect to 5(1)(o), I just want to come back. 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 this is really key and so I the question I have is: They have the power, but are they obliged to do so — to establish a system for both recording the recommendation and the response or lack of so that we see progress over time?

**Hon. Ms. McPhee:** I appreciate the question. It is an enabling power here, so it is not a requirement for the coroner to do so, but I think it is important that Yukoners and all of us remember that the chief coroner operates and does their job in the public interest.

A chief coroner who was not providing — let me just back up for a second to say that a key part of their responsibilities is, in fact, to make sure that the Yukon public, in this case, understands the situation of a particular death and has the opportunity to assess it for themselves. A key element is a preventive factor in the results of an investigation.

While the short answer is that there is not an absolute requirement for the coroner to do so, by virtue of the definition of a chief coroner's job — informing the public being a key element of that — there are provisions set out in this section and later that show that the chief coroner can determine that process for themselves and that the public will have such expectations of them — protecting an individual's privacy, of course.

*Clause 5 agreed to*

*On Clause 6*

*Clause 6 agreed to*

*On Clause 7*

**Ms. Hanson:** I just have a question of clarification. Clause 7(1) says that the Commissioner in Executive Council may appoint one or more persons to be investigating coroners. The Commissioner in Executive Council under clause 7(2) must consider any recommendations of the chief coroner before appointing — I just ask the minister to confirm that it's necessary to consider the recommendations but not necessary to accept the recommendations. On what basis, I guess, would there be a rationale to not accept a recommendation of the chief coroner?

**Hon. Ms. McPhee:** Drafting legislation, of course, as the member opposite well knows, is sometimes an exercise in all possibilities in the future, which is always difficult.

This provision allows the chief coroner to make recommendations for appointments of investigating coroners. I was going to say that it's short in my experience, but I have had some experience before I had this job with respect to how that process has gone.

Clearly, the chief coroner always makes such recommendations. I will go so far as to, I think, recall that, in

fact, applications for investigating coroners would go to the coroner himself or herself and to the chief and that recommendations come forward in that manner.

My first comment about it being all possibilities in the future — I suppose there is a possibility where a situation could arise where we are — or a future government is — short on investigating coroners, and an issue where the chief coroner could not make such a recommendation — so rather than tie it — it must be — clearly, any investigating coroners who would be appointed should come at the recommendation of the chief coroner, but it's not an absolute requirement here.

*Clause 7 agreed to*

*On Clause 8*

*Clause 8 agreed to*

*On Clause 9*

*Clause 9 agreed to*

*On Clause 10*

**Ms. Hanson:** Clause 10(3)(c) is a sentence that drives a person who is not a lawyer crazy. It says, "To be included in the list under subsection (1), a person must be... (c) a prescribed person or a person who is in a class of prescribed persons." What does that mean in English, Mr. Chair?

**Hon. Ms. McPhee:** It drives lawyers crazy too, just so you know — at least this one. For clarification, it makes reference to the lists or the categories of individuals who will live in the regulation. It could be a list of individuals that says actual names of persons as a "prescribed" individual, or it could be a description of a group of people — something like a chief coroner from another province or territory in Canada or something like that. It would either be a class of prescribed persons — that would be the reference to other chief coroners, et cetera — or a prescribed person or persons would be the situation where named individuals would be included in the regulation, if I can say it that way.

*Clause 10 agreed to*

*On Clause 11*

*Clause 11 agreed to*

*On Clause 12*

*Clause 12 agreed to*

*On Clause 13*

**Ms. Hanson:** This is the general duty to notify a coroner of a death. There are a number of enumerated reasons to notify the coroner. I guess those that are dealing with health-related ones — "(a) as a result of violence, negligence, malpractice, misconduct or accident; (b) as a result of a self-inflicted injury; (c) suddenly and unexpectedly when the person appeared to be in good health; (d) from a cause other than disease or sickness; (e) from disease or sickness for which the person was not being treated by a medical practitioner." My question is: What about one for which one is being treated? You have situations where somebody — I can cite one exactly — is being treated and dies. That is not necessarily malpractice. Nobody is accusing anybody of malpractice, but they have died while being treated.

**Hon. Ms. McPhee:** The member opposite notes in section 13 that this is about general duty or which lays out the circumstances that trigger a general duty to report an

unexpected or an unexplained death for, presumably, someone who is being treated by a medical practitioner and dies.

That would not trigger a situation where the coroner must be advised. The coroner could be advised. This is a specific duty and a general duty to inform the coroner of individual deaths. Clearly, the coroner does not investigate every death that occurs. The situations set out in section 13 are, in fact, triggers for when the general duty is required and individuals are required to act.

*Clause 13 agreed to*

*On Clause 14*

**Ms. Hanson:** I just want to come back to section 14(5), because I'm going through this where my marginal notes are. This is "The duty to notify the chief coroner under subsections (1) to (4)" — all of those are various, sort of, institutional settings — so that duty "...applies whether or not the person died at the place, if the death was directly or indirectly caused by that place." I'm trying to figure out how that coordinates — or maybe I'm misreading — but in part 4, section 18(d) — 18 is "The purpose of an investigation of a death under this Act is to determine, to the extent that it is possible to do so... (d) the cause of death". How do you know, at this stage, whether or not it is the cause of death, if the purpose of the investigation is to determine the cause?

**Hon. Ms. McPhee:** Again, section 14 makes reference to individuals who are required to remain in a particular facility. The reference in subsection (5) of that is an excellent question with respect to whether the death is directly or indirectly caused by that place — clearly, in most cases, that will be a determination of the investigation but, for instance, in a case where the cause of death is otherwise known — let's say an individual who was not at such a residence was hit by a car in a car accident — so the cause of death is likely not related directly or indirectly to the residence, but again, if the cause of death can be determined to be completely unrelated in most cases — if, for instance, there were open questions about their cause of death, then the reference would be that the investigation should take place.

Clearly, it's because the individuals are required to be living at a certain place and that the effect on their health and well-being could easily be affected by that location. In most cases, the member opposite is right. The determination would need to be made through an investigation that there could be some cases where, perhaps, in a certain situation, it is obviously not related.

*Clause 14 agreed to*

*On Clause 15*

*Clause 15 agreed to*

*On Clause 16*

**Ms. Hanson:** I just want to confirm that this is again another one that's going to be with regulations — to clarify the timeline for regulations and the consultation that would be done with respect to these kinds of regulations — with whom the regulations speak.

**Hon. Ms. McPhee:** I know I probably should have had some independent recollection of the dates planned, but I did not for a number of reasons.

I am going to assume, if Bill No. 27 passes during this session, that very early in the new year, we would construct a plan for further engagement and that certainly by the fall of 2019 — that would be my preference and direction to the department — making sure that the full engagement of individuals who want to participate in the development of these regulations is, in fact, the case.

Members will have heard me also say that passing a bill or a new piece of legislation or an amended piece of legislation is not valuable unless it is given life with real regulations as soon as possible. So I think we will be looking at late next summer or the summer of 2019. I'm trying to be realistic with respect to the agenda of the department.

*Clause 16 agreed to*

*On Clause 17*

*Clause 17 agreed to*

*On Clause 18*

**Ms. Hanson:** I just want to come back to clause 18(h) — the purpose of an investigation of a death under this act is to determine, to the extent that it is possible to do so, whether it is in the public interest to hold an inquest into the death. There are specific provisions in part 6, as I understand it, about when an inquest should be held and also the provision that allows, as I understand it — and I ask the minister to correct me, if I'm not — a family member or family or affected individuals to request an inquest to be held.

Is this just a broad basket clause that is in here for the purpose to indicate, if nothing else, that there is a public interest provision?

**Hon. Ms. McPhee:** Section 18, entitled "Purpose of investigation", in fact describes the purpose of an investigation and what information the investigating coroner is to ascertain. It is a discretionary section with broad powers and enumerates the purpose for which the investigating coroner or the chief coroner can direct investigations and the investigating coroner can conduct one. It relates back to investigative powers — and the two relate to one another — so that there is a specific statement of the authority and the purpose for which the chief coroner would otherwise conduct an investigation.

*Clause 18 agreed to*

*On Clause 19*

*Clause 19 agreed to*

*On Clause 20*

*Clause 20 agreed to*

*On Clause 21*

*Clause 21 agreed to*

*On Clause 22*

**Ms. Hanson:** Clause 22(1) says: "The chief coroner may for any reason direct an investigating coroner to stop their investigation into the facts and circumstances of a death." That is pretty broad. I am looking for an explanation or an interpretation for any reason — it must be a substantive reason, I would imagine — but it doesn't say that. It just says "any reason".

**Hon. Ms. McPhee:** Section 22, which is the reassignment of investigation — we spoke a bit earlier today

and also previously about the idea that we're trying here to properly set out the authority and the practice of the chief coroner to take over investigations after a preliminary investigation has been done by, for instance, a community coroner. It is very broad because it also is the same section that deals with the disqualification of an investigating coroner if that were a situation that needed to be dealt with.

It is a broad authority. It is one section that deals with each of those possible situations. I appreciate that, for the purposes of the drafting, it does, I suppose, anticipate that a chief coroner could stop an investigation for some inappropriate reason or for some reason untoward, but because the chief coroner acts in the public interest, it's not likely that anything to that end would be undertaken without broader public knowledge or without a request to the minister, which is also permitted in this legislation, to correct such a situation.

*Clause 22 agreed to*

*On Clause 23*

*Clause 23 agreed to*

*On Clause 24*

**Ms. Hanson:** I'm just curious if there is any interpretive sense of what "substantial connection to Yukon" is under 24(a). This is where the chief coroner may investigate a death that occurred outside Yukon if the facts and circumstances related to the death have a substantial connection to Yukon and are such that, had the death occurred in Yukon, it would have been a death of which notification — so is that the death or the person who has a substantial connection to Yukon?

**Hon. Ms. McPhee:** I appreciate the question here because this is, again, an opportunity to add a best practice to our legislation that has not existed in a clear way before. This provision allows the Yukon's chief coroner to investigate a death that occurred outside of the Yukon and lists the criteria that allows such an investigation to take place. In answer to the question, it is the death that has to be connected to the territory, not necessarily the person, although the reality is that in most cases it would be both. It's really about the idea that primarily the Coroner's Service has the authority with respect to geographic location of the body of the individual. We can imagine, for instance, an individual who might have been injured in the Yukon and medevaced Outside. This would allow our coroner to be involved in that investigation, and there would be many imaginable reasons why that might be necessary. It would also cover, for instance, situations perhaps where somebody might be inside the BC border — Atlin or other places on the way to highways or on both passes, for instance, to Haines and Skagway — where their death could be substantially connected and our Yukon coroner could have that opportunity. It might be a situation where, like the Leader of the Third Party asked, I think, last week about the individual who passed away while receiving services and treatment in another province and has a substantial connection and, in fact, is in that province by virtue of an order of our Review Board. It would allow our coroner to work with other

coroners to be involved in the review or investigation in that kind of a situation.

*Clause 24 agreed to*

*On Clause 25*

**Ms. Hanson:** I thank the minister for her previous answer. The next one is "Investigation without a body." Clause 25(1) is: "An investigating coroner may investigate the death of a person even if the body has been destroyed, cannot be recovered, cannot be located or is not in Yukon." Then 25(2) is: "An investigating coroner may investigate the death of a person (a) even if the body has been buried; and (b) if the chief coroner is of the opinion that the disinterment of territory body is not required for the investigation." My question is for both of those circumstances in 25(1) and (2) is: Is there a time frame or an outer statutory limit in terms of how far back that kind of decision goes with respect to conducting an investigation either without a body physically present because it is buried or if the body is not available?

**Hon. Ms. McPhee:** To answer the question, no, there is not a time limit. Clearly this kind of a situation would be affected by the passage of time simply because evidence deteriorates, memories deteriorate and the longer away from a particular incident the less valuable, on many occasions, an investigation can be, but there is no specific time limit here.

Other than being affected by the opportunity to gather evidence and make an assessment, it's not specific.

*Clause 25 agreed to*

*On Clause 26*

*Clause 26 agreed to*

*On Clause 27*

*Clause 27 agreed to*

*On Clause 28*

*Clause 28 agreed to*

*On Clause 29*

**Ms. Hanson:** I just have a couple of questions with respect to section 29(1). It says: "The chief coroner or an investigating coroner may authorize a peace officer to exercise a power of an investigating coroner under paragraph 26(1)(d) or (e)."

A peace officer is a pretty broad definition. I'm just sort of wondering how that works with those two sections — 26(1)(d). Is it simply just to secure the scene as a peace officer?

**Hon. Ms. McPhee:** Thank you for the question, Mr. Chair.

The short answer is generally yes. It's about allowing an investigating or a chief coroner to delegate responsibilities to a peace officer in order, for instance, to secure a scene of a death or take charge of wreckage.

It also allows for the investigating or the chief coroner to delegate responsibilities to a peace officer in order for them to take possession of a body if that was not something that the chief coroner could do immediately — or on the chief coroner's behalf even examine the body — but these are provisions to deal with the practicality of a chief coroner or investigating coroner being at a scene where there are unexplained questions or situations where the RCMP or other

peace officers might be involved to assist in carrying out the duties of the chief or investigating coroner.

I have just received a note and I can recall that this is something that describes the current practice as well as provisions. Again, they are not quite as clear as that which exists in the current act.

*Clause 29 agreed to*

*On Clause 30*

**Ms. Hanson:** I just want to ask in terms of clarification about the assistance of peace officers, section 30(1): “An investigating coroner may request that a peace officer assist with the investigating coroner’s investigation into the facts and circumstances of a death.”

I can understand a peace officer or policeman coming on a scene, but does a “peace officer” include — by definition — a “correctional officer”?

**Some Hon. Member:** (Inaudible)

**Ms. Hanson:** Or “conservation officers”? What is the definition of a “peace officer” in this case? I don’t see it in the definitions sections, so I’m just curious.

**Hon. Ms. McPhee:** Our reference is that it is in the *Interpretation Act*. We’re just trying to see if we have a reference section for that or a definition section of that. I also just want to note, with respect to section 30, that section 6(4) of the current act is related to this particular situation. There is a definition. I’ll read that for the members opposite. In the *Interpretation Act*, it defines that “‘peace officer’ means a peace officer as defined in the *Criminal Code* (Canada);” and then if we went to the *Criminal Code of Canada*, we would have a broad definition of “peace officer”, which I’m happy to provide for the members opposite.

With respect to section 30, in a more general way, the section makes clear that a peace officer who has been requested to assist with a coroner’s investigation can only make inquiries to further that investigation and must make a detailed report of their findings to the investigating coroner.

The requirement there is that they no longer act as a peace officer, so clearly someone needs to assist the coroner in the furthering of the chief coroner’s duties. In fact, they are not also gathering other kinds of evidence or conducting a separate kind of investigation. Their duties must be clearly articulated on behalf of the chief coroner and reported as such — and then made sure that they are not conflicting with any other duties.

**Mr. Cathers:** The comments from the Leader of the Third Party brought an issue to my attention with regard to the definition of “peace officer”, and I would just ask the minister if she could provide some clarification related to this. We have discussed on a number of occasions in the Assembly what we see as the importance of reinstating the RCMP auxiliary constable program. We haven’t seen much in the way of action from government on implementing the three tiers of the program.

The two questions I have are: First of all, is the minister aware that RCMP auxiliary constables are designated under the *Auxiliary Police Act* as auxiliary police officers but are also appointed as supernumerary special constables under the

RCMP act and that the later statute, under what I believe is subsection 11.1(2), designates those constables as peace officers and then gives them, of course, the according authorities with that regard, including the power of arrest, which has not always been used regularly but does exist if that program is active. First of all, is the minister aware of that?

Secondly, under this section of the *Coroners Act*, is it the intent to allow for the possibility of using RCMP auxiliary constables in the role described by this section, or are they not included in that?

**Hon. Ms. McPhee:** I appreciate the question. With respect to the auxiliary police officers and where they would have their authority and by virtue of definitions in the RCMP act as supernumerary officers — or, therefore, as peace officers — it would only be applicable if, in fact, by virtue of our definition, it was incorporated into the definition in the *Criminal Code of Canada*. I don’t have the *Criminal Code* with me right now, and I am loath to give advice to such detailed situations without looking at the act.

It is enabling, so I suppose that could be a possibility, but it is not contemplated at this stage. Clearly, however, we want to make sure that, in the event that auxiliary police officers do become a reality again — we, of course, recognize that you could be in a situation with an investigating coroner in a far region of the Yukon Territory where they would need to be, and appropriately would be, assisted by such individuals. The possibility of the chief coroner — investigating coroner — seeking their assistance is certainly contemplated by Bill No. 27.

**Mr. Cathers:** I appreciate the partial answer by the minister. I am not going to spend too much time on this issue at this point, but I am just going to take one more opportunity to emphasize to the minister the importance of reinstating the RCMP auxiliary constable program and implementing all three tiers of the program.

I know that it is frustrating for some of the formerly active RCMP auxiliary constables in the Yukon that this issue has been going on for quite some time. The solution was made possible when the RCMP changed its policy through our work in government as well as the work of former Senator Lang and others, as well as other provinces. We have not seen a lot of action on this issue, and the Liberal government is coming up on their second anniversary in office.

I don’t want the minister to find this point insulting at this stage. I am just trying to simply say that this is a valuable and important program. Implementing all three tiers of the RCMP auxiliary constable program would be very beneficial to the Yukon and the role that they have played in matters, including the checkstop program where they do have the ability to act as peace officers, including the power of arrest, which is distinct from what any other volunteers at road stops have.

Those other volunteers do not have the power of arrest. They do not have the same ability as an RCMP auxiliary constable to step in. The connection of this to the *Coroners Act* is not only with regard to the specific clause, but it’s fair to say that RCMP auxiliary members through the checkstop program have saved lives by taking drunk drivers off the road.

With the legalization of cannabis, the RCMP themselves have stated that they anticipate more impaired drivers. I'm emphasizing this point because I do believe that a choice to fully implement all three tiers of the RCMP auxiliary constable program in the Yukon would result in someone's life being saved at some point.

I would draw the minister's attention to that and urge her to just sincerely recognize the importance of reinstating that program to avoid a situation where this piece of legislation, the *Coroner's Act*, has to come into play when a life could have been saved by an impaired driver being caught.

I will conclude my remarks on that point.

**Hon. Ms. McPhee:** Thank you.

*Clause 30 agreed to*

*On Clause 31*

*Clause 31 agreed to*

*On Clause 32*

*Clause 32 agreed to*

*On Clause 33*

*Clause 33 agreed to*

*On Clause 34*

*Clause 34 agreed to*

*On Clause 35*

*Clause 35 agreed to*

*On Clause 36*

*Clause 36 agreed to*

*On Clause 37*

*Clause 37 agreed to*

*On Clause 38*

*Clause 38 agreed to*

*On Clause 39*

**Ms. Hanson:** I just want to know the link between this one, which speaks to the chief coroner opening or reopening an investigation — so here it says: "A person may apply to the chief coroner to have an investigation into the death of a person opened, or to have a completed investigation reopened, on the grounds that new evidence has arisen..." Then there is a whole series of (1) through (5) or something — in terms of outlining how that process would unfold. I'm wondering what the link is to section 25. Is this just the chief coroner?

One talks about the investigating coroner, and this one talks about the chief coroner. Maybe I am getting confused as to which coroner.

**Hon. Ms. McPhee:** Section 39 contemplates a situation where there has either never been an investigation into a matter or an investigation has taken place and has been completed. There is a finding of some kind but new evidence comes to light.

It's not about transfer of an investigation from an investigating coroner to the chief or otherwise, but really contemplates the opening or reopening of a matter if the criteria is met, if it is in the public interest, and that decision is taken by the chief coroner.

*Clause 39 agreed to*

*On Clause 40*

*Clause 40 agreed to*

*On Clause 41*

*Clause 41 agreed to*

*On Clause 42*

*Clause 42 agreed to*

*On Clause 43*

**Ms. Hanson:** I just want to acknowledge that this provision here, 43(1) — "... a family member of a deceased person or another interested person..." — sets out the circumstances under which a family member can request an inquest, which we think is a very positive move. The question I have is under 43(5) and the fact that the minister's decision on whether to direct that an inquest be held is final. I just want, for the record, to ask the minister then to confirm whether or not a family member of a deceased person or another interested person who really feels vehemently that an inquest should be held — is there any recourse? What recourse do they have?

**Hon. Ms. McPhee:** I appreciate the question. We spoke a little bit about this the other day. If there is some, let me just say it like this: All decisions are subject to judicial review if they would meet the criteria for a judicial review under the Supreme Court rules of the territory.

If there was some possibility that a family or other loved one felt that either the minister was not carrying out that duty appropriately or there was some other allegation of concern, an application could be made to the Supreme Court for judicial review of that decision. Like all decisions, even the ones that are stated to be final, that is the statutory authority to do so, but if there was a situation or allegation of impropriety of some kind or not taking something into account or not doing their duty, it could be judicially reviewed.

*Clause 43 agreed to*

*On Clause 44*

**Ms. Hanson:** Mr. Chair, I move that you report progress.

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

*Motion agreed to*

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

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

*Motion agreed to*

*Speaker resumes the Chair*

**Speaker:** I will now call the House to order.

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

### Chair's report

**Mr. Hutton:** Mr. Speaker, Committee of the Whole has considered Bill No. 23, entitled *Lobbyists Registration Act*, and directed me to report the bill without amendment.

Committee of the Whole has also 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:** Mr. Speaker, I move that the House do now adjourn.

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

*Motion agreed to*

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

*The House adjourned at 5:29 p.m.*

**The following sessional papers were tabled November 5, 2018:**

34-2-80

*Yukon Public Service Labour Relations Board Annual Report 2017-2018 (Mostyn)*

34-2-81

*Yukon Teachers Labour Relations Board Annual Report 2017-2018 (Mostyn)*