



Yukon Legislative Assembly

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HANSARD

Wednesday, November 21, 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

CABINET MINISTERS

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

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Yukon Liberal Party

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

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New Democratic Party

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

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**Yukon Legislative Assembly
Whitehorse, Yukon
Wednesday, November 21, 2018 — 1:00 p.m.**

Speaker: I will now call the House to order.
At this time, we will proceed with prayers.

Prayers

DAILY ROUTINE

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

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Silver: I have the privilege of welcoming to the gallery three people. I want you to guess which two are ex-students of mine. We have Marie-Claire Findlay-Brook, the incoming executive director at KIAC. We have Tamika Knutson, former employee of KIAC, and we have Ross Burnet from the Department of Tourism and Culture.

Applause

Hon. Ms. Dendys: I would like my colleagues to help me welcome a number of special guests who are here for tributes that we will be doing in a few moments and who are members of our quality-seeking groups for the Yukon.

We have Margaret O'Brien from Skookum Jim Friendship Centre, Kirsten Hogan from Engineers Yukon, Aja Mason from the Yukon Status of Women Council, Barbara McNerney from the women's transition home, Helen Allan from the women's transition home, Adeline Webber from Whitehorse Aboriginal Women's Circle and also our administrator for the Commissioner's office, and Samantha Lacourse. I also have Jess Stone, coordinator for Victoria Faulkner Women's Centre. Thank you so much for coming today.

Applause

Hon. Mr. Streicker: I would like to acknowledge Kirsten Hogan, who takes the lead on the 30 by 30 campaign for Engineers Yukon. Our goal is to get 30 percent of the membership of engineers and folks as women by 2030.

Applause

Speaker: Are there any further introductions of visitors?

Tributes.

TRIBUTES

In recognition of the 16 Days of Activism Against Gender-Based Violence and International Day for the Elimination of Violence Against Women

Hon. Ms. Dendys: I rise today on behalf of the Yukon Liberal government to pay tribute to all people who strive to end gender-based violence.

Every year, the 16 Days of Activism Against Gender-Based Violence launches on November 25, the International Day for the Elimination of Violence against Women. It ends on December 10, Human Rights Day. The 16 days encompass December 6, the National Day of Remembrance and Action on Violence against Women in Canada.

These commemorative dates are designed to raise awareness around violence that women and girls experience every day and to take stock of the progress and challenges as a society. According to Statistics Canada, the rate of police-reported violent crime against women is higher in the territories than anywhere else in Canada. In 2011, the rate in Yukon was four times higher than the national average. The rate in the Northwest Territories was nine times higher. The rate in Nunavut was nearly 13 times higher. For indigenous women, this rate is even higher yet — three to four times higher, to be specific.

This year's local theme for the 16 Days of Activism against Gender-Based Violence is "End Gender-Based Violence in the World of Work". It calls everyone to action, not just in their personal lives but in their workplaces as well, and it encourages us all to speak up against gender-based violence and to step up to make changes for a healthier and safer society.

We are no strangers to violence here, Mr. Speaker. Many of us have been intimately involved in the National Inquiry into Missing and Murdered Indigenous Women and Girls. We have attended the hearings, and we have wept with the families telling their stories. How many Yukoners have these same stories to tell — of a mother, an aunt, a sister, a niece or a friend who went missing, only to be found murdered or never found at all? We must name this for what it is, Mr. Speaker. It is systemic racism, sexism and violence.

All of that being said, Mr. Speaker, change is happening. Starting in 2019, the Yukon Status of Women Council, with the full support of police and Justice officials, will begin reviewing sexual assault files to identify why charges are not being laid in some cases, why charges are dropped in others and why some trials result in acquittals. The Victoria Faulkner Women's Centre, with the support of many partners and with the participation of Les EssentiElles, White Ribbon Yukon, PSAC, the Yukon Human Rights Commission, the Status of Women Council, the Yukon Women's Transition Home Society, Engineers Yukon, the Boys and Girls Club and the Kwanlin Dün Cultural Centre will once again organize their annual campaign for the 16 Days of Activism Against Gender-Based Violence. This includes the vigil on December 6 to recognize the National Day of Remembrance and Action on Violence Against Women in Canada. They are also organizing a film screening, a trivia night, a Take Back the Night march, an open house with the Human Rights Commission, high school and college consent workshops and panels on the radio — among many other actions.

The focus of this campaign is to explore ways in which individuals can address violence in their lives, within their communities and within social systems. The aim is to empower and educate community members to continue

advocating for folks experiencing violence. Also, as part of the 16 days, White Ribbon Yukon is presenting *A Better Man*. This is a powerful new documentary on domestic violence prevention on November 27 in Dawson City.

I would like to take this time to thank the men, women, non-binary and trans people who are organizing marches, setting up websites, organizing campaigns and teaching by example. People like you effect change and we are seeing that change happening in our communities today. We can only hope that by this date next year we will be able to share even more important progress.

Applause

Ms. McLeod: I rise on behalf of the Yukon Party Official Opposition to recognize the 16 days of Activism Against Gender-Based Violence, which kicks off on November 25 of this year. This year's theme, #MYActionsMatter, asks individuals across Canada to take a look at their actions and to speak out against acts of gender-based violence and discrimination. The goal is to continue increasing awareness about the disproportionate level of violence and discrimination faced across this country. We have made many necessary steps as a society toward the end of gender-based violence, but we have many miles left to get there. Discussions are taking place and campaigns are continuing to attract attention to this important cause. It will take the efforts of everyone to cover those miles. Don't be a bystander, speak out against acts of gender-based violence, watch what you say and be careful of what sort of behaviour we are modelling for our children. I encourage all Yukoners to always consider what you can do to make a difference.

This year, five actions have been presented for individuals to undertake in the effort to become an ally to the cause: Listen, believe, speak out, intervene and act. The path to ending gender-based violence starts with each and every one of us.

Applause

Ms. White: I rise on behalf of the Yukon NDP caucus in recognition of the 16 Days of Activism Against Gender-Based Violence campaign. You don't need to look too closely to see the roots of gender-based violence all around us: in sexist jokes that degrade women, in the language that we use, in media messages that objectify women, and in the rigid gender norms that we impose on young children.

Following the public attention of last year's Me Too movement, a light has been shone on what statistics have long confirmed. Women in Canada and around the world continue to face violence each and every day. In the year since Me Too, issues of sexism, misogyny and gender-based violence have been dragged out into the open where they belong and are being discussed very publicly. This openness and these conversations are incredibly important.

Canadians, led by the courageous voices of survivors and their families, have continually been challenged to reflect on their own actions and determine how they can best support ending gender-based violence. This campaign has always been

a time to bring to the forefront the disproportionate levels of violence faced by women and girls as well as our diverse populations, including: indigenous people; people of colour; LGBTQ2S+ community members; gender non-binary individuals; those living in northern, rural and remote communities; people with disabilities; newcomers; and children, youth and seniors. This year's campaign continues and builds on the momentum brought forward by the Me Too movement. #MYActionsMatter is a call to action that, again, asks everyone to take real steps to question, call out and speak up against active gender-based violence.

If, like me, you believe that everyone has a right to live a life free from violence, then I ask you: What will you do? What concrete steps will you take to end the gender-based violence around us?

Applause

In recognition of the Japanese Canadian Association of Yukon

Ms. Hanson: I rise today on behalf of all members of this Assembly to pay tribute to the Japanese Canadian Association of Yukon and their work to promote understanding and appreciation of the importance of knowing our Canadian history.

In these times of increased division in many ways flamed by extreme politics — not just in the states, but here in our own country — the Japanese Canadian Association is holding events over the next week to celebrate the 30th anniversary of the signing of the historic redress between then-Prime Minister Brian Mulroney and Art Miki, then-president of the National Association of Japanese Canadians.

In 2018, Canadians take pride in our diversity and our multiculturalism. However, that pride has the potential to deny the harsh realities of our history, of events rooted in racism and fear of others — fear and hatred that are too easily fuelled in times of divisive and polarized politics.

The history of Japanese Canadians has been difficult. Ever since the first Japanese person, a man named Manzo Nagano — a name familiar in the Yukon — stepped ashore in 1877 in New Westminster, white settlers in British Columbia tried to exclude people they considered to be undesirables. In doing so, they passed laws to keep Japanese people from working in mines, to prevent them from voting and to prohibit them from working on any project funded by the province.

Japanese Canadians born in Canada who tried to serve their country were denied. During the First World War, with few rare exceptions, recruitment offices in BC would not accept Asians for military service. To get around this, over 200 Issei — second-generation men — travelled from BC to Alberta to enlist.

Of the 222 who served, 54 were killed, and 13 Japanese Canadians received medals for bravery in World War I, including Sergeant Masumi Mitsui, recognized for his service at the Battle of Vimy Ridge.

Mr. Speaker, after the attacks by Japan on Pearl Harbor and Hong Kong, fears of a Japanese invasion were sparked and flamed by what could only be described as sensationalist

press. Distrust of Japanese Canadians spread along the Pacific coast. The Canadian Navy impounded 1,200 Japanese-owned fishing boats. Army Major-General Kenneth Stuart said at the time, "From the army point of view, I cannot see that Japanese Canadians constitute the slightest menace to national security." Escott Reid, a Canadian diplomat at the time, said that BC politicians were in a rage, speaking of Japanese "in the way that the Nazis would have spoken about Jewish Germans."

From words to action, Mr. Speaker — words fuelled by hate and fear. Prime Minister William Lyon Mackenzie King ordered that all Japanese Canadians be transferred to areas 160 kilometres inland from the Pacific coast and that this area was to be deemed a protected area. A dusk-to-dawn curfew was imposed and enforced by police. The government ordered that all male Japanese Canadians between the ages of 18 and 45 were to be removed and taken to road camps in the interior of BC.

From the CBC archives, we learned that "Japanese Canadians were told to pack a single suitcase each and taken to holding areas, to wait for trains to take them inland. Vancouver's Hastings Park was one of areas where families waited, sometimes for months, to be relocated.

"Hundreds of women and children were squeezed into the livestock building,' remembered Yukiharu Misuyabu, an interned teenager. 'Each family separated from the next by a flimsy piece of cloth hung from the upper deck of double-decked steel bunks. The walls between the rows of steel bunks were only five feet high, their normal use being to tether animals.'

"After months in animal stalls, the Japanese-Canadians were shipped on sealed trains to the interior. Husbands and wives, parents and children were separated..." — sound familiar, Mr. Speaker? — "... the men to work on road gangs: women and children to shantytowns in the BC wilderness.

"Yukiharu Misuyabu and his family went to Lemon Creek, where 2,000 Japanese lived in shacks.

"The walls of our shack were one layer of thin wooden board covered with two-ply paper sandwiching a flimsy layer of tar. There was no ceiling below the roof. In the winter, moisture condensed on the inside of the cold walls and turned to ice.'

"In January 1943, the Canadian government succumbed to more pressure from B.C. politicians and authorized the sale of all the properties seized from Japanese Canadians. The homes, cars, businesses and personal property left behind..." — forced to be left behind — "... were sold for a pittance. The lives Japanese Canadians had built in Canada were erased."

Muriel Kitagawa, a second-generation Japanese Canadian, wrote to her brother, who was actually in medical school at the University of Toronto when the interment started. She said to him, "The bitterness, the anguish is complete... You, who deal in lifeless figures, files and statistics, could never measure the depth of hurt and outrage dealt out to those of us who love this land. It is because we are Canadians, that we protest the violation of our birthright.

"The movement of 23,000 Japanese Canadians during the war was the largest mass exodus in Canadian history."

The law used to authorize the expulsion of both naturalized and Canadian-born citizens of Japanese descent was the *War Measures Act*. Even at the end of the war, Mackenzie King continued to bow to the demands of BC politicians. He offered Japanese Canadians two choices: move to Japan or disperse to provinces east of the Rocky Mountains. He never expressed any regret for the treatment of Japanese Canadians during the war or after.

In 1946, nearly 4,000 former internees sailed to a bombed-out Japan. About 2,000 were aging, first-generation immigrants; 1,300 were children under 16 years of age.

Historian James Marsh wrote that the military threat cited to justify the evacuation of the Japanese never existed outside the overheated imagination of some British Columbians. Not a single Japanese Canadian was charged with any wrongdoing. Still, some had been uncomfortable judging the acts of our predecessors from the exalted perspective of hindsight.

When Japanese Canadians campaigned for compensation, the response from Prime Minister Trudeau at the time, in June 1984 was — and I quote: "I do not see how I can apologize for some historic event to which we... were not a party. We can regret that it happened." He then went on to ask where such claims for compensation would end.

Indeed, Mr. Speaker, other communities in Canada also sought redress and apology from the government for its racially motivated policies of the past, including Chinese Canadians who paid the head tax and indigenous people forced to attend residential schools, among many others. History leaves many victims.

But as the *Saturday Night* magazine observed in 1947, "It is the first step which costs; an injustice once performed is fatally easy to repeat." So it was significant, Mr. Speaker, that: "On 22 September 1988, Prime Minister Brian Mulroney rose in the House of Commons to apologize on behalf of the Canadian government for the wrongs that it committed against Japanese Canadians during wartime. The apology came with symbolic redress payments to individuals and to community funds. But the most enduring accomplishment of the Japanese campaign for redress was the abolition of the *War Measures Act*, which had provided the legal basis for the removal of the Japanese from their homes. Ultimately, the redress campaign was a strong reminder of the poisonous effects of racism."

Tonight the Japanese Canadian Association of Yukon will be showing another film in their series of Japanese films at the Beringia Centre at 7:00 p.m., and next week on November 28, Art Miki, signatory of that historic redress agreement, will be speaking at Yukon College at noon and at the Whitehorse Public Library at 7:00 p.m.

I just want to end by quoting the Japanese Canadian Association's press release about this 30th anniversary. They say that it is their hope that we will see that mutual understanding and open mindedness can help make this community of ours a better place to live in. We are all human beings — love and respect each other. What more could you ask for, Mr. Speaker?

*Applause***In recognition of Dawson City Arts Society 20th anniversary**

Hon. Mr. Silver: I rise today on behalf of all Members of the Legislative Assembly to pay tribute to the 20th anniversary of the Dawson City Arts Society. Twenty years ago, born out of an impromptu chat between neighbours John Steins and Greg Hakonson, a group of Dawson artists united to fulfill a need in their community for an organization to promote and facilitate arts education, creation and exhibition.

Banding together as the Dawson City Arts Society — DCAS — the group wasted no time establishing a multidisciplinary Klondike Institute of Art and Culture, taking possession of the historic Odd Fellows Hall as the headquarters and creative space.

In pursuit of their stated aim to act as a catalyst for the instruction, promotion and celebration of art in all of its forms, DCAS's efforts have resulted in the foundation of the ODD Gallery, the Macaulay House artist's residence, as well as the Arts for Employment and the Youth Art Enrichment programs. Together with Tr'ondëk Hwëch'in and Yukon College, they also provide oversight for the Yukon School of Visual Arts — SOVA — the first accredited institution for fine arts north of 60.

For more than 10 years, SOVA has brought students from across the country and the world to learn and to be inspired by our landscape, culture, history and people. Working within a small and collaborative environment, students receive a broad and challenging art education, with opportunities to pursue an art career through other studies.

There are also many events that have been inspired by DCAS's vision of year-round programming in Dawson for performing, literary, media and visual arts. These include the Dawson City International Short Film Festival, the Yukon Riverside Arts Festival, the Print & Publishing Festival and numerous gallery exhibitions, readings, film screenings and workshops.

Beginning this year, Mr. Speaker, as DCAS turns 20, and continuing into 2020 when KIAC celebrates its 20th year, both organizations have lined up a series of exciting and innovative events and exhibitions for the 2020 celebration and fundraising campaign. It all kicked off with a concert to reopen the Palace Grand Theatre, followed by the SOVA alumni show and performances by The Sadies at this summer's Riverside Arts Festival.

Further events we can look forward to include live script reading, a children's art day and a dance marathon, all capped off with a revival of the event that kicked it all off back in the year 2000 with the New Year's Eve's Odd Ball. Beyond DCAS's recognition for the important role that arts play in capturing the spirit, history and evolution of the Yukon, DCAS also understands the contributions that art makes to the social, cultural and economic fabric of our territory and how it enhances the overall quality of life.

This is evident in the commitment to events and programs and the extensive and devoted volunteer base the organization

inspires. DCAS also continues to seek out and create opportunities to strengthen and grow the arts-based component to Yukon's economy and shift modes of thinking in this regard, creating a new economic engine, as its founders put it.

It cannot be overstated just how important DCAS's work has been in the development of Yukon art and culture and the delivery of arts education. In the 20 years since its inception, with a proven track record of community engagement, accomplished alumni and an established suite of year-round arts programming, the Dawson City Arts Society is without question an institution of both territorial and national significance. DCAS continues to build on its impressive legacy of dedication to the growth and development of the arts and cultural community.

The Government of Yukon is proud to support and stand alongside all board members, artists, curators, organizations, volunteers and community partners who provide continued assistance to DCAS as they build capacity in our communities and develop creative opportunities that enrich the lives of all Yukoners. From the beginning, DCAS has been collaborative in spirit and function — a team effort through and through.

Before I conclude my remarks, I would be remiss if I didn't pause to recognize the contributions of one member of the team in particular — long-time DCAS and KIAC champion Karen DuBois, who will be retiring as the executive director as of December. Ms. DuBois has served in this role since 2008 and in that time has been a true architect of the vision and direction of this exemplary organization and its offering.

Thank you, Karen, for your invaluable contributions to arts in Yukon. We wish you well in your future endeavours. Thank you to everyone who is involved in DCAS. We wish you another 20 years of continued art success, creation success and exhibition success.

*Applause***In recognition of local craft fairs**

Mr. Istchenko: I rise to pay tribute to the Haines Junction craft fair put on by the local library board.

Chapter 1, every year for many years, local bakers, artists, sewers, beaders, jewellery makers, fly tiers, wood toy makers, cooks and canners — just to list a few — get together on a Thursday in November for the Haines Junction library craft fair.

They purchase a table to show their wares from the local library and gather at the St. Elias Convention Centre. Most have spent the last year getting ready for the big event. When the doors open, it is wall-to-wall people with not much room to move. This is quite a sight and is one of our town's biggest events. Locals from far and wide come to buy locally made products and food. Just about anything you can think of is there for sale — great gifts for the upcoming season or a plate of cookies that won't even make the night — delicious.

The Haines Junction craft fair, along with a few other community events — like the Canada Day celebrations or the Halloween fireworks with hot chocolate and hot dogs put on

by our local Lions Club — are great community events that see the majority of our community out and participating.

There are many great craft fairs throughout the Yukon. I know Yukoners look forward to them in the lead up to Christmas across the Yukon. The Spruce Bog, the Jack Hulland's Haunts and Holly, the Ladies Auxiliary craft fair and bake sale and the Cranberry Fair are just a few fairs here in Whitehorse. I would also like to recognize the 12 Days of Christmas Market, which is put on the Fireweed Community Market Society each year. Other rural fairs include the Teslin seniors Christmas bazaar, the Faro Church Ladies Christmas Tea and Bazaar and the Watson Lake Annual Craft Fair. It is wonderful to have a chance to buy local and see some of our amazing talents and creations across the Yukon on display.

I wanted to tribute ours in Haines Junction because, behind the scenes, the local Haines Junction library does a wonderful job to organize and promote the event as a fundraiser for the library. Our libraries in the communities are so important, and it is wonderful to see how much they support our communities and vice versa. The library board in Haines Junction keeps the library running in our community. They create and implement programming outside of their funding by continually holding events and fundraisers. They purchase supplies for the kids craft time and hire community members to help facilitate the programming. Fundraisers like the craft fair that I'm speaking about or the local spring mud poker run put on by the Lions Club are a great way for the library to raise money and get the community together.

I want to thank the Haines Junction library board: Wenda Lythgoe, Grace Noel, Selena Cheater, Libby Anderson and Susan Smith.

I would also like to thank the staff at our very busy library: Margeurite Richard, Cassandra Wheeler, Millie Hall, Debbie Osborne, Karin Allenspach and Kelly Beaulieu for your dedication to the library and to our community — the end.

Applause

In recognition of Yukon artisans and craftspersons

Hon. Mr. Pillai: Mr. Speaker, I will wear my Minister of Economic Development hat for this tribute.

I rise today to pay tribute to the many local artisans and craftspersons who contribute to the cultural vibrancy of the Yukon. Our territory is home to a growing number of skilled individuals and collectives pursuing a diverse range of traditional crafts and artisanal creations. They work with a variety of materials, including wood, metal, ceramic, fur, fibre, beads and glass and also flour, barley, coffee, cocoa and yeast. They create quality products that enrich the lives of Yukoners and visitors alike. They see their wares on display at the Fireweed Community Market, the Spruce Bog and community craft fairs across the territory from Watson Lake to Dawson, from Tagish to Haines Junction and everywhere in between.

This time of year, you can see and purchase their products at the Cranberry Fair, the Cultural Craft Fair, the Handmade Holiday Showcase, the Christmas market, the 12 Days of

Christmas Fireweed Community Market and, of course, the Carcross Christmas Community Market on December 2. Yukoners are known for their ingenuity, and crafts are no exception. There is even a re:design craft fair focused on creating items through the reuse of discarded and salvaged materials in an effort to reduce waste.

The many craft fairs in our territory provide a great opportunity to meet local craftspersons and artisans and to learn about their crafts. For locals, it is a social affair — a great chance to catch up with friends and neighbours and share the community spirit. For visitors in the territory, it is a window into our cultural community and a chance to get something made in Yukon that they can take home. The craft fairs also provide a great opportunity to support local producers of crafts and artisanal products. Many are often raising money for good causes, whether it is to enhance local facilities or to support Yukoners pursuing their passions. As the Member for Kluane mentioned, communities use all sorts of spaces to host these fairs, including libraries and recreational centres.

The individuals involved are helping to diversify and strengthen our economy while enriching the cultural and community life of all Yukoners. Now more than ever, we are conscious of where we source our goods. We are encouraged for good reason to shop local and support our neighbours and craft fairs, and markets are often the perfect venue for this. I encourage all Yukoners to get out to the craft fairs this season, engage with local artisanal communities and support our local craftspersons.

I would like to thank the team and staff at Jack Hulland Elementary School for hosting their annual craft fair this fall. I know it certainly helped me reduce my to-do list for the holiday season.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Ms. McPhee: I have for tabling the *Crime Prevention and Victim Services Trust Fund Annual Report 2017-18*, which is tabled pursuant to section 9 of the *Crime Prevention and Victim Services Trust Act*.

Hon. Ms. Frost: I have for tabling a response to the question raised by the Member for Porter Creek North on November 19.

Hon. Mr. Pillai: I have for tabling a copy of the *2017 Yukon Minerals Advisory Board Annual Report*.

I also have for tabling a legislative return responding to questions asked during Question Period by the Member for Porter Creek North on the Stewart River watershed management.

I also have for tabling a legislative return responding to questions about the business incentive program asked by the Member for Whitehorse Centre during Committee of the

Whole debate on Bill No. 207 for the Department of Economic Development.

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

Are there any reports of committees?
Petitions.

PETITIONS

Petition No. 5 — received

Clerk: Mr. Speaker and honourable members of the Assembly: I have had the honour to review a petition, being Petition No. 5 of the Second Session of the 34th Legislative Assembly, as presented by the Member for Lake Laberge on November 20, 2018.

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

Speaker: Accordingly, I declare Petition No. 5 is deemed to be read and received. Pursuant to Standing Order 67, the Executive Council shall provide a response to a petition which has been read and received within eight sitting days of its presentation. Therefore, the Executive Council response to Petition No. 5 shall be provided on or before the sixth sitting day of the 2019 Spring Sitting of the Legislative Assembly.

Is there any further business regarding petitions?

Petition No. 4 — response

Hon. Mr. Mostyn: I rise today to respond to the petition presented by the Leader of the Third Party on November 8. I would like to thank her for bringing the petition and this issue to the Legislature. As a government, we are committed to building healthy, vibrant and sustainable communities throughout the territory. From Old Crow to Watson Lake to Beaver Creek to right here in Whitehorse, our government is prioritizing the safety and well-being of Yukoners, and that includes the intersection of the Alaska Highway and Hillcrest Drive. As the Leader of the Third Party is aware, this is a complicated stretch of road, one that services the airport, two hotels, businesses and government offices, the community of Hillcrest and those travelling along the Alaska Highway.

My colleague from Mountainview and I have met with the Hillcrest Community Association on several occasions to discuss their concerns, and their input on this complex and challenging issue has been valuable. My colleague from Mountainview and I are both keenly aware of the community's concerns and we are working with our colleagues to prioritize them. Highways and Public Works has carried out extensive functional planning along the Alaska Highway through Whitehorse. Determining how to improve highway safety for vehicles and pedestrians is part of that process, including at key intersections.

We will also work with the City of Whitehorse, as it has jurisdiction beyond the limits of the right-of-way. I want to assure the members opposite that improvements to the

highway around Hillcrest Drive are one of the many important projects being considered by the Department of Highways and Public Works. Stakeholder engagement will form part of the planning process for this project. There are a number of competing views on how to improve that stretch of highway. Before our government acts, we need to hear from residents of Hillcrest, residents of Valleyview, residents downtown, those who commute on the highway, the business community and the broader community as well.

I appreciate the desire to do something, but hasty responses rarely make for effective solutions. We can only prioritize the safety and well-being of Yukoners along the Alaska Highway through an inclusive approach that results in a proper plan. The Alaska Highway is not just another road. It is the Yukon's primary supply route and a lifeline for so many of our communities. It is the road that brings us home. It is also the busiest stretch of highway north of 60.

It is because this issue is so important that we need to get it right, and we will do that through continued stakeholder outreach, thoughtful functional planning and working with the City of Whitehorse to ensure the safety and greatest common benefit for all users of the highway, including pedestrians and trail users.

Speaker: Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Minister of Justice to recognize the importance of the RCMP auxiliary constable program, including the key role those volunteers could play in keeping roads safe following the legalization of cannabis and in revitalizing the checkstop program by:

(1) ending her two years of stalling on this file by making a decision;

(2) supporting the implementation of all three tiers of the RCMP auxiliary constable program in the Yukon without further delay; and

(3) working with the RCMP and the RCMP auxiliary constables to recruit volunteers to serve in this important role.

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

THAT this House urges the Government of Yukon to collaborate with the City of Whitehorse to ensure that daycare and day home regulations and city zoning bylaws address appropriate on-site access to outdoor play areas and greenspace.

Speaker: Are there any further notices of motions?

Is there a statement by a minister?

Speaker's statement

Speaker: Before proceeding with Question Period, the Chair will make a statement regarding the points of order raised on Thursday, November 15 by the Minister of Community Services.

The minister raised the points of order during Question Period in response to the repeated use of the word “falsehood”, which the Leader of the Official Opposition had directed at the Minister of Education.

The Chair ruled that there was no point of order, but committed to review Hansard and to return to the House with further information, if that was deemed necessary.

Standing Order 19(h) says, “A member shall be called to order by the Speaker if that member... charges another member with uttering a deliberate falsehood.” As mentioned, the word “falsehood” was used a number of times during last Thursday’s Question Period by the Leader of the Official Opposition, the Member for Lake Laberge and the Minister of Education. That Question Period also featured the Premier’s use of the terms “misleading information” and “misinformation”, as well as an allusion to Pinocchio, Chicken Little and the boy who cried wolf.

To begin, the Chair will reiterate a statement that he has made in the House on previous occasions in dealing with matters of order and disorder: the role of the Chair is not to police a specific list of words and phrases; the role of the Chair is to maintain order during the proceedings.

The Chair will also repeat a point he has made in dealing with previous points of order regarding Standing Order 19(h). It is significant that Standing Order 19(h) prohibits members from accusing other members of uttering a “deliberate falsehood.”

To quote annotation 494 of the sixth edition of *Beauchesne’s Parliamentary Rules and Forms*: “It is not unparliamentary to temperately criticize statements made by Members as being contrary to the facts; but no imputation of intentional falsehood is permissible. On rare occasions, this may result in the House having to accept two contradictory accounts of the same incident.”

In other words, members are not to be called to order because they assert that another member has furnished the House with information that is false, inaccurate or wrong. Members are called to order when they are found to have accused another member of having deliberately furnished the House with information that is false, inaccurate or wrong.

This distinction is important because the Chair is trying to maintain a debate dynamic and atmosphere in the House where members can, in an orderly fashion, exercise their fundamental privilege as Members of the Legislative Assembly: that of freedom of speech.

The Chair understands that members are debating issues of importance to Yukon and Yukoners and that they, in some cases, have profound and fundamental disagreements with one another about the proper direction of government policy. Members must be able to vigorously engage in debate, ask the questions they wish to ask and respond in the manner they see fit without fear of being called to order because they have

taken issue with facts or information presented by another member.

Members must also accept the fact that they will receive criticism — sometimes pointed criticism — about the way in which they are exercising their public duties. In fact, they may — not infrequently — have their words or actions interpreted in a manner with which they disagree. That is also a fundamental aspect of the Westminster parliamentary tradition.

As mentioned, the Chair’s primary role in the House is to ensure that the proceedings are orderly. In this Chamber, members — as the ones who are asking questions, providing responses and making speeches — also play an important role in ensuring that proceedings are orderly. It is the Chair’s observation that the proceedings in this Assembly are generally not very disorderly. Of course, incidents of disorder do occur. However, they do not occur with frequency and they do not usually impair the proceedings for very long.

Before concluding this statement, the Chair will comment on the Pinocchio reference. It may be possible, through some as-not-yet-contemplated or -actualized turn of phrase, for a member to refer to another member as Pinocchio in such a way that it does not constitute an accusation of lying; however, the manner in which the Premier made the reference last Thursday is not one of them. The Premier — or any other member — can expect to be called to order if a similar reference is made in the future.

Finally, the Chair will remind members of two fundamental principles of parliamentary debate: that members are to treat each other as honourable and they may not do indirectly what they may not do directly. Therefore, members cannot immunize themselves from being called to order because they phrase their allegation of deliberate falsehood in the form of a rhetorical question.

The Chair thanks all members for their attention to this statement.

We will now proceed to Question Period.

QUESTION PERIOD

Question re: Public service engagement survey

Mr. Hassard: In the past year, the Government of Yukon has publicly released the public service engagement survey. The survey contacts public servants within YG to gauge their opinions on how things are going, and the final report was completed in September. We were wondering why the government has been sitting on this report for so long. Well, we now have copies of it and now we think we know why.

Mr. Speaker, according to the survey of the Executive Council Office — the Premier’s own department — confidence in senior leadership — a.k.a. the Premier — has dropped significantly over the last two years. For example, in 2016, 80 percent of people in ECO agreed with the following statement: I have confidence in the senior leadership of my department. In 2018, that number has dropped to 49 percent.

Mr. Speaker, is this embarrassing number the reason the Liberals have buried this report?

Hon. Mr. Mostyn: I am having a hard time understanding the allegation, as the member opposite is referring to a report that he actually has access to, so I can't say that we buried a report that he is referencing. He obviously has it; no report has been buried; there's no embarrassment.

The engagement survey is held every two years. It is a way of gauging how the government is doing and getting feedback from our employees on how we, as managers, can improve things within our government. It's a very useful tool and I'm really happy with the way it rolled out this year. I look forward to more questions.

Mr. Hassard: So confidence in senior leadership in the Premier's own department has plummeted from 80 percent to 49 percent. Mr. Speaker, guess who the senior leader of that department is: the Premier.

We have all heard growing discontent from public servants about this Liberal Cabinet. We regularly hear that they can't make decisions, they're too reactive, their priorities change on a daily basis or that they simply throw officials under the bus. Some even call them "the Roomba government" — they wander aimlessly from mess to mess and when they hit the wall, they turn around.

So let's go to another question from the survey. In 2016, 68 percent of ECO agreed that senior leadership — again, a.k.a. the Premier — provided clear direction for the future. In 2018, we're down to 32 percent for that statement, Mr. Speaker. Is the Premier at all concerned that he is getting a failing grade on his own report card?

Hon. Mr. Mostyn: The report that we apparently suppressed that the member opposite is referring to — he has great details on it. I think that debunks that allegation.

As far as the results from the 2018 employee engagement survey, they tell us that a majority of our employees are satisfied with their jobs and are proud to be working for the Yukon government. The overall employee engagement score for the Yukon government in 2018 was 73. This is the same result obtained in the last survey in 2016 and up four points since the previous survey in 2013. What the member opposite has also ignored is that in 2018 it had the highest response rate of any YG employee engagement survey at 68 percent, and this is actually an increase over the 2016 survey.

Each department receives a report of their engagement levels, and deputy ministers have the primary responsibility for addressing the results within their departments. The Public Service Commission provides support and resources to all departments to help them identify and implement strategies to improve engagements in their departments, and we look forward to those improvements as we move into the next year.

Mr. Hassard: In 2016, as I said, 80 percent of the Premier's department had confidence in senior leadership. In 2018, 49 percent have confidence. The senior leadership of the Premier's department just happens to be the Premier.

Here is another example of how terrible the Premier did in this engagement survey: In 2016, 64 percent of ECO thought essential information flowed effectively from senior leadership. In 2018, we are down to 28 percent, Mr. Speaker.

Most Yukoners need to receive a positive performance evaluation before they get a pay raise on the job, but despite these lousy remarks, the Premier has received — he has actually brought forward legislation to give himself a pay raise at this time when he is telling departments to tighten their belts.

Will the Premier agree to pull the legislation that gives him a pay raise until such a time as he can improve his job performance?

Hon. Mr. Silver: I will not pull any such legislation because that legislation stops the process where the Yukon Party allowed themselves to double-dip on severance packages, and we don't think that is an appropriate expense, especially when the last time, the Yukon Party gave themselves an extra \$110,000 on that one double-dipping of severance. So no, I will not change that.

Mr. Speaker, transition is very difficult on governments. Also, when you ask departments to do more than they have done before, that is also difficult. We understand the results of these numbers and we definitely take them as being worthy and valuable. It's evidence, for sure. It is evidence of the fact that we are asking for a whole-of-government approach when it comes to the issues here in the Yukon with dealing with the situation we have been left with and our financial situations.

Again, we are asking our senior officials, especially through Executive Council Office, to do more — to do more with less — and that is a hard thing to do. I'm very, very confident in my senior staff. I want to thank them for the hard work that they do. The core discipline to change is a tough thing for departments to do and we will take these numbers and we will better them.

As the members opposite cherry-pick on one piece or the other, the Minister of the Public Service Commission has talked about the overall good trends that we have seen here, so I want to thank the public servants for their engagement. I want to thank them for doing more, even when it comes to these surveys.

Question re: Medical travel

Ms. McLeod: Yesterday, 24 hours after telling the media that the Liberals aren't increasing funding to medical travel, the minister flip-flopped and said she was increasing funding to medical travel. Earlier this session, we pointed out that the travel reimbursement rate for someone driving into Whitehorse for medical reasons is 30 cents per kilometre.

Can the minister tell us if this reimbursement rate is increasing?

Hon. Ms. Frost: What I did say was that the medical travel will be considered in the comprehensive health review and we will continue to address that as one of the key priorities as we look at efficiencies. I can say that, as noted previously, we have one of the best travel rates in all of the country and we will continue to support our Yukoners in rural Yukon communities. We will bring the services and programs as we have done and attempt to reduce medical travel costs for clients travelling outside of the territory. We will attempt to

bring the services here by aligning better services with our partners.

Ms. McLeod: Earlier this session, we pointed out that the travel reimbursement rate for someone flying south was \$75 a night and this starts on the second day to cover hotels, meals and other expenses.

Can the minister tell us if this \$75-a-night reimbursement rate has increased at all?

Hon. Ms. Frost: For the record, what we have spent for medical travel is in excess of \$14 million — \$14.7 million, in fact. We have allocated an additional \$2.1 million to offset the pressures from medical travel and we have taken that out of the THIF funding. That is what we have referred to. We have had that discussion here in debate on the territorial health initiative funding. The funding allocated for medical travel remains the same. It will be considered as we look at efficiencies with the comprehensive health review.

Question re: Electoral reform

Ms. Hanson: This week, the Liberal government took the unprecedented step of rejecting the recommendations of the Electoral District Boundaries Commission by defeating Bill No. 19.

I remind you that the commission was made up of representatives from each of Yukon's political parties, as well as the Chief Electoral Officer, and was chaired by Yukon's Chief Justice. Their recommendations were reached by consensus. Mr. Speaker, it just doesn't get more non-partisan than this; yet the Liberal government thinks that it knows best and decided to toss out both of the recommendations and the bill that defined new electoral districts for Yukon.

Why does the Premier think he knows what is best for our democracy over what was recommended by an all-party committee, the Chief Electoral Officer and Yukon's Chief Justice?

Hon. Mr. Silver: Mr. Speaker, now is not the time to add another politician in the Yukon. Now is the time for Yukon's elected officials to dedicate themselves to their responsibilities and to work hard on behalf of their constituents. A 20th riding was introduced very late in the process after the vast majority of consultation had already occurred without this notion being part of the discussion.

We as a government — and we talked about this yesterday as well — went out and talked to Yukoners, and when the majority of this conversation did not happen with all of the consultation, then we have a problem with that.

We followed the appropriate procedures by introducing the bill. Second reading debate is a debate and all parties had the opportunity to voice their concerns. We see the Yukon Party was split in their decisions on this as to whether or not we should or should not move forward on this *Electoral District Boundaries Act*. Obviously, there were issues felt, not only by this side, but on the opposition side as well.

We figured not to cherry-pick — we didn't think that it was a good idea to go in there and decide which parts of the commission we liked or didn't like, but we had a serious consideration when we were told by Yukoners that a 20th

riding is not something that we want to be considering at this this point.

Ms. Hanson: This is not about adding politicians, this is about ensuring fair representation. A non-partisan commission made recommendations on how to make sure that rural and urban voices are heard, yet the Premier thinks he knows best. The Premier knows very well that the commission conducted extensive consultation and that it couldn't do any more after their final report under the existing law. The Premier didn't even ask for a briefing from their own representative on the commission. This shows his lack of respect for the commission's work and for Yukoners who participated in the process.

On Monday, the Premier defended his position saying the number of voters didn't justify the change. What he ignored is the principle of parity between rural and urban voters that the commission reflected through its recommendations. By the Premier's logic, Old Crow, Kluane and even Watson Lake shouldn't have an MLA. Why did the Premier reject the principle of rural-urban parity that was at the core of the commission's recommendations?

Hon. Mr. Silver: I fundamentally reject the premise on which the member opposite is trying to phrase this. Again, we think Yukoners know best. Again, in this consultation process, if you took a look at the interim report, there was no mention of a 20th riding. If you are told that the tools in the toolbox are within a certain parameter and you go out with that as the parameter and then at the last minute something happens that changes that — that is where we have a fundamental concern. By talking to Yukoners over the summer, we realized that the concept of a 20th riding was not being discussed. We had a very good conversation with the Electoral District Boundaries Commission on everything else.

Again, it is that concept of the 20th riding, and we have been told by Yukoners that it is not time to add another politician to the Legislative Assembly. This flies in the face of the 20th variance. It is definitely okay to have some of these ridings in a variance, but to have the majority of them in a variance — well, again, Mr. Speaker, that is where we differ from the members opposite. They can put words into my mouth saying that I somehow don't appreciate certain ridings — that is simply not true. We believe that what we did was a principled approach based upon the fact that we heard from Yukoners that a 20th riding at this time is not something that was being talked about, and it is also isn't something that we should have at this point.

Ms. Hanson: The fundamental parameter that guided the commission was fairness. Because of this government's rejection of Bill No. 19, the residents of Whistle Bend — the fastest growing neighbourhood in Yukon — will see no change in their representation from 2008 to 2031. How does this make any sense? The Liberal government put its own views ahead of our democracy, Mr. Speaker. They rejected the recommendations of a committee made up of representatives of all parties along with Yukon's Chief Electoral Officer and Chief Justice. This is unprecedented in Yukon's history.

This action by the Liberal government is even more concerning given their promise to appoint an electoral reform commission. They are making it pretty clear that if the recommendations coming out of this yet-to-be-announced commission are not in their own interests, they will again simply reject them.

Will the Liberals take the same narrow-minded approach to any recommendations that might come from the electoral reform commission the Premier promised to appoint?

Hon. Mr. Silver: Mr. Speaker, it is just simply untrue. We believe that Yukoners know best, and that is why we did what we did here.

We have a commission that goes about and does a fantastic job of putting an interim report together. From there, we saw consultation happen with certain parameters, with certain tools in that toolbox, which I talked about. The concept of a 20th riding did not come out —

Some Hon. Member: (Inaudible)

Speaker: Order, please. The Premier has the floor.

Hon. Mr. Silver: — until the very last of these consultations. So again, the 20th riding being introduced so very late in the process without this notion being discussed earlier — to us that is an issue. When we went out to talk to Yukoners, they did not want to see a 20th riding. They did not want to see another politician in the Legislative Assembly, especially when you see the ratio of politicians to general public compared to other jurisdictions in Canada.

Some Hon. Member: (Inaudible)

Speaker: Order, please. The Premier has the floor.

Hon. Mr. Silver: Mr. Speaker, as the member opposite does not listen to the answers in the Legislative Assembly, we will continue to commit to knowing that Yukoners themselves know the best. We had a problem with the 20th riding being introduced very late in the process after the vast majority of consultation had already occurred. We did not want to get in there and start cherry-picking particular things in there, so it was either vote against it outright or pass the whole thing as a whole. We made the decision, after a lot of consultation, to do the former.

Question re: Mining collaborative framework

Mr. Kent: Earlier this session, the minister told us there would be a meeting on the margins of the Geoscience Forum to discuss the collaborative framework for timelines and reassessments for mining projects. As you know, the Premier promised this to the mining industry 18 months ago.

Can the minister update us on that meeting? Were there any deliverables that came out of it? When does the minister expect the collaborative framework to be completed?

Hon. Mr. Pillai: First, I would like to clarify. The Member for Copperbelt South on a number of occasions has mixed together both the collaborative framework and our MOU working table, which are two clearly different things.

First of all, the collaborative framework is the work that is being done under the Executive Council Office between First Nations, Canada and the territorial government, which is

the revisiting of the legislative work concerning YESAA, and we all know the history of that story.

The MOU table is the table where we invite both First Nation leadership as well as our government officials to work through a series of objectives and priorities. That work, of course, is ongoing. I did have an opportunity on Saturday from 2:00 p.m. until 4:00 p.m. to meet with a number of our First Nation leaders to talk about some of their key priorities. After that, the Premier and I met with a number of members from the mining sector as well as with First Nation leaders to discuss priorities in moving forward and to continue working through some of the challenges, but also to continue that conversation that people feel is very important. It did not happen in the past, but people are very focused on continuing to have those conversations.

Question re: Health care funding

Mr. Cathers: I have a question about the Liberals' planned cuts to health care. The Liberal government has suggested their health care review will consider bringing in copayments for health services. Will the minister rule out requiring Yukoners to copay for medical travel?

Hon. Ms. Frost: As we proceed to look at the health care review through the comprehensive process, we will look for efficiencies, we will look for key cost drivers, we will look for improvements, and we will do that in conjunction with our partners. We will do that with the recommendations from the expert panel and strategic advice provided. We will work to ensure that we continue to provide the top-level services to all Yukoners and ensure we have done that with their cooperation and with their input — and, of course, taking specific recommendations on service improvements for all communities. For rural Yukon communities historically, that has not been the case. We will continue to ensure that every Yukoner matters, every Yukon health care issue that comes to us is addressed. We will take all the advisement under consideration as we look at the comprehensive health review process.

Question re: Carbon tax

Ms. Van Bibber: In a 2016 article from the CBC, it was argued that the federal government would not be allowed to apply the carbon tax to another level of government. Just to quote from that article, it says — and I quote: “As a general principle of Canadian constitutional law, governments cannot tax one another, as Wall suggested, said Eric Adams, an associate law professor at the University of Alberta.” This principle is why the territorial government does not pay the GST.

Can the Premier tell us if he has different legal advice that suggests this long-standing constitutional principle does not apply in the case of the carbon tax scheme?

Hon. Mr. Silver: I think that might be a question for the federal government, as far as this implication.

Again, the Government of Yukon has committed to working with the stakeholders, working with the federal government to make sure that we return the portion of the

carbon pricing; so we're committed to that. The revenues that we receive from Canada are returned to Yukoners through those rebates, and that's what we're controlling on this side of the House.

If the member opposite has a particular question — she wants to talk about a legal opinion for the federal government as far as taxes go — then she is well within her rights to ask that question of the federal ministers responsible. We will concentrate over here on the rebates — rebating revenues to individuals, to businesses, First Nations and municipalities based upon a formula.

Ms. Van Bibber: I think the Premier forgets that YTG's money belongs to Yukon taxpayers, not to the Liberals. So is he hoping to get praise for giving Yukoners back their own money? Maybe he should ask himself why he took it in the first place.

We know that Yukon will not be returning any of the money that Yukoners get as a result of the carbon tax being applied in multiple jurisdictions. We also know that the GST will be applied on top of the carbon tax and that Yukoners will not get that money back either.

So can the Premier tell us: For a family driving in from Beaver Creek who pays \$97 extra as a result of the carbon tax and GST, will that family get all \$97 back?

Hon. Mr. Silver: Again, with all due respect to the member opposite, GST considerations are federal considerations. She is well within her rights to ask these questions of the federal government which administers the GST.

As far as questions about whether the federal government is allowed to tax — again, that's a question for the federal government.

We are going to continue to work on the final details here that we have to get out the door. We are still working hard for Yukoners on the design of the rebate, and we cannot be finalizing that until the specifics are known about how the federal backstop is going to apply here in the Yukon and what considerations to protect industry competitiveness and vulnerable groups will be built into the tax-collection mechanism, so that's what we'll work on. I encourage the member opposite, if she has questions about the GST, to ask the ministers responsible.

Question re: Youth support services

Ms. White: Integrated Supports for Yukon Youth, ISYY, is to be closed in two weeks. Youth who go to this easy-to-find downtown location now for supportive searches such as job searches, medical support or counselling will be met with a closed door. The minister, when asked about this, spoke of the services that youth in care receive and will continue to receive. She did not address those youth attending ISYY with no link to government. ISYY is not only for youth in care; it's open to all youth.

Where are the youth who are not in care or transitioning out of government services supposed to go after the door closes for the supports that ISYY provides?

Hon. Ms. Frost: Maybe I'll go back a little bit in time to look at the ISYY program and how it was formed and why it was formed. It was formed as a pilot project by the previous government to look specifically at mental wellness and mental wellness supports, and those are matters that we've obviously considered. We also look at extending the program — not to close it, but to continue for a period of time to allow us to effectively implement and ensure that we look at the supports necessary.

Now we are, as a result of the Costanzo report — efforts to look at youth transitioning out of service care. Wann Road was a big one. Some of the members may remember that — “not in my backyard”. Well, we will look at efficient and effective services for all youth, better supported youth programming. We will continue to work with the Skookum Jim Friendship Centre. We will continue to work with our partners to ensure that the 13 youth currently accessing the program are supported. There are a number of youth who come in on a daily basis. We will continue to support the youth as we look at efficiencies — we look at the plan. We are not closing ISYY. We are closing ISYY at some point in the future when a plan is finalized.

Ms. White: The minister keeps on making reference to the Costanzo report, but no one but the minister and her government has seen it.

Another quote from the minister yesterday is: “We will be engaging with youth who are currently in the program to ensure that they are supported as we evolve.”

So basically, this government is closing ISYY that offers a variety of services to youth who may or may not be under government care. The government has not closed the tender to even begin the renovations of the Wann Road transition home for youth 19 and over transitioning out of care. That home was to be open at the end of this year, and now we're hearing that it's not going to open until May. The minister hopes that youth impacted by these decisions will be engaged. Well, Mr. Speaker, I think that they will be enraged, not engaged.

How does this government expect to engage with these youth when they haven't been told about the closure? Does this government expect these youth aging out of service now to just wait for the government to have a comprehensive plan in place?

Hon. Ms. Frost: It's important that Yukon youth receive the support that they need — I've said that from day one — and we will continue to ensure that every youth is provided the support and the services that they require. We know that we've had some concerns that have been brought to our attention, and we've acted quickly and will continue to work with our partners.

We are working with the First Nation governments, organizations, NGOs and youth to develop more fully integrated and collaborative services and programs to meet the needs of youth. In the interim, the Skookum Jim Friendship Centre will provide enhanced after-hours services. We will ensure that our partners with Health and Social Services are implemented and continue to provide access and services to all our youth.

As we look at the temporary closure of ISYY, we will ensure that all of those things are in place before the doors close. Keep in mind, Mr. Speaker, the extension of closing ISYY was meant to be a pilot project and it was meant to be closed a year ago. We did not close it. We gave it the time it required and we worked with our partners. We will continue to work with the youth in Yukon to ensure that the services they require are there and in place. We will continue to work with our partners to ensure that good services are available to all youth.

Ms. White: We would love to see that evaluation of ISYY. The last point-in-time count completed in April of this year found that 12 percent of those experiencing homelessness were between 15 and 24 years old. That is over 20 homeless youth in Whitehorse alone. We are talking about our young people. We are talking about youth in care leaving group homes and foster care. We are talking about youth who are already living and experiencing homelessness.

The minister said yesterday — and I will quote again: “We are working on a number of youth-related initiatives across the department, and we will see what this opportunity brings forward — brings together a comprehensive plan — to better understand how ISYY fits into the continuum of services.” Mr. Speaker, not only is this quote incomprehensible, so is closing the doors to a program that supports vulnerable youth without a plan.

Why would the government close the only barrier-free government program that supports vulnerable youth in our community without a comprehensive plan in place?

Hon. Ms. Frost: What I did say yesterday is that Health and Social Services is working with the youth. We will continue to look at youth-related initiatives across the department. We will continue to ensure efficiencies. We will not be running multiple programs; we are looking at amalgamating and ensuring that every youth is given the essential services and supports that they require. The youth who we have in care — I am happy to say that we have a reduction of youth in care. We have less than 20 youth in care compared to the over 300 who were in care a few years ago. We now have an extended care program with our families.

The point-in-time count — I am happy to say that I participated in that point-in-time count. I did go out to speak with the youth. I will continue to engage with the youth and I will ensure that the programs and services that we provide to all our youth, as we look at efficiencies of services and we look at the programs and services that we provide, is done in such a manner that the youth are supported and that they are part of the process. We will continue to ensure that every youth's voice is heard and that they are integrated into the programs and services that we design and build for the youth.

Speaker: The time for Question Period has now elapsed.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 24: *Access to Information and Protection of Privacy Act* — Third Reading

Clerk: Third reading of Bill No. 24, standing in the name of the Hon. Mr. Mostyn.

Hon. Mr. Mostyn: I move that Bill No. 24, entitled *Access to Information and Protection of Privacy Act*, be now read a third time and do pass.

Speaker: It has been moved by the Minister of Highways and Public Works that Bill No. 24, entitled *Access to Information and Protection of Privacy Act*, be now read a third time and do pass.

Hon. Mr. Mostyn: I want to start this afternoon in closing off this latest chapter in this saga, which is access to information, by thanking the departmental staff who did such a bang-up job researching, drafting, consulting, communicating and supporting this government in the delivery of this very important piece of legislation.

I also want to thank members of this House for the debate that we had over this piece of legislation. For me, it was instructive. There were some great questions posed and I really did enjoy the debate. I think it did a lot to improve our understanding of this piece of legislation, which is fairly progressive, quite large and very important to this government. I really do appreciate the thoughtful debate that we had on this bill.

This weekend I attended the second Hackathon held in this territory at the Northern Lights Centre. About 60 people came together to look at how they could improve information technology within government. It's called a “Hackathon”, which conjures up all sorts of sinister thoughts, but really what it was was a collaboration between business and the civil service, investors and a whole mix of people — private citizens and people who just like computers — who came together to start to look at how we provide information within this government. That's important, Mr. Speaker, because it lies at the heart of this new piece of legislation.

This access to information and protection of privacy bill that we have before us — yes, it's about the provision of information to our citizens and making sure that they have access to information that this government collects and manufactures. It also protects the citizen's right to privacy and lays out clear rules to make sure that those protections are clear and well-understood.

But it is also a foundational piece that will set out how this government moves forward in the sharing of information and works with its citizens and with itself. That is also a very important piece. It is a subtle piece within this legislation, but it is vitally important to modernizing our service delivery — modernizing the way that this government works and works with its citizens. I cannot underscore that enough. I cannot stress that enough. It is a very important piece of legislation.

As I mentioned during second reading in Committee of the Whole, the purpose of this legislation is to have an act that

provides Yukoners with the right to access information under the control of government institutions and public entities, as well as to protect personal information that Yukoners provide about themselves to government institutions.

The new act improves the protection of Yukoners' personal information by building privacy and data protection into programs and services at the outset. This new act enhances client service delivery by providing public bodies and partner agencies with the ability to coordinate services and supports, and it releases more information to the public, free of charge, by requiring ministerial bodies to proactively publish certain types of information, such as final reports, evaluations or audits, datasets, policy manuals, et cetera, on a predictable schedule. The requirement will contribute to a culture of openness by default.

The new act includes new compliance measures that provide Yukoners with a more efficient and consistent service. For example, we are proposing that the existing records manager role housed within the Department of Highways and Public Works will evolve into a stronger compliance role. This new position will be responsible for estimating costs to process an access request, will determine extensions in relation to an access request and will make the decision to accept or refuse an access-to-information request.

We listened to Yukoners and are proposing greater powers for the Information and Privacy Commissioner so that citizens' rights are effectively enforced. This bill recasts the role of the office of the Information and Privacy Commissioner so that it can promote and facilitate efficient and timely access to requested information and adopt additional practices to ensure the protection of personal information.

For example, the commissioner's role as watchdog will be enhanced through new powers to audit privacy protection operations and to write special reports to be presented to the Legislature. With respect to the protection of personal information, the commissioner will be able to review and comment on privacy impact assessments carried out by departments in relation to a specialized service, such as an integrated government program or service, and the public body's management of personal information.

Public bodies will also be required to report all privacy breaches to the commissioner. The commissioner will be able to initiate investigations of a public body's handling of an access request or personal information on its own initiative, even without a complaint.

Mr. Speaker, these new powers will make this office of the Information and Privacy Commissioner a positive force for watching over all aspects of the new act and facilitating the right of citizens to obtain information in a timely way. The proposed bill will clearly define accountabilities, roles and responsibilities for applicants, the access and privacy officer, public bodies and the office of the Information and Privacy Commissioner, including timelines for responding to an access request. Openness and accountability require timely responses. Journalists and the general public appreciate defined timelines.

We are proposing that the bill clearly define what a public body is and further set out the criteria in regulation. The bill identifies three categories of public bodies: First is a ministerial body, and it includes each office of the minister responsible for a department and the department for which they are responsible. Second is a statutory body prescribed to be a public body that applies to boards and committees established by statute and all members who are appointed by the Commissioner of the Executive Council or a minister. Boards and committees will be determined during regulation development. Third is any other entity prescribed to be a public body includes anomalies, such as the Yukon Energy Corporation, which are not captured as "ministerial" or "statutory bodies".

The proposed bill is structured to allow for some flexibility in its application. For example, when determining whether a specific body should be included or not, government can choose to make public bodies not currently covered by the act subject to just the privacy provisions or just the access provisions of the act. The new bill will require government to publish certain types of information — for example, final reports, an evaluation or an audit, data sets, policy manuals, frequent requests for access to information, et cetera. Proactive publication details will be determined during regulation development. The access and privacy officer will receive privacy impact assessments from ministerial bodies and then post a summary of the privacy impact assessment in a public registry to alert the public that government has conducted due diligence regarding the privacy rights of its citizens.

For democracy to function properly, it is crucial to balance the interest of its citizens with that of our public officials. Yukoners should know as much as possible about the work of public officials, and on the other hand, public officials should know the minimum amount about individual citizens. This is the function that access and privacy legislation should serve. I believe this bill does that, and as I have said before, I believe it does it elegantly. For those reasons, I would say that I believe that the bill is a good one and I would urge members to support it. I thank you very much this afternoon.

Mr. Hassard: I appreciate the opportunity to rise today to speak to Bill No. 24. We have been very clear about our concern of perceived political interference by this Liberal government in the ATIPP process. We have seen evidence of the two most senior members of the Premier's office not only having closed-door meetings with officials to discuss ATIPP —

Some Hon. Member: (Inaudible)

Speaker: The Leader of the Official Opposition has the floor.

Mr. Hassard: Of course, we know that this is completely inappropriate. We have also seen the Premier's political staff telling the department how to interpret the ATIPP legislation and how to process ATIPP requests. Again,

Mr. Speaker, this is completely inappropriate and unfortunately the Premier knows this.

I would like to ask the Premier what his reaction would have been when he was in opposition, had political staff been telling departments how to interpret ATIPP legislation or how to process requests or what his reaction would have been had political staff been having private, closed-door meetings to discuss ATIPP requests. Frankly, I think that he would have raised holy hell. Now we see this going on under his leadership, but I guess it's like he said in his first two throne speeches — the view is different over here.

It is too bad that the Premier's mantra to govern so far has been hypocrisy. He knows that politicians should not be telling the government how to interpret ATIPP or how to process requests or having closed-door meetings with officials to discuss ATIPP. Politicians and their political staff should be arm's-length from the process, not knee deep, Mr. Speaker. As we can hear, the Premier seems to know this.

What we do know for a fact is that this government is extremely thin-skinned. They are controlling. They stamp out opposition or dissenting voices, and they hunt down whistle-blowers. This is their record. The Premier may not be proud of his record of hunting down whistle-blowers — or maybe he is — but it is his record and he has to live with it. We know that the Premier knows who has been submitting ATIPP requests, because he has admitted it right here in this Assembly. This legislation expands ministerial powers when it comes to ATIPP processes, and that is concerning given the government's record with apparent interference.

Further, we brought forward a constructive amendment to make it explicitly illegal for politicians and their political staff to interfere, and yet the Liberals used their majority to vote that down — again, Mr. Speaker, concerning.

So it is with great reluctance that the Official Opposition will not support this legislation. We tried to work constructively with the government to get the legislation to a place where we could support it, because you will remember the government saying that they would work constructively with opposition parties, but I guess that is just another broken promise from this Premier who says the view is different when you are in government.

Ms. Hanson: I am rising on third reading of the *Access to Information and Protection of Privacy Act*. I have to say so far that the third reading speeches have been kind of unusual.

I would like to thank the minister for actually carrying through with this long-overdue review of the legislation. I would like to thank the officials for the briefing that they provided and for their support to the minister through the detailed questioning that we attempted to carry out on this legislation and its implications. I want to thank Diane McLeod-McKay, the Information and Privacy Commissioner, for her careful consideration and review of all aspects of this long-awaited legislation. I believe that Ms. McLeod-McKay has provided a balanced assessment. She offered praise where it was due, and she put on the public record, both in her release of October 9, 2018, and in her responses to questions

from members in this Assembly, that she put this government on notice that there are still substantive concerns with how this legislation has been crafted and that the government has missed a number of opportunities by refusing to take action on areas where it could have legislated to ensure that, if the concept is really about a citizen's basic right to information, it should apply to all levels of government. That includes the government's responsibility with respect to the *Municipal Act*, and we will be watching to see how that is carried out.

The recommendations and the concerns that she expressed and that we pushed in questioning of the minister during line-by-line debate of this bill with respect to potential for overreach by the use of protocols and the potential for abuse of that will also be something that both the Information and Privacy Commissioner and this side of the House will be carefully monitoring.

Time will tell. We will be watching carefully, but we are happy to support the bill with the caveat that it is too bad — we could have done better, but it is what we've got and let's get on with it.

Speaker: If the member now speaks, he will close debate on third reading of Bill No. 24.

Does any other member wish to stand up and be heard?

Hon. Mr. Mostyn: I have to say that I am flabbergasted by the statements of the Leader of the Official Opposition, and I don't even believe they warrant comment — they're so groundless and they demean the station of the House — but I will talk to some of the comments by the Leader of the Third Party. The debate that we have had on this bill, as I've said, was instructive and, I think, was constructive. I do appreciate the attention that she paid to this piece of legislation, which is so very important to our government and to our citizens. I think she did her constituents a service by the attention she paid to this piece of legislation, the research she did and the thoughtful debate that she brought to the table.

It stood in stark contrast to the Official Opposition, a party with a long history of not providing any information, of throwing up roadblocks, of passing amendments to the existing legislation that were considered draconian in Canada, reaching far beyond anything that any other government had done in restricting citizens' access to information. They did that with no warning, no consultation, with not even the courtesy to talk to the opposition parties before bringing it forward.

That is the past, Mr. Speaker, and this represents the future. This is a new way of government. So we have an Official Opposition with no understanding of the provision of information to its citizens, with no understanding about the laws and access to information and protection of privacy law — coming up with amendments on the fly — fast and loose, even — with no consultation, with very little thought and then throwing them on the floor of the House just like they did with their amendments to the old bill in 2012 — I believe it was. That is the old way of doing things; this is a new way of doing business.

Some Hon. Member: (Inaudible)

Point of order

Speaker: The Member for Lake Laberge, on a point of order.

Mr. Cathers: Standing Order 19(b) requires the member to speak to the matter under discussion. The minister seems to have gone way off track and hit the ditch on this one.

Speaker: The Minister of Community Services, on the point of order.

Hon. Mr. Streicker: We are here on the third reading debate of the *Access to Information and Protection of Privacy Act*. The Leader of the Official Opposition raised comments about the performance of this government and talked about how that is characterized. The Minister of Highways and Public Works is just refuting those comments and pointing out the notion of this act and how we would characterize it now. I think it's exactly part of third reading.

Speaker's ruling

Speaker: The Leader of the Official Opposition, in my view, did somewhat open the door by virtue of his criticism of the current policies and to a certain extent opened the door to the government providing their view of prior related policies to related legislation. There is certainly some — I would provide some additional latitude to the Minister of Highways and Public Works, but I would generally urge him to focus on the current legislation.

There is no point of order. The Minister of Highways and Public Works has the floor.

Hon. Mr. Mostyn: Thank you very much, Mr. Speaker.

As I was saying, there's a new way of doing business in the territory now — a way of doing business that's laid out in legislation — in a piece of legislation that is about 144 pages long, that the Leader of the Third Party took time to read and consider and that the Official Opposition — not so much. They didn't read it or consider it and they came up with amendments to that piece of legislation. They apparently were quite proud of it. They put a little bit of thought into it and then brought it forward on the floor of the House without any research or consultation — or even consideration to bring it to myself or the officials of the department before bringing them forward.

Of course, we did reject those amendments as not adding value to the bill, and so here we are. I believe that the bill that we have before us is well-crafted. I believe it will serve the citizens of the territory well into the future. I think it will provide the ability for other public bodies — be they municipalities or other agencies we have yet to even consider — to come on and to opt in after they decide to do so. I am more than happy to have those conversations. I have had those conversations with municipal leaders and they have actually expressed to me that they are happy with the approach we are taking and they are very interested in actually adopting some of these access to information and protection of privacy rules because they see the merit in it and the importance to their

citizens. As responsible governments in their own right, I respect that. I respect their ability to make decisions. That's the approach we took with this piece of legislation.

Of course, the member of the Third Party knows that because we have had this discussion and I have said that was a great discussion.

With that, Mr. Speaker, I want to thank the staff who spent so many hours and put so much thought into this piece of legislation in researching it and making sure that it met the needs of the territory, its citizens and its public bodies, including this government.

I also want to thank the opposition and in particular the Third Party for their thoughtful contributions on this bill. The Information and Privacy Commissioner came before this House. That is the first time that has ever happened. I was very proud to have a hand in that and in working with her and meeting her in her office to discuss this piece of legislation. I was one of the first ministers to ever meet her in her office. I was proud to do that. I welcome the thoughtful input she had in crafting this piece of legislation.

I think that because of that — and because of that outreach and that thoughtful contribution from the media, from the public and from the opposition — that this is a very strong bill. I think it will serve the people of the territory well into the future.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Silver: Agree.

Hon. Ms. McPhee: Agree.

Hon. Mr. Pillai: Agree.

Hon. Ms. Dendys: Agree.

Hon. Ms. Frost: Agree.

Mr. Gallina: Agree.

Mr. Adel: Agree.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Mr. Hutton: Agree.

Mr. Hassard: Disagree.

Mr. Kent: Disagree.

Ms. Van Bibber: Disagree.

Mr. Cathers: Disagree.

Ms. McLeod: Disagree.

Mr. Istchenko: Disagree.

Ms. Hanson: Agree.

Ms. White: Agree.

Clerk: Mr. Speaker, the results are 12 yea, six nay.

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

Motion for third reading of Bill No. 24 agreed to

Speaker: I declare that Bill No. 24 has passed this House.

Bill No. 23: *Lobbyists Registration Act* — Third Reading

Clerk: Third reading, Bill No. 23, standing in the name of the Hon. Mr. Silver.

Hon. Mr. Silver: I move that Bill No. 23, entitled *Lobbyists Registration Act*, be now read a third time and do pass.

Speaker: It has been moved by the Hon. Premier that Bill No. 23, entitled *Lobbyists Registration Act*, be now read a third time and do pass.

Hon. Mr. Silver: Mr. Speaker, I will be brief here today. I sincerely appreciate the comments and the contributions from members on both sides of the House in supporting this act. There were some well-researched questions particularly raised by the Leader of the Third Party, which I believe contributed to the quality of the debate during Committee of the Whole. We debate bills for the benefit of Yukoners, so I thank the members opposite for focusing on the issue of lobbying and for their careful review of the proposed bill.

We know that this is new for Yukon, so we are planning to educate the public on how to use the lobbyist registry and educate potential lobbyists on the requirements laid out in the bill.

In closing, I want to reiterate that we recognize lobbying as a legitimate part of the policy decision-making process, and we are aiming to improve transparency regarding who has access to decision-makers by requiring lobbyists to identify themselves.

Again, Mr. Speaker, thank you to all members, and I'm pleased to hear any further debate if there is any.

Mr. Hassard: It's a pleasure to have the opportunity to rise today to speak to Bill No. 23. We have been quite clear about our concerns about this legislation and the fact that school councils are not exempt. We have seen the government list every other organization, but they appear to have forgotten about school councils, and that's too bad, Mr. Speaker, but I guess it's not completely surprising, considering the government's track record with school councils in the last couple of years.

As I said, it's still too bad.

We did flag the issue. It's unfortunate that the Premier refused to make a simple amendment to explicitly exempt them, but the Premier did say that school councils would not be forced to register, so I guess we will just have to take him at his word. It's unfortunate that he wouldn't explicitly put that in the legislation, but as I said, we'll take him at his word, and we will be supporting the legislation.

Ms. Hanson: I'm happy to see Bill No. 23 get to third reading and hopefully see a lobbyist registry in place soon. As the Premier noted, the Yukon NDP has supported the notion

of lobbying legislation for many years. We introduced our own private member's bill in 2014, and so, of course, the principles behind establishing a registry are well-known, and it brings Yukon in line with good governance from across this country. We will stand by the premise that every citizen has the right to attempt to influence government policy, but nobody has the right to do it in secret. Nobody has the right to do that in secret.

The lobbyist legislation — paid lobbying legislation is what we would have preferred to see, but it's a lobbying registration act — it will allow that transparency, and ultimately when the registries are established and people are required to register, we will truly have another notch in the form of a transparent and accountable government.

Speaker: If the member now speaks, he will close debate on third reading of Bill No. 23.

Does any other member wish to be heard?

Hon. Mr. Silver: Just to clarify, as far as the members opposite consider it — their one consideration in Committee of the Whole on school councils — again, they are considered in the bill, and they are already covered in the definitions of the bill. The member opposite doesn't need to necessarily take my word for it; this was carefully considered with the Department of Justice in designing these bills. Again, we're happy to get legislation moving forward on the lobbyist registration.

We want to again thank the Leader of the Third Party and the NDP for a thorough debate. As we know, there have been other bills provided by the NDP in the Legislative Assembly for lobbyist legislation. It was nice to see a thorough debate from the NDP.

Speaker: Are you prepared for the question?

Some Hon. Members: Division.

Division

Speaker: Division has been called.

Bells

Speaker: Mr. Clerk, please poll the House.

Hon. Mr. Silver: Agree.

Hon. Ms. McPhee: Agree.

Hon. Mr. Pillai: Agree.

Hon. Ms. Dendys: Agree.

Hon. Ms. Frost: Agree.

Mr. Gallina: Agree.

Mr. Adel: Agree.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Mr. Hutton: Agree.

Mr. Hassard: Agree.

Mr. Kent: Agree.

Ms. Van Bibber: Agree.

Mr. Cathers: Agree.

Ms. McLeod: Agree.

Mr. Istchenko: Agree.

Ms. Hanson: Agree.

Ms. White: Agree.

Clerk: Mr. Speaker, the results are 18 yeas, nil nays.

Speaker: The yeas have it. I declare the motion carried.
Motion for third reading of Bill No. 23 agreed to

Speaker: I declare that Bill No. 23 has passed this House.

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

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

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 27: Coroners Act — continued

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

On Clause 44 — continued

Chair: Is there any further debate on clause 44?

Ms. Hanson: This may be an easy way to start because it may be very obvious, but I would just like to confirm the interpretation. Clause 43(1) says that basically regardless of whether or not “A family member of a deceased person...” or somebody else who is interested in that death — it says that they can request it. But even if they don’t request that an inquest be held, the minister can direct that an inquest be held. In 44(2) there are two different things. One is: Can the minister give an example of — not the minister personally — but what a minister would determine to be a public interest with respect to the determination of a death given all the other circumstances that require it? Then in 44(2), I’m curious as to what would trigger a ministerial direction that another inquest be held if there has already been an inquest — an investigation and a previous inquest into the facts and

circumstances of a death. So what would trigger 44(2)? That is the second part of that question.

Hon. Ms. McPhee: Thank you for the question. We are dealing with section 44. With respect to section 44(1), this, of course, details the scenarios in which the minister might direct an inquest, and I think the question is specifically around public interest because that is the only criteria there — and it is an important one.

The public interest criteria might be, for instance, if there was something that the minister was aware of or the department was aware of that wasn’t sort of common knowledge, such as whether there was a pattern of deaths or a number of situations that had occurred over a period of time that may not be obvious to the family or obvious to anyone who might be an interested party to request an inquest. But there might be a public interest in having that inquest so that evidence can come forward or can be assessed, again, under the context of the coroner’s situation, where the determination of the cause of death is an important one and factors for preventing future deaths are an important opportunity through an inquest to do that.

So 44(2) allows the minister to call an inquest even when an investigation or an inquest has not previously taken place — or it says, in fact, “... whether or not...”

Again, there may be a situation in which there previously had not been — but perhaps new evidence came to light. Perhaps there is an opportunity for information that wasn’t available at the time of the death, or that the matter was either investigated or not investigated, but then later something comes to light that would warrant an inquest in the public interest.

I hope those are concrete enough examples.

Might I say while I am on my feet — thank you very much to Mr. Dan Cable and to Sheri Hogeboom, who are both here from Justice to help us this afternoon.

Chair: Is there any further debate on clause 44?

Clause 44 agreed to

On Clause 45

Ms. White: Pursuant to Standing Order 14.3, I request unanimous consent of Committee of the Whole to deem clauses 45 through 49 of Bill No. 27, the *Coroners Act*, read and agreed to.

Unanimous consent re deeming clauses 45 through 49 of Bill No. 27 read and agreed to

Chair: Ms. White has, pursuant to Standing 14.3, requested unanimous consent of Committee of the Whole to deem clauses 45 through 49 of Bill No. 27, entitled *Coroners Act*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 45 through 49 deemed read and agreed to

On Clause 50

Ms. Hanson: In clause 50(2), it states, “A person who has been granted standing at the inquest by the presiding

coroner may be represented by a lawyer at the inquest.” Does it mean, for example, that family members do not have to pay for a lawyer? Does this position prepare the family or other witnesses to make sure that their questions are asked during an inquest? Does a person who is granted standing at the inquest, in addition to being represented by a lawyer — are they provided with financial support or assistance? For example, travel — if they have to travel to the territory from outside of the territory in the case of the death of a relative and that is the subject of the inquest. If there is an adjournment of the proceedings, how are witness costs addressed? Where would I find that? This speaks to the lawyer, but I can’t find other costs elsewhere. Maybe the minister can clarify where those might be, if they are there. There are about four questions embedded there.

Hon. Ms. McPhee: I have the answers to at least some of those. If I miss one, I am counting on the member opposite to remind me of the question.

Section 50(1) actually compels the minister to appoint counsel and legal representation for the presiding coroner if requested. That person would act as counsel to the presiding coroner. Sometimes an analogy to that might be someone for the purposes of presenting the evidence — maybe like a prosecutor — but is obviously still counsel to the presiding coroner. It’s a common practice in administrative-law-type tribunals, which this is. For instance, it is a common practice, I know, for the Workers’ Compensation Health and Safety Board, where they have someone who helps present the full picture.

That’s section 50(1). What you’re also asking about is 50(2) — that a person who has been granted standing can be represented by counsel.

Again, we have to read the entire act together. That takes us to section 86, which indicates fees, et cetera. It indicates that the fees, costs, expenses and allowances for any person who provides services under the act are to be paid in accordance with regulation. That would be the witness question — individuals who have to come before — and 86(2), the legal fees incurred by a person who is granted standing to participate in an inquest are to be paid to the extent provided for in regulation.

We definitely still have to consult with respect to that specific clause, but it does enable that, which was certainly not something that was in the previous act. It enables us — it at least contemplates the fact that those fees should be paid or could be paid on behalf of the person who is granted standing. A good example is a family member or a family who is granted standing by the presiding coroner but who does not have the means and ability to either have legal counsel or have other expenses that might be in conjunction with attending an inquest or being a witness at an inquest.

There are a number of provisions there with respect to section 86 that enable regulations to be brought forward for that purpose.

Ms. Hanson: I just want to comment that there are really bad exhaust fumes in this Legislative Assembly at the moment. Somebody is going to have to check and see what is

going on. I’m going to move that we adjourn if we don’t get it cleared out.

I thank the minister for that. I had looked at section 86, and that’s why I had asked the question, because it’s not clear. There is nothing directive that the regulations should cover any sort of sense of getting the scope of what might be covered. I just wondered why that wouldn’t have been at least indicated or given some sort of prodding for those who are going to be drafting the regulations that this was the intent.

Is there any other comparable legislation where this might be spelled out more clearly with respect to the intent to ensure that, for example — and I will keep using the example of family members who are definitely not in a circumstance to be serving as their own counsel, often not having a clue what the whole legal process is about, so they need to be supported and guided with that. The last thing they need is to have to deal with the uncertainty associated with: Can I even afford to present myself to be present during an inquest that is called into the death of a loved one? I am just looking for a bit more clarity on that.

Hon. Ms. McPhee: I agree with my colleague the Leader of the Third Party, that what was a blinding headache yesterday is returning now on the basis of this smell. I am not sure exactly, but it smells like exhaust to me too. Nonetheless, I will try to answer this question while someone looks into that.

With respect to the strategy of drafting, as the member opposite well knows, the practice of legislative drafting is to have —

Some Hon. Member: (Inaudible)

Hon. Ms. McPhee: Thank you. I just waited a moment while the member opposite was getting a message from someone else. The concept of drafting legislation and regulations, of course, is that the legislation should enable the process and many of the details should specifically go in regulation, partly because, at the time, consultation processes can be different for each one — the engagement process — but in particular with respect to a reimbursement situation for legal fees, which is contemplated in section 86 and permitted by regulation in 87(1)(k).

The details could change with respect to that over time — the criteria, what we would take into account. I’m not aware of any other jurisdictions that have gone this far with respect to reimbursement for individuals who have standing before a coroner’s inquest. We’ll look into that again — there’s a question about Saskatchewan, but it’s not a common practice yet. I think the Yukon is leading the way here. Obviously, that’s a policy consideration going forward with respect to what the details of the regulations will say and the financial commitment as well.

I take the point made by the member opposite, and in particular, I wanted to note that this piece of legislation also recognizes the complexity of a coroner’s inquest going forward and how they have changed over the years by, for example, requiring a presiding coroner to be a territorial court judge, senior counsel in the jurisdiction or someone from Outside with experience, like a coroner from another

jurisdiction or something like that. That recognition is there. I think it goes hand in hand with the permission and the enabling version in section 50 and then in 86, but those details will have to be worked out.

Chair: Thank you. It has been recommended that we take a 20-minute recess to clear the air in here.

Do members wish to take a 20-minute recess?

All Hon. Members: Agreed.

Chair: Committee of the Whole will recess for 20 minutes.

Recess

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

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

Is there any further debate on clause 50?

Ms. Hanson: I think before we left off, the minister was explaining the connection — I have to read the whole thing — the connection between what I was asking with respect to section 50(2), and then she linked it to 86. I had also noted, as she had referenced, section 87(1)(k). I had a question because it links to all of this, because in section 87(1)(i) and (k), one talks about allowances to be paid to persons providing services. Then as the minister indicated, (k) is respecting the reimbursement of legal fees.

Again, it goes back to the point I was trying to make — I do not know if it is possible to read into (i), including fees, costs, expenses and allowances to those granted standing beyond legal fees. So it is those kinds of fees, costs, expenses and allowances — trying to link it — trying to provide greater clarity to the potential for somebody other than lawyers to get paid under this act.

Hon. Ms. McPhee: The member opposite is asking about — I know we are not there yet, but I am going to reference 87(1)(i) and (k), because she has in the question, and rightly so. Section (i) is dealing with fees, costs, expenses and allowances to be paid to persons providing service, so there is no specific definition of a person providing services. It could be read very broadly, and it could be read broadly through policy.

With respect to the specific question about whether or not that could be read into being persons with standing — no, I think, is the short answer, because it doesn't reference that, but persons providing services could be broadly defined.

There is nothing that requires reimbursement to families — I will just categorize it as that — for participating in an inquest, but there is also nothing that prohibits it from being the case. It could be something that is in the coroner's budget. It could be something that is later broadened in regulation, because the enabling power to make regulations around this is, in fact, in section 87, and the definition of what that means through policy is also a possibility.

Ms. Hanson: I accept the minister's explanation. I would, just for the record, state that I think that it's not a common occurrence, but when it does occur — and it has

occurred in this territory — it can be very challenging for families and individuals to try to be present — if the inquest doesn't occur, if they actually don't reside in the territory but have every legitimate interest in the proceedings and, in some cases, have something to offer, not the least of which is knowledge of the individuals prior to death, which is also relevant in the line of questioning that occurs during an inquest.

So I'll just leave it there, Mr. Chair.

Hon. Ms. McPhee: I will just take a second to point out something that I didn't mention in the distinction. Not always — but one of the barriers for families or individuals standing before a coroner's inquest can be legal fees and the significance of those. Clearly, that was an opportunity to make sure that there were enabling provisions in this legislation and, later, regulations to deal with that particular issue.

I don't belittle for a second that sometimes families have to travel, stay with friends or stay in hotels and those kinds of things. I certainly am aware — as the member opposite is, and perhaps others in the House — of situations where that has been the case in respect to a coroner's inquest, but this goes quite far down the road — as a leader in this area for recognizing the expenses and the concerns that might face a family who is coming before a coroner's inquest or someone who is involved in that situation.

Clause 50 agreed to

On Clause 51

Clause 51 agreed to

On Clause 52

Clause 52 agreed to

On Clause 53

Clause 53 agreed to

On Clause 54

Ms. Hanson: Clause 54(1) says, "If the presiding coroner is unable or unwilling..." — that's the word that got me, Mr. Chair — "...to complete an inquest, the chief coroner may appoint another presiding coroner..." On what grounds would somebody be unwilling, and would the presiding coroner accept that it is the basis for appointing somebody else?

Hon. Ms. McPhee: The example that I can think of in this situation might be a presiding coroner who recognizes a conflict of interest or something that comes as a result of evidence that's being produced that they weren't aware of before. I certainly know that in the selection of juries, sometimes evidence comes to light after the case has begun — that somebody recognizes that there is a conflict that they are aware of, something that they weren't aware of initially. Those are the kinds of opportunities. If it just said "unable", we would have to define "unable" as something that included "unwilling" or a "conflict" or something like that. This is the language that was chosen to be as broad as possible.

So if someone is unable for whatever reason, or they are unwilling — I suppose that could be a personal choice as well. If they had a family situation that meant that they were unwilling to continue as opposed to being unable to continue, that is a choice. It is certainly not expected to be a common

occurrence, but there needs to be an opportunity to replace someone if that were to happen.

Clause 54 agreed to

On Clause 55

Clause 55 agreed to

On Clause 56

Clause 56 agreed to

On Clause 57

Ms. Hanson: Clause 57 speaks to the notion of a special composition of a jury: "... if the presiding coroner determines it is advisable to do so, the presiding coroner may order the sheriff to use any prescribed procedures to ensure that all or some of the jurors are persons (a) with specific knowledge; or (b) are representative of a specific ethnic or cultural group."

I have two parts to the question here. Why wouldn't we want to have a representative jury at all times? In terms of — why would we just want to have a jury that you just drag in? Do we not want to try to endeavour to have representative juries?

Secondly, when we say "representative of a specific ethnic or cultural group", is that achieved by some sort of quotient? If the aboriginal population is 23 percent, does that mean we would seek to have the jury as 23 percent? How is this interpreted, Mr. Chair?

Hon. Ms. McPhee: I will speak specifically about section 57 first and then more broadly about the compositions of juries and the questions that they pose right now.

This new section replaces section 16 of our current act. It allows for the regulations to set out the parameters and the procedures for choosing a jury with special composition considerations, or any jury. Saskatchewan, for example, has a special jury composition provision that allows for juries that are representative of specific ethnic or cultural groups. This was borrowed from that, and that is replicated here. Other jurisdictions allow for special jury composition in relation to deaths in industry.

I think a long time ago in this conversation, the member opposite and I spoke about — or she commented on the provisions in the current act about mining expertise and particularly about deaths in mining accidents and that sort of thing. Certainly, you can imagine situations where specific knowledge would be valuable.

The composition of juries in Canada is a question that is broadly being dealt with now, not only on the national level, but certainly in individual provinces and territories. I have mentioned Saskatchewan, for instance, and I think Ontario has some new practices with respect to that. The juries here in the territory have generally been quite representative because they are chosen from health records. This is a very important, enabling section in this legislation that will allow us to make sure that we are addressing those, and that will be more fully designed in regulation, so addressing the situations where there could be an allegation of bias, racial or otherwise — ethnic, cultural, et cetera — and to make sure that the compositions of our juries are specifically dealt with prior to a jury being set, the matter being heard and any decisions being

made. This allows intervention at the stage of the composition of a jury so that we are not dealing with a six-person jury from perhaps a non-aboriginal community when there are issues of concern about how an individual of indigenous descent was treated — if those were allegations or concerns or issues as part of the coroner's inquest. This allows that to happen early on.

It is enabling the discussion about juries and the composition of juries in Canada that is generally happening — and it should happen. We wanted to make sure that there were provisions here that would allow us to go forward and adjust as those conversations happen.

Clause 57 agreed to

On Clause 58

Clause 58 agreed to

On Clause 59

Ms. Hanson: Clause 59 deals with a juror who doesn't show up — "Failure of a juror to appear". When I look at clause 59(2)(a) — the person doesn't show and they are going to get "... a fine not exceeding \$100..." I am questioning the adequacy of this fine. What is the frequency of no-shows?

Hon. Ms. McPhee: Section 59 was with respect to failure to appear by a juror. I don't have any numbers as to how often that happens. I personally counsel anyone who asks me to abide by a summons and show up to court when summoned to do so.

The sanction that is set out here is a civil one. It's not a criminal proceeding. Clearly, the fine may not be considered adequate by some or may be considered more than adequate by others. I wouldn't say that it is cumulative; it's up to 30 days. I think the most important point of the sanction here is that it is one's civil duty to abide by a summons that is issued for someone to come and participate in this process. It's generally not higher than that because it's a situation where the process itself of picking a jury doesn't tend to be impeded by one or two people not showing because many, many people are summoned for a particular jury — sometimes up to 200 people — to choose a coroner's inquest jury, which is up to six members. If you're choosing a jury in a criminal proceeding, it tends to be more than that — 350 or sometimes up to 400 or more to choose 12 individuals. It is a small place and there are lots of conflicts. There are individuals who can't serve for whatever reason, and that's a decision for the presiding coroner in this case or for a judge in a criminal matter to decide once those people appear.

I think that's probably enough said about that particular provision. The decision and the policy going forward is that there should be some sanction so that individuals should be encouraged to attend by virtue of not only their civic duty to do so, but a penalty in the event that they don't.

Clause 59 agreed to

On Clause 60

Ms. White: Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem clauses 60 through 64 of Bill No. 27, *Coroners Act*, read and agreed to.

Unanimous consent re deeming clauses 60 through 64 of Bill No. 27 read and agreed to

Chair: Ms. White has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem clauses 60 through 64 of Bill No. 27, entitled *Coroners Act*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 60 through 64 agreed to

On Clause 65

Ms. Hanson: Clause 65 deals with the failure of a witness to appear.

Again, my question has to do with clause 65(2). Basically you're saying that somebody who chooses not to testify and may be arrested and they don't give an "... excuse as to why they did not appear as required by the summons or refuses without a reasonable excuse to be sworn or to give evidence... may (a) impose... a fine not exceeding \$100..."

Mr. Chair, I can tell you that there are some people who would think that \$100 is a lot cheaper than having their reputation at stake. If their witness is being called to give evidence on matters that are relevant to the subject matter — who bring with them and produce documents or things that are relevant to the subject matter — we have witnessed people who do not want to talk or tell the truth about what has gone on, so \$100 is a really easy way out. Is that all the consequence that there is for somebody refusing to be a witness when they have got information material to the outcome of this inquest?

Hon. Ms. McPhee: Mr. Chair, I know that while the member opposite and I both like to write legislation that compels people to tell the truth, we can't always do that. Section 65 deals with a two-pronged approach, that if a summons is issued to an individual who is required to appear before the coroner's inquest and they fail to do so, there is an arrest provision. That is certainly a consequence. They will be brought before the coroner's inquest and they will be dealt with at that stage. There is, in addition to that, the possibility of a fine.

Really, this is about getting at the truth and getting at the information that is needed for the presiding coroner to make their determination and the jury to make their determination, and sometimes there is a necessity to encourage witnesses — we certainly hope that is not the case. I'm not thinking quickly of a situation where that would be the case. I anticipate that the member opposite has contemplated such a matter. I get her point that somebody may choose not to attend and pay a fine for the purposes of not participating in that process, and we would certainly hope that the sanction of an arrest and being brought before the inquest would encourage people not to do that.

Ms. Hanson: I appreciate the minister's response. Can the minister clarify if, under those circumstances, the coroner would be compelled to record that this had occurred?

Hon. Ms. McPhee: It would certainly be a part of the record of the inquest if that were to be the case. If there was a

summons that was not complied with, there would be discussion on the record about the fact that this person wasn't there and that they were being sought, and then when the person did arrive, there would be conversation about that. It would be as part of the record of the inquest obviously, not a criminal situation.

Chair: Is there any further debate on clause 65?

Ms. Hanson: I presume that, Mr. Chair, this would bring us back to 44(2). Could the minister then, at some future date, direct another inquest to be done on the very same matter?

Hon. Ms. McPhee: I suppose it is contemplated — and I see the link that is being made — but the process under 65 might be, if you can imagine, that a witness at a trial didn't show up, so there might need to be a conversation about an adjournment — can we go and find the witness and can the witness be brought here? It wouldn't end the inquest. There would be other evidence brought before the presiding coroner and that might go forward first and they would then later hear from the witness that needs to be arrested. That whole process would play out probably within the confines of the inquest itself and they would need to determine how that witness either can't be found or isn't able to testify, so that needs to be dealt with within the concept of the inquest itself.

If the people there, the jury and the presiding coroner felt that they absolutely needed that information, then it might be a matter of adjourning rather than stopping and starting a new one. I'm not saying that this is what this section says. I'm saying that practically it is probably the way it would play out.

Clause 65 agreed to

On Clause 66

Clause 66 agreed to

On Clause 67

Clause 67 agreed to

On Clause 68

Clause 68 agreed to

On Clause 69

Clause 69 agreed to

On Clause 70

Ms. Hanson: I have a question just basically on sections 70(4)(d), 70(5) and 70(6)(a). Basically, the first two talk about prescribed fees. I'm wondering why a person who requests it — other than the chief coroner, the minister or the presiding coroner — is going to be required to pay fees. How is the prescribed fee established? Why is it that only a person who was at a private inquest can have only a part of the transcript — that part that refers to the portion of the inquest that they were at? It just seems kind of piecemeal. I'm not quite sure what the intent is.

Hon. Ms. McPhee: With respect to (d) — I'll deal with that first. So I'm reading 70(4)(d). The question is about another person who pays the prescribed fee. That fee will need to be prescribed in regulation. If they were the first person ordering a transcript, for instance — coroners' inquests are required by this act to be recorded. That technology is now a digital recording.

A transcript is not done in every case, but in the event that an individual wanted a written transcript, that can be ordered — (d) allows for a bit of a cost recovery if they were the only person asking for a transcription, but often what happens in those situations is that one of the other parties — either the presiding coroner or someone else on that list — has asked for the transcription, so recovery of another copy of that could be quite reduced for an individual.

With respect to (6), it contemplates — not that they would only get that portion, but if there was a portion of the inquest that is held in private, individuals who would have been permitted to be there and they weren't, or who were there, would have access to that information. It is for various reasons — the significance or sensitivity of personal information or personal information itself — that wouldn't be available to the public in that process. That is a provision under this section that indicates that only individuals who were permitted to be at that portion of the inquest would be permitted to have a transcript of that information. They would have all the rest of it as well, but that part that was held in private would be available only to individuals who had access to that portion.

Clause 70 agreed to

On Clause 71

Ms. White: Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem clauses 71 through 78 of Bill No. 27, entitled *Coroners Act*, read and agreed to.

Unanimous consent re deeming clauses 71 through 78 of Bill No. 27 read and agreed to

Chair: Ms. White has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem clauses 71 through 78 of Bill No. 27, entitled *Coroners Act*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 71 through 78 deemed read and agreed to

On Clause 79

Ms. Hanson: Clause 79 talks about disclosure. The chief coroner must, on request, provide to a family member of the deceased a copy of a report of a type described in subsection (2), which are reports made under section 34 or 35, chief coroners' reports and inquest reports.

Do these inquest reports mean that this is another way of getting access to the transcript without having to pay for it?

Hon. Ms. McPhee: The reference to an inquest report under 79(2)(c) does not reference a transcript. It is not the same thing. Under 71(2), it describes what an inquest report might contain. I can imagine that it would be sort of a summary of an inquest. It might be the public statement about what occurred, but it wouldn't be a word-for-word transcript.

Ms. Hanson: I just have a question to clarify section 79(4)(b) — so this is making a determination of whether or not to disclose personal information of an individual that is

contained in a particular report under the subsection that we just referred to. The coroner must consider, “(b) whether, in the circumstances, the public interest in the disclosure of the personal information to the person or persons to whom it would be disclosed outweighs the privacy interests of the individual whose personal information would be disclosed.”

Can the minister confirm if that would be like a public health and safety issue? For example, we're dealing with an opioid epidemic in this country and in this territory. Could that be something that would be deemed to be in the public interest and in fostering a deeper understanding of what's going on?

Hon. Ms. McPhee: That's a good example of what that might reference. There would be a balance between the privacy interests of the person and disclosing their personal information in the context of this situation. That's a good example. It would have to also be weighed in light of preventing further deaths, so that would be a situation where perhaps private information about an individual's personal habits, drug use or something like that might necessarily be disclosed when it wouldn't otherwise be because it's not relevant. But certainly in the public interest, that could be something that's contemplated. It's a good example.

Clause 79 agreed to

On Clause 80

Ms. Hanson: Clause 80 talks about offences and, in particular, clause 80(2) talks about failure to report death and a person who commits an offence under subsection (1) — that's a person who does not provide notification of a death under part 3 — and remember that part 3 talks about all the different places and circumstances under which somebody could die and the kind of people who have a duty to notify — duty of a peace officer, duty of an institution to notify a coroner, a director under the *Child and Family Services Act*, somebody. I think we get the message about what part 3 is about.

Again, my question is: Why is \$500 considered an adequate fine? If we look at the kinds of fines that are contemplated or are now going to be coming into effect under ATIPP, for example, why would \$500 — I mean, this is pretty serious if you are talking about failure to report a death, and these are all significant — either institutional settings or individuals with huge public responsibility.

Hon. Ms. McPhee: The fine with respect to that situation — the current legislation — is \$100. It has been increased by five times — the purpose is to encourage people to do that. We're not trying to criminalize people for making a mistake. Certainly, if there was some allegation that somebody intentionally tried to cover up a death or a failure to report was motivated by some other action on their behalf to not permit the coroner or the police to be involved, that would be a criminal matter, and certainly an investigation could continue there. We're trying here to make sure that individuals are encouraged to do this. They have an obligation to do so under the act.

If they fail to do so, in error or otherwise — a motivation of a cover-up of some kind — they would be subject to a fine.

Ms. Hanson: Mr. Chair, I would just point out that \$100 in 1958 was a lot of money; \$500 is not the equivalent in 2018 dollars of \$100 in 1958. I am just wondering why it didn't even keep pace with inflation.

I think we are going to move to clear the rest of them, but I just want to thank the officials before we do for their providing detailed support to the minister on this one and for their forbearance as we worked our way through this.

Clause 80 agreed to

On Clause 81

Ms. White: Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem clauses 81 through 94 and the title of Bill No. 27, entitled *Coroners Act*, read and agreed to.

Unanimous consent re deeming clauses 81 through 94 and the title of Bill No. 27 read and agreed to

Chair: Ms. White has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem clauses 81 through 94 and the title of Bill No. 27, entitled *Coroners Act*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 81 through 94 and Title deemed read and agreed to

Hon. Ms. McPhee: I just want to take the opportunity to thank the officials as they are leaving. I appreciate their support and their help in answering all of the questions asked with respect to this particular bill, Bill No. 27.

Mr. Chair, I move that you report Bill No. 27, entitled *Coroners Act*, without amendment.

Chair: It has been moved by Ms. McPhee that the Chair report Bill No. 27, entitled *Coroners Act*, without amendment.

Motion agreed to

Chair: The matter now before the Committee is Vote 15, Department of Health and Social Services, in Bill No. 207, entitled *Second Appropriation Act, 2018-19*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

Bill No. 207: Second Appropriation Act, 2018-19 — continued

Chair: The matter before the Committee is Vote 15, Department of Health and Social Services, in Bill No. 207, entitled *Second Appropriation Act, 2018-19*.

Is there any further general debate?

Department of Health and Social Services — continued

Hon. Ms. Frost: I would like to welcome back to the Legislative Assembly Deputy Minister Stephen Samis and ADM Michele Goshulak. I look forward to further debate on the supplementary estimates for Health and Social Services.

Ms. McLeod: I want to thank the officials for coming back and joining us today. We were having a discussion at the end of our time on November 8, and I had asked a question regarding radon testing in daycares and day homes. My question was whether or not the minister could confirm whether there were any facilities or day homes that tested with high levels of radon that would require mitigation?

Hon. Ms. Frost: With respect to radon testing in daycares and day homes, Health and Social Services offers free radon testing in a licensed daycare centres. We did that this year. For the centres that were tested, there were some that exceeded the rating of 200 to 600 Bq/m³, and those homes have been notified and we are working with them to address mitigating measures and address the concerns that have been brought forward as a result of the testing.

Ms. McLeod: Can the minister give us the number of the day homes specifically and the daycares specifically, and what communities they are in?

Hon. Ms. Frost: I don't have that number in front of me, but I can say that we are working with the daycares and the day homes that have been identified as exceeding the rating numbers that require mitigation.

Ms. McLeod: I would ask the minister if she could please provide a legislative return or by letter, since we're running out of time in the Legislature, that would give us that information and specifically how many and what communities these daycares or day homes are in.

The minister did say that these day homes and daycares have been notified and that the department was working with them. So my question is: Is the department providing financial support to mitigate the effects of radon?

Hon. Ms. Frost: Yes, we do provide support.

Ms. McLeod: I'm wondering if the department is going out to the daycare or the day home and offering them that financial support as soon as they get these high numbers identified, or if the day homes are left on their own to find that information. I'm curious how much information is getting out to them.

Hon. Ms. Frost: Once the results are revealed, then the next step would be to notify the daycare or day home, and further to that, contact — or a discussion — is had with them by the department with respect to the alternative amendments or, I guess, the mitigation that's required and the supports they require.

The supports are there and we'll continue to work with the daycares and day homes.

Ms. McLeod: I want to thank the minister for that answer.

I'm going to move on to medical travel. Can the minister tell us what the budgeted amount for medical travel was for the 2017-18 fiscal year and what the actuals were?

Hon. Ms. Frost: Just a little bit of information with respect to medical travel for treatment programs — we provided support to 3,850 residents of Yukon, which equated to 7,639 trips both within and outside the territory and covered both air and ground transportation. We have budgeted for the 2017-18 fiscal year expenses. I noted here that we have spent almost \$14.3 million, and that kind of fluctuates a little bit. That is what we budgeted for, and we will continue to work on reducing that number by bringing the supports to the Yukon. I note that the supports that we are bringing to the Yukon through the pediatrician and the orthopedic surgeon will reduce some of the medical travel costs, and we will continue to work on that with our partners, which would be the Yukon Hospital Corporation.

Ms. McLeod: With the expenditure amount being \$14.3 million for 2017-18, can the minister tell us if that was the amount that was budgeted for 2018-19, or was it a different amount?

Hon. Ms. Frost: Just as a quick note, medical travel continues to rise. It is one of the major cost drivers in health. Going back to, say, 2014, the overall budget was \$9.2 million, and that has increased now to in excess of \$14 million. In the last fiscal year, we budgeted \$2.9 million, and we have allocated of that \$2.1 million for medical travel out of the THIF funding; so a combination of that is intended to cover off the overall expenditure for health. From year to year, I think, we're seeing the costs continue to rise, and that is really based on estimates every year, so we try to project and budget accordingly. A lot of times it is really just the estimates that we put in, and then it fluctuates.

At the end of the year, when we get out invoices back from the jurisdictions that we have partnerships with — BC or Alberta — we don't get the information until late into the new fiscal year, and so we have to then make the adjustments and the estimates based on that.

Ms. McLeod: I can appreciate that it is kind of a moving target there. Having spent \$14.3 million in 2017-18, I'm looking for a comparison to the estimated budget amount. I understand that it may move. It is not a hard and fast number for 2018-19, but I am looking for what that number is at this point and whether or not the \$2 million that was recently announced from THIF funding, I believe, that went into medical travel — whether that was money that covered off overruns for last year, or is it designated for this year so that travel costs might reasonably be \$16-point-whatever million.

Hon. Ms. Frost: The \$2.1 million is there as an offset and will continue to carry forward into the next three years. That is what we projected and what we budgeted for.

Ms. McLeod: We know, of course, that medical travel pressures in the Yukon are related to the fact that people from across the Yukon have to travel to Whitehorse to receive treatment or, of course, Yukoners from every corner need to travel further than the Yukon for treatment. The minister has made some statements about bringing services closer to home.

I wonder if the minister has any plans at this point to expand current services at either of our rural hospitals.

Hon. Ms. Frost: We are working with the physicians and health care providers within those two communities. At the moment we don't have anything specific to announce, but under the THIF funding, we are working toward bringing programs closer to home, which means maximizing the opportunities in rural Yukon hospitals.

Ms. McLeod: The minister has spoken about the ramping up of remote care via telehealth. Can the minister tell us what her plans are for this and provide any timelines that she has for implementation?

Hon. Ms. Frost: With respect to the increased supports to our health centres and our hospitals in rural Yukon communities, the distinction between the hospitals and the health centres and how those things are managed is about really putting enhanced resources into e-mental health and accessibility to in-time supports to patients in rural Yukon hospitals. There are a variety of other initiatives that are flowing out of the THIF funding, and we will continue to work with our physicians and the Hospital Corporation to address enhanced supports. We are doing that now, but obviously the modernization of our technology really needs a lot of upgrading. We will continue to do that.

Quick and easy services are really important. I think it's important because some of the communities, as we noted previously, have documentation that is still sitting in filing cabinets and dates back many, many years. It's very difficult to follow and track an individual when they travel or move. We want to ensure quick services. The e-mental health process and the e-health process really allows for that.

There are significant upgrades to the Meditech system through the Hospital Corporation. I believe we have allocated something like \$2 million this year. They have projected forward their core needs — \$8 million. We will continue to support them as funding resources become available.

When we talk about services to Yukon communities, child psychology could be one by the e-health system. There are others, but those are some of the things that we're looking at, and we will continue to work with our partners to massage that and bring that forward to fruition.

Ms. McLeod: I want to thank the minister for giving us a wee glance at some of the services that she is looking at, but I didn't hear anything about timelines. What I did hear the minister say is that there would be quite a chunk of money being put into technology and bringing community hospitals and health centres up to snuff with technology.

I'm wondering if there has been any kind of cost analysis on how much savings we are looking at to the medical travel budget as a result of the e-services that are going to be provided as we move more toward this e-health model.

Hon. Ms. Frost: It's certainly not something that I can bring to the floor of the Legislative Assembly today with respect to numbers. We are working with the Canadian Institute of Health Information, and we are working closely with the department right now to track and acquire the data that we've not had historically. We've been collecting and

sending it off, but not bringing it back to do the analysis, and that's the critical piece that we need to review and assess as we look at efficiencies. Bringing the services closer to home means that we need to define the cost projections associated with that — and with the pediatrician and the orthopaedic surgeon — and bringing those services to the Yukon. We're tracking the costs as well so we'll look at the cost savings on that for medical travel.

Ms. McLeod: When would the minister think that this information and evidence would be available to bring forward?

Hon. Ms. Frost: Given that the orthopaedic surgeon and the pediatrician have only been in place for a year, it's a little difficult to track, but our target is to have a better understanding by the spring of 2019. So we'll have a clearer projection on the cost savings as we go through the budget exercise and look more closely at the numbers.

Ms. McLeod: I thank the minister for that. I'm sure that's a conversation we'll be having in the spring.

I had a few questions in reading the opioid action plan. With respect to the four pillars of the opioid action plan, one of the actions to be undertaken is to enhance substance use education offered throughout Yukon schools. What grades are targeted for this education, and how is it going to be rolled out in the school?

Hon. Ms. Frost: Certainly, it takes the efforts of all parties to ensure that we appropriately implement the strategy, given that we have a challenge on our hands with respect to some of the opioid-related deaths. We are working very closely with the chief medical officer. We're working with the Department of Education. We're working our department as well. We have our prevention coordinator and the surveillance officer, and we are working on ensuring that we get the resources in place and the supports in place to effectively access resources through the federal government.

We know that the action plan that we just released outlines a multi-pronged approach to the opioid strategy and the response to what we're seeing in the community.

Actively engaging Yukoners is really an important piece of this work.

We are working to address the crises. We are working with our partners and adapting new information as it comes available. The plan was developed jointly by the Opioid and Pain Management Working Group, which was set up as a result of a conference that we held here in Whitehorse in 2017. The group was led by the Yukon chief medical officer, a member of the RCMP and, of course, the Yukon Hospital Corporation. We have some significant partnerships there, and we also have Blood Ties Four Directions, Council of Yukon First Nations, the Yukon Medical Association and the Yukon Pharmacists Association. Activities planned over the next two years include developing and launching an awareness campaign and improving access to different strategies and finalizing and implementing clinical guidelines that include robust withdrawal protocols. We also are working to educate our students in grades 10 to 12 and distributing information kits. We are looking at the PARTY safe program. We are

working with the Hospital Corporation to expand that service and that support and also enhancing the drug awareness campaign, which we deliver already in the schools, educating the students around the dangers of illicit drugs like fentanyl with the goal of supporting young people in making good life choices. We have also ensured that we have the supports in rural Yukon communities through the mental wellness hubs and ensuring that we promote awareness in our communities with respect to youth we might not capture — who perhaps are not in high school. What we do in rural Yukon communities is a huge element of what we do here, and that means leveraging supports through the inter-agency working groups in each one of our communities.

Ms. McLeod: I got some answers out of that, and I thank the minister for that. I did not really get a sense of how it is going to be rolled out in schools or how exactly it is going to dovetail with a drug awareness campaign. Maybe that is something that will come from the Department of Education; I am not sure.

I am curious how the parents are involved in all of this, because I am not sure what kind of consultation on the drug awareness campaign or the upgraded information to students info kits — I am not sure how involved parents have been, and I am curious to know that.

Hon. Ms. Frost: The question with respect to how we would roll this out with the education system — we have clearly stated from day one that we would take a collaborative approach with the Department of Education and keep an open mind, look at what we need to do and be creative in trying to get into the schools, provide the opportunities and expand the services that we currently have.

Health and Social Services has rolled out a plan. We will work with our partners to implement that, and that means that we certainly need to engage with the parents, the community and all aspects of community, and our society needs to be a part of this plan as we implement it.

In every community, there's an inter-agency group, and the inter-agency group is a representation of interest groups, and that looks at the health and well-being of community members. It includes the RCMP, the nurses, the doctors, the health professionals, the First Nation communities and the social workers. We really want to ensure that the action plan that was released outlines a multi-pronged approach, is responsive to community needs and actively engages all Yukoners respectfully. In certain communities, we are seeing certain pressures, so we want to adapt and enhance the services in those communities.

We will continue to work with our partners and look at an expansion on the multi-pronged approach that we've noted, which means that we need to continue to develop a public awareness campaign and a strategy about addictions and chronic diseases rather than focusing on the morals of the individual or the choices that the individual makes. It's really about supporting them in their time of need and helping them to address the disease or the stigma associated with drugs or alcohol.

We have done that early on by providing supports to each of the communities. Last year, we put in \$600,000 to support each one of our communities to expand the care program, the mental wellness program, the service program on pre- and post-care and land-based types of initiatives in their communities. We are working with those communities and are hoping that they will come forward with a plan that will augment the work that we're doing, and we will continue to elaborate on that and promote more awareness throughout the communities.

Ideally, it's really imperative on all of us as community members to participate in this process — looking at the prevention coordinator that we have in place, overseeing the ongoing distribution of the materials, the inventory and the data and training for the take-home naloxone program, for example, or looking at Blood Ties Four Directions and the efforts that we put there to make some amendments to federal legislation to provide support to ensure that we have a drug-testing site in Whitehorse. Is that required elsewhere in the Yukon? Perhaps — and that will form a part of the implementation of the strategy.

Prioritizing initiatives, such as improvements to, say, non-opioid management programs, supporting training for our nurses and physicians, piloting innovation harm reduction strategies — it's important for us to note that rural Yukon communities perhaps don't have the support and services that we have readily available to us in Whitehorse. We want to bring those things to our communities and bring the supports to the communities.

Our proposal that we put forward to the federal government to support the implementation of this strategy in the Yukon — I noted this previously in the Legislative Assembly — we put forward a detailed submission for \$500,000 to help us bridge that gap, to engage with our youth and engage with our communities.

My understanding right now is that is in the final stages of review, and we are now recruiting for an RN who will focus on supporting the implementation of this effort. Also, we have the Referred Care Clinic in downtown Whitehorse, and we will continue to work with the Referred Care Clinic to enhance programs and supports for the urban centre.

Ms. McLeod: The minister has mentioned that within the opioid action plan, there will be a prevention coordinator. The minister has just now referenced an RN who the department is seeking to hire. I am wondering if they are the same person. I don't know if the RN is the prevention coordinator. So we are talking about two separate people.

There is \$500,000 to implement this opioid action plan. It seems a bit short. Given that we are going to hire an RN out of that money, I'm wondering how much the minister reasonably expects to get done with \$500,000 to address this action plan.

Hon. Ms. Frost: To be clear, there are two separate positions. The Referred Care Clinic in downtown Whitehorse has been in existence for quite a number of years, and we have provided additional supports there. The \$500,000 is a bilateral agreement that is specifically meant to provide some supports to the Yukon. We have enhanced all of our program areas to

implement and support the implementation of the opioid strategy, given that we have defined this as an emergency crisis.

We wanted to ensure we have appropriate resources within the budget. We have implemented the mental wellness strategies in the Yukon. We have looked at our four mental wellness hubs. We have supported efforts in our communities. We are enhancing supports through the inter-agency committees in the community. We have put more resources into the First Nation communities — an extra \$600,000 this fiscal year. We have an additional \$500,000 coming in. We will continue putting forward the efforts to ensure that we have appropriate services and supports within every one of our communities.

We have budgeted over \$700,000 this year alone, plus the additional \$500,000.

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

Chair: It has been moved by Ms. Frost 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: Order. I will now call the House to order.

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

Chair's report

Mr. Hutton: Mr. Speaker, Committee of the Whole has considered Bill No. 27, entitled *Coroners Act*, and directed me to report the bill without amendment.

Committee of the Whole has also considered Bill No. 207, entitled *Second Appropriation Act, 2018-19*, and directed me to report progress.

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

Are you agreed?

All Hon. Members: Agreed.

Speaker: I declare the report carried.

Hon. Ms. McPhee: 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 5:24 p.m.

The following sessional paper was tabled November 21, 2018:

34-2-84

Crime Prevention and Victim Services Trust Fund Annual Report 2017-18 (McPhee)

The following legislative returns were tabled November 21, 2018:

34-2-174

Response to oral question from Ms. White re: Government contracting to Outside companies (Frost)

34-2-175

Response to oral question from Ms. Van Bibber re: Stewart River watershed management (Pillai)

34-2-176

Response to matter outstanding from discussion with Mr. Hassard related to the general debate on Vote 7, Department of Economic Development, in Bill No. 207, *Second Appropriation Act, 2018-19* — business incentive program (Pillai)

The following document was filed November 21, 2018:

34-2-61

2017 Yukon Minerals Advisory Board Annual Report (Pillai)

The following written question was tabled November 21, 2018:

Written Question No. 34

Re: electric vehicle charging stations (Istchenko)