



# Yukon Legislative Assembly

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Number 34

2nd Session

34th Legislature

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## HANSARD

Tuesday, October 10, 2017 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

# YUKON LEGISLATIVE ASSEMBLY

## 2017 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
<b>Hon. Sandy Silver</b>	Klondike	Premier Minister of the Executive Council Office; Finance
<b>Hon. Ranj Pillai</b>	Porter Creek South	Deputy Premier Minister of Energy, Mines and Resources; Economic Development; Minister responsible for the Yukon Development Corporation and the Yukon Energy Corporation
<b>Hon. Tracy-Anne McPhee</b>	Riverdale South	Government House Leader Minister of Education; Justice
<b>Hon. John Streicker</b>	Mount Lorne-Southern Lakes	Minister of Community Services; Minister responsible for the French Language Services Directorate; Yukon Liquor Corporation and the Yukon Lottery Commission
<b>Hon. Pauline Frost</b>	Vuntut Gwitchin	Minister of Health and Social Services; Environment; Minister responsible for the Yukon Housing Corporation
<b>Hon. Richard Mostyn</b>	Whitehorse West	Minister of Highways and Public Works; the Public Service Commission
<b>Hon. Jeanie Dendys</b>	Mountainview	Minister of Tourism and Culture; Minister responsible for the Workers' Compensation Health and Safety Board; Women's Directorate

### GOVERNMENT PRIVATE MEMBERS

#### Yukon Liberal Party

<b>Ted Adel</b>	Copperbelt North
<b>Paolo Gallina</b>	Porter Creek Centre
<b>Don Hutton</b>	Mayo-Tatchun

### OFFICIAL OPPOSITION

#### Yukon Party

<b>Stacey Hassard</b>	Leader of the Official Opposition Pelly-Nisutlin	<b>Scott Kent</b>	Official Opposition House Leader Copperbelt South
<b>Brad Cathers</b>	Lake Laberge	<b>Patti McLeod</b>	Watson Lake
<b>Wade Istchenko</b>	Kluane	<b>Geraldine Van Bibber</b>	Porter Creek North

### THIRD PARTY

#### New Democratic Party

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

### LEGISLATIVE STAFF

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Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Doris McLean
Deputy Sergeant-at-Arms	Karina Watson
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Tuesday, October 10, 2017 — 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 now proceed with the Order Paper.  
 Tributes.

## TRIBUTES

### In recognition of Yukon Brewing Company's 20<sup>th</sup> anniversary

**Hon. Mr. Streicker:** I rise today before the House as the Minister responsible for the Yukon Liquor Corporation to pay tribute to the Yukon Brewing Company on its 20<sup>th</sup> anniversary.

This past weekend, Bob and Al and the Yukon Brewing crew held a wonderful celebration at the brewery, and I was honoured to be in attendance, along with the Premier, to show our support and appreciation. It's a great Yukon story.

Born from an idea that formed around a campfire on a canoe trip, Bob and Al, who are fellow engineers, forged their idea of a local brewing company into reality in 1997. Over the weekend, I was reminiscing with Al and we were remembering that he came to my wedding 17.5 years ago with a couple of kegs, and we didn't know for sure where they would be in 20 years, but it was easy to tell — all of us there — that they were on to something important for us as a community industry.

I think all Yukoners have a sense of pride around Yukon Brewing. First of all, they make a great product — award-winning and a strong export for us, something that we love to showcase to Yukon visitors, a unique Yukon experience. Yukon Brewing has expanded to a range of spirits. Their small-batch single malt whiskey just won accolades at the 2017 Canadian Whiskey Awards. I recall that the first 800 bottles of their first release sold out in only seven hours, with long lineups. Now they are on their seventh release.

A couple of years ago, the Yukon Brewing Company made the cover of *Canadian Business* magazine in 2013, with a blurb of the tiny Yukon brewery that beat Labatt and later made the magazine's list of Canada's most influential brands.

Yukon Brewing has always had a strong sense of community and I have been impressed by their environmental policies, including their re-use of bottles and how they designed their shop.

As local liquor manufacturers, they provide jobs to Yukoners and have economic benefit to our territory and they have helped to foster more local producers. By the way, the third annual beer festival is this weekend at the Kwanlin Dün Cultural Centre. I encourage all Yukoners to go and enjoy.

The Yukon Brewing Company has invested and continues to invest in our communities in supporting music and arts

festivals, sporting events — like my own Marsh Lake Classic Ski Loppet every year — thank you to them — recreation, local teams, tournaments, clubs big and small. In short, I wish for us here to acknowledge how they have helped to build our communities and shape the fabric of our territory.

I have met with our local producers to better understand their challenges and how we can support their long-term success. We need to ensure that our liquor laws provide a balance of economic opportunity and social responsibility, while being responsive to the needs of Yukoners, including our local producers.

Mr. Speaker, I think we're all proud of the accomplishments of Yukon Brewing Company, who have turned their passion for the craft industry into reality. I would like to invite us all to pay tribute to Yukon Brewing Company and to congratulate them. In the House this afternoon, we have one of the co-founders, Bob Baxter, accompanied by Jasmine Sangria and Leneath Yanson.

*Applause*

**Ms. Van Bibber:** I rise today on behalf of the Yukon Party Official Opposition to pay tribute to Yukon Brewing and the brewers Bob Baxter and Alan Hansen as they celebrate 20 years in business.

Since 1997, the company has provided Yukoners with access to local, high-quality beer with a variety to suit every taste and palate. They have grown and succeeded with a dozen types of beer and even more rewards to acknowledge their success.

In September 2009, Yukon Brewing received the Canadian Beer of the Year gold medal for Yukon Red, an amber ale that is very popular. They are also recognized locally and nationally for their business style, innovation, marketing, labels and their products.

When Yukon Brewing launched its sister distillery, Yukon Spirits, they were able to bring a wealth of new tastes and products to Yukoners. They began with a unique northern spirit called Solstice in 2010. Then their concept lines of botanical and berry liquors, schnapps, gins and finally the introduction of Two Brewers single malt whiskey.

A quote from brewer Alan Hansen: "A vibrant complex nose of oak with malt depth frames the rich layered fruit and honey body of our premier charter release." Well done. The lineup to purchase of their first run of 850 bottles of Two Brewers whiskey was the talk of the town.

Yukon Brewing is to be commended for being very community minded and is involved with many causes and events throughout Yukon. Thank you for all you do.

I am excited to see what is next for Yukon Brewing and Yukon Spirits, and I congratulate them on their first 20 years. I look forward to seeing your continued success and achievements.

**Ms. Hanson:** Today as we celebrate the 20<sup>th</sup> anniversary of Yukon Brewing, I am pleased on the behalf of the Yukon NDP to pay tribute to one of Yukon's success stories and to the decision by co-founders Bob Baxter and

Alan Hansen to do what most of us never do — follow our dreams to move from the “what ifs” and “wouldn’t that be a good idea” to actually starting a business in Yukon, a business that has perhaps even exceeded those campfire speculations and certainly surprised many in the craft beer industry. It is an industry that has an ancient history and a remarkable recent renaissance.

I can remember when Chilkoot Brewing — or Yukon Brewing, as it is now known — opened in 1997. My husband and I were not alone in saying, “Now here is a company we would like to invest in.” I guess, by our purchasing decisions, we, along with many other Yukoners, have done just that. Yukoners have not just chosen to support Yukon Brewing because Yukoners like our beer — and we do. Yukon Brewing thrives in Yukon because they have made a determined choice to be an active part of the Yukon community, whether it is their focus on making their company a sustainable industry that recycles not only bottles but also up to 60 percent of the water used, or an industry that uses local ingredients such as birch sap, espresso beans or haskap berries to great effect.

From two guys with an idea, Yukon Brewing has grown to employ about two dozen people a year with more in the summer months.

Yukoners have come to expect the unexpected in terms of Yukon Brewing’s use of local ingredients, creating uniquely Yukon cask ales and spirits. One of my favourite offshoots of this business is their creative use of art commissioned from Yukon artists for the design of their beer labels. Yukon Brewing now produces an amazing 10 full-time brands plus upwards of 16 seasonals a year.

Mr. Speaker, when Yukon Brewing announced in 2009 that they were going to start making whisky, they could do so, as Bob Baxter was quoted as saying — he said, “We did it simply because we thought it might be kind of a funky thing to do, not because we had shareholders to please and big money to make; it would be fun.”

Seven years later, in 2016, I joined hundreds of Yukoners who gathered on that cold February morning to test the product of that experiment, and it was no surprise to those of us who had the opportunity that, a year later, Two Brewers whisky won three silver medals in the 2017 Canadian Whisky Awards — proof that hard work and fun can be one and the same.

Yukon Brewing takes its role as a Yukon business seriously. It gives back to the community through numerous sponsorships and contributions — up to \$100,000 a year. A little-known fact, Mr. Speaker, is that 100 percent of the proceeds from the brewery and distillery tours are given to local charities. Anyone who has taken the brewery tour will realize that these tours create a memorable experience for Yukoners and tourists alike — further elevating the Yukon experience for visitors.

In closing, Mr. Speaker, the only thing missing from our tributes to Yukon Brewing this afternoon is a toast with one of their signature brews. I ask you to use your imagination and

join me in saying, “To Yukon Brewing, and to another successful 20 years.”

*Applause*

### **In recognition of Fire Prevention Week**

**Hon. Mr. Streicker:** I’m honoured to rise to pay tribute to Yukoners who are making fire safety and prevention a top priority. Fire Prevention Week started this past Sunday on October 8. On Sunday, we got word of an awful fire in the Province of Quebec, along the Gaspésie. A mother and her one-year-old twins perished in a house fire that started in the wee hours of the morning. Then we got word that her smoke detector had not been working. C’était vraiment tragique. It was truly tragic. All loss of life is tragic, which is why we need to do our best to prevent this from happening.

Every year, Fire Prevention Week draws the attention of Canadians to the simple but necessary steps we must take to ensure the safety of our families in the event of fire. I commend every Yukoner who tests their smoke and carbon monoxide alarms monthly. I thank every parent, grandparent, auntie and uncle who sits down with our youngest Yukoners to make an emergency plan for how to get out of the home and where to safely meet up again. I applaud the teachers and daycare providers who regularly practise fire drills with students and children and who are helping to teach youngsters about fire safety — this week in particular — and, of course, I salute the Yukon fire service, which works year-round to protect our lives and property from fire.

The hard truth is that smoke and fire spread fast. Only minutes may separate life and death. Lives depend on being alerted quickly to a fire and knowing how to get out fast. This year’s Fire Prevention Week theme is “Every Second Counts: Plan 2 Ways Out!”

I encourage each of us, as honourable members and all Yukoners, to make sure our smoke alarms are working. Plan two ways out of every room and make sure those routes aren’t blocked by furniture or bicycles or other obstacles. Practise escape routes in the daytime and at night twice a year, with everyone in our homes. By taking the time to make and practise a home-evacuation plan, we make every second count in an emergency.

More information about fire safety and prevention is available online at [prepared yukon.ca](http://prepared yukon.ca).

This morning, Mr. Speaker, as life would have it, my own smoke alarm went off when I burned my toast. I used to worry that I would be bothering my mother-in-law, who happens to live right above me. These days I’m thankful that this will help to keep us safe in case my burned toast becomes a kitchen fire. Please, let’s all be safe. Thank you to everyone who is participating in Fire Prevention Week activities. Together we are contributing to healthy and safe communities.

**Mr. Cathers:** I rise today on behalf of the Yukon Party Official Opposition to pay tribute to national Fire Prevention Week, and to also take this opportunity to remind ourselves and all Yukoners of the importance of taking time to educate

ourselves and our families on the measures to take to escape safely in the event of a fire in the home.

This year's Fire Prevention Week theme is "Every Second Counts: Plan 2 Ways Out!" The theme is based around family planning and ensuring everyone can identify two exits from each room in the house and a path to escape through each exit. Important campaign messages include the importance of practising fire drills twice a year, ensuring children know how to escape on their own, ensuring your home is clearly marked for the fire department to find and measures to take to ensure that fire does not spread, if it occurs.

The fact is that, if a fire erupts in the home, you could have very little time to escape. It's important to remember that accidents can happen, and a residential fire can result from a number of causes including, but not limited to, burned toast. I would like to take this opportunity to remind all Yukoners to check their smoke detectors, ensure that there is at least one located in every room and area of your house as well as to ensure that your home is equipped with carbon monoxide detectors and that children know what to do if they hear either of those alarms.

According to the *2016 Yukon Fire Marshal's Office Annual Report*, 147 calls related to fire were placed across the Yukon in 2016. Ignition sources varied greatly, with the majority of fires starting from heating equipment, smoking or open flame. I would like to recognize the Yukon Fire Marshal's Office, and municipal and volunteer fire departments across the Yukon, for your continued service and dedication to the safety of Yukoners. I would like to as well acknowledge volunteer firefighters in my riding and across the territory who have served for many years out of a deep sense of commitment to their communities and their neighbourhoods.

In conclusion, I urge all Yukoners to be diligent and careful, to have a plan and remember that in the event of a fire, every second does count.

**Ms. White:** I rise on behalf of the Yukon NDP to draw attention to the 21<sup>st</sup> annual Fire Prevention Week. I don't think there are many things more dangerous or scarier than a house fire. Fire Prevention Week is the reminder to all of us to check our smoke and carbon monoxide detectors. Now is the time to review with our families and roommates the escape plan from our homes. Not many are aware that with new building materials and synthetics in our furnishings, fires are more aggressive and safe escape times have been reduced to as little as three minutes. Families are encouraged to ensure that they can escape from their home in three minutes or less. With the weather becoming cooler, people are starting their oil furnaces, electric heating systems or woodstoves. Now is the time to check for fresh-air intakes, ensure our chimneys are clean and clear and check the clearance around baseboard heaters. Ensuring our systems are in top shape can greatly reduce fire risks. Fire Prevention Week is also an opportunity to thank all of the firefighters across the Yukon, whether paid

or volunteer. They train, practise and are there for their neighbours and their communities whenever the need arises.

**Speaker:** Introduction of visitors.

## INTRODUCTION OF VISITORS

**Hon. Ms. McPhee:** I would ask my colleagues in the Legislative Assembly to join me in welcoming May Blysak, a visitor here today and no stranger to the Legislative Assembly. I am told, and I know personally, that she is an excellent baker. Thank you for being here.

*Applause*

**Mr. Kent:** Joining May in the gallery is a long-time friend of mine, a former co-worker and a constituent. Ms. Kim Beacon is joining us here today.

*Applause*

**Hon. Mr. Silver:** I would ask everybody in the Legislative Assembly to help me welcome to the Legislative Assembly Devin Bailey and his father Stephen, who is visiting from British Columbia.

*Applause*

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

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

## INTRODUCTION OF BILLS

### Bill No. 14: *Legal Profession Act, 2017* — Introduction and First Reading

**Hon. Ms. McPhee:** I move that Bill No. 14, entitled *Legal Profession Act, 2017*, be now introduced and read a first time.

**Speaker:** It has been moved by the Minister of Justice that Bill No. 14, entitled *Legal Profession Act, 2017*, be now introduced and read a first time.

*Motion for introduction and first reading of Bill No. 14 agreed to*

**Speaker:** Are there any further bills for introduction?

### Bill No. 12: *Act to Amend the Hospital Act (2017)* — Introduction and First Reading

**Hon. Ms. Frost:** I move that Bill No. 12, entitled *Act to Amend the Hospital Act (2017)*, be now introduced and read a first time.

**Speaker:** It has been moved by the Minister of Health and Social Services that Bill No. 12, entitled *Act to Amend the Hospital Act (2017)*, be now introduced and read a first time.

*Motion for introduction and first reading of Bill No. 12 agreed to*

**Speaker:** Are there any further bills for introduction?  
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 Yukon government to take steps to improve safety on the Hot Springs Road, including repainting the centre line, adding a larger stop sign at the intersection of the Hot Springs Road and the Mayo Road, and assessing whether additional signs warning of the intersection would reduce collisions at the intersection.

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

THAT this House urges the Government of Yukon to work with federal, provincial and territorial governments to implement the Canadian Medical Association's call to implement a tax on sugar-sweetened beverages and artificially sweetened drinks sold in Canada, in order to subsidize healthier food options.

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

THAT this House urges the Government of Yukon to lift the 10-year freeze on the childcare operating grants to reflect the increase in costs to operate licensed daycares and day homes.

**Speaker:** Are there any further notices of motions?

Is there a statement by a minister?

This then brings us to Question Period.

## QUESTION PERIOD

### Question re: Public airports legislation

**Mr. Kent:** Thank you very much, Mr. Speaker. Last week, the government tabled a *Public Airports Act*. This is the first act of this nature in the territory's history and gives the government a number of new significant powers.

I'm wondering if the minister would be able to let us know who was consulted in the development of this piece of legislation and when did the consultation begin and end?

**Hon. Mr. Mostyn:** Thank you, Mr. Speaker, and I thank the member opposite for the question. I was beginning to feel like I was gathering moss or something; I haven't stood up much.

Hearing from people is important. It is something that I take very seriously. Good information feeds good decisions. I have personally spoken to pilots and aviation companies. I have spoken to helicopter pilots and to helicopter and fixed-wing companies. I have spoken to them in Dawson; I have spoken to them in Whitehorse; I have spoken to airport maintenance people, both in Dawson and Whitehorse and people here, so I have spoken to a lot of people over the last eight months about this industry. My department has too. They have spoken to Alkan Air, Air North, pilots, and airport companies. They have done a lot of work all through the summer in preparation for this act.

I think most people have said it's time that we start to get this legislation in place.

**Mr. Kent:** Thank you very much, Mr. Speaker. Just for the minister, hopefully he gets a chance to respond when he answers this next supplementary. Who actually was consulted in the development of this legislation and when did the consultation begin and end was my question.

When we first heard the government was tabling this piece of legislation, we were a little surprised as we didn't remember hearing of any public advertised consultation. I and colleagues of mine also reached out to industry representatives across the territory who use our airports to see if they had been consulted. From what we were told, consultation consisted of only brief phone calls that they thought wouldn't be considered thorough and meaningful consultation.

Is the minister willing to provide a "what we heard" document, as is customary with pieces of legislation and also could he describe how the consultation on this piece of legislation was undertaken?

**Hon. Mr. Mostyn:** Thank you, Mr. Speaker. The Yukon government is the only major government airport operator in Canada without the legislative authority to manage activities on airport lands — the only one. In 1996, when ownership of Yukon airports and airport land was transferred from the federal government to the Yukon government, many of the existing requirements related to airport operations were captured under federal regulations that only apply on federal land. At the time, there was an understanding that the Yukon government would develop legislation to fill that gap that was created and as a result of the land transfer from Ottawa, not having a coherent governance structure in place has created challenges for Yukon government in managing airport lands and creating opportunity for aviation-based businesses to expand. I know the member opposite understands this because he was responsible for this for a time.

Our Yukon *Public Airports Act* clarifies government's role and enables government to more readily respond to tenant requests to manage traffic flow through aviation facilities and to improve services at Yukon airports.

**Mr. Kent:** Thank you very much, Mr. Speaker. I asked the minister if he would be willing to provide a "what we heard" document from the consultation that was undertaken — when it started, when it ended and how it was undertaken — so perhaps he'll be able to touch on that in response to the third question.

As I had already indicated, we don't recall there being any publicly advertising consultation on this piece of legislation, in spite of it actually having the word "public" in the title of the act. As the minister knows, thousands of Yukoners use and rely on our airports and aerodromes on an annual basis.

Would the minister be able, for this House, to confirm whether or not there has been any public consultation on the *Public Airports Act* and how many respondents there were, if there were any indeed?

**Hon. Mr. Mostyn:** Thank you, Mr. Speaker, and I thank the member opposite for the question. I will endeavour to get him the information he has asked for about when we started consultations specifically. I know it started this

summer shortly after we were elected to office. I will get that information to him. I will also get him a fulsome list about who we consulted with in drafting this legislation.

This legislation is mirrored on legislation we have seen in the Northwest Territories and other places. The conversations that I have had with officials from the aviation industry, as late as Friday — this matter was discussed. Not an awful lot of concerns with this piece of legislation have been brought to my attention.

What the airport and airline industry is really focused are the regulations that come in behind this piece of legislation. We will be working very closely with the aviation advisory group to make sure that those regulations meet the needs of industry, and I am more than happy to do that.

**Question re: Public airports legislation**

**Mr. Kent:** A new question, of course — summer, of course. The minister mentioned it was the summertime when they conducted these consultations. Summer is a tough time, obviously, for consulting industry and small business. The federal Minister of Finance certainly recognizes that now, as do others who have tried to consult at the same time.

With respect to the *Public Airports Act*, one section of the act raised some alarm bells for us, and that is section 21(1), which gives the government the power to create fees and charges for the use of public airports. To us, that sounds like the government is giving itself the ability to create what is called an “airport improvement fee” or an airport tax.

Why would the Liberals give themselves the ability to create an airport tax or an airport improvement fee?

**Hon. Mr. Mostyn:** I want to be very clear with the member opposite. This government has no plans to introduce an airport improvement fee.

**Mr. Kent:** I thank the minister for that, but it would be better if the legislation spelled that out. It certainly doesn't at this time. It's left to the creation of regulations and, of course, we all know that regulations are created for and deliberated by Cabinet and don't face the scrutiny of the Legislative Assembly.

It's already very expensive to travel to and from the Yukon. Any added costs to the price of airline tickets in the Yukon would only make it even more difficult for Yukoners to go on vacation, go south for school, or go visit friends in Vancouver. That is why we find it very concerning that the Liberals have brought forward a piece of legislation that appears to give them the ability to bring in an airport tax or an airport fee.

The act is very clear. It outlines that the government will be given the powers to bring in fees and charges for the use of public airports in the Yukon. As I just asked, this raises the question: Why do Liberals want this power unless they intend on using it, and will the minister amend the act to rule out the implementation of airport improvement fees?

**Hon. Mr. Mostyn:** I don't know how much clearer I can be for the members opposite. The fact is that regulation of this industry is very important. I have just publicly committed to working with the industry that I was speaking with for the

last eight months in the development of these regulations. That too is spelled out in the legislation, but the member opposite has glossed over that.

Industry will have their say in the development of these new rules. The rules are necessary. They have been on the books for almost 22 years now, and nothing has been done. This government has undertaken a consultation with a very small industry up here — a very engaged industry, and one that is not shy about making its views heard. I have taken a lot of meetings with this industry. They know their industry. They know what they want. They know what their interests are, and they have not expressed any concerns with me about the legislation as it currently stands. They do want to see what happens in regulations and I have committed to them and I am committing to this House that they will be involved in the drafting of the regulations.

**Mr. Kent:** With so many Yukoners relying on our airports and airlines throughout the territory, consulting them on such a significant piece of legislation is essential.

We in the opposition find it interesting that, when it came to the *Dental Profession Act* and minor amendments to that act, the government went out of its way to consult the public, to allow the public the opportunity to make input and to send letters to dental professionals.

As we have already established, the act gives the government the authority to create an airport improvement fee. We have also learned that there was no public consultation with Yukoners on what they think of this act or what they think of that fee.

Would the minister be able to explain why they chose not to hold a public consultation on whether or not the government should be able to bring in an airport tax, and why the consultation was done during the summer months, which is an extremely busy time for a very important Yukon industry?

**Hon. Mr. Mostyn:** The member opposite is very correct: it is a busy time for the industry and for a lot of people, actually. When people are engaged, they give their responses — as we've seen with the cannabis legislation. Yukoners responded to that outreach in droves. We had never seen such feedback, and it happened in the summertime, Mr. Speaker, a time when everybody is busy. People are willing to take the time out to participate in these consultations when they feel it's important to be heard.

This government is committed to hearing from our constituents. I certainly am — I have an open-door policy. I have met with industry a number of different times; I will continue to meet with them in the future. We have met with the Northern Air Transport Association; we have met with COPA. I was at a meeting with several industry participants and groups at which the legislation was reviewed with them in the room. They read it and gave us their feedback, and it was all very benign and positive.

**Question re: Opioid crisis**

**Ms. White:** The opioid crisis has been grabbing headlines across Canada. The number of overdoses and deaths

from fentanyl and opioid use is staggering. Yukon is not immune. To date, five deaths have been confirmed as resulting from fentanyl overdoses since April 2016.

While these numbers may seem small compared to the hundreds of victims in British Columbia, our small population means that Yukon had the highest rate of opioid-related deaths in Canada in 2016. More deaths are suspected, but toxicology reports are taking months and information is lacking.

We also do not know if carfentanil has been detected in any of these deaths. Carfentanil is 100 times more potent than fentanyl. Mr. Speaker, what is this government doing to speed up the reporting on these deaths so that the community and health professionals can plan appropriate action to prevent further casualties?

**Hon. Ms. Frost:** I would like to thank the member opposite for the really great question. Clearly it's a concern for the government, it's a concern for all Yukoners, and we want to ensure that we provide the best services possible and eliminate any crises of any sort. This crisis that is before us right now is of significant importance and, most definitely, we are going to be working with the Department of Justice, the Department of Education and our colleagues across government to ensure that we provide the best support out there.

We have gone ahead to work with our departments to enact and put the naloxone kits out in the communities to eliminate some of the pressures. That's our approach right now, and we are looking at enhancing services in our communities as best we can and being as responsive and reactive to the pressures in a timely fashion. Working with our community partners means that they will be a part of the solution as well.

**Ms. White:** When information on overdose deaths isn't shared in a timely fashion, street users don't know that the drugs available right now are unsafe. We recently heard an emergency room physician explain that overdoses from fentanyl are having an impact on emergency department services. They are seeing more individuals in Emergency who have overdosed. We know that more than 400 naloxone kits have been handed out to the public throughout the Yukon and that the Department of Education will be providing information through the schools. But what we need to see is a clear plan between departments and community organizations to address this growing crisis.

Mr. Speaker, what is being done to coordinate measures and implement plans to address the fentanyl crisis in Yukon, and when will the public see a concrete plan?

**Hon. Ms. Frost:** I can assure the member opposite that the department is taking proactive measures and working with other government departments in getting out the naloxone kits and we have in excess of 400. We have something in excess of 1,200 naloxone kits that have been distributed across the Yukon.

In response to the plan — we have a plan. We have a collaborative plan. We have a cooperative plan in working with the communities to ensure that the support services are in

the communities and are on the ground in response to the pressures being confronted by the communities.

The toxicology reports and the reports that are produced from deaths like this take some time, and it's very difficult to get that out in a short period of time. We know that, once a case is identified, there have to be some tests and assurances that this is actually what had transpired. We do take the due diligence and will ensure that we are responsive and have an action plan in place. The mental wellness strategies, the alcohol and drug service measures that are being taken, and the enhanced services at the Sarah Steele Building address the current pressures.

**Ms. White:** Anyone can become addicted to fentanyl and opioids. It does not discriminate by age, race, wealth, employment, status or sex. Record numbers of individuals across Canada are being prescribed these medications — but let us be clear — that are very helpful to individuals suffering from pain due to injuries or any number of reasons. But it is leading to unprecedented addictions. Usage, even over a short period of time, can lead to a dependence on the drug that may last even after the pain is managed or alleviated. As well, fentanyl is showing up in street drugs like cocaine, heroin and crack. Treatment for addictions to these drugs can be long, and detox requires professional medical supervision.

Mr. Speaker, what resources are in place for individuals to receive treatment for addictions to opioids in Yukon, and how are the current programs able to meet those needs?

**Hon. Ms. McPhee:** I appreciate the question from the member opposite because it is a topic that clearly crosses the two departments for which I am currently responsible, as well as a number of others from my colleagues' responsibilities.

Similar to other jurisdictions in Canada, Yukon has established a number of opioid response, surveillance, clinical and safety working groups all across the government, which involve the full spectrum of law enforcement, the chief and deputy medical health officers, as well as health agencies and NGOs. Yukon's chief medical officer has also spearheaded a program to make the naloxone kits, which we've already heard about, more available to drug users to reduce harms in the community. Yukon is also working to ensure that first responders are equipped to respond to potential overdoses and fully trained and have available the kits they need. The RCMP has been communicating with its front-line members to be aware of the potential for fentanyl-related incidents as they investigate sudden deaths or reported potential overdoses. Certainly, naloxone kits have been made available also — as the member opposite mentioned — through schools, the Whitehorse Correctional Centre, and other community organizations throughout the territory.

I appreciate the question. Fentanyl and the scourge that it is on our community are of concern to us all.

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

**Ms. Van Bibber:** Last week, we asked the Minister of Education about lapses in her department. At the time, the minister said she didn't know. However, in her department's

supplementary estimates that were tabled last week, it says that Education is lapsing \$10.2 million.

The minister would have had to sign off on these supplementary estimates, and she could have told us these numbers last week. As we've discussed in this House previously, there are schools throughout the territory in need of upgrades and improvements.

Will the minister redirect the lapsed funding toward those schools?

**Hon. Ms. McPhee:** Thank you very much, Mr. Speaker, and I thank the member opposite for the question. I didn't say I didn't know. What I said was that I wasn't sure of the exact figure and, had I said what was in the supplementary, it would not have provided the explanation that she no doubt wants to have, and that's what my office is currently preparing and we will send that to her — the details of the numbers and the details of the actual lapses.

In response to the question that has been asked here today, it would not be appropriate to direct funding that has already been assigned to a particular project or otherwise into other projects, because clearly something like the French first language school, for instance, will be completed and will continue to be worked on through this year and through next year. So the money is not simply sitting there and available; it has been earmarked for a particular project. That particular project will go ahead, so it would not be appropriate for me to redirect those funds or for this Cabinet or caucus to do so — to redirect those funds so that they are spent on something else so that, in the next year, there are no funds.

**Ms. Van Bibber:** I thank the minister for her response. The minister has said the reason she is lapsing the money for the francophone school is because of unexpected environmental remediation. We're wondering if the minister can confirm if the design work has begun for the francophone school and, if not, why spending of that money would have been delayed.

Also, how much of the lapsed money is earmarked for the design work?

**Hon. Ms. McPhee:** Yes, the design work for the CSFY French first language school has begun. It is well underway. There are a number of stages that it must pass through. We're working on and currently awaiting the conceptual design to be completed. The funds that have been spent from that line of the budget are in fact for that design work.

**Ms. Van Bibber:** Now that the minister has clarified that she is lapsing over \$10 million associated with projects such as the francophone school and the F.H. Collins sports field, I have some questions regarding timelines.

In the spring, the minister said that the francophone school would take more than one fiscal year to build. After missing this year, I'm wondering if the minister can tell us in which fiscal year the school will be completed and in what year the F.H. Collins sports field will be completed.

**Hon. Ms. McPhee:** I relish the opportunity to clarify this because the Member for Lake Laberge last week indicated that I had said that the F.H. Collins track would not be completed in the term. He took that to mean the term of this

government. I actually meant the school term, meaning between now and December 2017. That's why it was disappointing to me.

The work is ongoing with respect to the F.H. Collins school track and the other items that were not finished by the previous government when F.H. Collins school was finished. There is a basketball court, there is an outdoor classroom, and there are a number of things — repairs and, actually, likely a re-engineering of the track that was not done properly. We anticipate that to be done in 2018. What I have asked for is a timeline to be returned to me and to the Minister of Community Services — we are working on this matter together — to determine and that this should be done as soon as possible — our goal is the summer of 2018, which is the soonest possible building opportunity.

With respect to the school, as I have said, there is ongoing design work being done with respect to that school. We anticipate that the goal is to be finished in very late 2019, perhaps early —

**Speaker:** Order, please.

#### **Question re: Public airports legislation**

**Ms. Van Bibber:** With respect to the *Public Airports Act*, there are a number of new powers and changes to the way airports and airlines are governed in this territory. This is the first act of this nature in the territory's history. Air travel and the tourists it brings to Yukon is a major contributor to the territory's economy. The Department of Tourism estimates there were 341,000 passengers who went through the Erik Nielsen airport last year alone.

With this piece of legislation having the potential to have a significant impact on the major part of our economy, I'm wondering if the minister has conducted an economic analysis of the impacts of the act on the tourism sector, and has the minister conducted an analysis of whether or not this will increase costs for airlines in the territory?

**Hon. Mr. Mostyn:** I thank the member opposite for the question. This is a piece of legislation that has been in process for more than 21 years. The responsibility for airports was transferred to the Yukon government in 1996. With that responsibility came an expectation on the part of the federal government to actually have legislation in place, and it hasn't happened. This government has recognized that two-decades-long lapse and is taking action to put a piece of legislation in place. We have done so in consultation with the major airline operators in the territory on the legislation. The legislation is not something they are unfamiliar with. Every jurisdiction in the country has a piece of this legislation. The Yukon has been the outlier. It hasn't had one and now it will.

We do not expect this to have any impact on the economics of our airlines. We work very closely with Air North and with Alkan Air and with a host of airlines in the territory. Our goal is to make our airline industry more sustainable —

**Speaker:** Order, please.

**Ms. Van Bibber:** Thank you, Mr. Speaker.

The government's news release regarding the *Public Airports Act* mentions the act will give the government the power to manage traffic flows at the airport. With respect to consultations on the *Public Airports Act*, has the minister spoken to any of the major national or international air carriers that use Yukon airports about the impact of this act on them?

**Hon. Mr. Mostyn:** The department and I have been speaking with the industry and its representatives for months now in drafting this piece of legislation, which is a fairly simple piece. It's a piece of enabling legislation.

The real test of this legislation will come later on in the drafting of the regulations, which we are going to do in consultation with the Yukon Aviation Advisory Group. It's an industry panel set up a few years ago, as I'm sure the members opposite are aware. It has representatives from all the major groups, including Alkan Air, Air North, the Canadian Owners and Pilots Association, Alpine Aviation — fixed wing, rotary wing — and Fireweed Helicopters, and they have provided feedback to us and we've taken that feedback to heart. We made changes to the legislation based on their input and we're quite happy with the way it looks.

**Ms. Van Bibber:** The government's press release that accompanied the tabling of the *Public Airports Act* says that this legislation is meant to address many issues that have become more difficult to address and resolve using the existing rules. The minister's quote in the press release goes on to say — and I quote: "This act will make Yukon's aviation industry safer for everyone."

Would the minister be able to point to an example of a safety issue Yukon is currently dealing with that prompted the development and introduction of this act?

**Hon. Mr. Mostyn:** Safety is certainly very important to this government and to me personally, but there are other things that this legislation is going to address. I think if you look at it, it is going to consolidate the Yukon's authority for airports under one act, similar to the government's authority for our highway infrastructure that is established under the *Highways Act*. The *Public Airports Act* will not come into force until the necessary regulations are ready. Those regulations are going to actually provide consistent and clear rules for the industry to follow.

What I have heard from industry is that things have been inconsistently applied. Somebody says they have to do this and the next day another person is on shift and they go with another rule. It is inconsistent and nobody can actually point to a regulation or a rule that is written down anywhere because it has been put together with binder twine and duct tape. We do not want to perpetuate that any longer. It has been going on for 21 years, and we have decided to actually provide clear and consistent rules and guidelines for the airport authority and for airlines and airport users to refer to.

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

## Notice of opposition private members' business

**Mr. Kent:** Pursuant to Standing Order 14.2(3), I would like to identify the items standing in the name of the Official Opposition to be called on Wednesday, October 11, 2017. They are Motion No. 137, standing in the name of the Member for Kluane, Motion No. 140, standing in the name of the Member for Lake Laberge, and Motion No. 7, standing in the name of the Member for Watson Lake.

**Ms. White:** Pursuant to Standing Order 14.2(3), I would like to identify the item standing in the name of the Third Party to be called on Wednesday, October 11, 2017. It is Motion No. 130, standing in the name of the Member for Takhini-Kopper King.

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

## ORDERS OF THE DAY

### GOVERNMENT BILLS

#### Bill No. 203: *Second Appropriation Act 2017-18* — Second Reading

**Clerk:** Second reading, Bill No. 203, standing in the name of the Hon. Mr. Silver.

**Hon. Mr. Silver:** I move that Bill No. 203, entitled *Second Appropriation Act 2017-18*, be now read a second time.

**Speaker:** It has been moved by the Hon. Mr. Premier that Bill No. 203, entitled *Second Appropriation Act 2017-18*, be now read a second time.

**Hon. Mr. Silver:** I rise today as the Minister of Finance to speak to Bill No. 203, entitled *Second Appropriation Act 2017-18*, or as it is also called, the *Supplementary Estimates No. 1* for 2017-18.

As members know, supplementary estimates are prepared by government during a financial year to provide additional spending authority required to deliver on services to citizens.

It is necessary because there will always be unexpected events that have a financial impact that could not have been predicted when the budget was prepared. These supplementary estimates are also used to account for reductions or offsets to expenses not included in the initial main estimates and to appropriate funds during the fiscal year so that a project or program can continue without interruption. This could be a result of a delay of spending in the previous fiscal year and the money to continue a program or a project has not been included in the main estimates.

Spending authority for these programs and projects is only included in the supplementary budget when there is no other way to continue the project and stay within the main estimates appropriation. In these estimates, there is spending that did not occur as quickly as anticipated last year; therefore, there is a need to put spending authority in place for this year to complete particular programs and projects, but there are only a few instances of this.

Finally, opportunities for new projects and cost-sharing initiatives can arise once a new fiscal year is underway. In this case, some new arrangements — some new agreements — have been ratified mid-year and are included in these supplementary estimates as well. Although the types of spending included in the supplementary budget are not significantly different from past years, there is one main important difference and that is the size.

Our government is pleased to table the smallest supplementary budget in the last five years. In April, the 2017-18 main estimates forecast an annual surplus of \$6.5 million. Our revised forecast is now showing a \$3.1-million surplus. The decrease in surplus is the result of the changes that occurred after the preparation of the main estimates, as I outlined.

The smaller size of our first supplementary budget compared to previous years reflects the success of departments in more accurately calculating their estimated needs at the beginning of the year. Now this is a positive reflection of the improvement in financial planning that our government has promised and the departments need to be commended for their work. It doesn't mean that there won't be unforeseen circumstances in the future, but through good planning, realistic objectives and strong management, our goal is to ensure that these unexpected issues can be effectively handled.

These estimates call for an increase of \$3.7 million in operation and maintenance spending. This represents an overall 0.32 percent increase over the main estimates — the lowest increase in the past five years. For the past five years, first supplementary budgets ranged from 0.86 to a high of 6.1 percent of the main estimates. The overall increase of \$6.7 million is offset by reductions totalling \$3 million, resulting in the \$3.7-million increase that I mentioned a moment ago. This is a small amount on a \$1.4-billion budget.

The C.D. Howe Institute in their annual fiscal accountability publication emphasized that — and I quote: "Legislatures must take supplementary estimates seriously".

We can promise you that in presenting these supplementary estimates to the House for its deliberation, our government has taken their preparation very seriously. They reflect our commitment to careful and prudent management of government finances. While my colleagues will speak in greater detail to the specifics in each of their respective departments, I want to highlight a few things here in second reading.

Community Services requires an additional \$3.8 million as a result of firefighting efforts in the past summer in northern Yukon. We have included an overall net increase of \$1.3 million to Health and Social Services. This amount includes increases for staffing related to operationalizing the Whistle Bend care facility — that's a new word for me — and for our residential youth treatment centres as well and the costs associated with the signing of a new agreement with the Yukon Medical Association. We have also made adjustments to reflect INAC's decision to discontinue the practice of reimbursement to the territory for the child tax benefit for

First Nation children. As we will continue this child tax benefit, this now represents an ongoing new financial pressure to the territory of roughly \$1 million annually.

Mr. Speaker, as I mentioned, we are forecasting a reduction of \$3.6 million in capital expenditures. Spending on two large capital projects has been deferred — the new track and field facility at F.H. Collins and the French first language secondary school. This is principally as a result of increased environmental contamination discovered at the old F.H. Collins site. I am pleased to report that the contamination has been cleaned up and more details, of course, will be coming through the Department of Education and also Highways and Public Works. We remain committed to these important projects and this year's budget still contains \$750,000 to continue planning and design for the new French language secondary school.

Mr. Speaker, six departments require increases to their capital appropriation: Health and Social Services requires \$745,000 to complete the Salvation Army Centre of Hope project; and \$417,000 for e-health projects. Yukon Housing Corporation is seeking an increase of \$2.9 million for various housing initiatives that support the needs identified in the housing action plan, the Housing First initiative, and also fund projects under the municipal matching program and northern housing trust agreements. Recoveries are associated with the completion of the Salvation Army Centre of Hope and the Yukon Housing Corporation. In addition, Heritage Canada is providing \$500,000 in funding toward the French first language secondary school this fiscal year.

Mr. Speaker, before I close, I just want to take a couple of minutes to look into the future. As the members know, we have asked an independent Financial Advisory Panel to provide us with independent and expert advice on how to improve the government's financial economic outlook. The panel has put forth a number of options for Yukoners to consider and members of the panel have just concluded weeks of meetings with Yukoners across the territory, listening to what people have to say. We look forward to receiving the panel's final report next month and its reflections on the conversations that panel members had with Yukoners.

Today I want to refer to a couple of key points in the panel's draft report that we believe are worth noting. The panel has commented that, in the last decade of Yukon government budgets, they can be summarized by two key points. One is that government spending has grown at an annual average rate of 2.5 percent while revenue growth has been lower, at 1.7 percent. The second part is that the difference in these average annual growth rates is significant because its persistence means that the last government had slowly but steadily weakened our overall financial position.

As I mentioned, we are looking forward to the panel's final report, and our work of examining of how its options will inform future budgeting processes. In our view, we have taken the right steps in looking to prevent entering a structural deficit position. An early intervention to adjusting spending and revenue choices will mean that drastic measures will not

be required to return the government's finances to a healthy position.

Mr. Speaker, we are acting on our commitment to careful and prudent management of our government finances so that we have the resources to dedicate to improving the lives of Yukoners.

**Mr. Cathers:** It's a pleasure to rise today in the House in my capacity as Official Opposition Finance critic, and I would like first of all, in beginning my remarks, to thank the Leader of the Official Opposition and interim Leader of the Yukon Party for entrusting me with this responsibility and for the support and assistance of my caucus colleagues and our staff in carrying out this role of Official Opposition Finance critic. I would also like to thank my constituents in Lake Laberge for the continued opportunity to represent them in this Assembly and to serve them and all Yukoners here today.

In beginning my remarks, there are a few things from the Premier's remarks that I do need to point to for those listening. First of all, when the Premier reflects on the term of the past government, there are a few things that are conveniently ignored, such as, when the Premier makes remarks about revenues versus expenditures, he ignores the fact that the government, on a number of occasions during the Yukon Party's time in office, deliberately cut taxes, which impacted the revenue for those fiscal years in going forward, but it lowered the tax burden on Yukon citizens and businesses because we believed that was the right thing to do, as government, to reduce the amount of money that Yukoners were paying in taxes. The long-term result, we believed, would be a benefit not only for the territorial economy, but a benefit for those people in their financial future in growing their own family's resources and in building for a future for their families.

I would also note that, at this point in time — it occurred to me as the date was being mentioned earlier in debate — today is the 11<sup>th</sup> anniversary, I believe, of the 2006 election. It has also, by the way, in fact been over 11 months since the Liberal government across the floor won the election. It is coming up to the one-year mark very quickly. Since then, what we have heard from Yukoners and seen ourselves is that we have heard a lot of platitudes from government and seen a lot of photo opportunities but, on a lot of important files, we have seen very little action by this Liberal government.

The Premier and his colleagues had the rare opportunity in Yukon history to actually come into government with a healthy financial situation. Despite their attempts to claim that the cupboard was bare, reports by the Auditor General of Canada, by the credit rating agency Standard & Poor's, and their own budget, in fact, show they were left with a healthy accumulated surplus and cash in the bank.

As shown in the budget documents and the Premier's own press release issued last week on October 2 — and I quote from that release: "... the 2017-18 Main Estimates indicate that the Government of Yukon held \$93.4 million in net financial assets at the start of the fiscal year..." The Premier's October 2 press release also acknowledges several other

important facts — again quoting from the release: "Yukon has maintained a 'AA' credit rating for eight consecutive years... Yukon has the second highest credit rating in the country, tied with Saskatchewan."

Mr. Speaker, again quoting from the Premier's own press release: "In assigning its ratings, Standard and Poor's considers private sector economic performance, demographic trends and government finances.

"As in previous years, strengths highlighted in the report for Yukon include good financial management, low debt levels and strong liquidity."

Mr. Speaker, while there are cost pressures, the simple fact is that the Yukon's budget has grown substantially over the past 15 years. It is also a fact that the Premier and his colleagues chose to table a budget this year that is a significant increase from the previous year and the largest projected annual spending in Yukon history.

I would note as well that, when the Premier is referring to the adjustments made through the supplementary budget — for people who are listening on the radio or who are reading this in Hansard — it's important to note where some of those changes have in fact come from. For example, in the area of the Department of Health and Social Services, we were advised that there was a reduction — I'm just trying to find the exact amount — a \$1.22-million reduction contained within this budget related to a change in how the hospital pension plan is being booked as a result of changes to federal regulations that required less cash to be allocated and allowed, in lieu, a letter of credit to be provided for the pension plan solvency deficit — again, according to officials, a reduction of \$1.22 million in the amount that has been recorded for that.

We see that as a positive thing. We understand the challenge — the way the federal government was requiring governments to backstop future years' employee leave liability and that a full pension plan solvency has caused cost pressures for government in the past. During my time as Minister of Health and Social Services, it was one of the first challenging files that I had to deal with at that time. However, what I should note is that both my colleague, the Member for Watson Lake, who is our critic for Health and Social Services, and I raised concerns during the Spring Sitting of the Legislative Assembly with the amount of money being provided to the Yukon Hospital Corporation this fiscal year.

The Minister of Health and Social Services acknowledged that the Hospital Corporation had asked for \$5.2 million more than the government chose to provide in the budget. She also acknowledged that they provided them with only a one-percent increase in O&M when, in fact, the amount requested was a four-percent increase.

I am disappointed that the government did not choose to use some of that \$1.22-million savings achieved through the change of booking of the pension plan and — that they did not choose to increase the hospital's budget in a corresponding manner.

Mr. Speaker, we will be delving into a number of these areas in greater depth during Committee of the Whole in general debate and in departments. But again, what should be

noted in this choice to deliberately increase spending made by the current government is that their own budget shows \$93.386 million in net financial assets as of March 31, 2017 and that money, held in several different instruments, is basically, in simple terms, the total savings account of the Yukon government.

Mr. Speaker, rather than being accountable for their decisions, and defending them on their supposed merits, we've seen a lot of times where the Premier and some of his colleagues have chosen to spend time trying to blame others for their spending choices and cost pressures. In the revised budget tabled last week, the Premier identified plans to burn through over \$80 million in cash this fiscal year, reducing our net financial assets — again, basically the savings account of the Government of Yukon — from the \$93.386 million that stood at the opening of this fiscal year, to \$11.261 million at the end.

The Premier is fond of travelling to Ottawa and we've debated this in the past in this Legislative Assembly. Last week, we established that the Premier has been to Ottawa six times since taking office and has come back empty-handed six times. Disturbingly, we've also seen government come back with less money in several areas than they previously had. We've been critical in the past of the Premier's negotiating performance on health care funding, which by his own statements appear to have left \$1 million on the table, according to his remarks in December. We also learned from officials this week — and the Premier acknowledged it during his opening remarks — that the federal government is no longer paying the child tax benefit for First Nation children and officials have told us that reduction means over \$1 million less this fiscal year alone.

We are concerned that despite high spending, key areas, including the Hospital Corporation, are being neglected. We've also heard and I am pleased to see the NDP critic for this area — the Member for Takhini-Kopper King — also asking questions, as we have, on the government's response to opioid use and the fentanyl crisis, but we are disturbed that the government has been slow out of the gate in responding to the needs of the RCMP and responding to the needs due to increased cost pressures in Victim Services, the coroner's office and other areas that we identified, in some cases, as early as the spring and in all cases, no later than my letter to the minister mid-summer.

We've also seen some spending choices contained within the spring budget as well as in this budget where, although the Premier and his colleagues may try to ascribe them to other members or other governments, they are choices this government has made. I would point out for those listening that in some of the cases, some of the initiatives we've seen government announcing via press release or through the budget themselves do have merit, but where there is new spending, it is incumbent on the current government to be accountable for those spending decisions and to defend them on their merits and be answerable not only to this Legislative Assembly, but to Yukon citizens for those decisions.

Those include the 202 new government employee positions added this fiscal year by the Premier's own acknowledgement during the Spring Sitting. It includes the decision to substantially increase the size of the Department of Finance. It includes the decision to hire new French language teachers. We have yet to hear whether they're even included in that total of 202 new positions or on top of it. It includes the roughly almost \$600,000 more in spending for the technical education wing included in this year's budget.

It includes — especially because of grand statements made by the Premier and other ministers claiming that the reason they had to wait longer than any other government to call the first full Sitting of the Legislative Assembly — the assertion made by the Premier at the time was that they were going to finally get the budget right and do it better than any other government somehow. But again, we see that it is no different from the challenges faced by previous governments. We see \$10.2 million in lapses in the Department of Education alone because of delayed capital budgets. Unfortunately, we see the minister again, as recently as Question Period today, not being fully forthcoming about the total dollar amount with members on this side of the floor who asked questions that are, in fact, our obligation as members of this Assembly to ask.

We have seen as well the increase in spending for new First Nation project agreements. We have not seen a breakdown of those total costs. We have seen included in the budget over half a million dollars of new money for planning dollars related to — we understand — the Yukon Resource Gateway project alone in the Department of Highways and Public Works. It is not quite clear at this point how much of that money is for consultants, new staff or engineering reports, but again, even if the decisions themselves have merit, new spending approved by this government is new spending approved by this government.

We have seen as well in the breakdown that we received from officials in this supplementary budget new Family and Children's Services positions, nearly a half-million-dollar increase to Insured Health, close to \$1 million in increased staff related to youth justice and treatment, and, of course, the \$250,000 that we saw in the spring budget for the Financial Advisory Panel.

We believe, based on the panel's statements about the level of detail that they are receiving, that there is in fact very little achieved by having a panel that is supposed to provide advice on the finances that is not given access to the books and details and does not have the opportunity to identify to the government where program delivery can be improved, where administrative costs can be reduced and service delivery improved, and many other areas that potentially could be achieved simply through finding minor efficiencies, rather than the more dramatic tools that the Premier has suggested in the Financial Advisory Panel's terms of reference — or the options. Those options include increasing revenue, cutting services, doing some of both or doing nothing.

We believe that the government needs to get down to work in more detail and that it is time to stop trying to blame

the previous government for decisions that they have made or for the decisions that they have failed to make. With that, I will wrap up my opening remarks.

**Ms. Hanson:** I intend to be somewhat briefer in my comments this afternoon on Bill No. 203, the *Second Appropriation Act 2017-18*.

When one sits here on the side, it is somewhat rich at times to hear the Finance critic from the Yukon Party critiquing and raising issues that in fact for 14 years he was either directly involved in or chose to ignore and is now criticizing the current government for. That is not to say that we don't have a number of concerns or issues about matters contained in the *Second Appropriation Act 2017-18*.

We will go into those in more detail. We do look forward to getting details from the various ministers and departments because, as you'll recall, during the spring legislative Sitting when we did raise matters, there was a number of matters that could not be addressed — were not addressed — by ministers during the Spring Sitting and sometimes we've taken up until the day before this legislative Sitting to get answers to questions asked in the Spring Sitting. There are serious and important issues that citizens have raised with us that we will be following up when we get into those departmental sessions with each of the ministers.

We have placed a lot of hope in the announced improvements to financial planning that the Minister of Finance and his officials have outlined for us that will be in place next fiscal year, and we do look forward because we do take both the responsibilities that we have as stewards of the territorial financial resources seriously, so therefore we do take the supplementary estimates seriously.

When we do move to a department-specific analysis, we will do so in conjunction with the financial update that was tabled by the Minister of Finance last week. I just wanted to — I think that there is a tedious tendency of governments and the Official Opposition to read only the front page of Standard & Poor's reports. I would encourage members to read beyond the "AA" or whatever rating and talk about and read what S&P says about their concerns about the Yukon government's financial flexibility — or lack of flexibility — based on decisions taken to date and potential hamstringing of government. "Hamstringing" is not a word used by S&P, but the intent is about the same in terms of our lack of flexibility and our overdependence on the federal government, which has not changed and doesn't change as a result of these supplementary estimates.

When I hear suggestions that the responsibility of the Finance minister or a Premier in going to Ottawa is simply to ask for more money — or the determination of whether or not that outcome is successful being whether or not there is a bit more money thrown our way — I am somewhat reminded of that great Scottish band, The Proclaimers, who had a song in which they despaired in their description of their own government having to go to London "cap in hand". It's a great refrain, but as citizens and as MLAs, I expect my government to be operating on a mature level, government to government

with Ottawa. I expect them to ensure that the formula finance agreement that we have with Ottawa is maintained in a healthy way and to be accountable for the way that we expend the resources that the citizens of Yukon and the citizens of Canada provide to us to set expectations for how that money is spent and to be able to evaluate and to publicly demonstrate how effectively or not that money has been spent.

So 14 years post devolution of federal responsibility for our land and resources — I believe, as a citizen and as a member of this Legislative Assembly, it is important that the Yukon government must be able to demonstrate that it is in fact a government and not simply a program manager for federal departments and agencies. That's what Yukon citizens expect of us. We make the decisions about what's appropriate. It's called self-determination and self-government. We're there now, Mr. Speaker.

When we review this *Second Appropriation Act*, as we review all financial decisions taken by this government, those are the kinds of principles that will be guiding our review of this.

**Hon. Mr. Streicker:** Today as I rise to speak to you on the topic of the supplemental budget, I'm going to focus on the Department of Community Services, but I would like to just begin by responding to a few of the comments from the Member for Lake Laberge.

I find it interesting to note that the member talked about cutting taxes, which is fine — you may choose to cut taxes as long as you put alongside of that the sound fiscal management that you will spend the money that you take in. If we're overspending year over year, then we end up heading in the wrong direction; it's not sustainable.

We lowered taxes. I noticed that there was no acknowledgement of that but, in our first budget, we reduced both corporate taxes and the small business tax significantly. In so doing, we also chose to get our spending in order, and so we tabled a budget that showed a modest surplus.

The member opposite has referenced a lot of overspending. However, my recollection of the budget when we first tabled it was that most of that was attributed to hires that had happened by the time we arrived, and, I believe — and I look to my colleagues, the Minister of Education and the Minister of Health and Social Services — as-yet-unaccounted-for costs around, for example, the Whistle Bend continuing care facility, which were significant in nature, and at the same time — and something which comes closer to my area of responsibility — a lack of out-year acknowledgement for capital spends.

If we don't do those things, what we effectively do is we erode democracy, and — I take the comments by the Leader of the Third Party that were just made in this Legislature — it is critical that we demonstrate to the public how we will be using those funds and how we will be responsible around those funds because, in that way, the public gets a full awareness of what is going on with the funds and then we are held to account. If we obfuscate in anyway — if we aren't as

clear as we possibly can be — then at some point the public is not sure of where we are financially.

When we rose here in this Legislature and presented our first budget, what we acknowledged right away — and I thank the Premier for his work on this. He led on this — including his trips to Ottawa where he is representing Yukoners with the federal government. I appreciate that he is doing that work. I hope that all Yukoners appreciate it, because, at that moment, what we were doing with strong fiscal management was saying that this ship had not been sailing in the right direction. What we clearly noted was that, year over year, there was an increase of spending that outstripped the increase in revenues. It's effectively like — for every new dollar that was coming in, we were spending a dollar and a half, and that's over a decade. The Yukon went from a very enviable position, in terms of having a strong nest egg, to wearing it out.

To the point from the Member for Whitehorse Centre, the Leader of the Third Party, we have to stop worrying about why this was so. What we need to really focus on right now is what we will do going forward. We need some looking at the sustainability of our budgets. The first step that we did as a government was to bring in the Yukon Financial Advisory Panel.

Moving on, Mr. Speaker, to the Department of Community Services, I would like to thank the members of the Legislature for the opportunity to provide information on the Department of Community Services in the first supplementary estimates for 2017-18. The supplementary estimates before us for the Department of Community Services consist of a \$3.8-million increase in operation and maintenance expenditures. The department's combined operation and maintenance and capital budgets for 2017-18, including this supplementary estimate, is \$163,409,000. This reflects the thoughtful and careful decisions made by this government to deliver the programs and services that contribute to the development of sustainable communities, the protection of people and property and the advancement of community well-being.

The department continues to work to achieve the goals as set out in both the mandate letter and the overarching priorities identified by this government. These investments prioritize the programs, services and activities that help Yukoners lead healthy, productive and happy lives.

Before providing some details on why a supplementary budget was necessary, a few comments on the purpose of supplementary budgets, just to echo some of the comments by the Premier. Supplementary estimates are prepared by governments during a fiscal year to provide additional spending authority required to deliver services to citizens. Governments are not able to predict the future, although it is imperative that we are diligent in our preparation. Sometimes urgent and unexpected events take place, which means that more money was spent than was calculated for. In this way, we can be strong financial managers of our future.

A great example of this is wildland fires. We're not able to predict at the beginning of a season the severity of the fire season to come. Mr. Speaker, as we noted with all parties

represented here in this Legislature this afternoon when we gave a tribute to Fire Prevention Week, we are thinking about this right now — how we can ensure that we have safety.

Last week in this Legislature, with a motion that was raised by the Member for Porter Creek Centre, we debated the *Paris Agreement*. When I stood to speak to that, I noted that the single biggest risk that we face as a territory is wildland fire. I noted that we have increased winds, we have increased shoulder season temperatures, and we have some seasons that are wetter but some seasons that are drier. We have more lightning strikes, and we have a lot of fuel loading. In short, the concern is that there is an increased risk of wildland fire. You can't say it will be this year or next year, but what you can say is that there are risks. I think our thoughts and prayers go out to the folks from California this afternoon who are fighting more wildfires in their region.

Mr. Speaker, as I mentioned, the Department of Community Services has an overall increase of \$3.8 million in this supplementary budget for the operation and maintenance portion of the budget. Every year, the Yukon can experience emergencies, including wildfires. As part of Community Services, Wildland Fire Management's mandate is to protect Yukon communities from wildfire. Wildland Fire Management works in cooperation with First Nations, Yukon communities and other government departments to provide professional wildfire response, and I thank them, as did other members here today, for their work.

This budgetary increase is due to an active fire season early in the summer. Fire requiring sustained attack occurred near Silver City, in the Member for Kluane's riding, at Johnson's Crossing, in the Leader of the Official Opposition's riding, in Dawson and in Mayo. Numerous large fires around the community of Old Crow required extensive facility protection. The total cost of preparing for and suppressing active fires in 2017 was \$10.4 million, which is in line with the five-year average cost. We did some analysis within the department and, for the past five years, the average cost for wildland fire has been \$10.5 million. Costs for fighting wildfires include obtaining resources such as air tankers, helicopters, fuel, fire retardant, heavy equipment, and, of course, staff and contractors — many of whom will be working overtime when the fire hits. This includes First Nation crews and it includes making sure that those people are kept well with food, lodging and their safety.

Wildland Fire Management makes strong investments in local communities and continues to seek opportunities to strengthen local economies through work done to manage combustible forest fuels, train and hire local employees, and sole-source local goods and services. The economic and social costs of widespread disruptive wildfires will continue to rise in Canada, as I have noted, and in the Yukon due to current and predicated changes in climate. Wildland Fire Management will need to be innovative and proactive in planning for and managing fire while providing a high level of protection for human life and property.

Over the last two decades, there has been a significant increase in suppression activity due to the lengthening and

variability of the fire season, seen not only in Yukon, but across North America. This summer, there were issues in British Columbia, in Manitoba and in some of the western states. This year, there were 112 fires — as in the number of fires counted in 2017 — which is just above the five-year average of 110. This year, with over 350,000 hectares affected, the area burned in 2017 was greater than the five-year average of 97,600 hectares, although that number is always quite variable.

Although not an exact proxy of fire management effort and cost, the number of fires and area burned are an overall indicator of the type of fire season, and this year was above average. With the exception of one sustained-action fire in the Kluane region, the fire season was characterized by the above-average fire activity in the northern half of the territory, primarily in the Northern Tutchone region, which is Mayo, and in the Kondike region, which includes Dawson and Old Crow. This is in contrast to a below-average fire season in the southern regions, including Tatchun, Southern Lakes and Tintina.

Weather is the largest factor creating the type of fire season that the Yukon experiences. Our response to fires, however, is determined by a fire's proximity to a community. Protecting lives and property determines suppression, effort and cost and is of greater significance than total fire numbers or hectares burned. A fire management zonation policy sets the priority and types of suppression activity within five different zone types. Critical zones are around communities. Full zone includes transportation and utility corridors. Strategic and transitional zones are where fires are suppressed to reduce the risk to values in critical zones, and wilderness zones are where single values — such as cabins, historical sites and industrial sites — are protected individually.

In addition to weather and location of the fire, costs are driven by the type of action or level of effort required to fight the fire. This varies from initial attack, sustained action, delayed action, structural protection or simple observation and monitoring.

Sustained action fires typically cost more than initial attack fires. They are highly variable in cost, depending on the fire's location and the duration of the suppression effort. This summer, there were four sustained-action fires near Johnson's Crossing, Silver City, Dawson and Mayo.

Structural protection of remote values can also be a significant cost, depending on the location and size of the remote facility that is protected. In 2017, there were six fires that required structural protection in the Klondike region, including protecting mining camps and cabins near Dawson, industrial sites, travellers on the Dempster Highway, historic sites, hydrological stations and cabins, and managing smoke impacts around the community of Old Crow. I know that the Member for Vuntut Gwitchin had been in contact with her constituents and expressing concerns about the smoke and the health and safety of our northern constituents.

Old Crow had a large number of active fires threatening the Rampart House historic site, a hydrological monitoring

site and numerous cabins in the area. As well, smoke had an impact on the community, as I just stated.

Protection costs tend to be higher for this district due to the additional costs of flying personnel, fuel and equipment to the remote community. In addition to costs attributed directly to the suppression of wildland fires, there are preparedness costs for short-term hire aircraft and crews on standby to respond to fires. Preparedness for fire danger is guided by fire weather monitoring, weather forecasts, the Wildland Fire Management preparedness guidelines, and alert levels set by the regional and Yukon duty officers. During times of moderate or higher fire damage, helicopters will be hired, air tankers prepositioned with overhead staff, and crews put on standby to respond to fires. In addition, Wildland Fire Management exchanges crews, equipment and air tankers with other Canadian and US fire management agencies through the Canadian Interagency Forest Fire Centre mutual aid agreement and the NW Compact when a member's fire load is beyond the local resource capacity.

I mentioned earlier that British Columbia came and assisted our firefighters early in our firefighting season, and the Yukon assisted British Columbia, providing six incident management staff, 51 fire crew members, 18 vehicles, 50 pump kits and a heavy air tanker group in August. A further 11 staff assisted in September. These costs are recovered under the mutual aid agreement from the assisted jurisdiction, just as they recovered costs from us when they came to support our crews. Exporting fire crews to other jurisdictions not only provides crucial aid to our neighbours; it benefits Yukoners by providing Wildland Fire Management staff with valuable firefighting experience. We build strong partnerships and encourage the sharing of best practices across fire services. I just want to say that it is the right thing to do.

Wildland Fire Management provides leadership, expertise and support in the areas of aviation management, telecommunications, safety and training operations and preparedness, planning and science and logistics and support services. These are all essential services that this government is committed to providing to Yukoners. The increase to the supplementary estimates reflects this government's promise that Yukon people and property will continue to be our number one priority when it comes to managing the unpredictability of wildfires and making sure that our communities are sustainable, viable and healthy.

## INTRODUCTION OF VISITORS

**Ms. Hanson:** I ask members of the Legislative Assembly to join me in welcoming Werner Rhein to the Legislative Assembly. Werner is no stranger to this Assembly. He comes here often to bear witness to the proceedings of this Assembly.

*Applause*

**Hon. Ms. Dendys:** As Minister of Tourism and Culture, it is my pleasure to also speak to the introduction of the *Supplementary Estimates No. 1* for the 2017-18 fiscal year. My piece is very, very small; however, I always like to

take the opportunity to talk about the good work that our department does.

The Department of Tourism and Culture works to support, protect, promote and enhance Yukon's tourism, culture, heritage and arts sector for the benefit of Yukoners and visitors.

In all aspects of its mission, the department has made great strides in building on the work of previous years. I'm pleased to say there is no increase to the department's operation and maintenance budget at this time. For the capital budget, a net total of \$775,000 is requested with the breakdown as follows: The department is requesting an increase of \$785,000 in continuation of capital funding to complete the Yukon Archives vault expansion project. This is not a new funding request. This year we are using last year's unspent budget to complete the project.

At the same time, we are returning funds amounting to \$10,000 to the Information and Communications Technology branch of the Department of Highways and Public Works. This funding was allocated for the development of an access and dissemination system for digital archival records. This project will instead take place in 2018-19. The new vault at Yukon Archives is a major expansion project that is now nearing completion. It has been a successful and close collaboration with the Property Management division within the Department of Highways and Public Works and the Department of Tourism and Culture.

The archives facility was built in 1990 and designed with a 20-year growth horizon; therefore this project is much needed. The expansion will provide safe, secure storage for invaluable records in order to support the preservation of Yukon's unique documentation of heritage for years to come. Improvements include increased storage for paper records, a separate frozen storage environment for materials such as photographs and films, and a separate vault for digital records.

The Yukon Archives receives record donations from individuals, families, businesses and organizations, as well as the transfer of government records from departments. I encourage all Yukoners to consider donating their archival records to the Yukon Archives, where they will be preserved and made available to researchers.

We all contribute to Yukon history and our photographs, films and documents tell future generations how we lived, worked and played. I would like to express my thanks to the staff at Yukon Archives for their tremendous work on this project and to staff and the public for their patience during the period of this major construction.

**Speaker:** If the member now speaks, he will close debate.

Does any other member wish to be heard?

**Hon. Mr. Silver:** Thank you to my colleagues here in the Legislature for their comments today. I was going to address some of the issues brought up by the Member for Lake Laberge. I think that my colleague, the Minister of Community Services, did quite a thorough job. Once again,

when we're challenged on certain issues, we feel the need to reiterate our side of the debate.

I want to thank the Leader of the Third Party for bringing forward a forward look to the budgetary process and I would extend an offer to sit down with the Leader of the Third Party to address her concerns about the issues she raised last session and the timelines. As I understand, they haven't been to an expeditious manner in all circumstances, so I would love to sit down and hear more about that from the Leader of the Third Party for my own benefit. I would appreciate that.

I will comment a bit on the trips out. Mr. Speaker, what we do as a government — it's very, very important to be able to have a healthy communication with all levels of government, whether it's First Nation governments, municipal governments or government in Ottawa. So again, when we do go out, I think we need to do a better job on this side of the House to bring forth to the Legislature what does happen based upon those trips.

For example, the member opposite talked about the solvency deficit for the college and for the hospital. For those who don't know much about the deficit issue, a solvency deficit is an estimate of how much a pension plan's liabilities are going to exceed assets in the event that the plan was terminated immediately. One of the conversations that we brought to the federal minister was that these plans are not going to terminate immediately. These are government institutions and so the thought of the college all of a sudden having to get rid of all its employees — that is just not going to happen.

The conversation that we got back from Minister Morneau in Ottawa is they understand that, but in general they have other organizations like, for example, the postal office or other considerations that they have to be looking at as well. We didn't get a lot of leg room as far as saying, "Can we maybe not look at this in a solvency deficit type of way?" But what we did do through the conversations that we had with the federal minister on solvency — in June 2017, Canada changed pension regulations related to letters of credit. These changes actually increase the portion of the solvency deficit that could be funded by a letter of credit as opposed to cash. These changes will eliminate approximately two years of funding requirements. To say that we've come back without any concrete evidence of these trips working is just simply wrong.

I have some other ones that I would like to identify as well and I would like to thank the Member for Lake Laberge for prompting us to explain more about what we do with these trips. The government officials who come with us work extremely hard getting us ready for those meetings, talking government to government, before we get to those meetings and so does the caucus as well as they travel out. I can only speak of my experiences, whether it's going to Yellowknife to speak with the other northern leaders to present a united voice when it comes to Arctic strategies that are being developed in Ottawa and how we want to make sure that the northern voice is being heard — I think that Ottawa is listening.

When you take a look at the division of the federal mandate for INAC, Crown-Indigenous Relations and Northern

Affairs and Ottawa's commitment to self-governing First Nations — the 10 guiding principles to working with indigenous governments and indigenous communities — we believe that the conversations that we take to Ottawa bore fruit in that these are languages that Ottawa has never used before when they're talking about self-governing First Nations.

When we travelled to Ottawa with a delegation of chiefs from a number of Yukon First Nation communities to Yukon Days, in previous government, the First Nation component was more of a cultural component. What we did, Mr. Speaker, is we went in with the chiefs and talked to the ministers directly — government to government to government — and we believe that those conversations, especially with the minister of infrastructure — we probably would not be in the situation we're in right now, having Trudeau coming up and making an announcement of the largest infrastructure project in Yukon history if we didn't have those meetings the way that we had them, recognizing the mandate that this government has to increase the communications between First Nation governments and our own and have direct conversations, government to government to government.

So again, the largest infrastructure project in history — I think that's an example as well of the fruits of our labours when we go down to Ottawa. Whether it's just working on intergovernmental files in general — you know, intergovernmental relations have led to significant accomplishments for Yukon, including Yukon's voice on a number of files, including the northern circumstance being considered at the National Inquiry into Missing and Murdered Indigenous Women and Girls. The work that was done in the Yukon on this file is extraordinary. To hear the opposition say that nothing has been done by these trips to Ottawa — I think it's an insult to the good work that has been done, not only by this government but also by us taking the information that we garnered from the conversations of the indigenous women's organizations and First Nation governments and taking that message to Ottawa.

Unique financial agreements and arrangements about the unique situations of the north — this is a message we send to every minister as we go and we really believe that these communications are so vitally important for Ottawa to understand that we are unique — whether it be because of the self-governance or because of the unique circumstance of trying to live in the north. Every time that we do go down to Ottawa — sometimes you feel like you're describing the Spanish Armada as it appears on the shores of South America — you have to redefine it and redefine it until it's actually understood, but that's what we're doing. We're proud to do that work and we're honoured to be able to do that work.

Trade agreements that recognize Yukon's growth and developing economy — I'll even give credit to the previous government as well. They've done a good job in Ottawa of communicating the important needs — the Yukon needs — to Ottawa. We've continued with that. Our Minister of Economic Development has done a fantastic job of communicating the importance of those changes. Again, to say that these trips are fruitless — well, I respectfully disagree.

Ensuring that the health care funding for medical travel, for home care and mental health services is there — THIF funding — the territorial health investment fund — was set to expire under the Yukon Party. That's tens of millions of dollars that we got back for Health and Social Services from the federal government based upon our trips to Ottawa. Again, very important conversations explaining how if a federal health act is going to say that Canadians are going to receive equal treatment right across Canada, this is the situation and this is what we need to make sure that we're kept whole as Yukoners and to make sure that our quality of service is at the same rate as other Canadians. We've done a great job — my colleague, the Minister of Health and Social Services has done a fantastic job of advocating for Yukoners to make sure that funding was reinstated.

I could go on, Mr. Speaker, but I think what I'll do is leave it there for now. I'm sure we'll continue this debate. It's a healthy debate and that's fine. We are very proud of the accomplishments on this side of the House to date. I have outlined today some of the fruits of trips to Ottawa. I think that's pretty much it as far as response to the concerns from the opposition and I thank everybody for their words today and look forward to debating this further in Committee of the Whole.

**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. 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, five nay.

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

*Motion for second reading of Bill No. 203 agreed to*

**Bill No. 202: *Third Appropriation Act, 2016-17* —  
Second Reading**

**Clerk:** Second reading, Bill No. 202, standing in the name of the Hon. Mr. Silver.

**Hon. Mr. Silver:** I move that Bill No. 202, entitled *Third Appropriation Act, 2016-17*, be now read a second time.

**Speaker:** It has been moved by the Hon. Premier that Bill No. 202, entitled *Third Appropriation Act, 2016-17*, be now read a second time.

**Hon. Mr. Silver:** I rise today again as the Minister of Finance to speak to Bill No. 202, entitled *Third Appropriation Act, 2016-17*. The purpose of this second supplementary budget is to address the requirement for an additional \$3.1 million for the Department of Health and Social Services. This supplementary budget represents increased operation and maintenance funding necessitated by a higher than anticipated cost for out-of-territory hospital and physician claims.

These are very large bills that came in at the end of the fiscal year. They were from hospitals outside of Yukon that provided insured health services to Yukoners travelling outside of Yukon at the time that they were admitted to the hospital. As such, the bills were unexpected and not included in the supplementary forecasts. As you can imagine, hospital costs mount quickly for individuals needing care. I will let my colleague, the Minister of Health and Social Services, speak to the specific details that make up this amount when she rises to present her second reading remarks.

Mr. Speaker, the bill also includes legislated grants that were over the specified amounts allocated for these grants. These grants are for social assistance and homeowners grants.

In my role as Minister of Finance, it's my duty to be accountable to this House for the overall finances of the government. Although it's unfortunate to table an appropriation bill after the completion of the financial year, it is important that these expenditures are scrutinized, debated and gain the approval of the Legislative Assembly.

Most of my colleagues across the floor are very familiar with the challenges that are involved in preparing an annual budget. We work with our departments, we gather full information so that the budget put forward not only takes into account the regular operations of government, but also recognizes the responsibility to ensure that we can cover expenses that are outside of our control.

In just a few weeks, the Public Accounts will be tabled and will reflect the actual financial statements of the 2016-17 year for all of government. The final numbers of the Public Accounts are not yet available, as we continue to work with the Auditor General on accounting adjustments. The final Public Accounts will be tabled by October 31, 2017.

Mr. Speaker, we expect the annual deficit to be lower than the \$8.3-million deficit presented in the spring. This appropriation addresses the overexpenditures from the Department of Health and Social Services and overexpenditures in legislated grants, as I mentioned.

When my colleague rises to speak to the request for additional funds to be appropriated for the 2016-17 fiscal year,

it will become clear that the expenses for medical care simply were more than what were estimated. This government continues to support the well-being of Yukoners through programs and services that meet people's needs at all stages of their lives. Our people-centred approach to wellness will help Yukoners to thrive.

Thank you very much, Mr. Speaker. I look forward to discussing this supplementary appropriation more fully in general debate.

**Mr. Cathers:** In rising to speak to the second supplementary estimates for 2016-17, I would just like to note that, again, we understand and agree with the need to continue to fund vital health services; however, the fact of this amount being some \$3.1 million after the conclusion of the fiscal year is of concern to me, as Official Opposition Finance critic.

I would be remiss if I did not note that this appears to be the department going over vote. That was my understanding. Officials at the briefing confirmed that they shared the same interpretation — that this has gone over vote, which is a violation of the *Financial Administration Act*. I would ask the Premier, in concluding his remarks, to confirm whether he agrees or disagrees with our interpretation that going over vote is not in compliance with the *Financial Administration Act*.

I would also note that the issue of hospital billings is one that — the Premier has portrayed the situation as something that government was unable to predict or do anything about. I would note, having served 2.5 years as Minister of Health and Social Services and never having gone over vote during that time — as well as talking to now-retired officials from Health and Social Services — that, in fact, there is a solution to avoid getting into this type of problem, and that is, according to what those managers told me, that you have to keep on top of out-of-territory travel if hospital billings are not coming in in a timely manner. It sometimes requires officials to chase after those billings and to compare them with their medical travel numbers to gain a sense of the scope of billings that they're waiting to receive so that they can predict that potential bill and avoid going over vote.

I would note, as I did in the spring — my comments to the Premier appear to have fallen on deaf ears at that time — that the delay in appointing deputy minister positions does have an impact throughout departments. In the case of Health and Social Services, in addition to the very long delay in appointing a deputy minister during that time when others were acting in that post, we have seen significant turnover with half of the ADM positions at Health and Social Services going vacant as a result of retirements. I would note that this includes the former ADM of Health Services and the former ADM of corporate and financial services — in fact a significant loss of corporate knowledge in both cases.

My question is two-fold for the Premier as he concludes his remarks: Does he agree that this spending is not in compliance with the *Financial Administration Act* because the department went over vote, and does the Premier take a sense of responsibility due to his delay in appointing the deputy

minister and the consequential impact on the loss of corporate knowledge through retirement at the Department of Health and Social Services?

**Ms. Hanson:** I will be very brief in my comments. I just would like to note that I do think that it's important to distinguish between greater expenditures and outcomes. There is no correlation — and there should not be — or expected correlation between better outcomes in terms of wellness and more money spent. In fact, what we've seen over the last 15 years are huge amounts of money spent, particularly in the areas of health — or supposedly in health — and worse outcomes.

We would be looking to this government to move away from those kinds of — the word was “trite”, but just those kinds of aphorisms that really have no basis and cannot be demonstrated with evidence.

I am reminded again and again in this Legislative Assembly — I used to have this mentor when I was in the public service in the federal system who quoted Mencken a lot — a guy who was a newspaper editor among other things — and every time you came up with a quick answer to something, he would say — and I quote: “For every complex problem, there is an answer that is clear, simple, and wrong.” You know, Mr. Speaker, that happens again and again when you make assumptions about — and I used the example that was just given about tracking your medical travel. That is great if you know that somebody is going out. What about those who go out, but don't come back?

I would suggest that this debate on the 2016-17 expenditures will be a great test for this Legislative Assembly and for this government in its commitment to reviewing Public Accounts. This will be the first time that we will be able to, in whatever means that the Public Accounts Committee, in consultation and coordination with Committee of the Whole, will actually take the time as members of the Legislative Assembly to review the Public Accounts for the Yukon Legislative Assembly, which will be tabled this month and become available. That will be a good thing because then it is not about the politics, the decisions or the partisan issues. It is about whether we got the most effective economic and efficient use of the monies that were voted on by this Legislative Assembly to be spent on behalf of all Yukoners, including the amounts that will be voted on for 2016-17 in the supplementary estimates.

I am not going to speak about the merits of one department or another. I think that those are the kinds of matters where we should be shedding our partisan hats and looking at the past fiscal year. What was done and was it done in the best way? What can we learn from the good things and the less effective things that occurred in that fiscal year?

**Hon. Ms. Frost:** As the Premier indicated, the second supplementary budget for the fiscal year 2016-17 deals with increased operation and maintenance funds for the Department of Health and Social Services. There was some really great feedback and comments that I would perhaps like

to address as well. Clearly, the Leader of the Third Party addressed this very well. This is not about politics, but it is really about the services. It is about what type of effective and efficient services — timely services — we can provide for our clients.

The department is requesting an overall increase of \$3.117 million in operation and maintenance funding, bringing the total for the 2016-17 operation and maintenance budget to \$352.859 million. The funds being requested are to cover higher than anticipated costs for out-of-territory hospital claims and physician claims. The prediction on expenditures as we go into the fiscal year is not always known. We have higher costs associated with medical travel, with physician costs and specialized services that are not offered in the Yukon, so the responsiveness of the Department of Health and Social Services to ensure access to and delivery of health services are available to all Yukoners in a timely, appropriate and respectful manner. We want to ensure that the urgency, as needed, is responded to in that fashion. Now what I have noted here as well is that the costs associated with out-of-territory travel, as the Member for Lake Laberge indicated, we have to keep on top of out-of-territory travel.

Also, it is not something that can be predicted. Travel and medical travel happens to individuals in rural Yukon, where services are not available, given our jurisdiction and our size. We want to ensure that we are most definitely providing the specialized expertise that is offered in Alberta or BC and we can't offer in the Yukon.

The costs and expenditures for travel, as I indicated, can't be predicted, nor can we potentially forecast some of the things that we're looking at in terms of accountability. The expenditures come in after the fiscal year ends, so the services that are delivered in February and March don't come into the department until May or June; therefore, it's very difficult for us to have that identified early on.

Most definitely for the future — as a new minister and as Minister responsible for Health and Social Services — we certainly want to look at fiscal management and ensuring that expenditures and outcomes are identified and considered in the long-term fiscal management of the department, bringing cost alignments into perspective. Assumptions are things we cannot make, so what we have undertaken to do is a comprehensive review over the course of the last two to three years to look at costs associated with out-of-Yukon travel and what we have dealt with in the past.

The Member for Lake Laberge indicated that this is something new that he has not seen before. I can assure you that this is not new to government. This has happened historically, as I have been informed by my department. What we have undertaken to do is to look at the very difficult situation we find ourselves in and what we can do to prevent that in the future. We can start looking at data sets, data analysis, looking at where the expenses occurred. Is there a possibility, when we look at our long-term collaborative care model for the Yukon — are there some of these services that we can now offer in the Yukon, such as the orthopedic surgeon who we have hired? We have some other specialized

services in the Yukon that will reduce some of those costs in the future, and you'll see that in our long-term fiscal and business model. The analysis of the costs by the department will reflect that the government will continue to ensure that all Yukoners get the care they need when they need it, regardless of where they are or where the care may be.

As Minister of Health and Social Services, the Premier instructed me to enhance the long-term well-being and quality of life of Yukoners and I aim to do that, but I also aim to take note of lessons learned from the past. What didn't work so well historically? What can we do to meet this mandate's long-term well-being and quality of care for all Yukoners, no matter where they are and ensure that we provide collaborative care models in Yukon that are responsive.

He has also asked me to do this while ensuring there's a comprehensive and coordinated range of programs and services that provide effective responses at all stages of people's lives. We strive to ensure that services are available to all Yukoners in a timely fashion. There are times when this means ensuring that Yukoners have access to essential services that are not available in the Yukon. Given our small jurisdiction, we cannot possibly provide all the expertise in the Yukon and we do need to rely on Outside services. The timing of when that happens and how the billing services are currently set up are some things that we cannot predict, nor can we control what happens in Alberta or BC in how their billing system works.

One thing we are obligated to do is to pay the bills in a timely fashion to ensure the services are delivered in that fashion as well. This includes certain services that identify — that's not here — specialized cancer experts, getting particular surgery, such as hip replacement surgery or cardiac-related surgeries, none of which can happen here. Perhaps in the future, they might be available, but for now they aren't and we do need to send our clients and patients outside the territory. That means the added cost is generated.

Mr. Speaker, this government will always ensure that the people of this territory have access to programs and services they need to thrive because that is what our government promised to do. I'm happy to keep my promise to invest in the people and the Yukon for healthy communities. To this end, my officials in Health and Social Services are always looking for new ways and promising practices to offer health services in a way that best meets the needs of clients, patients and their families, recognizing our accountability to strong fiscal management.

**Speaker:** If the member now speaks, he will close debate.

Does any other member wish to be heard?

**Hon. Mr. Silver:** Thank you to my colleagues for their comments. I will also be very brief and then we can get into Committee of the Whole. These are expenses where the final costs came in for a particular fiscal year. That's where they live; that's where they're going to be accounted for. It's that simple. We've had the good job of the minister here to explain

a little more in-depth what those are and we look forward to more conversations during Committee of the Whole.

There are other examples of spending that should have happened in the last fiscal year that didn't happen in the last fiscal year — the Salvation Army is a great example. It was an expense that was based upon a decision by the previous government to go in that direction, so most of the money for that would have been in the fiscal year of 2016-17. However, this year we had to spend an extra \$745,000, an increase over the estimate of the cost, to complete that facility. That will be in this fiscal year's budget because that's when the money was spent.

There were other examples where things should have been in in the 2016-17 budget, but they didn't happen. Some projects that were brought forth in this fiscal year because they could not be completed in the last fiscal year — the electronic health record system, the Salvation Army, the removal of hazardous materials from the old McDonald Lodge in Dawson, just to name a few.

In addition to that — and I'm just getting this and anybody can read this from the *Government of Yukon 2017-18 Interim Fiscal and Economic Update* — the capital forecasts include the expansion of the Yukon Archives vault project, for example. This project was also scheduled for completion last fiscal year but is now forecasted to be completed in 2017-18.

I would like to thank the Member for Whitehorse Centre for her suggestions with PAC. I'm always interested to hear how we can do more with our Public Accounts, especially with the scrutiny piece on the Public Accounts coming out at the end of this month.

Other than that, I'm not going to go too far into the concept that the Member for Lake Laberge spoke of with the deputy ministers, other than to say there was a record number of deputy ministers fired under the last administration, and we were dealt the cards we were dealt, and I believe we have done a good job of getting the deputy ministers back up to whole again, and we will continue in that pursuit.

*Motion for second reading of Bill No. 202 agreed to*

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

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

*Motion agreed to*

*Speaker leaves the Chair*

## COMMITTEE OF THE WHOLE

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

The matter before the Committee is general debate on Bill No. 202, entitled *Third Appropriation Act, 2016-17*.

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. 202: *Third Appropriation Act, 2016-17***

**Chair:** The matter before the Committee is general debate on Bill No. 202, entitled *Third Appropriation Act, 2016-17*.

**Hon. Mr. Silver:** I'm rising today to speak to Bill No. 202, entitled *Third Appropriation Act, 2016-17*, second supplementary estimates for 2016-17. With me today is Chris Mahar from the Finance department. I thank her for her time here today. I'm also going to allow the Minister of Health and Social Services to speak to this matter, as this is just the one item.

I'm going to keep my comments brief and I will remind members that this relates to increased operation and maintenance funding necessitated by higher than anticipated costs for out-of-territory hospital and physician claims. The total is \$3.1 million, which is an additional vote authority.

The appropriation only includes the increase in the Health and Social Services vote and also in legislated grants. Legislated grants were over-voted for in the area of social assistance and Community Services for the homeowners grant. The financial result for the 2016-17 fiscal year will be made available to the Legislature and the public at the end of October with the tabling of the Public Accounts documentation.

With that, Mr. Chair, I will open up the floor to my colleagues.

**Mr. Cathers:** Just a note in beginning my remarks — a follow-up on my speech at second reading here — noting that I did ask the Premier two specific questions, which he chose not to answer. What I would note as well, in prefacing my comments, is that the issue of whether or not the *Financial Administration Act* has been complied with is a serious one. In fact, I would remind the member that his predecessor, as Leader of the Liberal Party, spent month after month in this Legislative Assembly attacking the Premier and government of the day about the asset-backed commercial paper situation and the breach of the *Financial Administration Act* that occurred at that time, although unintentionally, on the part of all involved.

I am just going to put there for the Premier and for those listening that I am not going to take this questioning to nearly the same extent that the former Liberal leader did, or go to the extent that he did, in dealing with the issue of non-compliance with the *Financial Administration Act*. The former Liberal leader, the then-Member for Copperbelt North, went so far as to repeatedly call on the Minister of Finance of the day to resign over the incident. I want to put out there that I am not going that far with that, but I do think that the Premier does owe the public an answer on this issue. It appears to us that

this is a situation of the department going over the vote authority and that is an issue of a breach of the *Financial Administration Act*.

Does the Premier agree or disagree with that assessment? It is as simple as yes or no. Did the department in this case fail to fully comply with the *Financial Administration Act* — yes or no?

**Hon. Mr. Silver:** The department was asked if the *Financial Administration Act* was followed and the answer that was given was that the hospital and the physicians' bills were received past the fiscal year. One of these bills alone was in the neighbourhood of \$1 million for out-of-territory medical expenses. This was when the department became aware of the over-vote situation. Had we known earlier in the fiscal year, then we would have taken the route of a special warrant for that fiscal year. Not being able to go back in the past, this is how we have to show these numbers on the books. The department becomes aware of these costs after the fact and the member opposite knows how these bills trickle in and so this was the path that we've taken.

It is worth noting, Mr. Chair, that supplementaries for years past tabled and debated in the Fall Sitting at the end of the year happened in 2004, happened in 2005, happened in 2006, 2007, 2009, 2010, 2011, and 2015. In 2011, it was \$2.5 million for Health and Social Services, as the member opposite knows; \$1.7 million for Yukon Housing Corporation and also another \$17,000 for the Child and Youth Advocate. Again, the same question could be asked of the previous government. Also 2015 was \$3,000 for the Ombudsman Office — the capital in that vote as well.

That is the answer I can provide to the member opposite for his question.

**Mr. Cathers:** I appreciate that the Premier did answer one of the questions, leaving the other one outstanding, but in the interest of expediting the business of the House, I appreciate the Premier's acknowledgement that it was not in compliance with the *Financial Administration Act*. I am sure that, in the case of that occurring, there was no intent on anyone's part to not comply with the law, including the Hon. Premier. I would simply note, as I did in my speech at second reading, that in fact there are solutions to dealing with an unexpected spike due to out-of-territory medical costs. I would refer the minister to my remarks earlier rather than repeat them here at this time. I would again note that my understanding is that proactive work around tracking changes in travel can avoid this type of situation. That is what I have been told by past officials in this area.

With that, I will conclude my remarks in general debate and look forward to moving forward through this bill.

**Chair:** Is there any further general debate on this bill?

**Hon. Ms. Frost:** I am here today to introduce the Department of Health and Social Services second supplementary budget for 2016-17. The department is requesting an overall increase of \$3.117 million in operation and maintenance. This increase is less than one percent over the department's O&M budget. It brings the Department of Health and Social Services total O&M budget for 2016-17 to

\$352.9 million. The funds being requested are to cover higher than anticipated costs for out-of-territory hospital claims and physician claims. The request is part of our government's ongoing effort to ensure that the people of this territory have access to the programs and services they need.

As I indicated earlier this afternoon in my submission, there are times when this means ensuring that Yukoners have access to essential health services that are not available in the territory. That is the case with respect to this spending. The funding request is about ensuring that Yukoners get the care they need when they need it, regardless of where they are or where they are cared for. At the same time, we are working on a continuous basis to ensure that any additional spending required is done in a fiscally responsible manner. This is the only item that the department is requesting in this supplementary budget.

**Ms. White:** The questions are for out-of-territory travel. How many Yukoners received MRIs out-of-territory and how many received MRIs in the territory?

**Hon. Ms. Frost:** I am, unfortunately, unable to respond to that specific question at this point in time, but I will be sure to provide that response to the member opposite.

**Ms. White:** I appreciate the answer from the minister. Given the fact that the \$3 million is solely for out-of-territory travelling services for Yukoners, I did have other questions about that, but I will ask them in the supplementary budget for 2017-18.

**Chair:** Is there any further general debate on the bill? Seeing none, we will now proceed to clause 1.

Clause 1 includes Schedule A, containing the departmental estimates.

The matter before the Committee is Vote 15, Department of Health and Social Services, in Bill No. 202, *Third Appropriation Act, 2016-17*.

Is there any general debate on Vote 15, Department of Health and Social Services?

*On Clause 1*

#### **Department of Health and Social Services**

**Ms. White:** Just for the future, if it is so pointed and in such a specific, targeted area — so out-of-territory travel and medical care for outside of territory — I would just be able to appreciate asking the numbers for future reference. I realize that is not the case today but, for the future, I look forward to that ability.

**Ms. McLeod:** Of course, I'm quite supportive of covering out-of-territory travel for Yukoners to get the medical care that they need. How much of this total amount was for referred care and how much is for drop-in medical doctor appointments when Yukoners happen to be Outside?

**Hon. Ms. Frost:** Again, the question from the member opposite — I'm not able to give that very specific data at this point in time. I'll have to go back to the department to get that and I will provide that in writing to you.

**Ms. McLeod:** The Premier made reference to \$1 million, roughly, of this amount being attributable to one patient. I — and I'm sure many Yukoners — are curious to know what that might entail for one person, as a matter of

information so that people understand what an impact one person can have on a territorial budget. I'm not looking for personal information; I'm not looking for a diagnosis. I would just like to know: Are these doctor procedures? Is it treatment? I don't what \$1 million for a person might look like.

**Hon. Mr. Silver:** It is difficult to break down the numbers without convening some of the private information, so what we will do is endeavour through the two departments to give to the members opposite as much information as we possibly can about these travels. It is my understanding that most of this money is out-of-territory travel and out-of-territory medical expenses that have occurred in 2016-17.

**Ms. White:** I thank the Premier for the encouragement across the way to ask for a line breakdown of this number, please.

**Hon. Mr. Silver:** Again, we will commit to get that information as much as we possibly can. With it being more of a personal nature — travel of individuals — it is hard to get a breakdown of individual costs, but the breakdown is, for the line, out-of-territory medical travel expenses for 2016-17.

**Ms. McLeod:** Just a question about how we are going to proceed through these Finance bills — my question is whether or not the departments will ever come forward to be in the House while we're going through these bills line by line?

**Hon. Mr. Silver:** Can the member opposite be more specific about which bills she's talking about? Is it specific to this supplementary or is it specific to the 2017-18 that she is asking for?

As far as the 2017-18, the departments will be appearing if there is overspending in the supplementary budget in their departments, so Community Services for example.

**Ms. McLeod:** Thank you for that. I was referring to both bills that we will be reviewing. Obviously, there is one item in this Bill No. 202, and it would have been convenient for everyone if the department had been here. However, it is only one item.

I have the Premier's assurance then that the departments will be coming forward when we get to the 2016-17.

**Hon. Mr. Silver:** Since it is only one item, having the Minister for Health and Social Services to basically comment on that item — that's our one line breakdown for this particular appropriation. Again, not to be comparing oranges to apples, but the next appropriation will have department and officials for specific responses because there is more to it. It's not just the one item. We were hoping that for today having the Minister of Health and Social Services here during general debate and into Committee of the Whole to answer any specific questions — we gave the information we could give being aware of the fact that there is personal information behind these medical expenses that we cannot discuss here in the Legislative Assembly.

Again, in this particular case, the one line that we have to talk about, I think the minister has been clear as to what that money is for. If there is more specific information, I could talk with the two House Leaders or the two leaders of the two

parties if they have anything specific that they want to know about these numbers other than the fact that this is medical expenses for out-of-Yukon medical expenses.

**Chair:** Is there any further general debate on Vote 15, Department of Health and Social Services?

Seeing none, we'll move to operation and maintenance. Is there any debate?

**Department of Health and Social Services in the amount of \$3,117,000 agreed to**

**Chair:** We will now turn to Schedule A in the bill. Is there any debate on Schedule A?

*On Schedule A*

**On Operation and Maintenance Expenditures**

**On Department of Health and Social Services**

**Total Operation and Maintenance Expenditures in the amount of \$3,117,000 agreed to**

*On Schedule B*

**Hon. Mr. Silver:** I just want to point out that in the Community Services operation and maintenance vote, under Home Owner Grants, this is a legislated grant so again, no sum — if you notice in the next column over, “Sums Not Required This Appropriation”, so it didn't actually change the dollar value. This is a way of being accountable. There's no need for new money, but this is a disclosure piece to the House about accountability in the amount of money that was asked for in the homeowners grant for this particular year.

*Schedule B agreed to*

*Clause 1 agreed to*

*On Clause 2*

*Clause 2 agreed to*

*On Title*

*Title agreed to*

**Hon. Ms. McPhee:** Mr. Chair, I move that you report Bill No. 202, entitled *Third Appropriation Act, 2016-17*, without amendment.

**Mr. Hutton:** It has been moved by Ms. McPhee that the Chair report Bill No. 202, entitled *Third Appropriation Act, 2016-17*, without amendment.

*Motion agreed to*

**Chair:** The matter now before the Committee is general debate on Bill No. 13, entitled *Missing Persons Act*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

### **Bill No.13: Missing Persons Act**

**Chair:** The matter before the Committee is general debate on Bill No. 13, entitled *Missing Persons Act*.

**Hon. Ms. McPhee:** I appreciate the opportunity to speak today in Committee of the Whole with respect to Bill No. 13, entitled *Missing Persons Act*. I would also like to thank the officials for being here with me today and for all of their work on this bill and this legislation. This bill initially came to be an idea in response to the Truth and Reconciliation Commission's calls to action. It introduces a new tool for the RCMP investigators to use in the location of missing persons. It is quite specific.

In my early remarks at second reading, I reviewed the act and what it does. Now I would like to take some time to discuss the consultation and what Yukoners told us during that process. There will, of course, be an opportunity to answer questions more specifically on the act as we proceed.

As this House knows, the consultation was carried out for more than two months, from July and into September of this year. A small number of Yukoners and organizations took the time out of their busy schedules to respond to us. A total of 58 responded by using the survey, and two others responded by taking the time to write us a letter.

The Yukon Information and Privacy Commissioner — also known as the IPC — agreed that timely access to information that would help locate a missing person to prevent them from harm was essential in some cases. She also agreed that the right to privacy is equally important.

In remarks that can be found in a letter that she published on her website, the Information and Privacy Commissioner noted that in both HIPMA — the *Health Information Privacy and Management Act* — and ATIPP — the *Access to Information and Protection of Privacy Act* of the Yukon — the legislation does provide a discretionary release of information to law enforcement for missing persons, but I need to emphasize here that this release of information is discretionary. What the *Missing Persons Act* will permit is for the RCMP to seek the sanction of a court for an order to obtain such information to help with an investigation of a missing person only.

For example, in HIPMA, section 58 is entitled “Disclosures not requiring consent”. Section 58(w) of that piece of legislation requires that a custodian may disclose an individual's personal health information without the individual's consent: “(w) if the individual is missing or reasonably believed to be missing, to the police for the purpose of assistance in locating the individual, if the personal health information disclosed is limited to: (i) registration information of the individual, (ii) the date of the custodian's records show that health care was last provided to the individual, the individual's general health status at that time and the identity of the person who provided that health care, and (iii) any prescribed information.”

In my comments with respect to this in particular, partly in response to some comments that were made the other day by the Leader of the Third Party, this is very, very specific information. It only relates to health information of that particular person and only in very specific circumstances. I urge members of the House to just take note of that because

when we're talking about the *Missing Persons Act*, it is broader than that for obvious investigative reasons.

What I've just described is an example of a discretionary release section of the HIPMA legislation. These kinds of sections appear in most access to information and protection of privacy legislation across Canada in one form or another — in our ATIPP act and in our HIPMA Act — and in our pieces of legislation that deal with the release of personal information.

Yukon First Nations have also included similar sections in some of their access to information legislation that has been written for their citizens.

Indeed, the Information and Privacy Commissioner states in her letter — and I quote: “The only gap is that disclosures are discretionary, meaning that a public body or custodian can decide not to share personal information necessary to locate the missing person. This gap will be filled with a provision that *requires* the disclosure of this information, if RCMP meet the thresholds for disclosure.”

I take the opportunity to now again address something that came in the comments from the other day, and that is with respect to both the Yukon HIPMA and the Yukon ATIPP Act. They only regulate the actions of public bodies. They will not regulate the actions of private corporations or of other individuals that may hold information that could be useful in an investigation. So for instance, they do not apply to Northwestel. They do not apply to a computer company that might have information on an IP address or a cellphone number. They do not apply to bank records — if the RCMP were looking to determine whether or not somebody had recently used a bank card or a credit card.

These pieces of legislation, which are solid and useful in all kinds of protecting their purpose, which is to protect the personal information of individuals and to regulate how that information can be collected, used and disclosed. They would not be helpful in many of the situations that we would be facing — and the RCMP is facing — with respect to investigating individual missing persons.

Our government could have made some small surgical changes to the legislation as the Information and Privacy Commissioner seems to suggest and rely on those sections of other legislation, such as those that can be found in HIPMA or First Nation legislation. However, this would have led to an incomplete structure under which the RCMP could conduct investigations, one that is not much improved over the one that we have now, so the decision has been made to put forward legislation based on very similar legislation across the country for the purposes of filling this gap.

In addition, we had in this case a uniform law model to work from that was drafted by the Uniform Law Conference of Canada. This model is the starting point of reference that most jurisdictions use when writing their own legislation. Uniform Law Conference of Canada is a group of individuals, provinces and territories that participate in so that when laws like this are adopted in different jurisdictions, they can be relatively or substantially similar. As a result, this legislation was drafted respecting the comments of the public, individuals

and the Information and Privacy Commissioner here in the territory.

In this act, we have enabled the means for the RCMP in Yukon to lawfully conduct searches of records while at the same time putting sufficient restrictions in place for the use, care and control of information once it is gathered. In this way, concerns over the privacy, retention and use of records are addressed.

We also intend to address the concern of the Information and Privacy Commissioner with respect to the rollout of the act. It is our intention to produce materials for persons who may be served by an order that will help them understand their role and responsibilities during a missing persons investigation. This will be done prior to the act coming into force. I think this was also something that was mentioned by either the Member for Lake Laberge or the Leader of the Third Party in their comments the other day.

With regard to comments by others who responded to our consultation, one theme kept reoccurring. What happens to persons who have purposely disappeared or who do not want to be found? That's an important question. There is an important consideration when it comes to domestic violence or other kinds of abuse that someone may be fleeing or may be just a personal choice. In those cases, the person who may be asking the RCMP to assist in locating a missing person could possibly be an abuser themselves. We need to be mindful of all of those possible situations.

For this reason, section 17 of the act does have the ability to release information that someone has been found, but must not disclose any other details without the consent of that individual. You heard me mention the other day that in fact one of the first questions that must be determined by the RCMP when they locate someone is in fact if they wish to be found.

Another area of concern that arose as a result of the consultation is with respect to records. For the most part, this act does ensure that records are only to be used for the missing persons investigation and can only be shared for that purpose, as set out in the act. The exception to this is under section 18, where information gathered could subsequently be used for a criminal investigation in the event that the matter turned into a criminal matter. This allows the RCMP to disclose information from a missing persons investigation to a criminal investigation, but only with respect to the same person.

A section like this is common in legislation of its kind across the country and appears in the uniform law version of this act. It is important to note that, in some cases, missing person investigations can sometimes turn into criminal investigations. For the most part, the original access orders that would be received would be court-approved under the missing persons test set out in section 2 and the process for getting orders set out in part 2 of the act.

Before ending my remarks and yielding the floor to the members opposite and others who may wish to comment, I would also note that the act also gives the RCMP certain rights of release on specified information for the purpose of locating a missing person. We had a case in Yukon this

summer where a person was missing and the RCMP released certain information to the public to try to jog the memories of people who might have seen that person so that they could generate leads on the person's whereabouts. This legislation sets some parameters around that process when using this act and for the purposes of a missing person investigation in section 16. In such unusual cases, as is the case where someone is not trying to be found for reasons of their own, it is important to respect their privacy and yet work to find someone by releasing sufficient information for the public to assist the RCMP in their investigation. There is a balance.

Yukoners were also concerned about how long the RCMP would hold on to their records from a missing person investigation. I will note that the act also provides, under section 19, that the RCMP are to follow their normal retention schedules established under policy. They are required to do so by law. The RCMP fall under the federal *Access to Information Act* and the federal *Privacy Act*. The *Privacy Act* compels all federal entities under the act to create retention schedules for their records. They, of course, have such.

This act also establishes a regulation-making power for the collection, use and retention of records gathered under this legislation. This will be used for records not captured by the federal *Privacy Act*, should there be any in the future.

As the members can see from my remarks from second reading and today, we have reviewed and duly considered what people had to say and, where possible, used best practices outlined in the uniform law draft to come to the best possible solution for Yukoners. Thank you to all the government officials and staff who worked professionally and diligently to complete this new legislation. I look forward to further comments and questions from members of this House.

**Mr. Cathers:** I thank the minister for those introductory remarks. I would also like to acknowledge the officials present here today and thank them and all others who have worked on this legislation for their efforts, as well as for the informative briefing on this legislation.

As I noted in my remarks at second reading, we recognize the importance of this legislation. A request for missing person legislation came to me as the then-Minister of Justice at the tail end of our time in office, and I understand that the RCMP at the time were indicating that this was a tool that would very much help them in the case of a missing persons investigation and were asking us to look at the time to legislation similar to that in Alberta or British Columbia. Certainly we do appreciate where this comes from and support the legislation in principle.

The only question I do have on the details, as I noted in second reading — and I would appreciate hearing the minister's thoughts on this — is why the decision was made under part 3 which allows a member of the RCMP to demand in writing that a person give the member or another member access to a record in an emergency. The provisions of that section require the member to notify the commanding officer of the RCMP afterward as soon as is practicable — to use the word from the act — and my only question in that case is — in recognizing the concerns that people may have about

privacy, the rationale used by the government in determining to allow for an emergency order without requirement for a check and balance, such as a requirement for either approval from the commanding officer of RCMP M Division or perhaps allowing for other senior officers to approve that application, or alternately to allow for a creative provision to allow an RCMP member to apply for a warrant by phone or other electronic means, which is a model used within other pieces of legislation such as the *Child and Family Services Act*. I would just appreciate hearing the minister's thoughts on whether those options were considered and why the decision was made to structure it in the way that it is included in this legislation at this point in time.

**Hon. Ms. McPhee:** Thank you to the member opposite for the question. I will just make myself a note so I don't forget.

Emergency situations where there is no time for the RCMP to receive judicial approval — in those situations, the RCMP can make an emergency order for records without prior judicial approval, as the member opposite has noted. These emergency demands must be served in writing.

Just to review what the act says a little further, the RCMP can make emergency orders in two types of situations: they have reasonable grounds to believe that the missing person's safety is in immediate danger, or they have reasonable grounds to believe that the records that they need will be destroyed before they can get judicial approval for a regular order for records.

With the specific information, I should add that, even though judicial approval is not needed for emergency demands for records, these demands must nevertheless be made according to specific procedures that will be set out in the regulations — so there will be detail there — and that, following any emergency demand for records — let me stop there just to answer the rest of the question. I will go on to that.

We anticipate that telewarrants will in fact be provided for through the regulations as per the application process. There will be a number of ways in which the details of the regulations will spell out how an application is made to the court and what methods can be used to do that. Telewarrants will be one of those because they are, as noted by the member opposite, used in other types of situations.

With respect to the RCMP approval, they are required, of course, to follow a chain of command, and their internal process will require that. This is an extraordinary authority and their internal process will require that they follow that chain of command so that just a regular officer cannot make such an emergency order without following their own chain of command.

In addition, it is important to note that, following any emergency demand for records, the RCMP officer must file a report, as noted, about the emergency request, that section 13 notes that for more information about how those reports will be required — and they must ensure transparency for emergency demands for records and they must be published by the RCMP, presumably on their website or in annual

reports — those kinds of things — reporting on how this act has been used. Lastly, the information research that we have with respect to the operations of these types of legislation across the country has been that those powers are very sparingly used.

**Mr. Cathers:** I thank the minister for the answer to those questions. I will conclude my remarks here in general debate.

I would note that I am satisfied with the minister's explanation. I think that, with legislation of this type, the real test will be to see how it works in application. While I do have some questions about that, I do appreciate the explanation and the intent behind it.

One area where I do agree with the minister is that there does need to be a balance in these areas of speed versus privacy and the balance between oversight versus the ability of an RCMP member to act quickly in an emergency situation. Again, while we will have to see how well it actually works in application, I appreciate the explanation and I am satisfied with that. I will cede the floor to the Third Party for any questions they may have.

**Ms. Hanson:** I thank the minister for her comments and her review of the consultation and the clarification of some of the matters that were raised in discussion last week on the missing persons legislation. I take the comments with respect to the purview of the Information and Privacy Commissioner. I only ask, with respect to the *Access to Information and Protection of Privacy Act*, a question with respect to one of the tools — we talked about tools a bit last week — if the Department of Justice or the minister conducted a privacy impact assessment in developing this legislation. I note that the Information and Privacy Commissioner has a guide for public bodies — PIA — reviews by the OIPC. I love these acronyms. I raise this because — I will quote here. The introduction to this document says that the only way for a public body — and the public body is us in the Legislative Assembly as we are under the ATIPP act — to effectively assess and manage privacy risks for any project — and a project includes any new collection, use or disclosure of personal information, or the modification of existing systems, programs or activities that involve personal information — is to conduct a privacy impact assessment.

I understand and appreciate that this legislation goes beyond public bodies, and I'll come to that in later questions, but with respect to this aspect of it, the commissioner went on to say that completing a privacy impact assessment "... enables a public body to identify any risks associated with the collection, use or disclosure of personal information and ensure the information is properly managed..."

Mr. Chair, I just would ask the minister that question and then I'll move on to a couple of others.

**Hon. Ms. McPhee:** Yes, a privacy impact assessment was conducted with respect to this bill. I'm advised that it's now standard government practice, procedure and policy to conduct privacy impact assessments with respect to all bills, particularly one in this area because it does provide powers that have not been provided under any other piece of

legislation for a specific purpose — but, nonetheless, extraordinary powers in particular situations. Yes, a privacy impact assessment was done. It is not required in the Yukon by law to be filed with the Information and Privacy Commissioner, although she is aware of the standard practice of the territory to conduct privacy impact assessments with respect to all bills. She is also aware of the format of the privacy impact assessment that's used by the department.

**Ms. Hanson:** As I understand it, then, the Department of Justice did this impact assessment but did not do it with the office of the Information and Privacy Commissioner involved.

**Hon. Ms. McPhee:** Yes, that's correct. It's not required by law for that to be the case. There are some jurisdictions in Canada that require a privacy impact assessment — that they're done collegially, may I say that, or in consultation with the IPC's office, or the Information and Privacy Commissioner's office. That's not the case here in the territory. However, the department and all of government have the opportunity to confer with the Information and Privacy Commissioner if she has concerns. As I said in my earlier comments, it's our position that her concerns were not only taken very seriously but were dealt with through the drafting of this document.

**Ms. Hanson:** In looking at other pieces of legislation and consultation, or work, that was done in advance or around other similar pieces of legislation — as the minister has noted, they are basically fairly uniform — I came across an analysis done by a legal firm in Nova Scotia, McInnes Cooper, which is apparently a large law firm — one of the largest in Canada, the 28<sup>th</sup> largest.

In their analysis of raising the top five — I love these, as everybody has their top five — implications for the Nova Scotia *Missing Persons Act* for businesses and organizations, of these five, they noted the same range of records that would be made available through the two main streams of access to those records.

My question for the minister is: Does the Yukon *Missing Persons Act* compel a person or company with the information that is listed in that A-to-H, or whatever it is — the record access and the search orders — to disclose that information if it is protected by legal privilege? Just because it is probably a short answer: Are there any restrictions on the types of premises to which a search order can relate?

**Hon. Ms. McPhee:** I will answer the first one first — I think it was the first one. Section 22 of the bill indicates the exemption for solicitor-client privilege, so it has been maintained, and clearly so. I will just take a second to comment on this because it is a critical piece of law that was developed after several access-to-information and protection-of-privacy pieces of legislation or things like that had questions about whether or not solicitor-client privilege was protected and, if so, in what circumstances. Those proceeded through the courts in various jurisdictions here in Canada. As a result, it is more appropriate and most appropriate, as has been done here, to be very clear with respect to that.

As for the second part of the question — entering upon premises — there is no restriction on what those might be, but

the act does require the RCMP to first seek permission to do the entry with respect to that prior to them seeking an order. Part of the evidence they would present to a judge in order to get the order would be, in fact, that they attended at this particular place, they sought this particular entry or asked for information in this way, and they asked if they could enter the premises and were refused from doing so. What the circumstances around that situation are — I should also note that a judge can put restrictions or limits on a particular type of search, particularly upon entering into a premises. There are a number of hoops — if I can call them that — or criteria that must be met prior to the ability to just enter a premises. That last part is section 7(4)(a), if that helps.

**Ms. Hanson:** I thank the minister for those two clarifications. The minister spoke in her opening remarks about the distinction between the purpose of this and the issues around potential criminal investigation. As I recall, it could only apply to the same person.

I raise this because, in the analysis — and I just want the minister to be able to identify for me — of the Nova Scotia legislation, I read something to the effect that the concern raised there — and I understand that this is supposed to be uniform legislation — is that if the missing persons investigation becomes a criminal investigation, the Nova Scotia act — so I'm looking for clarification that Yukon doesn't do this — doesn't prevent the police from using the information and records it obtained under that act in a criminal investigation.

Are police also permitted to use any unrelated evidence they discover when they enter premises looking for missing persons? If they find unrelated evidence that could be used, that could be criminally related, are they able to use that in the future?

Mr. Chair, the reason I raise that is because it's that reach piece that has been expressed as a concern to me by others — when we start looking at the implications in terms of civil liberties and that. We see that in the United States and in different parts of Canada around civil asset forfeiture and civil forfeiture legislation.

**Hon. Ms. McPhee:** I will make reference to section 18, which I am now going to try to find again in my document.

In answer to the question that speaks about subsequent criminal investigations, if a case did become a criminal investigation, it's possible that information could be disclosed that was obtained from the search order — or imported, if I could explain it that way, into the criminal investigation for the purposes of proceeding with that criminal investigation — but any challenge to that would, of course, be ultimately the decision of a judge.

I will take the opportunity to just repeat something that I said the other day because I think it is well-explained in the notes. We too took the concept of the idea that perhaps this act could be inadvertently improperly used in some way, or even used for purposes for which it wasn't intended — which I think is the member opposite's question, because she and I have spoken about this and certainly she has spoken here in the House eloquently about those concerns.

I want to take the opportunity to say that those concerns were taken very seriously by the department, as well as by the government, in proceeding with this legislation. There are several ways in which the legislation has been drafted to protect the privacy of individuals. Any information that is obtained through the powers granted under this act can only be used in the ways that are consistent with the objective of locating the missing person. In this case, it's restricted to a missing person, but that is not an unusual concept in the rule of privacy legislation generally, or privacy laws generally. Information can only be used for the purpose for which it is collected, and it can't be over-collected.

For example, in this case, if police find evidence that someone is missing due to criminal foul play, then the information that they recover could be used when the case becomes a criminal investigation. So, ultimately, if it is determined that someone has been the victim of a crime or ultimately is found to be deceased and that becomes a murder investigation, clearly the information that they have collected along the way forms part of that case.

However, if the search conducted under the act reveals evidence of unrelated criminal activities, then the police will not be able to use that evidence in the criminal investigation that is not related to locating a criminal or a missing person. Entry on to a premises looking for missing person A — and ultimately they discover on the premises where they have information that the person might be, evidence of drug trafficking or evidence of theft, stolen goods or those kinds of things — the entry upon those premises is for the purposes of locating the missing person only, and the evidence that they may see or may determine or think they see at that location of another criminal activity is not relevant to that and cannot be used because — if I can explain it this way — their entry was for one purpose only, and whatever else they discover there is not able to be used for evidence in a criminal investigation.

The legislation is a tool — as I've said earlier — of investigation to help locate missing persons only and not a tool for investigating unrelated criminal activity. Similarly, the legislation cannot be used by the police to locate someone in order to arrest them or press charges for an unrelated crime or for an outstanding warrant or for any other reason. That person is, by definition, not missing and therefore this legislation can't — it might be missing from the police because they don't know where they are and they have a warrant, but that's not, by virtue of the definition in this act, a missing person, so they cannot use it for that reason. The act cannot be used to locate missing persons just so the RCMP can arrest them for an unrelated matter or a warrant once they are found.

There are some notes about people who do not want to be found, and I am just going to look to the officials for a second because I think what you have asked me if that is consistent with the approach taken in Nova Scotia, and I understand that it is. It is.

**Ms. Hanson:** That's an awful lot to be read into one paragraph in terms of the import or the implications of what that section 18 does. Given that we have experience of this

legislation in several jurisdictions, some for more than four or five years, has there been — to the minister's knowledge or her officials' knowledge — any breach of section 18?

**Hon. Ms. McPhee:** Thank you very much, and I appreciate the indulgence to get the correct answer. The information we have is that, first of all — and I mentioned this to the member opposite early in some of our quick discussions — with this legislation, there's not a lot of case law on it across the country. While several jurisdictions have it and have used it successfully, in some cases, there's very little testing of it in the courts. There's very little law that has been developed around the implementation of this kind of legislation.

There is one case that would slightly — it's not really on section 18, which is the idea of using the information in a separate legal case or matter, but there was a case in which the RCMP sought an order to seek information about an individual and ultimately were denied because it was determined by the court at that time that the person didn't fit the missing person definition. While the person was known to be employed at a particular place and hadn't been in contact with family, some people had reported the missing person, but I think it's an excellent example of the test, which is the very first test you have to get over if you're in a court room asking for this kind of invasive order, is to make sure that the person is actually missing and therefore the legislation would apply in that circumstance.

In that case, the court found that in fact she wasn't determined to be missing on their criteria based on the law that was before them and, as a result, that's one of the only cases that deals with this kind of legislation.

**Ms. Hanson:** I thank the minister for that response. Those fences are important.

The other day, or perhaps today, the minister mentioned the fact that other jurisdictions, including Ontario — so Ontario is in the process of putting through legislation. They did a consultation last year, and one of the consultation documents that struck me as having some pertinent information for our debate this afternoon was a joint submission by the Canadian Resource Centre for Victims of Crime and Ontario's Missing Adults, which was in March 2016. The Canadian Resource Centre for Victims of Crime has been in place since 1993 in Canada — and I'm quoting here: "... to voice the needs and concerns of persons harmed by serious crime."

They talk about their mandate. In their discussion and the review of this legislation — and the consultation process in Ontario was broader than simply on a piece of legislation. It was a consultation process for enhancing Ontario's response to missing persons, so it covered the broad range of matters that could be dealt with and might be dealt with in dealing with this. It's not just the legislative powers and the oversight, but also protocols and policies, justice sector training, data collection and management. Those are broader than what we're talking about today.

With respect to the legislation, this group of individuals and organizations that have been in place for over 25 years did

agree with the notion that legislation is overdue to help police respond to missing persons reports where there are no indications of foul play in a more comprehensive and timely manner.

Given their experience — and I'm quoting here: "It is also important to limit the powers of police to ensure that personal privacy is maintained and that there are requirements to destroy records. There must also be restrictions on the use and disclosure of said records." My question is: The minister spoke to the retention under section 19 in terms of the RCMP following normal federal retention schedules. Are there provisions in this legislation to require the destruction of records at some point, and where would that be?

**Hon. Ms. McPhee:** There are a couple of places in the act that will help answer this question. I suppose the first is section 15, or part 4, which deals with the use, disclosure and retention of information and records — so the restricted use, first in 14; the restriction on disclosure of information in 15; the public release, if available, in 16; and 17, 18 and 19 is regarding the retention of information and records. Because we're in a bit of a unique situation in the territories where RCMP provide the policing services in different places across Canada, because they are governed by the federal *Privacy Act* and the information that they collect is retained — it can be used or retained or disclosed or destroyed pursuant to their requirements under the federal *Privacy Act* and the federal access-to-information legislation. As a result, that is the authority under which this information would be retained and ultimately destroyed.

That said, there is a possibility with respect to this particular act, under the regulations, that those retention policies can be changed or altered with respect to the information that is collected under this piece of legislation.

As a result, the RCMP's guiding principles or laws that govern their actions apply because of their federal jurisdiction. That said, this piece of legislation will be layered over top of that. I can draw your attention to section 25, which deals with the authority to make regulations, and 25(h) indicates that there is the authority for regulations to be made respecting the collection, use and retention of information and records to which access is given under this act, or a copy of such records. In the access and privacy world, retention contemplates destruction, because you simply cannot retain them indefinitely, and you cannot retain them for any longer than you need them, according to the piece of legislation under which they were collected — if that explains that.

**Ms. Hanson:** I thank the minister for that explanation. Who would have known that the word "retention" can also mean destruction? That is one of the things you should remember when you have little kids — finally we're past that.

The Canadian Resource Centre for Victims of Crime and Ontario's Missing Adults also raised real concerns several times during their discussion of the proposed legislation in Ontario with respect to oversight and accountability measures to be built into the legislation. The minister touched a little bit upon it. When they talk about oversight and accountability, I will just quote what they say. They say — and I quote: "We

believe each police service should prepare an annual report with respect to their missing persons data, including the number of judicial requests sought and emergency orders requested (information should be available to the public). Furthermore, the annual report should provide information that can be used to evaluate the efficacy of missing persons legislation. For instance, did the records lead to the immediate location of the missing person?

“There should also be a comprehensive review of the legislation every five years and that the review should include reporting from each police service and determine patterns, characteristics, circumstances of missing persons.”

From their perspective in their 20-plus years of experience in dealing with families and others in terms of missing persons, it is important they said “... to examine the number of missing persons reports made and to distinguish between those cases that are closed quickly and those that become long-term missing persons cases. For the longer term missing persons cases, it is important to break down biographical information about those who are reported missing (adults/children/men/women, race/ethnicity/geographic location, etc.), to give citizens an accurate picture of the missing persons population...” in that jurisdiction. I know the numbers and we had some breakdown provided to us by the minister when this legislation was introduced, but data can often be difficult to determine, so they also thought that would be good information to profile in the annual reports in what they recommended as five-year reviews to determine how the families were served by the police and whether their needs were met.

The minister, in her comments last week, noted that to ensure transparency — and I quote: “... the RCMP officers involved must immediately file a report about any action taken in an emergency situation. In addition, the RCMP will be required to publish a report each year about any circumstances where these emergency powers were used. This report has to be posted publicly on the RCMP website...”

Those are rather general provisions in terms of just — basically we did X number of transactions under this act. Does the current — does this legislation provide any direction? If the minister can point me to what kind of direction is provided, in terms of not just quantitative data, but qualitative data, around the kind of — in terms of a missing person, so that should there be — and hopefully there would be — an assessment of the efficacy of this legislation to see if the intentions of the legislation are being met, that we have some criteria to follow.

**Hon. Ms. McPhee:** This is a bit of a tricky question. I don't mean tricky; I mean complex in that the concept of protection of privacy of an individual's information that may be accessible through the application of this act and the question about releasing qualitative data could be at odds.

The court process is a public process, so applications that are made by the RCMP that go to the court seeking orders of this nature under this piece of legislation are not in any way anticipated to be private or anything like that. They will be part of the public court process. It is not likely that — I'm

speculating — but it's not likely that names would be withheld for any reason, because obviously there is a missing person and they're trying to locate individuals.

The only provision in this current piece of legislation for written disclosure of the details are when emergency orders are executed, as noted by the member opposite. There isn't a requirement for an annual report of the RCMP, for instance, to publish those, although certainly I will encourage them to do that, because I think that's also a method by which the public notification — I don't think everyone has website access. I think we need to remember that sometimes in the north, and that people are seeking information, and either they don't have access to it in that manner or it's not something that is available to them or they are able to do, but they might still be interested in the information.

Annually, the RCMP must publish those emergency access orders and, ultimately, the qualitative information would possibly, in my view, be breaching the privacy of individuals who are located through this process. I wouldn't think that would be something that will be taken up very quickly, but I also will look to other jurisdictions to make sure that we are making available and complying with the methods that they — and learning from them, because they have had this legislation for a number of years more than us.

**Ms. Hanson:** In addition to the kind of qualitative data that I was referring to — and I do get the fine line in a small jurisdiction — but the organization that I was referring to in Ontario identified or pointed out that it is important for official sources to collect data about long-term missing persons — those missing six months or longer. We should be able to track the total number of persons reported missing each year, while noting the number of cases solved and the timelines for completing them. Again, we don't know if it's working or not or if this legislation is achieving any purpose if we don't have that data.

I guess, here is a question for the minister with respect to — I'm trying to understand, given the jurisdiction that we're in and the RCMP is our police force — it's not like Ontario with the OPP. In Ontario, you would have the provincial police collecting data that — the question they had to raise there was: How does this fit with the National Centre for Missing Persons and Unidentified Remains, which the RCMP is responsible for? Is the data that is collected in the Yukon under the *Missing Persons Act* — is that data currently provided and retained and used at the National Centre for Missing Persons and Unidentified Remains? If anybody goes missing in the Yukon, is that automatically referred by the RCMP here and what difference will this act make to that process, if any?

**Hon. Ms. McPhee:** The RCMP currently does gather — I don't know about historical information or historic information, Mr. Chair, but the RCMP does gather missing persons data by age, gender and ethnicity, when reported, and they do retain that information.

With respect to whether or not long-term missing persons, or even non-long-term missing persons, are forwarded to the National Centre for Missing Persons and Unidentified

Remains is a question for which I will come back to this House with the answer. I don't know what their process is for doing that. I have no reason to question the member opposite in her assertion that it's a federal organization — and the RCMP is obviously a federal jurisdiction as well — and whether or not that information feeds into that system. It seems to me that it would, but I don't know that for sure so we will confirm that and return with an answer.

I don't disagree that the gathering of that data and information, and how quickly those matters are resolved, is an important piece of information. I don't have it at my fingertips today — the officials might be able to help. I do know that I have been provided with information before to indicate that most missing persons cases are resolved quite quickly — like within 72 hours or so — and that's a good thing and we're very pleased about that. Cases that go longer than that often turn into much more difficult and detailed investigations.

I hope that provides some of the information you're seeking. We will find out about the national centre.

**Ms. Hanson:** I appreciate the minister's response on that. One of the other matters that I touched on with respect to the submission in Ontario had to do with the importance of ensuring oversight and accountability. I said that, based on the experience — I guess when you're speaking from the experience of victims organizations, organizations that have dealt with families over many years and accountability — I guess one of the reasons why we're talking about missing persons legislation here today in this Legislative Assembly is that people have not felt that the RCMP have actually been very accountable or, as we heard during the inquiry, very responsive to individuals and communities across this country.

There's a compelling argument to be made for oversight and accountability measures to be built into the legislation. That's one of the reasons why I asked the question at the outset and why I ask the question today. Is there a reason why there is no legislative review, comprehensive review, of this legislation to determine if it's meeting the objectives?

I understand that this is modelled on some uniform notion across the country, but there's nothing that prevents the Yukon from being a leader. We have done that in the past. We want to make sure, if this is a tool that will be useful, we should be able to come back to this Legislative Assembly and say, "This is how it has worked; this is what it has achieved" or "This is where we need to make changes."

So I'm just curious — I have spoken with the minister about this a few times and she and I have chatted about options that may be available to this Assembly. I do note that there has been a legislative committee struck in the province of Alberta to review their missing persons legislation. That legislation was passed in 2011, so they now have six years' experience. I don't know what the terms of reference or the powers of that legislative committee review are, but at least they are doing that review. We don't have a provision in here, so I'm just curious.

**Hon. Ms. McPhee:** I have had a very short period of time in which to speak with the Leader of the Third Party about this. I have also had a maybe even shorter period of

time with which to consider it and to confer with our caucus, but I certainly take it positively as an appropriate suggestion with respect to that. In the event that we don't complete — which I'm looking at the time and I suspect we won't complete the debate today — I think we'll continue to explore those options and figure out how that might be added to this bill before we complete the debate because I certainly don't disagree that it is a relatively new piece of legislation that is in some places across Canada and has been used and is certainly intended to be used in a positive way to actually garner results in what are very serious cases. Certainly it can be reviewed and there would be no offence to including that so that we are looking at it on a schedule, which I understand to be the intention.

Certainly I know, with very little experience, how fast the run of a year goes in this Legislative Assembly and in the legislative cycle, but I would hope that we would review important pieces of legislation like this as often as possible. Knowing the legislative agenda and the legislative schedule and how things come up, that is often not the case. We will be speaking about one in a number of weeks that has gone a long time without review. I think we heard the Minister of Highways and Public Works mention earlier today where, again, intentions have been good to have pieces of legislation come forward, but the next thing you know, 10, 15 or 20 years go by and that's not appropriate.

I appreciate the suggestion made by the Leader of the Third Party. I anticipate, based on the time it is today, that we will have an opportunity to discuss it somewhat further and figure out how that might continue with this debate.

**Ms. Hanson:** I am encouraged by the words of the minister with respect to that suggestion and I just point out sometimes we make these suggestions in an attempt to sort of follow what the spirit and intent of the Legislative Assembly was, and I recall the Yukon NDP making an amendment some time ago to the *Ombudsman Act* to remove the sunset clause. That was really because we thought we needed to ensure that the act followed what we as legislators had intended in establishing the Office of the Ombudsman.

That's really the intention of my raising this question — if you put forward a piece of legislation, then either you believe that it has a purpose and you're willing to subject it to critical review, or why put it forward?

**Hon. Ms. McPhee:** I appreciate the comments from everyone today and their questions and the opportunity to answer those questions. I also very much appreciate the assistance of the two officials here from the department today, who have been very helpful.

Mr. Chair, seeing the time, I move that you report progress with respect to Bill No. 13.

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

*Motion agreed to*

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

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

*Motion agreed to*

*Speaker resumes the Chair*

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

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

**Chair's report**

**Mr. Hutton:** Mr. Speaker, Committee of the Whole has considered Bill No. 202, entitled *Third Appropriation Act, 2016-17*, and directed me to report the bill without amendment.

Mr. Speaker, Committee of the Whole has also considered Bill No. 13, entitled *Missing Persons Act*, and directed me to report progress.

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

Are you agreed?

**Some Hon. Members:** Agreed.

**Speaker:** I declare the report carried.

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

*The House adjourned at 5:31 p.m.*