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HANSARD

Thursday, October 12, 2017 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

YUKON LEGISLATIVE ASSEMBLY

2017 Fall Sitting

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Hon. John Streicker	Mount Lorne-Southern Lakes	Minister of Community Services; Minister responsible for the French Language Services Directorate; Yukon Liquor Corporation and the Yukon Lottery Commission
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Hon. Richard Mostyn	Whitehorse West	Minister of Highways and Public Works; the Public Service Commission
Hon. Jeanie Dendys	Mountainview	Minister of Tourism and Culture; Minister responsible for the Workers' Compensation Health and Safety Board; Women's Directorate

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Wade Istchenko	Kluane	Geraldine Van Bibber	Porter Creek North

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**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, October 12, 2017 — 1:00 p.m.**

Speaker: I will now call the House to order. We will proceed at this time with prayers.

Prayers

DAILY ROUTINE

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

Tributes.

TRIBUTES

In recognition of Yukon Library Week and Canadian Library Month

Hon. Mr. Streicker: I rise today, on behalf of the Yukon Liberal caucus, to recognize Yukon Library Week, taking place from this Sunday, October 15 to 21 around the territory. This is an opportunity to celebrate the value of all libraries in Yukon, including Community Services' 15 public libraries located throughout Yukon.

Libraries provide Yukoners with free access learning opportunities, work spaces, meeting rooms, and trusted sources of information. Beyond borrowing books, libraries are where people go to explore ideas, make community connections, find information and share knowledge. I know that Yukon public libraries are increasingly offering a wide range of digital services, and they told me that this past year they loaned out 7,000 e-books and 3,000 audiobooks.

Internet access is critical for people without personal computer access, including youth, newcomers and visitors. Libraries are an entry into the world of knowledge and culture. They are centres for lifelong learning. As my hero, Tagish Elder Angela Sidney said, "Reading makes you wise".

Libraries provide a public space for community groups and organizations to post notices and meet. From midwifery to tiny homes, we've all attended community meetings in our libraries. They provide opportunities for everyone. They connect Yukoners to each other and to the broader world. They impact our everyday lives.

Throughout October, libraries across Canada celebrate Canadian Library Month and raise awareness about the impact and significance that libraries play in our lives.

This is a moment to tribute the importance of libraries in the pursuit of community, literacy and lifelong learning. Yukon public libraries coordinate successful programs such as the Yukon Writers' Festival, joint events with the Kwanlin Dün Cultural Centre, author readings and workshops, weekly programs for kids and teens, pop-up libraries at local events and more. Earlier this year, Mr. Speaker, I had the privilege to hear Lawrence Hill speak and he was amazing. I thank our libraries for bringing him here, on behalf of all citizens.

By the way, for Canadian Library Month, you can join in on a contest by taking a photo of yourself with a favourite library book, and several of the librarians were prompting me

to do that. I hope we all do that here and be entered into a draw for a free gift bag — that's not why I would do it, but that's just great. Also, in October will be the Writer's Roundtable and the YPL Fall Author Tour.

We invite all Yukoners to visit their library this week. Give your librarian a big thank you. I welcome the public to join us on Saturday, October 21 at the Whitehorse Public Library from 12:00 to 4:00 p.m. for cake and juice to celebrate Yukon Library Week. I'm told that the EMR Library, our largest natural resources library by the way, will be hosting an open house next Wednesday, October 18 from noon to 3:00 p.m.

I stand today to recognize the hard work and dedication of all Yukon library staff and the difference they make to the daily lives of Yukoners. I will take the time to introduce the staff who are here once we get to visitors, but if we could just welcome them here at this moment, that would be great.

Applause

Ms. Van Bibber: I rise today on behalf of the Yukon Party Official Opposition to pay tribute to October as Canadian Library Month and, October 15 to 21 specifically as Library Week in Yukon.

This year, the theme for Canadian Library Month is, "A visit will get you thinking". In Yukon, the public libraries have decided to host a Library Week and showcase events related to the library and promote literacy awareness.

I know that reading books does more for your body, your mind and your soul and does get you thinking. By the written word, we can learn about so many things in our world, no matter one's interest — nature, religion, culture and, yes, even politics. Other benefits include relaxation and entertainment.

I remember reading books to my children — their favorite books — and if I tried to speed it up and miss a section or two I was quickly brought into line. I tried to make it fun and teach the importance and value of a good book by changing my voice for the characters and acting out parts and the kids were mesmerized. They were able to relate play and fun with books and reading and they are both readers now.

Make the time to take yourself and/or your kids down to the local library and get them their own card. Read, explore and get familiar with the amazing selection of books along with them. Our 15 Yukon community libraries are wonderful. They provide books, DVDs, an e-library and audiovisual material, along with programs for children and adults, and so many more things that I know I am missing.

They also provide a service to residents by having free public Internet and computer access and also have Wi-Fi access as well, along with that library card. Our libraries have so much to offer. I salute the librarians, staff and volunteers who make these facilities an integral part of our lives.

So go out and get that library card if you don't have one and take advantage of all that awaits you. Literacy does bring knowledge.

Ms. White: I rise on behalf of the Yukon NDP to celebrate libraries. Albert Einstein is quoted as saying the only

thing you absolutely need to know is the location of the library. I couldn't agree more, Mr. Speaker. I've held a library card in various communities in England, Australia and France, and across most of western Canada.

Libraries are more than rows of books and computer terminals; libraries are the hub of communities. They allow people to access and share information. They allow parents the ability to share the magic of stories with children and seniors the ability to read a paper, and for anyone to be able to access the Internet.

Librarians are community builders. I laughed out loud when I read that Google can give you 10,000 answers, but a librarian can give you the right one — because it's true. Librarians are the superheroes of information-sharing. In the age of digital devices, community libraries are still holding strong. In Yukon, we've seen librarians rise to the challenge with interactive programs for youth, focusing on things like graphic novels, and innovative ideas, like blind-dating a book. Of course they have sets of books available for book clubs and, most recently, they have been attending Whitehorse Connects to make sure that books are truly accessible.

They also have a pretty great DVD selection, if anyone is interested in borrowing a movie.

Mr. Speaker, it's unfortunate that libraries in rural Yukon are funded differently from their urban counterpart. Imagine if librarians, libraries and the communities they serve were funded equally. What a perfect world it would be.

Libraries are truly accessible to all people, no matter their background or socioeconomic class. Libraries are truly public institutions and librarians the champions of information.

In recognition of Yukon Aboriginal Sport Circle

Hon. Mr. Streicker: Today I rise to pay tribute to the Yukon Aboriginal Sport Circle on behalf of all parties and all members of this Legislature.

As you may know, delegates from across Canada will be in town this weekend for the Aboriginal Sport Circle Summit. This is the first time this summit has been held here in Yukon. This includes representatives from the national body, the provincial and territorial sport circles, the North American Indigenous Games Council and provincial and territorial government representatives from across Canada. Welcome to them.

Based on the gallery today, it looks like it will be a great turnout this weekend, with more than 70 delegates slated to attend so far, including special guests such as Olympic gold medal winner Mr. Alwyn Morris and the Selkirk Spirit Dancers who were at NAIG this summer.

I was lucky enough to attend the North American Indigenous Games this summer. It was truly wonderful to see the spirit of the indigenous youth from across North America in culture and sport. We saw our participants and our staff step up, both on the field and off, and they make me truly proud to be a Yukoner. Sport is one of the best ways in which we can improve our overall quality of life and the health and vibrancy of our communities.

I'm so pleased that Yukon is host to the Aboriginal Sport Circle Summit for the first time ever. This summit is an opportunity for leaders in aboriginal sport to work together and positively impact the lives of aboriginal people through sport. It is a chance to celebrate shared values and promote wellness. Our government and this Legislature is proudly committed to aboriginal sport development.

We support the Truth and Reconciliation Commission call to action 88, which asks for all levels of government to ensure long-term aboriginal athlete development and growth and to provide continued support for the North American Indigenous Games. We are proud to help aboriginal youth in Yukon find positive opportunities to learn and grow as individual leaders and community members.

After NAIG this summer, the Premier and I received a letter from Team Minnesota regarding their under-14 boys basketball team. There had been an unfortunate incident where they had a couple of athletes who were underage and they were disqualified and after the team won, they actually weren't able to participate. There was a little bit of shame that came in there. Our own team stepped up including our delegation — we gave an award to Ms. Tara Wardle, from our delegation, our chef de mission, and here is a quote from that letter, and I'm quoting now: "One of the players — only 11 years old — that was suspended told me, while fighting back tears, 'I was so embarrassed and ashamed to show my face, but this feeling right now makes it all worth it.'" So I thank everyone from the North American Indigenous Games and Aboriginal Sport Circle.

The summit this weekend will work to promote active living, will brainstorm how to increase aboriginal partnership opportunities in sport and it will be an important opportunity to make connections and build plans for the future.

Mr. Speaker, I would like to ask us to welcome our guests here today who are here for the summit and wish them well in their deliberations and I will introduce them when we get a moment. Thank you.

Applause

Speaker: That moment will be sooner than you think, I think.

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Streicker: I would like to welcome to this Legislature colleagues from the Department of Community Services and our Public Libraries branch, Don Allen, Sarah Gallagher, Debbie Hawco, Graeme Tennant, Paul Davis, Alison Lindsay, Liz Bradley, Barb Wadsworth — and my own colleague, Paul Moore, is not here, but could we please welcome them. My apologies if I missed anyone, Mr. Speaker.

If I could just continue, Mr. Speaker, for all our Aboriginal Sport Circle visitors who are here for the summit, here is the list: from the North American Indigenous Games Council, Rick Brant, Alex Nelson, Aaron Wells, Ted Hodgson, Leslie Kucey, Ken Thomas, Mel Parenteau,

Mel Whitesell, Genevieve Voyer, Francine Vincent, Jason Peters, Brendan Smithson, Christine Abrams, Shawna Booth, Angela Soulor and, with the best surname of all, Lara Mussell Savage; from the Yukon Aboriginal Sport Circle, Rose Inlangasuk, Sarah Walz, Georgina Sydney; from the North American Indigenous Games Host Society, Michael Cvitkovic; from Sport Canada, Kathy Duval; from the National Aboriginal Sports Circle, Jerry Wetzell, Dale Plett, Ken Edzerza, Sandra Roach, Gord Reed, and — I already introduced him — Mr. Alwyn Morris and past-member from our own team, Ms. Kluane Adamek — could we please say welcome.

Applause

Hon. Ms. Dendys: I would like to welcome all of you here today, but I really want to acknowledge my cousin, Ken Edzerza, in the House today. He's part of the National aboriginal association. Ken and I share something very special in common. I'm the niece and he's the nephew of the late John Edzerza, former member of this House. I just want to acknowledge that and him, and thank you all so much for coming.

Applause

Ms. White: I invite my colleagues to welcome four members today who are visiting us. We have Steve Geick, who is the president of the Yukon Employees' Union, Deborah Turner-Davis, who is the communications officer for the Yukon Employees' Union, and Sue Christianson and Sandra Frost. Thank you so much for joining us today.

Applause

Hon. Mr. Streicker: I did speak about our chef de mission and our staff member, Ms. Tara Wardle, but she snuck in after I started speaking, so if we could just welcome her as well.

Applause

Speaker: Are there any further introductions of visitors?

Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Mostyn: I have a letter for tabling.

Hon. Mr. Streicker: I have a legislative return in response to a question from the Member for Watson Lake earlier this week.

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

Are there any reports of committees?
Petitions.

PETITIONS

Petition No. 1

Ms. White: I have for presentation the following petition from the Yukon Employees' Union with over 500 signatures that reads as follows:

“To the Yukon Legislative Assembly:

“This petition of the undersigned shows

“THAT it is unsafe for nurses to work alone in Yukon Community Health Centres.

“THEREFORE, the undersigned asks the Yukon Legislative Assembly to urge the Government of Yukon to fully staff all the Yukon's Community Health Centres, in order that no nurses are required to work alone.”

Speaker: Are there any further petitions to be presented?

Are there any bills to be introduced?

Are there any 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. Hassard: Mr. Speaker, as you know, the Liberal government has tabled a piece of legislation that will give them the ability to implement an airport tax. The minister has refused calls to amend this legislation and remove this power; therefore, this raises a lot of questions. Unfortunately, Yukoners have been unable to ask these questions because the minister did not consult the public.

Additionally, he did not consult the tourism industry or municipalities other than Whitehorse. Further, it appears the short consultation that he claims to have had may not have been as good as he claims.

We have now heard from a major member of the aviation community that the consultation was not adequate and that there are problems with the bill.

Does the minister agree that the government's consultations on this bill were inadequate?

Hon. Mr. Mostyn: Well, Mr. Speaker, be careful what you wish for. Last week, I was feeling neglected. I am no longer feeling neglected, Mr. Speaker. I thank the member opposite for his continued interest in this matter.

The Yukon government is the only major airport operator in Canada without the authority to manage activities on airport lands — the only one. In 1996, the year after the Internet went live for most people, we took over control of airports. We have had no established legislation to do so ever since. This piecemeal approach was supposed to be temporary. Almost 22 years later, we see how that has played out.

This modern bill provides transparency. This modern bill provides clarity for operators and the airport branch. It is going to make things clearer. It is going to make things easier. It is going to make things more consistent. It will gather the rules and procedures in one place. It will provide the certainty that the industry has been clamouring for.

The opposition was comfortable flying by the seat of its pants for more than 14 years. I said this yesterday and I'll say it again: this government is not willing to do so. Our aviation industry deserves better.

Mr. Hassard: I agree that they do deserve better.

Earlier this week, the minister said that he met with industry representatives as recently as October 6 to discuss the *Public Airports Act*. So I would like to quote him: "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."

According to the minister, only six days ago, there were "not an awful lot of concerns," yet today we've heard some pretty significant concerns from the largest airline here in the territory.

So I'm curious: Is the minister's account of his meeting accurate — that just six days ago, there were not a lot of concerns from this industry? If it is, what has changed in the past six days?

Hon. Mr. Mostyn: Thank you, Mr. Speaker. I stand by my remarks. I did speak with industry on the date specified. I had a great conversation, actually. It was wide-ranging; it was detailed. I learned an awful lot. There were no major concerns expressed about the legislation we've tabled at that time. As a matter of fact, at that time, I reiterated to the industry representative that we were not in any way going to bring forward an airport improvement fee. We talked about many different things, but the fee was dismissed. I said we were not going to do it. He said, "Great." So that's where we are.

Right now, the only people who have imposed an airport fee in the territory are the members on the opposite bench. Since 2013, they've withdrawn more than \$1.5 million from Yukoners' pockets through the fee that they imposed and there was no act to do so. They just did it. So it doesn't seem to matter whether we have an act or not; fees can still be imposed. These guys proved to be masters at it and we're not going to do that, Mr. Speaker. Thank you.

Mr. Hassard: Mr. Speaker, it's becoming quite clear that there are a number of issues with this *Public Airports Act*. Chief among them was the fact that the consultation process was significantly flawed. Not only was there no public consultation, as I mentioned, there was no consultation with municipalities other than the City of Whitehorse and there was no consultation with the tourism industry at all. Further, what little consultation took place with industry apparently was not very adequate. Mr. Speaker, this lack of consultation has resulted in a piece of legislation that is raising a lot of concerns.

So my question is simple: Will the minister agree to withdraw this flawed piece of legislation and go back to the drawing board and do the consultation properly?

Hon. Mr. Mostyn: Mr. Speaker, thank you very much. I thank the member opposite for his remarks and continued interest in this issue.

As a matter of fact, I spoke with the president of Air North today. I had a very good conversation with him. We

spoke about many things. He expressed his views and I assured him personally that our government had no intention of imposing an airport improvement fee. I have also put that commitment in writing. I tabled the letter today — I have given it both to the president of Air North as well as the president of Alkan Air — committing that we are not going to put an airport improvement fee in place, in writing.

The president of Air North was reassured by my remarks. He thanked me for the phone call. He said that he appreciated it. He couldn't explain the confusion between the conversation I had on Friday and today, but we parted amicably as friends.

Again, at this point, the only people to impose a fee at the airport — without legislation, I might add — are the members opposite. That fee has taken, again, more than \$1.5 million from Yukoners' pockets, and I encourage the members opposite to put in writing their commitment not to impose an airport improvement fee on Yukon's aviation industry, as I did this morning.

Question re: Public airports legislation

Mr. Kent: Yesterday, we asked the Minister of Highways and Public Works if he was confident that everyone he mentioned in his new release that accompanied the tabling of the *Public Airports Act* was adequately consulted. He was very clear that he believes they were. There were five groups listed in that press release. Two of them were the Yukon Aviation Advisory Group and the Northern Air Transport Association. The minister has also highlighted his consultations with these groups in the Legislative Assembly. Could the minister please explain to this House how each of these groups was consulted and if they were given draft legislation to review?

Hon. Mr. Mostyn: I thank the member opposite for his continued interest in this matter. It's obviously very important to the territory, which is why we're tabling this legislation.

The member opposite wants to know who we talked to and when. I have said before that this was a targeted consultation. We did this through July and August. We held open houses on August 3 and August 7. We invited every interested group to one-on-one meetings to discuss the act in detail.

Through that process, we did hear concerns about what the act means and how stakeholders would be impacted. We heard concerns about the inability of the aviation industry to lease land. That was loud and clear. That is an issue that has persisted for many years, Mr. Speaker. I'm sure the members opposite have heard that as well. We're going to actually have a lease program fairly soon.

We heard about the need for clear and fair processes. We heard about the need to protect airport land from intrusions. We heard that loud and clear. We heard some of that down in Carcross as well.

The industry wants clear rules, but it doesn't want unnecessary regulations. We heard that as well. We heard that loud and clear.

We're going to continue to consult with them deeper as we go through the regulation process, which is integral to this

piece of legislation, because this legislation won't come into effect until those regulations have been consulted on and implemented.

Mr. Kent: In my first question, I asked the minister how the groups that he mentioned in his news release were consulted and if they were provided with draft legislation. I don't believe that he provided an answer to my first question in his response.

Yesterday the minister was asked about how he has consulted on the *Public Airports Act*. In his response and in his initial response today, he said that he had held open houses on August 3 and 7 and that every interested group was invited to one-on-one meetings to discuss the act in detail.

Is the minister able to tell us who was at the open houses? How many people were there? How were people notified? Again, was draft legislation shared at those open houses? Further, how did the minister determine which interested groups were to be invited for the one-on-one meetings?

Hon. Mr. Mostyn: The member opposite clearly wants to delve into the consultation game. I'm more than happy to provide answers to some of the specific questions that he has just asked me. I will endeavour to get him some information.

At the heart of this whole discussion is the fact that, for more than 21 years, this territory has operated its airports with no clear legislation. It has done so with a combination of all sorts of different acts — the *Financial Administration Act*, legislation overseen by Energy, Mines and Resources, and all these different things. It really impedes the government from actually managing this important economic driver well, and we have seen that because we have spoken to the industry over the last eight months.

When I took office, one of the very first things I saw was a very detailed webpage called, "The War on Aviation in the Yukon". The war on aviation began with the members opposite. There are 50 pages of material on that site that lists all the problems that we see in —

Speaker: Order, please.

Mr. Kent: I look forward to receiving the information from the minister on the open houses as well as the myriad of other pieces of information that we have requested over the past three days with respect to the consultation process and the "what we heard" document for the *Public Airports Act*.

Mr. Speaker, it is quite obvious that the minister has really dropped the ball on the consultations for the *Public Airports Act*. We have heard from a number of industry representatives who are saying that they were not properly consulted on this legislation. This is in direct contradiction to what the minister told this House yesterday — and I would like to quote the minister: "We are listening to industry and we shared the draft act."

We have heard from a number of industry representatives who say they never saw draft legislation, so could the minister stand on his feet and clarify for this House: Was draft legislation actually shared with industry in advance, or were his comments yesterday a mistake?

Hon. Mr. Mostyn: Yes, draft legislation was shared with members of the industry.

Question re: Radon testing

Ms. Hanson: In his 2017 report on capital asset management, the Auditor General pointed out that the Department of Health and Social Services has known since 2008, nearly 10 years, that there were unacceptable levels of radon in some of Yukon's licensed daycares and day homes. When the Auditor General's report was made public, the government said that it only requires radon testing for buildings or facilities that it owns.

When the Yukon Public Accounts Committee held public hearings into the report, it heard that Yukon Health and Social Services requires day homes and daycares to comply with a 72-point assessment checklist that covers everything from ensuring the water supply meets the standards for Canadian drinking water to placement of thumbtacks. Compliance with this checklist is mandatory.

Mr. Speaker, can the minister confirm that radon testing is now part of the assessment checklist for daycares and day homes?

Hon. Ms. Frost: Thank you, Mr. Speaker. I would like to thank the member opposite for the question. As I noted, the operators of childcare centres and day homes are required to comply with current existing legislation, regulations and environmental guidelines. I've been informed that an internal working group with the chief medical officer of health is working on addressing the challenges of radon in childcare programs and how it will be handled moving forward. Further discussions on this recurring issue are being addressed. Childcare centres and day home operators will be involved in the process.

Just as a note also, currently no jurisdictions in Canada require radon testing for licensing of childcare centres and day homes. Thank you.

Ms. Hanson: When we talk about daycares and day homes, we are talking about children and childcare workers. When we talk about radon gas, we are talking about a gas that is known to increase chances of lung cancer. Even at low levels, prolonged exposure is not acceptable. When children and childcare workers spend a good part of the day in a closed space, government has an obligation to minimize any potential health concerns.

During the Public Accounts Committee public hearings in June, departmental officials told the committee that radon testing is "... one of the areas we're considering" and may eventually get to it in terms of implementation. When pressed, they said they would "... have a decision by fall 2017."

Mr. Speaker, it is fall 2017 — almost 10 years after government noted the presence of radon gas in some licensed daycares and day homes. Can the minister explain this delay?

Hon. Ms. Frost: Thank you, Mr. Speaker. I would like to just say that in the course of the last nine months, that has certainly been a priority for this government and for my department. The employees who work within Health and Social Services and in our facilities have gone through a rigorous exercise of testing within the facilities. Notification of the results has been identified and mitigation measures have taken place. We are also continuously monitoring the

levels of radon and continuously testing buildings that we have in our custody and in our control and I can assure the member opposite that we are in compliance with the radon management guidelines.

We also are working with the non-government-owned facilities to ensure that they are in compliance. I just want to assure Yukoners and the members of this Legislature that there are no facilities currently — that I'm aware of, or that my department is aware of — that are impacted or affected. We will take the necessary measures to provide safe and healthy places for our children.

Ms. Hanson: The minister cannot possibly know that because she just said they only look at those they own.

Mr. Speaker, yesterday, I tabled a motion that was in fact a recommendation of the Yukon Standing Committee on Public Accounts. The Public Accounts Committee had the opportunity to review the report of the Auditor General of Canada, to meet with the Auditor General and his staff, to review the material provided by the departments and to ask questions of officials from the departments in public hearings.

The recommendations made by the committee were made after consideration of all the evidence before the committee. We would hope they are not taken lightly. Recommendation 3 to the Department of Health and Social Services directed them to add radon testing to the list of requirements for licensing of daycares and day homes — the licensing, Mr. Speaker.

Can the Minister of Health and Social Services confirm for this House when this recommendation will be met?

Hon. Ms. Frost: Thank you for the great question. With regard to when that will happen, the department is working diligently on ensuring that legislative processes are enacted, that we are looking at all angles and all possibilities of testing. The original tests, which you speak of, date back to 2008. Most definitely, since December of last year, the department, under my control, has been working with the daycares that we control but also with the Workers' Compensation, Yukon Housing Corporation, Energy Solutions Centre, working with our partners to look at mitigation and mitigating measures and working to ensure that testing and re-testing in the childcare centres are done and that mitigation measures are taken into effect, wanting to ensure that Health Canada's recommendations are being followed for sure.

I hear your concern. I hear the urgency and it certainly is an urgency of this government as well because our children are dear to all of us, and certainly something that we do not want to jeopardize is their health and well-being. I want to assure the member opposite that we are committed to providing a safe environment for our children.

Question re: Community nursing

Ms. White: In the spring, we asked about community nurses who have to work alone with no backup. We heard the minister guarantee to Yukoners that the necessary staff would be in place for the summer tourist season in all community nursing stations. We know that working alone is stressful on a community nurse, or any nurse for that matter, but in

communities, they are required to be on call 24 hours a day as well as performing their regular day-to-day duties. This is not sustainable, nor is it safe.

Mr. Speaker, in the Spring Sitting the minister assured this House that there would be two nurses in the communities of Destruction Bay and Beaver Creek in time for the busy summer season. Did this happen?

Hon. Ms. Frost: I would like to thank the member opposite for the question. What I do want to say is that we have taken every measure possible. The Yukon Employees' Union and Health and Social Services negotiated a pilot project for an additional nurse, as we indicated that we would, to support the Destruction Bay and Beaver Creek health centres. The agreement states that every reasonable effort will be made to fill these positions, and I can assure the member that we have taken every reasonable measure to ensure that the vacancies have been filled. When extra staff are available, we have relied on rescheduling other community nurses to provide backup when we need to for these two communities.

Ms. White: That sounds like maybe some of the time. It appears that not only are the communities of Destruction Bay and Beaver Creek experiencing difficulties in filling nursing positions, but other communities are as well.

In other jurisdictions across the north where nursing stations come under federal jurisdiction, any nursing station with only one nurse available would have to close their doors until a second nurse was on-site. If Yukon was subject to these same standards, many nursing stations would be closed regularly for extended periods of time.

Mr. Speaker, does the minister recognize that working alone represents a safety issue for nurses and for the communities they serve and what is her department doing to address this situation?

Hon. Ms. Frost: The community nursing program in Health and Social Services worked in partnership with the union on a variety of very successful innovations in supporting the health professions in our community. They include: introduction of part-time positions, process to support leave approvals for periods of time, community nursing staff and our staff, through Health and Social Services, attended recruitment fairs across the country in an attempt to fill the vacancies. We have gone through national advertisements. We've gone through media. We've gone through a continuous basis to recruit for the vacant positions. The challenges we find ourselves in are most definitely not unique to one community. As a government, we are taking a strategic approach to ensure that community nurses are successfully hired.

We can note that we've hired successfully and trained 21 nurses in the last year to fill a variety of part-time positions and auxiliary-on-call positions to support the communities that the member opposite mentions.

Ms. White: Leaving nursing stations understaffed and nurses overworked leaves communities and nurses at risk and vulnerable. We know that a letter of agreement was signed with the nurses' union to address this issue. We hear that attempts were made to hire new nurses, or at the very least,

find temporary relief with floating nurses. These are all half-measures and do nothing to reassure these health care professionals who just want to do their work and receive the support they need to be able to care for themselves as well.

Mr. Speaker, is this government doing anything differently now that the summer has passed to ensure Yukoners have access to health care in their communities and that community nurses have sufficient support so that they do not have to work alone?

Hon. Ms. Frost: With regard to the nurses working alone, the health centres in both Beaver Creek and Destruction Bay — and for that matter throughout the Yukon — have administration staff that are in during these peak periods of time during the day, so they are never alone. Plus, in each one of the communities, we have emergency responders and emergency teams that are there to provide support if necessary.

We are looking at access to health care in rural Yukon in a broader sense and when we speak about collaborative care in our communities we are talking about advanced care and we're talking about nurse practitioners. We're looking at opportunities to partner and build and bridge some gaps that have been identified historically. I definitely hear the concern and I know that there are challenges, but we will do everything that we possibly can.

We can't control the recruitment process. It's very difficult to find nurses — it's difficult to do the recruitment — but we are looking at ensuring that we provide backup measures and backup plans when necessary.

The very issue of community members in supporting nurses — I welcome the feedback and I welcome your input in future planning. I am certainly open to that.

Question re: Clean water and waste-water fund

Mr. Istchenko: Regarding the water and sewer work in Haines Junction — the village was expecting this work to start in the spring. Unfortunately, the project wasn't tendered until just about the end of June. Then it took quite a while for the project to be awarded. By the time the project was awarded, most of the short construction season was already over. Of course, we know on this side, contractors don't buy needed materials until they're actually awarded the contract, so it takes more time after the awarding for the work to get started.

Can the minister explain what the delays on this project were?

Hon. Mr. Streicker: I would like to thank the member opposite for the question. I don't have a specific answer to that very specific question, so I'll give a more general answer and I will seek to get the specific response for the member opposite.

There are always issues around putting out infrastructure projects. They take a long time to put together, as the members opposite know.

One of the questions that were raised here in the springtime was: Would we continue on with the projects that had been identified by the previous government under the clean water and waste-water fund? The answer was yes. So

one of the things that we have done in order to work with our communities is to ensure that, with those projects, because we know which projects are coming next, we give the department the flexibility to continue to bring in other projects ahead of time if some slowed down.

So overall, the capital spend that I'm seeing this year is larger than we've seen in, for example, the previous year, and is increasing in time. So although there were comments here in this Legislature yesterday that we're not getting money out the door, what I'm seeing, in terms of throughput, is that we are getting money out the door.

I will work to try to endeavour to speak about the specific question that the member opposite has posed and I'll get back to him on that.

Mr. Istchenko: This is a multi-year phased approach to water and sewer upgrades within the community of Haines Junction. Because of these delays in Haines Junction, it's now a year behind. The infrastructure in the community is aging. Some of it is over 30 years old. I can remember being a little boy watching the original hoe operator and wanting to do that.

Every time there is a water break, it costs the municipality in excess of \$10,000. I believe there has been 15 or 16 water breaks this year. This has to come out of their general revenue. This means that they have less money to spend on their other priorities.

So what will the minister do to ensure that there are no further delays on this project?

Hon. Mr. Streicker: It's an excellent question: What will we do? As a government — the Premier empowered me through mandate letters to try to identify predictable and ongoing funding for our communities. So what we've done is sat down with the Association of Yukon Communities and we have been in negotiations with them about an increase to their year-over-year budgets through the comprehensive municipal grant. Now, that work has to come forward through the budget process, but we identified with them stresses that come on our municipalities. That's what we've done.

I guess my question back to the member opposite is: What did you do over the time that you were here? Because those issues that we're talking about — those pipes — they have been ongoing for a long time. So yes, we acknowledge them. Yes, we're working on them. I'll try to get a specific answer on this specific question.

Mr. Istchenko: I think I will ask another question, Mr. Speaker — that's my job.

Mr. Speaker, my constituents in Haines Junction were excited by the prospect of local work associated with this project. Unfortunately, delays mean that the work has not yet begun. This means a lot of locals who would have had jobs associated with this project now have to look elsewhere. Some of them have left the territory. Delays in getting projects out the door don't appear limited to just Haines Junction. We have seen and heard of a number of projects that have been delayed or have come out late this year.

We know that the government broke their election promise this year to have tenders out by March. Going forward — and maybe this is a question for another minister

— what is the government's plan to live up to their election commitment to ensure all projects are tendered early and on time?

Hon. Mr. Pillai: Mr. Speaker, I find this absolutely interesting. I am going to have to jog the memory of the Member for Kluane and also the Member for Pelly-Nisutlin about when this project began. I sat with them — I believe we had a lunch in the Westmark at that point with the Champagne and Aishihik Chief and we urged them to work with the community to ensure that there were economic opportunities. I think the member opposite will remember that not one thing was done to follow up after that meeting to ensure that there were opportunities for local contractors.

Actually, I remember some conversations that led to conversations about other contractors from outside of that community coming into do work. So I think it's quite rich to hear that today from them.

I also think I want to commend my colleague, because I believe that there is some other consultation that is taking place because we don't really think that there was a balanced approach in some ways as to how that infrastructure was planned out. We want to ensure that the whole community has an opportunity to get that appropriate new infrastructure in place. I think there are some conversations that are continuing, but certainly I would urge the Member for Kluane, before he states comments about local opportunities and certainly about my role as Economic Development minister — I find that quite rich.

We will ensure that we work with local contractors. We had great meetings yesterday with the Yukon Contractors Association. That is the work that we will do to ensure that money stays in the Yukon.

Speaker: The time for Question Period has now elapsed.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT BILLS

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

Clerk: Third 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 third time and do pass.

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

Hon. Mr. Silver: I rise today, as mentioned, to speak to the *Third Appropriation Act, 2016-17*.

As I had indicated in my remarks earlier this week, this bill is required to address additional spending requirements for the last fiscal year.

As my colleague, the Minister of Health and Social Services and I also said during second reading and in Committee, these supplementary estimates seek an additional \$3.1 million in health-related costs for last year.

I would like to thank the members opposite for their inquiry and questions during Committee of the Whole. We have a little bit more of a breakdown for them. Specifically, we have \$2.5 million for claims from British Columbia, and we also have Alberta hospital costs that are \$1.3 million in chronic drug costs. Also, there was about \$570,000 in physician costs. Some of these costs — it is over \$3.1 million if you add those three numbers together — were covered off within the existing spending authority of the department. However, as I indicated, another \$3.1 million was required.

I will be the first to admit that tabling a supplementary budget after the end of a fiscal year is not ideal, nor is it desirable. However, it is necessary and, importantly, it provides the elected members of this House the opportunity to ask questions and to fulfill their roles as representatives charged with approving the budgetary expenditures.

As I noted earlier this week as well, there have been a number of occasions when government has submitted supplementary estimates after the fiscal year was done. In fact, there are eight such cases in the last dozen years or so. In a number of cases, these final supplementary estimates have sought spending authority for health-related costs. This was the case with respect to the final supplementary estimates tabled in the fall of 2011 and also in the fall of 2010. The final supplementary tabled in the fall of 2010 for the previous fiscal year, for example, requested \$3.7 million in additional spending authority. This was also for out-of-territory hospital and physician claims.

As another example, this was also the case with the third supplementary estimates that were tabled in the fall of 2004 and covered the previous fiscal year. It sought close to \$7 million for out-of-territory hospital costs and physicians' claims as well related to children in care.

In other years, supplementary estimates for the fiscal year past related to expenditures in other departments, whether it was the Public Service Commission or Justice, Community Services, Yukon Housing Corporation or Environment.

As I have said, situations like this are not desirable. The expenditures may be unusual from the point of view that they are related to bills that come in after the end of the fiscal year where there is not sufficient spending authority in place to address them. However, given the number of times that this has occurred over the past 13 years, it does bear further scrutiny to get a better understanding of why this occurs, especially when we see these things happening in the same department time and time again. There is a trend, or a persistent issue at least. Perhaps more importantly, the issue is worth a further examination to determine whether or not this is something that can be addressed more effectively.

In closing with that, I want to say that we do take these responsibilities seriously — the responsibilities of this House very seriously — to approve these budgetary expenditures. We are looking into the questions that I have identified this

afternoon to ensure that, as a government, we are meeting our responsibility in this House.

As a final note on this, I will note that the Public Accounts for the past fiscal year, the 2016-17 fiscal year, will be tabled in the House by the end of this month.

I want to also extend a thank you for the comments from my colleagues opposite during Committee of the Whole on this debate. I'm looking forward to their comments here on third reading.

Mr. Cathers: I am rising today as Official Opposition Finance critic. There are a couple of things related to this bill requesting additional spending authority that I think I do need to put on the record at this point in time. First of all, while recognizing that when out-of-territory billings come in, there is a need to pay them — as I mentioned during debate — I believe at Committee of the Whole, or it might have been second reading — to the Premier, there are solutions to avoid this type of thing in the future. That type of proactive action is necessary.

As I mentioned before, I know from past experience as Minister of Health and Social Services and discussion with now-retired past officials, that, in the case of out-of-territory billings, by keeping watch on medical travel outside the territory and also following up with and chasing after the billings from out-of-territory hospitals — if they're not receiving billings that they can forecast, which they ought to be receiving — there are ways to avoid going over-vote.

In this case I understand, as I noted in debate earlier, it should be noted that going over a vote is a breach of the *Financial Administration Act*. I also accept that — in the case of officials, the minister and the Premier as well — I'm sure there was no intent on anyone's part to do that, but I think that where there are steps that can be taken to avoid falling out of compliance with the *Financial Administration Act* in the future, it is important to follow the law and it is important to identify solutions to avoid going over-vote in the future.

We will not be supporting this legislation, this spending request, because of the cost increases during the last half of the fiscal year under the Liberal government during their time in office. As most Yukoners know, the last half of the 2016-17 fiscal year, or almost half of the fiscal year, was under the watch of the current Premier and the Liberal government. We have been critical of some of their decisions to increase spending at that point in time.

The only other point I would just note, as I did in my remarks earlier to the Premier, is that last spring, during debate in this Assembly, I stood on the floor in debate with the Premier on the budget and cautioned him on the impacts of leaving deputy minister positions vacant for long periods of time. I expressed my view that, once it starts going beyond about the three-month threshold, the consequential impact in those organizations because of having temporary people in those positions — it means that a lot of important decisions don't get made within that structure and, unfortunately, in the case of the Deputy Minister of Health and Social Services, the Premier chose not to heed that warning. I'm pleased that there

has now been someone hired for that position, but I believe that the consequential impacts in turnover in the organization at a management level are very likely, in part, due to that delay in hiring a deputy minister.

I would encourage the Premier — he still has a couple of more decisions to make around filling vacancies at the senior level, and they have already been, in my view, left too long, and it does cause an impact within those organizations because temporary senior managers simply do not have the ability to make the important internal decisions that a senior manager needs to be able to do because everyone in the organization knows that they are just the temporary person filling that role and there is no certainty about whether long-term decisions they make will continue or be changed under someone else. In practice, that means that only the time-sensitive and urgent decisions get made, but many important decisions get put on hold until the decision has been made by the Premier to fill that vacancy.

With that, Mr. Speaker, I will conclude my remarks on this and, again, just note that, in the issue of the out-of-territory hospital billings and physician costs, we do appreciate the breakdown but would hope that the government would — both at a Cabinet level and official level — heed the suggestion that we made, and again, based on advice that I have received from people with experience in dealing with the details of this — how to avoid getting caught with unexpected out-of-territory travel costs and hospital costs.

Ms. Hanson: I really want to make my comments very brief. It's apparent from the comments made by the Finance critic for the Official Opposition that it's apparent why the territory is in the financial situation that it is.

If I am correct, the government came into power in the third quarter of the financial year. It's a little difficult to say that it's halfway through — calculations and math not a strong suit there.

Mr. Speaker, we have already spoken to the fact that we will be having an opportunity, as members of this Legislative Assembly, to review the Public Accounts for the year 2016-17, and that would be the appropriate time for us to get into the details of fiscal year 2016-17 and we look forward to that.

Hon. Mr. Mostyn: I rise this afternoon to speak to Bill No. 202, third reading of the *Third Appropriation Act, 2016-17*. In it, we are asking for another \$3.1 million for the Health and Social Services department. The Finance minister and the Premier have gone into some of the reasons for that.

Health is expensive, Mr. Speaker. It makes up the majority of this government's spending for the year, and this supplementary budget represents the need for more operation and maintenance money for out-of-territory hospital visits and physician claims.

As the Premier has said, these large bills came in at the end of the fiscal year. They were unexpected and we have to deal with them. It also contains grants for social assistance and home ownership grants.

This budget also represents something else, Mr. Speaker. It is, in some ways, the last gasp of the previous government. It is also a bridge between eras. It marks the end of one way of doing things and the beginning of another — the end of one way of doing things and the beginning of another. In the old days, we saw a government spend down the accumulated surplus — the rainy day fund — year by year, by year, by year. We saw a government spend \$1.50 for every new dollar it collected. We know this is the case because the independent Financial Advisory Panel, with all the documents necessary to make its assessment, told us so.

So the Financial Advisory Panel also said that all governments face budget constraints. They take in money; money goes out. In this case, a little bit of money came in; a lot of money was going out for a long time. Because of the actions of this previous government spending more than it had today, year after year, we now face Yukon's equivalent of *The Big Short*.

We have to do better, Mr. Speaker — like budgeting for O&M costs when we build capital projects. The Whistle Bend continuing care facility is a great example of this. This is a huge facility. It's one of the largest capital projects in Yukon government history. When we took office, we were flabbergasted to find out — flabbergasted, Mr. Speaker — that our predecessors had not budgeted a single penny for the operation and maintenance costs of that facility. Nothing. So here we are — not only struggling to finish the project, but struggling to find ways of staffing the facility that hadn't been considered — and no money to do so. It was astounding.

We have to do better. We can't afford this old way of doing things anymore. We have to do better. So this government — my colleagues and I — are striving to do better. We're putting in systems for strong financial management.

We want to get away from supplementary budgets and supplementary appropriations like this one, if possible. As the Premier has noted, it's not ideal. We don't want to go there. We want to be more transparent; we want to be more accountable; we want to make sure that the people of the territory know where their money is going; we want to make sure we're doing it on a cash-in, cash-out basis, not a cash-in, cash-cash-out basis.

In finishing up today, I will of course be supporting this motion and I look forward to the proceedings as they go forward.

Hon. Ms. Dendys: I rise today on behalf of the Minister of Health and Social Services. There were a number of questions posed during the Committee of the Whole and I believe these were tabled earlier this week. I would like to review some of them for the record.

One of the questions that was asked was how many Yukoners received MRIs out-of-territory and how many received MRIs in-territory. For the fiscal year 2016-17, the Whitehorse General Hospital provided 2,132 MRI exams. The Yukon has established a utilization benchmark of 2,100 MRIs annually, based on national utilization. For the fiscal year

2016-17, there were 71 medical travel trips to access MRI exams. In the same fiscal year, there were 173 in-territory travel trips to access MRI examinations at Whitehorse General Hospital.

One of the other questions posed was how much of this total amount was for referred care and how much was for drop-in medical doctor appointments when Yukoners happen to be Outside. The majority of cost is driven by referred-care inpatients. The Department of Health and Social Services anticipated a surplus in fiscal year 2016-17; however, this did not materialize, and we were off our forecast.

There are three main areas that make up the \$3.117 million. Physicians totalling \$566,000 — that's medical doctor contract services in-territory, totalling \$795,000; Yukon Medical Association surplus of \$312,000; hospital claims for a total of \$2.514 million — this is BC inpatient of \$2.956 million; BC outpatient for \$1.44 million; Alberta inpatient for \$1.937 million; and chronic disease for \$1.265 million. Sorry, the chronic disease total was \$1.265 million and the breakdown is for drugs for \$805,000 and medical supplies for \$457,000.

There were many specialty appointments and referrals during 2016-17. Maybe I will just highlight some of them, for instance: in-territory radiology there were 254 referrals; medical medicine and rehabilitation, 196; obstetrics and gynaecology, 194; optometry, 184; orthopedics, 179; psychiatry, 67; urology, 66; and blood work, technical, 61. Then we had out-of-territory referrals: urology, 399; cardiology, 283; medical oncology, 271; allergy, 195; orthopedics, 190; neurology, 157; radiology, 155; ortho surgery, 145; and gastro, 116.

So an offset from another budget area was applied to the total of \$4.34 million, further reducing it to what our supplementary budget totalled — the \$3.117 million.

Insured Health makes every effort to provide physicians and hospital services within the mandate. Going forward, the branch will continue to meet the corporate finance and Management Board Secretariat on a regular basis to identify and discuss funding pressures and opportunities, closely monitoring high-cost hospital services and procedures through reporting with our out-of-territory partners and analyzing identified trends with respect to physicians and hospital services.

Ms. White: Speaking to the third appropriation of the 2016-17 budget, the Minister for Tourism and Culture just mentioned that the documents she read had been tabled. They haven't, so I'm just asking if the Minister of Health and Social Services will make sure those are accessible and I look forward to voting on this and moving on.

Hon. Mr. Streicker: Mr. Speaker, I will just make a few comments on the third appropriation for the 2016-17 budget and I would like to direct my comments to you regarding the Member for Kluane and his remarks.

First of all, thank you to everyone in the Legislature for providing their comments on this budget. It is a transition. It's

the transition when we move from the past government to the current government, and there are times in this Legislature when we work in a partisan nature to sort of draw attention — on this side of the House, we will try to draw attention to our strengths. It's the nature of the system of this Legislature that the role of the opposition is to point out concerns and inconsistencies and to draw attention to those and that is how the system is created.

In this case, though, what I heard the members opposite say was that they supported paying these bills. What was discussed here and why this is coming forward is all about our well-being and the safety of our citizens. We debated that yesterday in this Legislature. All sides of this House discussed how important safety is.

This is the acute care of our citizens, who — I'm going to say through no fault of their own — found themselves falling ill. At times when they fell ill, they were outside of the territory. We are seeking to cover their medical costs, as we are legislated to do. It's a regulatory requirement for us to do this and it is through transparency that we seek to bring this forward to the Legislature and to show these costs. There are always issues where we don't want to be getting down to the individual level when we discuss these costs, but we are doing our best to share the information with the members opposite.

I understand that there are times when we will act in a partisan fashion here and express our disagreement with budget and other processes by voting against them but, in this instance, what we are putting forward to this Legislature is the costs that it took for Yukoners to have their health care provided. These are real costs and we are simply putting them in front of this House as a part of due diligence and strong fiscal management — that is the job.

I encourage members of the opposition not to use this as a means of trying to score partisan points. I encourage them to support the bill because it is paying for those costs. That's exactly what it is — nothing more and nothing less.

Speaker: If the member now speaks, he will close debate. Does any other member wish to be heard on this third reading debate?

Hon. Mr. Silver: Thanks to my colleagues in this Legislature for their words in second reading, in Committee of the Whole and also now here in third reading — some interesting comments from across the way, that's for sure. I just want to address some of those when it comes to the comments from the Member for Lake Laberge — with being over-vote.

I agree with the member opposite on the importance of following the law. We also believe that we need to provide the necessary funds, as the Minister of Community Services has pointed out, to ensure quality health care services are delivered. I know that the Yukon Party, when in a similar circumstance, provided the funding in the exact same way that we are doing this fall, so it's interesting that they're going to vote against this process but that's totally their priority.

Again, it's something that I don't like to see. Sometimes I take the responsibility for something, as we are a government and we will take the responsibility. It's definitely something that we want to avoid in the future. But it is worth outlining again that this has been done in the past, quite a few times. It was a small amount in 2014-15. There was \$3,000 in capital for office soundproofing from the Yukon Party, which was a supplementary that was tabled, debated and passed in the session after the fiscal year.

Also in 2010-11, it was tabled on November 12, 2011 — just over \$4 million. That was \$2.3 million for Health and Social Services for hospital and physician claims, and medical travel as well — very similar to what we're debating here today. Also, there was \$1.7 million for Yukon Housing Corporation in the same year under the Yukon Party, and that was Yukon government costs related to a federal infrastructure program. We also had \$17,000 for the Child and Youth Advocate. This was for increased contracts for legal fees. That was all in 2010-11.

In 2009-10, a final supplementary on October 21, 2009, there was \$2 million in total that was put in a supplementary budget after the end of the fiscal year. That was \$1.4 million for, again, Health and Social Services' higher-than-anticipated costs for — you guessed it — out-of-territory hospital costs. There was also \$150,000 in Environment. This was for a recording of environmental liability for the old Dawson highway yard, as members remember. We had also, in the same year, just under half a million — it was \$409,000 for Justice and that was for more capital work done on Corrections' projects, which was more than what was anticipated.

The list continues, Mr. Speaker. In the 2006-07 final supplementary, on October 25, 2006, there was \$1.7 million also put into the supplementary after the fiscal year that was for PSC — Public Service Commission. That was for actuarial adjustments for future employee benefits and increased WCB expenditures from increases on the premium rate.

In 2004-05, the final supplementary was tabled in October 27, 2005 — \$7 million was the total there. It was \$6.9 million for the Public Service Commission. It was for further employee benefits estimated for retirees, extended health care and life insurance, recruitments and outstanding superannuation.

There was also, in that same final supplementary, just over \$100,000 for Justice, and that was a payment to WCHSB for the mine safety program.

On that list is the 2003-04 final supplementary of \$820,000 total, and just about half of that — \$416,000 — was higher-than-anticipated costs for out-of-territory hospital costs, physician claims and childcare, but also the Public Service Commission with the employer portion of the retiree extended health care, recruitments, WCB premiums, and actuarial adjustments and leave and termination benefits.

I'm sure the members opposite would agree that it's not the best way of doing accounting, but when you have gone past the fiscal year and these numbers come in after the fact, it's really hard to jump in the DeLorean and try to get some of

the stuff put into a special warrant or interim supply. It's just something that is not there.

I would like to ask my colleagues opposite if, during their tenure of 14 years, they had reached out to other jurisdictions to see what best practices are in other jurisdictions when it comes to costs trickling in after the fiscal year. It would be an interesting exercise to see who has the best model out there, and I would love to ask the members opposite. We do have individuals who were ministers, and that's a wealth of knowledge and we would love to hear from them what they have done in those past years to deal with these types of issues as they come up.

Mr. Speaker, I really do have to take some issue and comment back on the Member for Lake Laberge and some of his comments about this somehow being Liberal spending, or questions about the Liberal spending, during the last couple of months of their budget that they provided for in 2016-17. We've heard him say it again — over 200 hires that we did. Again, Mr. Speaker, just under 90 of those hires were done by the Yukon Party before we even were sworn in — outside of Management Board scrutiny and outside of Cabinet scrutiny. Again, it's hard for us to take the credit or blame for those hires. I'm sure they were extremely important to the Yukon Party to do that just before the election, outside of Management Board. There must have been a rhyme to their reason, but to say that, somehow, we could have jumped in that DeLorean and gone back in time and somehow were responsible for those actions that were clearly the actions of previous ministers — I find that a little hard to not have to get up and respond to, which is what I'm doing here today, Mr. Speaker.

The member opposite also spoke of the deputy ministers and the state in which we find ourselves, as far as instability goes, with our deputy ministers. I'm very proud of the recruitment and hiring that we've done in the last nine months, because we did inherit a situation of relative instability when you take a look at how many firings had happened under the previous government at the deputy minister level, leaving an awful lot of acting positions.

I have to say that I am very proud of the assistant deputy ministers who did act in those roles. I think they did a fantastic job. To somehow, I guess, say that these individuals who are in these acting positions are not responsible for those job descriptions and the activities of those roles — I completely disagree with the member opposite.

I think that those acting assistant deputy ministers — whether it be in Health and Social Services or Highways and Public Works or the Public Service Commission — did a fantastic job in stepping up to the situation and working with this new government as we get into our roles. I really believe that they did a fantastic job. We didn't look at them being support workers, or I guess I'm not sure exactly what the interpretation is from the members opposite, but these aren't expert babysitters, Mr. Speaker. These are very competent individuals who stepped up to a role and provided their guidance and their knowledge to us as they got into their new roles, and we cannot thank them enough for those situations.

Again, by the end of this year, I'm very confident that the temporary situations as a whole — we have already moved on in different areas — will be identified and we'll see that this government has been made whole again after a record number of firings by the previous government on the deputy minister level.

I believe those were a couple of comments from the member opposite. Again, Mr. Speaker, the Minister of Highways and Public Works nailed it when he said we are in a transition period here between two different approaches to the way in which we account for the taxpayers' money. It's very important — this government recognizes that this isn't our money. We don't profess to say that this is coming out of our pockets and we're not going to go down that road because this is taxpayers' money and it's Canadian taxpayers' money for the most part as well, when you take a look at the own-source versus total amount of money that we spend here in the Yukon. I think we owe it to Yukoners — and to Canadians for that matter — to get a better grip and be more open and accountable when it comes to how we do our finances.

My overall responsibilities as the Minister of Finance, overseeing the effective management of our government's fiscal resources — it's about living within our means and respecting our taxpayers. It's about investing the government's resources to achieving those tangible results and improvements to our economy and to the communities that we serve and to the constituencies that we serve. We want to take a very measured approach when it comes to fulfilling our commitments and delivering the results in a very phased manner.

When we take a look at accounting practices, there are some things that we are going to move away from, hopefully, and one of those commitments was our first supplementary on the floor of the Legislature being the smallest supplementary budget in five years.

I also have, as the Minister of Finance, a role to use tax measures to help create jobs in the Yukon. We are working on that. We have already lowered the taxes for Yukon businesses so that they are actually finally in line with the other neighbouring jurisdictions to promote this as a wonderful place for corporations and small businesses to flourish.

It's hard to do that when your small business tax rate and your corporate tax rate are out of whack to our neighbouring jurisdictions. I'm very proud of the work that we've done there as well.

Mr. Speaker, also very important as we move forward into a new way of accounting — I just wanted to take some time to outline the importance of the interim, fiscal and economic updates and making sure that they are done in a timely manner consistently during the year. I know that's a new approach as well. We are very pleased that this week we did table the update on Yukon's finances and on our economy, and this continues with what we stated with the 2017-18 budget, which is about presenting an integrated forecast for the territory as we look at a comparison between the two approaches.

The budget that we tabled in April gave us a more comprehensive view of Yukon's finances, as I mentioned, as a result with the supplementary estimates for 2017-18 reflecting that smaller change than what we've seen in the past. Again, on that concept of the differences in financial approaches, I guess, changes in both the operating and capital expenses — well, they are relatively minor with our supplementary, as most costs were actually built into that 2017-18 budget.

As we take a look at supplementary budgets that are coming in outside of fiscal years, the work that we're doing up-front is to try to do our best to make sure that, in the main estimates, most of the costs are baked into those original main estimates. In doing so, we hope to eliminate or at least mitigate some of those costs as we get into supplementary estimates outside of the fiscal year as we're debating here in the *Third Appropriation Act, 2016-17*.

With that being said, as much as I would like to have all of the expenses up-front in the main estimates, as we see from the *Third Appropriation Act, 2016-17*, there always will be certain expenses that are harder to forecast than others. I would like to be on the record today mentioning some of these items on the operation and maintenance costs as an example. Gross expenditures before recoveries are forecasted to increase for this year by \$3.9 million, while recoveries are expected to decrease by about \$100,000 as a net result in this year — we're talking about this year's budget — and net spending is expected to be up about \$4 million.

So when we talk about operation and maintenance, these are the items here that sometimes are harder to predict on a yearly basis: higher than expected wildland fire expenses as a result this year of fire activity in Dawson and in Old Crow — that was a bump up of \$3.8 million; increased spending for the residential youth treatment services; and the hiring of staff at the new Whistle Bend continuing care facility. As my colleague mentioned earlier, the operation and maintenance of this facility was completely omitted by the previous government for the longest time.

In this particular year, an additional cost in our supplementary — looking at \$2.3 million as a projected net spending that is up a bit. We also had funding pressures for the Yukon Resource Gateway project. In that example, it's hard to predict, when you're also dealing with the federal government, when exactly is the final conclusion of talks, government to government, for these major projects. We're very proud of the work that we did as quickly as possible in our mandate, within the first nine months of our mandate, to take this Rubik's cube of requirements in gateway and get the First Nations to sign on in principle. We want to make sure that money is out the door, now that the federal government came up and had an opportunity to make the announcement. That's when we said, okay, on this side of the House, we want to make sure that we have the agreements in place with the First Nation governments, because we are not moving forward on any of these upgrades to the resource roads without hand-in-hand, government-to-government conversations with the First Nations whose traditional territories will be affected by these decisions.

To have that \$0.2 million added on, this is another example of an expense that could come up for just the regular business of governance.

As I've outlined in my third reading speech, there are circumstances — and we've outlined all the circumstances under the Yukon Party — that there were fiscal decisions that had to be made outside of the fiscal year and put into supplementary budgets. It's very clear that is exactly what we're doing here as well. I want to thank everybody who rose today to speak to third reading, and also to Committee of the Whole, and I'm looking forward to a unanimous vote on this appropriation.

Speaker: Are you prepared for the question?

Are you agreed?

Some Hon. Members: Agreed.

Some Hon. Members: Disagreed.

Speaker: In my opinion, the yeas have it.

Motion for third reading of Bill No. 202 agreed to

Speaker: I declare that Bill No. 202 has passed this House.

Bill No. 10: Act to Amend the Income Tax Act (2017) — Second Reading

Clerk: Second reading, Bill No. 10, standing in the name of the Hon. Mr. Silver.

Hon. Mr. Silver: I move that Bill No. 10, entitled *Act to Amend the Income Tax Act (2017)*, be now read a second time.

Speaker: It has been moved by the Hon. Premier that Bill No. 10, entitled *Act to Amend the Income Tax Act (2017)*, be now read a second time.

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

It is my pleasure to introduce Bill No. 10, *Act to Amend the Income Tax Act (2017)*, for second reading. I will keep my comments brief, as this bill is effectively a technical housekeeping measure required to preserve the policy objectives of the *Income Tax Act* as well as fulfill our obligations under the tax collection agreement with Canada. In other words, we are maintaining the status quo.

In Canada, all provincial and territorial income tax acts reference the federal act for many definitions. It's quite alarming how many times, actually. In our case, the Yukon *Income Tax Act* references the federal act 252 times — for you trivia buffs — in a relatively short act. This reliance on the federal act ensures a common tax base is used for addressing income tax across the country. A common tax base is important as it not only provides an effective and efficient tax system but also reduces opportunities for tax avoidance.

On a relatively regular basis, usually with every federal budget, the federal act will change. Often this has the consequential impact of requiring us in the Legislative Assembly to amend the territorial act to preserve the status quo. That is exactly what is going on in this case with Bill No. 10.

The federal budget, in the spring 2017, made tax changes related to family caregivers. The changes in Bill No. 10 are required to preserve the Yukon caregiver credits in Yukon's *Income Tax Act*. There are other technical amendments in Bill No. 10, other than those related to the caregiver credits.

Canada, through the Canada Revenue Agency, administers the Yukon income tax on our behalf, as members know. Our Department of Finance manages this arrangement with the Canadian Revenue Agency through the tax collection agreement.

Now, in this agreement, Yukon agrees to keep the *Income Tax Act* current and to eliminate ambiguities that would create issues for the Canada Revenue Agency when administering the act on our behalf. Bill No. 10 fulfills that obligation through the following changes. First and foremost, a residency requirement is added to the Yukon pension and dividend credit, clarifying that the credits can only be claimed by Yukon residents. Second, there are a few minor amendments eliminating spent provisions or correcting errors.

Bill No. 10, as I alluded to in my opening comments here, is purely housekeeping in nature and required to ensure the ongoing administration of our legislation. There is no fiscal impact and there is no impact on taxpayers so I will end my remarks at that point.

Mr. Cathers: I rise, of course, in my capacity as Official Opposition Finance critic. This legislation is, as the Premier noted, relatively minor in its nature. It does reflect some changes made by the federal government to tax credits and, while we have some concern with the federal decisions that were made, we understand and agree that the Yukon has to update the legislation to reflect the changes in federal income law so that it is referencing the correct sections of the federal act and the current federal taxation structure.

I would just note briefly, in speaking to the *Income Tax Act* — since it does deal with the issue of tax credits, that it is unfortunate that, in the Premier's six unsuccessful trips to Ottawa, we haven't seen a continuation of federal money for the Yukon child benefit. We have been informed by officials that Yukon is losing \$1 million this fiscal year.

Some Hon. Member: (Inaudible)

Point of order

Speaker: Government House Leader, on a point of order.

Hon. Ms. McPhee: I stand to raise a point of order on the basis that the speaker, the Member for Lake Laberge, is not speaking to the matter that is before the House.

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

Mr. Cathers: I believe that my comments are relevant to the legislation and well within the typical practices of this Assembly for relevancy to the topic at hand.

Speaker's ruling

Speaker: I have heard enough for now. I will review Hansard and return, as required, with a ruling; however, my

sense is that this is a dispute among members. I am tending to agree with the interpretation of the Member for Lake Laberge, but I will review the record.

Mr. Cathers: I will wrap up my remarks. I just did feel it was necessary to note, since this legislation deals with changes reflecting another federal change, that it is disappointing to see the federal government reduce by — in excess of \$1 million a year — the amount paid to cover — as we are informed by officials — the portion of Yukon's own child benefit that is for First Nation children. According to information provided at the briefing, the Yukon is losing \$1 million a year as a result of that. We do feel that this is an area where the Premier and the minister responsible should have done more to ensure that we're not seeing funding from Ottawa cut for this area.

With that, we will be supporting this amendment, though, because it is rather technical in nature. Unless there is something that we have missed in the fine print, it appears to be a very technical amendment that is necessary at this point in time to reflect changes to federal law.

Ms. Hanson: Thank you to the officials for their briefing the other day. Finance officials were, as usual, informative and made it clear to us that the three purposes for these changes contained in the *Act to Amend the Income Tax Act (2017)* are, in fact, to replace the caregiver credit, the infirm dependant credit and the family caregiver credit, to be in line with the new Canada caregiver credit, dealing also with the matters around pension tax credits and dividend tax credits.

It was pointed out to us that the pension tax credit and dividend tax credit — our section is currently silent on residency, and this is an important piece, even though there is a very small number of people who would have multiple tax dividend credit filings across this country. The others were simply consequential amendments in terms of editorial and housekeeping matters, so we see no issues associated with this and will support it.

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

Does any other member wish to be heard on this motion at second reading?

Hon. Mr. Silver: Thank you to my colleagues for the comments. I wouldn't have had much to say here if I didn't feel the need to complete the record from the comments made by the Member for Lake Laberge.

From that federal budget in 2017, if you're taking a look at the tax credits — yes, if you take a look in a silo, the tax giver credit, that is a reduction, but you have to have the other part of the story, which I will relay because I think the Member for Lake Laberge must not have seen that page on his notes. There's also basically a change here to simplify the system where it replaces the caregiver credit — yes — but the infirm dependant credit and the family caregiver tax credit —

it was all of a new credit, and that is going to be the Canadian tax giver credit.

It's very important to relay this information to those people listening because, at the beginning of 2017, the new Canada caregiver credit does provide relief in the amount of \$6,883 in respect of expenses to the care of dependant relatives with infirmaries, which includes people with disabilities — parents, brothers, sisters, children, adult children, and other specific family members — and also a credit of \$2,150 in respect of expenses for the care of a dependant spouse, common-law partners or a minor child with an infirmary, including disabilities.

Just over 200 Yukon taxpayers are taking care of dependant loved ones and claimed both the federal and the equivalent territorial credits annually, with an average value of slightly less than \$3,700 each.

I'm not up here defending or remarking otherwise than to just clear the record as far as what exactly is happening in Ottawa with the changes to the tax credit.

Specifically to this bill, it is housekeeping and it's catch-up, keep-up to make sure that our responsibilities, as Ottawa changes their tax system, are adhered to.

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.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Mr. Hutton: Agree.

Mr. Kent: Agree.

Ms. Van Bibber: Agree.

Mr. Cathers: Agree.

Ms. McLeod: Agree.

Mr. Istchenko: Agree.

Ms. Hanson: Agree.

Ms. White: Agree.

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

Speaker: The yeas have it. I declare the motion carried.
Motion for second reading of Bill No. 10 agreed to

Bill No. 7: Act to Amend the Dental Profession Act (2017) — Third Reading

Clerk: Third reading, Bill No. 7, standing in the name of the Hon. Mr. Streicker.

Hon. Mr. Streicker: I move that Bill No. 7, entitled *Act to Amend the Dental Profession Act (2017)*, be now read a third time and do pass.

Speaker: It has been moved by the Hon. Minister of Community Services that Bill No. 7, entitled *Act to Amend the Dental Profession Act (2017)*, be now read a third time and do pass.

Hon. Mr. Streicker: I would like to begin by thanking all the members of this House who spoke to this act so far. I may hear more concerns today during third reading and I look forward to those. In general, what I heard here in the Legislature was that we all acknowledge the importance of the children's dental program and are all looking forward to trying to empower our dental hygienists to work to their full capacity. That in principle is what this act is seeking to do in amending the *Dental Profession Act*.

I would also like to thank the profession for reaching out and speaking to our department and to me directly and possibly to others in the Legislature. We appreciate the work that the dental profession is doing. When you think of the work of dentists, it's sort of like having a really good mechanic. You don't really want to know what is going on, you just want it fixed. I have lived overseas several times in jurisdictions where the dental profession is not as great as we are lucky to have here. I remember losing a tooth over some less-than-great workmanship and I think that we, as Yukoners, and especially as parents, really appreciate having something like the children's dental program. Trying to maximize it and get the most out of it is completely important and we are working here to improve the wellness of all Yukoners and all our communities.

I think there has been a little bit of increased understanding of how this bill will allow dental hygienists to perform — and I'm talking now about comments that have come from both sides of the Legislature. The bill generally provides greater clarity in areas of registration and licensing for dental professionals, including dentists, dental therapists and dental hygienists — all as professionals who are regulated under the *Dental Profession Act*. Let me start there.

When will this act come into force? Our intention is to develop regulations and following that it will come into effect, and so we will be working on those directly. I will take comments that come here to help provide input and from the community of practice in order to help develop those regulations and we will work to do that directly.

As I noted during Committee of the Whole, we see this as an amendment at this point in time in order to help get the children's dental program working more effectively. We will continue to work toward seeing this and other professionals move under the *Health Professions Act*. The review will involve everything from the technical structure to details and scope of practice, complaints, and review panels and so on. I will make one comment on a board of inquiry today in my comments on third reading.

First of all, I'm going to draw attention to how we deal with corporations. One of the small things we've done with this amendment is to make sure that, if there is a corporation that is going to go out of practice, especially due to the death of a practitioner, that there is the ability for the widow or the widower of a dentist who can no longer practise the opportunity to reorganize the dental corporation and withdraw it in an orderly way from its licensed status.

I noted a moment ago about the board of inquiry. One of the things that we've introduced in the act is to acknowledge that, as a small jurisdiction, there are times when a board of inquiry — the profession has a lot of collegiality within it. People know each other, so it's difficult to ensure that there is no conflict of interest at all times with members of that board. As a small jurisdiction, we've allowed for an amendment that provides for two dentists to come in from Outside to be part of our board of inquiry. That will just make us more robust in dealing with complaints regarding our dental professionals.

Next I would like to just comment briefly about registration and licensing. We did make some changes and I noted those in second reading. I think our officials from the department also briefed the members opposite on those changes. In effect, what we are doing now is to permanently keep a record — a register — of dental professionals. This means that we will have them licensed to practice, but when they leave the territory, if we ever get inquiries from outside of the territory regarding those professionals, we will have a history that we can provide. It's just part of our diligence around being part of the broader Canadian community and international community.

For a moment, let me talk about dental therapists. Canada no longer has a training program for dental therapists. I wish we did and I thank the Member for Takhini-Kopper King for her comments regarding — or her suggestions — Yukon College as an opportunity for them. I have sent a note across. I'm sure they are probably listening all the time, but just in case, I passed it across. I think it's a wonderful suggestion; however, at this point, we don't have that training here in Canada. These professionals are unique in that, pursuant to the patient care plan created by dentists, they are able to inject local anaesthetic, to drill and to fill cavities. With the end of the training program, dental therapists are becoming gradually unavailable. I noted here in this House that we now only have two dental therapists left in the territory. That is no fault of anybody's; it's just the nature of attrition on a training program that is no longer there.

I will speak in a moment, Mr. Speaker, about dental hygienists, but their scope is different. It's a different scope of training and it's focused more on preventive care. That's a great thing.

Under these legislative changes, it is our hope that they will be able to use a full range of their training and expertise, especially when it comes to the children's dental program, and that they'll be able to continue to offer excellent dental care to Yukon children.

Just for a moment, let me speak still about the therapists who we do have. While we continue to have dental therapists

— and again, subject to a treatment plan created by a dentist, they are able to administer freezing, drill teeth, fill cavities in order to repair cavities, prepare for and place temporary caps on deciduous baby teeth — I did mention earlier that there was a great word in the legislation, which is the word “deciduous”; I had never heard it before, but there it is in legal terms — perform simple tooth extractions, place sutures, which are sometimes necessary after extractions — I should know — and take dental impressions and molds

Historically, dental therapists travelled to northern communities where the residents rarely or never had access to dentists. Without ongoing education of the new therapists, their numbers are decreasing and their services are gradually becoming unavailable. However, as there are still dental therapists present in the Yukon, it is appropriate to maintain their registration and licensing provisions in place and that is why they continue in the amendments to the act.

What has really happened, Mr. Speaker, was that we noted that hygienists could do the work, but if they did the work before a dentist went to see the patients — the children, in the case of the of the children's dental program — the hygienist would be non-compliant with our legislation. There was a problem with the legislation, which we identified and we wanted to correct. Hygienists could do work now if every student and every child saw the dentist first, but that is not always possible.

Let me talk for a moment about the hygienists. They can, under the amendments to the act, provide any of the following dental services to a patient, under the dentist's direction — again, direction — but they don't have to be seen first, whether or not under the dentist's immediate supervision: cleaning, scaling, polishing, applying such prophylactic solutions as anticariogenic substances such as fluorides and sealants, performing such dental duties of a minor nature on the patient, as we will prescribe under regulations, X-rays, et cetera and importantly — I want to note — do extra work around prevention, including instructing and demonstrating oral hygiene. This is important for us because any time we can help our young Yukoners to create strong dental hygiene habits, then this is just going to make all of us better over the long term.

The changes that we are making, or that we are proposing here in third reading, to the legislation broaden the scope of practice for Yukon's dental hygienists to an extent that is consistent with most Canadian jurisdictions. The new scope will ensure that dental hygienists can make use of, and that Yukoners can benefit from, the full scope of training and qualifications possessed by these professionals.

With that, Mr. Speaker, I would just like to thank everyone who has spoken so far. I look forward to any further debate that we have here. I will close by trying to respond to any of those concerns that are raised at that time.

Mr. Kent: I thank the minister for his remarks. I also wanted to extend appreciation to his officials in Community Services for their work on bringing these amendments forward, as well as the officials in Justice and the legislative

drafters in particular for their work. As I mentioned during earlier remarks, we thanked them for the briefing they provided, as well as the two officials who provided support to the minister during Committee of the Whole.

I'll reiterate a thank you to the minister for the consultations undertaken with respect to this bill that is before us at third reading now. He made best efforts, obviously, to reach out to the relevant stakeholders, as well as make the consultations available to the public, in spite of the fact that there was no public input provided to the minister through that consultation period. Another great thing, I believe — it may be considered a small thing — but hopefully others will do this with other pieces of legislation, which is a news release announcing the opening of the consultation period. That was helpful for those who would have been interested, and I hope it's something that other ministers who perhaps don't practise that will in the future with other pieces of legislation.

The minister mentioned in his remarks that there will be regulations developed in association with this. We look forward to hearing more from him and his officials as that process concludes and we look to the enactment of these changes.

Mr. Speaker, as often happens, after Committee of the Whole debate closed, an interested party reached out to me as the CS critic for the Official Opposition, with some potential concerns with the legislation. Obviously we supported the legislation through second reading and Committee and will support it here at third reading as well. I thanked the minister for his time earlier today. We briefly stepped out of the Chamber to talk about it — I gave him a heads-up that there have been some concerns raised. Once I get a better handle on what those are — some of them may be program-specific, and I know that's the responsibility of the Minister of Health and Social Services, I believe. I will try to ascertain from the interested party what those concerns are. They may be program-related; some may be legislation-related as well. I haven't had the opportunity to reach out to the individual who contacted me yet, but I will certainly do so. To his credit, the minister has agreed to listen to those concerns and potentially try to find a way through them.

I know the Member for Lake Laberge — constituents of his who are in the profession have contacted him again since Committee of the Whole debate concluded. I know he will be raising some of the concerns shared with him, and the minister mentioned to me in the hall that he is certainly interested in hearing them and trying to remedy them if possible. I certainly appreciate that, and I know constituents and the individuals who have reached out to us with some of their concerns will appreciate hearing that as well.

That said, again I thank the minister and his officials. He did a great job in his opening third reading speech of outlining the legislation so I won't get into any of the details that he has already mentioned, but I look forward to hearing from the Third Party critic and then, as I mentioned, the Member for Lake Laberge will be a little bit more specific because he has actually spoken with those concerned individuals in his riding

who want to see some changes made with respect to what we're talking about here.

Thank you very much, and I will turn it over to the Member for Takhini-Kopper King.

Ms. White: I thank my colleagues for the opportunity to speak on third reading about the changes to the *Dental Profession Act*. As we have discussed, the children's dental program is critically important and making sure that it continues is also important. I think that empowering dental hygienists to be able to work to the full scope of their practice is also important.

As I mentioned in Committee of the Whole, I actually think that dental health is something that, at one point in time, I would love to see covered under Health and Social Services. Without a healthy mouth, without teeth, it's hard to eat healthy food and stay healthy yourself.

I appreciate that we're doing things to empower dental services for children, but a lot of the case work that we do involves people who are having dental crisis and are unable to pay for those services. An example of just how critical some of those services are is that when Riverstone Dental Clinic in town offered a free dental day, they had hours and hours of lineups and they had to call in additional staff.

I appreciate that we are making the changes now. I hope in the future that we make sure that dental care services are available to all Yukoners.

Mr. Cathers: I am pleased to rise here today at third reading. As my colleague, the Member for Copperbelt South noted, I do have a few specific concerns with the current wording of the bill that I've heard from a constituent who contacted me and who is a dental hygienist. I know that there are others as well who I have not yet spoken to, but I understand that there are other dental hygienists in the territory who have some concerns with the scope of practice outlined in the bill.

I understand and recognize that there is a reason for bringing this legislation forward. I note as well that the coming-into-force section of the act under part 3 allows the act or any provision of it to come into force on a day or days to be fixed by the Commissioner in Executive Council, which, of course, in layman's terms means when Cabinet makes a decision to do so.

I would just like to give a few specific examples to the Minister of Community Services. I would encourage him, along with officials, to consult with dental hygienists to ensure that they are able to fully operate within their scope of practice within the territory and exercise their training to serve the dental needs of Yukon citizens. I would ask that, when they are doing that work on the regulations, they consider making minor amendments to the act to reflect the concerns that I've heard from dental hygienists about this legislation — or I should say that I heard from one dental hygienist, but also reflecting the concerns of some of her colleagues.

Mr. Speaker, those include section 23.03 of the act, which pertains to services a dental hygienist may provide without

direction or supervision from a dentist, with a view to examination of the patient by a dentist. I'm quoting from the act in doing so — those include “cleaning, scaling, and polishing the patient's teeth... instructing the patient on, and demonstrating, oral hygiene” — and it goes on a little bit from there.

What I would point out is that the concern that was brought to my attention is that it might, for some dental hygienists operating within the territory, impede their work if they are required to always perform those services either under the supervision of a dentist or with a view to their being a future examination by a dentist, and things such as cleaning, scaling and polishing of the patient's teeth and instructing the patient on, and demonstrating, oral hygiene, are well within the core competencies of dental hygienists and well within their training.

For example, what was mentioned to me is that, in roles such as someone who might be going into a school to provide instruction on and demonstration of oral hygiene, or going into a continuing care facility to provide instruction on and demonstrating oral hygiene, there shouldn't be a requirement or expectation that there be a view to the examination of the patient by a dentist because, in fact, that's really just part of the public health role that falls within the area of a dental hygienist's scope of practice.

With that specific example, I know it's a little late in the day to be amending the legislation at this point in time and, because of the changes that have occurred in the educational environment where there is no longer a school that is teaching dental therapists and graduating them, there is a need for changes to occur in a timely manner, I will be voting in favour of this legislation, but I would just encourage the minister and officials from his department to reach out again to Yukon dental hygienists to talk to them about some of the specific wording and, where there are provisions in the legislation as currently worded that prevent them from fully exercising their scope of practice in certain situations, that they take those concerns seriously and come forward — perhaps as early as this spring — with legislative changes that would remove those barriers to them fully exercising their scope of practice.

Just on a family note in closing my remarks, I would just like to note for the history books that my mother is a former dental hygienist. She hasn't practised in — she might not want me to say how long it has been since she retired from that area but, at one point back when we were first up in the Yukon for awhile, she was the only dental hygienist in the territory and was at one point working for three clinics in Whitehorse. I would just like to note that for the interest of the Assembly.

I would note as well, just in concluding my remarks, that I do recognize the government in moving forward with this. I acknowledge that changes were necessary in this area and again, just sincerely ask the Minister of Community Services to take the specific concerns identified to heart as well as reaching out to members of Yukon's dental hygienist community to consider their concerns and perspectives, including whether there should be additional changes at some point in the future to allow for self-regulation as it occurs in

some jurisdictions, but most specifically to address any barriers in legislation that may prevent some dental hygienists from fully exercising their training and practising within their scope of practice.

Hon. Ms. Frost: The proposed amendment to the *Dental Professions Act* will amend or expand the scope of practice for dental hygienists in Yukon, allowing them to perform additional services in dental offices and in schools. I want to highlight that because the children's dental program, as highlighted by the Official Opposition House Leader, falls on the responsibilities of Health and Social Services.

Health and Social Services definitely strives to ensure access and delivery of health services and dental services are available to all Yukoners in a timely and appropriate and respectful fashion. To this end, officials are always looking for new and promising ways to practise their profession in the Yukon in a way that best meets the needs of clients and patients and families — and in this case, children.

While having said this, we recognize that there are some barriers and the scope and the focus is to reduce the barriers as much as we can while working together with the professionals — the dental hygienists, the dental therapists, the departments and the departmental staff. So in collaboration with Community Services staff, Health and Social Services has been actively involved, given that we will be implementing and putting action around the amendments.

Just to quickly highlight, for the 2016-17 school year, we had 3,466 children enrolled in the Yukon children's dental program. That is in collaboration with the Department of Education. Some of these programs and services are offered in conjunction with the schools. Of the 3,466 enrolled, 2,226 were from Whitehorse and 837 were from rural Yukon. I want to highlight the number from rural Yukon because that is really important for us in that not every community in the Yukon has direct access to dentists or dental services and therefore this program is really essential. It's essential to the health and well-being of our children.

A total of 530 preschool children were also enrolled in the program, so it's not just children who are enrolled in the school program, but those who are coming into the school in early years. The dental program currently employs three dental therapists. Historically, the dental therapist program was a program that was very much highlighted in the Yukon, because it provided those much-needed dental services in the Yukon.

Early intervention — we've now expanded that scope to include the five dental hygienists. We note that two of the dental therapists — from my community — were licensed, and one is currently licensed and practising. The highlight of the dental therapy program is that the uptake on that program was a success because a majority of the graduates were First Nation from Yukon communities. We have members from Little Salmon Carmacks, from Ta'an and from Vuntut Gwitchin who graduated from that program and worked a successful career.

The program contracts out a number of local dentists, so to augment what is currently there, the comments with respect to advancing dental hygienists and programming requires a collaborative approach and working with local dentists. These dentists assist with the completion of annual dental health exams and treatment programs. On occasion, we do contract dentists with treatment activities to go to Yukon communities.

This dates back quite a long time. This program has been in effect in the Yukon since 1962 — the children's dental program. In that time, a lot has happened. We have seen the school shut down; we have seen programs change; we have seen dentist offices shut down in rural Yukon; we have seen added pressures on Health and Social Services. The services to expand care in our communities are where we need to start focusing.

I wanted to just bring us back to my mandate letter, which defines that, as we advance these priorities, we will work as a cohesive team, respecting the collective nature of Cabinet decision-making and recognize the issues do not exist in silos. One of the things that this Liberal government and our caucus and our teams are attempting to do is to eliminate the silos and look at as much integration and opportunity as we possibly can. Most definitely, the comments brought forward by the Member for Lake Laberge and the Member for Takhini-Kopper King are essential in advancing regulations and advancing the act. If there are concerns, then we need to know what those concerns are; we need to tie them into the implementation and ensure that our staff, through Health and Social Services, is aware of those issues and are implementing according and with the professions.

What we are challenged with oftentimes are interrelated and complex challenges in trying to repair or look at amendments to legislation or regulations — or acts, for that matter — that govern changing times and changing climates. Clearly we need to take a whole-of-government approach.

We will also focus — this is my mandate — on delivering results that improve people's lives. I'm obligated to monitor progress on achieving results and reports and seek feedback from Yukon citizens and the professionals involved in this case, as well as Yukoners at large.

As Minister of Health and Social Services, my overarching strategic priority, as mandated, is to enhance long-term well-being and quality of life for Yukoners. This requires a comprehensive and coordinated approach to programs and services that provide effective responses at all stages of people's lives. We need to invest in people, alternative methods of care and people's health and well-being. We must invest in our children and ensure that our actions as government are coordinated to maximize the benefits for all children.

This involves working with the Minister of Education and the Minister of Community Services, in this particular instance, in a seamless process for service delivery related to children in care and it's essential that we work together as a team to provide that service.

It's my pleasure to speak to the amendment based on what I've just described as my mandate and my priority, as

given to me by the Premier. I would like to begin my remarks by asking every one of you to remember a time when you had a toothache and had felt that a tooth throbbing in your head or the pain associated with it, and you didn't have the services available in which to address that. That often happens in rural Yukon, where the pain is excessive and you don't have the services.

I want you to think about how quickly you can get services. In rural Yukon, that's difficult. In Whitehorse, it's easy. You can book an appointment and emergency dental services are provided. In rural Yukon, it takes a bit of time to get our children out of the communities into the urban centre to get access to the dental programming.

This piece of legislation is an example of our government delivering its commitment to a people-centred approach, to wellness that helps Yukoners thrive, and, in this case, for our children.

The mandate letter provided to me by the Premier outlines my responsibilities to ensure that Yukoners have access to health programs throughout their lifespan. This government's one-government approach in this legislation in action is a demonstration. We're all working together to accomplish a shared goal and priorities that we promised Yukoners we would deliver on.

The amendments to this act will ensure that we are able to continue the Yukon children's program and make sure that all Yukon's children — no matter where they live — will get the dental care they need delivered by those able to work to full scope of practice.

It is important to my department, because we are responsible for the Yukon children's dental program, which provides dental care to preschool and school-age children throughout the Yukon. This program has a long history in the Yukon, as indicated earlier. It has been around since 1962, originally provided through Health Canada and devolved to the Government of Yukon in 1997.

It provides programming in all Yukon schools from kindergarten to grade 8, and in higher grades in rural Yukon where there are no resident dentists. This program is the front line for dental care for these folks. The closure of one school training dental therapists had a huge impact on our program, but with dental hygienists to bolster our therapists, these changes will allow them to do their work and we will continue to provide the best services we possibly can with the expanded scope of care.

Last year — the number I highlighted is an indication that there is a need and there is a huge demand — there were 3,466 children. There are a lot of children out there who require the services, and this amendment to the *Dental Profession Act* will allow easier access to those services.

Currently, the program contracts with a number of local dentists, as I indicated, who assist with the health exams and treatment programs. We have in some communities now interim dentists who have not been there before in rural Yukon. So we are working to bring the services out there. Yukon families who do not have regular access to a dentist rely on this program to provide dental care for their children.

Without this program, which faces a real possibility of closure without changes, many children will face dental issues.

Mr. Speaker, it has been raised on the floor of this House and elsewhere that dental services to adults in rural Yukon are not always adequate. Adult dental care is not a government responsibility, but we are doing what we can to preserve the program that will protect the teeth of our children and our young adults in our communities. These changes will ensure that the program continues and that hygienists will be able to perform services they are trained to do on our children.

I recommend that we consider this bill for the House.

Hon. Ms. McPhee: I am happy to take this opportunity — although I won't be terribly long — to just speak on this bill, on the amendments to the *Dental Profession Act*, on behalf of the point of view or focus from the Department of Education.

I'm pleased to speak about the positive impact that the amendments to the *Dental Profession Act* will have today. I'm very pleased that my colleague from Community Services has brought this matter forward. These amendments will help bring Yukon legislation up to Canadian standards. As the Minister of Justice, that is something that is keenly important to me.

Legislation must evolve, but it is not always an easy process to do so. When we have the opportunity to modernize legislation for Yukoners, to make their lives better, we have the responsibility to do so. This bill is just such a case.

Expanding the scope of practice for the territory's dental hygienists means that they will be able to perform additional services in dental offices, but my focus — and most importantly, in my view, as Minister of Education — is in schools as part of the Yukon children's dental program. All Yukon children deserve good dental health, and Yukon families who do not have regular access to a dentist rely on the Yukon children's dental program in schools for their children's dental care — or certainly initially for their children's dental care, and for much of it through their childhood.

Dental care is sometimes a luxury — we've heard others speak about this today — and a service that requires a family or a parent to have disposable income, disposable income that not everyone has. It was not money that my family had when I was a child. That's just one of the reasons I'm so proud of the Yukon children's dental program, which I now know is 55 years old. It's quite extraordinary.

The fact that it is delivered in schools, and maybe especially in rural schools where there is even less access to dentists and dental hygienists, is a testament to Yukon partnerships and ingenuity. Support over many years has been appropriate and in good stead, putting our children first.

I would like to take the opportunity to thank all those school administrators, teachers and staff who help to facilitate the Yukon children's dental program when they come into our schools. The teachers, staff and administrators are required to often adjust their class schedules or vary certain school activities, and perhaps calm some young nerves and dry a tear

or two if there are young folk who might be less than excited about a visit to the dentist or the dental hygienist.

The Yukon children's dental program is a preschool- and school-based public dental health program that provides diagnostic, preventive, restorative dental services to Yukon children, both in urban and rural communities. All costs are covered by Yukon Health and Social Services with no cost to families. I know all the members of the Legislative Assembly will know that but, for those listening, I think it's important to remember that and the importance of this program.

Modernizing this legislation to make sure that program achieves its goals and continues is an excellent opportunity here in this House. It bears remembering, and it's important for new Yukoners to know, that there are no residential dentists in rural Yukon, and the program provides very important dental care for young people across the territory, but I'm emphasizing the rural communities here.

I said this the other day, but again, it bears repeating because it's a very important factor with respect to young people: Learning about dental hygiene helps our students learn about self-care and make healthy lifestyle choices. Dental care can have an impact on mental and physical health as well. Good dental care can help a child's self-esteem and help them develop lifelong good health and dental habits. That benefits all Yukoners. The opposite of that — bad dental care or developing poor habits — can lead to pain, pulled teeth, dentures, gum disease and other health problems beyond those that are dental-related. So the opportunity to modernize and bring this legislation to the benefit of all is an important decision being made here today.

In closing, Mr. Speaker, the amendments will allow dental hygienists to expand the scope of services that they provide to schoolchildren and that is critically important for the Department of Education. Those schoolchildren are across this territory and this program contributes to the health and the well-being of our children.

I am very pleased that this bill will be supported today.

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

Does any other member wish to be heard on the third reading debate of Bill No. 7?

Hon. Mr. Streicker: I thank all the Members of the Legislative Assembly for their comments today and in the earlier portions of debate on this bill.

I want to say a couple of things. First of all, I didn't know that the program was 55 years old. In two weeks' time, I'll be 55 years old. It's kind of interesting to me to see its longevity and how that is sort of tied to my own as it stands.

I did want to try to respond to some of the great questions that were posed by the member opposite. I thank him for bringing the comments of one of his constituents here today. Just to close it out, my mom was a math teacher and she is someone who encouraged me to help build community. I'm sure that all of us are here because of our parents and I just think it's a nice little comment.

Will we continue to consult with dental hygienists? Yes, we will at all times. Whether we're in this legislation or wherever we are in it, that is not important to me, so if there are comments I am always open and I encourage my department — I'm sure they too are always open. I have never seen them say no to receiving feedback and comments. I would also like to ask — it's tricky when we are here in third reading to answer very specific comments, but I will always endeavour to do my best.

I'll just state for the record that I hope we are open to this at all times and as soon as those questions come forward, I hope all Members of the Legislature feel free to send them to me as directly as possible and then I will do my best to try to prepare.

The other comment is: Do we take their concerns seriously? Absolutely, we do. I think that it is imperative. It doesn't mean that we will always agree with all the comments that come in, but of course we take them seriously.

Very specifically, the Member for Lake Laberge was asking about the scope of practice for hygienists and was commenting under 23.05(1)(b) about if the hygienist will be able to instruct the patient on, and demonstrate oral hygiene, noting that above that section talks about services after a dentist's examination. Well, there is an earlier section that talks about services provided and it states here at 23.03: "A dental hygienist may provide any of the following dental services to a patient, without direction or supervision from a dentist, with a view to the examination of the patient by a dentist", and this includes cleaning, scaling, polishing, instructing and demonstrating oral hygiene.

I think what we have is that it is a valid concern, but I think we may just be solving it by pointing out that's how the legislation was designed. It was both before — the prevention practices of the dental hygienists — so the scope of their practice is allowed before and after the examination of a dentist.

The part where we may not be able to get to and I have asked for a cross-jurisdictional look at the very specific details, but as I understand it, there is no regulatory body for hygienists and they ultimately must work under the supervision of dentists. That is their practice, as I understand it, and how they were trained, but I am endeavouring to just confirm that for the Member for Lake Laberge's constituent and for others who may raise these concerns because it is really important that we get that information out and help everyone to understand.

It is my understanding that the whole point here is that we allow those hygienists to do their work, but we still have the young people — the students and the children have to see a dentist at some point in time. That might not even be that season, as I understand it, but it's at some point in time and that allows that care to continue on.

I will clarify those very points and I appreciate that they are being raised here today. What that tells me, and what I have heard from all members here today, is that we all wish to make this program shine as much as it can to do the work and to allow our dental hygienists to work to their full scope. I

think what we're all sort of saying here is that we appreciate Yukoners' smiles. We want nice, big smiles, we want bright teeth and I'm just very happy that we have the opportunity to ensure that Yukoners will be well across all of our communities — or as well as we can make them — with the programs that we provide through the children's dental program. Thank you very much, Mr. Speaker.

Speaker: Thank you. I'm listening and watching closely right now.

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.

Hon. Mr. Mostyn: Agree.

Hon. Mr. Streicker: Agree.

Mr. Hutton: Agree.

Mr. Kent: Agree.

Ms. Van Bibber: Agree.

Mr. Cathers: Agree.

Ms. McLeod: Agree.

Mr. Istchenko: Agree.

Ms. Hanson: Agree.

Ms. White: Agree.

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

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

Motion for third reading of Bill No. 7 agreed to

Speaker: I declare that Bill No. 7 has passed this House.

We are now prepared to receive the Commissioner of Yukon, in his capacity as Lieutenant Governor, to grant assent to certain bills which have passed this House.

Commissioner Phillips enters the Chamber, accompanied by his Aides-de-Camp

ASSENT TO BILLS

Commissioner: Please be seated.

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

Clerk: *Third Appropriation Act, 2016-17; Act to Amend the Dental Profession Act (2017).*

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

Commissioner leaves the Chamber

Speaker: I will now call the House to order.

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

The matter before the Committee is continuing 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 20 minutes.

Recess

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

Bill No. 13: *Missing Persons Act* — continued

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

Hon. Ms. McPhee: I know I was on my feet the other day when we asked that you report progress, as the clock had run out. As a result, I'm not sure what the last question was, but I'm pretty sure the Member for Whitehorse Centre will either know that or have another one.

Perhaps before — if I have some time — I'm not sure if Madam Deputy Clerk can tell us that in response to this —

Some Hon. Member: (Inaudible)

Hon. Ms. McPhee: It is 19 seconds.

If I do have some time, what I will do is answer something that was asked the other day. I'm assuming the Member for Whitehorse Centre will continue with her questioning. I'm not sure if there are other questions from the Official Opposition.

During debate earlier this week, I was asked whether or not the Yukon data on missing persons is collected and retained by the National Centre for Missing Persons and Unidentified Remains. The very efficient and professional folks at the department have advised me and so I can advise you that the Yukon data on missing persons is currently collected by that centre. This means that, given sufficient time after a Yukon missing persons act comes into force, data should be available that would provide an indication of

whether or not this legislation is making an impact in terms of resolving missing person cases more quickly.

I would note, however, that this may take several years of data collection for the results to be considered statistically significant, but most of us — if not all of us — know that. Based on the small population of the territory, often our statistical information has to have a note or two with it.

I also want to add to my response with respect to the current timelines for the resolution of missing person cases in the territory. From data that we have been provided with in the past, we can indicate, for example, that for the period of June 1, 2016 to June 1, 2017, Yukon saw 44 percent of Yukon missing person occurrences concluded within one day and 78 percent were concluded within one week. The large majority — 89 percent — of Yukon missing person occurrences for that same time frame were concluded within 30 days. I hope this answers the questions from the member opposite with respect with both the National Centre for Missing Persons and Unidentified Remains and the Yukon data.

I can also indicate that some of that information came from Canadian missing persons statistics. “Concluded occurrences per time to resolve” is the title of the document from the Canadian Police Centre for Missing and Exploited Children and Behavioural Sciences Branch — a study that they did. I am certainly prepared to provide the member opposite with a copy of that document if that would be of assistance.

I am also going to take the opportunity just to make a note with respect to this. In the past, when I have lectured or done presentations — I used to teach a criminal justice course at Yukon College — the students would often have questions that related to things that show up on TV. I used to call that the *Law and Order* lesson and we would have a great time answering those kinds of questions.

But one of the ones I wanted to emphasize here, because I have the opportunity, is that it is sort of a *Law and Order* understanding that there is some 24-hour period that has to expire before you can report a person missing, and that is not, in fact, the case. If a loved one, a friend, someone you know or an acquaintance — or if you're counselling others, or other people are listening to these proceedings — I certainly hope to make clear the point that someone who has gone missing should be reported immediately as soon as there is a suspicion that they are out of their regular routine or it comes to your attention or someone else's attention that they are not in fact where they should be, or where they were expected to be — whether that's returning from a hiking trip or just showing up for dinner on a regular Tuesday.

There is no requirement to wait and all such reports should be made to the RCMP as soon as possible. Mr. Speaker, you will know also from the statistics that I have mentioned that resolving many of the cases in this data for that one-year period — 44 percent within one day — clearly shows how important that is.

With that, I think I have answered the outstanding things from the other day, but I am happy to address any further questions.

Ms. Hanson: I thank the minister for her comments and I just was checking on Hansard just to confirm in my own mind where we did leave off and we were having a conversation — an encouraging conversation from my point of view — where we had touched upon issues that had been raised in the submission from a number of groups, in particular in Ontario, that had called strongly for inclusion of a review provision in any legislation with respect to missing persons and had also noted that in the Province of Alberta, where the legislation has been in effect since 2011, that there is a review actually going on now.

The minister and I had just a very brief conversation during this discussion on October 10 and where we had left off was the minister suggesting that we would continue that conversation about how government might consider looking at provisions in this current act that might address the issue of the importance of building in a review of the legislation for the purposes of determining if it has achieved the intention of the act or any other things we might find.

I would be interested in hearing from the minister. I know she has given further thought to this and it would be useful for other members of the Assembly to hear something about the good work that she and her officials may have been doing while we've been away from this place.

Hon. Ms. McPhee: I do remember now; thank you. A lot has transpired since — maybe it was Tuesday.

Yes, I do recall that's what we were discussing. I have spoken to my colleagues. I have spoken with department officials. I have considered the matter in light of other pieces of legislation that have review provisions in them, particularly new pieces of legislation — something that is brand new or that deals with a brand new topic or item of some kind. Actually, coincidentally, I had a conversation about a completely different piece of legislation earlier today that has a review provision that is underway.

It is not uncommon in pieces of legislation that are brand new. It is also not uncommon in pieces of legislation that have been introduced that cover in some way privacy rights or privacy access — protection of individuals' personal privacy. While I don't agree that this is in fact a piece of legislation about protection of personal privacy, there certainly are elements of it that are absolutely that and are required and must be respected.

I spoke earlier on a number of occasions in answering these questions about what those elements are. I have also spoken — although somewhat by notes — with the Leader of the Third Party with respect to some wording about an amendment. I have shown that to her; she wrote me a quick note back that was positive. I have every intention of introducing a small amendment when we get to the line-by-line part of this debate, because I think it's most appropriately discussed at that time. If I can speak broadly about it now, it will suggest and include a provision that there would be a review of this piece of legislation required five years from the

date of assent — if I have that right; five years after the date of the proclamation, not the assent — the proclamation because there are a number of regulations that will need to be done.

While I'm on that topic, I'm happy to answer more questions about it, as the amendment is introduced or now, if that's appropriate. I will say that in addition to that review proceeding there is another brief amendment, but we can speak about that later.

The proclamation date is anticipated to be some number of months following the assent of this bill, because it requires a significant number of regulations, which is about the court process, what kind of forms we should use to get the court application, what process should be set out in those regulations, and we anticipate at this time that will be about six months — if I can just confirm the dates — about three months for the regulation development. We also have in the works, and will be completing, a public communications piece, as recommended by the Information and Privacy Commissioner in relation to this, so that people understand — not only the general public — and there will be a piece about that, for sure, but that more particularly the recipients of businesses that might receive such an order, so they understand what's required, how the order came about, what this piece of legislation is intended to do and how they should respond. There's an enforcement provision in the act as well but, in the event they don't respond properly, there is a penalty.

I hope that answers your question. There's more to come about wording and that sort of thing.

Ms. Hanson: I thank the minister for that response. I believe that does it with the line of questioning I have. Until we get into the line-by-line, I'll leave it at that.

Mr. Cathers: I find it interesting that we just heard the Minister of Justice and Government House Leader indicate she is now planning on amending her bill in the Assembly, and that she shared those amendments with the Leader of the Third Party. We in the Official Opposition would appreciate it if she could extend the same courtesy to us and allow us to see what amendments she is proposing.

One of them, as she described it — I think I can guess what it may say — but if amendments are being brought forward on the floor of this Assembly and other caucuses are being given information, certainly the Official Opposition would appreciate the same courtesy being extended to us.

Hon. Ms. McPhee: Absolutely — there is no question that was an oversight on my part. Having planned to introduce these at the line-by-line section, I can indicate the amendments. One is a typographical error in section 1 and the other is that this legislation will be reviewed within five years of the date of its proclamation and the insertion of that will be following clause 24. That is the intention. I do have a document I can provide if that is of some assistance, Mr. Chair, or we can wait until we get to that process — my apologies for not providing that to the Official Opposition House Leader earlier today.

Mr. Cathers: I look forward to receiving copies of those amendments at the minister's earliest opportunity.

Chair: Is there any further debate on Bill No. 13, entitled *Missing Persons Act*?

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

Hon. Ms. McPhee: Thank you, Mr. Chair. I have just taken a moment to send over copies of the two amendments I've just mentioned to the Committee here, to the Member for Lake Laberge. He may have some questions prior to proceeding to line-by-line debate, or within that process, that I am happy to answer.

On Clause 1

Amendment proposed

Hon. Ms. McPhee: Mr. Chair, I move

THAT Bill No. 13, entitled *Missing Persons Act*, be amended in the English version of clause 1 at page 1 as follows:

in the definition "person" and in the definition "personal health information", by replacing the expression "*Health Information Management and Privacy Act*" with the expression "*Health Information Privacy and Management Act*".

Chair: The amendment is in order.

It has been moved by Ms. McPhee

THAT Bill No. 13, entitled *Missing Persons Act*, be amended in the English version of clause 1 at page 1 as follows:

in the definition "person" and in the definition "personal health information", by replacing the expression "*Health Information Management and Privacy Act*" with the expression "*Health Information Privacy and Management Act*".

Hon. Ms. McPhee: I will just take a moment to explain this for the record and for those listening because it's not complicated. It's a typographical error in my submission to this Legislative Assembly. The reference is to the *Health Information Privacy and Management Act*, which is known by the acronym here in the territory as HIPMA, which means that the word "privacy" has to come before the word "management", and it was not submitted properly.

For that we apologize, but it's appropriate, in my submission, to do this now, because we have the opportunity at Committee of the Whole to correct this situation. I wouldn't want it to go forward with the inappropriate or wrong name. As a result, there are two places in section 1 where that reference appears, and my amendment before you today is to correct that at both of those locations in the definition of "person" and in the definition of "personal health information".

Again, I'm happy to answer questions if there are any about that.

Mr. Cathers: My only question at this point — to see amendments being brought forward by the minister who introduced the bill is something that doesn't occur very often

in this Assembly. I understand the explanation for the introduction at this point, but a question I would have for the minister is: Considering especially the fact that, as a minister, and most, if not all, members of the Assembly will know, one of the points in the development of legislation that often adds a fair bit of time to the development of it is the requirement to have it translated into French, since both are equally authoritative — and because that often leads to delays due to the limited availability of French translation services.

My question for the minister would be: Since this amendment seems to correct errors in both the French and the English definition, is she confident that the French version of this amendment is in fact correct? Secondly, is she confident that there are no other errors in the definition, either in English or in French?

Hon. Ms. McPhee: The French version was printed correctly in the bill that came to this Legislative Assembly, and it was only the English references to the HIPMA, or the *Health Information Privacy and Management Act*, that were incorrect.

As for the second question, I am as confident as I can be in this process that there are no other definition issues with respect to clause 1, and I am as confident as I can be with the concept of making one further amendment, which is a new idea, that the bill before you is correct and correctly translated.

Mr. Cathers: On looking closer at the amendment, I know the minister is correct that it is only amending the English text. I apologize. My speed-reading of legislation in French is a little bit weak; it's better in English. I see that. At this point, again as I noted during debate earlier on this legislation, we do have some questions about where the legislation has landed but will support it, and I will also support this clause being changed to this legislation.

Chair: Is there any further debate on the amendment?

Amendment to Clause 1 agreed to

Chair: Is there any debate on clause 1 as amended?

Ms. Hanson: I do have a question on clause 1, if I may.

The definition of "vulnerable person" speaks to individuals, but they are all adults. It is my understanding that many people who are missing are not adults, and so where do we see children? One of the things we see is a lot of kids in care who end up being missing and repeatedly missing. Given that the minister has responsibility for children in care — up until the age of 24, even if we take those last three years off or so. I just wonder where the children aspect of missing persons — as deemed to be vulnerable — is captured in this definition, or anywhere in the definitions.

Hon. Ms. McPhee: I think that, in answering the question, it is best to note that a vulnerable person is defined in section 1 or clause 1 and is a requirement of this particular piece of legislation. In addition to that, there is section 5, which makes reference to an application or, for certain kinds of orders — in particular, a third party access order, where: 5(1)(a) a missing person "is a minor"; 5(1)(b) a missing person "is a vulnerable person"; or 5(1)(c), which is the third category, a missing person "is, considering all of the

circumstances, at an elevated risk of harm, taking into account any prescribed criteria.”

There has been other information in the piece of legislation that a person at risk could be a vulnerable person with a named guardian and that sort of thing, but I think — and a person at risk will be a determination by the court in all of the circumstances. Are they a youth in care? Are they someone who has a mental health issue? Are they someone who is otherwise living a lifestyle that causes them to be at a high risk or an elevated risk?

But in particular, with the question about young people, those orders can be sought in relation to a minor, and a minor would be by virtue of the definition of the *Age of Majority Act* here in the territory.

Chair: Is there any further debate on clause 1 as amended?

Hon. Ms. McPhee: I’m not going to ask myself a question, Mr. Chair, but I am going to add one piece to the last answer that might assist the member opposite, and that is in reference to section 7, which is a specialized category permitted for approval by the court involving how those orders can be sought — again, the reference in 7(1)(a)(i), a missing person is a minor. There are provisions there for young people to be assisted, obviously.

Chair: Is there any further debate on clause 1, as amended?

Clause 1, as amended, agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Mr. Cathers: I just will very briefly reiterate my comments from earlier. This is the section that we understand the minister’s explanation for, but do flag this as an area that may need to be revisited in the future, and that specifically is the balance between the ability to act quickly in an emergency versus the balance of oversight through methods such as telewarrants. But we accept the explanation provided by the minister earlier for the rationale and look forward to seeing this bill implemented and how it works once in place, because we also have heard from the RCMP about the importance of the need for this legislation.

Hon. Ms. McPhee: I appreciate the comments, but I want to be 100-percent clear that we’re not missing a question in dealing with this matter.

Part 2, which is clause 3 and which I think is what is now being discussed, is just the general provision for the application by the RCMP for a court order, and I think my colleague, the Member for Lake Laberge, is making reference to part 3, which is the emergency demand for records. That’s fine and I absolutely hear his concerns, as have the officials from the department. It is certainly our intention in developing the regulations to produce all options so that the modernization of things like search warrants — and other applications under pieces of territorial legislation that permit telewarrants — would in fact be permissible.

I just want to make sure that I can reiterate that, and I think the reference is really to part 3, but I appreciate the mix-up with the parts and clauses, because that’s pretty common.

Mr. Cathers: The minister is actually correct in that I was jumping ahead in the legislation and I apologize for that error. It was in reference to part 3. I appreciate her answer and look forward to moving on through the rest of this bill this afternoon.

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Clause 9 agreed to

On Clause 10

Clause 10 agreed to

On Clause 11

Clause 11 agreed to

On Clause 12

Clause 12 agreed to

On Clause 13

Ms. Hanson: Just to confirm and clarify, I think we discussed this in the debate about the bill, but in 13(1)(c), the minister has made reference to regulations. It will be in regulations where we will see any other prescribed information. Can the minister give an example or examples of what prescribed information is anticipated in the annual report the RCMP is required to file and make public — filed with the minister and published on its website. I ask that because it is material for when it comes to doing a review of the legislation as to its efficacy — what they’re anticipating putting in that prescribed information that should be reported.

Hon. Ms. McPhee: May I just have a moment, please.

The information I have been provided, generally, I’ll speak to first and then about the other prescribed. The RCMP will be required, pursuant to clause 13, to publish a report each year about the ways that emergency demands for records have been used. We have spoken about that. These public reports will help to ensure transparency, which is important — critical, in my view — because the emergency demands are not subject to judicial approval at the time they are sought.

These annual reports will be produced by drawing on the reports made by the RCMP each time they make an emergency demand for a record, as explained in clause 9(3). The annual report must say how many missing persons investigations relied on emergency demands for records, as well as the total number of emergency demands that were made. In addition to that, clause 13(1)(c) permits any other prescribed information that will live in the regulations.

The reference there is broad. I take the point of the Member for Whitehorse Centre, but it also will permit regulations to require information that we expect will be part of a review. Maybe it will require things like how many times orders were sought under this legislation generally — not just the emergency type — and of the ones that were sought, how many were denied? How many were granted? What sorts of circumstances led to the applications or numbers about missing persons in our own information generally? It could prescribe a number of things.

Also an example might be that it could prescribe information to be reported about how many missing persons cases were resolved, those kinds of things. Even if the application of this act isn't necessarily used, we would hope that they'll relate specifically to the application of this legislation, because we know that those stats are otherwise kept by the RCMP already and submitted to Canada or to the national organization we spoke about earlier.

Those would be some examples of the prescribed information that could be required pursuant to this provision. I take the point that the requirements for the emergency demands for records have to be reported, but I think even without the necessity of a review, it will be important for Yukoners to know how this legislation is working and how it's being used.

Ms. Hanson: I thank the minister for that. I would just urge the minister, in developing those regulations, to ensure that the data with respect to the number of children in care who go missing is recorded, because that gives us a really strong indication of whether or not our programming and our care arrangements are working. This is a very vulnerable population.

Hon. Ms. McPhee: I appreciate that comment. I won't commit to do that today because we'll need some thought put into that and obviously the determination of whether or not children are in care is personal information, but I do take your point that we should be keeping track of that particular population for reasons that you have mentioned here and that I am well aware of and that certainly our society is in dealing with children in care. Certainly my colleague — the Minister of Health and Social Services — and I have discussed on occasion the necessity for us to pay attention to that population. I can also indicate that it crosses over into my other portfolio, the Department of Education as well. Being mindful of the vulnerability that population, at the same time wanting to make sure I protect their rights, I do take the comment and we have made a note, so I appreciate that.

Clause 13 agreed to

On Clause 14

Clause 14 agreed to

On Clause 15

Clause 15 agreed to

On Clause 16

Clause 16 agreed to

On Clause 17

Clause 17 agreed to

On Clause 18

Ms. Hanson: I just have a question. Again this is just to confirm that the intention of clause 18 is restricted to any criminal investigation directly related to the missing person; that no records that are found, achieved or accessed by a search order — whichever means — can be used for the purpose of a criminal investigation? I'm just looking for assurance in terms of clarity that this is intended only should circumstances arise that a missing person case becomes a criminal investigation about that missing person.

Hon. Ms. McPhee: Yes, that is correct. I want to just take a second to emphasize it. I have asked this question myself. You have heard my previous explanations with respect to it, but to be sure, clause 18 reads: "If an investigation into the whereabouts of a missing person becomes a criminal investigation..." — in my view, there is no way to interpret that. Certainly we would argue that there is no way to interpret that it has anything to do with any criminal investigation, other than the one about the missing person. We know that, unfortunately, sometimes the investigation about a missing person does in fact become a criminal investigation and, as a result, information that is collected pursuant to a search order or for a record under this act to which access is given here under this act can be disclosed for the purposes of the criminal investigation. So quite literally, a file that was a missing person one could become imported into a file for a criminal investigation about that same missing person.

I think that is the assurance you're seeking, but that's clearly the intention and in our view that is the way it's written.

Clause 18 agreed to

On Clause 19

Ms. Hanson: Again, this is something we touched on in debate and I think there is information in 19 and 20 — the title is "Retention of information and records" and certainly in debate, we had the conversation that it has been recommended based on experience elsewhere that after a certain period of time records of missing persons be destroyed.

I heard the minister say that the word "retention" actually can mean destroy, which was a new interpretation of that word to me. I am wondering if it will be in regulations or — an ordinary person reads: "A member of the RCMP must retain the information collected pursuant to a search order or from a record to which access was given under this Act, or a copy of such a record, in accordance with any regulations and any RCMP policies." So if you're reading that, you don't have access to RCMP policies or regulations because that's an RCMP policy or regulation. How do we know, as citizens, that it can be interpreted to mean "destroyed"? Will that be in regulations or notes to legislation? I just look for that clarification.

Hon. Ms. McPhee: I appreciate the question. My note with respect to this section — I guess I didn't mean to say, or be heard to mean to say the other day, that retention means destruction. I meant to say and be heard to say that retention contemplates destruction, because if they can only retain for a certain period of time, and there are limits upon that, then destruction necessarily follows. My note — and I appreciate

that it may not assure the Member for Whitehorse Centre — is that this ensures that all records will be retained and destroyed appropriately. That’s my note about this particular section.

I take your point that in the event that this is spelled out more clearly in regulation, the word “destruction” or “ultimate destruction” could be more clearly indicated.

I also note, as I did the other day, that section 25(h) talks about respecting the collection, use and retention of information, I take your point. It could say, “... collection, use, retention and destruction”. I’m not going to make that amendment here, but by virtue of the information and privacy world, and the legislation living in that circle, certainly the concept of retention is time-limited and is followed by destruction.

I hope that’s not cold comfort for the member opposite, but I do take your point and we could be more clear, particularly in a piece of legislation that doesn’t deal specifically with privacy, but actually gives powers excessive to the regular privacy information types of legislation. That said, I feel absolutely confident that retention is time-limited, destruction must follow and that’s the way the intention of this has been written and that’s certainly what will be required when the information is collected.

Ms. Hanson: I thank the minister for that. We will certainly look to the regulations to have that clarity, particularly with respect to section 25(h) that she has identified there.

Clause 19 agreed to

On Clause 20

Clause 20 agreed to

On Clause 21

Clause 21 agreed to

On Clause 22

Clause 22 agreed to

On Clause 23

Clause 23 agreed to

On Clause 24

Some Hon. Members: (Inaudible)

Hon. Ms. McPhee: I appreciate the assistance and support from my colleagues but I have an amendment to move. It would be inserted here, just after clause 24.

Clause 24 agreed to

Amendment proposed

Hon. Ms. McPhee: I move

THAT Bill No. 13, entitled *Missing Persons Act*, be amended by inserting the following clause immediately after clause 24 on page 17 and by renumbering the later clauses, and any cross-references to them, accordingly:

Review of Act

25(1) At least once every five years, the Minister must cause there to be a review of this Act and must submit a report respecting the review to the Legislative Assembly within one year after the commencement of the review;

(2) For the purposes of subsection (1), the first five-year period begins on the day this section comes into force.

Chair: The amendment is in order. It has been moved by Ms. McPhee:

THAT Bill No. 13, entitled *Missing Persons Act*, be amended by inserting the following clause immediately after clause 24 on page 17 and by renumbering the later clauses, and any cross-references to them, accordingly:

Review of Act

25(1) At least once every five years, the Minister must cause there to be a comprehensive review of this Act and must submit a report respecting the review to the Legislative Assembly within one year after the commencement of the review.

(2) For the purposes of subsection (1), the first five-year period begins on the day this section comes into force.

Ms. McPhee, on the amendment.

Hon. Ms. McPhee: I think you have read a version with an extra word that I have not submitted for you and I think the insertion in your reference was “comprehensive review.” There was some thought put into this and the matter that is being presented as an amendment is for a “review” and the document is, I think, just on the table there — I’m not sure.

My intention is, as presented, at least once every five years, the minister must cause there to be a review of this act and must submit a report, et cetera, et cetera. I’m not quibbling with the word “comprehensive”, but it’s simply not in the version I have shown to everyone else and not in the version that I’ve submitted. As a result, if we could make that correction first, then I’ll speak very briefly to the amendment.

Chair: The correct wording should be:

THAT Bill No. 13, entitled *Missing Persons Act*, be amended by inserting the following clause immediately after clause 24 on page 17 and by renumbering the later clauses, and any cross-references to them, accordingly:

Review of Act

25(1) At least once every five years, the Minister must cause there to be a review of this Act and must submit a report respecting the review to the Legislative Assembly within one year after the commencement of the review.

(2) For the purposes of subsection (1), the first five-year period begins on the day this section comes into force.

Hon. Ms. McPhee: I appreciate the opportunity to bring this forward. As I indicated, it was as a result of a conversation with the Leader of the Third Party. It was a suggestion by her. Some work very quickly went into determining whether or not this would be an appropriate addition. The determination was that it was, for the reasons I mentioned earlier but I will just take a moment to repeat them here.

It is especially important, with new pieces of legislation, for the opportunity for us to determine, as the Legislative Assembly, when the review is done and presented here, if we are achieving what we hoped to have achieved with this piece of legislation, how often it is being used and how it’s being used — a good check and balance on whether or not this legislation is continually required but, more important, if there

are ways that it can be improved or tweaked so it is being effective on behalf of Yukoners.

I'm suggesting that we do insert the concept of a review, that it would be done every five years, at least, and that there would be a one-year period from the commencement of that to be submitted — an information report about that review — in writing to this Legislative Assembly. I appreciate the work that has gone into this quickly, I appreciate the suggestions by the member opposite, and I hope that this Legislative Assembly will support this amendment to this very important bill.

Mr. Cathers: In looking at the amendment, which we didn't have the advance opportunity to look at, as the Leader of the Third Party did, I will support the amendment. I do see it as better to include a five-year review than not at all, but it does appear to me that this section was carefully worded here.

The requirement for the report to be tabled in the Legislative Assembly within a year after commencement of the review does seem like an awfully long window of time to give the minister time to report — or a future minister, I guess it will be, by that point.

The other part that strikes me is the reference to the five-year period beginning on the date that this section comes into force. Because of the way that is worded and the way the final clause of the act, the coming into force provision, which allows the act or any provision of it to come into force on a day or days to be fixed by the Commissioner in Executive Council, it does seem that it has left open the possibility that the government could proclaim everything except the new section 25 of the act and further delay the start of the five-year period.

We will just note that we will watch if that occurs, and I just want to make sure that the minister is aware that the fine print on this clause hasn't escaped our notice and we will be watching them and holding them to account.

Ms. Hanson: I thank the minister for being responsive and putting this kind of review clause in this legislation. I would note that we find it reassuring that it's not permissive. It says that the minister "must". I will note that in other review clauses that were put forward largely by the previous government are permissive — they "may", and we have seen they didn't. The words "must" and "shall" are much more affirmative. They make it a declarative statement that the government has that intention to do so.

I think this kind of review will address a number of concerns that people have expressed from a human rights and a civil liberties point of view that the legislation has received a review. The actual legislation — not the draft consultation piece — has only been reviewed here and not by those who are experts in this field.

That gives an opportunity to, over the next five years, determine whether or not the concerns that people have about the excessive reach — yet again, of abusing legislation, expanding and extending the reach of the RCMP into areas that some people are concerned about. Concerns that have been expressed about whether or not this is a necessary tool to

add — to add to the armada that the police forces across the country have and the RCMP in particular have.

I think it's a respectful way of expressing the concerns that have been expressed by a broad sector of the community. I think it also achieves the purpose of allowing this legislation to go forward and hopefully achieve the purpose that was intended and that the review will reflect that.

We're very happy to see this clause inserted in this legislation and we'll support the amendment.

Hon. Ms. McPhee: Thank you very much, Mr. Chair.

I appreciate the support from both of the opposition parties.

Despite the fact that I introduced an amendment earlier today that fixed a typo, I daresay all sections are carefully worded. It, frankly, would never have occurred to me to proclaim an entire piece of legislation without a single section being done, but I certainly appreciate the caution taken by the Member for Lake Laberge. The wording is not permissive. It is extremely similar, if not identical, to the wording that is inserted in the Yukon *Access to Information and Protection of Privacy Act* and some other pieces of legislation and, as a result, we took guidance there.

Mr. Cathers: I just have one further question. Considering that, as the minister advised you and this Assembly a few moments ago, she had provided a version of this amendment to the Table, which didn't reflect the final version of the clause, that just causes some concern about whether the French language text of this insertion — the French language version — refers to a "review" or a "comprehensive review" or is again completely in line with the English version, since it appears there has been some confusion on the minister's part between which version was signed and which version was sent to the Table in the English text.

Hon. Ms. McPhee: I think what occurred was that Mr. Chair was reading from a document that was not submitted by me. In fact, the document submitted by me says "review" and, in French, it says "review". The word "comprehensive" does not exist in either the English or the French version. I dare say I think Mr. Chair was reading from a document other than the one I submitted, and I only submitted one, and it wasn't incorrect.

I hope that helps explain that.

Chair: The member is correct. The mistake was in the document before me, not in the document presented by the minister.

Amendment agreed to (Clause 25 added)

On Clause 26 (formerly Clause 25)

Clause 26 agreed to

On Clause 27 (formerly Clause 26)

Clause 27 agreed to

On Title

Title agreed to

Hon. Ms. McPhee: Mr. Chair, I move that you report Bill No. 13, entitled *Missing Persons Act*, with amendment.

Chair: It has been moved by Ms. McPhee that the Chair report Bill No. 13, entitled *Missing Persons Act*, with amendment.

Motion agreed to

Chair: The time being 5:30 p.m., the Chair will rise and report progress.

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. 13, entitled *Missing Persons Act*, and directed me to report the bill with amendment.

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

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

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

Motion agreed to

Speaker: This House now stands adjourned until Monday.

The House adjourned at 5:35 p.m.

The following legislative return was tabled October 12, 2017:

34-2-59

Response to oral question from Ms. McLeod re: EMS supervisor position in Watson Lake (Streicker)

The following document was filed October 12, 2017:

34-2-17

Airport Improvement Fee, letter re (dated October 12, 2017) from Richard Mostyn, Minister of Highways and Public Works, to Joe Sparling, President, Air North, and Wendy Tayler, President, Alkan Air (Mostyn)