



# Yukon Legislative Assembly

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## HANSARD

Monday, October 23, 2017 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

# YUKON LEGISLATIVE ASSEMBLY

## 2017 Fall Sitting

**SPEAKER — Hon. Nils Clarke, MLA, Riverdale North**  
**DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Don Hutton, MLA, Mayo-Tatchun**  
**DEPUTY CHAIR OF COMMITTEE OF THE WHOLE — Ted Adel, MLA, Copperbelt North**

### CABINET MINISTERS

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

### GOVERNMENT PRIVATE MEMBERS

#### Yukon Liberal Party

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

### OFFICIAL OPPOSITION

#### Yukon Party

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

### THIRD PARTY

#### New Democratic Party

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

### LEGISLATIVE STAFF

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

**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Monday, October 23, 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 remembrance of Jason Greenaway

**Hon. Mr. Mostyn:** Mr. Speaker, I rise today to pay tribute on behalf of this Liberal government and the Third Party to a public servant who did much to advance the representation of aboriginal people in the Yukon government's public service.

Jason Darrell Greenaway, commonly known as "Jay", came into this world three months premature on May 26, 1977 in Winnipeg, Manitoba. Jay spent his early years in Winnipeg with his mother, Brenda, stepfather, Randy, and brother Aaron, before moving to Carcross in 1995 at the age of 18.

In Carcross, he found a home with Skoehoeteen and Ken Matthies, who came to love Jay as a son and quickly became his Yukon family.

In 2000, Jay began working for the Carcross/Tagish First Nation government to develop their Tlingit language program. Jay would make many rich friendships with respected First Nation elders, Lucy Wren, Clara Schinkel, Ida Calmagne, Norman James, Fanny Smith and many others. He was known as a tireless volunteer at CTFN festivities and cultural occasions.

In 2003, Skoehoeteen offered Jay the honour of adoption into her Crow clan. At a headstone potlatch, he was formally adopted into the Ishkahitaan Crow clan as her son and given the name Shta.atch, meaning "Strong Swimmer". This was a great honour for Jay that would positively affect his life and work.

Jay started working with the Yukon government in July 2006 when he was hired as a First Voices communications support technician with the Executive Council Office's Land Claims Secretariat. He joined the Public Service Commission in March 2008 as a senior planner to work on representative public service planning. In 2011, Jay was transferred to the Corporate Human Resources and Diversity Services branch and, in May 2014, he became the manager of Diversity Services, where he worked diligently to implement and increase awareness of the Yukon government's diversity and representative public service commitment.

Jay became one of the driving forces behind the government's Aboriginal Employees Forum. At the forum's annual gathering, Jay was known for his passionate and powerful speeches that inspired and challenged his colleagues

and leaders to do more to ensure that our government is representative of the population that we serve.

In 2015, Jay was recognized for his leadership, passion and dedication when he was selected as one of four Yukoners to participate in the Governor General's Canadian Leadership Conference.

Mr. Speaker, on August 26, 2017, we lost Jay far too early. His legacy will live on in the work that he championed to make the Yukon government a diverse and inclusive employer that welcomes aboriginal people, youth, persons with disabilities, and visible minorities. I would like to ask the members of this House to join me in welcoming — and there is quite a list here, Mr. Speaker — Jay's partner Cheryl Charlie and their children Gage, Bryanna and Kai to the gallery. I would also like to recognize: Lawrence Charlie, who is Jay's brother-in-law; Kimberly Blake, his cousin; Shauna Demers, Cheryl's director; and Renee Paquin, who is Jay's director. There are also a number of staff and representatives from the Public Service Commission and Corporate Human Resources and Diversity Services. Amanda Smith is here as a colleague and to interpret for the ASL program advisory committee. Please join me in welcoming them to the House.

*Applause*

**Mr. Cathers:** I'm sad but honoured today to rise on behalf of the Yukon Party Official Opposition in celebration of a man whose dedication to his family, his friends and his career were all reflections of who he was as an individual.

There are very few people in this building who did not know Jay Greenaway, and he was well-known within the public service and across the territory. Even if you didn't know Jay personally, chances were he held a door for you and started a casual conversation, asked about your day or just gave you a bright smile.

Jay has had a long, diverse and successful career since arriving in Yukon. He spent time working with the Carcross/Tagish First Nation, with aboriginal language services and working with youth.

Jay found his home within the Yukon Public Service Commission and found true passion in the advancement of the final agreement representative public service plan and all aspects of diversity services.

His work on initiatives like the annual Aboriginal Employees Forum, the Aboriginal Employees Award of Honour and Rock Your Mocs has helped recognize the contributions and celebrate the culture and heritage of Yukoners of First Nation descent within our public service and foster an inclusive public service here within Yukon. Jay was a passionate and caring man and he will be missed. To his family, friends, colleagues and former colleagues: Our sincere condolences.

**Speaker:** Introduction of visitors.

Are there any returns or documents for tabling?

## TABLING RETURNS AND DOCUMENTS

**Speaker:** The Chair has for tabling the *Yukon Human Rights Panel Adjudicators 2016-17 Annual Report*. The annual report is tabled pursuant to subsection 22(8) of the *Human Rights Act*.

**Hon. Ms. Dendys:** I have for tabling the *Yukon Heritage Resources Board Annual Report — April 1, 2016 - March 31, 2017*, under the legal authority of subsection 7(7) of the *Historic Resources Act*.

**Hon. Ms. Frost:** I have for tabling a document pertaining to questions raised during Committee of the Whole during debate on Tuesday, October 10, 2017.

**Hon. Ms. Dendys:** Mr. Speaker, I have for tabling a legislative return regarding a question posed to me on October 19 by the Member for Lake Laberge regarding Environics Analytics. This was with regard to a direct-award contract.

**Speaker:** Are there any further returns and documents for tabling?

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motions?

## NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to create a publicly disclosed lobbyist registry.

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

THAT this House urges the Government of Canada to respect the importance of helping Canadians living with type 1 diabetes by listening to the request of groups, including Diabetes Canada and JDRF, and ensuring that people with type 1 diabetes qualify for the disability tax credit.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to work closely with health and education professionals to create a vaccination strategy that promotes the benefits of vaccinations while exploring ways to increase overall vaccination rates.

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

THAT this House condemns the budget resolution passed by the United States Senate to allow drilling in the Arctic National Wildlife Refuge, the birthing grounds of the Porcupine caribou herd.

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

THAT this House urges the Government of Yukon to live up to its commitment to address climate change by:

(1) rejecting the Division and Corduroy mountain coal exploration project; and

(2) repealing any legislation and regulation allowing for coal exploration and coal mining in Yukon.

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

THAT this House urges the Government of Yukon to extend the consultation time for the review of the *Societies Act* and regulations past the November 14, 2017 deadline, allowing societies without staff support or monthly meetings to participate in a meaningful way.

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

Is there a statement by a minister?

This then brings us to Question Period.

## QUESTION PERIOD

### Question re: Mental health services

**Ms. McLeod:** Thank you, Mr. Speaker.

An estimated 7,500 Yukoners struggle with mental health or substance abuse per year. People with complex needs often require extraordinary services; indeed, that's why the previous government made a significant investment to build the new Sarah Steele alcohol and drug treatment services building. That's also why Whistle Bend place was designed to have a mental health wing.

In the spring, the minister said that the Whistle Bend facility was on schedule — and, to quote her, she said: "We have identified that the Whistle Bend care facility construction will continue as planned and will open later in 2018. The new facility will have... 12 secure mental health long-term beds..." Since then we have seen it reported that the mental health wing will not open until 2020.

Can the minister let us know why the wing will be delayed?

**Hon. Ms. Frost:** I would like to thank the member opposite for her question. With respect to the various houses of the Whistle Bend facility, the services that are being provided in that facility and the delay of the services as described is resulting from the fact that to find and fill the positions for that specialized unit will take some time.

The fact is also that we have had some challenges with the planning of the facility and the design of the facility, as well as the budgeting of the facility. Building 150 beds, opening it up together and allocating the amount of money that was required for the O&M within that one fiscal year didn't make good, feasible sense.

In consideration with and the recommendations from the planning committee, the decision was to defer that specific unit and complete the units that we had on the go right now, so 120 long-term beds will be opened up. The 12 secure long-term health care beds will follow that in 2019.

**Ms. McLeod:** I confess that looking at two years for staffing seems a bit excessive.

It was reported that the mental health wing opening will be delayed until 2020. The minister has just referenced that it will be open in 2019, so if the minister could clarify that point.

I think the minister can agree that ensuring these mental health resources are available sooner is critical for the well-being of Yukoners. We know that the beds at the facility are desperately needed, and we're not suggesting that any of the other sections of Whistle Bend place be delayed at all. What we are suggesting is that the minister develop a plan to open the mental health wing sooner than 2020 or 2019.

Would the minister be willing to do this?

**Hon. Ms. Frost:** I just wanted to qualify that the mental wellness strategy for the Yukon — the Yukon Party actually facilitated in the mental wellness strategy and getting that actioned and some staffing around that. Eleven new positions have been created to provide the essential services — the mental wellness services and the client services.

With regard specifically to the Whistle Bend facility, I am not going to commit that we are going to facilitate this year or next year. We will work with our staff and the staff, through the Continuing Care unit, along with Highways and Public Works. The senior staff will advise and work diligently to ensure that we have the services available. While that is still happening, we have supports — as noted by the member opposite — through the Sarah Steele facility. There is expanded scope of care there for mental wellness and addictions services.

The hospital also has facilities available, as well through the Department of Health and Social Services. We are covering our bases and the facility will open as scheduled.

**Ms. McLeod:** I'm not sure if the minister was cut off there but she didn't actually say when it was going to open.

It begs the question as to what has changed since the spring. The minister mentioned 11 new mental health workers being hired, but I question whether or not they actually have been.

Regarding the mental health wing at Whistle Bend place, we know that there is a demand for spaces and service. Right now there are 12 beds planned for the mental health wing. Can the minister let us know what the anticipated demand for these beds is when the wing finally opens, and is 12 beds enough or will we have to create more space?

**Hon. Ms. Frost:** No, I cannot read into the future. I can't determine. I think what we do have right now is a strategic plan for a mental wellness strategy that involves community members, community organizations and defining scope of care in rural Yukon, looking at the long-term care house opening in 2020 as planned. Sure, we did go ahead and designate the 11 new positions for Yukon and, as noted previously and I'll state it again, we are working with the communities. That took some time.

We are not just going to create positions for the sake of creating positions and put them out in the community. The community needs have to be considered, and access to programs and services has to be aligned with the community.

Community wellness is essential to the services we provide. Unlike what previously happened — that perhaps they didn't have the services — we are providing that, wholeheartedly — essential services to the communities.

I really wanted to highlight that because the new Whistle Bend facility — as the mental health long-term facility opening in 2020 — will give us the time to ensure that we design it properly and that we have the facility and the support services made available.

#### **Question re: Mental wellness strategy**

**Ms. McLeod:** In the Liberals election platform, one of their promises was to streamline and refocus the implementation of the Yukon mental wellness strategy and include comprehensive after-care services in Yukon communities.

Would the minister be able to provide an update on what the government has done to meet this commitment? What discussions have taken place or begun on these efforts, and what initiatives will the mental health strategy be refocused toward?

**Hon. Ms. Frost:** I would be happy to respond to the question from the member opposite. The services and the activities that we're putting together around the forward progressive plan of action for Yukon really is looking at facilitating the 11 new positions and looking at the specialized supports in the communities. The four hubs that are being designed will allow for that to happen. We're looking at the hospitals and at expanded collaborative care in the hospitals.

We have an aging-in-place model that we're looking at and that we're implementing. We also have action around the Safe at Home poverty reduction strategies — Housing First models. All of these look at opportunities for vulnerable citizens our citizens of our society — giving them, and hearing them and providing the services that they need.

Community-based wellness needs are resulting in the information that we get from our partners and with true and effective collaboration, cooperation and engagement with the communities.

**Ms. McLeod:** I didn't hear an answer, other than for some broad strokes, about what the government is planning to do. I don't know what has been done. I still didn't hear that today.

By providing proactive information on the implementation of the mental wellness strategy, all Yukoners will benefit. Right now the department is sending out newsletters with bits of information on topics related to the strategy. However, I don't believe that there is currently an annual report providing Yukoners with a comprehensive summary of what has been accomplished to date. I believe the annual report will go a long way to help us, not just as MLAs, but as Yukoners, to look back on our accomplishments and determine if the mental wellness strategy is achieving its goals. Will the minister commit to tabling an annual report for the mental wellness strategy going forward?

**Hon. Ms. Frost:** The question about what will be done — comprehensive strategies, annual reports. Looking back at

what we did in the past — “What did we do in the past?”, I ask. What was done in the past? As I can see it, there wasn’t a lot. We built a facility for \$150 million and we didn’t put any resources around that. Nor have we put any thought into how the facilities were going to be staffed. Yes, we can roll our eyes, roll our heads and shake our heads, but the fact of the matter is that we have a strategy collectively as a government. The public servants of this government have done some exceptional work. Community partners have done exceptional work, and we will work toward ensuring that we provide the best possible service.

The Yukon Party put \$1 million behind a mental health system. Where did that go? What types of services were there? The assessments — going back to doing an assessment on historic resources that have been available. Perhaps we start there, or we start where we are now and look to the future and making things better. An expanded care facility? Yes.

**Ms. McLeod:** I guess I need to remind the minister that she is the minister and remind this government that they are the government. They have had a year to do whatever it is that they were going to do. All we are asking is what that has been.

Another Liberal election promise was to recruit an adequate number of inpatient and outpatient mental health workers to meet the mental health needs of the territory. That is a Liberal commitment.

Could the minister tell this House what number the government believes is adequate, and how, or was, that number determined?

**Hon. Ms. Frost:** I should say that yes, I am honoured to be the Minister of Health and Social Services. I was elected. I have been privileged with and given the specific and clear mandate to look at the health and well-being of Yukoners — that all Yukoners matter; that every Yukoner is given an opportunity to be heard and provided with services. So that’s an honour that I will fulfill.

Now with regard to what we have done and what we are doing — I can’t give the member opposite specific numbers. We will work with departments. We will look at the successes of our models, most definitely work with the health care professionals and provide a report card in the future. At this point, in nine months, that is not possible because we have a mental wellness strategy. We have options that we’re working on and look forward to.

With regard to inpatient and outpatient needs, we are working diligently with the Hospital Corporation, working with the urban hospitals and looking at maximizing the services that are being provided out of those two hospitals. That perhaps was not considered in the past. That means that we need to take the time to work with the Hospital Corporation to ensure that happens.

#### **Question re: Dawson City mining roads**

**Ms. Hanson:** The owner of Slinky mine is back in the news with yet another controversial mining proposal — this time over community ski trails steps away from Dawson City homes. Yukoners remember the previous government’s approach, which saw the public pay over \$1 million to move a

road to allow the Slinky mine to operate and, in exchange, to have the claims expire this December. It was supposed to be short-term pain for long-term gain. Clearly, this didn’t work and Dawsonites are back at square one.

Slinky’s proposal for adjacent claims has been rejected by the Tr’ondëk Hwëch’in, by YESAB and by this government. So now, the owner of Slinky Mine plans exploration work to avoid requirements for permits altogether. Does the Premier acknowledge that this placer mining operation is incompatible with Dawson City residents’ peaceful use of their property and is a threat to community recreational infrastructure?

**Hon. Mr. Pillai:** So just building a bit of context on the comments from the Leader of the Third Party — first of all, talking about — we have the Slinky location, which has been much talked about in the Yukon and in this Legislative Assembly, and now we’re touching upon the comments for the east bench.

So the miner, at this point in time, has a valid class 1 notification for the Klondike east bench claims. That is valid until April 19, 2018. That authorizes him to carry out work on eight claims in accordance with specific terms and conditions. For the miner to keep the claims in good standing, he is required to carry out work prior to their expiry, which is November 30, 2017. The City of Dawson was notified of the class 1 notification, as notifications are confidential under the mining legislation. However, the application was recorded on a public register when it was submitted. Consultation was carried out, as required, with the Tr’ondëk Hwëch’in First Nation.

Also, as required of this class 1 notification — and that’s what I think has brought a lot of sensitivity to light — is that the miner placed an advertisement in the *Whitehorse Star* on October 18 and stated that he will be undertaking exploration work beginning October 30, with work completed on April 30, 2018, on the Klondike east bench claims. That is all within the legislation. The advertisement also indicated the area in which the exploration activities were to be occurring.

I look forward to the rest of the questions and continuing this dialogue.

**Ms. Hanson:** After the latest proposal to mine these claims was rejected by the City of Dawson, the Tr’ondëk Hwëch’in, the YESAB and this government, a facilitator was hired to help redesign the mining project. The process was intended to help to address the community concerns and to allow the owner, Slinky Mine, to resubmit his proposal. A consultant was hired at government expense. A report was produced and received by the government in July. Neither the public nor any other stakeholder has received a copy of the report to this day, except — you guessed it — the owner of Slinky Mine.

Can the Premier confirm whether the government actually paid for this consultant’s work and, equally important, will he commit to making the report public?

**Hon. Mr. Pillai:** An absolutely correct statement in the sense that there was a facilitator — and that was a commitment that we made in the House — that we would

bring a facilitator in to try to work through the controversy and the challenge.

The facilitator worked with the affected stakeholders and Tr'ondëk Hwëch'in to identify their interests and explore ideas that could help to resolve the conflicting land use issues related to the geographic overlap of the cross-country skiing and hiking trails and placer mining at the Klondike east bench project location.

The facilitator started the work in March 2017. We absolutely supported that. We wanted to come to a balanced approach here and delivered a final report on July 19, as the Leader of the Third Party indicated.

The Government of Yukon is reviewing the report recommendations. The report will be sent to the project proponent, the City of Dawson, the Tr'ondëk Hwëch'in, the Yukon Environmental and Socio-economic Assessment Board, and the Klondike Active Transport and Trails Society and relevant government branches. I assume some of those entities may choose to make that public.

It's important that we break this into two separate conversations. One is that there is an individual who has gone through a legislative process to do exploration. Second to that is the conversation about mining, and certainly the previous YESA application was denied. Clearly, the work that we're trying to do with all stakeholders is key in order to see that happen but, at this point, exploration is something that they have an ability to do.

**Ms. Hanson:** Precisely. Last night, over 50 people showed up at a meeting in Dawson, organized by the Klondike Active Transport and Trails Society, to discuss Slinky's proposed exploration work.

Proposals like Slinky give a bad name to the placer mining industry in a community that has demonstrated its unquestionable support for placer mining over the years.

This proposal, like others before, is pitting neighbours against the industry and leaving the City of Dawson to deal with the mess. The fact that the Yukon *Placer Mining Act* allows for such conflict to occur within municipal boundaries shows how outdated it is.

When will this government change the Yukon *Placer Mining Act* to protect homeowners' peaceful use and enjoyment of their property without the threat of mining activity adjacent to their homes?

**Hon. Mr. Pillai:** Absolutely correct — actually 55 people in attendance last night. There were some big concerns. We've committed, first of all, through Energy, Mines and Resources, to have staff in Dawson City later this week to meet with the Tr'ondëk Hwëch'in. Hopefully they will have an opportunity to speak with the NGO and, as well, with the municipality, which are all concerned about what is happening. It's really important to keep people up to date on what's happening with this.

It is also key to understand that when the application for class 1 notification — the trigger was because it was close to settlement land. Also a key part was that there was a class 1 notification process.

Just for the record, we have to identify the fact that Tr'ondëk Hwëch'in has laid out a scope of work that they believe is appropriate within that area.

I have to say though that it is correct that we're in a position here where nobody wants to see this conflict. It's a legacy of many years and many challenges and certainly we're just trying to focus on ensuring that we can come to a respectful and appropriate realization of how to handle this process, although we still have to play within the legal framework that's here now.

That's what we intend to do. We respect the people who are there. We'll continue to communicate and I look forward to more questions here in the House on this topic.

#### **Question re: Opioid crisis**

**Ms. White:** We asked earlier in the Sitting about individuals who are addicted to opioids and the treatment options for them. We did not hear a clear answer from the minister on what is available to individuals seeking treatment for their opioid or fentanyl addictions. We know that addiction to opioids or fentanyl is different from alcohol when it comes to detox and treatment. A person who is seeking detox and treatment faces a long journey. There is no quick fix for a fentanyl or opioid addiction. Treatment generally takes at least a year and in that time, many individuals opt for a medical maintenance program requiring close medical supervision.

Mr. Speaker, is the current programming offered at the Sarah Steele treatment centre adapted to treat opioid or fentanyl addictions?

**Hon. Ms. Frost:** Thank you, Mr. Speaker. I can't speak specifically about that, but I can say that the program that's offered at the Sarah Steele Building through Alcohol and Drug Treatment Services looks at the services to ensure that it addresses the therapeutic and medical needs of the clients who enter that facility. The newly hired opioid naloxone coordinator will oversee the distribution of processes in the Yukon so we are also looking at monitoring and collecting the data. In the Yukon, we are seeing an increase in opioid deaths and related deaths and we are looking at working with all of our facilities. Sarah Steele and Alcohol and Drug Treatment Services is looking at working with the RCMP, the chief medical officer, as well as hospital and our Health and Social Services' staff to come forward with long-term care plans. We are, in the next six to 12 months, looking at scoping out a longer term implementation of a comprehensive plan through an opioid plan, working with various groups in our communities to ensure access to addiction management is easily accessible.

**Ms. White:** Mr. Speaker, we are aware of the new programming and services being provided at the Sarah Steele treatment centre. It is much improved with programming for youth, more fluid start-days and longer treatment options. What we are asking about is whether or not these programs can accommodate an individual who needs the medical supervision and long-term treatment needed for an opioid addiction. We know that sudden cold-turkey detox can be medically dangerous to the individual wanting to quit.

Mr. Speaker, are the resources available in Yukon to treat opioid addictions, and if not, has the Yukon government secured access to resources outside of the territory?

**Hon. Ms. Frost:** I would like to thank the member opposite for the great question. Most definitely, the Yukon has the services available, and if we don't have them available, we will find the services.

We are currently looking at our mental wellness strategies that encompass a broad scope of care. That means that we also have a review happening on alcohol and drug treatment programming. We're looking at land-based facilities. We're looking at working with our partners.

We also looked at this longer term comprehensive plan and because this isn't — the Yukon is so new in Canada in terms of the current pressures with fentanyl and the deaths, so we are working with the provinces. In fact, just this week, I was at a health ministers meeting talking about the opioid crisis in Canada and learning best practices from other jurisdictions and looking at what we can do together. What can we do better? How can we work with the federal government, the RCMP and the medical associations to address the current pressures that we're seeing? I absolutely agree that perhaps the services that are currently here are not as adaptive as they should be. If it isn't, then the people who are in place right now with the guidance of the chief medical officer will ensure that we have that available. Thank you.

**Ms. White:** My question was: What happens to an individual seeking treatment for an opioid addiction today? That was the question.

So we've heard through the media that there will now be an opioid surveillance officer provided through the federal government to focus on providing a more detailed picture of opioid use and overuse. It will be their job to review drug-related ER visits, hospitalizations and overdoses, and also to work with the coroner.

The chief medical officer has indicated that this assistance will help address addictions and opioid use in general as well as how to move forward in treating this addiction. It is important that this work will be done in collaboration with front-line workers beyond just those in the emergency rooms — the staff at Sarah Steele, the outreach van, Blood Ties Four Directions and the Salvation Army — to name just a few need to be included if we're going to talk about true collaboration.

Can the minister tell this House how this opioid surveillance officer will be working in collaboration with front-line workers from government and the NGO community?

**Hon. Ms. Frost:** It is a good question. The individual who is being hired is working directly with the chief medical officer. The Member for Takhini-Kopper King really hit on a key point, which is that the surveillance officer is going to look at use and overuse. That's essential in planning; it's essential with what we do with our programs and services. Data tells us a story.

As we go forward and we start looking at effective models in Yukon, then we really have to look at the planning

around that, recognizing that this plan is going to take some time and the input of the surveillance officer, the input of the medical association, the input of the staff at Health and Social Services and most definitely the input from the oversight committee on the new Salvation Army facility — it's new, there are new programs, there are new day programs, there are services that are being scoped out to align very well with the case management of clients who enter those facilities. Effective case management and getting the person to the services they require in a timely fashion is really critical.

#### **Question re: Alcohol and drug services**

**Ms. Van Bibber:** In the spring, the Minister of Health and Social Services stated that the wait-list for alcohol and drug services had recently been reduced from 10 months to a matter of weeks for some treatment and counselling options. She said that this is a result of — and I quote: "... the opening of the new Sarah Steele Building ..." I think we can all agree that the reduction of wait-times is a great accomplishment, and I think this highlights what an important investment the new Sarah Steele Building was. Can the minister confirm the current wait-times for alcohol and drug services? If she doesn't have that information handy, I would accept a legislative return later. Also, is the Sarah Steele facility fully staffed?

**Hon. Ms. Frost:** I don't have that information right in front of me, but I will certainly provide that to the member opposite.

**Ms. Van Bibber:** We will wait for those returns.

We have heard complaints that services for substance abuse in the communities are inconsistent or lacking. According to the department's website, someone who lives in Mayo has to call Dawson City to reach a community addictions service worker, and someone living in Pelly has to call Whitehorse. Could the minister clarify what services and interventions are available to someone in one of our communities who is struggling with addictions? Does the minister have any plans to enhance these services in our communities?

**Hon. Ms. Frost:** I am happy to answer the question. Every community in the Yukon has direct access to services. The new positions that are being created will allow an enhanced scope of care and services for every community. As noted before in this House, the social workers in the communities are available when there is a crisis or a requirement in the communities. The department is quick to mobilize, get out into the communities and provide the services that are needed. I think the integration and collaboration of the department with the communities has been working very well, and I am quite pleased to say that Yukon mental wellness, Yukon addictions, Yukon services would not happen if the communities did not come forward and identify and work diligently with the department to find the solutions for the communities.

I urge the member opposite that if there are some recommendations or specific concerns with respect to a specific community, we want to know about that to ensure

that we provide that support that is essential and needed in these communities. Working with my colleagues, I think that is what we intend to do.

**Ms. Van Bibber:** The government's website states that the people in the communities who may need assistance in stopping their use of fentanyl or other drugs should speak to their local community addictions worker and let them know they need help. Again, as I just said, the community addiction worker for Mayo is located in Dawson. The addiction worker for Pelly is in Whitehorse and for Carmacks, in Whitehorse. Perhaps the site is wrong or unclear and the minister can confirm for the House that this is current as of today.

Would the minister be able to let us to know this: Is it the expectation that someone from Mayo is expected to contact an addiction worker in Dawson City?

**Hon. Ms. Frost:** I would expect that the community of Na Cho Nyäk Dun would work with the social worker who is identified for that community. If there's a specialized service that is not offered in the community of Mayo, then most definitely they would be directed to attend a facility in Dawson City or in Whitehorse or wherever we can access the services, recognizing that the self-governing communities have opportunities under their programs to provide services. We are looking at an expanded scope of programming under land-based treatment, land-based healing; looking at pre- and post-care facilities; looking at working with communities and tying it into the mental wellness strategies; looking at the mental wellness strategies; and identifying the positions.

Now, we just highlighted earlier that in my previous statements to the Member for Takhini-Kopper King that we have a current situation in the Yukon that requires us to look further at drug addictions — at additional addictions — in the Yukon and look at data analysis, looking at where we are right now, where we need to go and how we tie in an implementation plan around the strategies that have been developed. The scope of care in Dawson City, the scope of care in Watson Lake — if we're looking at specialized services for addictions, services that we can't provide in the communities, then certainly we'll direct the client to the right place —

**Speaker:** Thank you.

The time for Question Period has now elapsed.

We will have introduction of visitors outside of the time provided for in the Order Paper.

## INTRODUCTION OF VISITORS

**Ms. Hanson:** Thank you, Mr. Speaker.

I would ask members of the House to join me in welcoming two people who are no strangers to this House and who come often to bear witness to the activities here: Gerry Whitley is an avid member of the aviation community as well as having a very strong and professional background in the environment; and Sally Wright, as we all know, has a strong interest in renewable energy and electoral reform.

*Applause*

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

## ORDERS OF THE DAY

### GOVERNMENT BILLS

#### **Bill No. 6: *Public Airports Act* — Second Reading — adjourned debate**

**Clerk:** Second reading, Bill No. 6, standing in the name of the Hon. Mr. Mostyn; adjourned debate on the amendment, Hon. Mr. Mostyn.

**Speaker:** Minister of Highways and Public Works, you have nine minutes and 13 seconds remaining.

**Hon. Mr. Mostyn:** Thank you, Mr. Speaker.

I would like to begin this afternoon with a little news. Over the last few weeks, we've been meeting with representatives of the aviation industry. We have heard their concern that the advisory committee provision in our legislation was not strong enough. While I had publicly committed to putting this advisory committee in place, and fully intend to do so, the legislation did not commit future governments to that oversight of industry regulation. Industry requested a one-word change that committed future governments to striking that advisory committee.

In the interests of future consultation and making sure that it happens, Mr. Speaker, I am prepared to do that. It is a little change but significant to the industry, so I will be proposing it during the Committee of the Whole discussions. We on this side are always willing to listen, and this has been a tangible demonstration of this commitment.

There has been a lot of misinformation about this legislation, which sparked this amendment. It is time to clear the air a little bit. The Yukon Party opposition said that we were bringing in an airport improvement fee. Members opposite were wrong — utterly and totally wrong. I don't know how that happened. I won't speculate. I really don't know how it came about. Perhaps they didn't read the act or, if they did, maybe they didn't understand it; or they did understand it and they elected to misrepresent its wording to the public. None of these are flattering to my good colleagues opposite, Mr. Speaker.

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

### Point of order

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

**Mr. Cathers:** The Minister of Highways and Public Works has, on several occasions in his recent comments, made reference to accusations and accusing members of this House of deliberate misrepresentation. I believe that is contrary to Standing Order 19(h) and I would ask that you have him retract those comments and avoid them in future.

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

**Hon. Mr. Streicker:** I think the important word here is "deliberate". When my colleague, the Minister of Highways and Public Works, spoke just now, he talked about misrepresentations in the notion of being wrong, not in a

notion of deliberately intending, or anything intentional. He was just talking about the facts being wrong, Mr. Speaker.

### Speaker's ruling

**Speaker:** My sense, with respect to the comments that I have heard this afternoon from the Minister of Highways and Public Works, is that it is a dispute among members, and I don't find there to be a point of order.

**Hon. Mr. Mostyn:** I do know that on or around October 10, they received a briefing on the legislation. They stayed less than five minutes. They didn't ask a single question — not one question, not one concern was raised — nothing.

What is it, Mr. Speaker? What drove those statements? I don't know and I will leave that for history to consider, but the oft-repeated statement whipped up groundless fears among the industry and the public. That's not leadership. That is not constructive. It's not good for society.

The Yukon Party could stand to take some remedial opposition training from the Third Party, which has demonstrated thoughtful and constructive questions in this House over the past 40 days. The Yukon Party said on the floor of this House that we had not met with the Canadian Owners and Pilots Association. They were wrong again. The Yukon Party said we didn't consult with industry. That also is wrong. We spoke with groups and individuals about this legislation many, many times. We distributed the legislation to more than 40 pilots and aviation companies more than a month before it was introduced in the Legislature.

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

### Speaker's statement

**Speaker:** My understanding is that we are still within debate on the amendment. While I understand that the Minister of Highways and Public Works is making what he perceives to be great points concerning consultation, in my view you are straying away from any submissions on the debate with respect to the amendment. I understand the amendment is very broad, but the debate is about the amendment right now. I would ask the minister, if possible and where possible, to confine yourself to the debate on the amendment.

**Hon. Mr. Mostyn:** Mr. Speaker, thank you very much for those remarks.

We are talking about consultation, about whom we consulted with, about where we are going to go, and I will keep my comments to that point. We have received a list of people with whom the members opposite had encouraged us to speak. We on this side of the House are more than happy to do so, Mr. Speaker. We want people to come forward and to talk to us — we are more than happy, and have been and will continue to do so.

Quite frankly, I am proud of the work that the good folk of the Department Highways and Public Works have done on this bill. I am proud of the work of our professional civil

service. When it does consultation, when it does speak to 40, 400 or 4,000 people, which is what it is approaching with cannabis, there will always be someone it didn't speak to — always.

The members opposite have provided a list, and I think that is very helpful. I have referred that to the good folks at Highways and Public Works, and we will consult it in the future, especially when we go forward with our regulations, which will be coming forward once this bill passes the Legislature. We will consider their views and the time they took to form and express them. This government believes in that. Every one of my colleagues supports that approach. It is one of the reasons that there is an advisory committee hardwired right into this *Public Airports Act*.

This government has committed to seeking the views of citizens — to engaging people. We want them to be heard. I think that cuts to the very heart of this amendment that the members opposite have brought forward — to have a standing committee of this Legislature made up of many opposition members — I believe there are six — and five from the government. That is a strange structure, but that is sort of what they are encouraging us to do. I don't think we can support that structure.

I want to say, though, on the point of the standing committee and making sure that we have consulted those people, that, as I mentioned earlier, the good people of Highways and Public Works have listened to an awful lot of people on this bill. They have solicited and they have worked long, hard hours. I could name who they are. They have gone out and have held public meetings and workshops with people. They have actually extended the hours of those public meetings to help industry people come out and actually give their voice to this legislation. They are conscientious, hard-working civil servants who did a job and did it well — according to a plan — stayed late, documented their findings and passed them along.

I find it unfortunate that they are now collateral damage. Slings and arrows fired my way have somehow hurt them in some ways. I feel bad about that, Mr. Speaker.

I state for the record that I didn't want them to be dragged into this political dustup. Taking criticism is my job. I'm prepared to take it. I have broad shoulders and thick skin. I want people to know that people of Highways and Public Works did their jobs well as directed by me.

On the legislation, on the amendment that the members opposite have brought forward, I welcome their thoughts and views on this going forward, but I cannot support their amendment to this legislation, and I look forward to further debate on this bill in this House.

**Speaker:** Is there any further debate on the amendment?

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:** Disagree.

**Hon. Mr. Pillai:** Disagree.

**Hon. Ms. Dendys:** Disagree.

**Hon. Ms. Frost:** Disagree.

**Mr. Gallina:** Disagree.

**Mr. Adel:** Disagree.

**Hon. Mr. Mostyn:** Disagree.

**Hon. Mr. Streicker:** Disagree.

**Mr. Hutton:** Disagree.

**Mr. Hassard:** Agree.

**Mr. Kent:** Agree.

**Ms. Van Bibber:** Agree.

**Mr. Cathers:** Agree.

**Ms. McLeod:** Agree.

**Mr. Istchenko:** Agree.

**Ms. Hanson:** Disagree.

**Ms. White:** Disagree.

**Clerk:** Mr. Speaker, the results are six yea, 11 nay.

**Speaker:** The nays have it. I declare the motion defeated.

*Amendment to motion for second reading of Bill No. 6 negatived*

**Hon. Mr. Pillai:** I think it's worth noting that my colleague informed the Assembly just moments ago that, through good consultation and conversation, he has come to a remedy on challenges that were either accurate or superficial. Whatever it may be, his good work and the department's good work have led to a nice, smooth process as we move into the latter part of this legislation but still, today, I'm perplexed at why the opposition would want to drag the process on. We have heard today — yet that is not really consistent with the motion.

Once again, I apologize to the industry. We certainly want to give them certainty, and again today we see a scenario where, for political gain, we have these antics across the way. Once again, what a challenge that is.

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

**Point of order**

**Mr. Kent:** The Minister of Energy, Mines and Resources or of Economic Development is speaking about antics from today. No members of the Official Opposition have had a chance to speak today so I'm not sure what he's speaking of. Perhaps he can clarify for the Assembly.

**Speaker's ruling**

**Speaker:** If the Minister of Energy, Mines and Resources misspoke and was referencing specifically today, then the minister should — if that's what was said; I can review Hansard — but you can — my mic seems to have gone off — then the Member for Copperbelt South has a point. Like I said, I don't recall whether you said "today".

**Hon. Mr. Pillai:** I apologize if I have caused some undue hardship in the Assembly today.

Just certainly speaking to the fact that we're taking the time to go through this amendment — and maybe I inappropriately termed the amendment, but I guess the point was that we've heard from the minister that there has been resolution. I would think that a positive vote on the amendment would have caused an undue barrier here that we really don't need to see in place. Therefore, the strength put behind that amendment, and the stalwart approach by the opposition to defend that amendment, therefore would delay us getting the work done that was committed to in 1996.

Again, I'm sorry if I misspoke or used terms that were too strong, but what I'm getting at is that we need to get on with the work here.

The Government of Yukon is the only major airport operator in Canada currently operating without the legislative authority to manage activities on airport lands. When the ownership of Yukon airports and airport land was transferred from the federal government to the Yukon government in 1996, it was understood that the Yukon government would develop legislation to govern these airports and the lands — something the Yukon Party failed to do.

It's interesting — we go through Question Period today and we hear the pressures and the concern from the opposition to my colleagues because we haven't solved challenges in 10 months that were in place for 10 years. Yet we're looking at this particular issue, and it's 1996. These nine pages for some reason couldn't be put together since 1996, but I thank the minister for bringing this forward because we want to get this in place.

With this act, the Yukon government will bring certainty to the airports and operators utilizing these airports. The *Public Airports Act* lays the groundwork to grant the authority for administering leases and licences. The act will prohibit a person from conducting commercial activities unless, of course, they are authorized. I think that will be some good work between the advisory group working in conjunction with government to come up with the levers and the processes, and then, of course, we'll have the larger, broader discussion with all the industry stakeholders concerning the regulations.

Both items are governed in a piecemeal approach as it currently stands, Mr. Speaker, and this has led to conflict with industry in the past. Certainly in private business, you strive for certainty. We've had a series of individuals, at least on the economic development file, and certainly — the hat I wear today is taking into consideration that, although we entered government a year ago and had a dismal GDP — now we see the economy charging forward on a number of fronts. Of course, because of that, it's important to have certainty on an economic development standpoint because there is more interest.

We have international interests that have been communicated to us with more carriers looking to come into the airport. Air North is having an absolutely banner season. I think my colleague, the Minister of Tourism and Culture, will

probably talk about the fact that we are in a scenario where hotel occupancy rates were at an all-time high this summer. Cargo is at an all-time high. Because of all of these things, it is important — these companies are going to be looking to expand and they need certainty if they are going to expand their businesses, not the previous multi-faceted, challenging regime that they had to follow before.

When we speak of helping small businesses thrive, we often speak of reducing red tape. This is one means of doing so for those operating in this sector — trying to get this into one act instead of across departments. Part of my mandate is supporting small business and of course we have shown that. Most of these interested groups that have spoken over the last bit, we were happy to reduce their taxes this year by reducing their small business tax by 33 percent of what they would have paid previously under the Yukon Party government.

Specific to my mandate letter as Minister of Economic Development, I have been tasked with working with the Minister of Community Services to identify and work to remove regulatory and service impediments to competitiveness. We have continued to work on that. We were granted by the Canadian Federation of Independent Business a national award, but I also have to commend my colleague across the way from Pelly-Nisutlin, who did a tremendous amount of the lifting on that work for the *Canadian Free Trade Agreement*. Essentially, we were there at the latter hours, but certainly that was something that meets our mandate — the mandate of Economic Development.

The Minister of Highways and Public Works has the mandate to complete a review of the territory's airports and aerodromes, to inform government investments, to enhance economic opportunities and improve community safety. We are working hard to see change and move on our commitments to Yukoners.

This act will resolve some of the impediments of this sector and build on the economy here in the Yukon — the ability to access land, leases and licences through a clear set of rules. I know we have heard concern from the opposition focused on, I believe, the interaction with the City of Whitehorse. I think the comments that were made really talked about consultation and consultation focused, I believe, on conversations between mayor and council.

My experience at the City of Whitehorse is that if you were going through a process on something like this, the technical strength of the City of Whitehorse is fantastic. There are amazing people there. They likely were on the front line of this. I do remember the concern during the official community plan process many years ago, because we had operators over that footprint — that blueprint — of the city near airport activities.

There was great interest in seeing extended services, but also clarity. I know the city wanted to see that and from my conversations, they seem quite happy with this piece of legislation moving forward now. At least on the technical side, I believe it looks to be something that's going to help and I think that's certainly something they'll appreciate.

Our airports and aerodromes are important to Yukoners; we all know that. They allow Yukoners to travel throughout the Yukon and into other jurisdictions. They facilitate economic growth. Many sectors rely on air transport for their success. With the tourism operators — my colleague will likely talk about the long history we have in the outfitting industry and the economic impacts it brings to our territory's supply chain. The mineral industry — of course, when all of a sudden you're looking at the mineral industry where now we have the projected doubling of the expenditure now under this new government, you need to ensure that these smaller operators are getting out there. Now we're also hearing more interest.

I commend the opposition in their support for the flight to Watson Lake. Certainly in my consultation with the Watson Lake community this summer, I had the opportunity to take that route. I do commend the members opposite who were involved in that — likely the MLA for Watson Lake was a big champion of that and others there. Now we're looking to see more of the same as the private sector seems to have interest in going into at least one more community.

The act will put in place the tools to be a stimulus for the economy and we've touched on that. It's key. The ability for companies to expand will be made clear and easier with a growing mineral sector with exploration expenditures increasing as I've touched upon. We'll be happy to see those numbers as they come in.

Again, our government will not increase fees like the Yukon Party has touched upon. That's something that the comment has been made — it's too bad that we've taken all that air time debating something that never was, but certainly it was an interesting strategic approach. We'll see if that's going to be standard on all of our legislation that moves forward. I certainly hope not because I think there's lots of work to be done.

I think it is key to say and I will state it's an interesting fact when on the one hand we have my colleague and the department spending a tremendous amount of time. Our colleagues across the way understand the integrity, the professionalism and the hard work of the Department of Highways and Public Works. Certainly they, in some cases, were previously in a leadership role with those departments and had close working relationships with them. My colleague has worked with them on this file and I think they've done their best. They saw a need. But certainly when we look back at 13 — I counted them Mr. Speaker — 13 separate financial processes and fees that were put in place, and at that particular time, there was never a discussion. As a citizen of the Yukon, I didn't receive something in my mail. I received lots of propaganda of the great things that were being done but I certainly did not receive anything saying that these fees would now be put in place. Maybe I missed it, but I think that, to date, we have heard that those decisions were just made and it was just sort of "get it done".

I commend our colleagues on the way we are approaching these things. I certainly believe that this conversation and the focus that the opposition has put on this conversation have

certainly elevated how consultation and engagement will be done — as we look back over the last number of years.

I look forward to us continuing to move this forward. I think the industry itself — absolutely innovators and true entrepreneurs, whether Air North — you go back to the original couple of people who started that organization and where they have built it — or Alkan — the way they continue to grow — and our other operators out in the communities.

Certainly I think that as we diversify this economy — which is a commitment that we've made and are committed to, whether it's growing an IT sector or looking at our tourism sector — these operators on the tourism side and the ecotourism side will absolutely be key — and, of course, as we see the final building blocks to a very strong, robust resource sector.

I look forward to seeing this act passed and getting on to the next slate of business, hoping that we won't be mired in these sorts of interesting challenges as we move forward — where we end up.

As I stated before — and I was misquoted by, I believe, the Member for Watson Lake — not saying that it's not important to have consultation. What I had stated the last time I spoke to this was — and it was taken out of context, and the Member for Watson Lake had stated that I said that this consultation wasn't important. No, that's not what I said.

We find ourselves today — we have gone through a process. There were good meetings. We have a change of a word — one word. I would think that, if we took a week or two weeks, in every piece of legislation that exists in the Yukon government, we could find a place to improve a word here or there, but certainly we have one improvement.

What I meant was that the number of people we have had a chance to speak to — they had a lot of anxiety about what was stated to them by others, and then they sat down and it was clarified to them that maybe there was some misinformation. Certainly they're not happy about it. They're not happy about the fact that people were reaching out to them directly, because you can imagine — we have heard from a couple of organizations — but there are other organizations that were contacted. They certainly did not want to play a part in any political gamesmanship.

We have watched it for two weeks. Thank you to my colleague for bringing this to where it needed to be, but certainly I think a lot of people have learned about what the next few years will look like.

One thing I've watched — whether it be the Third Party when they were in opposition bringing forward key concerns — I hope the opposition will continue to do that same sort of work, but let's make sure they are key concerns. I don't want to downplay that there are some comments from some of the operators, and I appreciate the fact that we got those forward, but let's not create concerns that are not there, because that is going to be a real misuse of time here over the next number of years. We have a lot of work to do and there are lots of things like this that weren't done since 1996 and that need to be done.

**Ms. White:** I had originally forgotten about what I was going to talk about. It has been a long time since this has first come up for second reading.

I am just going to put this out there. As now a member of the Third Party in my sixth year of opposition, I feel like I am proficient in the position of opposition. I am just going to disagree with the Minister of Energy, Mines and Resources. It actually is the opposition's job to bring forth concerns about wording in legislation, although it pains me to say this right now.

There is great power in words, and it is up to the government to explain and to justify their choice of words in legislation. Given the option, there is more than one act that I would like to open and there are very few words in there that I would like to change, but the effects would be astronomical.

Although it has been an entertaining Question Period since October 3, whether I want to agree or not, it is the opposition's job to ask those questions, although we will have different questions. Mostly my questions will be better answered in Committee of the Whole because they are far more specific.

We had some concerns around whether or not community bylaws and rules would apply to airports. For example, do Whitehorse building codes apply to airport buildings? In recent years, we know that there have been problems about the size of hangars relative to the small size of the lease and setbacks, so those are questions. We want to know if, with 11 different communities, there could be 11 different sets of rules — for example, regarding fire protection. We want to know: If they aren't considered private activities or NGO activities, where do certain organizations fall? For example, is the RCMP considered commercial? Where would they fall in that? What about wildfire — are they commercial or are they NGO? Where do they fall under these guidelines?

We want to know about NGO activities — for example, the Canadian Owners and Pilots Association generously, once a year, take kids for flights. Where would they fall under this? There are different rules and regulations under this.

We want to know, for example, with Energy, Mines and Resources for fuel storage — what is that considered? That's government, but where does it fall under the spectrum of commercial or NGO, as it has been set out?

The questions that we have are going to be better answered in line-by-line where we can actually ask them directly, as opposed to just on a broad overview.

I hope there have been some lessons. I hope we can take a step back and say, "What have we learned in this process?" I am hopeful, for example, that the motion we put in today asking for the *Societies Act* consultation to be extended — based on the fact that, if we want to talk about consultation, how do we make sure that people are feeling consulted? How do we make sure that they are able to participate?

I have questions as to whether or not it was recommended that government put this on hold until the spring. Was that ever part of the briefings? Were there ever concerns that maybe people didn't feel like they had been consulted adequately? Were there discussions around handing out the

draft legislation and actually allowing for feedback? Although I do appreciate that the advisory panel was set up from one of those recommendations, there are lessons here.

Mr. Speaker, I really look forward to debate in Committee of the Whole because we have specific questions that our friends in the aviation industry generously shared with us. They are way more specific, and I am sure they will be easily answered. It is in some cases — for example, in section 4 under “Public airport under authority of Minister”, it almost implies that the minister could shut down or sell airports. I guess that would be under the purview, but we would like the minister to talk about that when we get to Committee of the Whole.

As it is my sixth year of opposition, it really is our job at times to ask questions that maybe the government does not want to have asked. It pains me. It is important to know that it pains me to say that right now, but it is true, because I have asked repeated questions in search of the answer. Although I appreciate the stance from the Minister of Energy, Mines and Resources, I feel that it was a creative use of time. To call it a waste or to call it unnecessary — I am going to disagree with that statement.

I look forward to Committee of the Whole, and I hope that there have been lessons learned in this process because, in the 10 months since being elected, this was the first stand-alone piece of legislation from this government. I am hoping that futures ones may be a little less repetitive from this side of the bench.

Thank you, Mr. Speaker, and like I said, I look forward to Committee of the Whole.

**Hon. Ms. Dendys:** I rise today to speak to the airport bill before us. As Minister responsible for Tourism and Culture, I am pleased to be able to speak to this bill today. Yukon government is the only major airport operator in Canada without the legislative authority to manage activities on airport lands. Not having a coherent governance structure in place has created challenges for the Yukon government in managing airports and creating opportunities for aviation-based businesses to expand. Bill No. 6, the *Public Airports Act*, clarifies government roles and enables government to more readily respond to tenant requests, to manage traffic flow through the aviation facilities and to improve services at Yukon airports.

For me, as Minister responsible for Tourism and Culture, let's talk about why this is so important. I have heard a lot of concerns raised from members opposite about the impact that such an act can have on tourism, and I want to explore some of them a little bit.

Airports aren't just where planes take off and land. They are a place of hope. They're a place of promise of an adventure and an escape from the ordinary. They are where we welcome friends and family with open arms and sometimes have to share tough goodbyes with loved ones. I know that we have all experienced that. That is the place where we let our children go on trips and we leave our families behind with hopes of coming back safely. They are

also where we welcome visitors to our territory — to this wonderful place that we call home — that we love so much. I pointed this out earlier when we debated the amendment, but I'll point it out again because I think that these are important comments.

Even with the Yukon Party fees of 2014 that were done through the *Financial Administration Act* and the imposed fees — again without consultation with Yukoners — over the last five years, air arrivals at Erik Nielsen Whitehorse International Airport have grown by 19 percent. The first-quarter performance is 14-percent higher than the last five-year average — so between 2012 to 2016. That means over 7,000 more passengers arrived in Whitehorse in the first three months of 2017 than in the same period in 2012 and the second quarter is looking even stronger. We'll be in a position to share those figures in the coming months and I look forward to doing that.

We are proud of our strong and growing air arrivals at Erik Nielsen Whitehorse International Airport. Seven of the last 10 years have set records for air arrivals and 12 of the past 17 years have set records for air arrivals. Since 2000, air arrivals have grown by 124 percent. That is almost 94,000 additional passengers and we are without proper legislation in this territory to govern our airports.

These visitors are filled with excitement, having travelled from all over the world to get here and experience all that we have to offer. Yukoners know the importance of tourism to our economy. We absolutely know that and my mandate, Mr. Speaker, is to market and help grow Yukon tourism while protecting and promoting Yukon's rich culture and heritage, its history and diverse forms of artistic expression. This is part of my mandate as the Minister responsible for Tourism and Culture.

In 2016, estimated visitor spending totalled \$303 million with the industry employing approximately 3,000 Yukoners. An average hourly wage for people working in entry-level type positions within the industry is \$21.73. Tourism helps Yukoners find well-paying, family-supporting jobs.

Revenues from tourism also help us pay for the critical infrastructure and social services that we all rely upon. In fact, the time is right to take tourism to the next level, which is a part of my mandate. We are working toward developing a multi-year, goal-oriented strategy to sustainably grow tourism in Yukon. This is going to be a tourism development strategy that includes all of our stakeholders. We are providing opportunities for real collaboration with industry, with communities, with Yukoners and with Yukon First Nation governments.

We are just entering into phase 2. Phase 1 included a roundtable in late July where we had 49 stakeholders come together to talk about this new Yukon-wide strategy. We also discussed it extensively at the recent TIA conference in Dawson at the end of September. We're just going into the second phase of this tourism development strategy where it will include broader public engagement and development.

We're just putting together a stakeholder group to help guide the process along and again capture all the views of our

stakeholders within Yukon to come up with a common vision for tourism development in Yukon. By working together, we can maximize our potential as a competitive travel destination. We all have to work together and we certainly are taking a one-government approach to this development strategy. We can attract more visitors to Yukon, provide more revenues to local businesses and create more good-paying jobs for Yukoners, all while ensuring our growth is sustainable and our shared values are respected.

This is not a small undertaking and in no way would our government ever put something in place that would jeopardize this industry. I stand firm with my colleagues on this side of the House in saying that. That is why it is so critical for the Yukon government to have an important governance structure in place for managing the airport and airport lands. It is essential.

A proper management regime at the airport can facilitate the establishment and expansion of aviation-based businesses in and around the airport. This certainly will help us with the potential growth to help support tourism, the economy and Yukon families.

I look forward to seeing this bill pass and moving forward with the development of the regulations in consultation with the industry. I am confident in the Minister of Highways and Public Works on the next steps in developing these regulations, and that they will absolutely include our tourism partners.

Again, I am confident in the ability of the minister to see this through. I would like to emphasize again a one-government approach — that we will support our colleagues on this side of the House. I would ask that all members of this House take that approach. This is good for Yukon. This good for tourism, and I look forward to Committee of the Whole debate that will come later and to hearing directly the questions that have been posed by members of the Third Party around their specific questions. I think that is a very good opportunity for us to all come together and work together in this Legislative Assembly to make the lives of Yukoners better. I think that is why we are all here.

Thank you very much, Mr. Speaker, and I look forward to the passing of this bill.

**Mr. Kent:** I had the opportunity to speak on the amendment proposed by the Member for Pelly-Nisutlin, but obviously this is my opportunity to speak at second reading with respect to this act.

When we first became aware that this act would be tabled this fall, we reached out to a number of industry organizations and individuals we know — COPA, NATA, some of the larger airline companies and some people who had leases at the airport — just to get a sense of what they thought of the bill, if there were any concerns from them that we could bring forward on their behalf.

As I mentioned previously, the major problem that emerged from those phone calls is that there didn't seem to be an awful lot of consultation. In many cases, individuals whom

I talked to hadn't heard of the *Public Airports Act*. They talked about the system review that the minister's department had undertaken. I think members would know that is the one that recommended the closure of a number of landing strips throughout the territory. There was quite a bit of concern raised at that time from members of the aviation community. They also talked about the Erik Nielsen Whitehorse International Airport 2040 master plan. They thought that perhaps I was speaking about that. Obviously there have been some concerns that emerged with that planning exercise as well, but we are here talking about the *Public Airports Act*. That is where the concerns around the consultation process emerged over the last while.

I think that the Canadian Owners and Pilots Associations Yukon chapter, did a good job in their October 16, 2017 news release of outlining what the consultation looked like on this bill. We have obviously established that there was no public consultation. We have seen other bills that the government has put forward receive extensive consultation. There was normally a news release put out when the consultation was going to begin. Again, that was nothing that we witnessed with respect to the *Public Airports Act*.

There was no news release. There was no opportunity for the public to provide input and there is what I would consider very limited opportunity for the industry folks to provide input. On July 27 — and again, this according to the COPA news release — a senior official from Highways and Public Works contacted the COPA president and said that the government planned to move forward with airports legislation. It was indicated that some open houses were planned in the coming weeks but no dates were specified — and also offered to provide COPA with a dedicated briefing. Four days later, on July 31, there was a response from the COPA president cc'ing the members and other aviation stakeholders saying that a briefing may make sense but that — and in quotes: "It would be helpful to understand what has changed ergo or precipitated the need for the new Yukon airports act legislation", given that Yukoners appear to have done without it to date.

On August 2, the Highways and Public Works officials sent the NWT's *Public Airports Act* and indicated that the government's plan was to mirror the GNWT legislation, save for a few variations. On August 3, the president of COPA sent back an e-mail asking if the government had a draft copy of the Yukon legislation — notwithstanding its intention to mirror the GNWT act — and informing that official that some of their members had expressed concerns already with what Yukon is proposing with this new legislation.

The response to that from the Highways and Public Works official is that the draft is still with Justice and not at the stage it can be shared for broad distribution, but COPA was assured that the government would mirror the GNWT act except as noted in the prior e-mail. He asked for any concerns with the GNWT act to help guide the drafting of the Yukon legislation.

COPA abstained from providing feedback, as requested because members did not feel comfortable providing an

opinion on another jurisdiction's act, but instead wanted to review a draft of the Yukon legislation, one-size not necessarily being the right fit for all.

It was agreed by the Highways and Public Works official to share a copy of the draft Yukon *Public Airports Act* once completed — and said the government would continue drafting based on the GNWT model in the interim. The COPA president, in his release, went on to say that it was understood that there were two open houses on August 3 and 7, but they only learned of them after they had taken place and, again, only the GNWT legislation was available for discussion. The first draft of the Yukon *Public Airports Act* was shared on September 11. It was outlined by the Highways and Public Works officials — some of the key differences with the GNWT act and indicated that COPA should reach out if it had questions. Then, three short weeks later, the draft *Public Airports Act* — or the *Public Airports Act*, as it was no longer draft at that time — was tabled in this Legislative Assembly.

Again, as members of the Official Opposition, we had concerns with the act, the first being that it did allow for the introduction of an airport improvement fee or an airport tax. The minister sent correspondence to two local airlines as well as a letter to the editor saying that they had no plans to introduce an airport improvement fee or an airport tax, and that's great, but the unwillingness of the minister to change the act to reflect that was something that caused us some concern.

The minister mentioned earlier today during his remarks on the amendment that he is changing, I believe, part 6 of the act with respect to the Aviation Advisory Group from a "may" establish to a "shall" — the word "may" to "shall", which is something that I brought up in the House on October 16 when I had the chance to speak during debate on the amendment. We're pleased that the minister has agreed to — when we get to Committee of the Whole, when we get to that clause in the act — make those changes.

Some of the other changes that COPA suggested in the local media were around the section that banned any commercial activity at an airport without licence or permission from the minister. COPA suggested that it was too broad. They also suggested that the section that provides for the appointment of "enforcement officers" — they had problems with that because it put no limit on that role and, again, they wanted to see more clout and a clearer mandate with respect to the aviation advisory committee.

One of the concerns that we have — and the minister did mention earlier that he is making the change to that word, from a "may" clause to a "shall" clause. I would have to check the Blues but, just to paraphrase, I believe he said that the fact that it was only the ability for a government — that the minister "may" establish this airport advisory committee wasn't strong enough, and he said that didn't protect or ensure that it would be done in the future by future governments. I guess our question would be: Why not include some language, then, that would exclude the airport improvement fee? That was something that we pushed the minister on over the past couple of weeks.

Again, we have seen a significant amount of opposition or concern, I guess, with respect to the consultation process that the minister and his government colleagues established with respect to the legislation that we're debating here today. It clearly wasn't adequate, or we wouldn't have had the outcry we had from not only the aviation groups and the bigger companies that are involved with aviation activity here, but also the chambers of commerce, the municipalities, and the City of Whitehorse as well.

Again, it's disappointing that the lack of consultation was so extreme when it comes to this piece of legislation. As I mentioned, the minister's colleagues, on other pieces of legislation, did a good job in consulting with Yukoners, but again, when it comes to this *Public Airports Act*, for some reason, there was little or no consultation that the minister or his Cabinet or caucus colleagues thought to be necessary. I'm sure the outcry and what we've witnessed over the past couple of weeks has changed their mind — I would hope it has changed their mind.

Just to echo what my colleague from Takhini-Kopper King mentioned in her remarks, we too hope that the minister and his colleagues have learned a lesson from this experience when it comes to consultation, especially on a brand new piece of legislation that affects a major industry and a major contributor to our economic success here in the territory.

Obviously we will have some further questions. I'm glad the minister has committed to changing part 6 when we get to Committee of the Whole, because that means we will get into Committee of the Whole and we can suggest at that time some of the changes that we've heard — that some of the industry folks, municipalities and others would want to see done — at that time, so we will have to go through Committee on this particular bill and I look forward to that.

One of the questions that I have had and my colleagues have had — and that people whom we have talked to have had — is: Why the rush with this piece of legislation? Why was there such a protracted consultation time frame when it comes to the *Public Airports Act*? I mean, late July through August and then tabling within almost a two-month time frame of when consultation started with one of our major industry groups to the tabling of this legislation clearly isn't enough time.

Whether it's during his concluding remarks at second reading or whether it is during Committee of the Whole, we would certainly like to ask the minister: Why the rush in getting this through — why not take the time to consult properly on this piece of legislation? It could have been paused or withdrawn and brought back in the spring with perhaps the act complete and the regulations done. Organizations like NATA and COPA and other industry folks, the chambers of commerce and the municipalities could have had their input, and maybe we would have ended up with a stronger piece of legislation. That is what we're looking for. We want to make sure that the legislation that makes it to the floor of the House is given full and fair consideration not only by those who are most affected by it, but also in this case — why not an opportunity for the public to provide advice?

Those who are engaged in the industry certainly would have had some good suggestions for the minister when it comes to what this act should look like, and perhaps we could have ended up with something much better than the GNWT act and the intention to mirror.

It is my understanding that NATA offered the minister, or perhaps it was the minister's officials, the opportunity to put this as a discussion item on their agenda at their spring AGM, which is going to be held here in Whitehorse in the spring. Why not take them up on that offer? I guess it's for the minister and his colleagues to answer, but I can't understand why there was such a rush on this. It wasn't a campaign commitment. It wasn't a signature commitment of the Liberal government. It's very early in the government's mandate. They had time to do this, so if there is a straightforward answer to that, we would certainly be happy to hear it. As I mentioned, it is not only us asking those questions, but it is others whom we have talked to as well.

When it comes to the consultation around this piece of legislation, earlier today, I think, the New Democrats introduced a motion with respect to the *Societies Act*. That is certainly something we can get behind. If they are hearing from societies out there that they don't have the time to provide meaningful and proper input into that act, that is a motion that our party can certainly get behind. Again, at the end of the day, we are looking for complete and solid legislation to hit the floor of this Assembly so that we can debate it knowing that those people have had the opportunity to provide input into it.

I just wanted to end on a couple of points made by members opposite. With respect to the staff at Highways and Public Works — I think it was the Minister of Energy, Mines and Resources who noted that others across this floor have been in a leadership role in that department. I was the most recent Yukon Party Minister of Highways and Public Works, and we have a tremendous amount of respect for the work that the officials do. We didn't have any questions at the briefing for those officials because our questions were for the minister. Our questions for the minister were with respect to the consultation process and with respect to the ability of the government to create an AIF. The hard-working officials at Highways and Public Works certainly follow the direction of those who are in the government — the minister, obviously — and his Cabinet colleagues. We certainly respect everything they do. This is not a problem with what they did with respect to the consultation. It is the minister's responsibility to direct his department.

I am not sure what the process is with the Yukon Liberal government, but caucus and Cabinet colleagues also had the opportunity during the Yukon Party government to review and look at pieces of legislation and the consultations. I would be interested to hear from the minister, either during his closing second reading remarks or when we get into Committee of the Whole, what process the government employed to get to this point and especially to approve the protracted consultation process that he directed his department to undertake.

With that, Mr. Speaker, I will conclude my remarks. Of course, the flawed consultation process that led to the drafting of this act and the act that was presented means that our party will not be supporting this piece of legislation going forward. However, the Liberal government does have the majority in this Chamber, so we will, I assume, get through second reading and into Committee of the Whole where we will have a more fulsome back-and-forth debate with the minister with respect to this piece of legislation that is before us.

**Ms. Hanson:** Mr. Speaker, I haven't risen to speak on the amendment or had the opportunity until this moment to rise on Bill No. 6, the *Public Airports Act*. I just had a couple of observations, having listened for a number of weeks to the back and forth on this. It seems to me that we in this Assembly and those listening to the debate or reading it in Hansard have endured since Bill No. 6, the *Public Airports Act*, was tabled has been a constant litany of "he said" — and, well, just "he said" because there haven't been any females cited with respect to the debate.

I find myself compelled to speak because it seems to me that how the government responds to criticism, whether they think it's justified or not, about the process that has been followed with respect to this bill will really set the tone for the next couple of years. Unfortunately, at the core has been, in a sense, a display of hubris. The minister has chosen to take a relatively straightforward initiative — one that was introduced according to the criteria set out by his party during the last election campaign — that would not have generated the rancour and, most unfortunately, the distrust for consultation processes to be carried out by the departments under this minister and, quite possibly, the government. The Premier and this minister — and, in fact, the whole Liberal team — campaigned on, in retrospect, perhaps an inane mantra of "Be Heard". What was left unsaid was, by whom and to what effect?

The minister took great delight in parading the many and very true failings of the previous Yukon Party government over 14 years — 14 years when that government ignored the true spirit, meaning and means of consultation. It seems to me that the minister and the Liberal government would do well in future — and, to be sure, there will be a need for future consultation on issues that raise more complex and potentially more contentious matters than the putting in place of legislation to deal with the subject matter set out in the *Public Airports Act*.

When the minister or any other minister of this government determines that new legislation or significant amendments to Yukon legislation are required, I would suggest they would do well to — in fact, they should — at minimum be guided by the definition of "to consult" or "consultation" set out in the *Umbrella Final Agreement* in the 11 First Nation final and self-government agreements. That definition is fairly straightforward but, in retrospect, if this government had followed it, we wouldn't be having these protracted — and kind of nasty, at times — exchanges.

“Consult” or “consultation” means “To provide: “1. To the party to be consulted, notice of a matter to be decided in sufficient form and detail to allow that party to prepare its views on the matter; 2. A reasonable period of time in which the party to be consulted may prepare its views on the matter, and an opportunity to present such views to the party obliged to consult; and ...” — and this is very important — ... “3. Full and fair consideration by the party obliged to consult of any views presented.”

By any objective means, this process has failed that definition. This whole debacle in my view has been a classic case of “coulda, shoulda and woulda.” The minister could have had a greater clarity of process. He could have reacted with a touch of humility when it became apparent that the process undertaken to work with various stakeholders was not as robust as he first put forward. He should have dialed back the righteous indignation and should have climbed down from his position that this government had determined that what he had tabled was good for the industry. If he had, Mr. Speaker, he would have avoided comparisons to his predecessors in the Yukon Party, whose single-minded determination was to tell Yukoners — whether it was Yukon businesses, Yukon First Nation governments or citizens — that they knew best.

I too have heard — and, in my case, for almost seven years; December 10 this year it will be seven years, similar to my colleague, the Member for Takhini-Kopper King — that the majority government in power knows what is good for Yukoners. I believe that the government has the opportunity and the duty to consult in a meaningful way on matters that will directly or indirectly affect Yukon citizens, other levels of government in Yukon, businesses and non-government organizations. It is early days. I urge the Yukon Liberal government to avoid going down the rabbit hole of assuming that, once elected, they need only act according to their interpretation of their mandate letters, because, in fact, good government requires action stemming from active listening.

As my colleague, the Member for Takhini-Kopper King has said, we look forward to a detailed discussion of Bill No. 6 in Committee of the Whole.

**Hon. Mr. Streicker:** I would like to begin by thanking the members opposite for their comments about the importance of consultation and referring to it both as an opportunity and a duty, and that we should not assume, by some elected position, that we know ahead of time or that we know better than Yukoners. I agree and I think it is incredibly important that we work to listen to Yukoners, to the industry, to the public, to municipalities — I could read down the list of the suggested stakeholders that the opposition put into their amendment. I think it is incredibly important and I believe we think that.

I’ll speak for a moment to the Member for Copperbelt South’s comments as he was speaking about the process that the opposition undertook. They reached out to industry — great. That is exactly what should happen. They brought forward the concerns of industry. Again, that is excellent. That is exactly what should happen. At the risk of going into “he

said” — and now maybe “she said” — acknowledging that we have heard multiple sides here, the place where I think it started to break down in my opinion is when there were notions that were shared that were not factually correct. That is the challenge. If, in a democracy, when we speak to the public, whether that be industry, business or other orders of government, if we share information that is not correct, we should expect that the response that we get is not productive to a democracy. In this case, it seemed to centre on this notion of airport improvement fees.

The Member for Copperbelt South said that it’s important to know that the industry have had the opportunity to provide input into the act. The word that I focus on is “opportunity”. I think when the Member for Whitehorse Centre was describing the process of consultation under the *Umbrella Final Agreement*, it was articulated that information was shared ahead of time so that there was an opportunity for — in this case, the industry — whether that was the Northern Air Transport Association or the Canadian Owners and Pilots Association to respond. One of the criticisms that came forward was that they didn’t see the act. Well, no, because that consultation or that engagement happened before the act was drafted in order to try to build into the act some of the suggestions that came from the industry. That is what happened.

As a matter of fact — and the minister has stood up and said it — I feel that we have an act that is much better than the Government of Northwest Territories’ act and the reason is because of that input that came from the industry. That part of the process was working.

I think that when the opposition went and spoke with industry, they brought forward concerns. I think that’s an excellent part of the process and I think it is our duty and our opportunity to listen to that input. As I look through that input that came forward, there were some really specific suggestions and those specific suggestions were around the regulations. That’s why I feel it is an excellent opportunity for the Minister of Highways and Public Works to take a step back to consider what can happen. Now, as we’ve heard today, the intention is to bring forward in Committee of the Whole an amendment to strengthen the act. I thank the members opposite for their input on that. I thank the industry for their input on that.

I will talk a little bit more about the airport improvement fee in a second, but I do want to note one of the things that was said in this Legislature on October 16 — and the Member for Copperbelt South was referencing this and it was in response to words that I had spoken on the amendment. I will now quote from Hansard: “... one of the problems I have with that — I was going to speak to it in my main second reading speech — but it is that the minister ‘may’ create this group — why not the minister ‘shall’ create this group? That is what is in the *Economic Development Act* with respect to the Yukon Minerals Advisory Board. It is a mandated board. The minister ‘may’ — that is great, but it already exists, so it is already in place. Why not mandate something like that?” Well, Mr. Speaker, let me quote from the *Economic*

*Development Act*: “The Minister may establish one or more committees to act in an advisory, investigative, or administrative capacity, in connection with any matter related to the administration of this Act.” In other words, the Member for Copperbelt South was incorrect.

I think the Member for Copperbelt South was right on the money in suggesting that the word “shall” is stronger than the word “may”. That is great. That is a strong point. Therefore, we have more certainty if there is the word “shall”. What I am concerned with is, when it was raised in conjunction with my own response to the amendment, a reference that was not correct.

I would also like to talk for a moment about the Member for Takhini-Kopper King’s questions about zoning bylaws. I think that is an excellent question. I know it will come up in Committee of the Whole, but as I read through the act and in my work with municipalities on this topic, the whole point of this is that the airport would be under its own jurisdiction and authority, which would be governed by this legislation, rather than the municipality, which is effectively the point of this legislation. It is to deal with small inconsistencies that exist out there. It is to help move us forward to build a stronger industry, stronger tourism and to promote the history of the Yukon, even in its notion of being an aviation pioneer in the north.

Let me turn, just for a second, to the notion of the airport improvement fee. I think it was in 2015 when the fees got introduced around airports here in the territory, and it came through the *Financial Administration Act*. That is not the best approach to take but, given that it is a possibility, I will acknowledge that. In fact, that it is a possibility — of course, it is already a possibility that any government here could introduce an airport improvement fee under the *Financial Administration Act*. I am not sure what the concern is because: (1) this piece of legislation does not create that possibility because it pre-existed; and (2) we have stood up in this Legislature to say that we will not introduce it. The minister has stated it repeatedly in the public and in this House. That is why I believe that, when some of the concerns got raised by the industry, they were fostered around this notion of an airport improvement fee and we started bringing partisan politics into the industry. That is a place where I don’t want to see it.

I respect that we have it here, but it is very important that the way in which our public, which includes the industry, is informed is fairly. If the notion was that we could bring it in, you might also mention that you could already bring it in. If the notion was that we might bring it in, but then we stood up in the public and said we will not and we were demonstrative about that, then I think that, at that point, it’s important that the industry be fairly informed.

I will agree with the Member for Takhini-Kopper King that words matter. Individual words matter and that is why I look forward to the amendment that I anticipate being proposed by the Minister of Highways and Public Works during Committee of the Whole.

Mr. Speaker, there are four airports and 25 aerodromes under the management of the Yukon government. We have stated that we are going to do a lot of work around airports, and particularly the Dawson airport. It’s really great to get the legislation working for us so that, when we undertake that work, it will be with a good foundation — a good framework.

Mr. Speaker, I appreciate that the Member for Copperbelt South has made a suggestion to the minister about engaging with the Northern Air Transport Association at their AGM coming up this spring. It’s an excellent opportunity to talk about the regulations; in fact, that’s a great time to get at the concerns that the industry wants to address.

My notion here, Mr. Speaker, is going to be about communities and about what those communities have in relation to airports. We have airports in Whitehorse, Watson Lake, Dawson and Old Crow. We have aerodromes in Beaver Creek, Braeburn, Burwash, Carcross, Carmacks, Faro, Mayo, Minto, Pelly Crossing, Pine Lake, Ross River, Silver City, Teslin, and Twin Creeks. I had a look — the Minister for Tourism and Culture talked about the increase in the use of the Whitehorse airport over recent years. I want to talk about the increase in our smaller airports and aerodromes around the territory — in our communities, Mr. Speaker. Mayo has seen an increase this year over last year of 65 percent; Dawson, a 52-percent increase; Old Crow, a 65-percent increase. In aggregate, Mr. Speaker, all of the community airports and aerodromes have seen a 36-percent increase in one year. That’s a lot of pressure, that’s a lot of economic activity, that’s a lot of opportunity, and it’s important that we get the foundation of how we govern those airports and aerodromes right.

Mr. Speaker, I said before that this legislation is a framework and a lot of the detail will be worked out in regulations. I look forward to Committee of the Whole where some of those questions will be posed and answered. But I want to say again that, overall, it is important that we listen to Yukoners and I appreciate the opportunity that the opposition has provided by speaking with the industry to bring back more interest and concerns.

I am now going to speak on the notion of communities and the relationship of Community Services and our municipalities to this important industry.

Yukon government operates and maintains airports and aerodromes that facilitate economic growth and provide essential services for our communities. Year-round air transportation plays a major role in the movement of people and goods throughout the Yukon. As such, safe and efficient air transportation infrastructure is critical to the economic and social development of the territory. For example, the Old Crow Airport is vital to the community because it is the one community in the territory with no road access. Beyond developing a winter road every few years, everything that the community needs — groceries, fuel, building materials — must be flown in.

Airport and aerodrome users include private, government and commercial carriers using fixed-wing aircraft and helicopters.

All of the facilities and employees or contractors at airports and aerodromes support the responses to individual and community emergencies, including medevacs, RCMP, wildland fire management, community evacuation, and search and rescue.

Yukon Emergency Medical Services — from here, Mr. Speaker, I'll use the term "EMS" — are essential partners in the territory's health care system. They work with Health and Social Services, the Yukon Hospital Corporation and a number of other allied response agencies to ensure that citizens of, and visitors to, Yukon receive safe, medically appropriate and timely transport to medical care. Yukon EMS conducts more than 870 medevac flights each year. In 2016, these included about 380 in-territory flights and about 490 flights between Yukon and health care facilities in the south. Medevac services are an essential element in Yukon's emergency response and health care strategies. Regardless of the weather or the hour, access to designated aerodromes in communities that are more than a 90-minute drive to a hospital is essential to developing timely and effective patient care.

Yukon EMS operates out of 17 stations in 16 Yukon communities. In Old Crow and eight other communities, air medevac offers the best options to move the sick or injured to where they can receive the medical care they need. In addition, when services are not available in Yukon, medevac services transports patients to health care facilities outside the territory so that Yukoners can benefit from specialty services or specialized facilities.

To facilitate 24-hour emergency air and medevac access, aerodromes must have certified weather observers or automated weather observation equipment to provide aircraft operators with reliable weather data. In Dawson, Watson Lake, Mayo and Whitehorse, flight operations are supported by a 24-hour human weather observation program and a staffed flight service centre. In other community aerodromes, flight crews are reliant on contract community aerodrome radio station operators to provide these services.

The medevac air carrier also requires runway surface condition reports before they know that it is safe to use a specific runway. Flight crews are also reliant on contract community aerodrome radio station operators to provide the services. Night operations and snow-clearing operations are not uniformly available at all community aerodromes. In addition, runway surfacing and length are not consistent across the territory. It results in some aerodromes being designated as day medevac only and others being considered unsuitable to support medevac operations. In such cases, medevac patients are transported by road to the next closest aerodrome.

I have heard from many communities that they are interested in expanding services within their community airport or aerodrome. I have had many conversations. I was just asked recently to count up how many community visits I have made and, as of this weekend, it is 51 in not quite a year. In going to those communities, I have talked with many of them. When members opposite said they were concerned that

our communities or municipalities had not been heard, I took it upon myself to start to reach out again to those communities in visits. I have had several conversations. There are some questions and I appreciate that it is imperative that we listen to those concerns and address them.

So far though — and this includes the Village of Haines Junction this past weekend, Kluane First Nation from this past Friday and just today talking with the Mayor of Whitehorse — I do not have concerns that have been raised. There are still some outstanding questions and we will seek to answer those as expeditiously as possible, but overall, my experience in speaking with municipalities is that they are looking forward to the changes that we are proposing.

Again, I appreciate from the members opposite that dialogue with Yukoners is critical and important and I appreciate the opportunity that they have provided by bringing forward their concerns.

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

Does any other member wish to be heard on debate of this motion for second reading?

**Hon. Mr. Mostyn:** I am happy to close debate on second reading of this *Public Airports Act* this afternoon. It has been an important discussion about an important bill. This has been a tremendous debate in the House and in the community. The aviation community was clearly nervous about this legislation. They wanted assurances they would be heard and that their comments would be heard. Today I announced that, after many conversations with the industry, we have found a solution that gives it some comfort in the legislation and the coming drafting of regulations. Industry proposed to make the advisory committee named in the legislation mandatory. This is a committee that I was committed to striking. I believed from the outset that it would give users of the Whitehorse International Airport a say in the running of their airport. I committed to striking that advisory committee and I fully intend to strike that committee.

Industry wanted more assurance. They told us they wanted that committee to be mandatory. Representatives told us they wanted the legislation to remove any wriggle room. That was all right with me, Mr. Speaker. I was happy to reassure the industry with more certainty. So we will be bringing forward a one-word amendment to our legislation in Committee of the Whole to ensure that the needed advisory group is called into being by our government and future governments.

This amendment is supported by representatives of the aviation industry. That is what they've told us. They've said that change and our willingness to do it gives them confidence in the *Public Airports Act*. So that is great news for the industry, that is great news for the territory and that is great news for the public because the Yukon is currently the only jurisdiction in Canada without a public airports act.

We took over responsibility for airports in 1996, almost 22 years ago, and we have no clear rules. This affects many

people in the community. People want to know how to buy advertising at the airport. It's not clear. There are no regulations or rules around that. People sort of scratch their heads and they don't know what to do. They can't actually act. They want to know the rules around displaying art and historic objects. It's not clear, Mr. Speaker. We can't tell them what those rules are because there are no clear regulations or any accountability for that. It's difficult to manage a facility with no clear legislation.

There are a few other things as well. If an airport land user damages infrastructure, Yukon government has no ability to recover the costs of that damage. If an air carrier decides they want to change their flight schedule, the Yukon government has no accepted authority to tell the air carrier when they can use the airport terminal building or not. This has resulted in overcrowding the airport terminal building and higher staff costs. It's an unheard of approach to running an airport in Canada. I could go on. There are lots of examples and I'm more than happy to share them with members opposite as we go forward.

For decades now, we have managed these critical pieces of infrastructure in an ad hoc manner — sort of “MacGuyvered” the rules to suit whatever is happening at the moment. It has been inconsistent. It has been unclear. Industry hasn't known from one day to the next which rules apply. You ask one guy one thing, he tells you that. The next day, you ask Brenda something else, and she gives you a different answer. There has been no consistency. So this government decided it was time to fix that.

The Premier has asked me to review airports to inform government investments and to enhance economic opportunities and improve community safety. Well, the goal is to invest in airports. The goal is to enhance economic opportunities and the goal is to improve community safety. The member to the right of me has gone into some of that. So imagine my surprise to discover there was no clear, concise legislative tool to allow me to fulfill my mandate — none.

Airports were managed through the — here's an example, Mr. Speaker. This is going to be confusing, but I'm going to go through it. Airports were managed through the *Lands Act*, with delegated authority from EMR. There was also delegated authority through the *Motor Vehicles Act*, with delegated services from Community Services before it was amalgamated to HPW. It was also managed through the *Highways Act* and through Management Board directives enabled through the *Financial Administration Act*; however — and this is important — the delegated authority through Energy, Mines and Resources and Community Services was not a legal delegation.

When the government amended the *Financial Administration Act* in December 2014, we no longer had authority to manage our airports. The Yukon government had to put everything on hold — leases at the airport, for example — until the government could re-establish its authority over airports. In December 2014, the fees in place because of a Management Board directive needed to be made into regulation. The Department of Finance quickly enacted a

transitional regulation under the *Financial Administration Act* to reauthorize the fees. Amendments to the *Financial Administration Act* also meant titled land at the airport was no longer under the *Lands Act*. A public property regulation was quickly cobbled together to manage all the airports on titled land. Later a legal delegation was completed under the *Government Organisation Act*. That gave the minister the authority to manage untitled airports still under the control of the *Lands Act* or the *Territorial Lands (Yukon) Act*.

I think you get the picture, Mr. Speaker. This was a mess. It is a mess today. This government — this Liberal government — wants to fix airports. It wants to make them better. It wants to improve them. It wants to invest in them. Well, can you imagine? This is critical infrastructure to the territory and we have no way to manage them right now — or not a clear way. We can sort of do it and hope it all works out, but it is not working out well and I have heard that from industry for eight months now. It is not working. They don't know from one day to the next what is going to happen. We have to bring some consistency and rigour to the management of these critical pieces of our territory's infrastructure that is so important to our society and to our economy.

It is a little bit like — we can build highways, Mr. Speaker — to bring it home for people. We can build highways, no problem, but without a *Highways Act*, you cannot manage that highway infrastructure. Without a *Highways Act*, people could build on-ramps or throw signs up wherever they wanted to. We don't allow that, but we are currently allowing that at our airports. That really has to end. We need more rules and industry has expressed to us that they were skeptical. They were nervous and that is part of this whole thing. They don't have a lot of trust in government. We have heard that. I have heard that for the last eight months, and I want to build trust with the industry. I want to build trust with the critical players in this very important economic and societal driver in the territory. When they reached out to us, I was more than happy to provide a mandatory committee that they can use to oversee the regulations — the rules that will govern this critical piece of infrastructure — and give them a say in that process. I think that is very important, Mr. Speaker.

The opposition has raised some great points this afternoon and I really thank them for it. The Member for Takhini-Kopper King, the Member for Whitehorse Centre and the members of the Official Opposition have brought points forward, and I do appreciate that. I really do. I think this House works best when we get questions — when we are challenged — and we have to justify what we are doing and why we are doing it this way. That's how this government becomes sharper and I welcome their questions. There were a lot of specific questions from the Member for Takhini-Kopper King and I think she has some great questions there. I look forward to discussing this in Committee of the Whole and getting her some good answers to the questions that she has.

I have some answers already that I would like to bring to the House that I think are important. Already, we have had some questions, but we have had some answers as well. There will be no airport improvement fee. People have asked if there

will be and there will not be. We have stated that publicly and we have put it in writing.

There will be an advisory committee. That advisory committee will be struck. It will advise us going forward as to how the regulations or what the content of the regulations are and how they are drafted. We are going to pull them together in consultation with the public and we're going to engage the public and the user groups to make sure that those regulations roll out smoothly. There will be an amendment to this legislation to make that advisory committee mandatory into the future. This legislation is a framework. It's about four and a half pages long when you take the French translation into account. There will be consultation and engagement on those regulations. I have stated that already.

There is a lot more work to be done. I have no doubt about that. I think this is important legislation for this government to get into place so that we can actually start on the important improvements that the aviation industry needs in this territory. I have heard loud and clear from industry about some of the things that they require. We're talking about changes to the way Dawson operates. We have heard about Mayo. We know we have a scheduled service now to Watson Lake through Alkan. This government needs the tools to effectively manage these critical pieces of community infrastructure.

I thank the House for their feedback on this and I look forward to debate in Committee of the Whole.

**Speaker:** Are you prepared for the question?

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

**Speaker:** Mr. Clerk, please poll the House.

**Hon. Mr. Silver:** Agree.

**Hon. Mr. Pillai:** Agree.

**Hon. Ms. Dendys:** Agree.

**Hon. Ms. Frost:** Agree.

**Mr. Gallina:** Agree.

**Mr. Adel:** Agree.

**Hon. Mr. Mostyn:** Agree.

**Hon. Mr. Streicker:** Agree.

**Mr. Hutton:** Agree.

**Mr. Hassard:** Disagree.

**Mr. Kent:** Disagree.

**Ms. Van Bibber:** Disagree.

**Mr. Cathers:** Disagree.

**Ms. McLeod:** Disagree.

**Mr. Istchenko:** Disagree.

**Ms. Hanson:** Agree.

**Ms. White:** Agree.

**Clerk:** Mr. Speaker, the results are 11 yea, six nay.

**Speaker:** The yeas have it. I declare the motion carried.  
*Motion for second reading of Bill No. 6 agreed to*

### Bill No. 9: Act to Amend the Pounds Act (2017) — Second Reading

**Clerk:** Second reading, Bill No. 9, standing in the name of the Hon. Mr. Pillai.

**Hon. Mr. Pillai:** I move that Bill No. 9, entitled *Act to Amend the Pounds Act (2017)*, be now read a second time.

**Speaker:** It has been moved by the Minister of Energy, Mines and Resources that Bill No. 9, entitled *Act to Amend the Pounds Act (2017)*, be now read a second time.

**Hon. Mr. Pillai:** It is my pleasure to introduce Bill No. 9, *Act to Amend the Pounds Act (2017)*, for the Legislature's consideration. The *Pounds Act* provides a legislative framework to address the issue of stray livestock in the Yukon. The act sets out what responsibilities that livestock owners have, what offences livestock owners can face if their animals stray, and what processes must be followed when an animal is impounded.

The *Pounds Act* is closely aligned with both the *Highways Act* and the *Animal Protection Act*. Recent changes to these two acts have caused parts of the *Pounds Act* to become obsolete, conflict with other legislation, or create a gap in service.

Following updates to the *Highways Act* and the *Animal Protection Act*, the departments of Energy, Mines and Resources, Highways and Public Works, and Environment came together to determine which areas of the *Pounds Act* would need updating. A few of these amendments in this bill stem from the interdepartmental work, while other amendments came from suggestions we received on how to improve the operations and administration of stray livestock management, and from work that was completed to identify parts of the act that were outdated, complicated and unclear.

Once we had an idea of what changes the *Pounds Act* would need in order to be current and consistent with other legislation, we invited comments from Yukon First Nations, municipalities, local advisory councils, the public and stakeholders — including the Yukon Agricultural Association, Growers of Organic Food Yukon, and the Yukon Outfitters Association — from July 11, 2017 to August 11, 2017. We received a number of valuable suggestions and feedback.

We have incorporated the feedback received into this bill. In many cases, the suggestions were already part of our draft bill, which was great to see. We received some suggestions that were more operationally focused, like what criteria should guide the hiring of staff responsible for livestock management, and these suggestions will be incorporated into a review of our operational guidelines.

Before I go into more detail about the amendments that we're proposing and what problems they will solve, I want to take a moment to thank everyone who has provided input and feedback. I want to thank those who responded during the consultation process as well as the departments of Environment and of Highways and Public Works, and ministers from the previous government across the way for their help early on in determining what parts of the *Pounds Act* would need updating.

Agriculture is an important and growing industry in Yukon. Updating and streamlining the *Pounds Act* will help us reunite stray livestock and owners faster and more efficiently. The amendments will also reduce the dangers that stray livestock can pose to the public when they are loose.

When the *Highways Act* and the *Animal Protection Act* were updated, parts of the *Pounds Act* became obsolete or created a gap in service. One of these gaps is the definition of “animal”. When the *Highways Act* was amended, the list of species considered animals under the act was expanded, but the list under the *Pounds Act* was not. This meant that a stray animal that was captured under authority of the *Highways Act* might not be able to be legally impounded under the *Pounds Act* because it would not have been considered an animal under the *Pounds Act*. In developing this bill, updating the definition of “animal” was a priority. Our new definition of “animal” is a reference to the definition in the *Highways Act*. This will ensure that the *Pounds Act* and the *Highways Act* will have consistent definitions of an animal in the future.

Another problem we faced was the very limited pound districts in the Yukon. The *Pounds Act* currently only has jurisdiction to respond to the reports of stray livestock in two areas on the outskirts of Whitehorse. This means that the *Pounds Act* does not have the jurisdiction anywhere else in the territory, which creates significant operational problems. We have included an amendment to expand the jurisdiction of the *Pounds Act* to encompass the whole territory, essentially creating one Yukon-wide pound district. This will ensure that we have the jurisdiction to respond to reports of stray livestock and enforce the act across the territory.

Right now there is one pound facility in Whitehorse where stray livestock can be impounded. The act will retain the ability to create additional pound facilities anywhere in the Yukon when we find that another facility is needed. Right now there is a regulation under the *Pounds Act* that defines the two established pound districts. Since we are expanding the act’s jurisdiction and creating one Yukon-wide pound district, we are also repealing this regulation.

I should note that the *Pounds Act* is considered to be a law of general application. This means that it applies on First Nation settlement lands until the First Nation passes its own legislation for livestock control, at which time the *Pounds Act* will no longer apply.

We are committed to working with First Nations if and when they choose to pass their own legislation.

Another amendment we are making to the *Pounds Act* is removing the ability for contracted pound keepers to issue tickets or enforce the act. These contracted workers are not public servants and do not have any ticketing or enforcement training. This creates significant risk and liability to the Government of Yukon.

We are changing the enforcement officer under this act from the pound keeper to a position called the livestock control officer. The officer or officers appointed to enforce the act will be public servants and will have the ability and training to issue tickets and enforce the act.

The position of pound keepers will not be eliminated, but they will be under the direct supervision of the livestock control officer. Their duties will be restricted to caring for the impounded animals and maintaining the pound facility. The pound keepers will not be recognized as designated enforcement officers under the act.

The only way to identify impounded animals under the current *Pounds Act* is by tattooing the animal. This is dangerous for both the animal and the staff member and it is often unnecessary with improved technologies. In this bill, we are revamping the requirements for the reporting and recording of information about impounded animals, including how those animals are identified. We took some provisions out of the *Pounds Act* regulations and replaced the relevant sections of the *Pounds Act* with a simple streamlined list of information that must be recorded. Identification of the animal will no longer occur through tattoo, but instead by photography or some other way to capture the unique characteristics of the animal. Livestock owners can often recognize their animals, further supporting the decision to remove tattooing.

One of the goals we had in amending the act was to simplify it. We’re repealing the regulation that defines the two existing pound districts since we’re going to create one Yukon-wide pound district instead.

There is another regulation under the *Pounds Act* called the pounds regulation. This regulation contains provisions that are more operationally focused, such as what information needs to be reported, how animals can be identified when they are impounded and what forms need to be filled out. Once we updated the information that needed to be recorded about impounded animals and took out those sections from the regulation and once we eliminated pieces of the regulation that outright conflicted with the act or amendments, we were left with only a set of forms. These forms were very outdated and had not been used in a very long time. To help us simplify and streamline the act as much as possible, the bill will repeal this regulation as well. We have a few other amendments to the act that update and modernize the language used. These updates clarify the act and make it easier to understand and enforce.

In closing, I would like to thank everyone who participated in the process of updating the *Pounds Act* and I am confident that the new legislation will contribute to animal welfare and public safety in the Yukon for years to come. A special thank you to the Agriculture branch — they have done a fantastic job.

I hope we will have further discussion on engagement and consultation on the work that they have done. I certainly really appreciate the preparation and the detail that they have taken into consideration and look forward to a robust dialogue this afternoon on the *Act to Amend the Pounds Act (2017)*.

**Mr. Cathers:** In rising today to speak to these proposed amendments, I just want to begin by noting that, as the minister is aware, I wrote to him in August requesting an extension to public consultation on this legislation. The

concern that I expressed at the time, and will again reiterate today, is that a 30-day public consultation, especially when that consultation is in summer, people generally tend to be busy. For farmers specifically — the people notably who would most likely be affected by this legislation — that is a time of year when almost everyone in the farming industry is busy. It is poorly chosen timing if government is actually interested in ensuring that those people will be heard.

At the time when I wrote to the minister, I expressed concern that there did not appear to have been a press release issued on this legislation or, if so, there certainly did not appear to be one uploaded to the website. There were a number of people who were not aware of these proposed legislative amendments moving forward until I happened to stumble across the information on the Department of Energy, Mines and Resources website indicating there was consultation underway. I shared that widely via social media to people who advised me that they had not been aware of it, in most cases, before they saw that post.

In looking at the content of the legislation, at this point, I would note that I do not see any issue with the content that I am aware of and have not heard any specific concerns from industry, but that being said, the very important caveat on that is that timing-wise, the Yukon Agricultural Association, Growers of Organic Food Yukon, Yukon Outfitters Association and other organizations representing those who might be affected by this legislation and who have animals that this legislation deals with, the fact that those organizations received it at a time when most of their membership is busy, severely limited the ability for them to receive input or for those people to comment directly. I would hope that members of the government would be aware that for people in the private sector, when it is the busy season and they are focusing on the time of year where they either succeed in making a living or don't, very few of those people have a lot of time to pore through government legislation or discussion documents, think about it, analyze it, assess it and give it sober second thought. Many are left in the situation where they have no time to consider the proposal or, at best, look at it for a few minutes in between trying to put supper on the table and get ready for the next day earning a living farming.

I will quote from the letter that I wrote to the Minister of Energy, Mines and Resources for the record. I will also table a copy of that so that those who don't have it are able to refer to it in the future.

I would just note the letter I wrote to the minister on August 10, 2017 regarding public consultation on proposed changes to the *Pounds Act* and the *Highways Act*. I am quoting from that letter: "In July, a discussion document was posted on the Department of Energy, Mines and Resources website requesting public comments on proposed changes to the *Pounds Act* and the *Highways Act*. The deadline for public comment is currently the end of this week.

"In my opinion, the timing of this public consultation period was poorly chosen, as most farmers and other livestock owners who might be affected by the proposed changes tend

to be very busy during summer months. This public consultation was not announced with a news release, and has not been well advertised. In fact, most of the people I have shared the discussion document with have told me they had not previously known legislative changes were being considered.

"The purpose of this letter is to respectfully request an extension of the deadline for public input by at least one month, and to ask that more efforts be made to make Yukoners who may be affected by these proposed changes aware of the public consultation so they have a chance to provide their input."

"Sincerely" — myself. That was also cc'd to the Minister of Highways and Public Works.

Now, I do acknowledge I did receive a reply from the Minister of Energy, Mines and Resources. It was a very polite and cordial reply, but it was the wrong answer and I do need to note that for the record. I will just, as well, table this letter at this point.

So I will, with some reluctance, be supporting the legislation. The policy content appears to be sound. I appreciated the information provided by officials and also acknowledged that the consideration around the length of public consultation would be a decision made at the ministerial or Cabinet level, not a decision made by those officials. I appreciate the work that they have put into this.

Again, at this point, I am not aware of any policy issues at this point in time with the legislation, but the fundamental issue that I'm raising with the government is the fact that when consultations are rushed and the people whose animals and livelihoods stand the greatest chance of being potentially affected by legislation — if government chooses to rush consultation through, there may be the intention on the part of government to not do anything that negatively impacts those people, but the reality is that what the government may be aware of, what departments may be aware of, what the minister may be aware of and what is actually the situation on the ground may or may not be identical. So if people are not given a reasonable amount of time to consider potential impacts, positive or negative, to them as a result of proposed legislation, there is the risk that, even with good intentions in what government may genuinely see as a largely housekeeping matter, there is the risk that there could be unintended consequences or problems as a result of pushing that through.

So again, I'm not going to spend too much time here in debate. I do recognize that it may not have been entirely up to the minister around the timing of this legislation if it was a decision made by Cabinet to put this on the fall agenda. But again, I do have to note that, of the two pieces of legislation we're discussing today — the *Public Airports Act* earlier today and, in this case, amendments to the *Pounds Act* — in both cases, there were no news releases issued announcing public consultations.

To give the Minister of Energy, Mines and Resources credit, unlike the situation we saw with the Minister of Highways and Public Works, it appears that the Minister of

Energy, Mines and Resources did consult with stakeholders and did genuinely reach out to them, have officials sit down with them in a respectful and informative manner, and I have heard no complaints or criticism from any of those stakeholders about the manner in which those officials from the Agriculture branch engaged in talking to them about those points. In fact, the only feedback I've had from stakeholders about the work of officials in this case is that it was informative and helpful to them in understanding what would occur.

I would just again conclude my comments by encouraging the government to reconsider what appears to be a recent practice of not issuing press releases to announce public consultation on legislation and would encourage them in future — in the interest of fulfilling their platform commitment to Yukoners that they “Be Heard”, as well as in the interest simply of good consultation process, to issue a press release every time they are looking at legislative changes that may affect Yukoners, other than — I would give an example of the changes to the *Income Tax Act*, which have been tabled in this Assembly and very clearly are housekeeping in nature and have no substantive policy impact on any Yukoners.

I would note that, in this case, there is the risk that there are consequences that neither the minister nor I are aware of at this point in time, simply due to the pace at which this was proceeded with. I would note — since earlier today there was some fairly heated rhetoric about public consultation — that, while I am being critical of the government's approach in this case, I would encourage the minister to take the comments to heart and to simply, in future, issue press releases about proposed changes to legislation under his area, as well as encourage all other members of the Cabinet to do the same in their areas and recognize that, even if it is an issue that they think is relatively mundane, the practice of issuing a public release and posting it online to inform citizens about it increases the chance that people can be engaged and avoid any unintended negative consequences as a result of people not being well-informed.

With that, Mr. Deputy Speaker, I will conclude my remarks and note that, with reservation because of the pace of this consultation, I will be supporting this legislation.

**Ms. White:** Today I am speaking to Bill No. 9, entitled *Act to Amend the Pounds Act (2017)*, on behalf of the Third Party. We would really like to thank the officials for the amount of documentation and information they brought to the briefing. It was thorough. We were shown their survey and the questionnaire, as well as how this would be affected and what other pieces of legislation it was tied into. I do hear what the Member for Lake Laberge has said about consultation time, which brings me back to the *Societies Act* amendments.

I think that when we're doing consultation, it is important to look at our target audience, as pointed out by the Member for Lake Laberge. If we're talking to farmers, maybe summertime is not the best time, nor is maybe 30 days adequate, although I too have not had anyone respond and say

that they're upset about this. I look forward to these changes just to allow highway travel to be safer — making sure that livestock aren't on the roadways — and it gives the ability for them to be moved.

I have very few questions for Committee of the Whole. I thank the department, and especially the officials who attended the briefing, for their thorough and comprehensive explanations. I look forward to questions in Committee of the Whole.

**Hon. Mr. Mostyn:** I rise today to speak to Bill No. 9, an *Act to Amend the Pounds Act (2017)*. The Yukon government is amending the *Pounds Act* to ensure that it is consistent with the *Highways Act* and the *Animal Protection Act*. We want a modernized, simplified act to improve our ability to reunite stray livestock with owners across the territory. The *Highways Act* was amended in 2013 to improve management of Yukon's highways and to help Highways and Public Works focus on its core business of looking after nearly 5,000 kilometres of maintained roads. The *Highways Act* prohibits livestock owners and caretakers from allowing their animals to run at large on public roads. Amendments to the *Highways Act* included improving the description of the minister's responsibilities and liability in relation to highway maintenance and stray livestock as well as the ability to appoint enforcement officers.

These amendments clarify that Highways and Public Works is not liable for livestock on Yukon's highways. The amendments also changed the definition of “animal”. The new definition updated the list of livestock that we want people to keep fenced and out of the path of motorists. The old definition used outdated terms such as “neat cattle” and “jacks” and left out some big animals, such as llamas, that have been brought to the territory in recent years. Although sorely needed, this updated definition led to inconsistency between the *Highways Act* and the *Pounds Act*. Amendments to the *Pounds Act* rectify this inconsistency.

Addressing the problem of stray animals on highways to ensure the safety of the travelling public is the responsibility of several departments. Energy, Mines and Resources is responsible for stray livestock capture. Highways and Public Works provides related financial and administrative support and facilitates the appointment of livestock control officers. These amendments create the role of livestock control officer and allow the agricultural development officer to be designated as a livestock control officer. Once the *Pounds Act* amendments are in force, Highways and Public Works will be able to appoint those livestock control officers as enforcement officers under the *Highways Act*. Appointing livestock control officers will allow for more effective management of feral horses and stray livestock on Yukon highways, ensuring the Yukon government can effectively address this important safety concern for motorists.

Mr. Speaker, I am pleased to support the introduction of Bill No. 9, *Act to Amend the Pounds Act (2017)*, ensuring that our legislation is up to date, clear and modern, and that it does the job we need it to do, which is good practice and a priority

for our government. I look forward to hearing what others have to say about these amendments, if anything.

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

Does any other member wish to be heard?

**Hon. Mr. Pillai:** I appreciate the feedback on this important work. I appreciate the feedback and words of advice from the Member for Lake Laberge on this topic, and I take to heart the comments. Growing up in a farming environment, I certainly understand that July and August tend to be times when things can be busy and it's a key point of the whole year. In the Yukon, that also rolls into September because of, in some cases, our later harvest for some, and that would be for individuals who are harvesting and also have livestock.

We have had a lot of discussion concerning consultation engagement, so I think it's important for the record to just touch upon whom we have reached out to and spoken with, as we have crafted this information.

Just to read in, I think it's important for Hansard to have that in place. Our consultation engagement summary, we reached out to Carcross/Tagish First Nation, to Champagne and Aishihik First Nations, to the First Nation of Na Cho Nyäk Dun, Kluane First Nation, Little Salmon Carmacks First Nation, Selkirk First Nation, Ta'an Kwäch'än Council, Teslin Tlingit Council, Tr'ondëk Hwëch'in, Kwanlin Dün First Nation, Ross River Dena Council, Liard First Nation and White River First Nation — all 14 Yukon First Nations. I may have missed the Vuntut Gwitchin First Nation.

For municipalities, our engagement included the City of Dawson, the City of Whitehorse, the Village of Carmacks, the Town of Faro, the Town of Watson Lake, the Village of Haines Junction, the Village of Mayo, and the Village of Teslin.

For our local advisory councils, it included that Hamlet of Ibex Valley, the Hamlet of Mount Lorne, Marsh Lake Local Advisory Council, South Klondike Local Advisory Council, and Tagish Local Advisory Council. For stakeholders — also the Yukon Agricultural Association, which the member opposite referred to, the Growers of Organic Food Yukon, the Yukon Outfitters Association, and the general public.

Mr. Speaker, how did we do this? The discussion document was mailed to all 14 Yukon First Nations, eight municipalities, five local advisory councils, and stakeholders — which included the Yukon Agricultural Association, Growers of Organic Food Yukon and the Yukon Outfitters Association — and then the document was also put online for the general public.

Maybe it was missed by the Member for Lake Laberge, but advertising was completed through newspaper ads and on social media, including Facebook. Information was posted on the Energy, Mines and Resources Agriculture branch website.

The responses that we received through that robust consultation were received from the Yukon Agricultural Association and its members, Growers of Organic Food Yukon and its members, the City of Whitehorse, the Town of

Faro, one council member from the Village of Mayo, Tr'ondëk Hwëch'in First Nation, and the Yukon Wild Sheep Foundation, which is a sub-member of the Outfitters Association and therefore had also responded. It gave us that definitive information that the outfitters had done a great job, and I thank them for passing that on. Then we had two members of the general public.

I am more than happy at a further point to go into the responses we received. We only received one request for an extension and the only request was from the Member for Lake Laberge. Nobody else requested an extension. I know he said it was wrong, but I think we were — I take the words of guidance about longer consultation, but certainly the only stakeholder was the Member for Lake Laberge who wanted an extension. I hope that through his dialogue with the Yukon Agricultural Association, which I spoke with this morning — and I know he had some good chats with them — the Member for Lake Laberge is comfortable with what we have completed.

I also spent the last two weekends in the Member for Lake Laberge's riding meeting with multiple stakeholders and some of the citizens there. I know that there was one of the constituents of the Member for Lake Laberge who had some concern — and then called me afterward and wanted to ensure that the individual's voice was heard and had reached out to the MLA. I know the MLA is in a tough position because, as I believe the comment was, the hands were tied. I assured them to certainly feel free — the member can always write me a letter and reiterate it, but I said I would take the comments from that constituent myself and ensure that I take those forward.

I think that we have done a good job in ensuring that all voices — and certainly the time, whether it's sitting and chatting with somebody at Takhini gas station in the café with people who are there or stopping in from farm to farm in the riding of Lake Laberge, which is really the epicentre of agriculture in Yukon. You get a really good understanding.

I think we have done a good job of speaking with all involved, and I look forward to our work in Committee of the Whole. Sincerely, if there are points — because there are some members opposite that are — I have said at the Yukon Agricultural Association meeting that I am committed to working with the Member for Lake Laberge because of the member's dedication to agriculture and he is highly respected in the riding.

Certainly we made a commitment together in front of the whole agricultural community that we would work together and park politics to ensure that we move this very important sector forward. Certainly in my visits as well, to our new egg producer, I said I would put it on the record and in Hansard that they felt that their success in getting their infrastructure in place was certainly — the Member for Lake Laberge was responsible for helping them move that project forward. I look forward to that, as we work in concert to move the industry forward.

Certainly we may differ on consultation, but I think that we have identified today through this extensive consultation

that we have talked to the many that we needed to talk to and that we have advertised — whether it be newspapers or social media — and I hope that we can come to terms with the fact that there have been no gaps in consultation as we look to amend the *Pounds Act*.

Thank you, Mr. Speaker. I look forward to moving this to a positive vote and to moving it toward the next stage of the legislative process.

**Speaker:** Are you prepared for the question?

**Some Hon. Members:** Agreed.

**Speaker:** In my opinion, the yeas have it.

*Motion for second reading of Bill No. 9 agreed to*

**Mr. Cathers:** In an attempt to assist with the process here, 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 Member for Lake Laberge that the Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

*Motion agreed to*

*Speaker leaves the Chair*

## COMMITTEE OF THE WHOLE

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

The matter before the Committee is general debate on Bill No. 11, entitled *Act to Amend the Health Act (2017)*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

### **Bill No. 11: Act to Amend the Health Act (2017) — continued**

**Chair:** The matter before the Committee is continuing general debate on Bill No. 11, entitled *Act to Amend the Health Act (2017)*.

**Hon. Ms. Frost:** I feel honoured today to speak on the *Act to Amend the Health Act (2017)*. As a Member of the Legislative Assembly and the Minister of Health and Social Services participating in the debate on Bill No. 11 and the act to amend the act, I have with me today my colleagues and they will provide support and some guidance — the Deputy Minister Stephen Samis and Caitlin Kerwin, policy advisor.

The decision to make these amendments, the purpose of which is to dissolve the Health and Social Services Council, was made in the interest of respecting the resources of both the government and public while maintaining a firm commitment to be inclusive in our public responsibilities. This government recognizes and appreciates the efforts and

contributions of current and past members of the Health and Social Services Council.

As I have mentioned previously, the Health and Social Services Council was established nearly three decades ago to provide an open process for the review of health and social policies. Today, our government has ways and means to engage with Yukoners that did not exist when the council was established. Advancements in technology and an increased commitment to public consultation allow our government to easily engage with people in all Yukon communities on a wide range of subject matters. It is now more efficient to seek the public's views on matters directly, and, in fact, the public demands that we do.

Dissolving the council would provide opportunities for greater diversity of voices to be heard, thus giving us input from a more representative cross-section of Yukon's population. Our government's new approach to public engagement aims to make it easy for Yukoners to provide ideas and advice to inform the best decisions possible for Yukoners.

It is important to remember that, as per section 37 of the *Health Act*, the Minister of Health and Social Services would still have the power to establish issue-specific committees to act in an advisory and investigative or administrative capacity.

Our government intends to further develop advisory committees that focus on strategic areas of Health and Social Services' business plan and that are aligned with the mandate given to me by the Premier, such as aging in place, collaborative care, and housing for vulnerable populations.

In conclusion, I will reiterate our government's commitment to continually seek Yukon's input on the issues and decisions that affect them. Yukoners' perspectives are essential to building thriving Yukon communities and helping Yukoners to lead healthy, productive and happy lives.

I recognize that not everyone will be happy with these changes. Some will say that we have not taken an opportunity for Yukoners' voices to be heard. Of course, there is more work to be done to improve the way we do engagement with respect to health, and we as a department will continue to reach out to our respective partners in the community. We will work with the various boards and committees that we currently have established. We have the Yukon Forum, we have the mental wellness strategies, we have the FASD consultative processes, we have the health commission and the First Nation consultative process. There are a few other means and ways in which we address and collaborate with Yukoners, and we are open to having those conversations.

**Ms. White:** I again welcome the officials back to the Assembly. In the line of questioning on October 17 that I was going through, there were some questions that were left unanswered. I had made the point that by completely repealing sections 35 and 36 of the *Health Act*, which is removing the Health and Social Services Council — the language that is included in the act is permissive. It establishes the council and its role but, by entirely repealing those sections, it becomes restrictive. It means that there is not the ability to call the council back together. I appreciate that the

amendments to the legislation talk about other committees that can be struck, but I asked before and I will ask again: What was the reasoning behind completely removing the Health and Social Services Council from the legislation as opposed to just changing the language so that they “may” be called in the future or allowing it for future reference?

**Hon. Ms. Frost:** I thank the member opposite for the question. The council was an advisory body dating back to its establishment in 1990 under the *Health Act*. At the time that it was established under the NDP of the day — the government of the day — the objective was for that committee to reach out into Yukon and do the consultation and engagement processes in that era. In that time, 30-some years ago, we didn’t have the ways or the engagement strategies that we have now. There is more open dialogue. We have access to the Internet. We have access to other committees and boards that are established. We have online engagements. We did very effective strategies this summer with the cannabis review, for example. We are now going through a strategy on the opioid addiction crisis that we are confronted with. We are also consulting with the health commission. We work very closely with our First Nation partners.

The decision to not include the health council for re-establishment in the future was really to look at the alternatives and use the section of the act that will allow the minister the ability or the authority to establish other committees. That was the decision that was made — to remove the council — and open up opportunities for options in the future.

**Ms. White:** One of the concerns that I had and voiced the last time was that the Health and Social Services Council was entirely independent. They were able to make their own decisions about what to study, how to engage with people, and I think it is important to note that their engagements were face to face. They involved conversations with people as opposed to social media surveys. With the committees that could be established under section 39, who will direct those committees and what will their goals be?

**Hon. Ms. Frost:** If you will just bear with me for a second please. Thanks for your patience.

The committees that are proposed to be established as the government advances — as we advance — we are looking at committees being created based on the priorities and the needs of the communities. So with regard to what committees are being established, it will happen over the course of time, but many processes will evolve from that. The consultation certainly will involve some face-to-face engagement.

It’s not as I described perhaps earlier, but an expanded scope. We have and we will continue to go out and work in our communities and involve various methods of engagement. The health council as it existed — currently being defined as “independent” in nature — was not truly an independent council, although it was formally established as such. I just wanted to highlight that.

The minister has the ability, with recommendations — of course with input — to establish committees and define their function and membership and that is how the act was written.

Section 39 outlines the procedures for council and committees and we want to be able to ensure that the flexibility is there, but has the specific language to reinstate a committee that perhaps has not been as effective as it should be, given the results that we’ve seen. The results that we’ve seen are that the committee may have been enacted as an advisory body of the historic past, but what I’ve been able to glean and what my department has advised is that — and of course what we’ve seen from the 2016 reports as well and the specific language that was brought forward here was that the committee was redundant and therefore was requested to remove themselves from office.

That was the language that was used in 2016, Mr. Chair, and at that time that contravened the act. Now that is not the sole purpose of why the health committee is being removed and the language being changed in the *Health Act*. It is allowing flexibility for future advancements and further opportunities for forums and other committees to be formed that are more relevant to current times.

**Ms. White:** I have concerns again with the statement made by the minister, saying that in conversations and experience of the 2016 council that it was redundant and ineffective. We last spoke about this on October 17, and then I asked the minister is there was an opportunity to speak to members of that council. I believe at that point the answer was no. Since October 17, has the minister had an opportunity to talk to any of the previous council members other than just the chair?

**Hon. Ms. Frost:** No, I have not spoken to individuals of any council. I have spoken to the chair and that is where things stand right now. They all had written notices on October 2.

**Ms. White:** This is a reminder again that they received the written notice on the morning of the afternoon tabling of the bill.

One of the concerns that they have about the wording in the current legislation about the council is that it says that it is independent. The minister has said that it hasn’t been independent as of late, but looking back at previous reports, they were able to go out and solicit information from different organizations, and that was important. I want to know who will set the priorities for these committees that will be set up in the future. Is it the minister? Is it the government or is it going to be those committees themselves?

**Hon. Ms. Frost:** I would venture to say that committees would be established as defined by our partners. Our partners who we work with in the communities would provide us direction in the establishment and creation of committees and boards as common practice as we have gone through discussions in this Legislature. There are recommendations that we form various committees. While the definition of what a committee will do will be defined by the priorities that come forward, right now we are looking at some huge shifts in Yukon. We are looking at major opportunities for advancements and that means we need to do better. We need to engage with Yukoners. We need to engage with our communities and the establishment and outline of procedures

of various committees will be defined as we work with our partners. We have a formal framework agreement with Yukon First Nations that specifies very clearly that we will work with our community partners. Good examples are aging in place, collaborative care and mental wellness.

**Ms. White:** I am unsure if I am making myself clear. I can understand the establishment of the committees. I can understand how that will work. What I am asking very specifically is: Who will set those priorities? Will that be in partnership so that Yukon First Nations at the Yukon Forum can say: “These are the priorities we would like these committees to investigate.” Or, ultimately, will it be the government and the minister who will set the priorities for those committees?

**Hon. Ms. Frost:** The government, in collaboration with the communities, would set the priorities and the terms. Clearly, as the minister responsible, I am responsible for the boards and committees as defined and as established, as I am mandated to.

However, that is not done alone. It will be done in conjunction with our partners and that is our commitment. That is my commitment and that is the mandate I have been advised to follow — to work in good-faith discussions with our communities, with our municipalities, with our health councils. So that’s where we intend to go in terms of the priorities. The establishment of various committees will come from our government consultation — our partners. It will come from the Yukon Forum.

As we know, the self-governing Yukon First Nations have specific priorities on assumptions of responsibilities on programs and services, so they drive what is needed in their communities. The act provides for that flexibility. It provides for the accountability and the flexibility. Sure, the accountability falls on the government. It always has, and it probably always will, in terms of delivery. If it’s not working, then the expectation is that we would take consideration to advance and make the changes, much like we’re doing right now.

**Ms. White:** Understanding that if it’s the responsibility of government to make sure that those committees run, could it not have been the government previously that did not allow the Health and Social Services Council to work within its full scope? I believe the minister has just said that it will be ultimately the responsibility of government to make sure that the committees work. I reiterate that I believe that the Health and Social Services Council has an incredible value. The reason why, in recent years, that it was not doing the work it had done previously was because they were not empowered by government to do so.

Because the minister has just said that she will be responsible for the future committees — and whether or not they stay on track and are effective — would that not hold true as well to the Health and Social Services Council?

**Hon. Ms. Frost:** I will not say that a reflection of what happened historically with the Yukon Party and whether they influenced the efficiencies of the board — I have no idea. I know that the chairperson of the board was appointed by the

former Yukon Party, specifically stating that his appointment was a political appointment, not a neutral appointment. Therefore, I’m looking more at the future than what happened historically — the delivery, engagement and consultation that happened — so relying on the department to provide the direction on the efficiencies of the health council. How efficient were they? What have they done? Have they spent all of their resources?

We know that since 2014, they have not — I would say that, in five out of the 10 years, they didn’t provide recommendations but they also haven’t expensed all of their budget. Half of their budget was spent — and lots of reports internal to government, and our staff providing and feeding information into the health council. The changes, I think, really just give us an opportunity to move away from what didn’t work and into an era of efficiencies. I think that effectiveness and collaboration is really where we’re going. The government is looking at enabling us to further consult with Yukoners and to work with Yukoners, and the establishment of various boards and committees will allow us to do that in the future, defined by our partners.

**Ms. Hanson:** The minister has just said that the last chair of the Health and Social Services Council was a political appointment. She has just said that over the last few years, under that 14-year Yukon Party government, the Health and Social Services Council did not expend all of its resources and did not have an opportunity to meet with the minister.

The minister, instead of choosing to consult with — and I hear the words “consult” and “collaborate” a heck of a lot from across the way. The minister did not choose to meet with the remaining members of the board and chose to meet only with the political appointee, who told her that the committee was no good and reinforced the previous government’s suggestion that the board was therefore redundant. Is that correct, Mr. Chair?

**Hon. Ms. Frost:** I can maybe further elaborate with regard to the consultation and engagement. I’ll keep using that — I’ll keep saying that because what I have seen historically, and what I know to be fact, is that hadn’t happened historically. The opportunities to work with and consult with the Yukon communities, and, in most cases, Yukon self-governing First Nation communities on programs and services relevant to their needs — were not met, whether by the health council or by any other council. There were limitations. There are opportunities for us to grow beyond that, and right now what I can say is that what I’ve seen — and what I’m hearing from the public servants who have worked with the health council over the course of time — is that there are ways in which we can better consult, better engage and provide better opportunities.

The question that was posed to me was: Did I meet with the chair? I met with the chair, as I requested, and I did not meet with individual members of council. The council meets as an independent — and it provides recommendations and works with the executive secretary from Health and Social Services. That is how the structure is set up.

No, I am not taking advice or recommendations from the former Yukon Party, nor am I implementing something that they initiated. I'm looking at efficiencies and functionality, and looking at where have we advanced from 26 years ago and what was the original intent and purpose of the committee, and is that committee — as they are currently structured. They have not had a full complement of board members. They have the potential for 13 members and they have five members. My understanding is that it hasn't really been that effective in terms of a full complement of board members. I don't know why, but perhaps there is a reason behind that.

The consultation process of the council was very narrow in scope. I think the last year, they met once in Haines Junction, but beyond that, it is very limited. It was limited in the recommendations that were brought back in as well.

In the last report, you will note that there were some recommendations and some considerations around the mental wellness strategy. The mental wellness strategy at that time was initiated and had input from various parties. The health secretary provided that committee with the documentation and worked through that documentation with the committee and that's the recommendation that came back in. It was a process that had already started. Most recently, the Member for Takhini-Kopper King made note of that and that is true. They provided some recommendations last year on the mental wellness strategy, but that went out broadly to Yukoners and Yukoners had input into that.

My meeting specifically with individual council members is not a practice that I have been taking on myself. I meet with the chairperson and the chairperson then brings me the information or recommendations or we have a debate or discussion, much like the *Hospital Act* or the other committees and boards that I am responsible for.

**Ms. Hanson:** I point out that the minister made a decision to change a number of players and different boards and/or councils including the Hospital Corporation. Did the minister ever consider changing the chair to see if in fact, like any other organization, if you give it a bit of oxygen you might actually help it function to the full capacity? She says there are only five of 13 appointees. Whose responsibility is that? Is it not the government's responsibility to make those appointments?

If the previous government chose not to appoint any people to that council and appointed, as she said — and I'm not using this language, it's her language — a political appointee of a government who didn't want to have independent advice from any source, why wouldn't she have given an opportunity to restructure and revitalize an entity as opposed to simply coming to the conclusion that we don't need this anymore?

**Hon. Ms. Frost:** I provided a little bit of context around the council — so last year they met five times and the one recommendation they brought forward was that they wanted more committee members. Prior to that — and I have gone through the various reports and I have worked with the public servants. The public servants, my staff, advised that we have

multiple committees, and ways in which we engage with Yukoners — perhaps the fulsome public engagement that was intended to be focused through this health council wasn't doing that. It wasn't providing that broad scope of input and the consultative process of the council was very narrow and limited. Were they making good solid recommendations to advance the interest of government? Historically, they have. That was the objective and they had gone out. There were lots of resources put around the health council. There was lots of support for them to engage with Yukoners.

What I've seen, like I said earlier, in the last five of the 10 years, we didn't get the recommendations. The last recommendation was that they needed more board members, but they met five times and I have not seen anything from that council that provided me specific directions or instructions. We were getting that elsewhere from our engagement with Yukoners beyond that. There's no taking away from the fact that the health council members provided a valuable service in the past. In some cases, a lot of the board members have been there for many years and provided really good counsel and really good advice.

So where we are right now as government — the decision falls on my shoulders. I take responsibility for that, but I also take advisement from the folks who work for me in terms of deficiencies and effectiveness. As a government, we want to ensure that we meet the needs of Yukoners in looking at broadening that out, rather than having a health council meeting four or five times a year and only providing one recommendation, and that was for more committee members to be appointed. We go through the proper channels and the proper processes within the government, and that's through the boards and committees office to advertise and put the notices out there and seek public interest.

My understanding is that the public interest really wasn't there and therefore we haven't had a full complement of members for quite a long time.

**Ms. Hanson:** I'm struck by the minister's comment that the council didn't advance the interest of government. If the minister would remind herself and look back to the objects and the preamble of the *Health Act*, it's not the interest of government; it's the interest of Yukon citizens. The legislation says that we believe that health means the physical, emotional, social, mental and spiritual well-being of residents of the Yukon in harmony with their physical, social, economic and cultural environments. We believe that people can achieve and improve their well-being through prevention of illness and injury through the promotion of health and collective action against the social, environmental and occupational causes of illness and injury.

We believe that improvements in health and social services require the cooperative partnership of governments, professionals, voluntary organizations, aboriginal groups, communities and individuals. We believe that equitable access to quality health and social services is critical to protecting, promoting and restoring health. We believe that the policies and assistance for providing health and social programs and services must be sensitive and responsive to the cultural

diversity in the community. We believe that, wherever practicable, there should be an integration of health and social services and we believe that traditional aboriginal healing practices should be respected.

Is the minister suggesting that she should repeal aspects of the act and the intention of this act because it is not in the mandate letter that she received from the minister? I suggest that the minister should forget the mandate letter and look at the law that says how we go about doing things in this territory. That law is not being repealed — it's only one aspect of how we work together in this territory. The notion of setting up a council — it is like my colleague pointed out prior to this, the previous government chose in amending the *Environment Act* to do another scalpel-like incision, except they didn't repeal the Yukon Council on the Economy and the Environment, they simply said rather than they "shall" appoint, they said they "may" appoint because it was reflective of the fact that they had chosen not to appoint one for many years because they didn't like the independent advice that linked the economy and the environment — linked inextricably the implications of what we do in both areas.

I would like to ask the minister how she sees a series of subject matter committees assisting her to overcome the problems that we have seen grow in this territory of a series of disconnected social policy and public policy initiatives in the health and social services field because ministers previous to her for the last 15 years have either ignored or rejected broad-based consultation. I point to the health care review in 2008. We have been talking about midwifery since 2006 or 2000. We have another midwifery review going on right now. At some point, there has to be some sort of independent ability. The previous government did not want to listen, did not want to give life to a council that might have — properly supported and properly respected — provided that continuity. Does the minister believe that superficial engagement through social media and Twitter feeds is a replacement for sound policy advice?

**Hon. Ms. Frost:** I would like to thank the member opposite for her passionate presentation because surely we will not have superficial consultation by way of Twitter feeds because Twitter is not a means or way in which to engage. We have many opportunities to engage beyond social media. We do multiple engagement strategies. I would venture to say that over 3,000 Yukoners responded to the cannabis survey. We have had 21 views of the cannabis survey. We have had independent advice from Yukoners. We have had expert advice and panel expertise that provided some guidance and advice on other legislation.

Do I ignore the responsibilities of the act? No, I don't ignore the responsibilities of the act. The Health and Social Services Council is what the discussion is about. It is not about this government and what goes beyond that. It is the Health and Social Services Council currently.

The recommendation is to amend the act as the consideration from my staff and the reports have revealed that perhaps we could do better — that we can reach out further. So it states that, no later than 30 days each year, provide the

minister with an annual report containing a summary of activities, deliberations and recommendations during the proceedings of the year. Meeting five times and providing one recommendation on board advancement — is that a good use of public funds?

The *Health Act* defines the legal parameters of the establishment of health services. It defines what we do as a government. I'm not naïve enough to think that I am only relying on the mandate letters that I have been provided. The mandate letters have a broad scope and say that we shall look at collaborative care, we shall look at implementation of studies that have been done — the Housing First model, the housing action plan, looking at mental wellness strategies — and put some scope and some implementation around that.

In nine months, that is what we have been doing. We have been working hard to grow beyond that — the mention of midwifery, mental health, independent advisory panels — and really working hard to put perhaps some implementation around that. The drafting and the design — we have involved the midwifery association in working with the Minister of Community Services. We have been working very hard with the committee to ensure that they have input. We have been working with the Yukon Medical Association and most definitely working with the First Nation community because of their history around midwifery.

The mental wellness strategy that was established — we're now putting some action around that and implementing it. Historically the previous government established the mental wellness strategy and assigned \$1 million, and you must apply for the funding. Well, that doesn't really align well with Yukoners' needs.

What I think we're trying to do is look at providing a broader input, looking at professionals, experts and members of the public. We're taking action to regulate and integrate midwifery in the Yukon. We're looking at the mental wellness positions as well because, really, the reality is that we're working really hard with Yukoners.

We just hosted a summit of 250 people on the mental wellness strategy, and that encompassed the whole stream of different walks of our society, from professionals to social workers to community leaders. That's an indication that we will work hard to engage with Yukoners. I don't intend to rely solely on the mandate letters, but I used that as a guide to implement and provide me direction.

The spirit of the act — as the member opposite read the content — that's clearly defined in law. That's what we intend to do as a government — to implement the spirit and intent of the self-government agreements. We intend to implement the spirit and intent of all of the acts that we have established in the government. If there are recommended changes, then that's what we will do. We will take the advisement and we will move forward and advance the government in a good way, and that means that we will provide, hopefully, better services in the future.

**Ms. Hanson:** Could the minister advise the House when the last time was that a minister or a deputy minister met with the Health and Social Services Council?

**Hon. Ms. Frost:** The Health and Social Services Council has a secretariat from the Health and Social Services office. On a regular basis, the secretariat from the health office works with the Health and Social Services Council through the chair. On a regular basis, as they require and as they meet, the support is there.

**Ms. Hanson:** I asked the question because, on the other hand, I would wager a large bet that the Minister of Energy, Mines and Resources has met with the Yukon Mining Advisory Board on numerous occasions. You would think it would be legitimate for me to ask a question about whether or not a deputy minister or minister has met with a council that was established by law to provide an enumerated series of advice, policy information, suggestions about emerging issues that should be of interest or note to the Minister of Health and Social Services in the territory, in conjunction with the mandate or the objects of the legislation.

I think it's legitimate to know — I don't think that the minister is suggesting that people who are involved in the largest area of expenditure, Health and Social Services, in this territory deserve lesser in terms of access to a minister than somebody on the Yukon Mining Advisory Board, which is less aged and not established in legislation, as I recall.

**Hon. Ms. Frost:** I'm not going to speak for the Minister responsible for EMR. I have three portfolios, and I have met with various members of society. With respect to the directed question around whether or not the minister, or whether we have met with the council, in 2016, the minister then, Mike Nixon, met with the council, and in 2017, I met with the chairperson, and the acting DM met also with the health council in 2016 on the mental wellness strategies, plus the secretariat that is assigned from the department had worked closely with the health council.

**Ms. Hanson:** The minister spoke to the kind of structured consultation that will occur through various initiatives and the means of using social media. I asked the minister how she compares that as an analytical tool versus the independent research that can be required or asked for by an independent council. The social media and outreach that I have seen to date from this government are in the form of structured questions with a limited and narrow scope. So if the focus is on cannabis, you have a few questions that lead you there.

For any other issue, it is an "if this, then that" kind of questioning. How does the minister balance that with her need to ensure that she has the broader aspects in terms of Yukon views that are independent and not simply being funnelled as we have seen on social media? It is not limited to this government. Social media, as a tool, has a place, but it is only one tool. I am disturbed by the appearance by this government to be using that as their primary tool for making decisions around important policy issues.

**Hon. Ms. Frost:** I am happy to say that this government and my department have worked with Yukoners. We have hosted numerous engagement sessions. In fact, last year through Yukon Housing Corporation, we had three engagement forums with Yukoners that had industry support,

industry participation. We just conducted a broad discussion on opioids and around mental wellness strategies, and 250 people participated. That is huge. That huge input provides guidance and direction.

Clearly, as a government we are and we remain committed to fulsome public engagement with Yukoners, not just through social media and not just through surveys. We asked very specific and directed questions on specific issues, but we are not naïve enough to think that is all we are going to rely on. We need to go broader than that, and we need to have to input.

I would venture to say that, in history, perhaps that hasn't always happened, where recommendations were brought forward and decisions were made and implementation of acts were put forward without public input. Now the people of the Yukon — it is important that we hear from them. It is important that we continue to seek citizen input, understanding perspectives and appreciating other issues and other venues.

I just wanted to reiterate that we don't just rely on Twitter feeds or social media. We have summits. We work through social media to some aspect to deliver messages and introduce concepts and ask for broader input. We do that by having the forums and the summits and community meetings. We have gone out into Yukon communities numerous times to seek input and to speak directly to the people. That is really important. It's important to speak to the folks in the communities and we rely on multiple sources of feedback. The department has specific instructions as well not to box themselves in, but to open up the dialogue with their service providers, to work with our NGO groups, to work with the medical association and really look forward to advancing policy direction that best meets the needs of Yukoners.

**Ms. Hanson:** We have had — and it's unfortunate, but it's iterative — the same language coming over the last 10 years. So in 2008-09, we did a comprehensive health care review. Hundreds, if not 1,000 or more, Yukoners participated in that in very detailed consultations, followed up by *Taking the Pulse*.

In 2010, to great acclaim, there was the *Social Inclusion and Poverty Reduction Strategy* — all of these — then wellness, then mental wellness and then we have big forums.

The issue is not how many people we can gather into a room to have a forum. It's when and how we begin to do the deliberative work of making some decisions to do something. There have been midwifery forums going back since the 2000s. We're in 2017. It's when do you make the political decision that you're going to say no to one group and yes to positive inclusive health care.

That's not going to come through a Twitter feed and it's not going to come through a social media feed. It will come by actually having some independent advice that the minister pays attention to — unlike the last 15 years where there wasn't any attention paid to that — or creating a culture and an environment that says we welcome that independent and critical analysis. You can sure get lots of people to agree with you, but that's not going to move the yardstick forward.

Seeing the time, I move you report progress.

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

Are you agreed?

**Some Hon. Members:** Agreed.

**Some Hon. Members:** Disagreed.

**Chair:** In my opinion, the yeas have it. I declare the motion defeated.

*Motion negatived*

**Hon. Ms. Frost:** I just want to talk about some of the language around the last 10 years — social policy inclusion, poverty reduction strategies, midwifery from the mid-2000s. I can say that, in the mid-2000s, there was no report. In 2010, there were no formal recommendations to the minister. The good work that social policy inclusion, poverty reduction strategies from that time — there were no recommendations from the Health and Social Services Council. That is the whole point that I am attempting to make. We want to be able to look at forums focusing on implementation of the strategies — the wellness strategies, midwifery and social policies from 2010.

Implementation is the key going forward. Collaboration — sure, we want to look at being committed to fulsome public engagement and continue to seek citizens input and understanding of perspectives — and the application and appreciation for everything that they bring to the table.

**Chair:** Order, please.

The time being 5:30 p.m., the Chair shall now 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. 11, entitled *Act to Amend the Health Act (2017)*, and directed me to report progress.

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

Are you agreed?

**Some Hon. Members:** Agreed.

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

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

*The House adjourned at 5:30 p.m.*

### The following sessional papers were tabled October 23, 2017:

34-2-34

*Yukon Human Rights Panel of Adjudicators 2016-17 Annual Report* (Speaker Clarke)

34-2-35

*Yukon Heritage Resources Board Annual Report — April 1, 2016 – March 31, 2017* (Dendys)

### The following legislative returns were tabled October 23, 2017:

34-2-64

Response to matter outstanding from discussion related to the supplementary estimates for 2016-17 for Health and Social Services (Frost)

34-2-65

Response to oral question from Mr. Cathers re: Environics Analytics direct-award contract (Dendys)

### The following document was filed October 23, 2017:

34-2-23

Public consultation on proposed changes to the *Pounds Act* and *Highways Act*, letter re (dated August 10, 2017) from Brad Cathers, Member for Lake Laberge, to Hon. Ranj Pillai, Minister of Energy, Mines and Resources (Cathers)