



# Yukon Legislative Assembly

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34th Legislature

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## HANSARD

Tuesday, November 14, 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

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| <b>Hon. Ranj Pillai</b>       | Porter Creek South         | Deputy Premier<br>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<br>Minister of Education; Justice  |
| <b>Hon. John Streicker</b>    | Mount Lorne-Southern Lakes | Minister of Community Services; Minister responsible for the French Language Services Directorate; Yukon Liquor Corporation and the Yukon Lottery Commission                 |
| <b>Hon. Pauline Frost</b>     | Vuntut Gwitchin            | Minister of Health and Social Services; Environment; Minister responsible for the Yukon Housing Corporation  |
| <b>Hon. Richard Mostyn</b>    | Whitehorse West            | Minister of Highways and Public Works; the Public Service Commission   |
| <b>Hon. Jeanie Dendys</b>     | Mountainview               | Minister of Tourism and Culture; Minister responsible for the Workers' Compensation Health and Safety Board; Women's Directorate   |

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#### Yukon Party

|                       |   |                             |  |
|-----------------------|---|-----------------------------|--|
| <b>Stacey Hassard</b> | Leader of the Official Opposition<br>Pelly-Nisutlin | <b>Scott Kent</b>           | Official Opposition House Leader<br>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<br>Whitehorse Centre  |
| <b>Kate White</b> | Third Party House Leader<br>Takhini-Kopper King |

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**Yukon Legislative Assembly**  
**Whitehorse, Yukon**  
**Tuesday, November 14, 2017 — 1:00 p.m.**

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

*Prayers*

**Withdrawal of motions**

**Speaker:** The Chair wishes to inform the House of a change which has been made to the Order Paper. Motion for the Production of Papers No. 1, standing in the name of the Member for Watson Lake and currently on the Order Paper at adjourned debate, has been removed from the Order Paper as the action requested in the motion has been fulfilled in part.

**DAILY ROUTINE**

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

Tributes.

**TRIBUTES**

**In recognition of World Diabetes Day and Diabetes Awareness Month**

**Hon. Ms. Frost:** I rise today to recognize that November is Diabetes Awareness Month and that today is World Diabetes Day. World Diabetes Day is the world's largest diabetes awareness campaign aimed at keeping diabetes firmly in the public and political spotlight. This year, the theme for World Diabetes Day is "Women and diabetes." The reason for this focus is that one in 10 women in the world is living with diabetes and do not have proper access to education, treatment and care. There are currently more than 200 million women living with diabetes and it is the ninth leading cause of death in women globally. The International Diabetes Foundation estimates that 2.1 million women die each year because of diabetes.

Here in Canada, the 2015 statistics state that roughly 2.6 million people are living with diabetes. In the Yukon, we know our diabetes numbers are increasing. This gives us more reason to talk about diabetes.

What is diabetes? With diabetes, the body either does not produce insulin, produces too little insulin or the insulin does not work properly, resulting in high blood sugar and damage to the body. Diabetes increases the risk of heart disease and blindness, kidney failure and limb amputation. Diabetes symptoms include slow healing, weight gain or loss, frequent urination, intense hunger and thirst, and tingling or numbness in the feet and hands.

Every year, between three and 20 percent of pregnant women across the country develop gestational diabetes. This form of diabetes only occurs during pregnancy. Although it may be gone after pregnancy, it can increase the risk of developing type 2 diabetes later on in life. This is why I encourage women and everyone over 40 to be tested for

type 2 diabetes every three years. One in two people currently living with diabetes are underdiagnosed.

There are many Yukoners working to educate people at risk of developing diabetes or who already have it. Yukoners can find information on the yukondiabetes.ca website, like the *Yukon Diabetes Resource Guide* — a small booklet containing information on everything from healthy eating to active self-management. It is in its fifth edition and is the result of a collaboration between the chronic condition support program and the Diabetes Education Centre.

Also, twice a year — in partnership with Health and Social Services' chronic condition support program, the City of Whitehorse, Whitehorse General Hospital, and the Diabetes Education Centre — we offer the diabetes wellness series, which is a very popular event. It's a series of four classes that offer support and strategies to Yukoners living with diabetes. A specialized team of health professionals consisting of a dietician, a nurse, a pharmacist and an exercise specialist offer practical strategies for active self-management, medication, exercise and healthy eating. I am pleased to say that, at the request of the Kwanlin Dün First Nation, this series was offered at the Kwanlin Dün health centre this past September.

Let's work together and strike out the stigma around diabetes.

I would like to welcome everyone here today in recognition of Diabetes Awareness Day and throughout the year. Thank you for being here.

*Applause*

**Mr. Kent:** I rise in the House today on behalf of the Yukon Party Official Opposition to pay tribute to November 14 as World Diabetes Day. Today is also the birthday of Frederick Banting, one of the discoverers of insulin.

I would like to thank the minister for her words in support of this important day and what it means around the world. Today, Mr. Speaker, I would like to tell a story of a little boy named Sawyer, who, on October 3, 2014, in his mother's words — and I quote — "... had the dubious distinction of being the youngest child in the Yukon to become ill with ketoacidosis, a life-threatening condition brought on by type 1 diabetes." Sawyer was only four-and-a-half months old at that time. The onset of this condition was a precursor to a medevac to Vancouver, a battery of tests, and the outcome was that the youngest of the Nehring-Willson family was certified as a type 1 diabetic. Since being diagnosed as a type 1 diabetic, now three-year-old Sawyer has had 1,119 days living with T1D, 638 hours of lost sleep, 6,714 finger pricks, and 4,815 insulin needle injections. His family has had to arrange their lives around Sawyer's condition, ensuring that his glucose readings are acceptable, travelling Outside for medical appointments, and mitigating the challenges of financing the expensive and necessary constant glucose-monitoring technology prescribed by Sawyer's doctors.

I have had the pleasure of meeting Sawyer and his family and hearing his story first-hand. Sawyer's dad told me that they live as if they are on call 24 hours a day, seven days a

week. He compared the struggle of monitoring a child with T1D as trying to balance on a basketball — imagine trying to balance on a basketball — all day, every day.

The trials faced by this family in just three short years are immense and the Nehring-Willson family is but one of many in Yukon facing similar situations. There are many more children and adults who have to endure a life of medical care due to type 1 diabetes.

I would like to thank you for listening to Sawyer's story today and to urge all Yukoners to take the time to educate themselves on the different types of diabetes and the warning signs and the treatments, particularly if someone close to you suffers from diabetes.

**Ms. White:** I rise on behalf of the NDP caucus in recognition of World Diabetes Day. There are different types of diabetes — including type 1, type 2 and gestational — and today I'm going to focus on type 1.

In 1921, Dr. Frederick Banting was the first person to successfully extract insulin and administer it to patients with diabetes. Today, he would be celebrating his 126<sup>th</sup> birthday. Prior to 1921, type 1 diabetes had a zero-percent survival rate. Insulin is not a cure for diabetes; it is merely a treatment.

I found really helpful and easy to understand information at [getdiabetesright.org](http://getdiabetesright.org). Type 1 diabetes has nothing to do with lifestyle or diet. It's not preventable; it is lifelong and there is no cure. Nothing the person or parent did or did not do could have prevented the onset of type 1 diabetes. No amount of healthy eating or exercise can stop the unknown trigger that causes the body to mistakenly attack and destroy the insulin cells within the pancreas.

I imagine that we all have far more type 1 diabetics in our lives than we imagine and November is a month when our friends and family who are affected daily by type 1 diabetes share information to help educate and dispel the myths.

Mr. Speaker, diabetes is all about the numbers. It's about counting carbohydrates to determine how much insulin is required to cover food intake. For children with type 1, it's a never-ending task for parents to manage to keep their children safe.

One friend and her family left the territory to be closer to diabetes research and advancements. She has been super honest at sharing what life with a type 1 diabetic looks like. When talking about counting carbs, she said this: "I have counted the number of chocolate chips in each muffin, measured out each cupcake with the pan for birthday parties, making sure that they're exactly the same number of carbs, and even counted blueberries. Her 15-year-old son has lived with type 1 for 5,048 days. He has done over 50,500 blood tests on his fingers and had over 2,000 site changes and more needles than we could possibly imagine.

No matter how hard they try as children or how hard they work as adults, the blood glucose levels of a person with type 1 will not truly stabilize. Life with type 1 means good days, bad days, highs, lows, constant monitoring, insulin dosing, carb-counting and adjusting. Managing type 1 involves more than taking shots and checking blood sugar; it

is a complex balance of insulin dosage, exercise and carbs. Growth, illness, stress, changes in activity levels, injection locations, and many other factors can affect this balance. Continuous adjustment helps maintain healthy glucose levels. Managing type 1 diabetes is a full-time job. There are no paycheques, time off or vacation days and overtime is required.

Mr. Speaker, recent changes the federal government has made exclude those with type 1 diabetes from receiving the disability tax benefit. We believe that this is a grievous mistake with long-term consequences and urge them to immediately reverse this decision, not only in support of Yukoners, but in support of all Canadians with type 1 diabetes.

### In recognition of Movember

**Mr. Adell:** Mr. Speaker, I rise today, clean-shaven for the first time in over 45 years, to pay tribute to the men's movement of Movember on behalf of the Yukon Liberal government, the Official Opposition and the Third Party. I am starting in mid-month to give everybody else a chance to catch up. Hair grows fast.

Movember is an important health movement that raises awareness and funding for men's health issues, including prostate and testicular cancer, mental health and suicide prevention.

I would like to start with some facts. First, studies show that women are three times more likely to visit a doctor regularly than men are. This is greatly concerning because early detection has an impact on remission and survival rates for cancer. Second, in the western world, males die three to four times more often by suicide than do females. Prevention, education and reducing the stigma around mental health are critical to addressing these rates.

Mr. Speaker, in 2003, two mates from Melbourne, Australia, Travis Garone and Luke Slattery, met at the Gypsy Bar in Fitzroy. It was at this meeting that they brainstormed ideas for addressing men's health issues, setting the framework for Movember. I mean, it really sounds like the start of a bad joke, but it wasn't. Travis and Luke sent an e-mail with the subject heading, "Are you man enough to be my man?" to 30 of their friends, asking them to donate \$10 each to grow a moustache — and Movember was born. Men grew moustaches with such enthusiasm that, in 2004, a decision was made to formalize the concept to get participants around the world growing for a good cause. Since then, Mr. Speaker, the focus of worldwide Movember campaigns has expanded to include official campaigns being held in 21 countries, the proceeds of which bring funding to over 1,000 men's health programs.

Movember is an important initiative indeed and I am proud to have the opportunity to stand in the House today and publicize its significance to all of us. Mr. Speaker, significant health issues are causing many men to die too young. With the support of millions of Movember brothers and sisters from around the world, this campaign is one that positively and directly impacts men's health. The Movember Foundation has

made huge progress in changing the way men's health is talked about. We need to talk to our partners, our parents, our children, and our friends about getting screened regularly for cancer; about seeking help for mental health issues and perhaps most of all, we need to take responsibility for our own health — out of taking responsibility for ourselves and out of the love we have for our families and our friends.

November is a fun way to get people talking about men's health and to take action against the stoic culture of silence around men's health issues. So have some fun with this campaign; I know I am. Take it to heart — the good work that is being done — and donate for yourself and others. The work has only just begun.

Thank you, Mr. Speaker.

**Speaker:** Introduction of visitors.

### INTRODUCTION OF VISITORS

**Hon. Ms. Frost:** I would like to take a moment — I know that all of our guests have left already. There were a number of children there so I just wanted to take this time to acknowledge them so we note it for the record that they were here. Rachel, Emersyn and McKenna Hrebien, Marney Paradis, Kanoa Jones, Eric McPhee, April Howard, Vivian Howard, Donna Jones, Ken Jones and Christina Terpstra were present.

It's really important that we acknowledge that they were here to present and create more awareness for us. I want to acknowledge them for their contribution to making us more aware.

**Speaker:** Are there any further introductions of visitors?

Are there any returns or documents for tabling?

### TABLING RETURNS AND DOCUMENTS

**Hon. Ms. McPhee:** I have for tabling a legislative return in response to a question on November 8, 2017 by the Member for Porter Creek North.

I also have a second legislative return in response to a question on November 8, 2017 by the Member for Porter Creek North.

I also have a third legislative return in response to a question on November 8, 2017 by the Member for Porter Creek North.

Lastly, I have a legislative return in response to a question on November 9, 2017 by the Member for Copperbelt South.

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

Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

### NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to ensure that Yukoners with type 1 or type 2 diabetes can participate in day-to-day activities to the best of their ability by ensuring that they have access to the best medication and tools to manage their diabetes through the Health and Social Services chronic disease program.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to request the federal government to reinstate type 1 diabetes in adults to the disability tax credit list.

**Speaker:** Is there a statement by a minister?

This then brings us to Question Period.

### QUESTION PERIOD

#### Question re: Hospital bed shortage

**Ms. McLeod:** In 2016, the hospital was at full occupancy about 21 percent of the time. This year, the chief of medical staff reported that this demand had drastically increased and the hospital was now at full capacity 60 percent of the time. The Hospital Corporation addressed these increased pressures in an open letter to Yukoners this past weekend. They said that almost 40 percent of their patients should be in another type of health care facility.

As you know, Mr. Speaker, the previous government had taken actions to help alleviate this issue, such as the opening of Birch Lodge, the opening of the new McDonald Lodge in Dawson City, the reopening of 10 beds at the Thomson Centre and, of course, Whistle Bend place.

Can the Minister of Health and Social Services provide us with the detailed plan on how she will alleviate the bed shortage at the Whitehorse General Hospital?

**Hon. Ms. Frost:** I thank the member opposite for the question. The Yukon Liberal government is committed to working with the public and stakeholders around a collaborative care model with each community, identifying the supports required in each Yukon community. Seniors are a priority for this government.

I would like to just refer to the letter that was written over the past weekend where the accuracy — I guess you would say — of the statements around the Yukon's primary acute care patients — requirements and services in the hospitals are of the utmost priority. The beds that are occupied at the Whitehorse General Hospital have been — I guess currently, they are being occupied by non-acute patients — and that's true. It's true, and this has long been systemic. This is an issue that pre-existed my time here. It has been there for quite some time, and the question that was posed around full occupancy and full use of the community-based hospitals is being considered in terms of baseline clinical care.

**Ms. McLeod:** Of course we're talking about a compounding problem. We've asked the minister for a week to provide us with a detailed plan to address the bed shortage

at the Whitehorse hospital. She still hasn't provided any specific details. How many continuing care beds will they create? How many beds will the government's focus on aging in place reduce the demand by? These are reasonable questions and ones that the minister should be able to answer.

The Hospital Corporation said this weekend that the solution to this shortage is more continuing care beds and the expansion of home care. Outside of Whistle Bend place, can the minister tell us if her government will be creating any more continuing care beds over the next year — yes or no?

**Hon. Ms. Frost:** Certainly this government is committed to finding and seeking the solutions, and the solution is working with our communities around an aging-in-place model, a continued home care model.

The comments that were raised and highlighted through Committee of the Whole where the Hospital Corporation presented — and in their key messages from the hospital, it's quite clearly stated in there that the pressures that they are experiencing are from occupancy of non-acute patients and that an alternative level of care is required in our communities. That's what we're committed to working toward. Resources are being defined in our budgets, and our long-term plan will address that.

At this point in time, I don't have specific numbers because we don't have the numbers. What we are committed to doing is working with our communities — we're working with the community of Watson Lake to expand the facilities in Watson Lake — working with the Housing Corporation, working with municipalities — like Dawson City, for example — and utilizing our funding available. The municipal matching grant is one good way of partnering. It's not solely the government's responsibility. We need to work together with our communities to find the solutions, and that's what we aim to do.

**Ms. McLeod:** That is not quite what I was looking for.

Last week, I asked the minister a question about how much of the home care budget will be spent in communities outside of Whitehorse. The minister flat out said — and I quote: "I'm not going to respond to that question."

Mr. Speaker, this is a reasonable question, and I would have hoped that a government that campaigned on the slogan "all communities matter" would have thought it was important to answer.

So I'm going to give the minister another chance: Can the minister provide a breakdown of how much of the home care budget will be used in communities outside of Whitehorse?

**Hon. Ms. Frost:** Thank you, Mr. Speaker. I would be happy to respond to that, and I provided the question previously — the point that was made previously was, "How much are we spending?" I've made that note that we've spent \$771,000 extra last year on home care. The whole budget in total exceeded \$6 million and we are continuously working with our communities to address home care needs in our communities.

The reason I raise the Housing Corporation is because the Housing Corporation has the resources in which to expand home care needs — adaptation measures that are required in

homes and facilities in our communities to best align with the needs of the patients so that we can move them out of the hospitals and back into their homes where they really want to be — not in the hospitals.

The resources are being put in place. We did put \$771,000 in the budget last year and we will continue to do that. That was over the baseline budget and we will continue to expand the services, we will continue to look for solutions. The solutions are not going to from this government alone, and I will keep saying that. I know that is very difficult for the members opposite, given that they keep harping on me about the partnerships.

It is really essential that we work with our partners, the NGO communities, the municipalities and the various departments of the government to find the solutions.

Thank you, Mr. Speaker.

### Question re: Hospital bed shortage

**Ms. Van Bibber:** I have some questions regarding the ongoing demand of beds at the hospital, and the requirement for more continuing care beds.

Mr. Speaker, in the spring we asked the government about their plans to close Macaulay Lodge. The minister previously stated that there were close to 50 residents at the lodge. If the government is closing the lodge then they need to have a plan to address the needs of those residents. Can the minister tell us what the current timeline for closure of Macaulay Lodge is, and will it be closed before Whistle Bend place is fully operational in 2020?

**Hon. Ms. Frost:** Yes there is a plan. The department — we have an internal team reviewing and looking at the Whistle Bend continuing care facility and ensuring that all of the clients at Macaulay Lodge are well taken care of.

We care about our older adults, we care about where they are, we care about aging in place, we care about our partnerships, and we really want to work with our communities.

I am sure that the member opposite would appreciate that we have to find appropriate and necessary accommodations, and the budgets that we have right now — we are working with fully occupying the Whistle Bend facility, and opening the doors, and occupying all 150 beds. That means that the clients who are at Macaulay Lodge will be in the Whistle Bend facility or in one of our other care facilities. The case management and care is being done with the patients, with the families, and with our care team, and that will be very well orchestrated and coordinated with the care of all of our clients in mind.

**Ms. Van Bibber:** Regarding the Whistle Bend place, the minister has confirmed that the mental health wing will be delayed and is not opening until 2020. We know these beds and services are in demand — and, to be clear, we are not suggesting that any of the other sections of Whistle Bend place be delayed at all. In fact, from what we have heard from the Hospital Corporation, we need these beds urgently. We are suggesting that the minister develop a plan to open up the

mental health wing sooner. Will the minister develop a plan to open the mental health wing sooner?

**Hon. Ms. Frost:** The facility is proposed to be open in 2018. We are looking at the two units of the facility that are scheduled to be opened in 2019, and those are for the mental health care facility. I addressed this House previously around the specialized supports and care that are required around mental wellness and the professionals who deliver this high standard of care. The accreditation of the individuals needed to deliver the specialized care will take some time. We are putting the pressure on to get the facility up and running so that we can occupy 120 beds by 2018. After that, we will open the second phase of the facility that allows us to properly manage our resources and, as well, do the effective recruitment strategies. We will stay on our schedule. The schedule is being worked through with our communities.

By the same token — the point being that the mental wellness positions that we have just created — the 11 new positions — will provide much-needed support and care for our communities. The address is being taken care of through that means as well.

**Ms. Van Bibber:** Regarding the mental health wing of Whistle Bend place, we know there are 12 beds planned. We asked the minister in October what the anticipated demand was for these beds. At the time, she said that she did not know. I am wondering: Can the minister let us know what the current wait-list is for the type of services that will be provided in the mental health wing? I am also wondering: Can the minister confirm for us if the 12 beds will be enough to meet the anticipated demand?

**Hon. Ms. Frost:** The point is that we are providing services. We are opening up the facility as planned, and the supports will be there. We are opening up 11 new positions in rural Yukon, and we are providing as many services and supports as we can to all of our communities — all of the clients that we have. Is this enough? I guess the point is that it never is enough. We are doing the best we can with the resources we have. We are trying to meet peoples' needs where they reside by giving the supports to the communities. The number of available vacancies in that unit will be determined by the health care professionals. We are working with the Hospital Corporation to look at some other alternative care methods and models — in the hospital, perhaps.

What are we doing in our rural communities? We say “aging well in place” — but aging healthily in your communities. It means that we want to be able to keep our patients in their communities, our citizens in their communities. As difficult as it is to understand sometimes, that is the holistic approach that we need to take to the health and well-being of our Yukoners — is looking at all of the complexities of health and social services. It's not a simple fix, it's not a simple approach, and, no, we can't give you specific numbers because we don't have them.

### Question re: Anti-bullying school policy

**Ms. White:** There has been recent coverage in the media about a young student being bullied by other students at their school in Watson Lake. The Department of Education has a Safe and Caring Schools policy that was created in 2008. It states that all schools will develop a school-based policy that addresses bullying and harassment. As well, this policy is to be reviewed on a regular basis to determine what is working and what needs to be strengthened.

Can the minister confirm that every school has a school-based policy that addresses bullying and that this policy is regularly reviewed with staff, school council and parents of students, and that these policies are then reviewed by the Department of Education?

**Hon. Ms. McPhee:** I thank the member opposite for the question. I certainly appreciated the story coming forward. I think the family was brave to come out into the public with their story, because school must be a safe place for everyone.

We are committed to dealing with safe and respectful learning environments in all Yukon schools so that teaching and learning can take place. Students deserve to be safe, as do teachers and staff in those environments. No student should feel unsafe in a school.

We believe that teaching students about respect and reinforcing positive behaviour is the best way to bring about real change and prevent bullying. Twenty-seven Yukon schools participate in positive behaviour intervention supports, which focus on intervention for school-wide, small group and individual behaviours to create a safe and respectful environment for students and staff. One example of this is the Johnson Elementary School CARES program, which stands for cooperation, accountability, respect, excellence and safety.

But Mr. Speaker, the member opposite is quite correct. These programs are only as good as the individuals who are supporting them — as the staff, as the parents, as the broader community supporting these types of programs. We encourage all members of the community to be involved in the positive behaviour reinforcement that is needed.

**Ms. White:** I was really looking at policies and the policy review by the department. When a student is bullied in a school setting, this can result in real trauma for the student and their family. It is recognized that bullying can have a lifelong impact on an individual if the appropriate actions and supports are not provided in a timely manner.

We have heard from the government in the past about cyber bullying and the steps that government was taking with regard to that, but it remains apparent that classroom and schoolyard bullying is still an ongoing concern.

How is the Department of Education addressing this type of bullying in the school system before it becomes an issue for a student and their family?

**Hon. Ms. McPhee:** I appreciate the second question because it is important for us to realize that it doesn't matter how many programs, it doesn't matter how many policies — what is important is that real behaviours are addressed in schools, and these allow that to happen — the CARES program that I mentioned, the positive behaviour intervention

supports that happen. There are also policies in place to reduce violence, bullying and discrimination, including the Safe and Caring Schools policy. There is also ongoing training with respect to teachers, staff and administration in the schools for the purpose of making schools safe, but unfortunately, these incidents will continue to occur out of the control of the policies and the best intentions, on occasion. We hope that doesn't happen.

We certainly understand the concept of how important it is for students to be safe in school. Nobody should be unsafe or be afraid to go to school for that purpose. While I appreciate the question, I agree that we need to make an assessment of whether these programs are actually having a positive effect, and they must continue in schools — from elementary school all the way up into high school — because we know the adverse effects of bullying.

**Ms. White:** “Everyone in the school has the right to be safe to work and learn” — that line is taken directly from the department's parent handbook. It states that, at the beginning of every school year, students, staff and parents are informed about behaviour expectations. This policy is to be clear about how the school will approach the handling of bullying behaviours and intervention strategies. These policies are very important and not to be dismissed.

What is missing, though, are the intervention and support strategies for the student and family who are experiencing bullying.

Can the minister point to a policy or procedure that parents of a child experiencing bullying can find and follow, and a description of the supports that they can expect to assist their child if they are experiencing bullying?

**Hon. Ms. McPhee:** I appreciate the question and for the opportunity to talk about how important these programs, these policies and this training are in schools in the Yukon to make sure that students are safe and comfortable. We encourage a restorative approach to respond to incidents of bullying, which focuses on repairing the harm and restoring relationships training on restorative approaches as available to school staff through the Safe and Caring Schools policy support plan. According to the Safe and Caring Schools policy, each school will follow their policies and the *Education Act* in cases where bullying occurs and the behaviour of a student needs to be addressed.

A positive behaviour implementation system is a long-term school-wide approach to encourage good behaviour. The goal is to change the school environment to ensure that students and staff feel appreciated, safe and respected.

I will determine whether or not these policies are available online. I believe they are, but if they aren't, I certainly will ensure that's the case on the Department of Education website. I encourage the member to look there. I haven't had an opportunity to do that today but I will address it with the department and make sure that those policies are available to families.

### **Question re: Climate change youth ambassador program**

**Mr. Istchenko:** The annual United Nations Climate Change Conference is taking place in Germany this week. The previous government understood the value of investing in our future leaders and was committed to broadening our understanding of climate change. That's why we created the climate change youth ambassador program, which gave Yukoners ages 19 to 23 the opportunity to attend these meetings and learn about climate change and international negotiations. However, according to the government's website, it appears the Liberals cut the program for this year.

Can the Minister of Environment please confirm that this program has been cut, and will she provide the rationale as to why?

**Hon. Ms. Frost:** Just as a point, I wouldn't say that we've cut any programs. What we are doing is taking a strategic pan-northern approach on clean growth and climate change. We're working with our northern partners. We're working with the Government of Yukon.

The youth programming that the member speaks about — we are looking at a cohesive approach. We're looking at a collaborative approach within the government. We have a ministers committee on climate change really taking a positive approach. The Minister of Energy, Mines and Resources, the Minister of Community Services and I are working with our departments to redefine the northern adaptation approach to climate change. Our key commitment recognizes that the north is disproportionately affected by climate and climate change, and we need to come up with an adaptation measure and a strategy that best aligns with the needs of the north. Who gets involved and how that's managed will be determined in the future.

Applying and building the resilience of Yukon communities — we've addressed that. So, yes, it will take some time and we will work with our communities again and with our departments.

**Mr. Istchenko:** I'm not sure if I got an answer. I'm not sure.

Mr. Speaker, developing future leaders is an important goal, and it should be for all governments. The climate change youth ambassador program gave young Yukoners a once-in-a-lifetime opportunity to attend high-level meetings involving international negotiations. These young leaders were given opportunities to meet with federal ministers, representatives from different countries and Canadian negotiators.

The experiences and the knowledge that they gain would be invaluable for Yukon as we develop our next generation of leaders. Yet, according to the government's website, this program is on hiatus — and I think that's what the minister just said — and they are no longer accepting applications. Is the minister able to tell us if there are any other climate change programs that have been put on hiatus?

**Hon. Ms. Frost:** No. I would say there are none put on hiatus. What we are doing is that we are working on a new approach to climate change. We know that there was just the released announcement in the media over the weekend — I'm



sure the members opposite would have read it on CBC. There is a new approach and new scientific assessments on the impacts and effects of climate change globally. In preparation for national strategies, we have a pan-northern approach, as I stated, and we will define, in that approach, a very specific strategy for Yukon and for our northern partners. Who gets involved and what programs we initiate will evolve out of that.

The previous government may have had a strategy — well, that strategy perhaps needs to be aligned and that's exactly what we're doing and we're taking a very succinct approach with the experts we have in-house. We're relying on resources that we have as well as working with our pan-northern partners.

### Question re: Highway maintenance

**Mr. Hassard:** I have a few questions for the Minister of Highways and Public Works regarding highway maintenance. In the spring, the Minister of Highways and Public Works confirmed that he had in fact cut the brush-and-weed control budget by some 50 percent this year. Throughout the summer, we heard a number of safety concerns from drivers who found many sections of the road not cleared very well at all. We have heard some concerns as well that the brushing was done very late in the season.

I'm curious about if the minister would be able to tell us if he plans to keep the budget at the same level next year.

**Hon. Mr. Mostyn:** I thank the member opposite for his question. Indeed we have heard a lot about highway maintenance and brush-clearing in the last several months.

I will inform the member opposite that we are currently in the midst of budget preparation. We're starting that process now. It's an involved process. We're doing that because we have inherited a situation where the previous government spent a \$1.50 for every dollar they collected in new money, and so there are some budget restrictions. There are some issues that we're having to deal with on a range of areas. Government services have to be assessed for the usefulness. Certainly I have heard a lot from the community that brush-clearing is important and I'm sure it is.

We are going to assess how much money we put in the budget in the coming months. Once we have that, we will make that information known to the members opposite, probably in the next Sitting.

**Mr. Hassard:** Recently, we've seen the government do an asphalt overlay at Jakes Corner. However, at a busier section of highway just south of the Carcross Cut-off the government did a chipseal overlay. We have heard a number of concerns about this particular section.

I'm curious about if the minister could explain why the government chose to go with asphalt on the Jakes Corner section but, at the busier section of the highway closer to Whitehorse, they went with chipseal instead. I'm curious as well if the chipseal overlay will become a new standard.

**Hon. Mr. Mostyn:** I thank the member opposite for his question. I know several members opposite have been in the Highways and Public Works portfolio for a lot longer than I

have and know about chipseal standards. This is a question outside of my experience. I am gaining experience in highway maintenance and all of the differences between chipseal and asphalt. It has been an immersion for me in a brand new field. I take the member opposite's question under advisement. I will find out from the department why we decided to use chipseal as opposed to asphalt in those two different areas; however, I do not believe that chipseal will be a new standard. I will check with my departmental experts who make a living at this — our engineers and road experts — in road building and development, and I will certainly consult them and get the member opposite a more fulsome answer.

**Mr. Hassard:** I certainly appreciate that answer from the minister.

With the arrival of winter, we have heard a number of concerns from citizens throughout the Yukon about the state of the highways. The highways, obviously, are what connect our communities, and our constituents rely on them very heavily. We know the reality of living in the north is that there will be snow and ice on our highways, but Yukoners should be able to drive on our highways and expect them to be either cleared or sanded. We have received many questions about whether or not the government has reduced the sanding budget, similar to how they reduced the brushing budget.

Can the minister confirm if this is the case and update us on what actions this government is taking to ensure our highways are kept safe throughout the winter?

**Hon. Mr. Mostyn:** Well, the member opposite is correct that the brushing budget was reduced in the last budget, but the sanding budget has not been reduced. We have been reflecting on this. I am sure the member opposite heard complaints. I have heard complaints too. My good colleague, the Member for Mayo-Tatchun, has certainly kept me abreast of the road conditions on almost a weekly basis as he makes his trip home to his constituents and family in Mayo. I certainly get very up-to-date and detailed reports on the state of the highways up north. As a matter of fact, the Premier just recently made a trip back home to his community in Dawson City and stopped in at the Carmacks grader station with pastries. I know that was to meet the crew there and find out how things are going for them.

They are working very hard this year. The weather conditions have been very unusual this year. We have had some freezing rain and some freezing and thawing, so the weather conditions, particularly on the stretch from Carmacks to Minto, has been a really vexing problem for the Department Highways and Public Works staff. I know the crews have been working very hard to get this stretch of road in shape. They have been blading the roads more than they ever have in the past and they have done it earlier. They have been putting sand down and I know they are working very hard, but safety is our utmost goal.

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

### Notice of government private members' business

**Hon. Ms. McPhee:** Pursuant to Standing Order 14.2(7), I would like to identify the items standing in the name of government private members to be called on Wednesday, November 15, 2017. They are Motion No. 157, standing in the name of the Member for Copperbelt North, and Motion No. 32, standing in the name of the Member for Copperbelt North.

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

### ORDERS OF THE DAY

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

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

*Motion agreed to*

*Speaker leaves the Chair*

### COMMITTEE OF THE WHOLE

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

The matter before the Committee is continuing general debate on Bill No. 8, entitled *Act to Amend the Workers' Compensation Act and the Occupational Health and Safety 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:** I will now call Committee of the Whole to order.

### Bill No. 8: *Act to Amend the Workers' Compensation Act and the Occupational Health and Safety Act (2017)* — continued

**Chair:** The matter before the Committee is continuing general debate on Bill No. 8, entitled *Act to Amend the Workers' Compensation Act and the Occupational Health and Safety Act (2017)*.

**Ms. White:** Again, I thank the official for returning to join us today to talk about these changes to the act.

In the last questions I had before we sat down on November 2, I was asking about research, so I will just read from Hansard: "In all of the research that was done to make the decision to include these three groups of workers, at any point in time was the actuary asked what the cost would be for a blanket across the industry? If it was to include everybody, what would that increase look like?"

The third question was whether or not there "... was a request to do the research on what that increase would be for across the board?" — so to cover all industries.

**Hon. Ms. Dendys:** I thank the member opposite for the follow-up questions.

When we were considering the scope of this bill — and I went over this previously in our last Committee of the Whole debate — we looked at a number of different factors, one of them being our survey. We looked at past experience with our actuary and our past experience around the presumption for firefighters included us booking a liability of \$5 million. Until we have a presumption bill passed, that is when we would go back to our actuary to look at what liability would be potentially booked for this presumption.

When we looked at this, the advice that we received from the board was that these were our past experiences with our actuary, and so we have to assume that there may be a need for a liability to be booked for this presumption.

**Ms. White:** So there was no prior research done to decide whether there would be a cost increase. Was there no request or conversation with the actuary to explore the possibility of an increase?

**Hon. Ms. Dendys:** I stated previously that, when we looked at the cost estimates, the actuary did provide — and we did look at actual injury costs. So the \$300,000 to \$500,000 — I did state that, in the past Committee of the Whole, that was the information that was provided to us. For us to then do this blanket — this is what it might look like — we pay the actuary to actually do that work on our behalf, so for us to forecast something that may or may not happen is an actual direct cost to the Yukon Workers' Compensation Health and Safety Board. So it's not a matter of us saying, "Can you just give us this information?" It is us actually requesting and paying for it.

We do have that general number around what the injury costs will be per worker. When this is passed, then we would go back and get other costing, but we do know that it will be potentially a rate increase.

So from the costing perspective, it is quite difficult to put a precise estimate on the proposed change that would result from this introduction of a PTSD presumption. There is evidence from other jurisdictions indicating that it is likely that increased awareness could result in an increase in the number of claims, which is what we expect. We expect that. We are already seeing that. The last few years have seen, on average, three new PTSD claims opened every year for Government of Yukon employees who are emergency response workers.

PTSD presumption legislation could double this rate to see six new claims per year. However, based on an analysis completed by the Yukon Workers' Compensation Health and Safety Board actuary, an additional three claims per year is probable. The costs related to PTSD presumption legislation would affect premiums two years from when the legislation takes effect, with the full impact being felt approximately 10 years later. The estimated incremental cost of approximately 1.5 percent per year would increase the government's rate group by approximately 24 cents over time. This would be over and above the rate increases that could occur regardless of the PTSD presumption legislation.

In practical terms, that means that the current government rate group of \$1.45 per \$100 of payroll would increase to \$1.69 — an increase of 17 percent — if there were no factors influencing the rate.

**Ms. White:** One of the reasons why I ask if any research was done previously is that it has been said by the Premier and the minister that it would cost too much to look at covering all industries. The reason why I was asking if the actuary had been asked the question is because, to me, that would seem that it would be the actuary who would say that there is actually going to be an increase.

One of the things to follow up on is that, when we talked about the \$5-million liability coverage for firefighters, it resulted at the time, I believe, to an eight-cent increase per \$100 of wage. When the minister was just speaking, there was a mention of two years, so there would be a two-year increase and then it would stabilize after the two years — just to clarify. So if we were looking at having an increase for those three specific industries — the minister spoke about two years. Would the two years cover to get the liability high enough and then it would be maintained for future years?

**Hon. Ms. Dendys:** We will not see the impact for two years. We will see the impact on the rate in approximately two years, and then we will not see the full impact until approximately the 10-year period. That's really the time frame.

**Ms. White:** How long did it take for the WCB to reach the \$5-million liability for firefighters? How many years did it take for that liability to be set aside and then, once that \$5 million was reached, what happened to the rates?

**Hon. Ms. Dendys:** Basically what happened with the firefighter presumption is that eight cents were added per year to the government rate. Then there would be a five-year review to check in to ensure that we're on track and just to ensure that we are collecting back that liability that goes on to the government rate.

Again, when we move forward with this presumption, the actuary will determine whether a liability needs to be booked, and then we'll go through a similar process of doing this in an incremental way until we reach the full liability and until the liability is fully collected.

**Ms. White:** Just because we do have the person with the answers in the Chamber, I was just trying to figure out quickly when the presumptive legislation was passed for firefighters. I can't remember if it was 2006, 2009, or 2011.

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

**Ms. White:** So I have been corrected here — 2009, it was introduced and in 2011, it was passed.

I was just trying to figure out how many years it took for that \$5-million liability to be put aside. We talked about a five-year review, so 2011 would have been 2016. I just wanted to know if, within that five years, we reached the \$5-million liability that was set for the presumptive — the cancer coverage for firefighters?

**Hon. Ms. Dendys:** The plan was — and still is — to collect over 10 years. We're just passing the five-year mark. We're just doing a review to see if we're on track with that

and if we need to adjust the levels that would be assigned to the rate group.

**Ms. White:** When will that review be completed?

**Hon. Ms. Dendys:** The plan is that we're just passing the five-year mark so it will be reviewed in 2018 and it will be reflected on the 2019 rates.

**Ms. White:** With the proposed changes to the legislation in Bill No. 8, will there also be a five-year review completed for these changes?

**Hon. Ms. Dendys:** The plan is that, once this legislation is passed, it would then be discussed with the actuary. If a liability is necessary and is to be booked against this presumption, then we would do an assessment and put a plan in place. Based on our experience, it may be similar to the firefighters' presumption, and that would be a board decision.

**Ms. White:** When the minister was speaking earlier — just to clarify — was there the thought that we would be presumptively adding the money and liabilities for six cases per year?

**Hon. Ms. Dendys:** That was an initial rough assessment — sort of a ballpark — we're not sure. We already have higher numbers than that which we're looking at. That was based on the initial assessment when we were first discussing this presumption. The more awareness — that is exactly what we want; we want to see workers or anyone really who is suffering from post-traumatic stress disorder.

What I understand from the Workers' Compensation Health and Safety Board is that these particular workers who we have targeted within this bill are the types of workers who generally do not come forward, so we are now starting to see them come forward. What we know is that other workers who may have post-traumatic stress disorder from other occupations that have been discussed within Committee of the Whole — like social workers, teachers, or others — who may have developed post-traumatic stress disorder do come forward. There is generally no issue with them coming forward. If there is an impact of post-traumatic stress, they often will work with their employer and work with the Workers' Compensation Health and Safety Board to gain coverage through the *Workers' Compensation Act*. But these particular workers who we are targeting in this bill generally do not come forward.

**Ms. White:** Just also to try to hone myself into the conversation — was the \$2-million return in the 2016 financial year or was it 2015? So Workers' Compensation has made returns to Yukon government — just to get those amounts and the years that there were returns.

**Hon. Ms. Dendys:** Yes, that is approximately correct. I don't have the exact number in front of me today, but 2015 and 2016 both had \$2-million rebates, as did all other Yukon employers throughout the Yukon, based on how much they paid into Workers' Compensation during that year.

**Ms. White:** If it's an issue of money, then could that money not have been rolled back into Workers' Compensation to cover PTSD, like the presumptive legislation for the other

workers as well, or even just the ones who are covered by Yukon government?

**Hon. Ms. Dendys:** I can hear the point that the member opposite is making today, but there is no guarantee that there would be a rebate from year to year. This is the situation in the Yukon where we are in an overfunded position. It was the decision of the board to do the rebate that all employers in the Yukon have received over the past two years. Going forward, there is still no guarantee that there will be a rebate because things can happen.

We discussed this in Committee of the Whole when we had our previous debate. Things can change. There may be things that change within our investments, and that is really what has put us into a situation of being overfunded at this point.

**Ms. White:** I thank the minister for the answer and, of course, the official in the Chamber. I just realized that this is a radical — that I could probably jump down for the rest of my existence and we really do not want to be talking about this for the next five years, so I thank the Assembly for the time and, of course, the official in the Chamber watching.

It turns out that I have a lot more to learn about workers' compensation. I guess this is going to be my lifelong journey of learning actuaries, amounts, liabilities and coverage. I thank the Assembly for their patience, and I am going to stop because I have about 45 more questions that probably do not make a lot of sense on their own. So I am going to learn more and I will be back for this legislation or this department at another time.

**Chair:** Is there any further general debate on Bill No. 8? Seeing none, we will proceed to clause-by-clause debate reading of the bill.

*On Clause 1*

*Clause 1 agreed to*

*On Clause 2*

**Ms. Hanson:** I would like to just speak a bit on clause 2 because this is the core of this whole amendment, which says that presumption respecting post-traumatic stress disorder — and then it has for emergency response workers and the explanatory note is also there.

We have spent a lot of time in this Assembly speaking to — and we just heard the minister's rationale for why this government chose to restrict presumptive coverage to emergence response workers. In my view, that rationale and this government's use of it is a direct contradiction to the spirit and intent of the workers' compensation legislation. That's just a statement. It's my feeling about that.

I sent a note this morning to the minister opposite and to several other members of the Liberal caucus because I have been struggling over the last while to find a way to try to bridge the gap that exists between those in the community and those in society who do believe that post-traumatic stress disorder presumption should be and could be, and morally should be extended to all workers. That has been clearly rejected by the current government.

One of the things I said to the minister this morning is that, in doing that kind of thinking and research and trying to

maintain the intent of the legislation that was tabled by the Liberal government, as well as to not put further impediments to adapting to and evolving as we gain a better understanding of the impact of post-traumatic stress disorder — one of the ironies is that we've talked a lot about the money on this side of it, and we haven't been talking about the work and the responsibility that is also covered in the other part of the bill here in terms of the occupational health and safety.

That being said, what I found was that, in April 2017, the Nova Scotia Liberal government, just before election, had up until that time repeatedly rejected the idea of presumptive coverage for any kind of workers, but then they tabled a bill in April 2017 that would provide presumptive coverage to particular classes of workers, or groups of workers. Their inclusion was broader than ours. It included correctional officers, firefighters — which ours includes — and nurses — which ours doesn't — and paramedics and police officers. After the election, they went out to public consultation. They actually listened to the public consultation — unlike this government, which heard that only three of the 207 respondents said they wanted it restricted to the basis that this government had put out — and that government had a committee process — not unlike what one presumed that this committee process is about.

As a result of that, in September of this year, they tabled presumptive legislation again in the Legislative Assembly that added number of workers. The *Workers' Compensation Act* in Nova Scotia, in addition to the ones I already outlined — the correctional officers, firefighters, nurses, paramedics and police officers — included 911 operators, dispatchers, and continuing care assistants to the list of professions that would be covered under the presumptive legislation.

What they did, Mr. Chair, to not have the kind of challenges that we've faced in this Legislative Assembly, repeatedly — and I've only been elected for almost seven years, so I'm nowhere like some of the older hands in this crowd. I may be old but I'm not an old hand. I can tell you that the number of times we see where legislation is way past its best-before date — the legislation says in it that it shall be reviewed, may be reviewed, or whatever, and repeatedly that doesn't happen.

So the Nova Scotia Legislature and its committee structure actually came up with an approach that will allow for some flexibility. It allows for the addition of future occupations through regulations as opposed to having to bring the legislation back and have it reintroduced. What it does, Mr. Chair, is that, rather than having an exhaustive definition as we have in the current draft right now, it simply says that you would have first response and emergency workers — front-line or emergency response workers are the broad category, and then you leave it to the regulations to define that, and you then have your — in our case the Commissioner in Executive Council doing that, and theirs is the Lieutenant Governor in Executive Council. They make regulations prescribing the occupations for the purpose of the definition of either front-line or emergency response worker.

In my note to the minister, I said to her this morning that one of the things that it would do is that it would address, in part, the problem that is encountered in debate. We were talking about the assumption that the definition, as it is right now, will include yet-to-be-defined positions that we hope may arise from administration of justice negotiations. Those negotiations have not been completed yet, Mr. Chair, nor do we have a job description, nor has it been a position that's in place. So allowing for regulations that would allow how that either as a front-line worker or emergency response worker — to me it's more of a front-line worker kind of position. The minister spoke earlier about the potential inclusion in the future of social workers and others. Those are all ones that have been considered and are covered in other jurisdictions, but not here.

So Mr. Chair, what I had said to the minister is that I would be — I had asked her if the government would be open to entertaining amendments that would include the words “front-line worker” in addition to emergency response worker, and allow for the making of regulations that, over time, would allow for further definition of both front-line worker and emergency response worker, so that this becomes expanded by regulation as opposed to being in this piece of legislation, Mr. Chair.

To that end, I move an amendment to Bill No. 8.

*Amendment proposed*

**Ms. Hanson:** I move

THAT Bill No. 8, entitled *Act to Amend the Workers' Compensation Act and the Occupational Health and Safety Act (2017)*, be amended in clause 2 at pages 1 and 2 by:

(1) deleting from subclause (1) the definitions of “emergency response worker”, “firefighter”, “paramedic” and “police officer”;

(2) adding the following definition: “front-line or emergency response worker” means a continuing care assistant, correctional officer, emergency response dispatcher, firefighter, nurse, paramedic, police officer or person in an occupation prescribed by the regulations”;

(3) deleting from subclause (2) the phrase “an emergency response worker” and replacing it with the phrase “a front-line or emergency response worker”; and

(4) adding subclause (3), “The Commissioner in Executive Council may make regulations prescribing occupations for the purpose of the definition of front-line or emergency response worker.”

**Chair:** The amendment is in order.

It has been moved by Ms. Hanson, Leader of the Third Party:

THAT Bill No. 8, entitled *Act to Amend the Workers' Compensation Act and the Occupational Health and Safety Act (2017)* be amended in clause 2 at pages 1 and 2 by:

(1) deleting from subclause (1) the definitions of “emergency response worker”, “firefighter”, “paramedic” and “police officer”;

(2) adding the following definition: “front-line or emergency response worker” means a continuing care assistant, correctional officer, emergency response dispatcher, firefighter, nurse, paramedic, police officer or person in an occupation prescribed by the regulations”;

(3) deleting from subclause (2) the phrase “an emergency response worker” and replacing it with the phrase “a front-line or emergency response worker”; and

(4) adding subclause (3), “The Commissioner in Executive Council may make regulations prescribing occupations for the purpose of the definition of front-line or emergency response worker.”

**Ms. Hanson:** I anticipate that there would be some debate with subclause (2) because, quite frankly, it mirrors what the Nova Scotia Liberal government was amenable to as a result of both their public consultation and their debate discussions within Committee. I think the critical factor that we are attempting to achieve here is to not bind or constrain the ability to recognize that post-traumatic stress disorder is a reality and that presumptive coverage may and should be extended beyond what the government — at first blush — was prepared to do.

Now we have heard extensive arguments largely coming back down to sort of a putative actuarial concern that may or may not increase liability. I think that there is a number of arguments that we could get into about the other part of the responsibility and the onus with respect to workers' compensation — the whole notion of the second part of the *Occupational Health and Safety Act* and the language that we have heard being expressed about the onus on making workplaces safe. But there are occupations and professions where you cannot predict with any certainty the trauma. You cannot, even with the best of intentions or training programs, obviate against the trauma that may occur in a situation in a corrections centre or in an ER.

We put this out because we really do think that Yukoners who responded both to the public consultation — we see the experience again of other governments that initially came out in a more restrictive approach having listened to their citizens and to members of other parties. In Nova Scotia, they have a Liberal government, but also they have Conservatives and New Democrats on their committees. Clearly this is a product of those discussions and I would encourage the government to look favourably at this approach and this proposed amendment.

**Hon. Ms. Dendys:** I would like to just start by thanking, of course, the member opposite for your determination in bringing forward the amendment today.

I would like to just say that there were a number of — I want to speak to this in kind of a broad way, but also specifically to the fact that there is support for this approach in our community. Just last week, for example, there was a column that appeared in the *Yukon News* that agreed with it, and it was entitled: “Yukon government's PTSD legislation strikes the right balance”. It speaks to — and I quote: “NDP Leader Liz Hanson has argued the government should go

further and legislate that all employees benefit from the presumption regardless of the nature of their work.”

Again, I quote: “I must disagree with Hanson in part. It is certainly reasonable to suggest that the list of inherently traumatic occupations is incomplete.

“It is another thing however to expand this presumption to jobs where encounters with traumatic experiences are exceptional events rather than daily occurrences. It is reasonable to place some onus on a grocery store clerk or automotive mechanic or a real estate lawyer who suffers from PTSD to explain what might have occurred in the course of their employment that could reasonably lead to that condition.”

This continues on with this quote from the article: “Real estate law may carry its own stresses, but people don’t die in front of me at our office boardroom table very often. If they did I likely would have found another line of work years ago.”

It goes on to talk in support of the approach that we have taken. I would like to repeat again and I have said this many times throughout this debate that any worker in any occupation can make a claim for work-related PTSD. That hasn’t changed. That will not change. PTSD is a human issue. Of course people come first — of course — that is absolutely the approach of this government. However, the reality is that you cannot discuss PTSD presumption without addressing the question of financial costs and who will pay them.

PTSD presumption is a new concept in Canada, and we are not Nova Scotia. We’re not fully aware of what the impacts will be on costs to the workers’ compensation claims system. We are trying to develop a system for Yukon — something that will work for Yukon. That is why this government committed to limiting coverage to occupational groups that fall within the government rate group.

It’s the most reasonable first course of action and, as the Premier said, this is a first step. Limiting to the government rate contains costs even as it serves those workers who are most likely to suffer PTSD as a result of their common day-to-day work activities. We have a rough idea of claim costs, based on a limited amount of data from the past few years of experience at the board. We don’t know how that might change as we continue to break down the stigma associated with the psychological injury. As more people come forward, will there be more claims? Will it be severe or less? We don’t know how much of an impact that preventive actions, such as critical and stress management, have on psychological injuries. What impact will preventive measures have on Yukon workplaces in general?

We need answers to these questions and more, before we consider expanding the presumption. Even with those answers, it will still be incumbent on the government to consult with employers in all rate groups to measure their awareness, preparedness and willingness for such an expansion.

Take the question of nurses, for example — nurses, as employees of the Hospital Corporation, are covered under industry group 3.11, personal care and health care facilities. This industry’s group rate falls under the group rate of

services medium. This is Yukon’s single-largest rate group in terms of the number of employees it represents. It contains over 1,000 of Yukon’s roughly 3,500 employers. There is a wide variety of employers in this rate group, such as lumber yards, bulk oil dealers, heavy equipment sales or service, restaurants and caterers, retail sales, personal esthetics services, and photography and other arts.

It wouldn’t be reasonable for this government to presume that every employer in that rate group is willing to adopt the financial unknowns associated with PTSD presumption.

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

**Hon. Ms. Dendys:** I know — I’m just going through it. We are saying that a reasonable first step is to cover emergency response workers, who all happen to fall under the government rate group. As we learn about the financial and other impacts of PTSD presumption within that context — then, if needed, consult with Yukon employers before expanding it further.

We’re not alone in this thinking. There is support in the community for this approach, as I’ve just stated, and I’ve already gone through a couple of the quotes from that article.

Until we learn the financial impact of broadly introducing a presumption clause, it would be, I think, irresponsible to include. I know that it’s not what the member opposite is asking here today, but we think that we’ve found the right balance here.

I stated earlier today that there are certain occupations that do not come forward, even if they have post-traumatic stress disorder — or, when they feel that they have post-traumatic stress disorder, there are certain occupations that are listed in the amendment that you’re speaking of here today that generally will come forward, and they’re covered. They’re already covered under our legislation. I think that we have targeted the right group because these particular occupations generally do not come forward. They are now starting to do that.

I just cannot stress enough that all Yukoners are already covered for PTSD under the *Workers’ Compensation Act*, so this is not a question of coverage. It absolutely is not. It’s a question of making a responsible decision to existing coverage to improve services for those members of Yukon’s workforce who are most likely to experience PTSD. It’s a balance of human and financial matters, and we feel confident that our approach is the right one.

Now, what I will say to the members here today is that we are past our review time of the acts, and I’ve been in the position for less than a year, as minister responsible. Our government — and I, as the Minister responsible for the Workers’ Compensation Health and Safety Board — are committed to a broader review of both acts, and I will commit to doing that within my mandate as minister. At that time, we will revisit the effectiveness of the changes in Bill No. 8.

**Ms. White:** I think the one thing — to see the trees through the forest at this point, or the forest through the trees, or however the expression goes — is that having new ministers having been elected for just over a year — the problem is that changing the legislation to increase the

definitions of who would be covered in the future means that it would have to come back to the Legislative Assembly. With the proposal — when we are talking about adding the subclause 3 — it would allow it to be made in Cabinet and would be allowed to be an order-in-council. In that alone, what we're trying to say is that, for the very minimum, that is the correction. We knew that we would cause a little bit of ire by increasing the definitions. What I'm asking the government and what I'm inviting the government to do right now is to make a subamendment, to change that and bring it back in your definitions, but make sure we include the subclause 3. So if we say front-line workers — but the part that's so important is allowing the definition to be changed by an order-in-council, because otherwise, any time this — when we talk about this being a first step and that we will look at next steps in the future, those next steps have to happen in this Chamber.

The Premier knows and members on this side know that it is hard to do. It is hard to make sure that it comes up. Every minister there has pulled out bills and legislation that they think are important, but it is hard to get it up. It is hard to go through the drafters. It is not an easy process. What we want to make sure of — at the very least — is that it could be expanded, and it could be expanded by the government, not on the floor of the Legislature. I am asking the government to take a look. If an amendment to our proposed amendments is required — just think about the future is what I am saying. What we are asking is that the future changes could be addressed not on the floor of the Legislative Assembly, but by order-in-council. Although this is a first step, future steps will have to be decided here, and that is the complication. In the six years that I have been elected, we have not gone through 50 pieces of legislation — we haven't. We have gone through far less than that. So if there will ever be any changes, it will have to come to this floor, and to make that a priority is a gargantuan task for government.

I am asking right now if there is a will — and maybe, if government was so interested, we could ask for a recess to take a closer look. But, Mr. Chair, there is an opportunity here to make sure that it can be done in a different way than just on the floor of the Assembly. That is ultimately what we are trying to propose here — that change and that expansion to happen not through legislative change on the floor of the Assembly.

**Hon. Mr. Streicker:** I would like to begin by thanking the members opposite for their proposed amendment and for providing these considerations. I think the minister has just stood and stated that she is interested in doing a review, and that will come. I think we are well aware that, without the clause as proposed by the Leader of the Third Party, it means it would come back to the Legislative Assembly. We understand that. There are always pluses and minuses. Of course it takes more work, but it also means that the debate comes to the floor of this Legislature.

Before I leave that point, the amendment before us, as proposed, isn't just for that. The amendment here is to add definitions and to add the Commissioner in Executive Council regulations.

When the Leader of the Third Party spoke to the amendment, she talked about a concern that the focus was on the rates and that should not be the only rationale. I heard the minister responsible talk about more than that. Yes, rates were considered, but also the issue is that the group that has been proposed now in this legislation — the emergency response workers — has a stoic culture about it, and we have been working to help that group get past that stoicism so that, when they start to see issues arising around trauma, they seek support.

Some of that leads to the point that I wish to make. It is about the notion of prevention. In the legislation as we have proposed it, we have recognized that there is work to do around prevention and that it is not fully developed as of yet.

Within my own department, which has both firefighters and EMS, we recognize that we have to do more work. Our concern is that just presumption without the hard work up front on prevention leaves us exposed — I mean us as a territory. We need to put the effort into prevention because we want our workers to be well and healthy. All the debate seems to have focused on the notion of presumption, and I wish we would have spoken more about the challenge of prevention.

In this case, in this first step as it is proposed, one of the jobs that is left for the departments — and I include in that the Minister responsible for the Workers' Compensation Health and Safety Board, the Minister responsible for the Public Service Commission and I — is to focus on that issue of prevention. That is one of the other rationales that led us to pulling in emergency workers in this first step. I just wanted to put that one the record.

**Mr. Cathers:** I just want to rise very briefly in speaking to this. I would like to thank the Leader of the Third Party for bringing this forward. We did consider whether to propose an amendment at this stage but had the sense from the government that they had already made their mind up about the scope of the legislation. As I noted in debate on this legislation, I do just want to note that, while commending the Leader of the Third Party for bringing forward a constructive amendment, I don't think this scope goes far enough either. As I have mentioned previously in debate, some of the examples of other professions that I think should be covered include coroners, community coroners and victim services workers.

I would also just like to note that, while we will be supporting this amendment and the idea proposed by the Third Party of expanding the scope in the future, one of the things that I have heard additionally from Yukoners who have been paying attention to debate on this legislation is that, in addition to comments I reflected earlier in debate, I received an e-mail from a Yukoner who told me about her own experience in the system and mentioned the importance of systemic supports, the importance of prevention and critical incident stress management, but also noted her view that, from her perspective, there are some other areas and possible opportunities that don't get as much attention in debate, such as her suggestion that, as important as critical incident stress management is for some first responders, activities like going

for a walk as a group or doing something outdoors together or that type of team activity may be just as important for that person.

I just want to note, in bringing that forward to the Legislative Assembly, that she was not suggesting, nor am I, that this is an alternative that works as a replacement for critical incident stress management or systemic supports, peer supports, or improved mental health counselling, but simply that different people deal with stress and cumulative stress in different ways.

It's important that we have a system that tries to provide the supports that our staff and volunteer first responders need and tries to provide supports that meet the needs of each of those individuals to help them avoid ever getting to the stage where they actually do have PTSD; and instead, trying to support them and foster their mental health and improve their ability to handle the situations without it ever getting to the stage where they have PTSD because, again, as I have stated, if someone gets to the stage where they have post-traumatic stress disorder, it means that the system has not worked as well as it should.

I'll conclude my remarks. I just wanted to note that for the record, knowing there are Yukoners who are concerned about this, that we'll be supporting this amendment while arguing that the scope should be further broadened. I understand that the government is not indicating a willingness to accept that at this point in time, but I would strongly urge them to do as they are indicating and follow up on this matter, do further consultations and treat it as a priority matter to look at expanding this legislation to cover more Yukoners. Most important is to take the steps to improve the system in matters including mental health supports, critical incident stress management and in peer support group activities and so on to do the very best that we can as a government and as a society to avoid legislation. Presuming that somebody has developed post-traumatic stress disorder being necessary, we should not have to see it get to that final stage where somebody already has PTSD.

With that, I'll just conclude my remarks in supporting this amendment.

**Ms. Hanson:** It's interesting to hear the points of view by all members who have spoken. I think the minister opposite did miss the point of the article in the *Yukon News* on Friday. In fact, that writer was actually saying that the list is too restrictive and what our proposal is doing is allowing the government to review the list of professions without expanding it to all workers.

I do think it's unfortunate that the flippant tone at the end of the article was included in Hansard, because I really don't think that the author — the lawyer who wrote that article — intended it to be flippant on the whole, but in the end it was. On a subject matter like post-traumatic stress disorder, I don't think we can afford that.

I just want — for the record — when this amendment goes down to defeat, I do want to remind the members opposite that November 17, 2017 isn't several years away — not that much time. We will be looking forward to seeing this

government's review of the Workers' Compensation legislation. It's currently about four years overdue, so we'll be looking to see that on the legislative agenda for this government in very short order and be holding them to account for that because I have heard it before. We saw it in Nova Scotia that government didn't like this idea and went to an election on it with a narrower point of view and came out of it with a broader point of view. I'm hopeful for Yukon workers that we don't have to wait for another election to have that commitment fulfilled — a commitment made by a new government to actually listen to Yukoners and Yukon workers — and not focus on the government's actuarial liabilities, yet to be defined.

I never understood at all that this was the covenant that was made in 1917 with respect to workers' compensation. Be that as it may, maybe they'll be re-writing the intention and the purposes of workers' compensation legislation in the Yukon if we want to do it in a Yukon way and move away from that covenant with workers.

There are many, many things to be balanced out in that, so that will be an interesting debate, Mr. Chair. I look forward to the next steps.

**Hon. Mr. Silver:** Mr. Chair, I wasn't going to speak today and I commend the minister and her department for the work that they've done educating this Liberal government on the —

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

#### Point of order

**Chair:** Ms. White, on a point of order.

**Ms. White:** Mr. Chair, I believe that when the Member for Whitehorse Centre spoke, it was in closing debate.

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

**Ms. White:** I'm sorry, Mr. Chair. I thought that when a motion was moved and the other person spoke, it was closed, but that does not appear to be the case.

**Hon. Mr. Silver:** Thank you very much, Mr. Chair.

Again, I wasn't going to speak, but there are a couple of different issues here that are coming up from both members of the opposition that I do want to address. Again, back to the decision that we made on this side of the House — it is twofold. One was to move forward with presumptive legislation, something that the previous government did not do. So it is interesting to hear the Member for Lake Laberge speaking about how we're not going far enough, even though the Member for Lake Laberge had years to push this within his own government when he was over on this side. I take that with a grain of salt and I don't want to speak too much to that, other than we're at least doing presumptive legislation, whereas this was something that in my tenure in the Legislative Assembly, we spoke out for the last six years. So I'm very proud of the work that this government is doing in making sure that presumptive legislation is moving forward — period.

Now, we're hearing from the Leader of the Third Party her concerns that we're not listening. I would say, Mr. Chair,



to the contrary — we are. One thing that we have listened to the most is we need to wrap our heads around what presumptive legislation looks like, over and above the presumed presumption that we already have here in the Yukon. In my ignorance in following this over the years, I started with the concept of “we just need to be like Manitoba.” When I was in the opposition, that was my thing — we need to take a look at the best-case scenario across Canada, which is Manitoba.

What I know now, compared to what I knew then, is that we have legislation that is very similar to Manitoba and some would say even better than Manitoba, with presumptive legislation that is assumed. On top of that, we have initial responders whose rates of post-traumatic stress disorder are way too high to not be taken outside in isolation and considered. That’s what we’re doing. We have listened. We have listened to the initial responders. We are respecting their wishes to have this legislation pushed forward for the initial responders, first and foremost, for lots of good reasons that we discussed. I think that our minister did a very good job of explaining why it is that this first initial step — if it is the first initial step — is for the initial responders alone. That’s a very important piece. We have to do it this way for a couple of different reasons.

The other reason is — I know the member opposite will scoff at this, but we do have to look at finances when we take a look at this consideration. Every new case is another half-million dollars over the lifetime of the individual. Whether or not that’s something that we want to talk about here in the Legislative Assembly, we have to talk about that and we have to talk about what that means on our finances.

Now, when I say on our finances, it is because with extra attention given up front — to the member opposite’s point, which is a valid point, the Member for Lake Laberge talked about making sure that we don’t get to the disorder part. That is going to be an extra cost on the system. The more we talk about mental health and the more work that we do as a government on mental health, we will see a bigger strain on the system. Is that a good thing? Yes, it is a good thing because that is an upfront cost that, in my opinion, over the long run will actually save us money. But here is the thing: It is an unforecasted cost that we need to analyze, and we will.

The mental health issue right across Yukon — we are putting 11 more mental health workers across the Yukon into the communities. That alone is going to, hopefully, spawn more conversations on mental health and get people to take action up front. We need to see what that does. This is a change in direction from this new government as far as presumptive legislation. We will get the criticism that we went too far or didn’t go far enough. We believe that we are striking a balance. We believe that this legislation, as it exists, warrants that time to go by so that we can make the decisions based upon evidence as we move forward.

Respectfully, I will disagree with the NDP that we need to change the language now so that we can get ready for changes later. I think we wait and see what this new presumptive legislation does and hopefully — my greatest

hope out of this new legislation is that it increases awareness for mental health illnesses and mental health issues outside of the initial responders. It allows Yukoners to understand more about the presumption that we already currently have with workers’ compensation. It also gets us the evidence that we need and the numbers that we need to make sure that the decisions that this government makes can allow us to still be financially prudent, but still work with the mental health issues that we do suffer from in our communities.

**Chair:** Is there any further debate on the amendment?  
Are you prepared for the question on the amendment?

**Some Hon. Members:** Count.

### Count

**Chair:** Count has been called.

### Bells

**Chair:** Would all those in favour of the amendment to clause 2 please rise?

*Members rise*

**Chair:** Would all those opposed please rise?

*Members rise*

**Chair:** The results are eight yea, nine nay.  
I declare the amendment to clause 2 defeated.

*Amendment to Clause 2 negatived*

**Chair:** Is there any further debate on clause 2?

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

*Clause 4 agreed to*

*On Clause 5*

*Clause 5 agreed to*

*On Clause 6*

*Clause 6 agreed to*

*On Clause 7*

*Clause 7 agreed to*

*On Clause 8*

*Clause 8 agreed to*

*On Clause 9*

*Clause 9 agreed to*

*On Clause 10*

*Clause 10 agreed to*

*On Title*

*Title agreed to*

**Hon. Ms. Dendys:** Mr. Chair, I move that you report Bill No. 8, entitled *Act to Amend the Workers’ Compensation Act and the Occupational Health and Safety Act (2017)*, without amendment.

**Chair:** It has been moved by Ms. Dendys that the Chair report Bill No. 8, entitled *Act to Amend the Workers’ Compensation Act and the Occupational Health and Safety Act (2017)*, without amendment.

*Motion agreed to*

**Chair:** The matter now before the Committee is Vote 51, Department of Community Services, in Bill No. 203, entitled *Second Appropriation Act 2017-18*.

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. 203: *Second Appropriation Act 2017-18* — continued**

**Chair:** The matter before the Committee is Vote 51, Department of Community Services in Bill No. 203, entitled *Second Appropriation Act 2017-18*.

**Department of Community Services**

**Hon. Mr. Streicker:** Mr. Chair, I would like to welcome back to the Legislature and Committee of the Whole Deputy Minister Paul Moore. It is a pleasure to have him here with us today.

I'll just give a few opening remarks and look forward to answering questions from the members of the opposition. Again, the budget for Community Services, with the supplement, would be just over \$163 million. The increase that we are seeking is \$3.8 million in O&M expenditures and they are all to do with increases in fighting wildfires from this summer. I won't say that it was an above-average year; what I will say is that the last several years have all been above the previous average. So what I note is that the cost for fighting fires this year was \$10.5 million and the average over the past five years was \$10.4 million. So it is in line with what have recently been the expenditures for firefighting.

Of course we can never predict firefighting exactly and you yourself, Mr. Chair — I know that you have experience in this field. This year, we had a lower-than-average fire year in the southern half of the Yukon and a higher-than-average fire year in the northern half of the Yukon.

Of course wherever the questions go, we will do our best to answer them, but that is the reason for the supplement.

**Mr. Kent:** I thank the minister for his opening comments and I too would like to welcome Mr. Moore to the Chamber here today to provide support to the minister during debate.

There are a few topics that I wanted to touch on, so maybe I will just give a brief overview of them before I start addressing them one by one with the minister.

The first one I wanted to chat about was lot availability in the City of Whitehorse as well as the infill lots. I did send the minister a series of questions last week that I wanted to ask about the proposed infill. The City of Whitehorse will be voting on those infill lots separately tonight, but hopefully he

will be able to give me an answer, or else get back to me in writing with respect to the questions that I identified. I will, of course, put them on the record here in Hansard today as well.

I also wanted to touch on the capital planning and some of the announcements and tenders that have gone out since we sat in the spring and get an update from the minister on some of those capital projects, the tender forecast, of course, and looking ahead to next year and beyond.

There are some Sport Yukon questions that I have. There are a couple on the MOU signed between the Government of Yukon and the City of Whitehorse with respect to the 2020 Arctic Winter Games — as well as touching on some other areas where the minister has direct responsibility, such as the Yukon outdoor sports complex and, perhaps, a partnership responsibility with respect to the field being proposed to be built at F.H. Collins as well as the sports school at F.H. Collins and the facilities there.

Another issue that the minister has joint responsibility for is the *Designated Materials Regulation*. He has extended the consultation and, I believe, extended the deadlines on that. I will have some questions on the e-waste and the tires that were brought to us by constituents and representatives of the various stakeholder groups.

I was hoping to get a bit of an update from the minister on the *Societies Act* work that is underway. I wanted to get a full update from him on the uniform *Capital Markets Act* that we have agreed to participate in with our colleagues from across the country.

I did want to touch on the comprehensive municipal grant with the minister, as well as consultations that were concluded on progressive raffles that, I believe, are the responsibility of his department as well.

I have some questions on building inspections and scheduling that have been brought to our attention by a number of Yukoners, and I am hoping to get a little bit of an update from the minister with respect to the regulations that I believe are out for consultation — perhaps that is concluded — with respect to the *Pharmacists Act*. I will look forward to hearing from the minister on that.

There are a number of AYC resolutions that were approved at their spring meeting, and we will go through those with the minister and get a sense of where they are at with respect to those resolutions as well.

That gives a little bit of an outline of the things that I wanted to talk about here with the minister, but I will start with lot availability and the infill lots. The first question that I have — and I know that Energy, Mines and Resources is responsible for lot development outside of the City of Whitehorse, and I believe Community Services has responsibility within the City of Whitehorse.

Going on the EMR website this morning, we found that of the — I think 97 is the total number of lots that are available for sale in the Yukon.

Three of those lots are in Whitehorse — two in Whistle Bend, multi-family lots out of phase 2B, and one multi-family lot in Ingram. I know that we were expecting to have phase 3

of Whistle Bend developed this year, but that hasn't happened. I understand it may be pushed out to the spring.

When I was at a city council meeting — not the most recent one I was at, but the one before — the city officials did talk about phase 3 of Whistle Bend with council members at that meeting, and I believe what they said is that the Yukon government had consulted with the contractors and the builders, and they were okay with it being delayed.

I'm wondering if the minister could give us a little bit more information with respect to phase 3, such as the timing, how many lots will be made available in Whistle Bend and, again, when those lots will be made available there.

**Hon. Mr. Streicker:** I thank the Member for Copperbelt South for that — it was a great list of questions and I appreciate that you outlined where you were heading. It gives us some idea.

Regarding lot development in the City of Whitehorse, the Department of Community Services — what we are responsible for is development of the lots in Whistle Bend or the large subdivisions as they come online. In general, we look for the city to do the work on land planning within the city, and I'll answer the specific question about Whistle Bend and what lots we anticipate.

The tender for 55 residential lots, 20 townhouse lots, and four multi-family lots was awarded in October 2016 and is scheduled to be complete and released for lottery between this November and January of 2018. The tender for 132 single-family lots, 14 duplex lots, 40 townhouse lots, and 10 multi-family lots was awarded in late July 2017 and is scheduled to be substantially complete and released for lottery by fall of 2018. An additional 29 townhouse lots closed for tender this past August 2017. So we agree that it is important that we keep land development apace, although we take direction from the City of Whitehorse about where it would like to see lot development.

I appreciate that the Member for Copperbelt South did send some questions to me regarding proposed infill, particularly within his riding. I did pass those notes on to the Minister for Energy, Mines and Resources, and if the member wishes, the minister would be happy to give some response here, if that's preferred. I'll just give that opportunity, Mr. Chair, and then we'll see if there are follow-up questions from the member opposite.

**Mr. Kent:** I had a couple more questions with respect to Whistle Bend. I know there were conversations that were taking place with the previous government about the possibility of transferring the responsibilities for land development within the municipal boundaries of Whitehorse from the Yukon government to the City of Whitehorse. Are those plans still in place, or have those been abandoned or has there been a change of course with respect to the government?

The minister answered — again we can confirm that, as of today, there are only three lots available within the city. He has mentioned that phase 3 — it sounds like sales will start this month and carry on to January. If he can confirm that for me — I believe that's what he said in his previous response. I

think those are the questions that I have with respect to Whistle Bend at this point.

**Hon. Mr. Streicker:** To confirm for the Member for Copperbelt South, the lots that will be available this month are from phase 3C, so they are imminent. The lottery release is set between November and January — so January 2018.

The next phase that is coming over the next year and will be ready for the fall of 2018 will be phase 4.

The lots that I spoke about as having been closed in August of this year were phase 3A.

To respond to the member's questions, there was an initial interest and request to see whether the City of Whitehorse would like to consider doing the lot development itself, and there were discussions. At that point in time, I was a city councillor with the City of Whitehorse. At present — and this is through conversation with the City of Whitehorse — that is no longer being pursued. The best way I can describe it is that, in working to develop a strong working relationship with the City of Whitehorse and even as we were trying to resolve the concerns that they had around considering taking it over, where we landed was that they felt more comfortable just in that stronger and closer working relationship.

I do stay in touch regularly with the mayor and city council, and I know that our staff works closely with the staff at the City of Whitehorse and there are always issues that arise and we need to address as a government-to-government relationship. At this point, I don't anticipate that developing further because it appears that we have landed at a place where both governments are comfortable.

**Mr. Kent:** I appreciate that answer and that update from the minister with respect to land development within the City of Whitehorse.

The questions that I have and that I sent to the minister last week with respect to infill — I know there is some overlapping responsibility with Energy, Mines and Resources, but I don't believe we will have Energy, Mines and Resources up for supplemental debate. That is why I sent these to the Minister of Community Services. Perhaps he could answer them.

I am going to read these questions into the record and then, if there are responses that the minister has, that would be great. If not, I would appreciate them in writing. The City of Whitehorse is voting this evening, I believe, on which infill parcels they may rezone, so you will forgive the hypothetical nature of these questions, I guess — but we'll make the assumption that these parcels within my riding of Copperbelt South will be approved for rezoning.

The first question that I had — and the Minister of Energy, Mines and Resources did get back to me. We had an exchange of correspondence and said that some of the lots — the YG-owned land — would be made available through a lottery process and the city would have their own process if rezoning was granted.

So I'm curious as to which parcels of land in the entire package are Yukon government and which ones belong to the City of Whitehorse? For the Yukon government ones — and

again, assuming that the rezoning process does go ahead this evening — I'm kind of curious when the lottery will be held, if they decide to proceed with the sale.

In a recent letter from the Minister of Energy, Mines and Resources — I asked him if the *Yukon Environmental and Socio-economic Assessment Act* would apply to these sales — he indicated that it wouldn't, that they were going off of previous assessments. I think in his letter he referenced the environmental assessment done for Whitehorse Copper in 2004. I know that the YESAA began assessments in 2005. That was pre-YESAA, so I'm assuming it was the *Yukon Environmental and Socio-Economic Assessment Act*, or the mirror legislation from the *Canadian Environmental Assessment Act* that was the authority under which that environmental assessment was conducted, but if the minister could confirm that, that would be great.

I'm also curious as to when the environmental assessment was done for Mary Lake and Cowley Creek. One of the issues that constituents are raising there is whether these assessments take into account cumulative effects on the aquifer and the addition of septic fields in the area. I guess, prior to YESAA where socio-economic effects had to be considered — I am wondering if the minister has any information if socio-economic effects were considered. There are a number of values that the residents out there hold as very important to them — recreational values with respect to the trails and other types of socio-economic considerations — and that they would like to see addressed. I'm just wondering if there are any provisions in the YESAA legislation as it stands today that would allow for an environmental assessment of these developments.

I have had the opportunity to visit the proposed areas in Mary Lake and in Cowley Creek, in particular, with members of the Mary Lake Community Association. We walked the trails, and it is something that they feel is very important to them — those aspects of the trails and the recreational aspects out there.

If the minister has any responses for me to these specific questions — or, if he needs to get back to me in writing, that would also be fine. This may all be for naught, depending on the votes this evening at City Council. I had hoped that we would be in Community Services after this evening, but we are where we are. If the minister can get back to me under the assumption that the rezoning is approved this evening, that would be great.

**Hon. Mr. Streicker:** First of all, I'm totally happy to get back to the Member for Copperbelt South and give a fuller response. I don't have a full response at this time. I appreciate that the member sent some questions. We looked at them and immediately passed them on to Energy, Mines and Resources. I know my colleague, the Minister for Energy, Mines and Resources, is working on getting a response or responses. I'm not able to give a detailed response.

At a high level, there are some things that I can say. We work to try to ensure that there is — and this is in partnership with the City of Whitehorse — a two-year lot supply available at any point in time. We recognize that land development is

very important and we recognize that there are a lot of pressures on the city, especially when the economy is doing well. We had an example of this when pressures came to bear in — I think it was 2008 — and at that point maybe there wasn't enough supply. It can really affect housing prices.

We hear from the City of Whitehorse — and support them — that they have the lead when it comes to land planning within the city. When it comes to lot development, Community Services does subdivision development, which would be, for example, right now in Whistle Bend. I know that we follow all of the appropriate regulatory steps through YESAA as that work takes place. That is maybe all that I can give at this point. I will happily continue to work alongside the Minister of Energy, Mines and Resources to get the responses to the specific questions that were posed by the Member for Copperbelt South. Once those questions are responded to, then maybe there will be follow-up that can happen at that point, but at this point we just don't have it ready for now.

**Mr. Kent:** I appreciate that response from the minister, and I appreciate his indulgence in letting me get those questions on the record here today so that I can send the Hansard to those constituents who will be interested in that particular issue.

I am going to turn my attention now to some of the capital projects that have been undertaken, or plan to be undertaken, by Community Services in this fiscal year and, again, looking forward to future years as well.

I thank the minister — I requested cost estimates for specific projects and he did send me the list of projects. Some were closed, some were closed and awarded, some were award-pending, some were cancelled and some were still open at that time that I received this document from the minister. The first one I would like to ask him about is the Ross River pedestrian bridge rehabilitation, phase 2. The cost estimate that was put forward by the Department of Community Services was about \$2.7 million — just slightly underneath that. When the tender closed on it, the low bid was \$4 million, obviously substantially over the cost estimate. Has the minister or his department done an analysis of why the cost estimate was so much lower than what the low bid was? When talking about this particular project, can he give us an update on progress? When do they expect it to be completed? If he doesn't know today, I would appreciate it if he is able to get back to me and the MLA for Pelly-Nisutlin, which includes Ross River, who would be interested. I know the tender went to an Outside company, but how many Yukoners or Yukon subcontractors are being utilized on this project and again, an overall update for us on when he expects it to be done.

It's obviously an important project for the community of Ross River. Then if he's able to — I would take this in a return as well — give us a sense of the overall costs because there was quite a bit of work done by the previous government on this structure to stabilize it as well. I'm kind of looking for that overall number between this phase 2 and the phase 1 that preceded it.

**Hon. Mr. Streicker:** Thank you to the Member for Copperbelt South for the question.

There were several questions in there about the Ross River bridge. I can give some update. My understanding is that the work will begin this winter. I think around January is when they're currently contemplating that work beginning. The notion is to use an ice bridge to do that work for the construction.

There is still ongoing dialogue about the timeline and the construction strategy. None of it is certain and it's very difficult to talk about end dates. Those are challenging things, but I will do my best to try to keep the Legislature informed as this is ongoing — and, of course, the community. I met very briefly last week with Chief Caesar when he was here speaking with the Premier.

The member asked why the costs were high. As an engineer, that's a difficult thing to speculate on. We did, of course, do some analysis right away when the bids came in high to try to look to see where those costs differed from where our projections were. It is true, of course, that there will be times when your estimates will be over or under. My look at the whole department was that, overall, it was not a regular occurrence where we were regularly underestimating. I didn't see a systemic issue and I asked the department to do some analysis for us on that.

We did look at it to try to see if there was something in particular. We had noted, for example, that we had expanded the work and that there were some, for example, with the bridge anchoring and that may have been it. It could also have been that there were companies that had come from Outside and were unfamiliar with Ross River and needed to hedge their bets as it were — difficult to know and difficult for anyone to know the answer to that question.

The other question that the member asked was about local involvement. When it comes to bridge contractors, we don't have specific engineering firms here that deal with this sort of expertise. It is usually brought into the territory.

I look forward to the day when that changes. If we're able to alert the private sector to the work we have coming up on bridges, for example, then they may be able to make that investment and have it more locally based.

What we did do was have a conversation with Ross River, the community, and chief and council to ask them about what they wanted to see in terms of local involvement. I can say, for example, that they asked that there be the opportunity for them to — as the bridge gets deconstructed — because the bridge has historic relevance to them — salvage elements of the bridge if they wished. I know that this conversation is ongoing. As we get further into it, if I can report back to the Legislature or the member opposite regarding what level of local involvement there is in terms of contracting, I will endeavour to do so. I think those were the questions that the member posed.

**Mr. Kent:** I have just a quick question on that same project for the minister. I'm just wondering if the BIP program — I know that's run out of Economic Development — if the contractor has initiated anything with that. Obviously

it provides some rebates for local labour use, so I'm just curious if the BIP is — I guess, first of all, is this project BIP-eligible? If so, has it been initiated?

**Hon. Mr. Streicker:** I thank the member opposite for the question. I will take a look at it. I don't know, for example, whether it is eligible or not, and I know that we haven't had any conversations with the contractor about it, but I will endeavour to get a response for the member.

**Mr. Kent:** Again, going back to this list that the member sent me with estimates — and I've sort of cross-referenced that against what I understand to be the lowest bids. Some of them obviously were award-pending. One of the award-pending ones was with respect to the Faro pumphouse and reservoir replacement. Again, the estimate that the minister provided to me was just slightly over \$3.8 million, and the low bid was, I think, \$5.1 million. If the minister can confirm that low bid for me and whether or not this project has been awarded and is underway. It was advertised on June 2, according to the document that the minister provided to me. If you need the tender number, it's 2017-18-2503. So again, I am looking for an update on that particular one, and I guess the same questions — when the analysis was done with respect to this it was about \$1.3 million over the estimate. I am just trying to get a sense if analysis was done as to where that \$1.3 million came into play with respect to this particular project.

**Hon. Mr. Streicker:** I do not have those numbers and that information in front of me at the moment. I will work as we go through Committee of the Whole to try to see if we can dig some information up on that specific project. In the meantime, I will just have to leave it as a return or, if I am able, I will rise at a later moment during debate.

**Mr. Kent:** I had some questions about a couple of projects that were listed in the minister's response to me and ended up quite a bit underbudget, actually. I have questions with respect to those. He did provide me with, as I mentioned, a fairly substantial list of projects that were taking place throughout the territory this year. Most of them — and my hat is off to the officials in Community Services. Most of them came in pretty close to the estimated amount, and the ones that I have flagged are ones that were either way under or way over.

I know the minister talked about phase 4 in Whistle Bend earlier today and the timing for that. The Whistle Bend subdivision construction of phase 4 underground utilities and surface — the cost estimate that the department put together was about \$16.6 million, and the low bid came in at \$11.9 million. I am just wondering if the minister can tell us if, in that gap, there are additional costs that perhaps aren't here. Are there design costs that would not be accounted for that might make up some of the difference? If not, where was some of this money re-profiled — or if it was re-profiled, I guess — from this project to another one or a future one? If the minister has any information as to which ones those are, that would be helpful as well.

**Hon. Mr. Streicker:** Just following up, the cost estimates are typically considered to be good at the 90-percent

level. These are typically class A cost estimates before they go out. However, the marketplace is dynamic. It is a small marketplace. We have a range of bidders who may be choosing to be more aggressive, or not, in their bidding. I think we have to allow that the marketplace has its own dynamics. We do our best, for example, to be thoughtful about how the projects are going out and to give the appropriate lead time so that we can get the best price possible for the taxpayer. But it is a bid process, and I think that it is important, when we look at the RFP process and the responses, to consider how it is doing over time and over a broad range.

It is important to look at different sectors, of course, but I don't think we can draw conclusions from one bid outcome or another. As an example here today, the member has noted two times when the bids came in higher than the estimate and noted another time when the bid came in significantly lower than the estimate.

I think our job is to make sure that we are diligent around the estimate process and that, each time something comes in that is significantly out of range, we do an analysis to consider that. As I noted in an earlier response, we also do a more system-wide look to try to understand that our work is diligent and competent. In my experience so far, in working with the department and in executing some of that analysis or looking at the analysis that they did, my impression is that the department is quite rigorous with its work and on top of it.

I can also say that, with respect to the buried services for Whistle Bend, when we put out the tender, there was nothing non-standard, or there were no late changes that I am informed of. It wasn't something that led to those differences. I'm not sure if I missed a question from the member opposite, but I will just ask him to repeat it for me and I'll take another crack at it.

**Mr. Kent:** I guess the one question — and I apologize to the minister if he did touch on this, but the one question I asked him was whether or not, in this estimate that was put forward, there were some design costs in there that wouldn't have been reflected in the construction bid that was put in by the low bidder at \$11.9 million. That was the outstanding question that the minister is referring to.

**Hon. Mr. Streicker:** The answer was no. There was nothing that changed that would have led to that difference that we know of.

The other question that the member opposite posed was about — when a bid comes in under, what do we do with the money? Is it re-profiled, for example, to some other project? The answer is no. We don't suddenly see it as a windfall. As we go through, over time, we're always watching to see how we're doing in the aggregate. For example, today in the supplemental, we're not back here talking about capital dollars in the supplementary. We are talking about changes that happened to O&M that were unforeseen so, overall, the capital budget is working well.

I will also say that we noted, for example, with funding streams like the clean water and waste-water fund — when you have a lot of projects and yet you know that at times in

certain communities, you will hit issues here and there. What we have done is to try to ensure that, if a project is delayed, we take the next project on the list and get it moving forward so that, as close as possible, we are working to expend the budget allocated.

In that sense, if money frees up, we will look to continue to spend because those funding agreements from the federal government have a timeline for them, which is a finite timeline. Members opposite have even commented that we need to be working diligently to ensure that the money is going to be spent.

**Mr. Kent:** I appreciate that response from the minister. He probably won't have this list that he provided to me in front of him, so I would accept this as either a return or he can get back to me with a letter. I'm curious — there were two projects cancelled in Dawson City: the Dawson York Street lift station replacement and the second one was the City of Dawson Front Street and Turner Street infrastructure upgrades. Can the minister tell us why those projects were cancelled? It was about \$5.4-million worth of estimated work. Again, if the minister can let us know, and if he doesn't have the answer at his fingertips, I will accept a return or something else with respect to this.

**Hon. Mr. Streicker:** I just want to say — I'm not trying to be cheeky, but the Dawson underground is a complicated place. I wish that I could divine it all. It's challenging. The services — you want to try to get it right. Those services are expensive. You're dealing with an old infrastructure, which has been developed over time. It's not a criticism of any past government, it's just that it's rather piecemeal and standards have changed. We are working with the City of Dawson and each meeting that I have had with the City of Dawson has had conversations about the underground services and probably every meeting I have into the future will have that conversation.

What I want to say here and put on the record is that we respect our municipalities. We want the local solutions to local problems. Of course we support them and, wherever they request capacity and support, we provide it, but I don't want us taking decisions here in the Legislature — or the Yukon government even — that aren't done in partnership with the municipality. In this case, I consider them the lead.

I do have the list in front of me. After I realized that the Member for Copperbelt South was going to go into details on the list, I did pull it back up so that I had the same list in front of me. My colleague, the deputy minister, and I were just discussing that we're probably going to talk about the York Street lift station.

I will have to provide a more detailed response at some point for the members opposite regarding how this is proceeding. All I will say at this point is that there are some complexities to the underground of an engineering nature. We need to try to make sure that we get it right because when you invest in underground infrastructure, you hate to go back — well, you hate to go back on any infrastructure piece, but especially when you have to dig up the ground again — because it is expensive. When you get it wrong, it can lead to

other problems and further costs. I am sure that someday we will have conversations about the waste-water treatment plant here in this Legislature, and everybody in this Legislature will be well aware of the challenges of infrastructure in our northern communities — our communities that are built on permafrost. That is the challenge and without getting into details in the Legislature, I will endeavour to get a more detailed response from the member opposite regarding these two pieces of infrastructure.

**Mr. Kent:** I have a quick question I forgot to ask in my previous one with respect to those two projects that were cancelled. Were they cancelled after the bids were submitted or were they cancelled prior to the tender being closed? Again, that is the York Street lift station replacement and the Front Street and Turner Street infrastructure upgrades. We are curious to know if the contractors' prices are out there or if they are not. If their prices are out there, will the tenders have to be substantially changed before you can go back out, subject to procurement laws and best practices?

**Hon. Mr. Streicker:** In response to the specific question — the bids were received, but no contract was awarded in either case. Currently, we are going back and doing a re-scoping exercise on the work itself.

**Mr. Kent:** Looking at the open tenders for Community Services and the tender forecast for Community Services, I do see the York Street lift station on here. It looks like it is estimated to be tendered December 11 and close in early February of next year.

This may have been updated. I think I printed these off today, but I don't see the Front Street and Turner Street upgrades on here. Obviously you will have to re-scope those projects because I am assuming that, since they were cancelled after the bids were received, the prices are out there for the various contractors who were interested in these projects. If the minister has even a rough idea of when we can expect the other project that was cancelled to be retendered, that would be great.

Since he has the list in front of him, the other question that I would have for him — as I mentioned when I received this, a number of these were closed, some were awarded, and some were award-pending. Are all of these projects underway this year? Again, if the minister needs to get back to me on this — if there are some that were postponed for whatever reason to the next construction season — that would be helpful for us to get a sense of which ones are on schedule to be completed when they were originally intended to be completed and which ones have been postponed. I know there are a variety of reasons for postponements and those types of things, so I don't need the specific reasons, but if the minister can flag either today or by way of return for me, that would be helpful.

So again, which ones are postponed and when can we expect the other cancelled project to be retendered? As I mentioned, on the tender forecast — the York Street lift station looks like it is coming out here in early December for advertising.

**Hon. Mr. Streicker:** I think maybe the easiest way to respond is just to update the list and just try to get the department to resend. I'm happy to do that. I do note, though, that I think it was originally sent in September and we're now in November, so it does add to the work of the department, but I'm happy to do it as it is posed as a question.

Regarding the York Street lift station — it was re-scoped, so even though the title of the project is the same, it is now the newly scoped project, which is now out for tender. The other project is still in the scoping phase. It's difficult for me to give a timeline at this point, but what I will do is try to get that list updated and share it back across for the member. I think that, rather than picking one out or another one out, we'll just get them all and give them a sense of where things are at.

**Mr. Kent:** I have a couple of questions about projects that aren't on this list that the minister provided to me. One is the Burwash Landing water treatment plant — if the minister has any updates for us on that. Again, I know that this was a project that closed under the previous government and wasn't awarded for a variety of reasons, but we had expected that to come back out for tender, so if the minister can give us a bit of an update on where that project is at?

We also heard from some Yukoners who live in the community of Pelly Crossing about, I think, the Mica Creek bridge, and my understanding is that it goes to the cemetery and that it's in need of some upgrades. If that's a Highways and Public Works responsibility, we are happy to revisit it during that departmental debate. But if it is a Community Services responsibility, it would be great to get a sense if there are some planned upgrades to that Mica Creek bridge. We certainly don't want the community cut off from the cemetery. Again, I'm not that familiar with this particular piece of infrastructure, but it was identified to us by a person living in Pelly Crossing.

So those are two questions: one on Burwash water treatment plant status; and the second, if the minister has any information on the Mica Creek bridge — otherwise we can take it up with the Minister of Highways and Public Works.

**Hon. Mr. Streicker:** Let me start with the Mica Creek bridge. Department officials have let me know that — and I'll acknowledge that it's Highways and Public Works; it wasn't Community Services. I will confirm by checking with my colleague, but, as I understand it, the department was able to get this solved in very short order. I think it was a couple of weeks. I think it's one of those instances when we were able to address the problem directly, but I will confirm that with the Minister of Highways and Public Works once there's a moment.

With respect to the water treatment plant, or the water treatment facility, at the Kluane First Nation — the Minister of Education and I were recently in Burwash for a meeting with — the chief wasn't there, but the deputy chief and council and officials were there. We did discuss this project.

I want to just take a minute, though, to say that we were there on October 20, 2017. In my first meeting with chief and council in Burwash, they had mentioned that there was this long-standing letter about a school, a request for a school. So

the Minister of Education and her team had tried to track down that letter through the archives and they found it. It was exactly that day, 100 years ago. We were in Burwash handing them a letter from October 20, 1917, and I believe it was the great-great grandfather of Chief Dickson who penned that letter requesting a school. All of us had goosebumps that day. I'll leave it for another time, and when Education comes up, maybe the member opposite can ask some questions. I'm sure the minister will have a great story to tell.

We are in conversation with the Kluane First Nation about the water treatment facility. We are talking with them about a local value.

For example, I know that the Highways and Public Works minister has been looking to do — rather than purely cost-driven contracts — value-driven contracts. I know that he has done some initial work with that and I think he may have some announcements shortly on that front, but through the Yukon Forum and working with all the First Nations, we had begun that type of conversation. The Kluane First Nation is in dialogue with us at this point in time so we recognize that the project has been on the books for some time and we would like to see it get moving — but, of course, we want to do that in a way that the community supports. It's in active negotiation now and, as soon as that's resolved, it will begin to move forward. I don't have anything more to report at this point in time, but it's not a file that's languishing. We're working on it in partnership with the Kluane First Nation.

**Mr. Kent:** In preparing for departmental debate, I did download from the Community Services website the 2015-20 Yukon infrastructure plan. I'm just curious as to if the minister can let us know — I mean, I know this was done in July 2015, but can the minister let us know if this is current or if there have been any changes made to this plan? Obviously it outlines projects by community. There are municipalities as well as First Nations identified in here for the projects that they would like to see accomplished. Is this current? If not, will the department and the minister be updating this Yukon infrastructure plan? This is what we had on the books for 2015-20, but I'm curious if there have been any changes made to the plan since it was initially authored.

**Hon. Mr. Streicker:** This is an excellent question and my basic answer is that — and I'm not in any way being flippant — a lot has changed. It is sort of a dynamic list.

What I will say is that, at the highest level, things that have changed are that we now have the — I'm sorry, I always get new acronyms. Just give me one second.

The investing in Canada infrastructure plan or ICIP — I apologize, the federal government seems to revel in changing its acronyms often for us and just making it tough for any community to track where the funding is coming from. Anyway, those are the dollars that we announced, together with the Government of Canada this past summer, so it was over the next 10 years an additional \$600 million, which is allocated for Yukon — sorry, I think it is \$594 million. I would have to get the number to be sure. Of that, 25 percent will be Yukon's portion and 75 percent will come from the federal government.

On the horizon — as that comes out — it shows where Canada wants to invest some dollars, for example in green infrastructure, and for example in culture and recreation. When you know that is coming, our communities then adjust some things because they have a sense that there is something on the horizon that will deal with some of our issues.

My Cabinet colleagues, the Infrastructure Development branch of the department and I have been going out and talking to communities. What we have been saying to them is that Canada wants us to have this list for the small communities fund in by March 31 of next year. So we have been asking them to look at the list and confirm with us if their priorities have changed or not. We are continually recompiling that list. At some point, we will get to a logical place. At that point, we will share the list. In the past, here in the Legislature, the members opposite asked for the list of the clean water and waste-water fund, which I supplied. I want to be a little bit more careful with the small communities fund — not to say I won't share it; I will, but we must always take it as a work-in-progress until we get to the that end date. We have some communities that have said, "Here is our 10-year list. You can take it to the bank." For example, the Village of Teslin and the Teslin Tlingit Council have really done some great work at pulling together a list and they are very articulate about what their next priorities are and what they would like to see from their priorities on the small communities fund.

Other communities — for example, my own community of Marsh Lake has asked that the department come in and pull together the various groups within the community to sit down and lead them in a conversation about what they would establish as priorities. It is in various stages of development but, in all cases, what we are doing is working to try to ensure that it is the community that has the lead in identifying what their priorities are. Again, the catch phrase that I used earlier is "local solutions for local problems". I will look for a logical place in which to share it with the member opposite as long as it is understood that it has something on it which says "draft" and "work-in-progress" because I don't want any community to feel that once it is shared out it means they no longer have an opportunity to have a conversation with us.

**Mr. Kent:** The acronym that the minister shared from the Government of Canada — I am assuming that has to do with this July 6, 2017 news release — \$600 million over 10 years. I won't read it out here, but there is a breakdown of what this money will be targeted for. Again, I guess, the sooner we have an opportunity to see the changes to the *Yukon Infrastructure Plan*, that would be great, of course, understanding that you don't want to create any confusion among the municipalities or First Nations that are applying for these funds. We will look forward to seeing the first instalment identified in the next territorial budget, as funding according to this news release will be available starting March 31, 2018, and again, it will be disbursed over 10 years.

I just had a quick process question for the minister. I apologize; I'm not sure what kind of information he does receive back from First Nations, municipalities and



unincorporated communities when it comes to the federal gas tax disbursements. Is there a requirement for the governments and the unincorporated communities that receive this funding to report back to the Yukon government or do they report back directly to the Government of Canada with respect to what these dollars were spent on from the gas tax? Again, I have the backgrounder from this year, I think it is, on the disbursements to the different communities and First Nations. I don't expect the minister to have this information with him but, at some point, if there is a requirement for them to report back on what these expenditures are for, it would be helpful for us in the Legislature to know where the gas tax dollars — what projects they were attached to for the various entities here that get funded.

**Hon. Mr. Streicker:** The gas tax fund is a trust fund that is different from the small communities fund, which is a project-based fund that began and we're in the middle of now and have another, I think, seven or eight years left — depending, I suppose, because there is still dialogue with the federal government.

The investing in Canada infrastructure plan, which nominally will start in March of next year — but there is still a lot of work to be done before we get there — will be a 10-year and project-based fund.

With respect to the gas tax fund, the agreement sits with us. It's an agreement between Canada and the Yukon government and so we are the ones who have the requirement to report. There is an annual report and I'm happy to get the last report and share it. I'm happy to share the report in the future — so as we do an annual report, I'm happy to share it with the members opposite and it will always state what has happened in the past year. It includes outcomes.

The communities — whether a municipality or a First Nation or whether it is us as a government dealing with an unincorporated community, we require that there is some reporting back to us so that all rolls up for our funding agreement and responsibility to report back to the federal government. That work is independently audited and is also part of the requirement. I'm happy to share that with the members opposite.

**Mr. Kent:** My final question on the capital side of things has to do with the tendering of seasonally dependent contracts. As I look through this list that the minister provided me, there is quite a date range from April to — I think August here is the latest. Given the government's commitment that all seasonally dependent contracts will be tendered prior to March 31, is that something that the minister can confirm for us here today? So all seasonally dependent contracts for the next fiscal year, the 2018-19 fiscal year — if I ask for a similar list next year and this advertised date, will all those be on or before March 31 of next year?

**Hon. Mr. Streicker:** I just spoke briefly with the Minister of Highways and Public Works and it still is our intention to have all large seasonally tendered contracts available by March 31 and that work is ongoing. I can confirm that is our intention.

**Mr. Kent:** I guess the minister inserted the word "large" into his response there, so what we would be looking for is all seasonally dependent contracts regardless of size, obviously, to be tendered prior to April 1 just to meet the government's commitment to the contracting community.

I'm going to turn my attention to some sport-specific questions now for the Minister of Community Services. Obviously sports are one of his responsibilities.

The first question I have is with respect to a June 14 news release entitled: "The Government of Yukon and City of Whitehorse sign 2020 Arctic Winter Games MOU".

I looked online today and I couldn't find a copy of this memorandum of understanding between the city and the Yukon government. Is he able to provide us with one? It doesn't have to be today, at this moment, but we would be interested in seeing this MOU — or direct us to where we could find it on the CS website. I guess the question that I have for the minister is: How much is the Yukon government committed to providing by way of funding to hosting the 2020 Arctic Winter Games here in the City of Whitehorse?

**Hon. Mr. Streicker:** What I will do for the member opposite is I will check in with the City of Whitehorse just to make sure that they don't have any concerns. I don't have any concerns with sharing the MOU, but, of course, in a partnership I would like to check with partners before sharing. I don't anticipate there would be any concerns, so I will do my best to try to follow up and get the MOU out and share it.

We're excited about the Arctic Winter Games in 2020. It's going to be 50 years since the Arctic Winter Games came in and so we're excited about it. We worked hard with the City of Whitehorse to develop this partnership for hosting and I'm hopeful that we get other communities involved as well, and so is the City of Whitehorse by the way.

In this year's budget, we have provided some start-up costs — \$50,000 is what has gone out this year. There will also be some ways in which we're supporting from a capacity perspective to just ensure that things are moving well. Currently in the out-year budgets, 2018-19 has allocated \$800,000. In 2019-20, there is currently \$665,000 in the provisional budgets. So I will just add a caveat that we haven't passed the budgets yet. Also, there is still dialogue to be had with the City of Whitehorse about how to make this a successful and sustainable games, but that is what we have allocated in the out-year budgets right now.

**Mr. Kent:** So \$50,000 this year and \$800,000 next year and \$665,000 the following year — okay, that is helpful. I guess we would be interested in getting a sense — are those dollars being allocated to the host society or do they flow through the City of Whitehorse? Is it a contribution agreement to the city for them to manage the games? This is just out of curiosity, but again, I thank the minister.

We are also looking forward to seeing the Arctic Winter Games here in 2020 and, perhaps at some point in the future, hosting some sort of a summer event — whether it's the Western Canada Summer Games, which I think is something that we could host here in the Yukon.

That brings me to my next question about the Yukon Outdoor Sports Complex Association — having a competition facility is key to hosting some of those bigger track and field or summer game events. This summer, YOSCA — I'll use that acronym — indicated that it would still like an outdoor sports complex and that it would prefer to build it in Whistle Bend. The minister stated, I believe in local media, that he believes this would be a good type of facility and that he has had preliminary conversations with the Mayor of Whitehorse about it. He also said that he and the mayor would explore this topic a bit further the next time they chatted.

Could the minister confirm if the government has plans to move forward with this project? If so, are they looking at the Whistle Bend location for consideration to build it? Has there been any formal or informal dialogue with the city on this topic?

**Hon. Mr. Streicker:** Just backing up for a second on the Arctic Winter Games — I thought I was about to hear that the opposition was looking to sponsor, so I was excited. Let me just say that sponsorship is welcome. That would be great. I want to say — well, all opposition members, of course, and all members of the Legislature. Yes, it will go the host society.

The member talked about YOSCA — I want to correct the record somewhat here. First of all, I have sat down with the Yukon Outdoor Sports Complex Association and had conversations with them about what they desire in terms of sports infrastructure. I did have a very brief conversation with the mayor about having had that conversation — that is all. There was no dialogue back and forth. Rather than following up on that path, what I did was look for an opportunity where we could see some development. It didn't appear to me that the Yukon Outdoor Sports Complex folks were really about location. That was not their issue. It was about facilities.

The City of Whitehorse had previously expressed its concerns that the choice of location was premature in that — and this was when I was on city council and when we as a council declined the zoning changes. That was because the location was not adjacent to a school. It was anticipated that someday there would be a school there, but at that point — and now — there is no school there. It turns out that I turned to my colleague, the Minister of Education, and I said, "Look, we have this field at F.H. Collins." But it is not really a field because somehow, there was a powerline in the way, and so the decision was made to sort of squish the track and keep it at 400 metres, but you don't get a field in the middle of it. At the same time, you put in a cinder track, which is not really great, as we all know. What I have been working on with the Department of Education is exploring the possibility of putting in a full, rubberized track and a full-sized field at F.H. Collins. I have had some preliminary discussions with the City of Whitehorse.

One of the opportunities, as the Minister of Community Services, is that you always want to check with your municipality or First Nation or the community to understand whether that project is supported or not. So I did have some conversations with them along the lines of: Is this a concern? Would this be okay? We have not had any formal discussions

with them, so I would refer to it as informal. I think they were positive in nature and it has led the Minister of Education and me to do some analysis. I know that shortly we will be reaching out to the sports groups to get their input on potential designs. I am hopeful that we will see this start to move forward within the next budget cycle.

I will acknowledge the member opposite's question — if we do get a full-sized track and a field, it will open up some opportunities for sports and possibly sports tourism. So I have also begun some preliminary conversations with the Minister of Tourism and Culture and the Minister of Economic Development to discuss what those opportunities might look like.

**Mr. Kent:** So just to be clear, with respect to the rubberized track development and the field development, was the minister talking about the outdoor sports complex or was he talking about the existing infrastructure at F.H. Collins? Sorry; there was a bit of a blending there of issues, so I just wanted to be clear with the minister as to which project he was talking about. He was talking about powerlines having to be moved and a rubberized track being put in place. If the minister could clarify that for me, it would be helpful.

**Hon. Mr. Streicker:** I thank the member opposite for the opportunity to clarify. I am referring to a full-sized rubberized track, including, in the centre of it, an artificial field at F.H. Collins.

That's the opportunity. We see that the field and the track need work; we already knew we had to invest in that. It's just a smart economic move to use that location and to invest the additional dollars in order to get the types of facilities that have been requested by the sports communities out in the territory. So that's what we're referring to.

**Mr. Kent:** Thank you very much, Mr. Speaker, and I thank the minister for that.

There were capital dollars in this year's Education budget for the redevelopment of the F.H. Collins field, I thought, that are going unspent this year, along with, obviously, the \$8 million for the francophone school. Perhaps I'll follow up with the Minister of Education on this as well, but it was my understanding that this money wasn't being spent because of the delays and the contamination on-site. But the minister said that they haven't talked to some of the sporting organizations yet — that will be some of the sport governing bodies. So I'm a little bit concerned that this planning wasn't done and monies allocated in this year's budget again will be lapsed, my understanding is, to next year, without talking to the sporting organizations about what exactly was going to be put there. I'll have to go back and check Hansard, but I'm pretty sure that the Minister of Education said the delays in that project were a result of the cleanup of the contamination at F.H. Collins.

So I am looking for some clarification either from the Minister of Community Services, or perhaps the Minister of Education, on what the actual reason was that the project didn't go ahead this year. Is it because they're consulting with sport governing bodies and redefining the scope of that project or is it because — and again, as the Minister of Education said

— there was contamination on the site where this project was supposed to be built?

**Hon. Mr. Streicker:** To be clear — and just confirming with the Minister of Education and the Minister of Highways and Public Works — the delays were due to the contamination; that’s what caused the delay. When the delay was apparent, I approached the minister with suggestions to take advantage of the opportunity to enhance what had been originally anticipated. I engaged in discussions with ATCO to talk about potential costs of shifting transmission lines and to use the dollars that were intended for the redevelopment of that field complex as a reinvestment.

The great thing is — and I happened to sit on city council when these projects came forward — that I have already been given proposals from, for example, the Yukon Outdoor Sports Complex Association, regarding what they would like in terms of a field, and what they would like in terms of a track. They had asked for fields and for several things. I’m not suggesting that we intend to build out to the original design that they had proposed which, in some ways, was developed around the Whistle Bend site.

These will be proposals that will be developed around the F.H. Collins site, noting that we have other Education infrastructure that is intended to be going in there at the south end of the field. Then there’s the French language school, which will be coming. In sort of the scoping terms, it’s pretty easy to see what those big puzzle pieces are. In terms of details, that’s where we will start to have those conversations with the sports communities. We anticipate them happening shortly. The departments have been working collaboratively together on this project. One of our next steps is to speak with those sports communities, so I’m hopeful that they will take this dialogue today as a positive thing and I look forward to having those conversations with them.

But to be clear, the delays were due to the remediation work that was required.

**Mr. Kent:** I’m not sure if this was the minister’s responsibility or not, prior to the development of this year’s budget, but I would have thought that outreach to the sport governing bodies — in particular, Athletics Yukon or the Yukon Soccer Association — would have been done prior to the — I think it was \$2 million or \$2.5 million put in the budget for redevelopment of the field and the track at F.H. Collins. I’m a little bit concerned that there wasn’t any outreach to those sport governing bodies prior to that by the minister. But again, we can also follow up with the Minister of Education during that departmental debate when it comes forward.

Moving on, away from sports — I did have some sports school questions, but I think those are probably better posed to the Minister of Education when we get into that particular budget.

I do have some questions about the *Designated Materials Regulation* and the consultation process. I thank the minister for listening to the concerns of industry — those in the tire business, those in the trucking business, those who sell electronics in the territory, and the organizations that represent

them as well. My understanding is that he has extended the consultation on the *Designated Materials Regulation* and has extended, I believe, the implementation date. If he could confirm the new dates for us when he’s on his feet — just for the sake of Hansard — that would be helpful.

But I did want to ask a few questions as well on behalf of some of the industry folks whom we’ve heard from. We have heard concerns about how this will be implemented with retailers and wholesalers not located inside the territory. Online shopping has increasingly become a tool that many Yukoners use to purchase items from all over the world, so we’re interested in — how does the government plan to impose the surcharge on companies outside of the territory? So can the minister again answer that question and then give us an idea, for the record, on what the new dates are for the closing of consultation on this and the implementation?

**Hon. Mr. Streicker:** I will get to the DMR responses in a moment. First, let me back up to the sport governing bodies.

I would have to go back and count, but my thinking is that I have met with dozens of these sports bodies, and the department — the Sport and Recreation branch of Community Services — meets with them all the time. It’s not that there is some lack of conversation.

I will also say that there was money allocated in the budget originally to remediate the track. I don’t know whether that would have covered it — the \$2.5 million — because when you dig down, sometimes you find issues that go a little deeper than you think.

I will say that we, through conversations, identified an opportunity. We began to develop it as a potential plan. I hope that the sport governing bodies — those that deal with soccer, those that deal with track, and those that deal with other field-type uses — will see this as a great opportunity.

I’m looking forward to the conversation and I’m looking forward to their input. There are no decisions that have been taken, just this notion that we can get a great facility adjacent to two high schools on top of a facility that has been very underutilized. I think this is a great news story, and I appreciate that it pops out here. We would have gone shortly out to the sports bodies, and then we would have gone out and made it more of a public thing, but the nature of the Legislature is that I will do my best to respond to questions that are posed from members opposite, especially in debate on a supplementary budget.

On the contrary — I just don’t want to leave this as “this was not a consultation” thing. I’m sorry — that’s not what I believe this to be at all. We have had ongoing dialogue with those groups, and I’m aware of their interests and I look forward to getting their input on making this the best possible facility that it can be, within the constraints of the landscape that we have there, and we will do what I will call “full site planning” to ensure that.

We still have to deal with the remediation issues from the soil contamination that was there. We’re not there yet. That’s what you have to get through first. I think they’re at the testing phase now.

I will let more questions be asked of the Minister of Environment, Minister of Education or Minister of Highways and Public Works, and then we will move forward. I'm hoping that everybody will see this as a good news story.

With respect to the *Designated Materials Regulation* — the acronym is often DMR — yes, we did extend the dates of consultation to February 1, and when we did that, it was for both tires and electronics. Having pushed that consultation date out, we're not yet setting a date for when we anticipate regulations.

We do want to move to the stewardship model. It is the right way to go overall. This has been how we are heading nationally, and the Canadian Council of Ministers of the Environment has worked to try to move us all there. We are getting there a little late, but we are getting there. We do want to work with industry to try to make this as good as possible. I will identify that, in the media, there was a report quoting the Leader of the Official Opposition saying that large tires would go from \$5 to \$50. That is not exactly a full picture, and I think that it is important that the tire industry and the trucking industry do get a real sense of what we are talking about, so I will take a minute to emphasize this point.

Currently, if your tire is over 24 inches — I am referring to the rim diameter — it would be \$80 to put that tire into the Whitehorse landfill. If someone took that tire and drove it out of town and put it into one of our community landfills, then it would be \$80 to the taxpayer, and extra to truck it back to the Whitehorse landfill to put it in there, which is really frustrating to me. That is exactly why we want to go to this *Designated Materials Regulation*. The whole point is that, rather than paying after the fact, you move the cost up front so that you can ensure that there is a better role at stewardship and at ensuring that things will be recycled.

The member opposite asked questions about how we will deal with online retail, and this is a really excellent question. It is one that we want to try to address.

Because of how the national framework is set up, it is different for electronics than it is for tires generally. For electronics, there is an umbrella organization that deals with introducing prices up front and so that online — for any of the retailers in Canada who sell online or if you are any of the larger retailers who sell in the United States, so, as far as I understand it, sort of the mom-and-pop shops. All of those are captured, and the surcharge that would be charged if you or I walked into a store here to buy a TV, a phone or a computer — the same surcharge would be applied to that similar product if you were to shop online. That is important because we want to create a level playing field so that we don't have those holes in the marketplace.

For tires, it is a slightly different system. The system is that you need to be registered to sell in the Yukon. In order to register to sell in the Yukon, then we ensure that you have that surcharge put on there.

Again, that is work that the Department of Environment is doing to ensure that, from an online perspective, it is a level playing field — just slightly different approaches to the two challenges. The overall goal is to ensure that wherever the

consumer is purchasing, whether that is online or here, that there will be the same surcharge applied. It does not cover if someone chooses to drive Outside and purchase, which is a challenge that we face now. It is not different. It will continue to be a challenge for us because, in that case, what is happening is that the consumers will burden our marketplace in dealing with recycling. But we will do an education campaign to ensure it.

By the way, one other point that I will try to make regarding this is to say that for our retail market here — for the retailers — there is going to be an option for them about whether they get the wholesaler to apply the price so that when they purchase their products it is already put on there. We think this will be desirable for our smaller retail outlets so that they don't have to deal with it. They just tell the wholesalers to apply the price and they just pass that on to the consumer here. Or — and often this will be the case for our larger retailers — they can institute the changes at their tills and deal with it there and report back to us. It is very important that we get this information out to our retailers and work with them to help them achieve this.

We want the marketplace to flow smoothly. We don't want to introduce too many hiccups and we're trying to work with the retail marketplace to ensure that the way in which the *Designated Materials Regulation*, if and when they come in, are done in a way that does not burden our retailers.

I think, Mr. Chair, that when it comes to electronics — and maybe less so with tires — but one of the things that I have heard from industry when I have talked with them is that they understand that this is the right thing to do and they want to work with us to get there. There are some details to be sorted out. I won't say that about everyone in the retail industry. There certainly are a range of views and maybe we'll get there if we reconvene and we get to questions. For example, I know that the Official Opposition House Leader mentioned that he was going to pose some questions about the Association of Yukon Communities and resolutions. There was a resolution this year that, not only do we get on with the *Designated Materials Regulation*, but we get on with whatever the next phase is for other designated materials that we should deal with.

I'll leave it there. Noting the time, I move that the Chair report progress.

**Chair:** It has been moved by Mr. Streicker that the Chair report progress.

*Motion agreed to*

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

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

*Motion agreed to*

*Speaker resumes the Chair*

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

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

**Chair's report**

**Mr. Hutton:** Mr. Speaker, Committee of the Whole has considered Bill No. 8, entitled *Act to Amend the Workers' Compensation Act and the Occupational Health and Safety Act (2017)*, and directed me to report the bill without amendment.

Committee of the Whole has also considered Bill No. 203, entitled *Second Appropriation Act 2017-18*, and directed me to report progress.

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

Are you agreed?

**Some Hon. Members:** Agreed.

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

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

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

*Motion agreed to*

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

*The House adjourned at 5:28 p.m.*

**The following legislative returns were tabled November 14, 2017:**

34-2-79

Response to oral question from Ms. Van Bibber re: education advisory committee (McPhee)

34-2-80

Response to oral question from Ms. Van Bibber re: education assistants allocation (McPhee)

34-2-81

Response to oral question from Ms. Van Bibber re: school curriculum (McPhee)

34-2-82

Response to oral question from Mr. Kent re: school replacement (McPhee)