



# Yukon Legislative Assembly

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34th Legislature

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## HANSARD

Wednesday, March 28, 2018 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

# YUKON LEGISLATIVE ASSEMBLY

## 2018 Spring Sitting

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

### CABINET MINISTERS

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

### GOVERNMENT PRIVATE MEMBERS

#### Yukon Liberal Party

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

### OFFICIAL OPPOSITION

#### Yukon Party

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

### THIRD PARTY

#### New Democratic Party

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

### LEGISLATIVE STAFF

Clerk of the Assembly	Floyd McCormick
Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Karina Watson
Deputy Sergeant-at-Arms	Harris Cox
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly  
Whitehorse, Yukon  
Wednesday, March 28, 2018 — 1:00 p.m.**

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

*Prayers*

## DAILY ROUTINE

**Speaker:** We will proceed with the Order Paper.  
Tributes.

## TRIBUTES

### In recognition of Gavin McKenna

**Hon. Mr. Pillai:** I rise today to pay tribute on behalf of all parties to an inspiring youth in my riding of Porter Creek South and a Tr'ondëk Hwëch'in citizen, Gavin McKenna. Gavin is a dedicated and ambitious youth who, at only 10 years of age, has accomplished great feats in hockey. This past July, Gavin was provided with the unique opportunity to play with Team BC in Edmonton at the week-long prestigious North American Brick Invitational Hockey Tournament. This was a first-ever invitation for a Yukon hockey player and a huge accomplishment for Gavin, as invitations are reserved for North America's most elite hockey players at age nine and 10.

Through a two-stage tryout, he was selected as one of the top players for his age group in BC. At this prestigious tournament, Gavin truly made Yukon proud, helping the junior Canucks reach the finals.

Fourteen teams from across North America participate in the tournament, with each team drawing upon hockey players from their designated provincial or state regions, including BC, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, Atlantic Canada, Michigan, Minnesota, Connecticut, California, Illinois and Massachusetts.

Although Team BC lost in overtime in the finals, Gavin scored two goals and was named second game all-star. He tied for third overall in the tournament in scoring and was named "game star" in four out of eight games that he played. As a result of Gavin's strong showing, he was scouted and received an invitation to several other prestigious international tournaments and camps this spring.

He is here with us today, having just returned from the Belfry Super 64 hockey camp, which is put on by Darryl Belfry, who has trained hockey greats such as Sidney Crosby, John Tavares and Patrick Kane. This camp features a hand-selected group of top-64 players from across North America born in 2007.

In the next few weeks, Gavin will play with Team BC at the Nashville Music City Invitational tournament, which is a continuation of the Brick tournament, and participate in the Toronto Future Legends Hockey Hall of Fame Tournament. The Future Legends tournament features 190 players born in 2007 from across the world. The players will participate in a draft ceremony, followed by a weekend of competitive play.

He will join Team BC again in the summer at The Show tournament in Minnesota, featuring provincial and state teams from across North America.

Here at home, Gavin is the top scorer on his peewee team, which is, for some who may not be familiar with that, for players who are 11 and 12 years old. This team has been playing against 13- and 14-year-old players throughout the season. They will wrap up playing at their tier 2 championship, which I think they just concluded.

Gavin has accomplished all of this by being truly dedicated to his sport. This level of dedication for someone of his young age is incredibly inspiring to Yukoners of all ages. Not only is he an inspiration on the ice, he is also a young man with a heart of gold — part of the reason that I felt it was appropriate to do this tribute today.

For his fifth, sixth and seventh birthdays, Gavin asked his friends and family for gift cards, which he then handed out to homeless individuals in Whitehorse. Then, for his eighth birthday, he asked his friends to give him cards that he could donate to other kids who were less fortunate than him. I would like to applaud Gavin today and wish him continued success as he pursues his passion. Yukon is proud to support you, Gavin.

There are a number of family members who are here today, but I will wait for the introduction of visitors to introduce his family.

*Applause*

### In recognition of World Autism Awareness Day

**Hon. Mr. Streicker:** I rise in the House today to mark the 11<sup>th</sup> annual World Autism Awareness Day, which is recognized every year on April 2. I am wearing blue today in preparation for this Monday, when we can all wear blue to help to raise awareness about autism. This day is one of four global health awareness days that are officially designated by the United Nations. It was created as a way to increase our understanding of people with autism and to recognize their rights as citizens.

In Canada, one in 68 children is currently diagnosed with autism spectrum disorder, which is a continuum of complex conditions. In most cases it affects a person's ability to communicate and interact with people, and it can also affect sensory systems and behaviour.

The cause of autism is not well understood — partly genetic and partly environmental. However, we do have extensive research showing that autism is not caused by vaccines. It usually appears before the age three and is four times more common in boys than girls, which is not surprising to me, Mr. Speaker. I have two autistic nephews.

Unfortunately, I know first-hand that people with autism and other learning disabilities suffer from discrimination. I wish this was not true.

We understand the importance of providing support to people with autism and to their families to ensure that people on the spectrum can thrive and live their lives to the fullest. This requires a whole-of-government approach, including efforts from family supports for children with disabilities

program, Health and Social Services, Justice, Education, and Community Services' Sport and Recreation. It is important that we also work in collaboration with key organizations like Autism Yukon.

I would like to thank Autism Yukon and the families, professionals, volunteers and caregivers here in the Yukon who dedicate themselves to enhancing the quality of life for people with autism spectrum disorder. Last spring, Autism Yukon brought Dr. Temple Grandin here to the territory to speak, along with the very funny Michael McCreary. Dr. Grandin is one of my heroes. Her message was one of inclusion — that we need to emphasize what children can do, and not what they cannot do. She said, "It is never too late to expand the mind of a person on the autism spectrum."

Mr. Speaker, I think it is never too late to expand the minds of all of us, including us as legislators.

Later, when my wife, Susan, and I were speaking with her, Dr. Grandin said something that really resonated with us. She said that the world needs all kinds of minds.

Mr. Speaker, people with autism think differently — not worse, not better, but differently. I believe we should not be afraid of this but, rather, should embrace that difference as a means to provide broader and wider perspectives to help navigate our world. To show our support, we will light it up blue on the main administration building in celebration of World Autism Awareness Day next week. I urge all Yukoners to wear blue this coming Monday, April 2, to show their support, and to remember that the greatest problems faced by people with autism — and the spectrum — is discrimination and lack of understanding.

Mr. Speaker, I have had the opportunity to live with and travel with my two nephews. It has been a pleasure to watch them grow from young boys into young adults, seeking to live independently. I think they add to this world, and I'm very happy for all the support we show for autism.

I'll introduce our guests here, but I wonder if we could just welcome those from Autism Yukon who are here today.

*Applause*

**Ms. McLeod:** I rise on behalf of the Yukon Party Official Opposition to pay tribute to World Autism Awareness Day, recognized this year on April 2. On November 2, 2007, World Autism Awareness Day was proposed and then passed and adopted in the United Nations General Assembly as a supplement to the previous UN initiatives to improve human rights. Since its inception, there have been a number of positive outcomes around the world in autism research and awareness projects.

Globally, this day brings together a large number of autism organizations to aid in specific projects, research, diagnosis, treatment and awareness for those living with the disorder and their families and loved ones. Autism can be described as a neurodevelopmental disorder that affects different areas of the brain. As a spectrum disorder, it affects no two people the same and has varying levels of severity.

Here at home, Autism Yukon works tirelessly with families and individuals to provide support, information and

services. The board of directors is comprised of parents and children on the autism spectrum and acts not only as a non-profit board, but as a support network for our community.

Yukon families are fortunate to have complete access to the Child Development Centre. Their work is undertaken as a multidisciplinary team of professionals, and they work to help families diagnose, treat and understand autism and other developmental concerns they may have.

We would like to thank them for their continued dedication to Yukon families. Globally, our understanding of the autism spectrum is growing. Many steps have been made on the scientific and social fronts toward research and tackling discrimination. There's a long way to go, and we would like to thank all those organizations and individuals who continue to strive for increased awareness and understanding.

**Ms. White:** I stand on behalf of the Yukon NDP to recognize Autism Awareness Day and to perhaps challenge us to change our way of thinking and to call it autism acceptance day. Like many, I was poking around on the Internet, trying to better understand and share a better message. I watched a great video shared on the Autism Yukon page by comedian Michael McCreary, who shares his own experience with ASD. As I searched and clicked and read more, I found a site called autistic self-advocacy network and a 2012 essay written by Kassiane S. I'm going to throw caution to the wind and run a little long, because I believe what Kassiane has written deserves to be shared, and she wrote:

"I often say awareness is the No Child Left Behind of advocacy. It's a start, but no means a finishing point we should be satisfied with. It is not until people understand and accept that we can say progress has been made.

"What's the difference, you ask? The gulf between awareness and understanding is as wide as any ocean. Awareness is all about creating a sense of urgency and fear. Awareness efforts present us as a problem to be solved, and yesterday. Awareness operates in stereotypes and soundbites, not real people. Awareness has no substance; it is but a tool to earn more money to fix us and to promote yet more awareness.

"Awareness is easy. Acceptance requires actual work.

"Acceptance comes from a place of understanding. Understanding isn't generated by soundbites and posterchildren. Understanding takes work. To accept us, people first need to acknowledge us as individuals — as three dimensional, growing, developed characters. We are not all the same, and we are not but a collection of deficits. Acceptance is seeing that and seeing that one's distaste for an autistic person is more likely than not because of 'autism'. Awareness tells you that anything objectionable about us is 'autism', but that explanation is clear, simple, and *wrong*.

"Acceptance requires facing that which makes you uncomfortable about us, thinking about why it makes you uncomfortable, and confronting any prejudice at the root of that discomfort. To accept us is to make a conscious effort to overcome that prejudice, to recognize that your discomfort

with our differences is far more your problem to overcome than ours.

“Acceptance and awareness come from vastly different mindsets. Awareness seeks to highlight how Other we are and emphasizes the differences and distance between our ways of being. Acceptance looks at commonalities we share and at the strength inherent in diversity. Those who seek awareness ultimately have the goal of bridging the gap by making us more like them. They’re aware that we are the problem, and they are aware that the onus is on us to be fixed. Awareness is all about the problems and the difficulties, usually as experienced by the neurotypical majority of folks who are wanting to make everyone know. Awareness makes sure the world knows how difficult we make it for those around us.”

“Acceptance, though. Acceptance says ‘you are you, and that’s pretty awesome. I am me, and that’s pretty awesome.’ Acceptance seeks to meet us where we are, or at least far closer to equitably than awareness does. Those who accept are not seeing us as projects or as charity cases. Those who accept us don’t ‘tolerate’ us, they embrace us, differences and all. People who are aware care about us in spite of our quirks and challenges. The people who are accepting who I know care about me in part because of my quirks and challenges. They recognize that you cannot excise my difficulties and oddities without excising a large part of the whole package that is ‘me’.

“Awareness says the tragedy is that I exist as I am. Acceptance says that the tragedy would be trying to make me any other way. In this way, it makes complete sense that people who have awareness as their main goal would say that I ‘have autism’, whereas those who would agree that I ‘am autistic’ are those who work for or are achieving acceptance.

“I know a lot of people who are aware. Awareness, as I said, is easy. I could easily get a couple hundred people to wear a puzzle ribbon & say it’s ‘for autism.’ It’s not hard at all to get people to recognize a word and a few little associated factoids. People know a few autism factoids, usually about children and about headbanging or poop smearing, perhaps about a pop culture portrayal. Probably enough to tell autistic adults that we look normal, but not enough to know that everything they think they know about autism is wrong.

“I know people who are accepting, too. They had to work a lot harder than pinning on a ribbon and being told that children with autism may not speak but may bang their heads and are aloof or whatever the popular doom and gloom is this year. Becoming aware is a one-time thing, more or less. Even spreading awareness doesn’t involve a whole lot of thinking. But acceptance is a constant process.

“Acceptance of autistic people, like acceptance of pretty much all people, involves moving past surface impressions. It involves trying to understand us, trying to know who we are, not just what our operating system is. People who accept us — or at least those who accept me — have made a conscious effort to not just know what I do, but to relate to why I do it. I don’t flap my hands to be embarrassing, I flap my hands because I am happy (usually) so flapping is a good thing. If I’m being unnaturally still and subdued, that isn’t ‘good

sitting’ or ‘controlling autistic behaviors’, it is a sign of being deeply overwhelmed — the more normal appearing actions are known by those who accept and embrace me as being not good things. Acceptance is taking into account not what ‘people’ do in a situation, but what I do, and recognizing that as valid. Acceptance is joining in my oddities instead of condemning them. People who accept us would much rather see us happy and stimmy and obviously different than miserably quiet and blending in. Acceptance is about us belonging, as we are, to the ranks of fully human people.

“I wish to live in a world where acceptance is not just the goal, but the reality. I want to live in a world where someone talking in the deficit model of awareness is regarded as uncomfortably out of touch with how things should be. This is my world too, and I want it to be filled with people who know that I am autistic and fantastic, not that I ‘have autism’ and that is tragic. In my ideal world, flapping will be just as acceptable as smiling, earplugs will be a normal sight, AAC devices will be common and everyone will know how to converse with AAC users. In that world, neurodiversity will be just another way that people are unique, and everyone will agree that diversity is part of what makes the world so beautiful.”

Mr. Speaker, from this day forward, I’m going to celebrate acceptance and not awareness, because I want to celebrate the commonalities that we share, because you are you, and that’s pretty awesome, and I am me, and that’s pretty awesome.

**Speaker:** Introduction of visitors.

## INTRODUCTION OF VISITORS

**Hon. Mr. Streicker:** Just following up on the member opposite, I would like us to welcome and accept into the Legislature here, Mr. William Macklon, an autistic young adult; May Blysak, a grandparent and supporter; Karen Macklon, who is a board member of Autism Yukon and a parent; William Nelson, a board member of Autism Yukon and a parent; Leslie Peters, the executive director of Autism Yukon; and Katie Swales, who is the president of Autism Yukon. We welcome them.

*Applause*

**Hon. Mr. Pillai:** Mr. Speaker, I would like to ask my colleagues here to please help me in welcoming a number of people from the McKenna-Mason family and other families that are here today to support Gavin. I’ll just go through the team that is here today and then we can give them a hand.

I would like to recognize Krystal McKenna, who is here, Gavin’s mom. Madison and Kasey are here, and they have confirmed to me that they provide him with good focus and advice and keep him going in the right direction. Grandparents Karen and Joe Mason — and I think it touches upon how important grandparents are. On the next trip — they were just mentioning — they are on the road with Gavin while his mom and dad are back looking after his sisters and working — how important grandparents are. It was a privilege today to meet his great-grandmother, Irene Crayford. Irene is a long-time

business person in Yukon and a very successful entrepreneur in Dawson City, so it was a real pleasure to meet her today. I also would like to recognize his aunt Taelor Mason and her mom — extended family here as well — Rhonda Morrison.

Let's give a big hand for everybody here today.

*Applause*

**Hon. Mr. Mostyn:** I would like to take a moment for members to please join me in welcoming my constituents Karen Macklon and William to the House.

*Applause*

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

Are there any returns or documents for tabling?

Are there any reports of committees?

Are there any petitions?

Are there any bills to be introduced?

Are there any notices of motions?

## NOTICES OF MOTIONS

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

THAT this House urges the Deputy Premier to:

(1) retract his incorrect statements made during Question Period on Tuesday, March 27, 2018, in which, when responding to a question about why the Liberal government hijacked a community association meeting in order to silence criticism of the government, he accused the MLA for Porter Creek North of knocking on people's doors regarding the group home the Liberal government is moving forward with, without public consultation; and

(2) apologize to this House and to the Member for Porter Creek North for making that factually incorrect accusation.

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

THAT this House requests the Government of Yukon to demonstrate to this House and to all Yukon citizens how it is giving effect to the Truth and Reconciliation Commission Call to Action 1, which calls upon governments to reduce the number of aboriginal children in care by:

(1) monitoring and assessing neglect investigations;

(2) providing adequate resources to keep aboriginal families together where appropriate, and keep children in culturally appropriate environments, regardless of where they reside;

(3) ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the history and impacts of residential schools;

(4) ensuring that social workers and others who conduct child-welfare investigations are properly educated and trained about the potential for aboriginal communities and families to provide more appropriate solutions to family healing; and

(5) requiring all child and welfare decision-makers to consider the impact of the residential school experience on children and caregivers.

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

Is there a statement by a minister?

This then brings us to Question Period.

## QUESTION PERIOD

### Question re: Children in care

**Ms. McLeod:** Today, the CBC had new disturbing allegations about abuse within group homes. These allegations went further than last week's and suggested that the government is not properly following up to protect children from sexual abuse within their homes.

With today's new allegations, what is the government doing to investigate?

**Hon. Ms. Frost:** First off, I would like to just acknowledge the staff members who are coming forward and bringing these issues to light. We know that there are concerns — serious concerns. We are currently dealing with one specific allegation and following through with the procedures that are required there.

We also would like to really extend, again, to the staff who are coming forward to the media — it is very difficult for us to follow through on allegations that are made through the media. If we know specifically what the issues are — and they came to the department — and set up opportunities for them to do that where they feel safe. We are working together with the Public Service Commission and, of course, the Department of Justice and the other departments to allow staff to feel safe to come forward. So we are looking at that. It is very important that anyone who observes wrongdoing needs to feel comfortable in coming forward, not to mention that they have a legal obligation if there are any allegations of any form of abuse. The member opposite — if she is aware of some allegations, if the media is aware of allegations, then they too have a legal obligation.

**Ms. McLeod:** As I mentioned, today CBC reported allegations that safety investigations into the homes of children who are suspected of being abused are not being properly conducted or followed up on. The review that the minister announced last week was specific to group homes.

Will the review be expanded to include these new issues, which go beyond just government-run group homes?

**Hon. Ms. Frost:** I'm happy to say that — whatever concerns come to our attention — we are taking them very seriously and we are doing the good work and we are ensuring that children, first and foremost, are protected and that we have a safe environment for them to thrive.

The member opposite and the Official Opposition were fully engaged in the report from the Auditor General of Canada in 2014. We are leading up now to another report and another review in 2019. We are taking an internal review to see and look back on all of the reports, all of the recommendations — the Truth and Reconciliation recommendations, the Auditor General's recommendations — and looking at what we actually did and how successful we were at implementing those recommendations. If we are not

doing so, then we want to be prepped for the next review in 2019 and do our good work internally.

**Ms. McLeod:** It is becoming clear that the best path forward is for the government to launch an independent review conducted by someone other than the Child and Youth Advocate to look at the issue of group homes and children in care. The Third Party has brought forward a motion to this effect, and the Yukon Party will be supporting this motion when we debate it later today. Will the government support this independent review?

**Hon. Ms. Frost:** I do want to note that we have a few different things happening. Just to clarify, we have a child welfare matter that is being dealt with. We have the children in care process that the Child and Youth Advocate office is proceeding with. We have some internal staff relations issues that have long been known to us — that have been known to the opposition — and that has come out in the 2014 report that they did nothing with.

We will do something with it. We will work with respect to the policies. We will ensure that our staff are provided an opportunity and engage in best practices and on what we need to do to address the concerns that are in the workplace right now — transitional support, integrated support and incident reports that need to come forward and come to light. I am really happy and pleased that we are finally at this place where we can do something substantive to make changes within our Family and Children's Services process and within our care facilities. It is our job, Mr. Speaker — it is our job to do that good work to protect our children and ensure that there are opportunities to make advanced and positive changes.

#### **Question re: Children in care**

**Mr. Hassard:** I would just like to start by saying that I am not happy we are in this place. Yesterday, we asked the minister to explain her comments that suggested there was an internal review of the serious allegations of abuse in government-run group homes. The Premier claimed — and I quote: I will say that the minister and I have been very clear in our response. We very clearly explained what is going on...” Mr. Speaker, let's walk through the so-called clear responses. On March 21, the minister said — and I quote: “We are looking at doing an internal review.” Later, on March 21, the minister said — and I quote: “...we are not doing an internal review...” On March 22, the CBC story states — and I quote: “Speaking later with reporters, she said ‘internal assessments’ had been done and children and youth are safe in group homes.”

Despite the Premier's claims, the government has been anything but clear. Can the minister tell us why she keeps changing her story on whether or not there was an internal review?

**Hon. Ms. Frost:** Just for the record and for clarity, when an issue of this magnitude comes to our attention, we take these allegations very seriously. We need to do the good work internally to determine what avenue we proceed with. A few days after this came to our attention, as the members opposite well know — they have raised it here in the

Legislature: Why did we not engage with the RCMP? That is a process that takes its own avenue. We will participate where we can. We have indicated that we will participate 100 percent and provide opportunities for staff to come forward to substantiate, to provide input into making this a better investigation and to clarify what's happening. We know, from the auditor's report, many things have happened over the course of the last 15 years in the hands of the opposition. We know they were obligated to provide and implement better services and better support — and I can go back and start reporting.

We have gone back now to look at all the recommendations and all the reports, and we are coming back to the table to ensure that we start implementing those, that we start taking those things seriously and doing the good work we're obligated to do as public servants.

**Mr. Hassard:** Again, we see the government unable or unwilling to give straight answers to very straightforward questions, so here's another one, Mr. Speaker: Yesterday, the Official Opposition received information from a concerned whistle-blower who wants to speak out about how the government has responded to these allegations. They want to go public, but they're afraid for their job.

Mr. Speaker, this individual told us that staff have been told not to put any concerns in writing. Can the minister investigate these claims for us?

**Hon. Mr. Mostyn:** Thank you, Mr. Speaker, and I can tell you this afternoon I'm very happy to speak to this very important subject, which is empowering the civil service to bring matters of importance to the proper authority. I want to personally thank employees for coming forward with their concerns about child welfare. It takes courage to come forward to the media or to others in authority, so I want to thank them. I want them to know we take these issues very seriously, a point my colleague just to the front benches has made this afternoon.

Once again, I thank them.

I want them to know we take these issues very seriously, and it's important for anyone who observes wrongdoing to feel comfortable coming forward. Judging from the news today, we have some work to do to dispel the legacy of fear and recrimination that exists in the civil service. We want employees to feel confident about raising concerns. We as a government, as a society, cannot address concerns without good information — source information.

If employees see things they feel need to be reported, report them. I want those employees to tell their supervisor. If they don't feel comfortable talking to their supervisor, I want them to phone their deputy. That is a matter I have taken up with the deputies this morning, so if any employee has concerns they don't feel comfortable reporting to their direct supervisor, phone their deputy, and that deputy will then take the proper action in investigating the matter that comes before them.

**Mr. Hassard:** We have heard that the department is actively pulling people into offices to try to figure out who has released this information to the public, and people are

genuinely afraid for their jobs, Mr. Speaker, that's why we hear their voices disguised on the radio.

Will the Minister responsible for the Public Service Commission commit in this House that any investigation into who the whistle-blowers are will stop immediately, and that no one will be punished for coming forward?

**Hon. Mr. Mostyn:** We are committed to fostering a culture of trust and openness within the civil service. I know personally how hard it is to foster that trust. I worked in the media for a good many years in this community. I know that trust is a difficult thing to foster within the civil service. These problems have not existed for six weeks or six days, they have existed for almost 30 years in this small town, and it takes a lot of work to break that culture — to change that culture. We know it takes time to build that trust and we know it's not — a culture of trust is not a culture that we have inherited. We are committed to fixing this. It is essential to good government, and again I applaud the civil servants who brought their problems to the attention of the public. I believe in my soul that good journalism is an important part of our democracy, so I thank them for making their problems public.

It's a start, but it's not enough. It is also important that people feel confident bringing their concerns to authorities in the departments who can effect change. We need that source information to address the problems. I'm sorry some employees don't feel comfortable enough doing that. We have legislation, the *Public Interest Disclosure of Wrongdoing Act* that was passed by all members of the Legislature a few years ago that protects its employees. If they don't feel comfortable talking to their supervisor, please talk to your deputy.

#### Question re: Children in care

**Ms. Hanson:** A week ago, the CBC reported on abuse and mistreatment in government group homes. Since then the government has been mired in contradictions that have raised doubts about its ability to solve the systemic issues raised. When it comes to the protection of staff who come forward, the minister has repeatedly encouraged staff to speak with her, yet the assistant deputy minister sent an e-mail to employees saying — and I quote: “In the near future, we will develop a process for staff to express their views and insights.”

On the other hand, the Public Interest Disclosure Commissioner says that the disclosure must be made to an employee's immediate supervisor, their deputy minister or to her. In the midst of all this confusion, whistle-blowers who spoke to the CBC talked, as we have heard, about a culture of fear and concern that they may be targeted or discredited should they speak up. What are whistle-blowers supposed to do — take the minister's advice, obey a directive from an assistant deputy minister or listen to the Public Interest Disclosure Commissioner?

**Hon. Mr. Mostyn:** I thank the member opposite for another opportunity to talk about this very important subject, because the more we talk about it, the more we can bridge this gap and actually create the trust that we need to properly govern and work within this society.

I will say again that if an employee of the civil service has a problem, sees something that they think needs to be addressed, be it with children in care or any of the issues that touch our civil servants on a daily basis, they have a few options. You have mentioned the Public Interest Disclosure office. That is one avenue they could take, but I am recommending that they go either to their immediate supervisor as dictated in the act or, if they do not feel comfortable with that, go directly to your deputy. That is the procedure we have in place. Go to your deputy if you do not feel comfortable talking to your supervisor, and they will then make sure the issue is addressed and make sure they do the investigation we need to properly look after our children, our students — whatever it is that we have to address.

That is the process, and that right is protected through the *Public Interest Disclosure of Wrongdoing Act*, which every member of this House passed several years ago. It is a culture change. It is something that a lot of people do not realize.

I know it takes a lot of courage to come forward with your concerns. I am telling people they can do so with impunity; they can talk to their supervisor or talk to their deputy.

**Ms. Hanson:** The minister's advice runs contrary to what the Public Interest Disclosure Commissioner has already said many times — trust is not a given; it is earned.

The contradictions of this government do not end there. The government's inaction has raised serious doubts about the independence of the review they asked the Child and Youth Advocate to conduct. On Friday, the Premier talked to the press about a review that's going to be set up by the minister and her department. Then the Child and Youth Advocate, in a letter dated this Monday, says that she has decided to conduct a review of group homes, despite the government sending a press release earlier announcing the review.

On March 20, the assistant deputy minister says that the Child and Youth Advocate is expected to submit terms and reference for the systemic review, while the advocate herself says in her letter — and I quote: “I am not required to submit to Yukon government any terms of reference for this review...” Who should Yukoners believe: the Premier, a directive by a senior official or the Child and Youth Advocate?

**Hon. Mr. Silver:** I do appreciate the concerns coming from the opposition. We do want to thank the employees for coming forth with these serious issues, which we do take very seriously. It's important that anyone who observes wrongdoing feels comfortable in coming forward — that's absolute. We want to encourage people to do so.

We also want employees to feel confident about raising those concerns. It's unfortunate that the trust has been eroded. We have had many conversations over the last few months about that ability to report wrongdoing. We had a fantastic conversation with the Member for Mayo-Tatchun just about his experiences when he was a public servant, and my experiences when I was a public servant, being a teacher. This is not new.



What we need to do is make sure our whistle-blower protection is succinct, and we want to make sure that it is working properly. We also want to make sure that if somebody who is working for the government has great ideas, as well as issues or concerns, that these issues are heard. I believe that, by taking a whole-of-government approach, we will rebuild this trust that has been eroded over the years.

I believe that the Minister of Health and Social Services has been tremendously responsive on this issue. For months, she has been working on this with her department, and also the other departments — whether it is Justice or the Public Service Commission. Are we going to solve things overnight? No. But I do want Yukoners to know that we are working on this issue and we want to make sure that people are heard.

**Ms. Hanson:** This government's attempt at doing damage control on the issue of safety of kids in care has backfired. We are left today with a process that is sorely lacking credibility and the responsibility for this rests solely on this government's shoulders. The president of the Yukon Employees' Union and whistle-blowers who have spoken to the media don't believe that either of the proposed reviews by the Child and Youth Advocate will bring the needed change.

Kwanlin Dün First Nation Chief Doris Bill said in a media interview that she has also raised concerns. She proposed a solution — and I quote: "What they can do is give the office that authority to hire an independent investigator to conduct the review and have that investigator report back to an all-party committee. I think that's one avenue ... that government should look at."

Will the government hear the call from the Kwanlin Dün chief and give the authority and the resources to the Child and Youth Advocate to hire an independent investigator to conduct the group home review?

**Hon. Mr. Silver:** I'm glad we're having this conversation, because this is an extremely important conversation to be had, and it's something that this Liberal government is taking very seriously.

In the end, whether we take the advice of the member opposite, the Leader of the NDP, as to what she sees as far as an independent review, or whether we take the direction that we believe we should be taking as far the policies and understanding the acts — in the end they are all recommendations for a government. Whether it is the Third Party, whether it is the Child and Youth Advocate, the responsibility is going to be on this government as to how we implement change that is needed, and that is what we are going to do, Mr. Speaker. This Liberal government will deal with this issue; this government will take care of the concerns.

If the members opposite want to speak off-mic on this, that is fine, I will continue the conversation, but our point is when recommendations come forward, we will deal with it. I guess what we will have to look for is how this government deals with recommendations, however they come in.

#### **Question re: Children in care**

**Mr. Hassard:** Regarding the serious allegations of abuse in government-run group homes that the Minister of

Health and Social Services became aware of six weeks ago, the government has tried to claim that they took immediate action. Yesterday the minister claimed, "We did take action as soon as the information came ..."

A quick look at the facts, however, shows that the minister is incorrect. The minister found out about these allegations over six weeks ago, Mr. Speaker. She did not report them to authorities, which her own legislation and website says she is required to do. In fact, the minister only issued a last-minute press release announcing she would conduct a review after she found out that the media was digging into this.

If the minister can't even be up front about how quickly she took action, how can we have confidence in her ability to act upon this review?

**Hon. Ms. Frost:** I would like to pick up on the point of confidence. Historically, the members opposite know that they had some solid recommendations in which to proceed to make changes — provide better services, transitional opportunities, the department must report in 2011-12, and look for identified protections and concerns that have come to their attention. All this, we know, has been long rooted in the process, and we want to ensure that we take appropriate steps and ensure that, as we move forward, we react, and we react in a way that is in the best interests of the child.

The member opposite does not know what happened; he is making assumptions, and the assumptions are incorrect. We had notice, and the notice came to our attention on February 5. The letter that was received, we followed through — February 14 it went back out. We had a meeting and February 14 the staff provided information back from the youth. On February 15 I met with the youth; on February 16 we went out and we provided opportunities for engagement. We put it back to case management, as the members opposite well knows. As minister, that is what we do; we put it back to the staff who are there to do that good work.

**Mr. Hassard:** I think it is important to let the minister know that my assumptions are based on the information that I received right here in this Legislature from this minister. Mr. Speaker, the minister's claims on this file seem to shift by the day. Let us go through all the things that she has told us, about when she found out.

Last week she told the House she found out six weeks ago. This Monday that story changed and she told us that she found out February 14, which would actually be five weeks ago in relation to last week. Then yesterday the minister said, and I will quote again, "This didn't just come to light six weeks ago."

Mr. Speaker, the minister is either making it up as she goes, or she isn't taking this issue seriously at all.

So can the minister tell us why she keeps giving us different answers when we ask the very simple question: When did you become aware of these allegations of abuse?

**Hon. Mr. Silver:** Quotes are one thing, but the issue is — you know, Mr. Speaker, we have been in government for about a year and a half, or 14 months, and I can attest that whether it is reacting to something that is happening in the

media or looking at a systemic issue Health and Social Services-wide, this minister has been active on this file since she came into the role.

We have had conversations from the get-go about the Handle with Care program for the TSS and how we make sure that the workers know and make sure that they are using this program when dealing with children who are young as two years old or up to six years old.

On hiring practices, the minister has been on this from day one to make sure that the people we hire have the education and training in early childhood education, as well as child and youth care — making sure that we have transitional care for our youth as they age out of the system and demanding that the young adults between 19 and 23 years of age who are in custody absolutely have that ability to transition into independent living.

So to say the member opposite is putting everything into the context of how they find out about this during a media story, and so now they are asking these questions about the media story — that is one thing. But as of January 26, 2018, there were 27 youth in care. These numbers are down. The bigger issue that the minister is dealing with right now is: How do we get that percentage of First Nations in care down as well?

**Speaker:** Order, please.

**Mr. Hassard:** We have heard the Premier talk in this Legislature about how he and the Minister of Health and Social Services have been answering the questions, and answering the questions very clearly, but again, this is an example of that being the exact opposite.

The lack of seriousness that this government is giving this issue is certainly disappointing. The minister became aware of serious allegations of abuse within government-run group homes. We don't know exactly when the minister found out because she has given us several different dates. The minister, like all Yukoners, is required by law to report suspected child abuse to authorities. We have asked the minister several times why she did not report these allegations to the RCMP. She has still not provided us with an answer to that question. The Premier keeps saying she has answered it, but she hasn't.

So if he is so confident that they have a good answer, then why not just tell us?

**Hon. Mr. Silver:** Lots to unpack from that. When did we become aware that there were serious issues within group homes? I think the Office of the Auditor General told us that when the Yukon Party was still in power, so that answers that question very clearly. When did we know? We knew for a while — this is not a new issue.

Specific allegations — allegations are going to be dealt with through the RCMP. I believe that this is the role that the RCMP plays, as the members opposite know as well. We keep on giving information — open and accountable — and what we hear from the opposition is mincing of facts back and forth again.

So let me be clear again: The Minister of Health and Social Services has been tremendously responsive on this issue, and she has been working with her department on this

for months. While I do appreciate that the members opposite are now taking an interest in this issue, I will point out that this has been a priority for the minister since she took on her role, and I want to thank her for what she has been doing. I have full confidence in her abilities. I think it is an honour to be working on this side with such a dedicated group of people who are taking a whole-of-government approach to an issue that needs to be dealt with.

Again, this is not a new issue, and we are going to be working on this. I guess, for the first time, we see a minister who is actually taking action on this issue.

#### Question re: Children in care

**Ms. McLeod:** When the minister met with the youth who came forward with these serious allegations, did the youth have a representative present?

**Hon. Mr. Silver:** Mr. Speaker, we are not going to talk about the specifics of these issues. We have been very, very clear about what we are doing on this side of the House when it comes to the obligations and the responsibilities. If the member is getting to some kind of accusation here, then let's just hear it.

**Ms. McLeod:** Beyond the minister, has anyone else from the government met with the youth to discuss these serious allegations?

**Hon. Ms. Frost:** The child we are speaking about has been in the care of Health and Social Services for quite some time. We have been providing support to this young man. He has had a case manager. We have worked with him to meet his needs and address the concerns that were brought forward. The main point that he wanted to raise with us was transitional support services. How does a young man transition well out of our program into the community? The commitment that he has made is to participate in a process to address some of the systemic issues and concerns. This individual who has raised the concern and brought it forward — we have one major concern with one person coming forward, and we have acted on it.

Other allegations that have come forward have been raised through the media. We are acting on that, Mr. Speaker. When we have concrete evidence and are able to substantiate and verify these to be true, then we will deal with it as they arise.

We are looking at our internal policies. As we have this discussion, the department is working on several internal reviews and policies that look at gaps and at transitional support models and recommendations. It is looking at providing opportunities for staff to come forward and be respected, as well as ensuring that they are safe and feeling confident.

**Ms. McLeod:** If the minister and the government took immediate action, then why did these youth feel like they had to go to the media in order to make this story public?

**Hon. Ms. McPhee:** No one on this side of the House is going to speak for the youth in this situation or for any of the other people who have spoken to the media. That is absolutely their right to do so.

You have heard the Minister of Highways and Public Works implore them to come forward and speak to members of the government, to their supervisor, to their deputy minister, to their minister. The more information we have about this, the better it will be.

It is important, I think, to remind Yukoners that we have been criticized somewhat for coming to this job as new members of the Legislative Assembly, and we are all very proud of that.

But I can remind Yukoners that none of us have come here without vast amounts of experience — extensive experience and knowledge with respect to child protection — and child welfare matters, quite frankly. The knowledge and experience that we bring from our former roles are important parts of our one-government approach.

We are former teachers, former child welfare workers, former youth-at-risk coordinators, former legal counsel for the child protection unit, journalists, former directors of First Nation justice, former human resources advisors, former community organizers and current parents, coaches and people involved in all areas of child welfare. Our extensive experience has brought a one-government approach here to the territory, and we can assure Yukoners that this is a serious matter that we're addressing.

**Speaker:** Time for Question Period has now elapsed.

We will now proceed to Orders of the Day.

## ORDERS OF THE DAY

### OPPOSITION PRIVATE MEMBERS' BUSINESS

#### MOTIONS OTHER THAN GOVERNMENT MOTIONS

##### Motion No. 274

**Clerk:** Motion No. 274, standing in the name of Ms. Hanson.

**Speaker:** It is moved by the Leader of the Third Party:

THAT this House urges the Government of Yukon to immediately appoint an independent body with the requisite expertise to conduct a fully independent review of all aspects of the operations of Government of Yukon operated and/or funded group homes for children and youth; and

THAT the review body be given access to:

- (1) current and former residents of Yukon group homes;
- (2) current and former staff of Yukon group homes, managers, directors and senior management responsible for Family and Children's Services;
- (3) any other materials or individuals as determined by the independent review body;

THAT the independent review body make recommendations for amendments to the *Child and Youth Advocate Act* to strengthen the independence and powers of the office of the Child and Youth Advocate to act in the best interest of children and youth; and

THAT this review body report to the Legislative Assembly no later than October 31, 2018.

**Ms. Hanson:** At the outset, I want to make it clear that this motion is brought forward today with reluctance and sadness. From the days when this whole discussion about the office of the Child and Youth Advocate was being discussed over 10 years ago — rejected by the government of that day and forced into happening — it has been very important in my mind, and to those in my life who have been working with children all of their careers, that there be an independent voice that can speak and advocate on behalf of children and youth.

I'm reluctant to have to deal with this today because, as I indicated last week when I introduced a motion on March 20 — in that motion you may recall that I did that at that time because I was responding to a press release by the Yukon Liberal government announcing that there was going to be a review by the Child and Youth Advocate.

At that time, the information about what that was to comprise was solely contained in the press release coming from the Government of Yukon — nothing from the Child and Youth Advocate. My concerns about the independence of this office were spiked.

I introduced that motion because, at that time, I was trying to reinforce — through the motion, at least — those very principles of the independence of that office. I did it in the hope that if only the Legislative Assembly could provide a strong message of support for a fully independent review by a Child and Youth Advocate of all matters related to the issues most recently making the media with respect to a wide range of allegations surrounding Yukon's group homes, we, as legislators — but perhaps more importantly, the kids currently in the care of government group homes and those who have sought the protection offered by the director of Family and Children's Services — would know that their voices have been heard. It is not just the kids who are in care, but those who have sought the care. They would know that their voices have been heard and that no more would they be shunned, ignored, ridiculed, shamed or left in the cold. They would know that we, as members of the people's House, care enough to step outside the confines of past procedure — perhaps even of the legislative strictures — to say that we do believe the voices of young people and of the people who work within our social services system when they tentatively, and sometimes fearfully, reach out to say this is not right. We, as Members of the Legislative Assembly, are obliged to make it right.

In the absence of this, we are left with many troubling questions. I think we have to ask ourselves: How did we get to this point? What do we do to ensure the safety of children and youth — both those in care, as well as those seeking care — and the safety of those working directly with them, as well as the multitude of social service professionals whose roles either touch directly or indirectly on the lives of those involved in Yukon's group home system?

I have listened to the discussion over the last week or so in this Assembly and outside of it. I have come to the realization that what we are collectively missing is the realization that the reason we are having this debate — the reason why there is still such uncertainty verging on chaos

within the systems that are supposed to be in place to respond to at-risk, neglected and abused children and youth — is that we have continuously, over the past number of years in this territory, been working around the issues, denying the facts and ignoring the reports. The truth is that the dire situations coming into public awareness through the intrepid journalism, I would say, of the CBC and other local media are not new.

Not new, either, is the repeated and successful attempts by government systems to deny, to obfuscate, to divert attention and to placate with grand words, all the while successive generations of kids endure conditions of abuse and neglect or indifference, both inside the child welfare system, and outside.

We are — or we should be, and I heard the Minister of Justice make this assertion earlier today — aware and familiar with the legacy of inept child welfare policies over time. We have evidence aplenty, such as the Sixties Scoop in Yukon and across the country. We do have to recognize that, within all systems, there have been progressive efforts within child welfare, childcare, group-home workers, mental health, et cetera, but systemically there has been little change, except perhaps in the language we use.

Today we are focusing on issues that have arisen in the context of Yukon group homes. The issues we are hearing today about alleged abuse, neglect, denial of service and poorly supported and/or trained workers are a continuation of a reality that goes back years. One of the ministers across the way referenced reports and talked about the Auditor General's report of 2014 — yes, an important report, and I'll come back to that. But in 2001, the Yukon government commissioned the Anglin report, prepared by a University of Victoria professor of social work who was commissioned to report and investigate specific allegations regarding Yukon group homes — 17 years ago, Mr. Speaker.

One of his key recommendations was to replace group homes with smaller therapeutic foster homes. Every attempt over the last number of years to have smaller therapeutic settings for kids, for youth, has been cut to save money. What do we save in the long run? Was that report followed up on? Hardly — hardly at all. Why?

I believe we have to have this debate because we haven't. We will do those reviews, we'll talk about it, but we won't do anything. I heard the Premier say that government will make the decisions; people can make recommendations, but we'll make the decisions. What I heard the Chief of the Kwanlin Dün saying is: Why not have an all-party group do this? That's why I called last week for an all-party standing committee on the most important issue facing us, which is our children and our youth. If we screw up much more with them, we don't have much of a future in this territory.

We are having this debate about the need for a completely independent body to do a thorough review because of the failures of our predecessors in this Chamber to institute systemic change to how we, in this territory, with a small population — a population of indigenous and non-indigenous peoples — who, although they may have divergent views on

many matters, all share, I believe, a deep love and concern for the welfare of our children.

In the early 2000s, when a then-new Yukon Party government was in power, then-Premier Fentie announced that the Yukon was going to work with Yukon First Nations to rewrite Yukon's child welfare laws. That was to have been done in the context of reflecting and respecting the rights and responsibilities and traditions of Yukon First Nation citizens and their governments, and it was lauded as a good step.

But, Mr. Speaker, I think it is informative to us, as Members of this Legislative Assembly, as we deal with the fallout of that and we deal with the reality of a system designed to fail. The Council of Yukon First Nations in 2008, as that legislation was coming forward, published a letter in which they said — and I quote: "... correct the record." I will just give a little bit of history, because sometimes we forget and we tend to repeat history because we don't look back at what happened. From the then-Grand Chief of the Council of Yukon First Nations, he said — and I quote: "In October 2003, an agreement was reached between then-Minister Peter Jenkins and then-grand chief Ed Schultz regarding the process that would be used to consult with the public, Yukon First Nations and other interest groups regarding the development of a new children's act.

"A consultation plan set out a five-step process that would commit the Yukon government and the CYFN to undertake a thorough and meaningful consultation with all Yukoners.

"Furthermore, this plan identified that the children's act revision project would be composed of two co-chairs, one from the CYFN and one from the Yukon government." It's sounding pretty much in parallel.

"This approach was implemented to ensure both governments would collaborate and approve all documents produced by the project team."

The letter went on to say: "The Yukon government agreed to enter into this joint process because it has a fiduciary or 'trust-like' obligation to ... First Nation children in its care."

The Grand Chief went on, "The CYFN was fully engaged as an equal partner in the preliminary consultations and the development of key products of the project team, in particular, the What We Heard consultation documents and the policy forum papers." I will come back to those "what we heard" documents later.

The Grand Chief went on, "However, this joint collaborative process broke down in July 2005, when the Yukon government advised the CYFN that the new law would not permit Yukon First Nations or extended families to work in collaboration with a social worker in child welfare decision-making.

"At that time, the CYFN was told the Yukon government would not entertain any discussion regarding the creation of an independent body to hear complaints. We were also told that the Yukon government would not create a child advocate's office. "The 'joint' process did not proceed past the third stage of the consultation plan. In March 2006, the

CYFN discovered that a draft policy option document was being developed without CYFN's knowledge or direct involvement." And the chiefs' committee withdrew.

Mr. Speaker, the Yukon First Nations expressed — not just in that one letter — their concerns and their dismay at the process, but also at what they had seen, which was a repetition of what had happened before and since.

The promise of change was replaced by government intractability, a refusal to take seriously or accept that ideas and proposals for change can come from others — in this case, First Nation members of the group assigned by the First Nation and the Yukon government to do the work to develop a modern child welfare service law — one that created opportunities for true cooperation and collaboration in the best interest of Yukon children, youth, families and communities.

The result was that, yes, in this territory we did get new child and family services legislation and child welfare legislation. It was described by many — including many First Nation leaders — as weak, and that it only tinkered with the child welfare system.

When the *Child and Family Services Act* was introduced in 2008, Yukon First Nation leaders showed up in this Legislature en masse to protest against the new act. The opposition leaders and members of this Legislative Assembly — yes, members of opposition, Liberal members, the Liberal leader of the day, the NDP leader of the day — had said that we, as members of the Legislative Assembly, should be listening to those leaders.

Now I hear our Premier saying that we'll take recommendations, maybe, but we make the decisions.

The leaders wanted to have their voices heard about the concerns with the legislation. The then-leaders of the NDP and the Liberals — Mr. Mitchell and Mr. Hardy — tried to get the majority government to allow hearings to have the voices of the leadership heard. The CYFN leadership said that this new law missed the opportunity to substantively reform the territorial child welfare system. They said they sought a reformed system to establish accountability measures with respect to the decisions and actions of the director of Child and Family Services. The First Nation leadership felt that the weakness of accountability demanded a requirement for the establishment of the office of a child advocate.

At the time, the CYFN expressed frustration at the government's refusal to allow the First Nations as witnesses and to speak directly to MLAs when bills of this nature are debated. Again, that is why the NDP had proposed that we, as members of this Legislative Assembly, look to amend our Standing Orders to establish a new standing committee to recognize the importance of children and youth and systemic matters that occur with respect to how our children and our youth are faring — whether it is the child welfare realm or childcare or education; there are so many aspects — but you can have a more engaged discussion if you actually use the Standing Orders to create these kinds of standing committees.

They wanted to be engaged; I think we should find ways of modernizing our operation so that we can engage on these

kinds of matters, and it is not just us having these echo chambers.

They said that the strategies of not allowing that kind of engagement are counterproductive to having a relationship based on mutual trust and respect.

It was important to the First Nation leadership then, because youth — as we have heard so many times — are our future, the future of this territory and the future of Yukon First Nation communities and nations. The take-it-or-leave-it stance of the Fentie era that we became all-too-familiar with was not only counterproductive, it paved the way for continued sour relationships between First Nations and Yukon governments. It wasted a heck of a lot of time and effort and eroded that trust.

As I said to the Minister responsible for the Public Service Commission today: trust is earned; it is not a given. As legislators, we need to understand that, because we have to constantly re-earn it.

So today we are living with the legacies of that era because, yes, the Yukon Party did agree to put in place — ultimately, under pressure — the *Child and Youth Advocate Act*, but they did so in a manner that was designed to maximize offence and to minimize any potential for the effectiveness of the Office of the Child and Youth Advocate. First Nation leadership expressed frustration over the lack of consultation as that act was being developed. It was one of those classics, Mr. Speaker, where a discussion paper is developed and held on to for a number of months — I think it was four or five months — and then shared with First Nations just before Christmas. Then they were told that we were going to table it in the spring. In January, it is being tabled in March — it was March.

It was hoped that the new act would give children and youth a voice and ensure that the child welfare system had some oversight and accountability. That is what people were seeking — First Nation leadership, as well as those outside of the child welfare system who understand the imperative that the systems that literally have control over the lives of individuals need to have external oversight and accountability.

I can tell you that, having worked in that system, Mr. Speaker, it gets pretty impervious to criticism. The hope was that a Child and Youth Advocate office would be granted those powers in legislation. As they rushed through the so-called consultative process, they did get pushed back. First Nations recognized the potential and the importance of the Child and Youth Advocate office. They pushed back at the Yukon government-driven process. Names that are familiar to all in this Legislative Assembly — the then-Ta'an Kwäch'än chief, as well as Diane Strand, the former Chief of the Champagne and Aishihik First Nations — were on record in the media as expressing their frustration. Chief Ruth Massie said, "They keep saying they want to collaborate with the First Nations. But how do you collaborate if you keep people on the other side of the door all of the time?"

Then, as now, more than three-quarters of the kids in care were First Nation. When child and youth advocate legislation was introduced at the end of March 2009, the opposition

Liberals and the NDP, along with the independent MLA, raised a number of concerns.

I'll identify a couple of them, because it's instructive for us as we think about why it's so important, given the failings of this legislation, that an independent review be done so that we can move to strengthen, as the motion says — to have an independent review body make recommendations, not only to address the immediate issues of what's going on with our Yukon-operated and Yukon-funded group homes, but also to make recommendations for amendments to strengthen the independence and powers of the office of the Child and Youth Advocate.

When the bill was introduced at the end of March — and then it was brought back for second debate in April 2009 — the then-leader of the Liberals, the Official Opposition, tried to push the government of the day with respect to the independence of this office and the powers. He asked the minister of the day, Glenn Hart, to describe the kinds of powers that the advocate would have. Basically, there were none. So Mr. Mitchell identified all of the restrictions that were being put in place, and he asked what we could do about this. Could we not possibly come to some sort of agreement that what we really want to see here is an opportunity for the Child and Youth Advocate to have the ability to make recommendations, to be heard and to be able to do independent reviews?

I have to say that the government of the day was very resistant to having any ideas coming from the opposition. I know this government says that it is open to hearing ideas coming from the opposition, which is why we put this motion forward. At the time when this legislation was going forward, the House Leader for the New Democratic Party, Steve Cardiff, said that the advocate's primary role was to support, assist and inform, and that there didn't appear to be an overall public advocacy role for this person to speak out on issues of importance to children, about the need for good foster care, about the need for a youth emergency shelter, about more funding for homeless youth or about the need for more training for social workers or to address cultural issues that children have on the delivery of the services that they're trying to access.

The minister's lines were continually that the primary role of the youth advocate is to assist individual children and youth — to assist. So when we keep going back and forth, what are they actually going to be able to do?

Mr. Speaker, I can tell you that there was a heck of a lot of frustration in the Legislative Assembly, which then led to the Leader of the Official Opposition of the day coming up with some proposed amendments. I think it's also important to note that the Independent member of the day in the Legislative Assembly — I believe it was the Member for McIntyre-Takhini, as it was called then — John Edzerza said — and I'm quoting here from Hansard, April 30, 2009: "It has become common knowledge among First Nations that they stand alone when it comes to the government developing legislation, because the government has a policy etched in stone: no sharing of power with any other government regardless of

how much the legislation flies in the face and works against other governments, such as First Nation governments."

Mr. Edzerza spoke passionately about the importance of the child advocate being independent and about the child advocate having more than simply a role to occasionally provide advice, but to have no power to do investigations or to make recommendations to direct.

The Official Opposition tried to make amendments to the legislation to basically allow the Child and Youth Advocate to review and investigate any matter that comes to their attention concerning services provided or available to children or any non-government agency — not just government, but any government agency — to try to resolve issues and, where appropriate, make recommendations. Of course, those weren't allowed by the government of the day.

What we have seen through the passage of this act is that we set up systemically, through our legislation, a piece of legislation that has a voice, and that has very strong and committed individuals. I believe the individuals who have been appointed as child and youth advocates — the two we have had over the course of the time when this legislation has been in effect — are strong and passionate in their belief about the importance of having somebody to stand up for those kids, for those youth. But I believe that they're very much hamstrung.

I will say that I did meet last week, at my request — I sent a note to the Child and Youth Advocate and said that I don't like talking about people unless I have talked to them. So I said I wanted to meet with her, and so my colleague and I met with the Child and Youth Advocate and her deputy last week. I was frank with her, and I will be as clear and frank with all the members of this Legislature about our conversation.

I had asked to have an opportunity to meet with her to discuss the concerns that I had when I heard about the press release coming from the government about a review that was going to be conducted by the Child and Youth Advocate and then, because of my concerns about the independence of this office, I expressed my concerns. After that meeting, I received a copy of the March 20 e-mail from the senior official in the government, which basically outlined — and I will come back to that in a minute — the government's position with respect to how that would be conducted.

I will say for the record here that, in our meeting with the Child and Youth Advocate, I said that my initial sense from the way the Yukon government rolled out the press release Monday, and their actions since — and it holds today — was that they would be attempting to co-opt the Child and Youth Advocate office. After reading the protocol that has been established between the Government of Yukon and the Child and Youth Advocate, I don't back down from that one bit.

During our meeting, we talked about — I mean, it is progress. The previous Child and Youth Advocate was unable to get the Department of Health and Social Services to engage, even to the point of getting a protocol. There is a protocol in place, but that protocol — much like the e-mail to all staff that was issued on March 20 — reiterates the control

vested in the Government of Yukon. I would ask members opposite to look at the protocol that exists between the parallel office in British Columbia and the ministry responsible for child welfare there, which is much more declarative with respect to imposing conditions and legal duties on public bodies, including the child welfare department, Child and Family Services, with respect to providing and sharing information.

Whereas, I have to say, the language in the protocol that exists, and I understand how hard it was for the child advocate to even be able to get that, it doesn't make it right. I said to her that I feared that, unless her job and her office are able to see clearly — and I said this to her before I saw the memo, because that memo didn't become available to me until after the meeting with the Child and Youth Advocate — I said to her, when I was still talking about the potential or the possibility of her being able to conduct a review that the government had announced on the Monday night — that there had to be some way of being able to assert whatever full powers that the Child and Youth Advocate had, and that she would be exercising, because, otherwise, her work could be compromised by that protocol.

I am not a lawyer, Mr. Speaker, and I don't have access to legal counsel, but from a layperson's perspective and somebody who has worked in this field, I read that protocol, and my initial reaction, and my reaction today is: Yeah, right; sure.

The government has said that they will cooperate with the Child and Youth Advocate, but on their terms, and it is that qualifier that gives me great concern, because that is not necessarily what is in the best interest for kids.

I said to the Child and Youth Advocate — and I will say this here — that I believe that independent officers of the Legislative Assembly are expected to conduct their affairs in a civil manner, but when taking on systemic issues that affect the lives of our youth and children, the public has a right to expect that the officers can go anywhere they may need to get the correct information.

They may not always be welcome, and they should be able to ask questions that are more than uncomfortable, because that may be the role that is necessary to be played to make change. I have never seen a system change because we're comfortable. We make a change because we're uncomfortable. That goes for our personal lives, as well as the systemic situations we're in. That officer needs to have access to information that agencies and departments may not want to share. Oftentimes, we don't want to share information that puts us in a bad light, but if the goal is to serve the best interest of our kids and our youth who are merging into adulthood, we have no choice.

As I said, Mr. Speaker, I was and remain surprised at the constraining language of that protocol. At some point, perhaps we'll see a more comprehensive review of the kind of language that's used elsewhere.

I spent some time on the background of the Yukon Child and Youth Advocate, because I believe it's important to convey what I believe was the intent of the previous

government — to ensure that the Office of the Child and Youth Advocate would be neutered from the get-go. As I said, one of the things that my former colleague, the late Steve Cardiff, said after all the proposed amendments they tried to put in to give some teeth to the advocate's office — so they're doing line-by-line debate, and Mr. Cardiff said, when they got to the title, that maybe the title is where we need to be honest with each other and with the public about what this is. It's hard to believe that the role of the person or body that is empowered under this piece of legislation actually has the powers to advocate, given what we didn't do today.

I hope, Mr. Speaker, that we will not find ourselves in that kind of position again, where we do something as a result of inaction or other means that will further undermine the work that needs to be done on behalf of our kids through that office, and instead look at how we can empower and strengthen that independent role.

Mr. Speaker, I said earlier that I had a strong sense and commitment to the importance of having a fully independent and empowered youth advocate. I envision this youth advocate as being somebody — when you talk about an independent officer of the Legislative Assembly, I also view it similar to Parliament, when they set up the independent Office of the Auditor General, or any of the other independent offices.

They set the broad parameters and rules of those, but they don't constrain them the way we have in this particular legislation.

Shortly after I was elected, over seven and a half years ago, I had occasion to see how our system — our child welfare and the array of agencies — choose to work with that office.

I'll just give a small example: At the request of a family and with the permission of the advocate, I was asked to sit in on some meetings involving an array of Yukon departments and agencies with respect to a young person who was experiencing really serious challenges, not unlike some of the ones we have heard described in the media, who was desperately trying to access services. What I witnessed was, at a minimum, a dismissive attitude toward the efforts of the Child and Youth Advocate to assist the voice of that young person being addressed and respected and, at worst, neglect. Ultimately, the child was not provided services. Ultimately, we, as a community became responsible for that child's serious, serious problems that occurred, leading to yet more failures of our system in terms of mental health systems, where we put people in jail because we wouldn't work and wouldn't listen to the voice of the Child and Youth Advocate who was trying to amplify that voice — trying to get people to work. The Child and Youth Advocate was seen as just another interfering agent.

Over time, I have watched and hoped that with the legislative review — because I was hopeful when I was first elected in 2010 and knew that the imperfect legislation of the *Child and Family Services Act* and the then-recently passed *Child and Youth Advocate Act* were required and should have happened after five years. I was hopeful that we would have a

chance to see that legislation strengthened, but that hasn't happened. It is not good enough to say: Those guys didn't do it under their watch. They didn't do it when they should have done it in 2014.

I didn't see it on the mandate letter for any minister in this Legislative Assembly, in terms of a priority.

So no legislative review was initiated by the previous Yukon Party government, and we hear now, via the leaked e-mail that I referenced — the one that goes back to March 20 from the senior official in the Government of Yukon — an e-mail which covers just about everything except the kitchen sink in terms of things that are supposedly going on. It's a bit difficult. If I was an employee receiving this, I would be sort of wondering — there are speaking points that were attached to it that are not any more clear, but we understand that there is a review of the *Child and Family Services Act*, and somehow this child advocate will be rolled into it. What concerns me is the language used.

At what point does government let go? At what point does government say that we need to be engaged, not just within our system, but with the members of this Legislative Assembly who collectively represent, on this side of the House, the other 60 percent of Yukoners?

I heard that the minister announced through this “good morning” e-mail to staff that the Child and Youth Advocate was asked by the minister to complete a review of children and youth who have been in care and have lived in one of our many group homes — and that news release was issued the night before. The official thought it was important to say to staff that, as we head into a five-year review of the *Child and Family Services Act*, and as an advisory panel for the review will be announced over the next month and is expected to actively engage with Yukoners over the spring and summer, the review from the Child and Youth Advocate focused on group homes will contribute to the overall advisory review.

That is interesting, because I wonder how the official knew that at the time and how the terms of reference that hadn't been established by the Child and Youth Advocate or — clearly, by the minister at that time — I shouldn't say “clearly” because perhaps they had been and just hadn't been conveyed to the public. The department is saying to officials within the system that there will be a — and it says in quotes: “review of the territory's child welfare legislation.” It goes on to talk about how this is going to be done.

This separate process will ensure that any recommendations put forward by Ms. King will be supportive to the CFSA — the *Child and Family Services Act* — review. This is where we got the confusion, perhaps, that we heard in the House earlier today, about how the terms of reference — as I have mentioned — will be prepared by the government for the Child and Youth Advocate, and that would be done over the next while — and then to stand by while government prepared how you, as an employee of Family and Children's Services — or Health and Social Services, because this was sent out quite broadly, as I see — can have your voice heard — we will tell you how. That is contrary to what the ministers opposite have said.

The Minister of Health and Social Services rightly pointed to the audit done by the Auditor General in 2014. I know that the Premier was paying attention, as were other members of the opposition currently, when the audit was done. The audit that was done by the Auditor General in the February 2014 report did identify that its overall objective was to determine whether the Department of Health and Social Services adequately fulfills its key responsibilities for the protection and well-being of at-risk children, youth and their families.

Unfortunately, it's now four years-plus. The Auditor General's conclusions were that — it was unfortunate, because what they found was that the department doesn't adequately fulfill several of its key responsibilities for the protection and well-being of at-risk children, youth and their families. It had to do a lot with actually doing what it said it was going to do. So it goes back to language and action, because we can have the best objectives — and I see in the kind of communications that come out from the government, and certainly in the messaging that came out from the Family and Children's Services, or from the senior officials in the department, lots of really lofty language — but what the Auditor General said is that you have to match the language with the actions. That's where we failed our kids, and that's where we need to have the empowering of the Child and Youth Advocate to keep us on our toes, to keep the integrity of the system. We're failing those kids and we're failing the incumbents of that office by not being willing to have — and opening ourselves to the scrutiny of somebody other than those who we control.

I'll leave it to members of this Legislative Assembly to review the comments made by the Auditor General. I anticipate that they will be coming back to do a follow-up review, as they do on a regular basis. I hope that, unlike other departments, we won't see — as we saw with the previous audit that was done — neither I nor the minister pointed out that the Auditor General unfortunately did say, we've been here before — as he has done with other departments. We have been here before, and we're still coming back on the same issues. We can't afford to let that happen, because one of the things — as I said earlier — that the Auditor General's report pointed out was the need for timely and accurate information, as recommended by the Auditor General. Perhaps if the minister had been receiving accurate and timely information from her officials, as recommended, the flags would have gone up earlier. But unfortunately, that's not what occurred.

Now we have before us serious issues affecting the lives and safety, the well-being of youth in our care, or denied care by the very government department and agencies created to support them. We have Yukon employees trying to reach out to express the concerns for what is an untenable situation, because when you choose a career that is intended to provide care for vulnerable people, you adhere to ethics, you adhere to principles — and seeing those trampled is traumatic.



We have at-risk youth reaching out to the Child and Youth Advocate and to the minister, and then, when those avenues produced no response, they reached out to the media.

We have heard some powerful voices that have been reported in the media, and sadly, there are more — more voices of children whose voices are not yet in the media — children at risk, children who have been and are being sexually abused, those who have sought the care of this department — teens, not children, asking to be admitted to group homes to get them out of dangerous situations and are being refused.

We have information that I am not going to put on the record here because it is very sensitive — not just one, but a number. As it stands right now, I, for one, do not believe that the Child and Youth Advocate, with access to that information, would be able to effect change. When staff are told by their management, that no, we are not going to act, and when I hear a minister dismissing that, it worries me, because I heard another minister saying that we believe you.

We either believe people who express their concerns — we may not like the situations that those kids are in, or the circumstances that led them to being in those situations, but we have an obligation to provide them a safe place, value-judgment-free. It is in more than one piece of legislation that we all are responsible for it.

When we hear the voices of youth supported by those within the system — who, despite the system and despite their fears, corroborate what the youth have reported — I think we have to do more than allow the system to clamp down to attempt to silence the messenger and to control the message. We don't need message boxes going out to senior management; what we need is compassionate action. Because if that is the outcome — if we set down, if we clamp down, if we attempt to silence the messengers — we will have failed. And if that is the outcome of this debate — that if we refuse to allow an independent, neutral, objective body to review what has been going on in one aspect of our child and family services system — our group homes — to give voice to the current and former residents of Yukon group homes, to give voice to current and former staff who have been involved with Yukon group homes, including managers, directors, senior management and advocates outside of the system; if we refuse to allow information that may make us uncomfortable, to be open to scrutiny, then how do we ever believe that we will ever actually have an independent Child and Youth Advocate office?

Because if this government is going to deliver, as I hope it is planning to do, on what I believe I have heard — and I will ask the minister to confirm this — which is a review of the *Child and Family Services Act* and, concurrently, a review of the *Child and Youth Advocate Act*, and if that review is going to be a repeat of what we saw in the mid-2000s, it will be more than a shame and more than disappointing; it will be absolutely unacceptable for any number of reasons, not the least of which is the basic reason of social justice.

The events of the past week have been, to say the least, confusing, but our job as Members of the Legislative

Assembly is to dispel the confusion, to confirm that we do not only say that we believe in the rights of children and youth, but demonstrate it by being open to scrutiny and by calling for, appointing, listening to and acting on the recommendations of an external review of Yukon group homes, with the end product of not only changing immediately whatever malaise has taken hold over time within that system, but also with the longer term view of strengthening both the group home situation, as well as strengthening the independence and the powers of the office of the Child and Youth Advocate.

I hope that we will see a thoughtful discussion this afternoon. I hope that we will hear from the members around this room — their views and how they would like to dispel the confusion, dispel the concerns, and the chaos that exists within the system and outside of it with regard to what actually has happened and is happening within Yukon's care system for youth. I look forward to hearing the voices of members of this Legislature saying bravely that they are prepared to hear criticism, they are prepared to hear views that are painful, that may express trauma — but they are prepared to work through that to get to the right end, which is to serve the best interests of our kids and our youth and to ensure going forward that the office that we, together, establish through legislation to advocate that we actually take seriously what that means and that we don't further fetter that office.

We hope that members here will be willing to be open to the suggestion made in the motion put forward today — that this government immediately appoint an independent body with the requisite expertise to conduct a fully independent review of all aspects of the operations of Yukon's group homes and that we allow that independent review body to make recommendations for amendments to the *Child and Youth Advocate Act* to strengthen the independence and powers of that office to act in the best interests of children and youth, and that we follow up on that commitment by setting a timeline so that this doesn't not drag out. It is in nobody's best interests — I don't want to be talking about this six months from now. I want to be celebrating the fact that we took some risks here.

**Hon. Ms. McPhee:** I thank the member opposite for the motion and for the commentary that she has brought today to this House.

I appreciate and agree with the sentiment and the actions that are the spirit of this motion. However, in my submission to this Legislative Assembly, the motion confuses more than one process, and the actions that are requested by this motion are already underway.

The other significant issue with respect to this is that I fundamentally disagree with the idea that the Child and Youth Advocate is not independent and does not have the requisite expertise or authority to carry out such a review. I think that's important to state up front because, while I appreciate much of what has been said already here in this House — and I can assure you that nobody on this side of the House would disagree with the importance and the emphasis that has been

placed by the Leader of the Third Party with respect to the protection of children, and I will say more about that in a few minutes — I have a fundamental disagreement with respect to House Officers. Mr. Deputy Speaker, that may be partly because I have been one. I know about those responsibilities and authorities, and I will speak a little bit about that as well. But it's not personal. It's a process in which I believe intently.

As a result of the two factors that I have noted — the disagreement with respect to the authority of the Child and Youth Advocate, as well as the confusion of the motion and the actions that are already underway — we will not be supporting the motion. I have very good reasons for that. I implore the members of this House to listen to my submission on this motion. All of the individuals who will speak on this today have put a significant amount of energy and thought into exactly what is being asked and exactly what our response to this would be.

I am emphasizing and, please, imploring the members of this House to listen to the submission, because it is thoughtful, in my view. I will break down the motion and attempt to clearly explain why we are not supporting it today, despite the fact that we do support the actions that it recommends. I appreciate that this is maybe — to the member opposite — a distinction without a difference, but it is not, to me.

We are taking action with respect to this matter. I very much appreciate the opportunity to speak about this by way of a motion in this Legislative Assembly. I think it is an appropriate venue in which to do so. By my count, there have been more than 20 — maybe 25 — questions during Question Period about this topic. It is one in which this government is extremely interested in changing what has happened in the past with respect to child protection and the issues that arise with respect to child and family services, group homes, et cetera. I will speak about that.

Specifically, the motion urges the government to appoint an independent body with requisite expertise to conduct an independent review of group homes for children and youth. That is the basis of what has been asked here. There is also a provision in the motion about having access to certain information.

In my submission to this House, there is an independent body that has requisite expertise and has indicated that they are going to conduct an independent review of group homes for children and youth in the territory. It is not good enough to just say that, but those are the facts as I see them.

As I stated on Monday in this House during Question Period, I am very concerned about the position taken by the Leader of the Third Party that our independent officer of this Legislative Assembly is not what I have just described — an independent expert who has the authority to undertake this. I expressed that on Monday, and I will do so again here with respect to the motion brought by the Member for Whitehorse Centre. Perhaps on Monday those were insinuations as part of a question but clearly, today, the Member for Whitehorse Centre has stated that she does not believe that the Child and Youth Advocate has those elements that will address this issue or that she has the authority under her act in this territory to

conduct an independent review. The Child and Youth Advocate is an independent officer of this Legislative Assembly.

This motion seems to question the expertise of the Child and Youth Advocate and her ability to conduct this independent review. As an independent officer of this Legislative Assembly, this officer is appointed by this Legislative Assembly. Our Child and Youth Advocate is appointed by careful consideration by this Legislative Assembly after careful consideration of their skills, their qualifications and their experience. That is the law.

In my view, this Legislative Assembly should not be questioning the integrity of Yukon's Child and Youth Advocate, her expertise or her abilities, or the abilities for her as an officer to conduct a review of the systemic issues that are of concern here.

In a letter dated March 26, 2018, which has been referred to — it was written by the Child and Youth Advocate, and was tabled in this Legislative Assembly — the independence, authority and expertise of the Child and Youth Advocate are clearly set out. She says in that letter — and I hope my colleagues will indulge me a bit — I am going to quote from her letter. For your information, Mr. Deputy Speaker, I have provided a copy of this letter to Hansard so they can deal with the quotes as I read them.

She says in that letter, tabled here in this House: "... I am formally launching an independent systemic review of the experience of children and youth living in the Yukon Transitional Support Services program ("Group Homes"), pursuant to s. 12(1) of the *Child and Youth Advocate Act* (the "Act")."

That is the end of the first quote.

She also states, and I quote: "As an independent officer, I have the mandate to support, assist, inform and advise children and youth with respect to designated services as set out in the *Act*."

She goes on and I quote again: "Our accountability is to the children and youth of the Yukon. We are focused on finding resolutions to advocacy issues and making meaningful differences in the lives of children. While our primary function is providing individual advocacy services, we also have the power to undertake systemic reviews of issues affecting children and youth."

She goes on, and I quote again: "I have the authority to independently conduct a systemic review of the experience of children and youth in Group Homes pursuant to s. 12(1) of the *Act*..."

She then goes on to say, and this quote is slightly longer: "In accordance with the Protocol between HSS and the Child and Youth Advocate office (the "Protocol"), I communicated with officials from the HSS between March 8th and March 19<sup>th</sup>, 2018 and discussed this systemic issue. Following these conversations, I made the decision to undertake an independent review of the experience of children and youth in Group Homes pursuant to s. 12(1) of the *Act*. In accordance with the Act, I have the ability to educate the public about my role in order to advance the rights of children and youth.

Therefore, I may inform children, youth and members of the public about the process and the findings of this review.

“This letter serves as official notification to HSS of my decision to undertake this systemic review, as consistent with the Protocol. The Department’s announcement of cooperation for this review is appreciated and is also in accordance with the Protocol.

“To be clear, as Minister of HSS...” the letter was written to the minister — I should have noted that — “... you have not made a referral to the Child and Youth Advocate Office to undertake a review under s. 15(1) of the *Act*, which would have enabled you, as Minister, to establish the terms of reference for the review. Rather, I am undertaking a review under s. 12(1) of the *Act*.”

“As a result, I have complete independence and authority over the framework, scope, nature, timeline and advice that may result from the review.

“I am not required to submit to Yukon government any terms of reference for this review.”

Lastly, one of the notes she makes in this letter — and I quote: “... once I have finalized the review, I am guided by my *Act* in releasing the findings of the review and any advice that I may have for Yukon government.”

Mr. Deputy Speaker, the second part of this motion requests that the review body have access to certain information. Again, I quote from the Child and Youth Advocate letter on page 2, near the bottom: “Pursuant to s. 23(1) of the *Act*, I have the right to any information that is in the custody or control of Yukon government that is necessary to enable me to exercise my powers or perform my functions and duties under the *Act*. Further, s. 23(2) of the *Act* requires Yukon government to disclose the information to which I am entitled and respond to any reasonable questions that I may have regarding the clarification or explanation of the information provided. This may include information about persons other than the children or youth who are the focus of the review.”

I note that the centre part of this motion requests that current and former residents of group homes could be spoken to; other information would be provided — the current and former staff of Yukon group homes, managers, directors, et cetera, and materials, et cetera. In my submission to this House, what I have just read clearly encompasses the access by the Child and Youth Advocate to all of that information — and clearly she thinks so too.

The Child and Youth Advocate also explains in her letter that the protocol between the office and the Department of Health and Social Services requires Health and Social Services to work cooperatively with her and provide the Child and Youth Advocate with the information that she requests and is entitled to receive under the act.

She notes section 26 of the act, which requires Health and Social Services to provide a means and access to the child, or any child, to the Child and Youth Advocate, in private, should they request it — immediately. She also notes in her letter — and this is the Child and Youth Advocate again — that section 27 of the act that governs her role provides protection for

persons giving information to or assisting the Child and Youth Advocate — protections therein, so that individuals can feel free to not only cooperate in this process, but to answer questions and to provide information that we can act on, that the Child and Youth Advocate can take into account in her review and, ultimately, make recommendations to the public, to children, to youth who are affected and to this government.

Mr. Deputy Speaker, as you can see in my submission, the Child and Youth Advocate is an independent officer of this Legislative Assembly. She is an expert in this field. She has chosen to do this job because of that expertise and experience. She has the authority and the power to conduct an independent review — in fact, the independent review that is being requested in this motion. As her letter of March 26 states, she has formally launched an independent systemic review.

For those who have criticized this independent officer of the Legislative Assembly and the legislation that grants her authority as having no power, I note section 21 of the *Child and Youth Advocate Act*, as does she in her letter. She says — and I quote: “Section 21 of the *Act* provides me with the authority to provide advice to HSS, and any other relevant departments. I may also then request to be advised by the department(s), within a specified time, of the steps that have been taken, or are proposed to be taken, to give effect to the advice provided. If no steps have been taken, or are proposed to be taken, I may request the reasons for not following the advice provided.”

Mr. Deputy Speaker, some might say in this debate that this is not power or authority to act. I would beg to differ. This is an authority very similar to the recommending power that is contained in our very own *Ombudsman Act*, a piece of legislation that has assisted hundreds, if not thousands, of Yukoners to resolve issues and have government practices improved. You see, the way it works, Mr. Deputy Speaker, is that, when the Ombudsman or another independent officer of this Legislative Assembly makes recommendations, there does not need to be the authority to make an order, necessarily. It is long-standing debate with respect to independent officers — no doubt.

In some cases across Canada, ombudsmen and privacy commissioners have order-making powers, and in others they do not. I can attest to the fact that, without order-making powers, the vast majority, if not close to 100 percent of recommendations made by the Ombudsman’s office — certainly when I was there — were implemented by the department because they are reasonable, they are important, they are about improving government services and decisions that affect Yukoners. Our public service is keen to make sure that those decisions are given credence, are given authority and are implemented. If that’s not the case, certainly we have active media, we have active opposition and we have active individuals in our community who will hold us to account. Am I saying that this is the way it happens or that it’s the way it should happen? Absolutely not — but what you have heard this government say is that recommendations will be implemented and that we are taking a look at the many, many

recommendations that have happened over the last 10 years or more in relation to issues of child protection and family and children's services that have not been implemented. That is a solid, important place to start. It is not all that is being done.

The third thing that this motion asked for is for an independent review body to consider amendments to the *Child and Youth Advocate Act*. As members of this Legislative Assembly probably are well aware, the *Child and Youth Advocate Act* contains a provision for review of that act — a look at how it's working, if it needs amendments, how it can be improved — five years after it came into force. That act came into force in 2009. That review on the five-year mark was not done. That process of review of the *Child and Youth Advocate Act* is stated in the law in the legislation that governs the Child and Youth Advocate — that the process is to be directed by the all-party Members' Services Board. The Members' Services Board — section 30 of that piece of legislation says that the Members' Services Board must establish a process for the review of that piece of legislation. As I noted, it has not been done previously, so, yes, it is certainly outside the scope of five years. It should be done by law.

This motion, unfortunately, asks that we usurp the authority of the Members' Services Board. The motion asks that we take it from an all-party arena, the Members' Services Board, and actually bring it into a political one. That is not appropriate. This Legislature carefully considered the enactment of the *Child and Youth Advocate Act* when it was brought into force and effect and carefully considered who should have the responsibility for its review. We have heard today about the five-year review required by section 183 of the *Child and Family Services Act*. That act came into force and effect in 2010. It is required to be reviewed within five years. That act review is to be brought about and set up by the Minister of Health and Social Services. Again, that was not done.

Mr. Speaker, you may have said this in the past — “It's a new day.”

I know that we are asking a lot on behalf of Yukoners and of Yukoners. We are asking them to trust us. We are asking them to trust that the safety of children is our top priority and that we will take action to address the ills, systemic issues and concerns that many — including us, as members of this Legislative Assembly and representatives of the people of the Yukon — are aware of and believe to be true concerns and true issues.

We all come here with the knowledge and experiences that inform our work and decisions regarding child welfare. You heard me say that earlier in the House today. This government has brought a fundamental shift to the understanding and respect of our officers of the Legislative Assembly.

I have been one of those officers. As the Yukon Ombudsman and Information and Privacy Commissioner, I spent five years talking to Yukoners — many of them employees — investigating government decisions and actions and ultimately making recommendations for the improvement

of government for Yukoners. During my tenure there, as the Ombudsman and Information and Privacy Commissioner, I tried to have the government of the day understand and support officers of this Legislative Assembly. I tried to have them understand — the elected officials at the time — that the independent officers of this Legislative Assembly are, in fact, an asset to government, rather than an overseer to be feared. Independent officers of this Legislative Assembly are a place where Yukoners can go with concerns and complaints, to find solutions and, most importantly, to improve government services and fix processes that may be unfair to Yukon citizens.

Unfortunately, I was unable to persuade the government of the day that our officers of the Legislative Assembly were not to be opposed by the government — again, I am speaking about elected officials, not the public service, because, as I said earlier, the vast majority of recommendations made in that context were implemented by government departments because they were reasonable and they addressed important issues. They were seen as improvement to services and to practices that affect all Yukoners. I always worked cooperatively to resolve issues with the public service, and recommendations were accepted.

It is a new day. Our government respects the role, responsibilities, independence and authority of our independent officers of the Legislative Assembly. We encourage Yukoners to bring issues to our attention, but also to the attention of our independent officers of this Legislative Assembly. They have a key role in our democracy. For all the reasons noted here, we will not be supporting this motion.

I would like to note, in response to a comment made earlier with respect to introducing this motion, that we are interested in hearing criticism. I think there are a number of examples of that already, not the least of which is the inspection initiated with respect to the Whitehorse Correctional Centre in a never-used-before section of the *Corrections Act* to determine what the facts are in that situation. The reason that the inspection was ordered was because we must know the facts, we must know the problems and we must understand what is going on before it can be addressed.

We also know the importance of protecting children. Abused children become harmed adults. Protecting children is the single most critical improvement that we can make in society. If we address harmed children — abused children — then we can affect how they become young adults; we can affect how they become productive adults in society; we can affect how our Health and Social Services department operates; we can affect how our justice system operates; we can affect how our economy operates; we can affect how Yukoners grow up here to become happy, healthy, productive adults.

It is absolutely key that we devise a system, that we repair a system, that we work to address the issues that are brought forward in this situation to have healthy, happy, safe and secure children, because the payoff — the benefits of that

going forward — as they become young people, youth, young adults and ultimately adults is immeasurable.

I will return to my earlier comment that, while I certainly appreciate and agree with the sentiment and the actions that are the spirit of this motion, I fundamentally disagree that our own Child and Youth Advocate is not the person who has either the authority, the power, the responsibility or the independence to conduct this review, and, as such, won't be supporting this motion.

**Ms. McLeod:** I am pleased to rise to Motion No. 274, brought forward by the Member for Whitehorse Centre, and I thank her for that.

I would like to begin by conveying that I agree with idea that any review of such a nature should be undertaken by a review board that is independent of all aspects of government to ensure that it is carried out in the best interests of our children.

The allegations that we have heard over the past week about issues in group homes are serious and unacceptable. We know that the government's approach on this file has been to try to blame the previous government, even though they have been in power for almost 17 months. But let us be clear: these allegations are serious, regardless of who the government is, and we need to get to the bottom of them.

If they have been occurring for a longer period of time, then I think that just further speaks to the necessity of this motion. If allegations of this nature had come to our attention while in government, I believe we would have taken action to get to the bottom of it. Of course, the problem that we've highlighted over the last week is that the Minister of Health and Social Services was aware of these serious allegations for at least six weeks and has apparently done nothing. We are concerned about that, but that's not the purpose of today's motion.

Today's motion is an opportunity. We're MLAs in the Yukon Legislative Assembly. We're elected to represent Yukoners, and this includes children in group homes; this includes workers in group homes. Over the last week, we have had children come forward and we have had workers come forward, all to tell us that there are some serious problems — so let's fix them.

A step toward fixing it is supporting an independent review. The government has given us conflicting answers on whether there are internal reviews and assessments being done regarding allegations of abuse, and when we ask for the findings of these reviews and assessments, we're met with even more conflicting statements from the minister. We have yet to see a solid answer from this government or a plan going forward, and they have had at least six weeks now to figure it out.

I'm not opposed to reviews or assessments taking place to ensure that there is immediate action taken to ensure the safety of all those children in care. This should be happening already, but we have before us some serious and specific allegations, so what's being done to address those? Going forward, we do need to look beyond the situations that have

been recently reported and find a way to fix the system. I believe this must be done externally.

There is a common goal we should and can share in this House, and that is to ensure the safety and security of the children who reside in our group homes. The only option to a fair and just review to all parties involved is for it to be undertaken by a body external to government. Ideally, this body would be external to the territory. This motion also speaks to recommendations being made for amendments to the *Child and Youth Advocate Act* to strengthen the independence and powers of the Child and Youth Advocate to act in the best interest of children and youth. This should absolutely be part of the legwork undertaken by a review body, once it's assembled. It is crucial that an investigation of this nature into allegations of child abuse be conducted from an objective, independent and impartial approach. When the well-being of a child or children is on the line, as well as the positions of those in charge of their care, there must be no possibility of prejudice and no potential for allegations of procedural unfairness. This is a serious issue and it needs to be taken seriously by this government. It's our view that the scope of this review goes beyond the capacity of the Child and Youth Advocate office.

I would like to recognize the work done to date by the Child and Youth Advocate and hope that the systemic review just announced to be undertaken by the Child and Youth Advocate will target the allegations that require immediate action. We do hope that the government can support this motion — apparently that is a false hope — because, after last week, I think it is clear that we need to take a closer look at this.

I urge the government to immediately set to work on appointing an independent body with the capacity to undertake this review. I also urge the government to put forward the changes necessary to ensure government employees who choose to come forward can do so with zero fear of reprisal.

As raised by the Member for Whitehorse Centre in the House previously, there are currently problems faced by those who work in group homes who have come forward to confirm the reports of abuse raised by some residents. The Yukon Public Interest Disclosure Commissioner issued a press release that states that the act protects an employee against reprisal if they disclose a wrongdoing in one of two ways. The disclosure must be made to an employee's immediate supervisor or to the Public Interest Disclosure Commissioner. Disclosing a wrongdoing in any other way would result in the loss of protection from reprisal. As you know, the Minister of Highways and Public Works has stated that people should come forward to him with complaints. I wonder if this statement from the commissioner would mean that, if someone went to the minister, they would have no protection against reprisal.

This review is of the utmost importance. We have seen some courageous youth and workers come forward to bring light to the issue. They want to see a change and we owe that

to them. I hope this motion receives the support that it deserves.

**Hon. Ms. Dendys:** I rise today to speak to the motion at hand. This is an issue that is absolutely near and dear to my heart. I have spent a good many years working for the protection of children and the protection of communities and have dedicated a good deal of my life to it. I have sat and listened to the debate — if you want to call it debate, because it hasn't felt that way, sitting in this chair listening. I want to add my voice.

My colleague has done a great job in outlining why we will not be supporting this motion today. I agree that it is not that we do not support the actions that are within this motion — we absolutely support that. I think my colleague has done a good job unravelling this motion. There are many issues within it that she has done a great job in outlining — the independence of the Child and Youth Advocate — and I absolutely support that.

What I want to speak about today is the number of processes that are underway. I will also address some of the comments that were made by the Leader of the Third Party, in terms of when the act came into effect and my experience in that.

But first I would just like to go through what we have unfolding in front of us today in the Yukon, in terms of these processes. The *Child and Family Services Act* of 2009 has — and my colleagues and others have spoken about it today — a legislative review that is long overdue — three years overdue. These reviews are put in place to assess and to look at areas where we can improve.

The previous government — and I know that we've heard “not pointing fingers” — but really, this review was put in place for a reason. That is why it is legislated. A five-year review is a long time to be able to have a good look at what is working, what isn't working, and to ensure that our partners in this are heard. The committee that is being established to do this legislative review includes our partners. It includes all of those who are affected by this, and I know from working in First Nation governments that this is absolutely one of the most important issues that they have. They are paying attention to it and they are a partner to this.

The second process that is underway is in response to the allegations in our group homes. These investigations are internal to the department. This is a process that will look at the issues at hand and make immediate changes to ensure the safety of our children. I think that we have heard that loud and clear today — that is our priority. Our priority is the safety of our children. That is our job — that is one of the reasons why I am here on this side of the House, why I entered into a political career — to be part of decision-making, to be on the receiving end of recommendations and to ensure that these reviews happen in a way that will benefit our entire Yukon. Our children are our most precious resource.

In terms of the *Child and Youth Advocate Act* review under section 12(1), this is an independent review, and I believe that my colleague has done a very good job outlining

the independence of that office. I respect the work of our Child and Youth Advocate. I have worked alongside her. I know that she is absolutely capable of conducting an independent review, and I welcome every recommendation she brings forward.

Part of this motion speaks to — and the Leader of the Third Party has spoken about this at length — the child act review. This is a responsibility of the Members' Services Board. Again, it is overdue. We are new members to this Legislative Assembly. There is a legislative review under section 30: “Within 5 years after this Act comes into force, the Members' Services Board must establish a process, including terms of reference, for the review of the operation of this Act.” This has not happened. That is a huge question for me, Mr. Speaker, as to why that hasn't happened. It is something that our government will certainly support. I believe that it should be parallel to the review of the *Child and Family Services Act*. There will be some common issues that will come out as the *Child and Family Services Act* is being reviewed. We have three processes underway right now. We know that there is a fourth process that should be undertaken, and it will be up to the Members' Services Board to undertake that.

I would really like to speak to some of the comments that were made by the Leader of the Third Party in terms of First Nation participation in the child act, how all of that came to be and some of the issues that arose when that act was enacted.

Yes, First Nations came together as an equal partner in the review of child and family services throughout the Yukon and had very high expectations. There was a lot of commitment, and I worked on that review — I participated in it. I worked for two First Nation governments during the time of the review, so I am very familiar with what the issues were and how the support broke down prior to the act being enacted and coming into effect. Yes, there was absolutely a my-way-or-the-highway approach taken by the government that was in power at that time. That was disappointing — it was absolutely disappointing. What happened as a result of that? We started on pretty shaky ground.

This new act came into force. At that time, I was working as a director of justice for the largest First Nation in the Yukon, and I was on the receiving end of having to implement that act. Things broke down very fast. What happened is that there was such a breakdown in the way that the First Nation wanted to work and the way that the Yukon government saw this act coming into force, that there was an actual banishment of social workers from the Kwanlin Dün community. That is a piece of history that should be told.

At the First Nation government, what we did was to work in partnership with the Yukon government to establish a memorandum of understanding. It took 18 months to negotiate that agreement — a lot of work on the ground to ensure that our voices were heard, that our families were protected and that we had a say in absolutely everything that impacted our children in our community. Was it perfect? Absolutely not — but there was commitment on both sides, so relationships were built.

I participated in the Auditor General's report during the whole investigation. We were a collateral contact, and we submitted written submissions to the Auditor General and we pointed out exactly what the issues are. Have those issues been addressed? I don't think they have. You have a government that is willing to look at all of the issues, historically, and as we go forward. There are a number of processes in place that we are committed to. Yes, they will be recommendations. Will we implement them? We will make every effort to do that. That is why we are here.

Child welfare in our country is one of the biggest issues we have. As an indigenous woman, I am going to speak from my perspective. Our children are at risk every single day in this country, and there are many reports that point out exactly what the issues are. The Truth and Reconciliation Commission and the human rights case that Cindy Blackstock has led — and we are right now undertaking a National Inquiry into Missing and Murdered Indigenous Women and Girls. It is yet another chapter that must be told.

Am I happy that I am on the receiving end of those reports? Absolutely, because it is our job as a government to protect our children, to make the changes that are necessary and to ensure that our communities are safe and that our children — our most vulnerable in our community — are safe.

I have heard that we are not taking this seriously. Of course we are; of course, we are taking this seriously. You have two indigenous women on this side of the House who have worked in the system. We have done work that is unimaginable, and so to have a finger pointing across the way, saying that we are not serious about this — that, in my opinion, is absolutely unacceptable, because we are taking it seriously.

I stand by my colleague. She made the right steps here. She did what was legally required, but she did more than that — she did it with heart. She did it because she cares; that is why we are here. We all came from jobs that we absolutely loved. I loved my job.

I did everything I could to protect my community. Coming into a position within this Legislative Assembly was a leap of faith for me because this is a very different system to work in. Question Period and doing business sometimes in the way that it is done here is unfair. I have watched it and I have listened to it. The story doesn't get told — much of it is out of context.

So I'm happy to stand and speak to this motion today, to bring my voice into this debate, because I haven't had the chance. I want to say how much I respect and stand with my colleagues on this side of the House. I will continue to do that, and I will be part of the reviews that are happening, as the Minister responsible for the Women's Directorate, on behalf of all Yukoners.

**Ms. White:** I thank the Minister responsible for the Women's Directorate for her comments, but I would also highlight that everyone on this side came in from jobs we loved and from things we loved because we were passionate

about making changes — so it's not just government members.

I think what is being missed here is that, prior to the Monday night press release from government that said there was going to be a review done by the Child and Youth Advocate, we weren't concerned. We did not have the same concern. When the press release went out on Monday night and then the e-mail went out to staff in Health and Social Services on Tuesday morning — and at that point in time, the Child and Youth Advocate had not spoken — that is when we became concerned. That is when we felt like the water was getting muddied.

When the Member for Whitehorse Centre and I went to see the advocate on Thursday, the concerns that we raised were that the press release came from government, and it sounds like that is how it is being triggered. We had the conversation about the differences between section 15, I think, and section 12.1, and we talked about that. I think one of the really important things in this conversation is the perception.

When government sent out that press release on Monday night, prior to the Child and Youth Advocate Office being able to say anything, that is when it started to get muddied, because the only person who should be talking about the independent review that is going to be done — the first person should have been the office, and it should not have been government. That is where it started to get complicated.

Then there was a statement today in Question Period — I'm quoting now, Mr. Speaker: "Quotes are one thing..." but when a minister or the Premier speaks to the media, or they speak to Question Period, the words that they say — those quotes — become part of the record and part of the truth as people hear them, and as they understand them.

The Premier is right: quotes are one thing, but we put in two motions. I think I am going to remind the House that we put in two motions that were worded very similarly. One talked about the Office of the Child and Youth Advocate being allowed to do this work independently. We put in that motion in response to the press release that came out on Monday night, because we wanted to be sure that the Office of the Child and Youth Advocate had that independence. Then we got a copy of the e-mail that came out from Health and Social Services to all employees on Tuesday morning, and that felt less independent. Then when we found the protocol between Health and Social Services and the Office of the Child and Youth Advocate saying that the department would review terms when they were doing investigations, it felt even more muddied — and this is in the e-mail from the Assistant Deputy Minister of Health and Social Services to employees.

The first motion we put forward was to strengthen the independence of the Child and Youth Advocate office. When we went to the office and we had the conversation — to be perfectly honest, we felt pretty good when we left. Then we found the protocol, and then comments were made, and there were quotes, because quotes are one thing, but they form the perception of the community. So we had one whistle-blower talk, and then today, we have had two more talk, and one of the things that they said today — the one who spoke this

morning, whose sheet I don't have — was that the only way it was going to happen was through an independent review.

We put in two motions the first time, because the first motion we put in was about the Child and Youth Advocate office. We do not have a lack of confidence in the people who work there — we do not. Our concerns are with the legislation; our concerns are with the fact that there are no teeth in that — and government is 100-percent right when they say that the previous government dropped the ball when reviews weren't done. We're not going to deny that. The Premier and the two of us sat in this House and we called for those reviews. We did, because we knew the importance of it. We from the Third Party are not discrediting those comments, because they are true, and there was that responsibility. I'm glad that the current government is going to pick that up again and we're going to do that review.

My hope is that, based on the comments that have been read by my colleague that the understanding is that the Child and Youth Advocate office, even when it was being debated in the Legislative Assembly in 2008, had identified weaknesses — they were identified — the comment from Steve Cardiff, when he said that maybe the most honest thing we can do is debate the name of the act. That's a pretty huge statement from a guy who spoke pretty straight from the hip at all times.

When we're having this conversation right now, it's not in criticism of the office. My concern is that, whether the government realized it or not, the steps that were taken caused confusion, and that confusion has now made an office that is independent appear less independent to the community. We appreciate when the Minister of Justice called for an independent review of Corrections. We appreciate that she was able to understand where we had been coming from when we had been asking for that.

Today when we are talking about the importance of the independence right now, it is just trying to work through the mud. It is just trying to find the common ground, and making sure that the perception — government can say all they want that it is independent, but if the perception in the community, the perception from staff, the perception from children — if the perception exists that it is being controlled by government, will it be as effective? That is my question.

I don't know the answer.

When we put this second motion forward, we actually didn't want to call it. My colleague — this was not our desired — this we put in, because we had to insulate from the first one we put in, when it felt like the independence of the Office of the Child and Youth Advocate was being eroded by government press releases and statements from the department. When we decided to call this one forward, it is because it is echoing the calls of the whistle-blowers today. It is echoing the calls of the youth. The community is asking for that clarity. It is not in criticism of the office. We can't wait until a review of the legislation — whose name escapes me right now — is done as to how we give them the power to be more than just a recommendation body.

We talk all the time about YESAB, and we talk about how it is powerful, but it is a recommendation body. You can accept, reject or modify the recommendations. Government has the ability to accept, reject and modify any recommendation, but the issue right here is that, when it feels like it has been interfered with, it feels like the independence has been eroded.

When we brought this forward, it wasn't our first choice. Getting communication from people who are afraid — it is not super pleasant, as I am sure the Premier understands from when he was on this side, from our colleagues to the right here. When we brought this forward, it was because we wanted to talk. Whether it was intentional or not, or maybe we didn't want to talk about that, but the point is, whether the intention with that press release on Monday night — I don't believe the intention was there. I don't think this press release was sent out in a way that muddled the water, but when this was sent out at around 6:30 p.m. on Monday night, preemptive of the Child and Youth Advocate speaking — preemptive of that office saying that they will conduct an independent review — this press release, which says that this is going to happen before the Child and Youth Advocate office has had an opportunity to say it, started the process of making the independence of that office feel like it had been eroded.

That was not the intention, Mr. Speaker. I can't imagine that it was, but that is where we are right now.

The experience that I have in this Assembly is that the motion that we put forward was the strongest that we could do; that the recommendations come to all parties; that, as a group, the decision gets made as to what gets followed because then it is more independent — then it is not being decided by one group.

I thank the members, both the Minister of Justice and the Minister responsible for the Women's Directorate, for their words. I will remind all members that we are here for the same reasons. No one likes asking questions about this in Question Period. It's not fun — it doesn't feel really good — but you have a responsibility, no different than the ministers have a responsibility to answer to the best of their ability. What I would really like to do — not in this motion — is have the opportunity to have the conversation on a larger scale, back and forth, to figure out what happened — when and how it was done — because the criticism is being unjustly put on the shoulders of one. Really, it deserves to be on the shoulders of many.

So what we're trying to do right now is we're trying to unpack this. We're trying to spread out the responsibility, so instead of it being on one, it comes on 18, and that is what the intent of this motion is, Mr. Speaker. It is not to undermine the Child and Youth Advocate office or the good work that is done there; it is merely saying that the responsibility belongs to 18 of us and not just to one.

**Speaker:** Is there further debate on Motion No. 274?  
If the member now speaks, she will close debate.  
Does any other member wish to be heard?



**Ms. Hanson:** I thank all members who have spoken to the motion today that we put forward, as my colleague has just outlined in good faith. As I said at the outset when I put the motion forward, I did it with reluctance and a sense of sadness that we were having to do it.

There are a couple of comments, in closing, that I wanted to make. My colleague has just outlined why we felt we had to bring this motion forward — because of the actions taken by the government. I have no idea what thought process was at play for the government in terms of how it rolled out, and basically the chaos that they have brought upon themselves and, in so doing, has created a situation where it is incumbent on them to demonstrate the integrity and the independence of the Office of the Child and Youth Advocate.

When my colleague was speaking and made the comment about the fact — and using the model of the YESAB — that governments can accept, modify or reject recommendations, but you know what? Citizens will accept — and the Premier was sort of making comments off-mic that yes, of course, we can do that. We know that, but citizens will accept when governments reject or modify recommendations when they are done in good faith — and not just when you believe, as government, that they are done in good faith, but when you can demonstrate it. Unfortunately, the more the government piles on to say what a good job we're doing, the more citizens feel that it doesn't feel good in their gut.

You know, we have heard a lot about whistle-blowers — and the minister knows — and I'm not trying to personalize this.

The reality is that when we come into this Legislative Assembly, we are the voices of many. The members opposite are accountable and responsible for everything that transpires in their government — in their department. That is the system we operate in. Unfortunately, as much as I have respect for each individual, I do know — as they know — that, operationally, there are some problems. There are some serious problems. When, purposely or inadvertently, government takes steps that effectively undermine the — in the case of children and youth — potential for that office to exercise its independence by public statements, by press releases and by memos to staff, it has created confusion that they alone can dispel, and they have not done that this afternoon, Mr. Speaker. I am sorry — they have not.

I received an e-mail the other day, and the person said, "I would contact you directly, but I would be promptly fired." The person said, "I was hopeful that this government would address the long-standing issues with indigenous youth in care, but that is not the case. I send this to you because I am hopeful that you will do something or ask the questions, if for no other reason than it is about youth and their care." They said, "You should be asking for an immediate inquiry about what people did know and when they did know it." It says, "You can get rid of as many staff as you want. You haven't made the change to the management who know about it and continue to cover up." Those are the kinds of things that whistle-blowers are saying. Where are they going to say that?

The Minister responsible for the Public Service Commission said today: "Talk to your deputy minister." Well, look at the legislation. It says the deputy minister's reach in the departments — including the Child and Youth Advocate, who is, according to the legislation, an executive — to make known the process. I can't find on any government website — Health and Social Services, Justice, Public Service Commission — what process the deputies have set up. This legislation has been in effect for how many years? We keep having these statements: Talk to your supervisor or, if you don't like that — don't talk, write, because you have to put it in writing to the disclosure commissioner. But the deputy minister is also responsible for putting in an in-house or in-departmental process. It is easy enough for the minister to say: Do that; talk to us. But how?

When the fear is that I will probably be fired when I raise these concerns — and I don't care if the minister makes faces about that not being true. When you live that experience, it is the truth. The more you deny it, the more it becomes the truth for those individuals. There is some serious work to be done to make sure that those systems are effective, and that is another piece of legislation, as we all know. When that legislation was passed, there were real concerns expressed by the commissioner about the fear of reprisals and the fact that there are no effective protections for employees. That was on the record.

There are many situations where it is really uncomfortable. What we need to understand, as members of this Legislative Assembly — I will respond to the assertions by the Minister responsible for the Women's Directorate and the Minister of Tourism and Culture who personalized the comments that she made — and it's not personalized. I am not speaking out of disrespect for the individual human beings in this room, but I am absolutely clear in my criticisms of the systems that we have established and the dysfunction of these systems as long as they harm people in this territory — and they are harming youth and children who should not be at risk. I do take it seriously, but it's not a personal issue that we are talking about. In this case it's not about whether or not — I actually had this conversation with the child advocate last week. I said that when you are doing this kind of job, you're not liked. That doesn't matter. The job is to be the representative of youth and children, just like the job as an MLA is to represent, echo and amplify the voices of our citizens. We do that in opposition, and we expect the government to do that on behalf of all citizens.

I think we need to realize that when we raise issues in this Legislative Assembly and when we call on the government to appoint an independent body, it's not done vexatiously. It's not done with malice. It's done because the actions over the last week and a bit have led to much confusion. These are serious issues; they need to be addressed, and the very actions of this government have, at best, caused the integrity and independence of the office of the Child and Youth Advocate — there's no doubt about their commitment, but they have been co-opted by this government. That's sad and it's unfortunate. What we need to do is try to get it back on track.

We need to find ways to reinforce the independence of this important office, and that's what we're calling for in terms of the recommendations — the second part of this motion.

I have heard clearly that the government is not going to support it. That's fine. They are really increasing the scrutiny that will be placed on them. I can tell you now that the lens is not just through the opposition. It is broader.

I have sadly come to realize that if motions come from this side of the Legislature — they are not ours, and so if they are decided to be either the NDP's motion or the Yukon Party's motion, it's not that we somehow find a way to embrace it as a motion that reflects the issue at hand here, which is not what good things the government is saying it is going to do or has done. It is about how we ensure the integrity of the independence of a body that is created by this Assembly.

With that, Mr. Speaker, I hope that at some time we will be able to hear from the government how they will be supporting the independence of this office, and we will continue to keep a focus on the very serious issues that have arisen, not just this last week — which is why this systemic review is so important.

We have an obligation; we will fulfill it.

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

**Some Hon. Members:** Division.

## Division

**Speaker:** Division has been called.

## Bells

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

**Hon. Mr. Silver:** Disagree.

**Hon. Ms. McPhee:** Disagree.

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

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

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

**Mr. Gallina:** Disagree.

**Mr. Adel:** Disagree.

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

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

**Mr. Hutton:** Disagree.

**Mr. Hassard:** Agree.

**Mr. Kent:** Agree.

**Ms. Van Bibber:** Agree.

**Mr. Cathers:** Agree.

**Ms. McLeod:** Agree.

**Mr. Istchenko:** Agree.

**Ms. Hanson:** Agree.

**Ms. White:** Agree.

**Clerk:** Mr. Speaker, the results are eight yea, 10 nay.

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

*Motion No. 274 negatived*

## Motion for the Production of Papers No. 8

**Clerk:** Motion for the Production of Papers No. 8, standing in the name of Ms. Van Bibber.

**Speaker:** It is moved by the Member for Porter Creek North:

THAT this House do issue an order for the return of all current applications for infrastructure funding that the Government of Yukon has submitted to the Government of Canada.

**Ms. Van Bibber:** I am pleased to rise today and speak to this motion for the production of papers. Investing in infrastructure in the territory is very important to the strength of our economy. Building and improving roads and highways, bridges, airports, and IT infrastructure, as well as water and waste-water infrastructure, provides both short- and long-term benefits to Yukoners. However, planning ahead for major infrastructure projects can be a timely process, particularly when it comes to securing funding. We recognize that, for many planned projects, they would not be possible without partnership and financial support from the Government of Canada. Of course, these partnerships start with the funding applications.

We brought this motion forward simply to allow the government to be open and transparent with Yukoners on projects that they are submitting applications for. The previous government was very open in this respect. They frequently released information, explaining to Yukoners what they were requesting money for and how much they were requesting. We just need to look back to the territorial government's pre-budget submission to the federal government from February 23, 2016, which outlined key projects that the government was requesting to be included in the federal budget. This included details on what the project was, why the project was important and how much the Government of Yukon was looking for.

Additionally, as you know, Mr. Speaker, the previous government submitted the application for the Resource Gateway project and, when the application was submitted to Canada, the previous government was very open and if fully disclosed the entire application, and that's what this motion is about today — allowing the government to be open and transparent with the applications it is submitting to Canada.

Mr. Speaker, you remember in debate last week that my colleague from Pelly-Nisutlin had asked the Minister of Highways and Public Works how many applications were currently submitted for transport infrastructure projects to the Government of Canada. This was raised following the release of an ATIPP request filed by CBC regarding potential federal funding for the north Klondike Highway. I will emphasize that Yukoners wouldn't have even been aware of that project funding application had it not been for that ATIPP request.

In answering the question from my colleague, the minister then told the House that there were seven projects under application for federal funding, totalling about \$470 million — \$470 million, Mr. Speaker. That's a lot of money — a lot of taxpayers' money. Taxpayers have the right

to know how this government intends to spend nearly half a billion dollars.

The Minister of Highways and Public Works mentioned the following applications: \$121 million for the Klondike Highway, \$116 million for the Alaska Highway, \$64 million for the Campbell Highway from Ross River to Faro, \$39 million for the Campbell Highway from kilometre 114 to kilometre 232, \$41 million for safety infrastructure, \$9 million for ITS, and approximately \$70 million for airports. We thank the minister for identifying those project funding applications.

We look forward to hearing back about the status of these applications and the timelines by which they may be approved. But in the meantime, we are looking for a little bit more information. What is the nature of the work that the government is planning on these projects? What is the expected benefit to Yukon? When is the construction date? When is the completion date? How much money is Yukon putting in? Are there any other partners putting money in? Why, if the federal pot of funding is only \$400 million for the entire north, did the Yukon purposely oversubscribe?

Wouldn't it make more sense to choose a couple of urgent priorities to ensure they are funded, instead of throwing everything at the wall and letting the federal government decide our priorities for us? What thought process went into that decision? Was this government afraid to make priorities?

These are some of the questions that Yukoners have a right to know, so we do hope the government is open and transparent and provides us with this information. The minister identified these seven infrastructure projects, but they were specifically broad in this motion and we want to not limit the requests to just these seven.

We know there are a lot of pots of funding for infrastructure funding for Canada, so we would like to see all current applications for infrastructure funding in the territory. Again, building and improving infrastructure in the territory plays an important role in the Yukon's economy. Yukoners benefit from improved access to roads, bridges, airports, buildings, water mains and waste-water treatment facilities — and the list goes on.

I have no doubt that these projects will not only benefit the economy as a whole, but also the contractors who take on these projects and every Yukoner who will use this infrastructure for decades to come. Further, all Yukoners benefit from the openness and transparency of a government that is planning these projects.

The minister was willing to identify a few of the applications and the amounts they were asking for, so we feel that it shouldn't be a problem to provide the documents explaining the details of all of the current applications. Yukoners should know what is currently in the works for this government with respect to future projects. We believe it is certainly in the interest of Yukoners, Yukon businesses and contractors who will eventually have the opportunity to bid on these projects, to know what is in store for the future. They are important pieces of infrastructure that will create important jobs for Yukoners.

Again, we thank the minister for identifying some of the applications put forward to the Government of Canada, and we look forward to hearing more information about them. But, as we stated in this motion, we were specifically broad to include a request for information regarding all current applications for project funding that have been submitted to the Government of Canada.

It is in the public interest that this government be open and transparent and provide this documentation to Yukoners. We hope this government will agree that it is important to share this information with Yukoners, and we hope that you will support this motion.

**Hon. Mr. Streicker:** I thank the member opposite for her motion.

I will begin by talking about motions in this Legislature, generally. Maybe it was two weeks ago, but it was on a Wednesday. I heard from the Member for Takhini-Kopper King, and she was talking about motions here and about how they are treated. I decided to go back through our time in this Legislature to look at motions, both from this side of the House and the other. We have had seven government motions. We have had 15 motions from the Liberal caucus — private members — counting this motion today, and 13 from the members of the opposition — six of which have passed, two of which have failed, four of which have adjourned and one that we are debating right now.

For the members of the Third Party, there have been 13 motions that have been put forward, eight of which have passed, four of which have failed, counting today's, and one that was adjourned. Of the eight that have passed, four passed with amendment and four passed without.

What I am trying to say is that I believe the motions that are in front of us are of import and that they are actually debated, including the one that is in front of us right now.

Turning to the specifics of the motion, the member opposite has talked about how important it is for our territory that we invest in infrastructure, and I agree with her. She has talked about making sure that we secure funding, especially in partnership with the federal government, and I agree with her again. She has discussed the importance about being open and transparent, and I agree with her again.

I will talk about a few points that she has raised. Let me begin, though, by talking about how infrastructure works here in the territory, about how monies are identified and how we then go about applying for those monies. First of all, much infrastructure that we spend on in the territory, we just invest directly as a government. We identify it and we invest in it, although there are many opportunities that come from the federal government, and we take as much advantage of that as we can.

The process for identifying projects begins by working with our communities. We identify some projects that are territory-wide in nature — fibre is an example, and highways are an example — but there are many projects that belong predominantly within our communities. To understand those, we talk with the communities; we involve them. We talk with

the municipal governments and the First Nation governments, and we ask them to identify to us directly their priorities. We then look at where the various funding opportunities are and we attempt to slot them in, and we put them in the priority in which we hear them. It doesn't always work exactly, because it might not be that the funding pot that priority fits into is ready to go, but, based on the types of funding that are available, we prioritize them according to our communities. We work in collaboration with the communities and we value the input that comes from them.

I will say clearly that, in talking with our communities, I hear from municipalities and First Nations that they would love to have support for independent infrastructure funding, whether that comes from us or the federal government. For example, the gas tax is one of the funds that they really appreciate because it gives them the opportunity to plan out that funding directly. Unfortunately, the funding pots that are available these days with the federal government are project-based funding pots, so we have to work within that realm. We always work to try to support our municipalities and First Nations to have more independence in infrastructure funding, however, on any agreement where we have funding that comes from the federal government. As I have stated in this Legislature, currently we are very lucky to receive 75-cent dollars from the federal government and 25-cent dollars from us here in the territory. Whichever agreement we are referring to — whether it is the small communities fund, the clean water and waste-water fund or the investing in Canada infrastructure plan, which is coming up, we will always try to see that money distributed fairly across the territory. We will work with community partners to identify their priorities.

What happens after those priorities are identified? A project application is developed by the relevant department — typically it is Community Services or Highways and Public Works. If it is a community-based project, then that development is in consultation with the community partner, based on the federal guidelines for that fund. Generally, the application includes information on scope, timelines, funding breakdown, location, consultation requirements and assessment requirements under the *Yukon Environmental and Socio-economic Assessment Act*. It has within it engineering estimates on those projects.

The application is vetted at the officials' level at Infrastructure Canada. The application is then submitted via the Canada-Yukon Oversight Committee. The application is forwarded to Infrastructure Canada's project review panel, which provides recommendations to the Minister of Infrastructure Canada. Then the Minister of Infrastructure Canada reviews it and provides a decision. Of course, if that infrastructure project is not funded, that doesn't mean that the infrastructure project doesn't go ahead; it just means that it is not funded through that funding formula.

Mr. Speaker, for a few moments I would like to reference debate that took place in this Legislature on April 20, 2016. On that day, the then-Minister of Highways and Public Works — now the MLA for Copperbelt South — chose to table a summary of the Gateway project. From comments I read later

on that day, there was an acknowledgement of that and an appreciation for that. Just after that, the Minister of Community Services tabled a list of the New Building Canada fund projects. I thank him for doing that. I note that I have done that twice now in this Legislature as well. It has come from questions from members of the opposition to ask whether I could share those lists, and I have done so.

April 20, 2016 was a Wednesday slotted for opposition members' motions, and later that day, the then-MLA for Klondike and Leader of the Third Party moved a motion for the production of papers, worded exactly as the motion before us today — and I quote: “THAT this House do order the return of all current applications for infrastructure funding that the Government of Yukon has submitted to the Government of Canada.”

From reading Hansard, the purpose of the motion was slightly different from what I heard from the Member for Porter Creek North today. On that day, April 20, 2016, the government was being asked to disclose whether there was actually funding being sought or not. The list that was provided through the debate was the Whistle Bend continuing care facility, fibre project, Stewart-Keno transmission line and the Yukon Resource Gateway project.

In listening to the debate today from the MLA for Porter Creek North, she talked about an interest in trying to inform Yukoners about where funding is going to be going and to just let them know how we are going to be investing in the territory. I will talk about that in a bit but, for now, let me just keep going with the debate on the day of April 20, 2016.

The four projects that I talked about had very different fates. Again, they were the Whistle Bend continuing care, fibre redundancy, the Stewart-Keno transmission and the Gateway project. During the debate that day, the MLA for Klondike — now the Premier — stated — and I quote: “Mr. Speaker, just today, I asked about the Auditor General's advice not to build things until you know what the costs will be to operate.”

We now know that the government ignored that advice, and we now have a \$24-million bill to pay for the Whistle Bend continuing care facility operation and maintenance budget this year. We know that the budget will rise above \$30 million per year, and that was not budgeted for, so this year, here today, we are in deficit.

Further to that topic, the then-MLA for Copperbelt South, Ms. Lois Moorcroft, stated on April 20, 2016, that — and again I quote: “... the government was unable to answer questions on what the operation and maintenance costs would be after spending millions on the capital construction of a new continuing care facility.” In an eerie sense of foreboding, the MLA for Klondike, now the Premier, went on to say — and I quote: “It will certainly be left to the next government to resolve these outstanding financial questions.”

At that point in time, the Yukon Party government was saying that the territory would be moving ahead with the fibre project but, as it turned out, they had not secured infrastructure funding for that project and it did not move forward. I think that the project had been discussed for many,

many years, but it was not to happen at that time. We are looking forward to proceeding with that project.

As well, the Steward-Keno transmission line did not happen. By getting agreement that the affected First Nations would have direct involvement in any gateway funding, we were able — in this government — to get an agreement in place regarding the gateway, and we disclosed all of that information publicly.

Again, I appreciate that the members opposite talked about sharing or tabling the Gateway application; however, it's not the same as the other types of applications that we're referring to here. It's more of a funding agreement, more like the Building Canada fund or small communities fund. Now that the Gateway project has been announced and we have gotten approval, we have disclosed all of that information and shared it with Yukoners.

Later in the debate, the then-Minister of Community Services referenced that — and again I quote: "...the Burwash water treatment plant, has since been approved by Canada..."

However, Mr. Speaker, I note that this project did not get started. It is part of our capital plan this year, and we hope that this project will be undertaken this coming fiscal year.

Later still in the debate, the MLA for Copperbelt South stated — and again that would be a member of the opposition at that point — and I quote: "Government should be conducting long-term fiscal planning. The Auditor General has pointed that out repeatedly to this government." Again, I agree with this comment.

For a moment, let me discuss the Member for Porter Creek North's debate today on the motion about how to help our private sector be aware of what upcoming builds we will have. That is the reason that we have worked to try to develop a five-year capital plan in which we listed the amounts of money that will be spent under each of the broad categories and listed as well a sample of a cross-section of the projects under those various categories. I have heard the members opposite talk about their capital plan where they gave more information, and I have gone to the bizarre length of counting that up to try to understand whether that is correct. I took their budgets and I went through and looked at what they are talking about. I counted up the number of projects and, from my count, we have listed twice as many projects that will be underway this year than they listed in their budget.

The piece that seems to still be of interest for the members opposite is the dollar amounts.

I want to be careful. Each time I have stood up in this Legislature and talked about those dollar amounts, I have said that I don't wish to state the engineer's estimate. I don't want to give that explicit information because, if it is early in the planning or the design of the project, that engineer's estimate is a coarse estimate, and so it gives a false sense of what the dollars might be in time. If we're closer to that project being delivered, then it is a much better estimate, but I want to ensure — or I think we all here in the Legislature wish to ensure — that the bid process is free from that bias and that we allow our private sector to bid on these projects.

What we have done, and will continue to do, is to put them in the tender forecast, which gives them a dollar range rather than an explicit dollar amount. That is what I don't think we want to share.

With that, let me return to the motion in front of us regarding the disclosure of all current applications for infrastructure funding that the Government of Yukon has submitted to the Government of Canada. The Member for Porter Creek North discussed the Minister of Highways and Public Works' comments in this Legislature talking about funding applications that we had put in with the Government of Canada.

One of the criticisms — at least as I heard it — was that we had asked for too much money and that maybe that was an unfair amount compared to the other territories. I think what we did as a government was to say: Let's explore what options are out there.

What I heard the member opposite ask for is some clarity for the private sector — the construction community — about where that money was going to be spent. However, some of those applications, by their very nature, are exploratory in nature with the federal government, and they will help to drive those decisions once we resolve those questions. Part of that is — I think the time to share that information is once those monies have been approved, rather than trying to build expectations ahead of time, which we don't want to create.

We do want to seek opportunities and, as I have noted, we are able to share where the priorities lie through the five-year plan, which allows for the ability of our partners — like municipalities and First Nation governments — to say to us: Here are our priorities. Some of them emerge. For example, there was a time when the Carmacks rink didn't have problems with the roof and the structure, and so they might not have put that in as their priority, but when that roof deteriorated, then they did. Or, for example, the Kwanlin Dün First Nation had several meetings with me to describe concerns that they have with their administration building right now, and they are looking to try to invest in that piece of infrastructure. We are working with them to try to help achieve that. What we need to do, Mr. Speaker, is work with our partners to respond to those priorities as they change in time.

I would like to note that, when asked to share information like this by members opposite, I have at all times in this Legislature worked to try to get the information that was asked for, short of sharing information that I think would impede our bidding process, because I think we need to make sure that we protect the stretch of the taxpayers' dollars here so that we can get as much infrastructure as possible out of the public purse. I don't want to compromise that.

One of the challenges that I have with the wording of the motion as it is right now is that we are just meant to share the application, but that application has information that I don't want to be shared publicly.

What I would rather do is share a summary of that information — enough information, I hope, that the members opposite are seeking to try to inform Yukoners about where

these projects are going. I also want to make sure that we manage expectations. The way I think that should happen is that we share it as soon as that application is approved. That way we know that the money is there. The final way, which I hope is an improvement, is that I want us to not have to do it when we are asked. I think this should be a situation of — let's do it all the time.

There is wording in the motion that talks about current applications. When asked in the spring of last year for the list of clean water and waste-water fund projects, I produced it for the members opposite. When asked this year for the small communities fund and the clean water and waste-water fund projects, I produced it. I am wondering if it would be better — when those projects are approved by the Government of Canada — to automatically share them with all members.

Mr. Speaker, I am going to move an amendment. I will say that I did have a conversation with the Member for Porter Creek North. I discussed this possibility with her, to let her know that I would be moving an amendment. I will put it forward to the House now.

*Amendment proposed*

**Hon. Mr. Streicker:** I move:

THAT Motion for the Production of Papers No. 8 be amended by:

- (1) removing the words “all current” and replacing them with the phrase “a summary of all”; and
- (2) adding the words “after they are approved” after the word “Canada”.

**Speaker:** I have reviewed the proposed amendment to Motion for the Production of Papers No. 8 with Mr. Clerk, and can advise that the proposed amendment is procedurally in order.

Therefore, it has been moved by the Member for Mount Lorne-Southern Lakes:

THAT Motion for the Production of Papers No. 8 be amended by:

- (1) removing the words “all current” and replacing them with the phrase “a summary of all”; and
- (2) adding the words “after they are approved” after the word “Canada”.

The amended motion would then read as follows:

THAT this House do issue an order for the return of a summary of all applications for infrastructure funding that the Government of Yukon has submitted to the Government of Canada after they are approved.

**Hon. Mr. Streicker:** I won't speak too much further. I do want to just highlight what it is that I am trying to achieve with this amendment. By way of comparison, I will just turn back to April 20, 2016 — I didn't note, but I will now, that the government of the day — the Yukon Party, the then-government of the day — voted down this motion. I am trying to work here to support the notion of transparency, while not compromising the work of the government.

What I am suggesting first is that, rather than sharing the application as submitted, they are summarized to give the relevant information, and I am happy, as I have stated in the Legislature here in the past, to add, for example, an equivalent amount — which is somewhat like the tender forecast system, so it gives a budget range — and that is used to give an indication of the size of the project, as we do on the existing system through the procurement centre of Highways and Public Works, hoping that will accomplish what the member opposite is asking for in terms of information to the public — and particularly the private sector — about what these projects look like and their relative size.

I also want to manage expectations so that there isn't a sense that a project is going forward. When we put in applications, we don't always know whether they will be successful or not, and so I want to wait until we know that funding is available before we start saying publicly that this is a project that is happening.

I'm always happy to talk about projects that communities have talked to me about and to share with the members of this Legislature projects that they have identified, so long as they haven't embargoed me from doing so, with the notion that I am sharing information that they wish to be shared. That is the clause that says that we disclose this information once the projects are approved.

Finally, I'm asking — and even though the amendment may not be friendly, or this one element, I hope, is friendly — that we go beyond just the current set of applications and make this a practice. That is because it seems to me that members opposite are looking for this information, and I appreciate the notion that they have, which is that they wanted to try to share more broadly with the public — and I think that's great. While we do put out press releases on many infrastructure projects, we certainly don't put out press releases on them all, and this would then be a way of providing that information on a standard basis.

I just think that this would be good to do on an ongoing basis, and that is why I propose the amendment in front of you today, Mr. Speaker.

**Mr. Hassard:** On the amendment, I guess I would have a few questions for the Minister of Community Services. When he changes the words to a summary of the applications, I guess we already have a summary, so I don't really know what the point of that would be.

In terms of providing the information after it has been approved, he talked about the press releases and we all get those press releases already, so I guess my question would be: Why bother?

The only real reason that I have seen that he has given for not wanting to have the information out there is that the numbers would be out in the open — the prices and the amounts that are directed to each particular project.

I have to question that too, because if someone ATIPs it, then you have all of the information anyway. I guess I don't really know what it is that he is trying to protect or trying to hide, or whatever the case may be. I certainly don't agree with

the amendment. I think it takes away entirely from the original motion. We are asking for particular items for a particular reason. I guess the other thing I would probably say in closing, Mr. Speaker, just for the Premier's benefit, is that obviously if the government isn't willing to give us this information, then we will have to ATIPP it. To save staff and himself some grief, he doesn't have to go looking to see who is doing the ATIPPING on this one, because it will be us, Mr. Speaker.

**Mr. Istchenko:** I think I am a little bit confused here, and I will speak to the amendment. I think the minister said that the reason why we would like this is because we are looking to share with the public, but by looking at the motion as it would read after, you are pulling out "all current" and replacing it with "a summary of all", but then in the end you say "after they are approved" by the Government of Canada. Well, the government of the day is going to sit with the local First Nations, sit with the municipalities or LACs and have a discussion on what infrastructure they need. Infrastructure is public — the meetings are public. They talk about what is needed. We have a failing water and septic system in Haines Junction, and we have five to seven years within the whole community, including the First Nation, for work that needs to be done. Are we going to keep it a secret until we finally get approved from Canada, and then we are telling everybody? No, the municipalities or the First Nations are going to be planning and moving forward with this.

So I don't agree with the amendment. I just don't understand it. I don't know if this was not thought out or what.

**Mr. Cathers:** I am just going to be brief in speaking to this, but I would note that it is a bit surprising and disappointing to see this amendment being proposed by my colleague, the Minister of Community Services. For Yukoners who don't intimately follow on a day-to-day basis the goings-on in the Legislative Assembly, or don't have a photographic memory about what the Premier said when he was the then-Leader of the Third Party on April 20, 2016, I would point out that, at the time, the Premier — who was then the Third Party leader — referred to this type of disclosure as — and I quote: "It would also be a good step toward making the government more open and more accountable."

So we see the Premier — again, another case of where, in opposition, he said one thing to get elected, but has changed his tune completely upon taking office.

Again, in the Premier's own words, he referred to releasing this type of information as — and I quote: "... a good step toward making government more open and accountable...."

Why have the Liberals changed their tune on this type of disclosure? As my colleague, the Leader of the Official Opposition, pointed out, what the amendment proposed by the Minister of Community Services would effectively do is say that government has to issue a press release once it has agreed with the federal government on a funding application. That is effectively what happens now. The fact that the government is

not even willing to tell us which projects they have applied for — with or without the dollar amounts attached to them — is certainly not in keeping with the Liberal Party's statements and the Premier's statements and assurances to the public before they took office about how they would raise the bar on being more open, more accountable, more transparent and more forthcoming.

The amendment effectively guts the motion brought forward by my colleague, the Member for Porter Creek North, and it effectively would render the motion, if passed with the amendment, as completely meaningless and something that is already dealt with currently through press releases and press conferences.

**Hon. Mr. Pillai:** I have just a couple of quick points of clarity. As we have heard, the three Hail Marys across the way there on the scramble in the last quarter — certainly, just for the record here, when we look at how these proposals are put in, I just want to commend my colleague. There is a bit of concern — I don't know if history is being rewritten as to how these previous three individuals, as ministers, handled their bilateral relationships and their proposals when it comes to capital projects.

First and foremost, in some programs that we're dealing with, there is a competitive process underway. We are competing against other jurisdictions. There is very specific information within those proposals. We can talk thematically. We want to build the road, we want to fix this — sure. That is what this speaks to. We are talking about high-level macro discussions where we speak to particular projects. When you get into handing over proposals to individuals when they are still in the queue and you are competing with other jurisdictions, I would hope that our friends across the way could understand the challenges with that.

As we start to look at priorities, we're looking at projects and programs that are available, and our team is working through that process.

The Member for Kluane touched on — I have, I guess, a different memory of — again, we talk about this, it is such a tough one. It always comes up how, with the municipal infrastructure in Haines Junction, there were failing pipes and everybody sat down with the First Nation. That is not what happened, and this is the third time I have stood up in the House. I appreciate the fact that the Minister of Community Services has gone back so that this can be done in an appropriate manner. The infrastructure was announced, I think, three times before, and still nothing happened by the previous government. I just remember announcements or, as the Member for Lake Laberge says —

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

#### Point of order

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

**Mr. Cathers:** The Minister of Energy, Mines and Resources doesn't appear to be speaking to the amendment.

**Speaker's ruling**

**Speaker:** What I would say is that he is responding, to an extent, to what the Member for Kluane did talk about — broken infrastructure in Haines Junction. Perhaps that was out of order at the time, as well as to not speaking to the amendment, but two members have taken up the cause of Haines Junction infrastructure during the course of the debate on infrastructure for this amendment.

In any event, if the Minister of Energy, Mines and Resources could focus his attention on the proposed amendment — but you have some latitude to proceed.

**Hon. Mr. Pillai:** I am sorry if I'm veering away from the motion. I thought that, through the process, we have an opportunity to counter some of the remarks that were made. This is the Legislative Assembly; we are in debate. I think that this is part of the process — at least that is what they taught me in grade 9 social studies.

Going back to it, I think that where we stand today is just a rewriting of history. We are sitting down to talk about infrastructure projects. Absolutely, it is important to plan. I was touching on one particular vignette from across the way, which talked about how everybody sat down and came together, and inevitably what ended up happening through that process was that half of the community was going to get new streets, new sidewalks and new sewer and water, and the other half of the community was not. I don't think that was a great process. Certainly that is not the process that we are undertaking, and that is why the Minister of Community Services has gone back to work with the municipality to ensure that there is equality within the community after there is a conversation on that topic.

As for the comments made by the Member for Pelly-Nisutlin on this particular topic, I don't see how it affects the budgeting process whatsoever. There are a series of projects that have been identified — or there are processes in place to apply for this funding pot. I don't see us being any less competitive.

As the member opposite said — a comment about the Premier, saying that the Premier would then have to go and look, or something about ATIPP. That was a totally inappropriate comment, but that is kind of the week we are having.

Then the Member for Lake Laberge — with all due respect, I can't even unpack what was said there. I don't know — it had nothing really to do with the amendment — opportunity to touch on a few points.

Once again, we are giving more information; we are respecting the bureaucracy and the process; we are standing up for Yukoners to ensure that we get infrastructure projects in place, and that seems to be a problem with this process. Like they say, the best form of flattery is imitation, so I guess today what we are seeing is a rehash of the questions that the Premier used when he was in opposition — so check one on that one for flattery. We can go back and get all of the questions for you if you don't want to rewrite your own, if that would be more effective for you.

I will leave it at that. I really think that this motion is pretty clear. We are going to protect the work that has been done by the bureaucracy to effect good change in this territory.

As they said before, the members opposite submitted the Gateway project. I want to thank them for that, and then I want to thank the people I get to work with for actually getting it across the finish line, which we see is a standard trend on most of our conversations — either problems left behind for my colleagues to fix, or getting things to the finish line.

**Ms. Hanson:** Just for the record then, the amendment that has been proposed by the Member for Mount Lorne-Southern Lakes is the status quo. Members of the opposition will receive the information when it comes out in press releases — fine. I would only suggest or request that when members opposite, particularly ministers, are speaking about public servants, they do it respectfully and call them "public servants" and not "the bureaucracy". You might want to look at that and the derivation and how that has been misused and really does sting when you are a public servant trying to serve the public.

**Hon. Mr. Mostyn:** I have enjoyed the discussion this afternoon about our infrastructure, and I really do take the Leader of the Third Party's comments to heart about the term "bureaucrat". I totally agree with her, and we should definitely watch our language in terms of referring to civil servants and not bureaucrats.

I'm more than happy to provide more information to the public about what work we're doing to build Yukon's infrastructure in this House and before the people. We do wish to share information with the members opposite and all Yukoners, and that's what this is all about.

Over the past several weeks — we were just in the House discussing our budget with the Leader of the Official Opposition and, during that debate, we did lay out what projects we have before us and what projects we've submitted to Ottawa for approval, in very broad terms. I was more than happy to do that with my officials in the room and that type of thing, but to get the actual documents that we're basing our decisions on and that Ottawa will base its decisions on prior to actually getting an approval, I think that would be negligent on our part. I agree with the Member for Mount Lorne-Southern Lakes in his assessment that it might interfere with the procurement process. We just want to make sure that we do this properly. In broad terms, we are providing an awful lot of information to the Legislature and to the House, and we are doing it much more.

The Member for Lake Laberge did reference what was happening in 2016, and he's right. In a sense, what we are doing this afternoon is amending our own motion, because it was the Premier's motion. He brought it up at that time, and we did have the discussion in the House. In the run-up to the election, the opposition at the time did release a little bit of information about infrastructure. It was the first time they had ever done it. They actually did it twice that year within a



couple of days of one another — or very close together — and it was the only time they had done it in about 14 years — in a run-up to an election.

It was a little bit like a deathbed conversion to transparency, and I applaud them for that. That was a great move on their part, but on —

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

### Point of order

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

**Mr. Cathers:** As entertaining as the Minister of Highways and Public Works is, he seems to be well off speaking to the amendment to the motion.

### Speaker's ruling

**Speaker:** There has been debate, even on the amendment, about how the government is going to be providing information on infrastructure programs, so my view right now is the Minister of Highways and Public Works is still on topic with respect to the amendment. There is no point of order at this time.

You can continue, Minister of Highways and Public Works.

**Hon. Mr. Mostyn:** Thank you, Mr. Speaker. The point of this whole afternoon is to make sure that we get information to Yukoners about where the funding is going and how to invest in the territory. That is part of our fiscal planning. It is part of our five-year planning. It is part of our budgeting process, and it is important that we relay as much information as we can to provide Yukoners with the direction — to tell them where we are going — and we are endeavouring to do that. We have the five-year plan in place, which shows where the money is going — real property, transportation infrastructure, community and First Nation infrastructure, land development and other projects, information technology, equipment, loans, programs, capital transfers.

The amount of money going into those programs as well — it's all laid out in our budget planning and highlights. I've done it before, and I could read it again, but this is a debate about the motion and the amendment to the motion at this time, which is about providing documents after they're approved — and that just seems to be responsible and makes sense to me.

One of our enduring priorities of government is to ensure our strategic investments build healthy, vibrant and sustainable communities. From airports to highways to information technologies to bridges to government assets across the territory, it's what we work on every single day. It's why we created the five-year capital plan, which I just referred to. It's the first time in history — in Yukon history — we've had such a plan. It's why we focused on getting seasonally dependent contracts out the door earlier in the year — close to \$50 million this year in seasonally dependent contracts. It's why we're working on implementing the work

of the Procurement Advisory Panel. We have been working on all this since day one and with the Government of Canada on infrastructure planning.

My colleague, the Minister of Community Services, is involved; the Minister of Economic Development has been involved, and we're getting good results. We're moving projects that have been on the drawing board for years into reality. The Ross River bridge is one example, the diverse fibre project is another — that was one that my friend, the Minister of Community Services, referenced. It was promised. The members opposite did make some information — said they were going to diverse fibre — but they didn't actually deliver. There's no money in there. They didn't actually do anything. They hadn't even submitted an application to Ottawa on that project.

Replacement of the Nares bridge in Carcross is another example. It was in the budget, but did it happen? No, they didn't have the social capital to move ahead with that project. Gateway — another one — is a great project to announce in the run-up to an election — half a billion dollars in infrastructure funding. But had they done the ground work to actually land that project, Mr. Speaker? No, they did not have that hard work — the ground work, the ground-truthing, the relationships — to deliver on that project.

When we took office, we worked very hard and got that social capital — reached out — and the Prime Minister announced the project a few months later. What this means, though, is that instead of — to the amendment's point, we don't want to go announcing hypotheticals — here, this is sort of our pie-in-the-sky plan; we are going to do fibre — without actually having any agreements in place. Why would you do that? You build expectations that something is going to be done, but there is nothing behind it to back it up. That is a problem. We heard about that problem for a long time, so this is a different approach than what the members opposite are trying to postulate. They want to speculate. They want to continue the speculation that was rampant during their time in office, and we are saying no. We are saying we will provide the information, once it is relevant in ground truth and is actually tangible, so that people have an idea where the money is going to be spent and how.

That is what the amendment speaks to. The amendment speaks to providing good information to the people of the territory — like our five-year capital plan. People now have an idea where the money is going to go. We know that there is going to be \$280 million spent by this government over the next four years. It is in the budget — they know. It is not going to be \$320 million in the budget and spending \$190 million — lapsing all of this money that never actually goes anywhere. It is not like these grandiose statements with nothing to back them up. We are saying that this is what we are spending — \$280 million in this budget — next year and next year — that is where we are going.

We are also saying that we are going to be spending \$88 million in real property in 2018-19; we are going to be spending \$69 million in 2019-20; we are going to be spending \$71 million in 2020-21; \$74 million in 2021-22; \$43 million

in 2022-23. It is all there in black and white, the five-year plan. If you are in real property, you know the government is going to be spending this much going forward. We can count on that, because that is what they have said they are going to do.

That is what the amendment speaks to. It is about actually tying what we are doing to what we know is going to happen. In the past, that hasn't been the case. We heard about fiscal planning, and my friend, the Minister of Community Services, referenced the fact that fiscal planning in the past was — may I say “fast and loose,” Mr. Speaker? It should have been done, and members in the opposition at the time said this fiscal planning should have been done, but it wasn't.

We had the former Premier saying that future spending on these capital projects — the running of these capital projects — is going to be a problem for the next government. That is not a good way to run the government, Mr. Speaker, and the amendment talks to that; it takes away that need to start — that intangible talk about hypotheticals — and serves to bring it into the real, so that people can actually — when we say we are going to do work on the Klondike Highway and we have money from Ottawa, they know that it is coming, that we actually have the money approved and we can actually do that work.

It is a bit of a departure from the previous government, which talked a lot about projects but never actually got around to building them or working with the Government of Canada on funding options. The previous government set the record for lapsing funds year after year — I have said this before, I can talk about it again: big announcements in the spring about record capital budgets, and then silence at year-end when the money didn't get out the door — \$100 million one year — \$100 million. So the amendment starts to bring some clarity to that plan.

The fibre project is another example of why we don't want to go down this road — why the amendment is so important: lots of talk over 14 years and no action, not even an application in Ottawa to ask for help getting the project done — nothing. It was low fibre, Mr. Speaker.

We're actually doing the work — filing the applications with the Government of Canada to get projects underway. We will, as my colleague said today, provide summaries of those applications once they have been approved. We don't want specific amounts for specific projects being released before the projects are tendered. Members opposite can appreciate that this would undermine the competitive bidding process, and we don't want to do that. We actually support a competitive bidding process.

As to the amendment, the plan is to do that continuously — to provide information throughout our mandate. It's another example of more information being provided to the public by our administration. Whistle Bend came up too — my good colleague mentioned Whistle Bend — the O&M wasn't budgeted for, \$24 million — a huge capital project, \$150 million capital spent — no money for the running of that thing. It's ridiculous.

Stewart-Keno is somewhere in the neighbourhood of \$80 million — a capital project announced with much fanfare, but again, nothing to back it up. It's a lot of words — big cable — no energy. The Gateway application was a funding agreement and, once we had the information and had approval, we shared the information with Yukoners.

Burwash water treatment: my good colleague brought that up, as well — it was referenced and approved by Canada. It wasn't started, but it is part of our capital plan this year. That was a project that was announced long ago — much fanfare, but nothing done. We are finishing that, as well.

The private sector has to be made aware of these upcoming builds. That is the very essence of our five-year capital plan. We have spending done under broad categories and listed in the cross-section of potential projects — examples that we provided.

The members opposite talked about a capital plan, but they haven't had one. We have listed twice as many projects as the member opposite has — as my colleague, the Member for Mount Lorne-Southern Lakes, has mentioned — but we don't want to give explicit information, because it could impact the procurement process. If you make it too vague, it is not accurate; if you make it too specific, you are going to perhaps taint the bid — we don't want to do that. It is important that we keep these free from bias, which again is why the amendment is talking to broaden this thing out and only make announcements once we actually have approval for these projects.

The Member for Porter Creek North did mention that we have suggested that we have asked for too much money. Why did you put in applications for \$400 million when the north was only going to be eligible for \$400 million? Well, I talked about that with the department, and to me it made sense strategically. If we have a lot of shovel-ready projects and we can get those things right before the federal officials quicker and have them start — if we can do that and get a jump on the other territories, it made a lot of sense for me, and we will see what happens. Maybe we can get some money that we wouldn't otherwise be allowed to get.

We made the applications, put them in and, once we get permission from Ottawa to proceed, we will actually go through with those projects and the people — the contracting community — will actually have some confidence that when we say we are going to be pumping money into the north Klondike Highway with federal assistance, they know that we actually have that federal assistance and we can actually proceed with that project. That's a big change from, hey, we're going to proceed with the north Klondike Highway or Ross River — whatever it is — and having nothing to back it up — vapourware.

Of course, some applications are exploratory in nature with Ottawa and will help drive decisions, once we resolve the question and get that decision from Ottawa. Once we get that approval, we will be more than happy to share it with the people of the territory, because Yukoners want opportunity, not speculation.

**Speaker:** Order, please.

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

*Debate on Motion for the Production of Papers No. 8, and the proposed amendment, accordingly adjourned*

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