



# Yukon Legislative Assembly

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## HANSARD

Monday, October 15, 2018 — 1:00 p.m.

Speaker: The Honourable Nils Clarke

# YUKON LEGISLATIVE ASSEMBLY

## 2018 Fall Sitting

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

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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

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

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<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

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**Yukon Legislative Assembly  
Whitehorse, Yukon  
Monday, October 15, 2018 — 1:00 p.m.**

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

*Prayers*

## DAILY ROUTINE

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

Introduction of visitors.

## INTRODUCTION OF VISITORS

**Hon. Mr. Pillai:** I ask my colleagues here in the Legislative Assembly to help me welcome some individuals who are here today for our tribute concerning the Startup Canada regional award winners. If you could help me, I will go through our list and then we can give a hand to Luke Legault, who is here from The Wandering Bison. He also has one of his key employees here, his new sous-chef, Teresa Kozakewich. Jason Rayner, a key individual in the Department of Economic Development, is here as well and he is also an award winner this year. Tara Larkin as well as Sofia Fortin and baby Mira are here as well. I will touch on some of their great work. Jim Coates and Astrid Grawehr are also here with us today. Tammy Beese, who is the owner of *What's Up Yukon* and an award winner, is also supported here today by the editor of *What's Up Yukon*, Danny Macdonald. Please help me in welcoming them here today.

*Applause*

**Hon. Mr. Streicker:** I'm wondering if we could recognize some other guests who are here for Waste Reduction Week: Leslie Leong, a local artist; Ean McDonald from Computers for Schools Yukon; and Ben Teertstra; Forest Pearson, a colleague from Morrison Hershfield; Ira Webb, program coordinator for Zero Waste Yukon; and Lea Pigage, a Zero Hero from Urban Caribou Bed and Breakfast.

*Applause*

**Speaker:** Tributes.

## TRIBUTES

### In recognition of the Startup Canada regional award winners and Small Business Week

**Hon. Mr. Pillai:** I rise today on behalf of the Yukon Liberal caucus to pay tribute to the Yukon winners of the Startup Canada regional awards. Startup Canada represents more than 200,000 entrepreneurs and innovators and speaks for a greater community of approximately 2.3 million. These awards recognize the innovation and contributions of entrepreneurs from across the country.

Each year, hundreds of entrepreneurs are nominated across the nation. Startup Canada has chapters in 50 communities, with YuKconstruct operating Startup

Whitehorse. This organization promotes and celebrates Canadian entrepreneurs and supports them to start and even scale up their businesses.

In May of this year, the Startup Canada regional awards for the north recognized entrepreneurs, innovators and community builders from Yukon, Northwest Territories and Nunavut for their achievements and contributions. It gives me great pleasure to acknowledge the following Yukon recipients of this year's Startup Canada regional awards for the north.

First, Bob Baxter, president of Yukon Brewing Company, for the entrepreneur of the year award. Yukon Brewing continues to receive tremendous community support for their inspired releases of beer, whisky and gin.

Luke Legault, who is with us today, is the founder of The Wandering Bison — he's a constituent of mine as well — for the entrepreneur's choice award. The Wandering Bison is a delicious addition, of course, to Yukon's catering industry. I think probably all of us here have had an opportunity to see the amazing work that they do.

Jason Rayner, who is with us, is a senior business development advisor with the Government of Yukon, received the entrepreneur promotion award. He has been key on all of our projects in this sector.

Selene Vakharia, Tara Larkin, who is with us, and Sofia Fortin are co-owners of SMRT Women and received the entrepreneur support award. SMRT Women holds regular workshops and inspiring speaking events. I think they've done a fantastic job of drawing women mentors together — and very successful entrepreneurs — to continue to build great businesses here in the Yukon.

Jim Coates, who is with us today and is president of Kryotek Arctic Innovation, and Astrid Grawehr, partner and director of operations, received the innovation award. Kryotek Arctic Innovation's lightweight drill technologies used for mineral exploration and its geophysical imaging technology are used across the Arctic to identify permafrost hazards.

Also, Tammy Beese, owner of *What's Up Yukon* magazine, for the Woman Entrepreneur Award. *What's Up Yukon* is, of course, a weekly community-focused publication.

These awards demonstrate that we are rich in talented, driven individuals, and I want to congratulate and thank all of you for your entrepreneurial efforts and benefits to Yukoners across the territory.

Yukon entrepreneurs innovate our local community and provide local opportunity for local solutions. They are leaders and risk-takers who enrich our territory and help diversify our territory. I was so pleased to attend and speak at the YuKconstruct opening for NorthLight Innovation last week, just in time for Small Business Week, which started yesterday. NorthLight Innovation is a facility that supports innovation and entrepreneurship. It is already a hub of activity and will help grow our knowledge economy. The facility has the power to build our communities, grow the Yukon economy and act as an incubator for next year's Startup Canada winners.

In light of the fact that it is Small Business Week, I would like to mention Luann Baker-Johnson, owner of Lumel Studios, a great local entrepreneur, who recently was

nominated in the micro-business category for the 2018 RBC Canadian Women Entrepreneur Awards.. The winners will be announced on November 21 in Toronto. I am sure you will all join me in wishing Luann all the best, and if I could just get a hand from my colleagues for all of these amazing entrepreneurs.

*Applause*

**Mr. Istchenko:** I'm pleased to rise on behalf of the Yukon Party Official Opposition to recognize October 14-20 as Small Business Week in Canada.

Each year, it is an honour to take a moment to recognize all those who took a step or maybe a huge leap to turn an idea into reality as they launched their businesses. The minister spoke of some of them in the House here today and it is great to see them here.

This Saturday, October 20, the Canadian Federation of Independent Business is inviting political and community leaders to show our support for independent business and owners across Canada by participating in Small Business Saturday. We are to visit a local business and take a photo to post on social media, so I will be sure to take part and visit local businesses. It will be a little tough to get everyone in my riding and in my community, Mr. Speaker, but I encourage others to do the same.

Startup Canada celebrates individuals and groups across the country that are working to advance entrepreneurship in Canada. Guidelines around nominations include those who increase awareness of the importance of strengthening Canada's entrepreneurial ecosystem and culture and incentivize efforts and elevate the ambitions of the Canadian entrepreneur community.

In May of this year, Startup Canada held its north region awards ceremony in Whitehorse, which saw six Yukon individuals or organizations take home awards. I would like to offer my congratulations to all those who were honoured in each category.

Take this week to get out into your communities and visit some small businesses and buy local. We are fortunate to have so many small businesses that continue to thrive, with dedicated owners, staff and customers.

Mr. Speaker, I would also like to highlight the local businesses in my riding of Kluane. It is local businesses that are key to the success of our especially small rural communities. They provide jobs for our youth. They donate to the local organizations and provide modern amenities for locals and tourists that we are so accustomed to today. Whether they are putting hard-earned dollars back into upgrading their businesses or diversifying to help meet the needs of their customers, this is what sustains our communities.

When most of us go home at the end of the day after a day of work, it's the local businesses that are still open and provide needed services, helping the travelling public get to where they want to go or helping a local with much-needed supplies. From the Yukon Party, a big heartfelt thank you to all the small businesses across the Yukon and, on a more

personal note, I would like to thank those across my riding of Kluane.

*Applause*

**Ms. Hanson:** I rise on behalf of the Yukon NDP caucus to celebrate the well-deserved recognition of northern Canada's community builders, entrepreneurs and innovators through this year's Startup Canada Awards.

Mr. Speaker, a few years ago I attended a gathering at the Whitehorse Trolley Roundhouse where Startup Canada leaders outlined their vision for this national yet regional network. At that time, I think there were a lot of tentative folks sort of wondering what this was all about and how it might actually work in Yukon. Victoria Lennox, the co-founder of Startup Canada, explained it as a network backed by an impressive array of corporate sponsors — large and small — that work to promote, inspire, education, connect and give voice to entrepreneurs across Canada.

At that early event here in Whitehorse, Startup Canada saw an opportunity to build on the work being done by YuKconstruct and (co)space to support entrepreneurs to take those first steps toward operation and — importantly in the north — to scale their business operations. Then when we fast forward to May 2018, it is clear that Yukon entrepreneurs, both brand new and established, got the Startup Canada message.

As we heard today, Yukon swept six of the eight northern regional awards in May. I was especially happy to see smart women recognized. There are so many women in the North creating amazing businesses and all have an admirable drive to make it happen and to support one another.

As Selene Vakharia, who, along with Sofia Fortin and Tara Larkin, who won the entrepreneurs support award category, put it, "It has been incredible since the beginning to see and be part of the energy these women bring to our events, programs and the whole community and to see collaborations and friendships being created and to realize that we are a part of making it happen."

As the winner of the entrepreneur's choice award, Luke Legault, founder of The Wandering Bison, said: "It's pretty amazing that, for doing something that I love, I've not only been able to make a career out of it, but that I can make so many different people happy. Then to be recognized on such an impressive stage is a new feeling altogether." He said, "I still feel I'm not doing anything all that special, but it's cool that there are other people out there who give me such incredible praise and accolades."

That, Mr. Speaker, is typical northern modesty.

The other 2018 entrepreneur award winners we've heard about today — Jim Coates, Jason Rayner, Tammy Beese and Bob Baxter — are all very much deserving of our accolades too.

Mr. Speaker, Startup Canada is designed to inspire the next generation of game changers, the disrupters and innovative leaders. These Yukon entrepreneurs have demonstrated that taking risks, disrupting industries and

supporting one another are pathways to a successful future for all Yukoners, and we thank them for it.

*Applause*

### In recognition of Waste Reduction Week

**Hon. Mr. Streicker:** I'm rising today to talk about reduction — waste reduction, Mr. Speaker — as it is Waste Reduction Week.

Solid waste is front of mind for many Yukoners, where our lives are so closely intertwined with the environment. I would be surprised if there is even one person in this territory who doesn't value the Yukon for its natural beauty and its vast landscapes.

We all have a stake in this territory so it is important that we take it upon ourselves to reduce waste and keep our environment clean. Although the Yukon is vast, we need to remember that we don't have unlimited space for waste. Managing solid waste is part of the job of government and it is also our responsibility as Yukoners.

Waste Reduction Week is all about celebrating our achievements and encouraging new innovative ideas and solutions. Today, I want to pay tribute to Zero Waste Yukon and in particular, the Zero Heroes.

Zero Waste was created to increase awareness and action in our communities around consumption and disposal of resources. Zero Heroes are local folks, businesses and organizations who make smarter purchases, find clever ways to reuse and creatively recycle everything possible.

MLA Kate White is a Zero Hero. I remember the MLA for Takhini-Kopper King taking part with several Whitehorse city councillors in wearing Waste On Your Waist program for a week in 2014, early on in the Zero Waste Yukon launch.

I would like to give a shout-out to entrepreneurs like Leslie Leong, who recycles items like computer parts to make jewellery and is one of the founders of the Reuse Fair. If you get a chance, please check it out, Mr. Speaker. I hope all Yukoners check it out. It's an amazing show.

I would like to congratulate organizations like the St. Elias Community School in Haines Junction, Yukon College, BYTE Yukon, Computers for Schools Yukon and the Mile 9 Dump in Mount Lorne that helped to divert all manner of waste. I want to give a special shout-out to Mike Bailie, who is a true Zero Hero here in the Yukon.

Particularly important today, as it's Small Business Week, I would like to congratulate businesses who are making a difference: Lumel Studios, who we heard about earlier; Riverside Grocery, who lets you take in your own cup for malts; Northwestel; Changing Gear; Westmark Hotel; and Lea Pigage of Urban Caribou, who has done a great job working to reduce her small business use of single-use plastics.

Thank you to all these Zero Heroes and to everyone in the Yukon who is doing their bit. Less is more.

*Applause*

**Ms. White:** I rise on behalf of the Yukon NDP caucus and the Yukon Party to talk trash about trash or, in today's case, the reduction of said trash.

Waste Reduction Week isn't new. It has been toyed with since the mid-1980s. I can also say with certainty that society's obsession with stuff also isn't new. What is newer is our acknowledgement that there is a problem and in willingness to try to change that. This year, each day of Waste Reduction Week has a theme and that theme ties directly to us moving toward a circular economy. To understand a circular economy, first we have to understand where we are now, which is in a linear economy. The easiest way to think of a linear economy is: take, make and dispose. An example I can use is the dreaded coffee pod. In a circular economy, manufacturers design products that allow for the long life, optimal reuse, refurbishment, remanufacturing and recycling of products and materials. You can think of this as the three Rs: reduce, reuse and recycle.

You might ask yourself how this is different from recycling. Rather than having a recycling solution after a product is designed and brought to market, like the coffee pod, recovery and material reuse is part of the design and manufacturing process of the product from the very beginning.

As a relatively new concept in Canada, the theme days will provide an opportunity to educate what is meant by the circular economy, as each theme had its own story to tell. Today, it's the introduction; Tuesday is all about textiles; Wednesday, it's celebrating champions and innovators; Thursday, it's about plastics; Friday, it's about food waste; Saturday is swap, share and repair; and the final day on Sunday is all about e-waste.

In celebration of Waste Reduction Week, Zero Waste Yukon is building a campaign to end the use of single-use items in the territory. This includes things such as single-use bags, take-out containers and disposable cups. Zero Waste Yukon will have a free showing of the documentary *Bag It* at the Beringia Centre on Wednesday, October 17 at 7:00 p.m.

Bea Johnson, author of *Zero Waste Home*, will be speaking Sunday, October 21 a midi et demi en français and 5:00 p.m. in English at the MacBride Museum.

I also want to make sure that we have a special thank you to Raven Recycling and executive director Joy Snyder for the work that they continue to do in promoting Zero Waste Yukon. Thank you.

*Applause*

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

### TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Mostyn:** I have for tabling a legislative return responding to questions about value-driven procurement from the Leader of the Official Opposition during Committee of the Whole general debate on October 9, 2018.

**Speaker:** Are there any further 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. Gallina:** I rise to give notice of the following motion:

THAT this House supports the continued development of legislation, policies and practices to ensure the Yukon government meets rules and social standards for LGBTQ2S+ non-discrimination.

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

THAT this House urges the Minister of Education, in partnership with all appropriate stakeholders, to conduct a comprehensive review of school busing in the Yukon, including but not limited to:

- (1) bus capacity and assigned seating;
- (2) whether seatbelts should be mandatory;
- (3) registration process;
- (4) behavioural and disciplinary policies;
- (5) emergency procedures; and
- (6) service areas and standards.

**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: Cannabis regulation in Yukon

**Ms. McLeod:** Cannabis will be officially legalized this Wednesday. We have heard from several Yukon employers who have not yet heard from the Workers' Compensation Health and Safety Board, Occupational Health and Safety or Employment Standards with any details on this change. Employers are wondering what their responsibilities and liabilities are with respect to impairment from marijuana in the workplace.

What is the government doing to help and support employers?

**Hon. Mr. Streicker:** With respect to Employment Standards, I will happily go and get information for the member opposite. What I want to note is that with the legalization of cannabis, we don't anticipate an increase in the usage of cannabis. It has been used — medical cannabis is legal now and there are already programs in place for our workplaces generally. I will happily go back and get information from Employment Standards to see what outreach has been done around this with employers.

**Ms. McLeod:** The government requires employers to have stringent safety policies and manuals and these policies and manuals are audited based on Occupational Health and Safety regulations. These policies include no-drug and alcohol policies, but we have heard questions from employers who are

wondering what help the government will provide in determining impairment with regard to legal cannabis.

**Hon. Mr. Streicker:** As I stated in my first response, I don't anticipate a change in the programs that are already in place. I will confirm what programs are in place and bring it back for the member opposite. Like any employer, we have a responsibility to ensure that our workplaces are safe environments for both our employees and our clients. This means that our employees must be fit for duty at work and not under the influence of a recreational drug that may compromise workplace safety. To ensure that employees understand their responsibility to be fit for duty, we have developed a substance use and impairment policy that applies to all staff.

Again, I will happily go out and get a briefing for the member opposite.

**Ms. McLeod:** If an employee has a serious accident and Occupational Health and Safety goes to the workplace to investigate, how will they determine whether the serious accident happened as a result of cannabis impairment?

**Hon. Ms. McPhee:** I'm pleased to have the opportunity today to speak to Yukoners about their concerns regarding the legalization of cannabis. The Government of Yukon has been working extremely hard and is ready for the legalization of cannabis.

The regulations that have been passed and are going forward provide for the sale, possession, personal cultivation and consumption of cannabis under the *Cannabis Control and Regulation Act*, and they have been developed and are waiting for October 17, when the federal *Cannabis Act* will proceed. Our approach to legalization of cannabis, Mr. Speaker, is focused on displacing illegal activity and protecting public health, harm reduction and preventing negative impacts on youth. More than four out of five Yukoners support these priorities that we've seen over the past work being done on this file.

Our cannabis legislation reflects intensive engagement with Yukoners, First Nations, municipalities and stakeholders. We are ready for tomorrow.

As my colleague has noted, the possession and use of cannabis is currently illegal; it always has been. We don't anticipate the effect on the workplace to change. As we move forward, we expect that Yukoners will support these priorities as they have to date.

### Question re: Cannabis regulation in Yukon

**Mr. Cathers:** There is only one approved roadside saliva test to detect marijuana impairment in Canada at the moment. Yukon government has indicated that it intends on using these devices. The problem is that, according to news reports by CTV, the device's operating temperature ranges from four degrees Celsius to 40 degree Celsius. The average daily temperature in Whitehorse in the winter, of course, is well below that — with the average temperature in January being around minus 15 degrees Celsius. This, needless to say, is well outside the device's accurate operating temperature range.

What is the government's plan to ensure accurate, consistent and reliable roadside testing for cannabis impairment?

**Hon. Mr. Silver:** Of course, with this being a new file, it's great to be able to work with the RCMP and also the federal government when it comes to new roadside sobriety tests. As you do know, Mr. Speaker, a lot of times when individuals are being detained, a lot of the tests happen inside of the RCMP detachments as long as the RCMP officers can detect whether or not somebody is not sober while driving.

I had a great conversation with the American ambassador to Canada about other initiatives that are going on through Washington State University about different types of tests. As this is a new legalization of cannabis nationwide; there will be some stumbling blocks. I am confident that the RCMP has field sobriety tests and will be able to use the current national standard testing in good climate temperatures but will also be able to use them back at the detention offices if need be.

**Mr. Cathers:** Of course, our concern with this is that, as the Premier talks about moving toward this, there is the concern that some people may be detained needlessly and some others who are impaired may be missed by testing. The CTV report noted that the issues of the approved roadside testing — they also quoted a criminal lawyer with expertise in this field who highlighted concerns with the RCMP using these devices. They pointed to an academic study of the device that looked at its effectiveness on 300 drivers. Through the course of the study, it found that the device generated 14.5 percent false positives. Also quoting from CTV, it noted that 13.5 percent of drivers showed false negatives, meaning the THC in their system was not detected by the oral screen.

Again, a question for the government is: What are they going to do to ensure that Yukon's RCMP have all the tools and resources they need to enforce the new cannabis laws effectively and ensure that our roads are safe?

**Hon. Ms. McPhee:** I appreciate the questions. We are all concerned about public safety, but I think it's important to remind Yukoners that it is already an offence — it is currently an offence — to drive while drug-impaired and while impaired by alcohol. As a result, the RCMP here in the territory and across this country have been enforcing those laws all along. While the legalization of cannabis may affect that somewhat — in that new products are being developed for the detection and testing of cannabis impairment — they are not the only process by which the RCMP — and the only tool by which the RCMP — have to effectively charge and ultimately prosecute drug-impaired driving.

We are working very closely with the federal government and with the RCMP to determine the evidence going forward with respect to how these devices will work. As the Premier has said, we expect to have the full support of both the RCMP and the federal government going forward as these devices are developed for use here in the territory.

**Mr. Cathers:** Unfortunately, the problem is that there have been issues around inaccuracy with the tests by these devices. I think the minister would agree with me that

cannabis use can only be expected to increase once it's legalized.

The Canadian Centre on Substance Use and Addiction said that Canada would require 2,000 drug recognition experts, or DREs, to help enforce cannabis legalization when it comes to driving. Those officers are specialized officers able to test drivers once they have been stopped for a drug-impaired driving offence. According to the Canadian Association of Chiefs of Police, it is far off its target of having 2,000 DREs by the time of enforcement; in fact, there are only 825 certified officers as of July. Some provinces have been working closely with the RCMP to increase the number of drug recognition experts in their jurisdiction.

Can the minister tell us how many drug recognition experts are currently in the Yukon as part of the RCMP's force, and how many additional officers — if any — the government plans on training over the next number of months and over the next five years?

**Hon. Ms. McPhee:** Just to be clear — and I want, of course, Yukoners who have questions about this new state of affairs going forward — and I'm sorry; I spoke earlier about it being tomorrow. Of course, it's Wednesday, October 17 — not tomorrow. I was a day ahead of myself. Yukoners who are concerned about that should know, of course, that the government doesn't train RCMP officers. Just to be clear: That's not our responsibility.

However, we are working closely with the RCMP to make sure that they have the supports necessary for the drug recognition officers to be trained here in the territory. I do not have a number as to how many they are, but I know that they are working on that and that it is their responsibility.

I also want to note that the legalization of cannabis going forward will grow the technology industry with respect to the use of this particular substance. There will be, and there have been, developments in business, technology and enforcement for individuals who continue to break the law when the legalization of cannabis is, in fact, completed. We will learn a lot. We certainly don't have all the answers. We are ready for the legalization of cannabis here in the territory and we will continue to learn as we go forward with respect to all of the issues brought up today.

#### **Question re: Electoral reform**

**Ms. Hanson:** Mr. Speaker, electoral reform is an important issue to many Yukoners. After two years of inaction on this matter, the government finally got the ball rolling a couple of weeks ago by doing what they do best: Releasing a milquetoast online survey. The government survey tiptoes around a slew of issues but, believe it or not, in the 20 questions that make up this survey, there is not a single question asking Yukoners if they want to do away with our antiquated first-past-the-post system.

The Premier says he's committed to working with other parties to appoint a commission on electoral reform. He also said that this survey is meant to inform the commission. If that is the case, does the Premier not think it would be useful for the as-yet-to-be-appointed commission on electoral reform to

know whether or not Yukoners want to change Yukon's electoral system?

**Hon. Mr. Silver:** Out of that, I got two questions: (1) whether or not we're going to be engaging with the opposition; and (2) how important this is, to really poll Yukoners to see how important electoral reform is to them. That is exactly what we're doing. We're going to do both of those things.

The first step is to get out there and the survey — which I encourage everybody to get online and to participate in — breaks down this concept into three broad topics, and we made it broad on purpose. I explained that to both opposition leaders when I talked to them about electoral reform, that we're going to have three different methodologies to look at inside the survey. We're going to use the numbers from that survey to see how engaged Yukoners are on each one of those individual areas, and I will come back to both leaders of the two opposition parties about that, as I stated when I talked to them, and we will have a conversation about the next steps for the committee's work.

**Ms. Hanson:** We will come back to that latter point in a moment, but I want to ask the Premier another question, because another key issue, when it comes to electoral reform, is political fundraising. Yukon is the Wild West of political fundraising. There are no limits on corporate, union, or Outside donations.

Unsurprisingly, this topic is carefully avoided throughout the survey. It is only mentioned in passing once, along with examples that have nothing to do with fundraising. The vague questions in this survey are unlikely to yield very clear results.

If the survey had asked Yukoners whether they think it's appropriate for the Premier to host a cash-for-access fundraiser in a private suite with corporate executives, they probably would have received a much clearer answer. So why does this government survey on electoral reform largely avoid the issue of political fundraising?

**Hon. Mr. Silver:** The Leader of the Third Party goes to Edmonton for her corporate suites, I go to Vancouver and the Yukon Party goes on a yacht, so we are all doing fundraising, that's for sure. The electoral reform is extremely important to our government and we want to strengthen the fairness, we want to strengthen the integrity and the accessibility of our democracy and that's what we're going to. The first step is through this survey.

The electoral reform is about the system that we use to turn our votes into seats in the Legislative Assembly, but it is also about a way that Yukoners' voices are being heard and the rules that political parties follow — and that's exactly when we talk about fundraising as well. We're surely not skirting the issue of fundraising in the Yukon. I agree with the member opposite; we need to take a look at how we raise money and make some changes therein. We're definitely not skirting it; it is mentioned in the survey, as the member opposite pointed out.

This is why we are starting by asking Yukoners about what areas of electoral systems are most important for us to focus on based upon Yukoners responses to that survey.

Surely the members opposite would agree that listening to Yukoners about their perspectives on electoral reform is an extremely important part of this process.

The commission will work on the priorities that are determined by Yukoners and will decide what further public engagement may need to be conducted before reporting to the government, but before that, it is really important to this government that we get out there and find out how important this topic is and which parts of this topic are important to Yukoners.

**Ms. Hanson:** Mr. Speaker, the Premier can't be surprised that we, along with many other Yukoners, are skeptical about this government's intentions when it comes to electoral reform. A full year into the mandate, after a year of radio silence on electoral reform, this government was forced into adopting an NDP motion to appoint a non-partisan commission to study the issue and then was back to radio silence for almost another year until the survey was released earlier this month — this survey, which is so general and so vague. Two years into this government's mandate, the commission has yet to be appointed and the Premier's promise to collaborate with opposition parties has so far consisted of 24 hours' notice that the survey was going to be released. That doesn't sound like it's much of a priority.

Mr. Speaker, when will the Minister — the Premier — actually get to work on this important issue and appoint that commission?

**Hon. Mr. Silver:** Mr. Speaker, I hate to pop the balloon from the NDP. We weren't forced into this conversation from any motion from the NDP. This is something that we committed to in the electoral process and we will continue on that electoral process. Now what we were considering on this side of the Legislative Assembly is there are two other jurisdictions that are in the process right now of considering electoral reform. Would we go out before they figured out their answers or do we think that Yukoners think that this is a part that should be added into that process — gathering information and best practices from other jurisdictions — but again, most importantly, it is what Yukoners think, and we hope that we are going to get that response from the work of the survey and then forming the commission.

Now, I will again sit down with the Yukon Party and with the NDP and have another conversation after we get the results of the survey, like I said to them already. I'm seeing some press releases from the Yukon Party that somehow forgot that I met with the Leader of the Official Opposition on this topic. We spoke together about this. There will be a commission. Are we going to involve the members of the opposition in the creation of that commission? Absolutely — in fact, I've already had those conversations and we'll continue to engage with the members opposite.

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

**Ms. White:** Mr. Speaker, we have not heard this government talk about Yukon's opioid crisis in this Assembly since January 2018. At that time we were told of eight opioid-related deaths, with the caveat that, due to toxicology delays

of up to six months, there could be more. It's now October — 10 months since that number was confirmed.

When we look at the statistics and information available on the Health Canada website, data for Yukon is of concern. Our death rate is the second highest in the country. Eight opioid deaths — likely more — is too many.

There is an opioid crisis across Canada and, Mr. Speaker, there is an opioid crisis in Yukon, but we aren't talking about it.

Can the minister share with this House the up-to-date number of opioid-related deaths in Yukon and what actions this government is taking to address the issue?

**Hon. Ms. Frost:** I would like to thank the member opposite for the question.

Certainly there is a crisis, and it is known that we are the third jurisdiction in the country with respect to opioid overdoses, so it's certainly a key priority for this government. We are working with the medical professionals to address the crisis that we are experiencing. We are working with our colleagues across the country and I am working here in the Legislative Assembly with my colleagues as well — and the Minister of Education — to deal with education in the education system. We are working with our partners to address the concerns that are brought to our attention. We are working with our partners in ensuring that we have the necessary naloxone kits out there. We are working with all of our partners but certainly addressing the crisis.

We see that there are numbers that — I can't really say specifically how many we have had since that is a number that is generated through the Coroner's Service office and through the medical professions. It is not for me, at this time, to make note of that. I do want to say that we are taking this very seriously.

**Ms. White:** It is important to say that people have died since January of this year. They continue to die. We have all heard stories of recent deaths in our communities that are being associated with drug overdoses. We hear people say: "Not my drugs, not my dealer," referring to the misplaced confidence that their drugs are safe because somehow they trust their dealer. Even the government's own public information sheets talk about fentanyl on the streets and drug users, seeming to suggest it is just "those people" who should worry and not the occasional recreational drug user who might be using at a party who is at risk. Opiate overdoses and deaths in Yukon continue at an alarming rate.

What is this government doing to ensure all drug users are aware of the risks, and what public education about fentanyl is being shared in Yukon schools?

**Hon. Ms. McPhee:** This is an extremely serious community issue. We are well aware that the health and safety of our students in our schools is a priority but also our students in the community. I take the point from the member opposite that we are not talking necessarily about drug users. The information that I have is a rather unique situation, in which I am both Minister of Education and Minister of Justice, and that is exactly where those two worlds collide.

The Government of Yukon is working with students and staff and their families to educate them about the dangers of illicit drugs like fentanyl — and dangers of all drugs, in my view, Mr. Speaker. We are not talking anymore about what you are deciding to take; we have to get the message out to young people and to everyone in the territory that drug use of almost any kind can be dangerous — more dangerous than ever before — because of the use of fentanyl and the consideration of fentanyl being included in these kinds of things.

We do have opportunities for individuals to have their drugs tested without any questions. I will leave that to a later question. But this is, by far, the most pressing issue, in my view, with respect to getting education into schools.

**Ms. White:** I caution us when we just say "fentanyl" because fentanyl is just a component that is added to every chemical drug out there right now.

Blood Ties Four Directions is providing free drug testing to any member of the community. Individuals can have their drugs checked for fentanyl and Blood Ties urges anyone — even occasional users — to consider using the drug-checking program to check that their drugs haven't been contaminated with fentanyl.

In 2017, the department hired a part-time opioid overdose prevention coordinator as well as an opioid surveillance officer to collect detailed opioid-related information in the territory. Can the minister inform the House of what these two positions have accomplished, whether or not they are still in place and what the strategy is to address this growing and ever-growing concern?

**Hon. Ms. Frost:** To the point that was made with respect to drug-testing programming — we have partnerships, certainly, with Blood Ties Four Directions and we are looking at other partners as well to ensure that drugs are tested to ensure that they are not contaminated. So we are, since 2018, early on — this crisis rose for us in 2016 and we have seen the rate increase, of course, from the second highest to now the third highest. So our government is working to address the current crisis.

Since then, we have acted swiftly. We have adapted the information that we're receiving. We're working with our partners. We're working with the chief medical officer of health. My department has supported an establishment of four opioid working groups focusing on harm reduction, public awareness, surveillance and health and social system reform. The action plan that we have been working on with our partners is now actively being implemented.

Following the first incident, we have now released over 1,200 naloxone kits. We have worked with our partners, as noted, to look at identifying a prevention coordinator overseeing the ongoing distribution, inventory data and training. We're working with Blood Ties Four Directions and other stakeholders in our community.

#### **Question re: Cannabis regulation in Yukon**

**Ms. McLeod:** As we are only two days away from the legalization of marijuana, I'm wondering if the minister could

tell us what workplace rules and procedures have been put into place to ensure that Government of Yukon employees operating heavy machinery are not doing so under the influence of cannabis. If there's a question about whether or not someone is impaired, what are the government's plans to verify?

**Hon. Mr. Streicker:** I think I already said that the rules that we have in place and the policies and procedures are there already. They're not new. Medical cannabis has been legalized for some time and we have known, of course, about the illegal use of recreational cannabis. It is commonplace and well known. So we have been developing procedures and policies.

Like any employer, we have a responsibility to ensure that our workplaces are safe environments for both our employees and our clients. This means that our employees must be fit for duty at work and not under the influence of a recreational drug that may compromise workplace safety. To ensure employees understand their responsibility to be fit for duty, we have developed a substance use and impairment policy that applies to all staff. I will ask the department to please get me that policy and I will table it here in the Legislative Assembly for the members opposite.

**Ms. McLeod:** Is the minister able to tell us whether or not Government of Yukon employees will have to submit to tests if they are suspected of being under the influence of cannabis?

**Hon. Mr. Streicker:** What I just said and what I will say again is that I am very happy to provide the substance use and impairment policy and table it here. I will try to get it for tomorrow and have it for the member opposite so that question can be answered.

We're not inventing cannabis, we're regulating it.

**Ms. McLeod:** Has the Government of Yukon provided any training or information to employees regarding their obligations once new legislation becomes legalized?

**Hon. Mr. Streicker:** The answer is yes, in the sense that, for example, we have done training with our corporation staff. We have developed training requirements and regulations for all staff who will be working around cannabis, whether in the warehouse or in sales. On the other hand, I think we haven't introduced new training around substance use that I am aware of.

I will take a look, but my understanding, as I have said now three times in this question and previously today, is that we already have a substance use and impairment policy that applies to all staff, and I will happily table it here in the Legislature.

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

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

## INTRODUCTION OF VISITORS

**Ms. Hanson:** I ask my colleagues to join me in welcoming Peter Julian, Member of Parliament and also a member of the finance committee, who is here today in

Whitehorse to hold hearings. Welcome, Mr. Julian — no stranger to Yukon.

*Applause*

**Speaker:** Any further introduction of visitors at this time?

We will now proceed to Orders of the Day.

## ORDERS OF THE DAY

### GOVERNMENT BILLS

#### Bill No. 21: *Equality of Spouses Statute Law Amendment Act (2018)* — Second Reading

**Clerk:** Second reading, Bill No. 21, standing in the name of the Hon. Ms. Dendys.

**Hon. Ms. Dendys:** I move that Bill No. 21, entitled *Equality of Spouses Statute Law Amendment Act (2018)*, be now read a second time.

**Speaker:** It has been moved by the Minister responsible for the Women's Directorate that Bill No. 21, *Equality of Spouses Statute Law Amendment Act (2018)*, be now read a second time.

**Hon. Ms. Dendys:** Mr. Speaker, this government is pleased to bring forward this legislation. It continues our work in making our laws non-discriminatory and inclusive of lesbian, gay, bisexual, transgender, queer, two-spirited and more Yukoners. The acronym commonly used is LGBTQ2S+. I'm pleased to see this item proceeding because it marks a significant milestone in our work to make Yukon fair and equal for everyone.

On this occasion, I'm speaking on behalf of myself and my colleague, the Minister of Justice. In my mandate letter from our Premier in January 2017, I was directed to work with the Minister of Justice and other colleagues to conduct a review of legislation, policies and practices to ensure the Yukon government meets the rules and social standards for LGBTQ2S+ non-discrimination.

As a government, one of our priorities is to work on creating a diverse and fair society. The bill we are considering is designed to do just that. As legislators, you know that changing all of our legislation to make it non-discriminatory for LGBTQ2S+ Yukoners is not something that can happen overnight. It takes time for our legal and policy staff to study the present state of the law. It takes time, and a lot of it, to catalogue our legislation that discriminates against this community.

This bill is a step in the right direction to ensure the Government of Yukon meets its constitutional obligations with respect to equal treatment of both married and common-law same-sex partners.

We are essentially cleaning up our legislation, modernizing it to speak inclusively of our LGBTQ2S+ community. While this work is being done, we will also engage with interested Yukoners and members of the LGBTQ2S+ community through a safe and inclusive public

engagement process, based on an extensive pre-engagement which occurred over the summer.

We are committed to ensuring that their views are heard and considered in this process. As I have mentioned, the legislation that needs to be changed cannot be changed in bulk. It is a step-by-step process and it will take some time. After our initial engagement with the LGBTQ2S+ community and conducting research, we believe we have chosen the best course of action, which is to amend the legislation that has the most impact on the community first.

Last year, we started in earnest the process of making our legislation more inclusive for all genders and sexual orientations. We tabled the new *Gender Diversity and Related Amendments Act*. That act introduced amendments to both the *Vital Statistics Act* and the *Human Rights Act*. The amendments to the *Vital Statistics Act* allowed for the introduction of a gender-neutral marker on a birth certificate. This is appropriate for people who are intersex or who identify as non-binary gender. The amendments to the *Human Rights Act* make it illegal to discriminate against a person on the grounds of gender identity or gender expression.

In March 2018, we tabled the *Gender Diversity and Related Amendments Act*. The act promotes more cultural, regional and gender diversity on four key Yukon boards and committees. These committees deal with childcare, violence prevention, social assistance and provision of care. The act also amended the *Yukon Public Service Labour Relations Act* to add sexual orientation, gender identity and gender expression to prohibited grounds of discrimination.

The scope of the bill that we put forward today is fairly narrow. It will remove binary language — language that tends to discriminate against LGBTQS+ community members — for example, the words “his”, “her”, “husband”, “wife”, “widow” or “widower”. Those terms are now replaced with language that includes all genders and sexual orientations — for example, “spouse” or “surviving spouse”. This change will appear in 10 existing acts and six regulations.

We are also repealing the *Married Women’s Property Act*. The *Married Women’s Property Act* is a relic of a bygone era — a time when legislation was needed to clearly abolish antiquated common-law rules. An example of this is the doctrine of marital unity, whereby a husband and wife were considered one person under the law. Back in the 1950s, there was a need for the *Married Women’s Property Act*. The *Married Women’s Property Act* abolished old common-law rules that limited the agency of women. Prior to the act, when married, a woman lost her ability to independently hold and dispose of property, enter into a contract by herself, sue or be sued or act as a litigation guardian. Prior to 1955 in Yukon, only a single woman — then called a “fem sole” — could do all of those things. However, over time, the doctrine of marital unity has been challenged by progressive changes in the common law and society. More recently, sections 15 and 28 of our *Canadian Charter of Rights and Freedoms* assert the rights of women.

We could retain the act and amend the most redundant and discriminatory provisions, but we have decided to repeal

the act altogether and make the necessary adjustments to the *Judicature Act*. This will ensure that old common-law rules are still abolished and that the arguments on their basis will not have merit. Indeed, Canadians and commonwealth courts have stated that it is better to just change the laws in the legislatures rather than in the courts.

This is what we are doing today. We are making it very clear that this law is no longer a useful contribution to our statutes. Besides its view of women, the Yukon *Married Women’s Property Act* uses deeply entrenched heteronormative and gender-binary language that has no place in our modern society. Married women’s property acts have been repealed or rendered totally ineffective in most Canadian jurisdictions. It is time we catch up.

I also want to briefly touch on one more way that we are working to modernize our legislation and make it more inclusive of our LGBTQ2S+ Yukoners. For the last couple of years, we have worked to engage the LGBTQ2S+ community in a process of changing our legislation. As legislators, we know that this process can take time. As I have said, we do not, and we cannot, enact and repeal in bulk. In consultation with the LGBTQ2S+ community, our policy and legal staff members are creating a step-by-step course of action that includes both a legislative review and policy and program review.

Having said that, we did not consult with the LGBTQ2S+ community on this specific legislation change — those contained in Bill No. 21. This is because adjusting references to married and common-law partners in Yukon legislation to speak more inclusively of all sexual orientations and genders is a constitutional obligation and therefore not up for debate in a public consultation process. These changes ensure equal treatment of same-sex and common-law partners. We are modernizing legislation and bringing it into line with most other Canadian jurisdictions.

In 2004, the *Dunbar & Edge v. Yukon* case was a legal action taken by a Yukon same-sex couple to affirm their right to marry. The Supreme Court of Yukon gave the couple the right to receive a legal Yukon marriage. The court also ruled that the old common-law definition of marriage — the union of one man and one woman — violated the *Canadian Charter of Rights and Freedoms*.

That ruling introduced a new common-law definition of marriage in Yukon: the voluntary union for life of two persons to the exclusion of all others. With the changes to the acts and the regulations that we proposed, we are adhering to the new state of the common law. We are removing outdated terms like “wife” and substituting words like “spouse”. We are repealing the *Married Women’s Property Act* because it also reflects the old state of the common law. Today’s common law repeatedly stated that women have the same rights and freedoms as men, no matter their marital status.

It is important to note that the *Married Women’s Property Act* was originally created to advance the legal rights of women and now it is outdated. The consequential amendments to the *Judicature Act* make it clear that the concept of the unity of legal personality continues to be

abolished. This concept is the archaic concept that a husband and wife are one person under the law. That act is also amended to affirm that, no matter what their gender identity or expression is, a married person is separate and distinct from their spouse. In effect, every married person has the power to make their own decisions, just as if they were unmarried. This amendment reflects how the law should be in 2018.

We will continue to consult the LGBTQ2S+ community in creating an action plan for next steps and changing legislation and government policies, programs and services. With all of these initiatives, we are making steady headway in our goal to make sure Yukon meets the rules and social standards for LGBTQ2S+ non-discrimination. We will remain unwavering as we continue this work so that all Yukoners feel safe, are treated fairly and enjoy equal opportunities.

In closing, Mr. Speaker, it is not just the LGBTQ2S+ community that benefits from these changes. All citizens benefit from an inclusive and equal society.

**Mr. Cathers:** I thank the minister for her introductory remarks on Bill No. 21, *Equality of Spouses Statute Law Amendment Act (2018)*.

I would also like to thank the officials from the Women's Directorate and the Department of Justice who provided a briefing on this legislation. The one question I would ask the minister to answer in her closing remarks is — the officials gave us a handout that said — and I quote: “No engagement was required because the amendments reflect changes in common law.”

I would just ask the minister to confirm that this is her understanding of the reason why no public consultation was done and the current state of law.

Just to reiterate, our question was about the lack of public consultation. Could the minister confirm that her understanding is that none was required because the amendments reflect changes in common law as reflected in court decisions?

**Ms. White:** I want to thank the minister and ministers who were involved in making these changes.

I practically skipped out of the briefing room when we were doing this because the one really important thing to talk about is that we've just made people in the territory “people”. We were removing gendered language. When I highlighted the concerns I had of the legislation, it was through a very — I'm not a legislative expert so I was doing Google word searches in the documents and I identified ones where I could find really clear gendered language.

The reason why this is such a big deal — and it is — is that it's about joining the times but making sure that we're following the rights of people. All people are under the human rights legislation, so it's about making sure that people are covered under the legislation that we have here. There was a really entertaining moment that I'll share with everyone else who wasn't there for the briefing, but the drafter from the Department of Justice pointed out that they took a long and hard look at the *Land Titles Act, 2015*, because I had

highlighted that the word “husband” was used. They had studied the act and they had looked into it, and the word “husband” that was used is actually meant to be “husbandry”, which is about the cultivation or the raising of animals, in which case, I have no problem with that definition of the word “husband”.

These changes are a celebration for me. This is us moving toward what all legislation in Canada should be like. I have no critiques or criticism. I am super excited that it happened this quickly, because we had this conversation recently about the changes that need to be demanded and these are them here.

I am so pleased that people in our community will be viewed as the people that they are, no matter how they identify, and for that I am grateful. I thank the government for bringing these changes forward because it's been a long time that some of our community members have been left out, so this is important. I look forward to having the conversation in the Committee of the Whole and maybe making fun of myself a little bit about my custom Google word searches in documents, but I am so happy that people who had the skills were able to identify even more acts that I had and make sure that they're being changed.

So with that, Mr. Speaker, I look forward to comments and then, of course, Committee of the Whole at some point.

**Hon. Ms. McPhee:** At risk of repeating a few things that my colleague has already said, I too will take the opportunity to speak briefly on this matter today, because it is an exciting step forward for the Yukon — one that is long overdue.

Mr. Speaker, you have already heard from the minister responsible for the Women's Directorate about the general background and emphasis on the requirements set out here in this bill, but I would like to just take a couple of minutes to expand a bit on the legal issues that it deals with, partly because, like many of you here, I've watched this happen over many years — the last 15 for sure — and well beyond that with respect to the *Married Women's Property Act*.

It is an exciting day and I think we should take the opportunity to speak about that and celebrate, with respect to the modernization that is in this bill.

In his January 2017 mandate letters to us, the Premier charged the minister responsible for the Women's Directorate and I, and other colleagues to conduct a review of legislation policies and practices to ensure the Yukon government meets the rules and social standards for the LGBTQ discrimination — and that was a quote, sorry. I will be happy to help with that after this particular presentation.

What we propose today is to amend nine acts for sexist, heteronormative and non-binary language and to repeal one — and you have heard about that.

The one act that we seek to repeal is in itself an antique, as the minister has mentioned, of bygone days — the *Married Women's Property Act*. Most antiques I favour but not this one. In its original form, it restated the old common law that when a woman married, her legal identity was subsumed into that of her husband's. I think it's a very important point to

make because there are, thank God, many generations behind us who don't have any concept of that understanding. I'm pleased that this is the case. I think that it's important to remind us all that it was, in fact, a regular practice for hundreds and hundreds of years. Her legal identity was subsumed into that of her husband's. A married woman could not own or dispose of property independently, she couldn't enter into a contract, she couldn't sue or be sued and she couldn't act as a guardian. Only single women could do all those things. The logic of that escapes me.

Once a woman was married, she legally became part of her husband. Both persons were united to be one person in the eyes of the law. The legal doctrine was known as unity of personality. Over the years, evolution in the common law and in society has eroded it, again, thank goodness, and this doctrine, still a Yukon statute although it has no effect any longer, remains on our statute books. As this House will hear and as Yukoners will hear me say in a bit, I don't favour laws that don't have any power or authority. I think we should — I don't favour statute books that aren't helpful and useful to the Yukon public.

Today, I'm pleased to confirm that a woman, married or not, is, of course, her full legal person and that's the reference made by the Member for Takhini-Kopper King.

Unfortunately, through the years, the *Married Women's Property Act* hasn't even been amended to reflect the changes in societal attitudes. More recently, sections 15 and 28 of our *Canadian Charter of Rights and Freedoms*, which is entrenched in our Constitution, asserts and legally protects women's rights. Although the Charter does not apply to private law — legal actions between parties — Canadian and Commonwealth courts have traditionally been uncomfortable defending laws that express an outmoded view of a woman as a person and their own legal entities. Courts have also stated repeatedly that they prefer that changes in law result from legislation rather than their rulings and that's been mentioned by the minister — again, a very important tenet and worth repeating.

Mr. Speaker, that's what we're doing here today — removing this outdated and irrelevant law from our Yukon legislation. Most Canadian jurisdictions have repealed or rendered ineffectual their version of our *Married Women's Property Act*, so it is well past time that we followed their lead. As if we haven't stated enough reasons, that particular act uses non-binary and sexist language that has no place in our modern society.

Repealing statutes that discriminate against women is one thing and it is really quite simple; however, creating a society that is more open to gender diversity is quite another. A step toward that occurred in Canada when we legalized same-sex marriage. A pivotal Yukon case from 14 years ago was part of a movement that created that great progression in this country. In 2004, the Yukon Supreme Court tried a case known as *Dunbar & Edge v. Yukon*.

Let me just take a second to refresh your memory. In 2004 the *Dunbar & Edge v. Yukon* case was won in a series of Canadian legal actions taken by a same-sex couple to assert

their right to marry. At issue was the application form that was used to apply for a licence of marriage here in the territory. At the time, the registrar of Vital Statistics stated to the applicants — and I quote: "The common law definition of marriage in Yukon remains the union of one man and one woman. As a result, until such time as the federal Parliament enacts legislation to allow same sex marriage, or the common law definition of marriage is changed in the Yukon, we are of the view that Yukon Vital Statistics is unable to issue marriage licenses to same sex couples."

Right there, at that exact moment in time, there was an opportunity for the Yukon government to make a change. They did not. So off to court they went.

Of course, the Supreme Court of the Yukon gave two male plaintiffs the right to receive a marriage licence and have a marriage ceremony registered under Yukon law. If I remember correctly, it happened within days. The court ruled that the common-law definition of marriage was invalid because it violated section 15(1) equality rights and, as such, could not be justified under section 1 of the *Canadian Charter of Rights and Freedoms*.

On the day the ruling came out, the court created a new common-law definition of marriage in the Yukon — and I quote: "... the voluntary union for life of two persons to the exclusion of all others..."

The court also indicated that the Attorney General of Canada, who had participated in the trial, was so fundamentally inconsistent with the approach that it took in the other provinces with similar actions, that it awarded solicitor-client costs to the plaintiffs to be paid by Canada, in addition to the Yukon being ordered to pay solicitor-client costs for their refusal to grant the licence — the ability of the court to indicate, not only its decision, but the fact that the action was so fundamentally problematic that costs would be awarded to the plaintiffs.

This last fact is what should give any government pause, because not only does ignoring the equality of Canadians come at great personal cost to some of our citizens, it also comes at a cost when the government tries to deny those equality rights and that cost, of course, is borne by the taxpayer of this great territory and other provinces and territories across this country. As one of the plaintiffs correctly stated, the *Dunbar & Edge v. Yukon* case was — and I quote: "... the nail in the coffin on the issue..." of same-sex marriage."

Later in 2004, four other provinces reformulated the opposite-sex, common-law definition of marriage and issued orders authorizing same-sex marriage in their respective jurisdictions. Soon every province and territory, including the Yukon, affirmed it. In 2005, it became federal law.

As we move toward a more inclusive and gender-diverse society, there's another practical point worth considering. If we continue to deny any of our citizens any rights enshrined in the *Canadian Charter of Rights and Freedoms*, we are leaving ourselves vulnerable to expensive litigation and test cases. It's easy, Mr. Speaker, to do the right thing.

One other interesting point now is that allowing same-sex marriage brings with it an obligation for us to alter our bureaucratic process to adapt to the new state of the law. Unfortunately, Mr. Speaker, the necessary changes were not made to Yukon government forms, including the certificate of marriage, which was clearly required by the *Dunbar & Edge v. Yukon* case for more than 12 years. It took the Yukon government that long to change the certificate of marriage form after the case.

Our government was elected in late 2016 — again, the case was in 2004 — and, as we have stated in our Platform and in our mandate as ministers, we are committed to equality for our LGBTQ2S+ community. That is why our Minister of Health and Social Services, responsible for the Vital Statistics branch, made it a priority to change the form that was the instrument of rejection in the *Dunbar & Edge v. Yukon* case.

Today's marriage certificate has no reference to "husband" and "wife". It uses no gender terms to refer to either spouse. At this point, we must stop and thank and recognize the Minister of Health and Social Services for making that vital revision to the marriage certificate. This is something that, Mr. Speaker, was required by a change in the law as a result of the common law in that case in 2004 — but it was never done. It was a small change and very easy to do, and it is of utmost importance for two reasons: first, the Yukon government forms did not accurately reflect the law; and, second, for the purpose of including those people who must fill in applications who do not see themselves identified within a government form because the language is too narrow.

One thing that we have to remember is that changes in law, including the ones we propose today, do not exist in isolation. They bring with them necessary revisions to government processes, like revising the marriage certificate, as I've noted. The minister has already stated that we must change the way we provide services to all of our Yukon citizens.

In the almost two years since we took office, we have made tremendous progress in making our laws more inclusive of all genders. The changes we propose today are the latest step towards making our laws inclusive and relevant to members of the LGBTQ2S+ community. We intend to continue this process — carefully, methodically and purposefully.

## INTRODUCTION OF VISITORS

**Speaker:** Before we continue debate on Bill No. 21 on second reading, I would like to introduce Jessica Lott Thompson, the executive director of the Yukon Human Rights Commission, who is in the gallery today.

*Applause*

**Hon. Mr. Streicker:** My name is John Streicker. I go by the pronouns "he" and "him".

I wanted to say that I am proud to stand in support of Bill No. 21, *Equality of Spouses Statute Law Amendment Act (2018)*. I wish to be an ally. I support and stand up for the rights of lesbian, gay, bisexual, transgender, transsexual,

queer/questioning, two-spirit, plus — or LGBTQ2S+ — people.

I note that I come from a place of privilege, Mr. Speaker. For many years, the legislation that governs this country has not been representative of the complete Canadian landscape. Moving toward a representative and inclusive body of legislation is important and significant. A necessary shift in the way our society approaches inclusiveness is to ensure that our laws reflect the rights of all peoples. This is long overdue, but I also want to acknowledge that we have a long way to go to change the culture of discrimination that exists here in Canada, here in the world and here in the Yukon.

As a government, I would like to acknowledge the support that I have heard in the Legislature today. We as a government are committed to passing changes as we have already done to the *Vital Statistics Act*, the *Human Rights Act*, the Yukon *Public Service Labour Relations Act* and now more.

I am also quite excited that, with this piece of legislation, we see the first repeal of a significant piece of legislation, the *Married Women's Property Act*. I think that's worth noting. I also believe that, if my memory is correct, the Member for Takhini-Kopper King has pointed out in a previous Sitting that this is an act that should be repealed.

Many of us know people who have been marginalized for a range of reasons. Understanding that people are people, no matter what their sexual or gender orientation is, is important. We know under our human rights, we should not discriminate based on this.

I have seen a real renaissance here in the territory. It has been really exciting to see, for example, our pride parade. It is not about one group; it is about being more inclusive. It's my sense that, when we embrace diversity, we strengthen all of us.

It's the differences that are so important that make up our character. It's important that, as we work to get along with one another, we act with respect.

Recently I had the opportunity to attend a workshop called "Bridging Gender Divides". I heard first-hand from people who have been somewhere on the gender spectrum that isn't binary. I heard first-hand about the struggles that they have had within our society to be loved, respected, appreciated — I would just like to say that I feel this is an important piece of legislation and I'm very happy that we, as a territory, are moving forward.

**Speaker:** Is there further debate on Bill No. 21?

If the member now speaks, she will close debate.

Does any other member wish to be heard at this time?

**Hon. Ms. Dendys:** I have listened carefully and with an open heart and with interest, of course, to the remarks from my colleagues in the House this afternoon, and I thank them very much for their thoughtful contributions to this discussion of this bill.

At its heart, we are talking about the future we want to create in this beautiful northern territory. Our government has

a vision for supporting healthy, vibrant communities. It is one of our key priorities.

For me, the importance of our debate in the Legislature is how we can transform this vision into meaningful change and that all Yukoners feel included and respected.

This bill makes sure that we are meeting our constitutional obligations and modernizing our legislation in support of greater inclusion and equality of LGBTQ2S+ Yukoners, and I'll just answer the question that was posed by the Member for Lake Laberge. He asked specifically — and I did say this in my opening comments so maybe didn't hear them. I did say that we did not specifically consult on this bill, and the reason for that is that the changes proposed in Bill No. 21 are a legal and constitutional obligation.

I think that the Minister of Justice clearly went through the length of time that has gone by during which these changes have not been made in our laws, and they are long overdue. I'll get into a little bit more around that as I go through my closing comments.

These changes certainly ensure the treatment of same-sex and common-law partners. The move was to modernize legislation and bring it into line with other Canadian jurisdictions. A debate in the public would not have changed the result of what we're doing here today. That being said, we are having a debate in the House and we all represent the public, and so I'm looking forward to Committee of the Whole and having further debate with all Members of the Legislative Assembly on this bill.

Many of us here today, if not all of us, know people who identify as LGBTQ2S+. They are our friends, they are our family members, and they are our neighbours and our colleagues. We know that these members of our community deserve the same equality, rights and considerations that others enjoy.

That is why we brought forward this legislation. The question of whether we should support equality of all genders and sexual orientations belongs to another time. We know that this is the right thing to do but, more importantly, this is something we want to do.

Yukon was indeed among the few jurisdictions to initially legalize same-sex marriage, as the Minister for Justice went through carefully, and update the common-law definition of marriage as "the voluntary union for life of two persons to the exclusion of all others".

Building upon amendments to the *Employment Standards Act* of 1992 and the *Marriage Act* of 2014, this bill helps to, at the same time, address where our language fell short for our constitutional obligations. The amendments to these nine acts affirm the importance of equality and inclusion of LGBTQ2S+ married and common-law spouses by making important shifts in language.

Indeed, replacing gender-binary and heteronormative references to married and common-law partners with terms inclusive of all genders and same-sex couples ensures that our enactments are not discriminatory to LGBTQ2S+ Yukoners. This supports greater societal equality and, by extension, positive social outcomes and community well-being. The

repeal of the *Married Women's Property Act*, alongside the necessary changes to the *Judicature Act*, underscores our commitment to reflect progress in society and the courts.

I know that many of us here in the Legislature, as we've heard today, join many women across the territory in pride as we repeal an act with such outdated language. I think it's very fitting that we're doing this and that it is happening during Women's History Month. It truly is a historic moment and time that we're experiencing here in our Legislative Assembly.

While there was a time when the *Married Women's Property Act* was required, it is clearly unnecessary with the progress of women's rights, which are human rights, throughout this country. I want to express my appreciation for the meaningful engagement and debate in this House. I look forward to more, as I have already stated. We are part of changing the way our laws and our society conceptualize gender and sexual orientation in a very substantive way. We are learning more about how the language in our laws can intentionally and unintentionally discriminate against people of all genders and sexual orientations. I'm proud that we are committed to modernizing our legislation to ensure that our territory, our Yukon, is welcoming, open and inclusive of diversity within our communities.

I continue to learn so much from members of the LGBTQ2S+ community and the tireless advocacy work that takes place both here and across the country. This bill is but one contribution to a much broader, multi-faceted approach to creating a more inclusive Yukon. Modernizing legislation is only one component of our efforts. We also know that our LGBTQ2S+ friends, family members, neighbours and colleagues will provide the guidance we need to prioritize further changes to government legislation, services and programs.

That is why we are taking the time to design a very safe and inclusive public engagement on LGBTQ2S+ inclusion. We've concluded the pre-engagement phase. Our community partners have provided their input on how best to engage the LGBTQ2S+ organizations, individuals, families and allies to provide input on their needs and priorities.

The input from the pre-engagements, our ongoing interdepartmental collaboration and the expertise from a company called Qmunity will make sure the LGBTQ2S+ voices are heard and understood so we can effectively respond to their priority needs.

In conclusion, I would like to thank all members for their thoughts and their contributions on how to make our laws more inclusive and equitable for all Yukoners. So let's continue to move forward together.

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

**Some Hon. Members:** Division.

#### Division

**Speaker:** Division has been called.

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

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

**Hon. Ms. McPhee:** Agree.

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

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

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

**Mr. Gallina:** Agree.

**Mr. Adel:** Agree.

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

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

**Mr. Hutton:** Agree.

**Mr. 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 18 yeas, nil nays.

**Speaker:** The yeas have it. I declare the motion carried.  
*Motion for second reading of Bill No. 21 agreed to*

**Speaker:** Are there any further government bills?

#### **Bill No. 26: Technical Amendments Act (No. 2), 2018 — Second Reading**

**Clerk:** Second reading, Bill No. 26, standing in the name of the Hon. Ms. McPhee.

**Hon. Ms. McPhee:** Mr. Speaker, I move that the *Technical Amendments Act (No. 2), 2018*, be now read a second time.

**Speaker:** It has been moved by the Minister of Justice that Bill No. 26, entitled *Technical Amendments Act (No. 2), 2018*, be now read a second time.

**Hon. Ms. McPhee:** As the Minister of Justice, I have been mandated by the Premier to ensure that our laws meet acceptable standards for fairness, equality and respect for the rule of law. It is important that we work on an ongoing basis to ensure Yukon's legislation is valid, error-free and consistent.

As such, I have tasked the Department of Justice with identifying and bringing forward technical amendment bills like this that fix specific issues in legislation that may not otherwise be addressed until a more substantive review of each individual piece of legislation might occur.

As we know, we have heard in this House quite recently that there are some of those reviews that just don't come forward, for whatever reason. Dealing with technical amendments is that much more important. Sometimes these bills are larger, as we saw last spring, and other times we see, as in this case, that they are quite brief. This one is quite brief; however, it is still important that we continue to work on making these types of changes.

This bill proposes to amend two pieces of legislation. Bill No. 26, *Technical Amendments Act (No. 2), 2018*, proposes an amendment to the *Human Rights Act* that will help to facilitate the smooth operation of the Yukon Human Rights Panel of

Adjudicators. This amendment will allow a member whose term is set to expire, if they are in the middle of a hearing of a matter, to continue to remain a member of that panel of adjudicators until a final decision has been delivered so as not to interrupt that process. This amendment will ensure procedural fairness for those individuals who have hearings underway by reducing the need to have the entire matter reheard by a new panel. More importantly, perhaps, it will provide flexibility that is needed in the scheduling of hearings. This type of provision also exists in other provincial and territorial human rights legislation.

Bill No. 26, *Technical Amendments Act (No. 2), 2018*, will also make an amendment to the *Territorial Court Act*. This amendment will repeal section 11(5) of the act. This provision deals with the retirement age of judges who were appointed to the bench prior to coming into force the act. This provision is no longer needed, as all of our current territorial court judges were appointed after the act came into force.

This also provides clarity in the legislation, as there could be a perceived conflict between sections 11(5) and another section in the act. The repeal of section 11(5) will remove the potential of that conflict.

Cleaning up and repealing unneeded provisions in legislation is an important part of keeping legislation up to date and relevant. The *Technical Amendments Act (No. 2), 2018* is an important bill that helps ensure Yukon's legislation is as fair, error-free and clear as possible.

Some might question the necessity for making what could be considered minor or inconsequential amendments. I am pleased to bring these amendments here because Yukoners deserve up-to-date, clear and concise legislation. When we have the opportunity to amend legislation for the improvement of our laws, we should do so.

I look forward to the support of all members of this House on this bill.

**Mr. Cathers:** There is really not much to this legislation. It does make a very minor change for which we understand the rationale. The text is less than a page in length. We do not have any concerns with this legislation, so we will be supporting its passage.

**Ms. Hanson:** I thank the Minister of Justice for her comments and explanation with respect to the *Technical Amendments Act (No. 2), 2018*.

In addition to indicating that the NDP, of course, will support these technical amendments, I express some curiosity as to how technical amendments to current legislation are prioritized. It's clearly not alphabetical, because surely there's more legislation between H, *Human Rights Act*, and T, *Territorial Court Act*, that is requiring review and amendment. So I would be interested if the minister could clarify that. Again, just as a point of interest, we're making an amendment to section 22 of the *Human Rights Act* to basically ensure that good practice is followed with respect to not interrupting the train of thought during adjudication. I would ask the minister if she could clarify with respect to the *Human Rights Act*,

which establishes the Human Rights Commission — and we've got in the act that the commission is responsible or reports to the Legislative Assembly, but is it by regulation or by convention that it actually is subject to the Department of Justice as opposed to what the act says? I think section 16 speaks to the Human Rights Commission reporting to the Legislative Assembly and for budgetary purposes through the Speaker. So I'm not sure how that would be clarified, because it doesn't look like it needs a technical amendment and it sounds like it needs a confirmation of how the act is being carried out in conformance with what the act actually says.

Other than that, Mr. Speaker, we're happy to support the legislation.

**Speaker:** Is there any further debate on second reading of Bill No. 26?

If the member now speaks, she will close debate.  
Does any other member wish to be heard?

**Hon. Ms. McPhee:** Mr. Speaker, I appreciate the comments by the members opposite. I will just take a brief moment to try to address the two comments by the Leader of the Third Party. No, they are not alphabetical. They come to the attention of the legislative drafters in the department and ultimately come to my attention when there are changes that are pressing — if I can say it that way — and are potentially going to cause a problem.

We did have the issue with the Human Rights Panel of Adjudicators arise in the last eight months or so — probably in the spring of 2018, if I remember correctly. We did have brought to our attention the potential conflict between the *Territorial Court Act*, section 11(5) and another piece of legislation that dealt with retirement age for judges. So for clarity's sake, both of those matters have been brought forward. With respect to that, those are, in my view and the view of those who give me great advice, technical amendments, so that's why they are here.

The question that the member has asked about the convention or the structure of the Human Rights Commission is one that I would like to discuss further, but it is a matter of policy and practice as opposed to a technical amendment. Certainly, in the event that the process is changed in future, it would be an act to amend the *Human Rights Act* more specifically than a technical one. In the event that it requires those kinds of amendments — I can't answer that on the floor today.

I have read an opinion about the structure of the *Human Rights Act* but I don't recall, and should not recall, for this Legislative Assembly today the specific details of that because it has been some time, and my memory should not be trusted in that circumstance.

The last thing that I would like to say, hoping that I have addressed those two issues for the member opposite, is to thank the Department of Justice professionals and all those who work on these types of bills coming forward. They work with our legislation every day and bring forward the solutions that we need to have modern and relevant laws. We truly

appreciate their extensive work on behalf of Yukoners, and I appreciate the support of the members of this House for this bill.

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

**Some Hon. Members:** Division.

#### Division

**Speaker:** Division has been called.

#### Bells

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

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

**Hon. Ms. McPhee:** Agree.

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

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

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

**Mr. Gallina:** Agree.

**Mr. Adel:** Agree.

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

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

**Mr. Hutton:** Agree.

**Mr. Kent:** 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 17 yea, nil nay.

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

*Motion for second reading of Bill No. 26 agreed to*

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

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

*Motion agreed to*

*Speaker leaves the Chair*

#### COMMITTEE OF THE WHOLE

**Chair (Mr. Hutton):** The matter before the Committee is Bill No. 20, entitled *Societies Act*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

#### Recess

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

**Bill No. 20: Societies Act**

**Chair:** The matter before the Committee is Bill No. 20, entitled *Societies Act*.

Is there any general debate?

**Hon. Mr. Streicker:** I would like to just begin by welcoming back to the Legislature two colleagues — the first is Bhreagh Dabbs from the Legislative Counsel office and second is Louise Michaud, who I think is on her first day as assistant deputy minister of Corporate Policy and Consumer Affairs. It is always nice as well to have Sephora back in the Legislature.

We have had second reading debate on the *Societies Act*. I know that colleagues generally were supportive of the act but that there may be some specific questions. I'm happy to have that debate here today. I will just sit down and look forward to questions from members opposite.

**Ms. Van Bibber:** I too would like to welcome and thank the department officials for coming — with a guide dog as well. It is also fun to see — I'm not sure what the dog's name is, but it's fun to see her in the House.

As we had spoken about the *Societies Act* last week and we had a good briefing by the department, I understand that there was approximately 90 participants in the reviews leading up to the rewriting of the act — 55 at open-house events, seven through teleconferences and 30 written submissions. This was the sum of the public input on potential improvements. Thanks to all of those who gave their time to participate and give some feedback.

Can the minister give us a feel for the top two or three main concerns that registered societies had with the current legislation?

**Hon. Mr. Streicker:** I did have the opportunity to attend one of those public sessions. Also just a reminder that, when there was a request here in the Legislature that we extend the date of the engagement, I think we extended it another month. I thank members here for that suggestion.

Based on my own observations and talking with my colleagues, I think that the three things that we heard most — and I don't want to give them in an order, because I don't want to give it in a sense of precedence, but they were all important issues that we heard.

Number one was that there was a desire to handle backlogs that were dealing with changes to amendments to constitution and bylaws and basically to try to reduce the red tape so that our societies could register more readily.

Along with that, there was the notion that not all societies were the same thing, that there needed to be some flexibility to allow for the differences across a range of societies and that the societies wanted to be able to tailor their bylaws to suit.

Finally, it was just that the act itself wasn't always clear. There wasn't always information about what would happen around a range of issues, around things like dissolution. There was a request from societies that we just provide more information about societies and about how the act would govern them.

**Ms. Van Bibber:** Thank you for that response.

To modernize and update the act with plain language is always good. Although it has expanded to multiple more pages, we do hope that things are going to be clearer and easier to follow. We too agree with cutting red tape.

Societies or groups file their bylaws without perusal by the registrar as has happened before. Who carries the liability if the bylaws are not up to code and are not what the group needs to fulfill their goals?

**Hon. Mr. Streicker:** Thanks to the Member for Porter Creek North for the question — it is a good question.

Let me just start talking about the plain language of the act. We actually gave direction to make it in plain language. I know that they worked to not write it with a lot of cross references. There are whole sections — for example, a member society — that probably don't pertain to many of our existing societies. Even though it is long, there are whole sections that people don't really have to concern themselves with. I think that the act is intended to assist our societies so that they can read directly by using the table of contents to find the right place and find the information generally that they need.

With respect to the overall responsibility, it is the directors of the society who have the overall responsibility for the society and for ensuring that it is operating in compliance with the act and all acts. If there was a bylaw, for example, that was not in compliance — let's say that it contravened our *Human Rights Act* — then it would be the society that has the obligation to correct that act and, in fact, within the *Societies Act* bill that is before us — the draft — section 12(4), I believe, says — and I quote: "Subject to subsection (5), if a provision of the bylaws is inconsistent with this Act, the regulations or any other enactment of Yukon or Canada, the provision has no effect." What it is saying is that if you made a bylaw and it is suggesting that you do something that would contravene — say, the *Human Rights Act* — then that bylaw is not in effect. It might be sitting there on the books, but it is not correct.

We can talk about how that is tested and I can also talk about how that is amended, but just specifically to start off with, it is the responsibility of the directors.

**Ms. Van Bibber:** In general debate the other day, we spoke of single-interest groups — such as hate groups — forming a society and operating within their own parameters. We were assured that other laws or other departments could take over and they could not function and they would not be granted legal status to operate within the territory, but if the registrar is no longer looking over those bylaws, what assurance does the general public have that self-interest groups do not flourish under this particular new act?

**Hon. Mr. Streicker:** Thank you, Mr. Chair, and thank you to the member opposite for the question. I'll answer this in a couple of different ways. The bill does not directly prevent hate groups from incorporating into societies. It's also possible, of course, that there's a group out there that has intentions to act in a way that contradicts our *Human Rights Act* and they might incorporate as a society, but it might not even show it in the nature — they don't broadcast in their

constitution or in their bylaws; you might not know it, even. I just want to say, to begin with, that the registrar will, of course, look at the constitution and will, of course, look at the bylaws; however, it's not their job to be scrutinizing those and to be approving them.

I will just say again, that all societies, including member-funded societies, may only be created for lawful purposes, if under the new act — and depending on the specific circumstances — the registrar — if they see something that they feel is contradictory to other acts, they can refuse to file incorporation documents so they don't even begin. If they see something they have a concern with, they have the authority to require the society to correct that situation before they move forward. Maybe it's something inadvertent or — I want to say — doesn't on the face value appear to be nefarious — in which case, the registrar can seek to have it amend those documents so that they are appropriate.

It will be as it's encountered. The thing that I want to say, though, is that, beyond the *Societies Act*, we have human rights legislation, we have the *Criminal Code* and there are many remedies that can be found in those legislations that will apply. The more appropriate place to deal with issues of societies that are propagating hate, which is contradictory to our human rights legislation is under that legislation, not under the *Societies Act*.

No matter what safeguards we put in place, it is still going to be possible that societies can register and form and we will be none the wiser, based on the content of their constitution and bylaws.

**Ms. Van Bibber:** This is sort of a take on the same question. With duties of the registrar scaled back so that the onus does fall back on the directors of a society — and you just said that they can look at the file documents to ensure their compliance and correctness. So the oversight then does go back to the registrar to ensure — am I not understanding this?

**Hon. Mr. Streicker:** I want to say that the word is not “ensure”. It is not the responsibility of the registrar to ensure. There is an opportunity for the registrar — if they identify concerns — to act on them, but it is not their responsibility to ensure. It is the society's responsibility to ensure that it is compliant with the laws — for example, human rights legislation and the *Criminal Code*. That would be where the responsibility lies.

I will just take this back a step. I hear that this could be a concern. I think it is a concern today in the existing legislation. As I say, there are groups that form and become a society and we are none the wiser at times.

What we heard as well from societies was that they were concerned that we were impeding their ability to perform well because, under the current act, we're reviewing all amendments to bylaws and it is taking time.

I think that, as a mature territory, we can understand that, for 99 percent of societies, they have the ability to do that. Of the remaining percentage — and I'm just speaking metaphorically, Mr. Chair, because I don't have an exact number. In a small number of cases, it will be a mistake.

There will be some small misstep. We will work with those societies to help correct that.

In an even smaller number of cases, it will be where there is a group that is organizing in a way that we would consider unlawful, and we have tools to try to address that. We'll try to catch that here, as we can, but it is not the responsibility of the registrar to ensure — it is the responsibility of the directors to ensure that their society is compliant with all of our laws.

**Ms. Van Bibber:** If a parent company of a society is outside the territory and there is just an arm of that society registered in Yukon, who is responsible for the bylaws? Is it the parent company in their jurisdiction, or would it be the Yukon local office and our Yukon jurisdiction?

**Hon. Mr. Streicker:** If I could just ask for a bit of a clarification from the member opposite — was she referring to an extra-territorial society or a corporation?

I just want to be clear, because if it's a business I'm going to give a different answer than if it's a society.

**Ms. Van Bibber:** I think it would be extra-territorial — that a society registered, say, in BC but also has an arm of the society here in Yukon.

**Hon. Mr. Streicker:** I just want to make sure I am navigating things correctly here. If it is a society that exists across Canada and they are opening a branch within the Yukon, then they will be registered here, but the regulations of that society will move under the *Business Corporations Act*. They will be governed by their bylaws from their home jurisdiction, wherever that may be.

**Ms. Van Bibber:** Societies are held to a high standard — and so they should be, because they have to do annual reporting on finances and any changes that happen within their group. The clarification in the new act is supposed to be simpler, and so we ask the minister if he does feel that the new act will be simpler for filing documents for every society category.

**Hon. Mr. Streicker:** I do think that overall we have been working to reduce red tape for societies and that we have been working to provide clarity. Those have been two of the overriding goals, as I think I said in my first response for the member opposite. A society still has to do annual financial statements to give to its members at its annual general meeting, and those statements have to be available to their members and to the public, should they request them.

The real place where we're going to get to the advantage — and it's not so much to do with this act as it is to do with processes within the department — is that we have been developing a Yukon corporate online registry.

Our goal is to make the registry a digital registry that will then provide more ready access to information, and I hope for the ability some day for societies just to upload their documents and to make it quite simple. We are not there yet. I know the department has been working hard on this and I know that they have more work planned each year to move this ahead. I think we started with businesses — the business registry. I think that societies are in the queue and we will be working toward it. I think that will be a great savings for all of our societies.

**Ms. Van Bibber:** As reporting and financials are complicated and at times costly, it was hoped during the consultations that this act would alleviate some of these issues around finances and auditing.

Will there be financial assistance available for non-profit organizations that do need help in handling financial audits?

**Hon. Mr. Streicker:** This act was 30 years old. We knew it needed updating. We were hearing from societies that they had concerns. We wanted to modernize it. We had a good look at legislation across the country. We found some good examples to work from. All of those things were there. It's great to update.

It wasn't intended, for example, to provide more financial resources or more funding for our societies, whether that is for doing their books or anything, for that matter. Those are very different policy questions. This was about governance and how the societies work.

The question about funding is a different question altogether. We do, of course, support our societies in many ways and we try to provide them support. We would end up in a conversation with almost every department if we were talking about societies that are supported.

I don't want to be mean-spirited in any way, Mr. Chair. I think societies provide a whole lot back for this territory. We are the richer for it by far.

When it comes to the question about whether a society is required to do an audit or a review and whether they can use an accountant or a bookkeeper and all those sorts of questions, they will be dealt with in the regulation section which is to come. They are not yet developed. They should be developed over the next year or so. We certainly have taken a lot of feedback from societies about their interests and what they think are appropriate thresholds. The balance always is to try to make sure that we are setting those levels so that societies can be accountable and transparent and not moving too far down a path where they entertain too much risk, while at the same time not be burdened with the additional accounting. That is still to come. I will see if there are follow-up questions and whether I have answered it directly for the member opposite.

**Ms. Van Bibber:** Yes, I think going into the regulations — I'm sure it will be there.

The *Societies Act* is saying that it is dropping from five to three directors to begin a society and only one has to be a Yukon resident. Then, once they are formed, they can apply for public grants and program dollars, like all societies.

Has the minister been assured that financial fraud will not happen by lessening the number of directors and/or the number of Yukon residents?

**Hon. Mr. Streicker:** I just want to be careful again with language. The current act requires that there be five incorporators — not directors. The new proposed act would require three incorporators. Once a society is incorporated, it can drop down to the number of directors it wishes.

What we heard from societies and in the feedback we received was that one of the challenges is, especially in our smaller communities, that we are drawing on the same people

time and time again to form a society to handle recreation or to handle environmental issues or to handle health issues. There are many, many societies that focus on health. There is such a range of things and our communities want to be really engaged, and it is challenging to maintain a quorum. What we did was we looked across Canada for what the trend was for the incorporation of societies. What we found was that there are many that have gone to three and there are some that have gone to one. The trend has been to drop the number and then using the directors and the financial records to be the accountability side of this.

I want to be careful; I don't believe that any law can guarantee that there won't be fraud that occurs. What the laws need to do is spell out how we will address fraud and how we will provide best practices to prevent, as much as possible, the occurrence of fraud. But I can't stand here and make a guarantee, Mr. Chair.

What I can tell you is that, under the new act, we've spelled out the obligations of the directors to show them where their responsibility lies, pass across to them that sense of responsibility and detail it. I think that's where this act moves toward best practices. The issue of the number of directors was really a result of listening to our societies and explaining that there were times when they felt that they just needed a smaller number for a quorum and to understand the pressures of everyone's contributions to their communities.

**Ms. Van Bibber:** Just now the minister spoke about forming societies and lessening the number of incorporators. Is there better public education on why a group should form a society or should they be forming clubs or another entity? Is it always necessary to have a society and the need to incorporate and register? Perhaps there's a different way of doing business in our small communities. Does the minister have any ideas on that?

**Hon. Mr. Streicker:** I would like to begin by correcting something when I rose the last time. A drafter reminded me that under the new draft act, once a society incorporates, it must maintain those three directors — it can't drop below — whereas in the previous act, after incorporation, things could change. Actually, the current act doesn't speak to a minimum number of directors. What you could have currently is that you could incorporate and then drop down and we would have fewer than three. It's actually the other way around. This is ensuring that we will have a minimum of three.

It's a great question that the member opposite has asked — like, why? Why form a society? Generally speaking, many people congregate to do good things. They might go to do volunteer work or they might form a club. Not every group that congregates forms a society. Typically — I'm going to give you our best sense here — but I think that people's motivations are not always easy to articulate or identify. One of the reasons that you do it is that if you form a society, you can get a bank account. If you're trying to take in money from your members or through fundraising and you want to pool it and you want to keep it for the purpose of that society, rather than sitting with John, Bhreagh or Louise, you would instead

put the money in a bank account which is dedicated to that society and goes past the terms of those folks who are involved. As new people become directors over time through AGMs, the society continues to perpetuate.

Another reason is that when you form a legal entity like a society, then liability belongs to that society and you can get insurance like directors' and officers' insurance, which then limits the liability that goes out. As long as they are working appropriately and in good faith under the rules that are laid out, there is a limitation to liability that is out there.

I think those are sometimes the two reasons. I think both of them have to do with risk and money. As societies or as groups congregate to deal with things — as it becomes a little bit more complicated around risks and money — then I think that's when we see societies forming.

Mr. Chair, I don't think that with the formation of this act that we will see — I'm not anticipating that, as a result of clarifying the rules and reducing the red tape and increasing flexibility, we will necessarily see more societies, except for maybe those member societies like book clubs, but they are a very different group underneath the act and it's there just really to allow groups like that to be able to form bank accounts. They will not be eligible for funding from the government.

**Ms. Van Bibber:** No, that was more of a personal interest question as opposed to thinking there was going to be a rise in societies lining up to form groups.

As we know, in the rural communities many people use territorial agents to buy their fishing licences, business licences and drivers' licences. Will those small societies in communities be able to file through their local agents? Is there an appetite for that to be put in the regulations?

**Hon. Mr. Streicker:** That is a great suggestion. My basic answer is that we haven't explored it and I don't think it is going to be the way we go because we are hoping that by 2019 — somewhere in there — we start to get the online side of this stuff. I think that is our focus right now, rather than territorial agents or the territorial reps.

I am going to hold that suggestion because, honestly, we haven't explored it and if, for some reason, we hit some sort of hiccup around the online stuff and if those things were to be delayed, I would be perfectly willing — I just don't want to generate another system. I totally want to support our rural societies — I am all over that — but if what we do is create another system and then switch it out the next day, I am not sure that is helpful to anyone. If we are able to proceed as our original plan has us right now, then I think that is probably what we are going to stick with.

**Ms. Van Bibber:** I know there have been rumblings on duplicate organizations and maybe too many societies doing similar or the same work. These rumblings state that maybe we should be encouraging them to join forces and collaborate more. Should the government cap the number of organizations if there is a society that is meeting a certain need in a small, rural community or in the territory?

**Hon. Mr. Streicker:** The wonders of texts, Mr. Chair. I just got a message in to us that, while you can't register

through the territorial agents, the territorial agents will act like a mail service for our rural folks. If they wish to drop stuff off, I am being told that they can drop it off and that will then get to us.

A cap — no, I don't think so. What I do think is important is that we help similar organizations and similar societies to know about each other and to understand what is going on. That is a great thing that will happen out of a registry that is more accessible. I do think it is important that we try to work with our societies to remove overlap or gain strength from working together, but I don't think that we should force societies to do that. I think it is encourage, yes; force, no. I am not using "force" in a pejorative sense — I don't mean that — so "require" is a better term, I think. In other words, I think that we want to allow societies to form as they wish to form and we wish to be enabling for them. The work about whether there are two societies that are doing virtually the same thing, I think that is more the job of our departments.

For example, if there were groups that were dealing with sports in one community and another group formed that was dealing with recreation in that same community, I might, as the minister — or one of our folks in the department, I hope, would let them know that there was another group right here and they may want to talk to them rather than form a group.

I don't think it would be the role of the registrar nor would it be under the purview of this act.

**Ms. Van Bibber:** When the input was being brought forward through those initial groups that I mentioned at the start — and the rural communities were encouraged to phone in with their comments and a few did. I do know that being on a teleconference sometimes is not the best way to gain input.

I wonder if the minister will visit the communities when they are starting to get input for the regulations and encourage more rural communities to take part during this next year?

**Hon. Mr. Streicker:** There were some conference calls that were set up to allow people to join in from other communities and listen in, but I also know that the team doing the engagement did — and was letting everyone know that they did one-on-ones with societies. If there was a society in another community and they weren't able to make it to a meeting, my understanding is that there were instances of one-on-one calls, which is different from listening in to a conference-type thing where it's hard to get your voice heard. I appreciate that.

I do think that we will look for ways to engage all communities around the next phase and also the education phase of introducing the new act — so in developing the regulations and in how the act is rolled out to all of our societies and ways in which we can support them.

I can make the offer to do that work as I go around to communities, because I do try to visit all communities. While I will make the offer out there, I don't think it's likely to be me who is doing stuff. I think that we want to make sure that we're hearing from our societies and connecting with them. All I have said to the department is: Let's find out who is

interested and let's make sure we're finding a good way to connect with them.

I don't think that's likely to result in an all-stops tour. What I think it's more likely to result in is: there's a society here that really wants to talk to us; we have another two that are also there; the next time we're up in that community, we'll make sure to connect with them and get their input — something like that — or we have one society here, let's just call them up on the phone, have a good conversation with them and then check in with them about whether that is sufficient or not. I think it's going to be flexible. That's how I picture it.

**Ms. Van Bibber:** I thank the minister for his responses today and, again, thank you to the staff for being here to assist.

**Ms. White:** Of course, I echo the welcome to our officials in the House today.

I just have a variety of questions — kind of all over the place — and I'm sad to say that I worked my way through every word until page 66 and skimmed the rest, so I am working through it.

I have the definition of “director”, as stated in this document. It says: “‘director’, in relation to a society, means an individual who has been designated, elected or appointed, in accordance with this Act, as a director of the society, regardless of the title by which the individual is called...” For Hansard, that is on page 14.

If the minister could tell me what a director is — is that someone who is on the board of directors in a not-for-profit or a society? If he can, in more plain language, explain to me what a director is?

**Hon. Mr. Streicker:** It is that, Mr. Chair — it's the board of directors. It is those folks who are responsible for and in charge of the society.

Often from the board of directors you will see the appointments of an executive — so someone on the board of directors will be the president, et cetera — but the directors are that group.

**Ms. White:** I thank the minister for that clarification.

The reason why I asked about the definition of a director is that there is a section — section 47, oddly enough, on page 47 — that talks about the qualifications of directors. It says: “47(1) The following persons are not qualified to be a director of a society: (a) a person who is under the age of majority; (b) a person who is not an individual; (c) a person for whom a guardian has been appointed under the *Adult Protection and Decision Making Act*...”

The reason why I highlight this is that if we go over to the *Adult Protection and Decision-Making Act*, in the guiding principles, in point two, it says: “This Act is to be administered and interpreted in accordance with the following principles (a) all adults are entitled to live in the manner they wish and to accept or refuse support, assistance, or protection as long as they do not harm others and they are capable of making decisions about those matters; (b) adults are entitled to be informed about and, to the best of their ability, participate in, the management of their affairs;...”

The reason why I'm highlighting this act and the qualifications of directors is that the Yukon Association for Community Living and People First Society of Yukon have people with intellectual disabilities as their board. So on the board of the Yukon Association of Community Living, there is a person with an intellectual disability who may fall underneath the *Adult Protection and Decision-Making Act*.

People First of Canada — I mean, this is an organization that is a national voice for people who have been labelled with an intellectual disability. They're about rights — human rights, citizenship rights, accommodation rights and language rights. People First Society of Yukon is a member-controlled organization. That means that, in order to be a member, you need to be representative of People First, which is a person with an intellectual disability. They do advocacy on behalf of people with intellectual disabilities.

We have the qualification of directors, both 47(1)(c), which talks about a person for whom a guardian has been appointed — and I'll highlight that “guardian” actually is not in the definitions of that act. I didn't read all 49 pages, but I was looking for the definition of “guardian” to see what that would mean. Then, under 47(1)(d), under “Qualifications of directors” it says: “... a person who has been found to be mentally incompetent or incapable of managing their affairs by a court elsewhere than in Yukon...”

I would just like some clarification on those points. Is a person with an intellectual disability who does have — according to the *Adult Protection and Decision-Making Act* — may have supported a decision-maker in their life under the supported decision-making agreement — are those folks able to be directors on boards?

**Hon. Mr. Streicker:** That was an incredibly thorough question, thank you. I'll respond a few ways here. I think we will have to also go back and check the other act and try to make sure that all our i's are dotted and t's are crossed. Generally someone who has an intellectual disability is not yet found — they have an intellectual disability; that's all I'll say. That doesn't make them eligible or ineligible.

If, on the other hand, there has been application to a court and the court finds that they are incapable of managing some or all of their affairs and has a guardian appointed, then that is a time when we don't want that person — much in the same way that we don't want a minor — to be held liable for a society.

So advisors — terrific. We might have, for example, a society that really represents youth interests — Bringing Youth Towards Equality — I think we could all name off a number of groups. The Association for Community Living is a great example as well, as the member opposite has noted. The point here is that we definitely want the ability for people for whom a guardian has been appointed and who has an intellectual disability, if they want to be advising — terrific — but not carrying the responsibility and liability of a society.

I will also note from conversations with my colleagues that this is consistent with other acts that we have — for example, the *Business Corporations Act* — and other

jurisdictions across Canada. I don't know if it's universal, but this is generally the case.

If I haven't been able to follow it up completely here and satisfy the member opposite, then I will ask that we take some time to look back at the other act and make sure that everything is lining up, but that's the basic reason.

**Ms. White:** As I am not a lawyer, I would totally appreciate that. The reason why I highlight this as a concern is that both People First and the Yukon Association for Community Living are all about empowering people with intellectual disabilities. That's full inclusion, including on boards.

I guess the next question would be: Were either of those groups contacted about this definition in 47 and how that might affect them?

**Hon. Mr. Streicker:** All nearly 800 societies were contacted, so everyone was contacted and everybody was invited and welcomed to be a part. I'm trying to remember in my own memory whether the then-executive director — I'm just trying to recall whether I saw her there or not. I completely believe in the notion of empowerment and having people as part of boards. What I don't want to see happen, and what this act is trying to say we should not do, is also end up having them take liability and responsibility, if they are someone who has been found by the courts to not be capable of managing some or all of their affairs. That's what I want to say.

It's not about not including them. It's about not burdening them. That's why I think the act is trying to protect them. I hope it's not being paternalistic. This notion that a society would appreciate being advised or even inspired by people with intellectual disabilities is a great thing and I hope we're not taking away from it here through this act.

**Ms. White:** Did the Yukon Human Rights Commission submit any kind of information about this clause and the definition of "director" and their qualifications?

**Hon. Mr. Streicker:** Mr. Chair, I'm going to apologize to the member opposite. I was just gathering a little bit of information and I have completely missed the question. I'm going to give a small response back just to start and get some more clarity on her previous question. I will ask her if she could just indulge me and repeat her question.

Under the *Adult Protection and Decision-Making Act*, part 3, called "Court-Appointed Guardians", is where we'll find the discussion around guardians. I am still happy to ask the officials to follow up and provide a more fulsome response. I would ask if she could just repeat that last question for me.

**Ms. White:** I will get back to that question, but I'm going to follow up with this first.

I guess the question is: For a person on a board, is there a difference between having — under section 3, which I am just trying to pull up right now — a court-appointed guardian and then having an assisted decision-maker? Is that two different classifications? I'm literally asking for clarification because I am reading as quickly as I can right now and I do not have the background for this.

**Hon. Mr. Streicker:** Mr. Chair, I am assured by my colleagues that it is different.

Let me just also say here that if there are clarifications required that go beyond this Committee of the Whole today, we are happy to try to follow up just to provide that information. We will get what we can here. We will follow up with what we don't have as we are able.

**Ms. White:** I thank the minister for that because I am also trying to follow documents online right now without the support of two specifically trained people.

The reason why I am asking about the definition of "director" and things is that it's not just about empowerment but about inclusion, so People First Society of Yukon is really about the inclusion of people with intellectual disabilities. I will take the minister at that and hope that we can reach out and make sure that it will not exclude the folks from People First.

One of the other questions that I had was: Did the Yukon Human Rights Panel of Adjudicators or the Yukon Human Rights Commission submit any kind of information or feedback about the ability to include people with intellectual disabilities?

**Hon. Mr. Streicker:** Mr. Chair, I'm sorry; I am unable to answer that question at this point. We can check back through the records. I know the night that I attended the public meeting, I didn't identify anyone that I knew from the Yukon Human Rights Commission there. That's not to say — they could have done it in so many different ways because we had a lot of ways to get engagement.

I have received letters over my years — now we're using the plural — in this role. I know I have received letters from the Yukon Human Rights Commission, but at this point, I just can't place whether it was about the *Societies Act* or not. We could take the time to try to check on that.

**Ms. White:** This is not a case of "gotcha" here. It's literally a question about human rights and looking at the human rights of people and all citizens. It was just as to whether or not they had a chance to put information in.

Section 64, Directors' liability for wages, it states in 64(1) that — and I quote: "The liability of a director for debts payable to an employee of the society for services performed for the society in Yukon is to be determined under the *Employment Standards Act*." I am just curious as to how this would work.

**Hon. Mr. Streicker:** The way it was explained to me — I hope I get this right. I will just confirm if I do not. This is not a change in the law as it exists now. Normally, directors are not liable for the society; however, when it comes to employment standards, the *Employment Standards Act* says that, yes they are. That will be the case here, so when it comes to paying their employees and ensuring that they are paid, the directors are responsible to ensure that this is happening.

I will say one other thing just to try to be clear. I used the word "empowerment" earlier. I'm happy to use the word "inclusion" too. I don't want to make it an either/or, I want to make it an "and". I want there to be inclusion and empowerment and again, I just want to be careful. The act is

seeking to be careful that those people who are minors or who are not capable are not burdened with those responsibilities.

**Chair:** Would members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

The matter before the Committee is Bill No. 20, entitled *Societies Act*.

Is there any further general debate?

**Ms. White:** Another question I have is about section 43. It's under part 5, Management, and it is on page 45. Number 43 says: "A society must have at least three directors and at least one of the directors is to be ordinarily resident in Yukon."

I just wanted to know how one out of three, how that number was come up with and why it wasn't two out of three and why it's only one out of three.

**Hon. Mr. Streicker:** The notion is — first of all, when we looked across other jurisdictions, many of them didn't have a requirement for having someone resident in their province or territory. In our discussion, as we deliberated on it, what we thought was it's important to have a connection to the territory somewhere. We didn't feel that having two made the connection that much stronger than one; it was just that, from our perspective, there needed to be a person, a Yukoner, who would have their name on that board of directors. I don't have any other deep explanation. If you have one, then it brings it under the Supreme Court jurisdiction for the service of papers. There is a rationale to have that one. That connection means something physically. Two doesn't change it per se.

I will also say while I'm up here that we had some more discussion — my colleagues from the Legislative Counsel office and from the department and I were speaking to just confer a little bit more around the *Adult Protection and Decision-Making Act* and we may have a little bit more explanation. I will just check with the member opposite whether she would like that further explanation.

**Ms. White:** Absolutely — if we can get clarification about the director.

**Hon. Mr. Streicker:** We were looking through the *Adult Protection and Decision-Making Act* trying to get some more clarification around the notion of guardianship. There are earlier sections that discuss other individuals.

Sections 4 and 14 talk about supported decision-making agreements and representative agreements and, deeper down in those sections where they talk about them, they say that it is not about guardianship very specifically and that guardianship is only if the court deems it so.

It has to be a decision of the court. In other words, unless the court has said that a person is required to have a guardian,

they then can be able to be a director on a society regardless of any intellectual disability.

**Ms. White:** I thank the minister for that clarification. That makes the concerns I had — that just puts everything at ease, so thank you for that and thank you to the officials who were wizzarding their way through all that information in those very short 15 minutes to try to get the answer for that.

The next question I have is about quorum. It talks about quorum on page 75 — section 87(1) speaks to three voting members unless otherwise stated. My question is: Does this mean that three voting members could be a quorum unless it's otherwise stated in the constitution or the bylaws?

**Hon. Mr. Streicker:** Just in general response, Mr. Chair, the question as it was posed is correct, but I want to differentiate between members and directors. You could have instances where you have less than three members. If it's less than three, then it is the total of the membership — so two or one. I think I may be missing something so I'll check with my colleagues. I'm sorry to the member opposite for jumping around. Also, we got a note back through the engagement. We did hear from the Human Rights Commission. I'm still working to track down what that response was and what was in it. I want to say that, as part of the engagement, we did hear from them.

**Ms. White:** Thank you, Mr. Chair. I thank the minister for that. Just as he was saying that, I did pull up the survey and it did say that one of the groups that had responded was that one, but I did not see it when I was asking the question. So I do appreciate that.

One of the questions I also have is — we talked a bit about it with the officials — about the regulations and about the timing and how long it would be for those regulations to be written and for the act to come into force. Can the minister talk a bit about that please?

**Hon. Mr. Streicker:** The way that we have worked it is that the bill, if it receives assent in the Legislature, will not come into force until the new regulations are drafted. The consultation process has been sketched out, but it is not fully formed. In earlier responses to the Member for Porter Creek North, I said that we would happily be flexible with those societies, if they wanted us to talk with them.

I just want to say that we are committed to a meaningful engagement with those groups that have concerns or interests. The notional timeline we are working on is a year. We also recognize that there is a lot of pressure on our Legislative Counsel office. They are doing a lot of work so if we can all thank them — all of us as Yukoners.

I don't want to give a sense, Mr. Chair — if the feedback we get requires us to take a little longer, then we take a little longer. It really depends on the process. A year-ish is how we are sort of thinking about it.

**Ms. White:** Just in regard to regulations — section 12 is Bylaws and it is on page 22, but my question is on page 23 — 12(2)(c)(ii) that says: "... whether proxy voting is permitted..." One of the reasons I always ask about proxy voting — and it's the same reason I asked about it during the condominium consultation — is that I have seen the worst-

case scenario ever play out with proxy voting, so is government considering putting a limit to the number of proxies that one person can use to vote?

**Hon. Mr. Streicker:** The first thing I would like to note is that proxies, as they exist for societies and corporations, have had a very different history than proxies for elected governments.

That doesn't mean that the risks don't exist — they do — but, of course, any democratic system has its strengths and weaknesses, or a system for voting has its strengths and weaknesses. What we have envisioned here is that the society itself can dictate. You might have a situation where the society is made up of people who are often in the field and they want to see business continue and can't make it there, so they adopt what is an appropriate system for them for proxy voting. We will provide boiler-plate examples of what that can look like, of course, but it will be up to the society to decide.

It's entirely possible — and I think it would be quite reasonable to anticipate — that many societies will choose a one-to-one proxy vote system, but there may be others that choose otherwise for their own rationale and will opt to do that through their own bylaws and through an appropriate process to adopt those bylaws.

I think that's where we have to turn back — is not to assume there will be a problem. This act is not assuming there will be a problem and, again, it's empowering the society to decide how the system will be employed for them.

**Ms. White:** I have just one last question about the qualifications of directors in section 47. Just to clear up any misunderstanding I might have, can anyone serve as a director in a society unless, for example, they have a court-appointed guardian?

**Hon. Mr. Streicker:** Mr. Chair, with respect to the notion of a guardian and guardianship, that is correct, but there are other persons who are not qualified: a person who is under the age of majority; a person who has been found mentally incompetent outside of the Yukon, like through some other jurisdiction and in the same way that “guardian” applies under our act but externally; if they're bankrupt, et cetera. Clause 47 lists a range of requirements, one of which is that it is not someone who has a guardian appointed under the *Adult Protection and Decision-Making Act*.

If the member opposite's question was referring just to that notion of a guardian, it is only under part 3 of that act.

**Chair:** Is there further general debate on Bill No. 20?

Seeing none, we will proceed with clause-by-clause reading of the bill.

*On Clause 1*

*Clause 1 agreed to*

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

*Clause agreed to*

*On Clause 4*

*Clause 4 agreed to*

*On Clause 5*

**Hon. Mr. Streicker:** To begin, I want to say that this is a significant act, and I know it is long and I apologize for all of us that it is long, but it is an important act for Yukoners.

Talking about how funds can be distributed — this provision sets out how societies can distribute or dispose of property owned by the society. In no case can societies transfer property to members unless the member pays full retail price to the society for that property.

The notion here is that we don't create societies where the government, or some other donors, fund them and they turn around and distribute that property back out. It is to try to make sure that those public funds stay attached to the society and that it's not some way to move things around.

*Clause 5 agreed to*

*On Clause 6*

**Hon. Mr. Streicker:** This is where we discuss that issue of liability. I just want to confirm for everyone — because we had some questions on it today — that a member is not liable for any action taken by the society just because they are a member. If the member, on the other hand, has accepted property from the society in contravention of clause 5, which we've just cleared, then they are liable for value of the property that they received. It is just this notion that members are not liable.

*Clause 6 agreed to*

*On Clause 7*

*Clause 7 agreed to*

*On Clause 8*

*Clause 8 agreed to*

*On Clause 9*

**Ms. White:** I'm just going to stand up and take some time right now. We're breezing through the clauses, and I'm just going to give the minister a second to try to help him out for a second because I can also help then when we go through it — because, otherwise, I'm ready to clear all the way through. Right now, there are very few questions on my side.

Maybe I'll just ask for a quick breakdown of what clause 9 means and we'll just try to slow it down a little bit.

**Hon. Mr. Streicker:** Clause 9 is really a restatement of a common-law principle, and it's really to protect third parties. If there is a society that is guaranteed an obligation up from that society or a person claiming through a society such as a liquidator, they can't assert that a claim against a society is invalid because the society's paperwork is not order. It's just making sure that there is no “get out of jail free” clause.

There are places where I am hoping we can have a little bit of conversation just coming up. I thought we should talk about the notion of the constitution and bylaws and how they are going to be changed going forward — so this would be starting on clause 17 — and then getting down into a discussion about the records.

*Clause 9 agreed to*

*On Clause 10*

**Ms. White:** Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem clauses 10 through 16 of Bill No. 20, entitled *Societies Act*, read and agreed to.

### Unanimous consent re deeming clauses 10 through 16 of Bill No. 20 read and agreed to

**Chair:** Ms. White has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem clauses 10 through 16 of Bill No. 20, entitled *Societies Act*, read and agreed to.

Is there unanimous consent?

**Some Hon. Members:** Agreed.

**Some Hon. Members:** Disagreed.

**Chair:** Unanimous consent has not been granted.

*Clause 10 agreed to*

*On Clause 11*

*Clause 11 agreed to*

*On Clause 12*

*Clause 12 agreed to*

*On Clause 13*

*Clause 13 agreed to*

*On Clause 14*

*Clause 14 agreed to*

*On Clause 15*

*Clause 15 agreed to*

*On Clause 16*

*Clause 16 agreed to*

*On Clause 17*

**Hon. Mr. Streicker:** In talking about the constitution and the bylaws, one of the differences that are going to come into effect now is that the constitution is meant to be a very simple document, a very straightforward thing, which basically discusses the name of the society and the purpose of the society, and it effectively gives the definition. It no longer will hold a long discussion about all of how a society works. That will move into bylaws.

What we plan to do is to prepare sets of draft bylaws so that those societies — as we transition into the new act — will be supported in being provided sets of bylaws that we think are fairly common and consistent across all.

There is still the provision to deal with the amendments as they come, but this is the place where we really move from it being Corporate Affairs, which is responsible for what is in those bylaws, to where we are giving that role to societies themselves to take care of. That is the reason for this difference in the act and I just wanted to clarify it.

*Clause 17 agreed to*

*On Clause 18*

*Clause 18 agreed to*

*On Clause 19*

*Clause 19 agreed to*

*On Clause 20*

*Clause 20 agreed to*

*On Clause 21*

*Clause 21 agreed to*

*On Clause 22*

**Hon. Mr. Streicker:** I am going to talk generally about records here, and then I will pop up again when we talk about clause 27, which is how members get access to information within the records.

The registry is going to require that directors and officers disclose when they have a conflict of interest, for example, regarding a matter being considered by the society. It speaks to the records that the registrar must furnish and what is not required to be furnished.

When we have been in discussion within the department, we have talked about whether the registry will have the ability to — one second, Mr. Chair.

The records that the society has to keep and which are their responsibility don't necessarily have to be part of the registry itself but still may be of use to the public. We're talking now about how we can allow the registry to provide that centralized information exchange service without being the body that is responsible for those records. That's the general point here. The society will have the authority of those records — or the responsibility for those records — but we're in discussion about how we can help to make those available, should the society wish, so that there is more transparency for the public.

*Clause 22 agreed to*

*On Clause 23*

*Clause 23 agreed to*

*On Clause 24*

*Clause 24 agreed to*

*On Clause 25*

*Clause 25 agreed to*

*On Clause 26*

*Clause 26 agreed to*

*On Clause 27*

**Hon. Mr. Streicker:** Mr. Chair, this is a slight difference, and the notion of membership is one of those ones where, even as we discussed the *Access to Information and Protection of Privacy Act*, this is one of those things where the members are an important piece of information for a member of a society. You have to be able to allow members to access the register of members but it isn't put out there publicly.

There is a way for members to access that information and there is a process where that will be provided. There are also clauses in here setting out that when the member accesses that information — it's not going to be, for example, to sell it to a third party and create lists out there where it's going to be shared. It's one of the balancing pieces that we have to ensure that the information is available to members so that they are aware, without risking overuse and overexposure of those lists.

*Clause 27 agreed to*

*On Clause 28*

*Clause 28 agreed to*

*On Clause 29*

*Clause 29 agreed to*

*On Clause 30*

*Clause 30 agreed to*

*On Clause 31*

*Clause 31 agreed to*

*On Clause 32*

*Clause 32 agreed to*

*On Clause 33*

*Clause 33 agreed to*

*On Clause 34*

*Clause 34 agreed to*

*On Clause 35*

*Clause 35 agreed to*

*On Clause 36*

*Clause 36 agreed to*

*On Clause 37*

**Hon. Mr. Streicker:** This is where we start to talk about those financial records and statements. They are an essential part of any society today and will be tomorrow. They are an essential piece of accountability, along with the names of the directors and the purpose of the society.

As it currently exists, you always need the financial statements available at the AGMs. Something that also is here is that, supposing that a society comes in partway through a year and incorporates, the act ensures that it will always capture all of the financials, so the first time will be for that partial year.

That information has to be accessible. I will get up again on clause 38, but this is the portion where we begin to talk about financial statements.

*Clause 37 agreed to*

*On Clause 38*

**Hon. Mr. Streicker:** Can you just give me one second please?

In the current act, there is a regulation that requires that, if there was remuneration paid to a director, that would be disclosed within the financial statement.

At this point, we have taken the decision to move this under the legislation rather than the regulations. We feel that it is essential. There is the opportunity here to have regulations regarding information disclosed about monies paid to employees, especially if it goes over a certain amount of remuneration. We are contemplating that there should be regulations so that this is about ensuring that members of societies will be able to discern how the money is being spent, especially to those in decision-making roles.

That's the purpose here and it is a change from the existing act.

**Chair:** Is there any further debate on clause 38?

*Clause 38 agreed to*

*On Clause 39*

*Clause 39 agreed to*

*On Clause 40*

*Clause 40 agreed to*

*On Clause 41*

*Clause 41 agreed to*

*On Clause 42*

*Clause 42 agreed to*

*On Clause 43*

**Ms. White:** I asked about this in the general debate on this — but could the minister elaborate on how one director was chosen?

**Hon. Mr. Streicker:** When we did the cross-jurisdictional scan, we saw some jurisdictions — I'm sorry, I don't have the number off the top of my head — that did not

require any residency at all. We felt that there was a good purpose for having residency — a connection with the territory, if you will — and it made a difference in terms of serving papers that would apply. We believe that we needed to have that connection with the territory through someone who is physically a resident here. Once we made that argument and there was a sense that this was the right thing to do, we then went with what the minimum number would be to ensure that this happens. That's how it ended up with one.

It's balancing, I guess, the flexibility of societies to deal with the realities that they are facing while, at the same time, having accountability back to Yukoners.

**Chair:** Is there any further debate on clause 43?

*Clause 43 agreed to*

*On Clause 44*

**Hon. Mr. Streicker:** One of the things that this clause is talking about is, while there is the possibility that — and there are times in small jurisdictions this tends to be the case, where sometimes you can have directors who are receiving some remuneration. This clause would say you can't have it where the majority of directors are having remuneration because, if you have that situation, there would then be the risk of conflict. The majority of them are receiving some compensation, some payment of some sort, yet there is also the ability to vote in decisions. It's to make sure there is both transparency and accountability. That's why this clause is here.

*Clause 44 agreed to*

*On Clause 45*

*Clause 45 agreed to*

*On Clause 46*

**Ms. White:** This is just directly in relation to the next clause, clause 47.

It talks about how a person must not be a director of a society if the person is not qualified under either section 47 or the bylaws of the director — so if the minister can just elaborate on that please.

**Hon. Mr. Streicker:** I had been intending to rise on clause 48. If I can beg the indulgence of the Chair — if I just talk about both of them together. The notion is that, if there are bylaws that the society chooses — for example, maybe the society is the Marsh Lake Community Society and maybe the society feels that directors need to be resident within the community, they could set out a bylaw that says that their directors have to be “resident within” or something like that notion. It is an enabling piece that says that there could be other restrictions to the directors, as that society deems.

However, I just wish to reiterate that, whatever they choose, they can't say something that would be discriminatory or go against our human rights legislation. If that bylaw is going to be there — or I think the way we talked about it earlier was that the bylaw would have no force if it were contradictory to, for example, other pieces of legislation. That is why in clause 47 we have subclause 2, unless the bylaws provide otherwise, which is discussed under clause 48.

*Clause 46 agreed to*

*On Clause 47*

**Ms. White:** I just would like the minister's assurance that people with intellectual disabilities can still serve on boards such as the Yukon Association for Community Living and People First Society of Yukon.

Then if he can tell me what the definition of 1(b) means: "a person who is not an individual".

**Hon. Mr. Streicker:** A "person who is not an individual" just refers to a corporation. You can't have a corporation that is a director. It just means a natural person. I'm not sure what the common parlance is — but a person.

I will state for the record that any person who is not eligible under this is able to be an advisor to a board — or there are positions that can be created that still take input and provide a meaningful role for individuals if they happen to be excluded because of the rules that exist here.

I would need to, of course, ask someone to look at the Association for Community Living to even know who those specific individuals are. What I will say is that if those individuals who — and I have sat through a couple of their AGMs and I recognize that they have learning disabilities. That doesn't exclude them.

The only thing that would exclude them is if the court had found that they required a guardian — so again, if a court had specifically found them to be incapable of managing some or all of their affairs as described under the *Adult Protection and Decision-Making Act*. Simply having a learning disability is not such an exclusion.

*Clause 47 agreed to*

*On Clause 48*

*Clause 48 agreed to*

*On Clause 49*

*Clause 49 agreed to*

*On Clause 50*

*Clause 50 agreed to*

*On Clause 51*

*Clause 51 agreed to*

*On Clause 52*

*Clause 52 agreed to*

*On Clause 53*

*Clause 53 agreed to*

*On Clause 54*

**Hon. Mr. Streicker:** This section is talking about if we do get vacancies, as we often do in our societies, even though this bill is suggesting that the act sets a minimum number of directors at three, there still will be times when they have to fill a vacancy. These are the rules around which you would go about it to ensure that you don't keep those vacancies — that you work to fill them — and how to work with respect to a quorum if you have had a failure to elect.

This is one of the places where we've had trip-ups in the past, and it's resulted in there being disputes and disagreements about whether or not something was done in an appropriate manner that would be fairly constituted. It's caused a lot of challenges to our societies. This is the place where we get very specific. Again, the notion is that this will assist our societies when they're in this situation so that the clarity will ensure everybody is on the same page.

*Clause 54 agreed to*

*On Clause 55*

*Clause 55 agreed to*

*On Clause 56*

*Clause 56 agreed to*

*On Clause 57*

**Hon. Mr. Streicker:** Mr. Chair, this is putting into the act the common-law fiduciary responsibilities of directors. They have a responsibility to the society to which they are acting in the role of director. The purpose here is to make sure that we're specifying those roles so that, if someone is acting outside of them, someone can hold them to account. It's really about trying to create accountability for directors. We have seen instances — not just in the Yukon, Mr. Chair, but in many places — where we end up with directors that are acting outside of the scope of the society.

This is providing the information about how they need to be responsible for the society.

Mr. Chair, I appreciate all of the debate that we have had here today. Looking at the time, Mr. Chair, I move that you report progress on Bill No. 20, entitled *Societies Act*.

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

*Motion agreed to*

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

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

*Motion agreed to*

*Speaker resumes the Chair*

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

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

### Chair's report

**Mr. Hutton:** Mr. Speaker, Committee of the Whole has considered Bill No. 20, entitled *Societies Act*, and directed me to report progress.

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

Are you agreed?

**Some Hon. Members:** Agreed.

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

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

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

*Motion agreed to*

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

*The House adjourned at 5:25 p.m.*

**The following legislative return was tabled October 15, 2018:**

34-2-152

Response to matter outstanding from discussion with Mr. Hassard related to general debate on Bill. No. 207, *Second Appropriation Act, 2018-19* — value-driven procurement cost analysis (Mostyn)