



Yukon Legislative Assembly

Number 225

1st Session

33rd Legislature

HANSARD

Thursday, October 29, 2015 — 1:00 p.m.

Speaker: The Honourable David Laxton

YUKON LEGISLATIVE ASSEMBLY

SPEAKER — Hon. David Laxton, MLA, Porter Creek Centre

DEPUTY SPEAKER — Patti McLeod, MLA, Watson Lake

CABINET MINISTERS

NAME CONSTITUENCY PORTFOLIO

Hon. Darrell Pasloski	Mountainview	Premier Minister responsible for Finance; Executive Council Office
Hon. Elaine Taylor	Whitehorse West	Deputy Premier Minister responsible for Tourism and Culture; Women's Directorate; French Language Services Directorate
Hon. Brad Cathers	Lake Laberge	Minister responsible for Justice; Yukon Development Corporation/ Yukon Energy Corporation
Hon. Doug Graham	Porter Creek North	Minister responsible for Education
Hon. Scott Kent	Riverdale North	Minister responsible for Energy, Mines and Resources; Highways and Public Works
Hon. Currie Dixon	Copperbelt North	Minister responsible for Community Services; Public Service Commission
Hon. Wade Istchenko	Kluane	Minister responsible for Environment
Hon. Mike Nixon	Porter Creek South	Minister responsible for Health and Social Services; Workers' Compensation Health and Safety Board
Hon. Stacey Hassard	Pelly-Nisutlin	Minister responsible for Economic Development; Yukon Housing Corporation; Yukon Liquor Corporation

GOVERNMENT PRIVATE MEMBERS

Yukon Party

Darius Elias	Government House Leader Vuntut Gwitchin
Hon. David Laxton	Porter Creek Centre
Patti McLeod	Watson Lake

OPPOSITION MEMBERS

New Democratic Party

Elizabeth Hanson	Leader of the Official Opposition Whitehorse Centre
Jan Stick	Official Opposition House Leader Riverdale South
Kevin Barr	Mount Lorne-Southern Lakes
Lois Moorcroft	Copperbelt South
Jim Tredger	Mayo-Tatchun
Kate White	Takhini-Kopper King

Liberal Party

Sandy Silver	Leader of the Third Party Klondike
---------------------	---------------------------------------

LEGISLATIVE STAFF

Clerk of the Assembly	Floyd McCormick
Deputy Clerk	Linda Kolody
Clerk of Committees	Allison Lloyd
Sergeant-at-Arms	Rudy Couture
Deputy Sergeant-at-Arms	Doris McLean
Hansard Administrator	Deana Lemke

**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, October 29, 2015 — 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 with the Order Paper. Tributes.

TRIBUTES

In remembrance of Jim Fowler

Mr. Barr: I would like the House to welcome all the folks who came to pay tribute to Jim Fowler today. We have many in the gallery I would like to introduce first, Mr. Speaker.

First, Jacquelin Fowler, Jim's wife; Jamie Fowler, Jim's son; Andrea Simpson-Fowler, Jim's daughter-in-law; Riley Simpson-Fowler, Jim's grandson; Grace Simpson-Fowler, Jim's granddaughter; Gage Preece, Jim's grandson; Terry Creamer, Jim's friend; Betty and Carson Schiffkorn famous from Inn on the Lake, friends of the family; Tony Ciprani, a friend; Mike and Gail Craigen, friends; Cathy and Gerard Dugas, friends; Judy and Paul Prevost, friends. Welcome to you all.

Applause

Mr. Barr: November 16 will mark one year since the untimely death of Jim Fowler. We welcome some of Jim's family and friends to the gallery today, particularly Jim's partner of nearly 50 years, Jacquelin Fowler.

It was just about a year ago, after a cold snap had frozen Marsh Lake to near-perfect skating conditions that Jim ventured from his lakefront home for a solo night skate with his headlamp on. He must not have seen that the ice had shifted, and he skated into open water. A frantic search ensued, and his body was found by a friend and neighbour. Earlier that day a gang of Judas Creek residents, Jim and Jacquelin included, had laced up skates and enjoyed the near-perfect conditions of the ice and the brilliant afternoon sunshine. The ice was glass-like, without a flaw. The lake bottom was magnified by the glassy ice, revealing every rock, every pebble, and the children got on their hands and knees to gaze into the depths revealed.

It is a magic time for Marsh Lakers, and it is a rare, once-every-five-to-10-year occurrence that, absent of snow and wind, the lake freezes to frictionless glass — the sun's heat melting the top layer like a solar Zamboni, and a passed puck can go on and on and on into infinity.

Jim was having a great time that day, surrounded by his wife, neighbours and friends and their noisy, wonder-struck grandchildren. The day became the night and everything changed.

To Jim's family who still grieve, I am so sorry for your loss, but take solace in the fact that Jim's days ended doing what he loved on a magical day with Jacquelin, with his friends and neighbours and with his children, and gain strength from the outpouring of kind words from people who had learned from Jim. I have heard many testimonials to Jim over this past year.

Jim was a teacher, by occupation, but teaching was more than a job. It was his way of being. He came to the Yukon in 1964 and became the gym teacher and vice-principal at Christ the King High School and the recreation director at the Coudert residence.

Hockey was in his blood. Jim grew up playing hockey with his dad and brothers, later enrolling in the prestigious St. Michael's College School in Toronto, the alma mater of hundreds of Canadian professional hockey players and dozens of hall-of-famers.

When fellow St. Mike's grad and NHL goaltender Cesare Maniago came to Whitehorse for an old-timers game, he looked up from tying his skates, saw Jim and said, "How you doing, Jimmy?" as though no time had passed since they had last shared a dressing room in the late 1950s. "Not too bad Cesare. Yourself?" That was Jim's response. There was instant recognition and instant comfort in one another's presence.

Jim coached hockey for 30 years, and at one time, there wasn't a single skater on Yukon ice who hadn't been shaped and molded by his coaching methods. He was a level 5 national hockey coach. He started a hockey school. He helped coach Team Yukon at the first Arctic Winter Games in Yellowknife. In 1979, he was one of the founders of the Yukon Amateur Hockey Association.

Jim is recognized for his involvement in hockey primarily, but he taught other sports too. Jim was inducted into the Yukon Sports Hall of Fame in 1990. Jim gave so much of his time shaping those who are now coaching and teaching. That legacy is a true gift for the future. I think it would be a fitting tribute to Jim's life that, somewhere between Marsh Lake and Whitehorse, an arena is built or fixed up that is named the "Jim Fowler Arena".

I talked to a woman who was a student when Jim taught, and she said it was all around the schoolyard that, if you weren't good at math, get into Mr. Fowler's class. He had a way of teaching that made kids understand math and not fail the class. I can say, Mr. Speaker, I wish Jim had taught me in math — I failed.

Mike Craigen, who taught at F.H. Collins with Jim in the 1970s, had this to say: "As a teacher, Jim was kind and understanding and not judgmental. He was such a mentor to so many people. He believed in fitness of the body, fitness of the mind."

Jim was an avid fisherman and outdoorsman. His friend and neighbour of 40 years — Gord Yakimow — wrote a tribute and I would like to share part of it: "Jim wanted to check out an old burn area for harvesting firewood. Going on snowshoes was the best way to explore the area.

“Now there are snowshoes and there are snowshoes. Jim had an old-fashioned wood-frame pair with gut-webbing, probably about 50 years old, probably from Teslin. I had a modern, state-of-the-art aluminum pair from Mountain Equipment Co-op in Vancouver. There is something very humbling about sinking down to your knees in soft snow as you struggle along beside your partner, and then ultimately having to fall behind as he breaks trail.”

Jim was a handy, hard-working, productive man who brewed his own beer, built his house, gardens and outbuildings, regularly fished for evening supper and, three times a week, would bike the 50 kilometres to Jakes Corner and back. Jim and Jacquelin’s home, called Fowler’s Cove, had all the telltale signs of the busy planning mind of Jacquelin and the busy building hand of Jim.

Jim’s neighbour, Terry Creamer, the beneficiary of Jim’s help and advice, had this to say: “Anything he was doing, he always had an idea, which always worked. And he was always there to help; he was always available. Jim was a mentor to me and, as I set to build my home, I was always looking to him for approval. He held a philosophy that life was about having a range of experiences and memories and that failure was as important as success. The outcome didn’t matter — just get out there and do it.”

Last year a lovely article about Jim was written in *Maclean’s* magazine by Aaron Hutchins. The article speaks to how Jim and Jacquelin first met. For the 1965 Yukon Sourdough Rendezvous, an annual winter festival in Yukon, friends sent Jim on a blind date with Jacquelin Colyer — at the time. “‘The next day he picked me up in a motorcycle in about two feet of snow,’ Jacquelin laughs. ‘My mother had a heart attack.’ They went back to the Rendezvous and took part in some snow golf.”

Jim was a good man — a good man who embodied those Yukon qualities of doing it yourself, of helping your neighbour, and that wise virtue of sharing knowledge and wisdom.

I wish Jacquelin — and your children and grandchildren, who must be content with the sweet memories — the peace that Jim’s was a life lived well and that touched so many others.

Hon. Mr. Graham: It is indeed an honour for me to be here today to pay tribute to Jim Fowler. I had the pleasure of knowing Jim for almost 50 years. My relationship with Jim goes back to — I believe it was 1965 or 1966. As a 16-year old, I played hockey for him on a rep team in Anchorage. Jim was recently out of a very competitive hockey environment himself. He really believed in discipline and organization, which was entirely foreign to us as hockey players in the Yukon at that time. I ran afoul of Jim in the very first tournament, the very first game we played in Anchorage, and he benched me for a period — something that had never happened to me before in my life. It made me realize that he was actually serious about the game and what he was doing with young people. I have often said since that, had I known

Jim a few years earlier, I probably would have turned out to be a hockey player.

I remember him fondly as an outstanding gentlemen and a real stand-up fellow. He was instrumental also in training some of the most skilled hockey players who we have ever had here in the City of Whitehorse, many of whom are still playing. They are in their 40s and 50s now but they are still playing, and they remember Jim from the hockey school where he taught basic skills. I spent some time with him as a coach at his hockey school in the later years because I thought it was something that I would enjoy doing as well, but I did not have the patience, the understanding and the temperament to deal with young people in the way that Jim did. I am not sure if Jim was like that because of being a teacher, or if he was such a great teacher because of that attitude, but Jim had the most patience for all of those young fellows that I have ever seen.

In 1974, Jim was one of 16 coaches from across Canada to be invited to go to the very first Canada-Russia hockey series in Russia. While he was there, he attended official functions and seminars with Russian coaches and game officials. At that time Jim and Jacquie lived next to us — or at least our lots abutted each other — in Porter Creek, and he used to tell me about his experiences in Russia. Some of the things that he told me about — what he had found there and what he had learned there — were absolutely phenomenal. He was an absolutely wonderful ambassador for Canada and for the Yukon at that time, and I was so happy to share those experiences with him.

It was also very natural for Jim, because of his organized and disciplined approach to the game, to be one of the founding members of the Yukon Amateur Hockey Association here in the territory. It united small community organizations throughout the territory into one voice for hockey, and it was one of the major steps forward that hockey in the Yukon has taken, and we thank Jim for that. It was absolutely wonderful. He was also, as has been mentioned, a level 5 coach — the first level 5 coach in the Yukon — and it was, at the time, the highest level of coaching certification in Canada.

He was a wonderful family man, as I remember from living next to him in Porter Creek. In fact, we — my family — owe Jim and Jacquie a huge thanks as well, because I think my young son spent more time with Jacquie in those days in her greenhouse and yard — and she instilled in my son a love for gardening and greenery that he carries forward even today. When I told him that I would be doing this tribute, he made sure to remind me of all the wonderful times he had with Jacquie and Jim. It’s a very personal moment for me as well.

Like so many others, I believe Jim left much, much too early. He had great enthusiasm — not only for the game and sports in general, but for life. I know that once Jim and Jacquie moved to Judas Creek, I didn’t see them all that often, but whenever we met in the grocery store or at the hockey rink, he always had a great big grin and we always had some new stories to share. I will miss him greatly, as I know everyone else in the territory will.

He lived a full life, as my colleague across the floor said, and we will all remember him for his smile, his enthusiasm and his love for life. We will miss him. Thanks for coming today.

In recognition of Learning Disabilities Awareness Month

Hon. Mr. Nixon: I rise in the House today on behalf of all members to honour the women and men who work tirelessly to help people with learning disabilities. October is Learning Disabilities Awareness Month — an opportunity for agencies to help raise awareness about the prevalence of learning disabilities in society and for all of us to inform ourselves about what learning disabilities are. While we don't fully understand the cause of learning disabilities, according to Statistics Canada, 2.3 percent of the population has one. To quote from the Learning Disabilities Association of Canada: "A person can be of average or above-average intelligence, not have any major sensory problems (like hearing impairment), and yet struggle to keep up with people of the same age in learning and regular functioning."

Closer to home, the Learning Disabilities Association of Yukon is dedicated to increasing the awareness of learning differences and supporting children, youth and adults with learning difficulties or learning disabilities. According to LDAY, learning disabilities refer to a variety of disorders that affect the acquisition, retention, understanding, organization or use of information. This applies to any sort of information — verbal, social or physical.

A learning disability is unrelated to the level of intelligence. In fact, people with learning disabilities have an average or greater ability for thinking and reasoning.

A learning disability can affect the use of spoken language, reading, writing, mathematics, organization, or social skills. Without help, persons with learning disabilities can find themselves struggling every day of their lives. This is why an organization like LDAY is so invaluable. They help individuals identify their particular disability and teach them coping skills. LDAY has been working tirelessly to educate Yukoners and provide them with tools to live a better life.

LDAY has continued to expand their programs and their services to meet the needs of learners all across Yukon. This past year, LDAY staff travelled to Old Crow, Carcross, Teslin, Watson Lake, Carmacks, Mayo and Pelly Crossing, in addition to their office and summer camp in Dawson City. They have had 106 clients from K to 12 and 55 adult clients in the 2014-15 year. During this month, we ask each of you to teach one person one new thing about learning disabilities.

In recognition of Canadian Patient Safety Week

Hon. Mr. Nixon: Mr. Speaker, I also rise in the House today to acknowledge this week as Canadian Patient Safety Week. The theme of Canadian Patient Safety Week this year is, "Good communication is good for your health".

Just as in any relationship, good communication is essential. The communication between a health care provider and his or her patient is key to understanding the needs of the

patient and providing appropriate care. The Canadian Patient Safety Institute has a mantra, which is: "Ask. Listen. Talk." The institute stresses that safety doesn't just happen — that we all have to actively have a role in making it happen.

Patient safety has many facets, two of which I would like to mention today. One of these topics is medication safety. At Health and Social Services, we are currently undergoing a consultation on the *Health Information Privacy and Management Act* regulations. This act and subsequent regulations will enable us to complete a drug information system where physicians, pharmacists and other medical care providers will be able to see what medications a patient has taken or is currently taking to ensure there are no adverse reactions. This will be a great tool for our health professionals and greatly improve patient safety.

Another area of focus is home care safety. A main component of home care safety is fall prevention. Our Continuing Care branch works with individuals and families who receive home-based care, helping them identify simple changes to their home that can help reduce the likelihood of a fall occurring. These changes may be simple things such as removing area rugs or working with their client to ensure that snow and ice removal occurs on a frequent basis. These may seem like simple fixes, but they are important fixes. Nationwide, falls are the leading cause of injury for seniors and also contribute a significant burden on the health care system.

In closing, Mr. Speaker, I would like to recognize the importance of Canadian Patient Safety Week and acknowledge the hard work of Yukon's diverse health care providers. By taking the time to truly listen to your patients, you are able to provide the best care possible in the safest manner. Thank you for your dedication to improving the health of all Yukoners.

Ms. Stick: I too rise on behalf of the Official Opposition and the Third Party to pay tribute to Canadian Patient Safety Week.

This week, October 26 to 30 is Canadian Patient Safety Week, which was first established in 2003 by the Canadian Patient Safety Institute.

The Canadian Patient Safety Institute is an independent organization that works collaboratively with health professionals, organizations, regulatory bodies and governments to advance safer health care for all Canadians. The institute also works hard to raise awareness about patient safety by working with their partners, patients and their families. As the momentum for promoting best practices in patient safety has grown, so has the participation of Canadian Patient Safety Week. Canadian Patient Safety Week is relevant to anyone who engages in our health care system — providers, patients and citizens.

Last year, the theme was around hand hygiene and this year, working together, thousands can help spread this year's message to ask, listen and talk. This is an important message for all of us. For health care providers who sometimes in their busy schedules find it difficult, they need to remember to ask,

listen and talk. For us as patients or advocates for patients and citizens, sometimes we're hesitant to ask our busy health care providers those questions most pressing to us, but we need to take that time to ask, listen and talk.

For us as legislators and partners in the provision of health care, we too need to ask, listen and talk when hearing from constituents about their health concerns and from health care professionals and providers when voicing their concerns. We all need to ask, listen and talk.

Thank you, Mr. Speaker, to the Canadian Patient Safety Institute for their continued work of bringing patient safety to the forefront of best health practices.

Speaker: Introduction of visitors.

Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Kent: I have for tabling the Whitehorse corridor of the Alaska Highway functional plan *What We Heard* document.

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

Ms. Stick: I have for tabling the 2010 community nursing services review final report.

Speaker: Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

INTRODUCTION OF BILLS

Bill No. 91: Act to Amend the Elections Act and the Electoral District Boundaries Act — Introduction and First Reading

Hon. Mr. Cathers: I move that Bill No. 91, entitled *Act to Amend the Elections Act and the Electoral District Boundaries Act*, be now introduced and read a first time.

Speaker: It has been moved by the Minister of Justice that Bill No. 91, entitled *Act to Amend the Elections Act and the Electoral District Boundaries Act*, be now introduced and read a first time.

Motion for introduction and first reading of Bill No. 91 agreed to

Speaker: Are there any further bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the minister responsible for the Workers Compensation Health and Safety Board to conduct the comprehensive review of the *Workers' Compensation Act* contemplated in section 129 of the act.

Speaker: Is there a statement by a minister?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Public Service Commission personnel policy

Ms. Hanson: This government speaks and uses the language of respect for public servants, but its actions often contradict its lofty words. Previous NDP governments valued skill- and merit-based hiring practices. A February 2013 audit of Yukon government hiring and staffing practices raised serious concerns.

The audit found that over 60 percent of the 1,900 staffing actions reviewed fell under the category of direct hire, exemptions and temporary and acting assignments, and that there was no regime to monitor the quality of these staffing actions.

The audit was released in early 2013 and, since then, I have repeatedly asked the minister what he has done to address the concerns. His response has been, "We're working on it."

Mr. Speaker, can the minister tell this House what concrete steps he has taken to address the concerns set out in the 2013 Report on the Audit of Staffing?

Hon. Mr. Dixon: The Public Service Commission and this government are committed to addressing and reporting progress on each recommendation in the Report on the Audit of Staffing that was released by our government in May 2013. This work is being carried out in consultation with departmental human resource branches right across government. A multi-year management action plan was developed to address the 15 recommendations, and I'm pleased to note that 13 of the recommendations are either well underway or completed. We remain focused on ensuring that fair, efficient and effective Yukon government staffing policies and practices are in place to meet Yukon's public service needs.

So with regard to that report, we have received it, we're committed to acting on it and work is well underway, if not completed, in almost all areas.

Ms. Hanson: It's good to say that we respect Yukon's public servants, but we have to walk that talk. This government consistently hides behind and then blames the public service for political mistakes made by the government, so let's try a specific example. This government continues to hire many public servants on an auxiliary-on-call basis. Auxiliaries on call are intended to be used for short durations. The minister has said they are temporary, but tell that to the public servants who continue in auxiliary-on-call positions year after year after year. In addition, the government sought to silence teachers and prevent them from speaking on important public matters.

Will the minister acknowledge that its overuse of auxiliary-on-call positions and efforts to muzzle government employees is a source of the alarming decline in the morale of Yukon's public service?

Hon. Mr. Dixon: I would encourage the member opposite to listen to what my first response was. She criticized the government for now acting on the report, but then, when she heard that indeed we had acted on the report, she quickly

turned and switched issues to the auxiliary-on-call issue, which I would be happy to respond to as well.

In this particular case, Mr. Speaker, the member opposite has heard direct evidence of this government taking action and doing exactly what we said we were going to do, but of course that's never good enough for the NDP.

The 15 recommendations issued in that report in her first question, as I said, have all been acted upon. Some are not complete yet — two of the 15 haven't been completed yet but they're well underway — and, 13 of the 15, as I said, have been acted upon and are being acted upon currently.

We're not only talking the talk, Mr. Speaker, we're walking the walk. We are respecting Yukon government employees and are taking action to address the recommendations of the audit.

Ms. Hanson: The evidence that we receive in our office contradicts what the minister has just asserted. In addition, we are receiving an increasing number of calls and visits from former Yukon public servants who have been dismissed from their jobs. What is unusual is the bizarre pattern of this government to time the firing of public servants for Friday afternoons. Not only is this a disrespectful practice, but so-called Friday firings are known to have negative impacts on employees and their families. This is contrary to any modern human-resource management practice.

Will the minister assure this House that the Government of Yukon will end the practice of Friday firings?

Hon. Mr. Dixon: This has been an interesting pivot from what was originally a question about the staffing audit of 2013 — a bit of an odd practice by the NDP — but I will entertain it nonetheless.

As I indicated, we have received the report of 2013. We have acted on just about all of the recommendations so far. In the areas where we haven't completed work — we have begun work and have a plan for addressing those issues.

With regard to the hiring and firing of individual staff, I am not in a position to comment on those aspects of staffing. That is not a policy decision that is brought forward by the political level of government — that is, when and how public servants are either hired or fired — but if there is an issue that the union or any other employees have an issue with, I would be happy to talk to them about it.

To circle back to the original issue that the member opposite raised, the staffing report of 2013 has been acted on. We have a plan for doing it; we're enacting that plan. As per usual, the NDP have no plan. They only have empty criticisms.

Question re: FASD adult offender programs

Ms. Moorcroft: Mr. Speaker, in 2015, the government released a preliminary final report on their FASD prevalence study in adult corrections. The report lays out the work that has been conducted to date, and it shows that the Yukon FASD prevalence study has once again pushed back its completion date. The study's data collection period has been extended into 2015-16, and the actual final report is now scheduled for release in 2016.

Inmates with FASD have already been failed by the system. The Yukon must make it a priority to see that they are not failed any further.

How many assessments have been conducted to date at Whitehorse Correctional Centre? How many will be conducted by the end of the study, and will the study meet the goal of conducting 150 assessments by 2015?

Hon. Mr. Cathers: As the Member for Copperbelt South noted, this process has taken longer than anticipated, and that is due in part to the fact that participation in this study is voluntary by inmates. The prevalence study reached a milestone of 75 participants this past September. My understanding is that was the minimum number required to be able to have an effective study. Enrolment is now completed. The data is being inputted by the University of British Columbia, and the final research report is expected to be completed early in 2016, with the estimated date of completion being in March 2016.

Ms. Moorcroft: Our corrections system expects inmates with FASD to meet certain levels of behaviour and conduct that their disability simply prevents them from meeting.

The justice system presumes that when people break the law or disobey authority, they are doing it consciously. This is why they are punished. FASD can prevent people from differentiating between right and wrong, thus making them unable to meet the rigorous behaviour standards set at Whitehorse Correctional Centre.

Will the minister acknowledge that the correctional system is responsible for giving inmates with FASD at Whitehorse Correctional Centre the tools that they need to succeed?

Hon. Mr. Cathers: Certainly that is what we endeavour to do through the programming at Whitehorse Correctional Centre. We have made a concerted effort — and work continues — to try to ensure that our rehabilitative programs at Whitehorse Correctional Centre are absolutely as good as they can be in helping to assist offenders in reintegrating into society and reduce the rate of reoffending. As the member and I have discussed in the past here in this House, there has been significant work and significant process compared to the standard of programming within Whitehorse Correctional Centre in previous years, but we do recognize that more work needs to be done in this area.

I remain committed to continuing to assist the department and supporting them in the good work that they are doing to continuously improve the standard of programming provided to offenders at WCC with a focus on effective rehabilitation and reintegration.

Ms. Moorcroft: Can the minister assure the public that Yukoners with FASD are getting the support that they need while they are at Whitehorse Correctional Centre? It is widely expected that the prevalence study will show that there are a significant number of people with FASD at WCC. They will need supports in place to ensure that they are fairly treated during their time in the correctional system. It is essential that the Department of Justice is able to offer proper support to

inmates with FASD during and after the prevalence study is conducted to avoid stigma and prevent harmful consequences. The Yukon government has spent more than \$600,000 on this project.

Can the minister tell the House what new supports the Department of Justice has developed and put in place for people with FASD who are incarcerated at Whitehorse Correctional Centre while they are there?

Hon. Mr. Cathers: The initiatives that have been done by the Department of Justice, both within and outside of Whitehorse Correctional Centre — a few of the notable ones include the Community Wellness Court and Justice Wellness Centre, as well as the complex needs project, which works, in part, to respond to the needs of offenders with fetal alcohol spectrum disorder and other complex needs. I should also note and commend all of those involved in the Community Wellness Court for the fact that, not only have the results from that court been quite good, other jurisdictions have been looking at the Yukon model and are considering implementing it or borrowing from its success.

Within the Whitehorse correctional system, efforts are made to provide programming that meets the needs of all offenders through individual assessment and determination of those who need additional supports. That is done both for those who have fetal alcohol spectrum disorder as well as others who may have complex needs that do not meet an FASD diagnosis standard but need specific support or adjustment within the programming support that is provided to them.

I want to reiterate that I believe the department staff have done a good job in raising the standard and improving programming, but we acknowledge that there is more work to be done in this area.

Question re: Mineral development strategy

Mr. Silver: Mr. Speaker, after spending the initial part of their mandate coasting on high mineral prices, the Yukon Party government decided last fall to do something that might actually improve the mining industry. In mid-November 2014, the government announced plans for a mineral development strategy.

Now, with our economy shrinking for the third year in a row under this government's watch, that's a very good idea. A news release at the time said — and I quote: "The strategy, which will be complete in a year ..."

We are only a few weeks away from the government's own timeline and it is obvious that this will not be met. Public consultations were supposed to have begun in August and they haven't materialized.

Mr. Speaker, why is the mineral development strategy not ready on time, as promised by this government?

Hon. Mr. Kent: I'm certainly proud of the work that Energy, Mines and Resources has put into the mineral development strategy. We're looking at a comprehensive long-term plan to guide mineral exploration and development in the Yukon and help build a sustainable industry that

adheres to high environmental standards and is engaged with First Nations and communities.

The Yukon government is currently in discussions with First Nations and industry with the intent of building this strategy, and I guess that lends to part of the delay, Mr. Speaker. Obviously we wanted to have it ready for the upcoming Geoscience Forum, but First Nations showed a great deal of interest in this and so we've slowed it down a little bit to engage them and ensure that we incorporate their input into this. While I'm disappointed with the delay, I think it's for a good reason when you're engaging First Nations and ensuring that it's reflective of their priorities, as well as those of the government and other Yukoners.

Mr. Silver: Mr. Speaker, our economy has shrunk over the last two years in a row under this government, and it is forecasted to shrink again. Over the summer, the Yukon Party didn't release this mineral development strategy as promised, but they did go to court — two weeks in court fighting with the First Nation governments over the Peel watershed. The last-minute four amendments to YESAA that it championed also have resulted in another lawsuit being filed.

One of the few good initiatives of this government, the mineral development strategy, hasn't moved much beyond the drawing board in about a year after its announcement. One of the main themes of the strategy is First Nation engagement.

When is the government going to start engaging First Nations instead of fighting them in court?

Hon. Mr. Kent: Respectfully, for the member opposite, I certainly want to repeat the answer that I gave in my first response. It is precisely because of First Nation engagement and interest in this mineral development strategy that the product is delayed. Obviously, when we first initiated this, we wanted to have it ready for the upcoming Geoscience Forum and launch it there, but I felt it was important — once I heard of the interest of First Nations — to engage with them further and take the necessary time to incorporate their thoughts into what the final product looks like. I had the opportunity, along with the Minister of Economic Development and the Minister of Environment — when we travelled to Vancouver to meet with a number of mining companies — to share the reasons for the delay with them. I've shared it with other industry organizations. Everyone on that side is pleased with the fact that we're engaging First Nations — not only on this, but the mine licensing improvement initiative as well.

It's unfortunate. I know the member opposite would criticize us if we didn't seek First Nation input; now he seems to be criticizing us for seeking it.

Mr. Silver: On the contrary, but before this session began, the Premier said that the government had almost completed its platform commitments and it should be congratulated on a job well done. When he was asked what he had left to do in the next year, he said, "not a lot". When your GDP is going to shrink by over six percent in one year, I would argue that there's an awful lot more work to be done.

The government's poor relations with First Nations have severely hindered our mining industry. The fiasco at last year's Roundup, where the Yukon Party ministers refused to

attend the First Nations forum on engagement, was a prime example where there was no improvement since.

Maybe the minister can answer this question — it's my understanding that the government's strained relationship with Yukon First Nations is one of the main reasons for the delay in moving forward on this new mineral development strategy.

Can the minister explain to us why he has missed his own deadlines for this important new strategy?

Hon. Mr. Kent: As I mentioned in the first two answers to the Member for Klondike with respect to the mineral development strategy, we had hoped to have it ready for the Geoscience Forum. As we were working our way through First Nations consultation on an early engagement report, I received correspondence from one of the First Nations that they would like to take a bigger role within the mineral development strategy. We've reached out to them; it has led to some delays in the release.

Again, I think it's something that's worthwhile, obviously — when you're engaging First Nations. We're working very closely with them on the mineral development strategy. We're working closely with them on the mine licence improvement initiative in EMR, and each and every minister on these benches works closely with First Nations on a number of policy initiatives or developments, as I think members can well appreciate.

When it comes to this mineral development strategy, what we've targeted with it is the opportunity to emerge from the current downturn in better shape than we went out. Whether it's in our licensing and permitting regime, in our infrastructure, in our training, in our investment climate or in our relationships with First Nations, we want to ensure that coming out of this downturn, we're well-positioned.

We're very well-positioned project-wise, much more so than we were coming out of previous downturn in about 2002-04. I'm confident that with this work and other work that is currently underway, we're going to be in great shape for the next boom.

Question re: Solid-waste management

Mr. Barr: Yukon has come a long way since all manner of garbage was burned, creating toxic smoke at Yukon dumps. Dumps have become transfer stations, diversion targets were set and a solid-waste management plan for the territory was adopted.

The government has not backed the plan with proper funding and planning, and solid-waste facilities and the volunteers who manage them are under tremendous pressure. What's the minister's plan to alleviate the pressure at rural solid-waste facilities?

Hon. Mr. Dixon: Thanks to the member opposite for the question. It is an excellent one. We have made great strides in the way we manage solid waste in this territory over the last few years. I should note that, since 2011, we have just about doubled the funding in O&M for solid waste, so the criticism certainly is invalid that we are not funding enough. That's certainly not the case.

What is the case, Mr. Speaker, is we have taken an approach that's outlined in the *Solid Waste Action Plan*, which is a regional one. We're working with municipalities throughout the territory to develop many sites into regional hubs. Other sites that are not going to be regional landfills have been converted to transfer stations. We have begun to implement the infrastructure to allow for that transition. One only needs to look at the work done in the Burwash area, in Destruction Bay, in Ross River and Upper Liard. We have regional landfill agreements with Dawson City and with Watson Lake. We are in negotiations with Haines Junction and Faro to develop those sites into regional landfills hopefully.

Mr. Speaker, we have made tremendous strides. We have made considerable investments and we're taking action. We have a plan — we have a regional solid waste action plan that we're acting on and we have made a lot of progress. I'm very proud of the department and the government for the strides that have been made so far.

Mr. Barr: The minister doesn't seem to get the problem. I would extend an invite and I will drive around to the solid-waste facilities in my riding and have a look and see what's really going on.

The minister's approach isn't working. The Marsh Lake solid-waste facility is facing tremendous pressure, like many others in the territory. Tires are piling up and haven't been trucked Outside in years. The huge sea can sat at the dump for two years without being moved. Most worrying, the pit that contains construction waste will be full in about a month.

What's the plan when the construction waste area at Marsh Lake is full? Will locals have to drive their waste to other facilities?

Hon. Mr. Dixon: I would like to take the opportunity to commend the residents of the Mount Lorne area as well as the Marsh Lake area for the transfer stations that they have in those areas. They are of course owned by Government of Yukon through Community Services, but operated by local groups. They have done a fabulous job and I would say that Mount Lorne and Marsh Lake are both prime examples of exactly what we want to see throughout the Yukon — excellently run transfer stations that are accommodating, increase diversion, have separation of materials and have separation of hazardous waste from the waste stream. Those facilities are excellent examples of what we want to achieve other places in the territory.

Now with regard again to those specific transfer stations, obviously they are not without their challenges. The member is quite right that Marsh Lake's C and D areas are filling up. That's why our next step, after achieving regional landfill agreements with a number of municipalities, will be to chart out a regional solid-waste plan for the Southern Lakes, which will consider the transfer stations in that area. What's likely a reality of this is that not every single transfer station in the Southern Lakes will be able to accept all materials. That's something we'll need to do though after consulting with the residents there. That's something we'll need to work with the residents on very closely, but I would hold the Mount Lorne

and Marsh Lake transfer stations as marquee examples of success for solid-waste management in this territory.

Mr. Barr: Mount Lorne and Marsh Lake are exemplary. What they need is the support of the government to continue their work.

I would like to say that Marsh Lake solid-waste facility is in year five of their 10-year plan. It's already near capacity and soon it won't be able to accept construction waste. I brought this forward in this House almost three years ago — still no action. We are at a place where the government didn't even come close to meeting its 50-percent waste-diversion target. Yukon Party government's failure to divert waste means that a new landfill site may need to be considered for Marsh Lake, but the sense is there that there has been no planning for a new site.

In the last year of its tenure in office, does the Yukon Party government have any plan to address these mounting problems or will solid-waste management continue to lurch from crisis to crisis until Yukoners elect a new government that cares about waste management?

Hon. Mr. Dixon: I have to take issue with some of the comments that have been made by the member opposite. To suggest we aren't supporting those groups who are operating our sites in Marsh Lake or Mount Lorne is simply not true. We provided considerable funding over the years for a number of things including infrastructure, monitoring wells and ongoing support for the operation of those facilities.

As I said, the layout of those transfer stations, I would say, is the model that we're trying to emulate in other places in the territory. They are very well run. They have separation of materials. They divert considerable amounts of recyclables from the waste stream, and they are examples of what is possible for other jurisdictions. In fact, next year we are hoping to bring citizens from other communities from around the territory to Mount Lorne to show them exactly how well-run that facility is and give them an idea of what is possible.

This is not to say that these two particular transfer stations — Marsh Lake and Mount Lorne — are without challenges. They face considerable challenges coming from Whitehorse. I think it is a known understanding that residents of Whitehorse and businesses in Whitehorse, as a result of high tipping fees at the landfill here in Whitehorse, are taking more and more of their material out to Mount Lorne and Marsh Lake. This is also happening on the north Alaska Highway. These are challenges that we have to find solutions for. Those solutions will come by working with municipalities, working with residents and following through on the plan that we have for solid waste throughout this territory.

Question re: Climate change

Ms. White: According to Yukon's *Environment Act*, the state of the environment report's purpose is to identify emerging problems for the environment, especially those involving long-term and cumulative effects. The 2014 state of the environment report reveals that the average winter temperature in the Yukon has increased by 5.4 degrees

centigrade since 1948. We all know that climate change is having long-term and cumulative effects on the Yukon's environment. What is not clear is how cumulative effects are being accounted for in the territory.

Will the minister responsible for the *Environment Act* explain how cumulative effects, whether of nature or human activity, are being measured?

Hon. Mr. Istchenko: I do thank the member opposite for the question. Climate change is an issue that has been going on in the Yukon for years. That is why we are sending a really great delegation to COP21. I do not think we have ever missed a COP. We have our Climate Change Secretariat and we have our *Climate Change Action Plan*.

When it comes to the question that the member opposite asked — we do a lot of studies. We look at wildlife studies. We have water monitoring stations. We have many things throughout the department that we do so that we can gather information. All of us see the effects of climate change that the world is putting on us. That is why, when we go to COP21, this is going to be a chance for us to tell the Yukon's story on an international stage, and we have a great story to tell about some of the work that we are doing with our renewable energy, our greenhouse gas emissions and moving forward with our *Climate Change Action Plan*.

Ms. White: If the government is not measuring cumulative effects, how can sustainable practices be determined to protect Yukon's environment for future generations?

Hon. Mr. Istchenko: We are measuring cumulative effects. That is why we have ongoing water monitoring stations, ongoing surveys of animals and stuff like that within the department. Some of our work is guided by our *Climate Change Action Plan* and our energy strategies, and that is what we are moving forward with for the *Climate Change Action Plan*.

Question re: Wildlife viewing tourism marketing opportunities

Mr. Barr: Last spring, I shared with this House that our neighbour, Alaska, had quantified wildlife's economic importance. In 2011, hunters and wildlife viewers generated economic activity worth over \$3.4 billion. Yukon's Department of Environment and Tourism and Culture have produced wonderful wildlife viewing guides, and a strategy is being developed. The Wildlife Viewing Technical Committee is working with multiple partners. I want to be certain the government is taking the business opportunity of wildlife viewing seriously.

Can the minister confirm its intention to analyze the economic potential of wildlife-viewing businesses playing a part in Yukon's tourism industry?

Hon. Mr. Istchenko: I do thank the member opposite for the question. We do have a wildlife viewing strategy. We have many programs in place. You just have to look at the spring interpretive centre at Swan Haven.

The member opposite is correct. I can tell you, Mr. Speaker, in my years as a guide in the Yukon, I viewed

wildlife on many occasions. We have printed booklets and brochures, and they are in high demand.

When it comes to our visitors and our residents, we look forward to getting information for them every year. Some of the new publications that we will be putting forward are going to be increasing some of the other animals that we see out there.

Mr. Barr: Tourism is the bright light of our economy. It is a growing and sustainable industry, and there is so much untapped potential. Wildlife viewing is a potentially lucrative and sustainable industry for Yukon. Bear Cave Mountain is booking into 2017. The department's good work to date shows the inventory of wildlife and spaces that could be part of a commercial industry. If the government is serious about economic diversification, this is a niche market and should be studied. Successful businesses require planning as well as a policy framework.

In order to diversify our economy, is the government developing a modern wildlife management plan and a way to include wildlife viewing in land management decisions?

Hon. Ms. Taylor: I am really pleased to hear that the member opposite will be voting in support of Tourism and Culture and the Government of Yukon expenditures as they pertain to wildlife viewing.

When it comes to tourism, it is a major economic generator in this territory, and that is why this government continues to invest significantly increased expenditures in support of tourism marketing. One only has to take a look at each of the six television commercials that the Government of Yukon has invested in, in collaboration with the tourism industry, which really highlight and showcase wildlife as a major pillar of our tourism marketing plan.

As the member opposite has articulated, we will continue to invest in wildlife viewing sites. We will continue to invest with the Department of Environment and all of our partners — Swan Haven, the investments in the Yukon Wildlife Preserve, and all of the net economic-generated benefits that are accruing to the Yukon government and to all Yukoners, and the intrinsic, the social, economic and cultural values associated with those.

Yes, Mr. Speaker, we will continue to invest significantly in this area — but in all of our respective pillars that make tourism the success it is today.

Mr. Barr: We are talking about \$3.4 billion that our neighbours enjoy, which we haven't yet hardly experienced tapping into.

All Yukoners want our economy to have some insulation from the boom-and-bust commodity cycle. That means we need to diversify the economy. We acknowledge that good work has been done in wildlife tourism and that all partnerships have been initiated. We want to encourage government to take its strategic plan for wildlife viewing in Yukon to the next level.

The current strategic plan refers to working with commercial tour companies to facilitate wildlife viewing. To grow this business, we should bring more than large tour companies to the table — how about our local businesses?

Will the government agree to host an inclusive industry forum for Yukon tourism businesses with the goal of developing a wildlife viewing industry in the territory?

Hon. Mr. Istchenko: I thank again the member opposite for the question. Mr. Speaker, we do appreciate the value in wildlife viewing. I made a living on it. That's why we're committed to some of the programs going out — some of the partnerships that we have, some of the community projects — and local stakeholders that we already work with — with the Tr'ondëk Hwëch'in on the installation of some of our interpretive panels in the City of Dawson, the development of their interpretive panels at Crocus Bluff. Keno City club, an update on interpretive materials available at the Keno City Alpine Interpretive Centre — the Girl Guides of Canada and the Swan Haven Interpretive Centre — and my fellow colleague mentioned the wildlife preserve — Ducks Unlimited — the support for the bird monitoring at Swan Haven, Yukon Energy and our support for the Celebration of Swans — the Town of Faro and the Crane and Sheep Viewing Festival — and the City of Whitehorse has significant wildlife sites and areas.

Mr. Speaker, we do understand and we appreciate that wildlife viewing is great for the economy of the Yukon and we plan on working with our stakeholders moving forward in the future.

Speaker: The time for Question Period has now elapsed.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 89: Act to Amend the Municipal Act — Second Reading — adjourned debate

Clerk: Second reading, Bill No. 89, standing in the name of the Hon. Mr. Dixon; adjourned debate, the Hon. Mr. Dixon.

Hon. Mr. Dixon: It is a pleasure to rise again at second reading to speak to this bill, *Act to Amend the Municipal Act*. As I indicated yesterday, this is the result of a considerable amount of work done by the Department of Community Services alongside many municipalities as well as the AYC and the public.

Mr. Speaker, yesterday I spoke at length about the recommendations that were put forward by the *Municipal Act* Review Committee that was made up of representatives of the AYC and the Yukon government. Their work and their report, which was completed in 2014, forms the basis of which this act found its inception.

The bill before us today began during the “Our Towns, Our Future” initiative. Our government has fulfilled our commitment to conduct a thorough review and provide an updated, more coherent *Municipal Act*. The purpose of this bill is to make changes based on stakeholder input, as well as to simplify and clarify the rules of the *Municipal Act* that were

identified as unclear or inconsistent. These changes will make the act more functional and will ensure consistency within the act and with other legislation.

Mr. Speaker, I provided — in my speaking to this bill earlier this week — a very fulsome history of the consultation that occurred to date. I won't repeat that, but I will note that, based on new trends that have emerged across Canada, the Yukon government recognized that improvements could be made to the act to ensure that Yukon municipalities are sustainable and continue to provide good government.

During the "Our Towns, Our Future" initiative, the government committed to a regular review of the *Municipal Act* on an as-needed basis, and this bill responds to key issues brought forward by local governments and members of the public.

After a thorough collaborative review process that allowed for consideration of recommendations and feedback from municipalities, the government targeted 11 specific proposed amendments out of the more than 50 observations that were proposed by the *Municipal Act* Review Committee.

Community Services commenced drafting the proposed amendments to the *Municipal Act*, which included revisions to the legislative text for clarity of language and coherency. These targeted changes will strengthen municipal governance by providing for both substantive changes to the act and minor revisions that will increase consistency and make the act easier to read, understand and be applied by its users.

Mr. Speaker, with members' indulgence, I would like to provide a bit of discussion about the changes. First of all, the bill specifies that the term of office for newly elected municipal councillors begins at noon on the day after the election. The decision to have the term of office start at noon on the first day after the election is consistent with practices across Canada. It is a clear and simple approach that eliminates confusion, as it outlines specifically when a term starts and clarifies that the powers of councillors do not begin until they are sworn in, which generally happens at the first meeting of a newly elected council.

An example of this that members would be familiar with is, earlier this week on Monday, when the new mayor and council for the City of Whitehorse were sworn into office at city hall. These new provisions allow outgoing council limited emergency powers until new councillors are sworn in. This ensures that there is no gap in governance between elections. This will provide clarity to municipalities and allow for a smoother transition from one council to a newly elected one.

These changes also address issues around privacy by removing the requirement to publicly post voters lists. In order to, on the one hand, protect voters' privacy and, on the other hand, ensure reasonable access to this information, the proposed changes remove the requirement for municipalities to post the voters list publicly, but provide the public with the right to access those lists at municipal offices. This change is consistent with other Canadian jurisdictions.

Also, Mr. Speaker, the bill proposes changes that will simplify the requirement for the number of petitioners needed to trigger a referendum. The bill proposes a consistent

approach that will be applied to all municipalities, setting the minimum number of signatures at 15 percent of the population. The determination of the population will be based on readily available information from Statistics Canada or the Government of Yukon's Bureau of Statistics. Setting the minimum number of electors required to successfully petition for a referendum at 15 percent of the population of a municipality is also consistent with other Canadian jurisdictions. This requirement will be consistent across all Yukon municipalities and is also easily quantifiable.

I should note that previously there was a disparity between Whitehorse and the other communities, and that formed the basis for this particular change.

This bill will also define the rules around pecuniary interest in regard to councillors and specify the consequences for members who have a conflict of interest in a matter that is before the council for a vote. These changes clarify what is to be considered a monetary or pecuniary interest of a member of council. The proposed amendments also set out clear rules that apply when a member of council has a pecuniary interest in a matter before council.

The bill also lays out the consequences when a member of council does not disclose a pecuniary interest and continues to be involved in the decision-making process of council relating to that interest.

This bill also clarifies that if, due to disclosure of a pecuniary interest by one or more council members in a matter before council, only two members are entitled to vote on that matter. Those two councillors will be deemed a quorum for the purposes of that matter, despite the minimum number required for a quorum. The goal of this rule is to ensure that council business can still be conducted when council members have declared a conflict of interest. This amendment helps ensure that members of council are not involved in decision-making regarding a matter in which they may have a monetary interest, but also reflects the realities of many small communities where multiple councillors may have interests in various matters before council.

This bill also includes changes that will introduce the new term "municipal service". The bill proposes that the term "municipal service" be added and that this term encompasses any service that a council considers necessary for residents. This term provides a broader and clearer definition of the types of services that municipalities may provide to their residents. This revised definition also reduces confusion regarding terminology used in the *Public Utilities Act*.

The act also simplifies wording on service agreements with other governments. This new section clarifies that a municipality may enter into an agreement with another municipality, a rural government, Yukon First Nations, Government of Yukon or Government of Canada. These agreements will enable the parties to collectively provide a municipal service within boundaries of the municipality or in the area a partner has jurisdiction over. This not only addresses confusion, but also encourages new partnerships.

The bill will also establish the process for developing a local advisory council. This proposed change establishes a

process by which potential electors of a rural area can make a request to the minister that a local advisory area be established. This change also provides the minister with the discretion to initiate this process without a request from potential electors. The amendments create a formal process for creating a local advisory area, which will then enable the process for creating a local advisory council. This will once again set out a clear and straightforward process that ensures fairness and clarity.

The bill also recognizes and authorizes that municipalities may adopt appropriate zoning bylaws as soon as possible after amendments to official community plans, better known as OCPs. While some municipalities are already doing this, feedback from stakeholders indicated that completing the OCPs and zoning bylaws simultaneously is a good practice that reduces administrative tasks and maximizes public engagement. This bill encourages municipalities to complete official community plans and zoning bylaws at the same time, making the process more streamlined and efficient.

This law also removes the Yukon Municipal Board from the official community plans process. The current requirement that official community plans must be reviewed by the board was deemed by stakeholders to be unnecessary, repetitive and to have limited value. As with other public documents, the official community plans are available for public review at any time. In this bill, we see a narrowing of the function of the Yukon Municipal Board.

Additionally the bill outlines that, prior to holding public hearings regarding proposed official community plans or amendments, notice of the proposed changes must be published as least once weekly for two successive weeks. The amendments shorten the minimum time between the last notice and the public hearings from 21 days to seven days. This change will help to reduce the time lag between the last notice and the public hearing itself. This supports public turnout and enhances public engagement, as it ensures that the matter stays fresh in the public's mind.

Also, Mr. Speaker, members will notice that throughout the bill there are changes related to the clarification and simplification of language. Increasing clarity means that the act will provide legal rules that are easier to understand and apply by its users. Achieving this goal means using consistent terminology, approach and process. With these amendments, several long-standing issues will be addressed and the *Municipal Act* will become simpler and clearer. The updated *Municipal Act* eliminates unclear and confusing clauses, which will assist in reducing the administrative burden on municipal governments and remove barriers to their success.

These amendments bring Yukon local governance in line with other provinces and territories in Canada and make governmental processes consistent across our territory. This bill supports this government's desire to increase the capacity of municipal governments and support strong Yukon communities.

I would like to thank the Association of Yukon Communities, Yukon First Nations, municipalities, local advisory councils and the public, as well as the various

departmental officials from Community Services and our colleagues in the Department of Justice who assisted in preparing this new legislation that will help to ensure success in our vision of vibrant, healthy and sustainable Yukon communities.

In closing, I think I provided a thorough explanation of the background to this bill; the OTOF process which led to the *Municipal Act* review; the excellent work done by the *Municipal Act* Review Committee, which consisted of members of the AYC and Yukon government. I want to thank those six individuals for their excellent work on that review. That review, of course, informed the decisions that are brought to fruition through this bill. I want to again thank all of those municipalities that contributed to this, especially — as I noted earlier this week; it is often the case that we thank mayors and councils as the focal point, but I wanted to take an opportunity to thank all of the municipal officials — whether they be CAOs, whether they be finance officials or whether they be those involved in the day-to-day operations of a municipality. Those folks provide a tremendous service to the Yukon communities and make the Yukon such an excellent place to live.

With that, I look forward to hearing from other members here at second reading about the *Municipal Act* and some other examples of how this government has worked exceptionally well with Yukon municipalities and the AYC. I think this is a wonderful example of that working partnership and I commend this bill to the House. I look forward to getting into debate in Committee of the Whole to discuss the finer points of the legislation and walk through it, clause by clause, with officials and with members across the floor as we explore the various aspects of this bill.

With that, Mr. Speaker, I commend this bill to the House and thank members for their indulgence.

Ms. Hanson: I thank the minister for his review of “Our Towns, Our Future” the other day and again for his opening remarks and explanation of the intent of the government as it tables the amendments to the *Municipal Act* that are before us today. As my remarks this afternoon will confirm, the New Democratic Party considers the *Municipal Act* to be an extremely important piece of territorial legislation. It is legislation that provides overarching direction to the affairs of municipal and local governments and their citizens.

We also join the minister in thanking the hard-working officials from the Yukon government, municipal and local governments who have worked on this important file over the years. We also join in thanking all those who participated in “Our Towns, Our Future” and the various discussions that have occurred. I know that this minister and previous ministers of Community Services from the government side have participated in many conversations with members of the Association of Yukon Communities and this has certainly been a featured aspect of “Our Towns, Our Future” in the conversations at the annual meetings of the AYC.

We expect that, generally, the contents in Bill No. 89 — if they reflect the deep thinking and the consultation that have occurred among those many players over the years — should be good and it should be passed in this House. I have expressed to the minister previous to this day and just want to put it on the record that it is unfortunate that the process being followed by the minister and government as they table Bill No. 89 demonstrates a lack of concern about ensuring that there is a fostering of an informed debate on this important piece of legislation. Why do I say that? Well, the *Municipal Act* itself is about 181 pages long. The amendments are contained in a bill that is 60 pages long, which was introduced on Monday. We were offered a briefing the next day, and at that briefing no proper documentation — well, no documentation — was given that would assist the opposition in its task of scrutinizing the bill. The past practice has been that there would be a side-by-side or comparison of existing legislation, proposed changes and implications thereof.

When this legislation, the *Municipal Act* — and I know that some members opposite were around government when the bill was passed in 1998. It was developed and had an evolution that came from both a Yukon Party and a NDP final version of the legislation in the articulation of the *Municipal Act* that came from an NDP government — but it came through a non-partisan process. It is kind of unfortunate that with an important piece of legislation like this, we cannot treat it as something that we all want to be on the same page with as we approach the amendments. It makes it more of a hunt-and-peek as opposed to where we are working on this together to make this important piece of legislation effective. So for a government that promised to build good governance as part of its pillars, the actions on this bill suggest they are not that keen on proper debate in the Legislative Assembly.

That has posed some challenges, but that being said, the NDP Official Opposition is in support of all efforts to keep Yukon legislation current. We want to be afforded the time necessary to review the proposed amendments. As we have said before, the *Municipal Act* is a cornerstone of the democratic process in this territory. Every citizen, every resident of Yukon, is directly affected by decisions taken or not taken by their local governments. I want to reaffirm that the New Democratic Party holds in highest regard the women and men who put themselves forward to serve on the local governments throughout the Yukon. In most cases, people who take on these roles work extremely long hours for modest compensation.

You know, Mr. Speaker, Yukon's *Municipal Act* has gone through considerable evolution over the years. The most substantive changes to how our local governments are structured, their powers and their relationship with citizens and other levels of government culminated, as I mentioned earlier, in the *Municipal Act* of 1998, passed into law under the New Democratic government. As members of this Legislature will recall, the mid- to late-1990s was an exciting time of political change in the territory, which was manifest in the conclusion of a number of First Nation final and self-government agreements, as well as a move to greater

decentralization or devolution of federal powers to the Yukon government. There was the health transfer in 1997 and then later on, the work that was being done in the late-1990s toward the devolution of land and resource management — those responsibilities from the federal government — to provincial-like responsibilities to the Yukon.

One writer has observed that these circumstances that led to the 1998 *Municipal Act* created an environment where the Yukon's *Municipal Act* became one of the more audacious steps ever undertaken by a Canadian Legislative Assembly in the evolving democratization of the way Canadians are governed. This act broke the established concentration of power by giving citizens the means to become engaged and actually make a decision on an issue of significance to them, whether recognized by elected politicians as such, or not.

This fundamental principle of respect for citizen engagement in the decision-making process is a key feature of Yukon's *Municipal Act*. Mr. Speaker, it's important that we look at the context of how this act evolved, keeping in mind that, as the evolution — as I mentioned earlier about the political evolution in the territory that was going on, and as more recognition had been given to First Nation governments that were no longer under the purview of the Minister of Indian and Northern Affairs, it seemed less acceptable — and it was less acceptable — that municipal local governments should be under the similar parallel control of a minister of the territorial government.

It was under the New Democratic government in the mid-1980s to 1989, or something like that, where the concept of recognizing that municipalities should get block funding — unconditional grants — which is something that was also negotiated in the First Nation agreements — and to give municipal governments similarly what we saw was happening in the parallel world of First Nation governments — the responsibility to set the priorities for their governments and to be accountable for their decisions to their citizens. That's about self-determination; that's what governance is all about.

It was from that perspective that there was at that time, in my understanding — similarly another — as we went through the development of the *Municipal Act* leading toward 1998 — this *Municipal Act* Review Committee outlined and found 15 guiding principles — is what they referred to — which became the foundations for that 1998 *Municipal Act* — principles that, in my mind, continue to be reflected in the current legislation.

Mr. Speaker, I actually asked the officials at the briefing the other day to confirm that, in fact, that was the understanding. I'll talk to that a little bit in terms of how those principles then got rolled into the preamble of the legislation, which is incredibly important.

Of the 15 principles the *Municipal Act* Review Committee of the day sought to see incorporated in the new *Municipal Act*, those principles were considered to be a head above everything that was going on across this country in terms of acknowledging and reflecting the importance of that local level of government, and also just the concept of

advancing Yukon municipalities as sort of an important aspect of democratic governance in this territory — really important.

One of the key principles was the fourth principle, which spoke to the accountability that needed to be one of the foundations for the *Municipal Act*. I talked earlier about making local decisions. The people who were on that municipal advisory committee in the late 1990s recommended that the *Municipal Act* should ensure that municipalities are accountable to their electorate and taxpayers as well as to the Yukon Legislative Assembly through the minister.

That principle recognized that the electors and taxpayers — you and I — are respected as equals with the Yukon Legislative Assembly by requiring municipal councils to be accountable equally to the citizenry as well as to the Legislative Assembly. It's a concept that doesn't apply in many contexts, so it puts a huge onus, in many ways, that hadn't been there before.

One of the key principles of the then new legislation was a principle that was simply called "public participation". In my view, that's the key. That is absolutely fundamental to the democratic principles that the *Municipal Act* is intended to convey — and more than just convey, but to exemplify.

That notion of public participation — that citizens have a chance to be responsible for their own governance — is a pretty powerful concept. This principle of being responsible for your own governance is linked to that principle of accountability. Public participation in municipal government or local area governments is essential if municipal or local governments are to be accountable to their citizens.

In the Legislative Assembly, we're structured in a very different way. We have an Official Opposition when our parliamentary system is charged with holding the government to account. In a municipal setting we don't have that, so the notion of providing a means for public participation to hold — to find means and methods, as set out in legislation, where that principle of democratic, public participation and accountability are enjoined. That was pretty groundbreaking and was considered so across this country.

Those 15 principles that the review committee of the day articulated and presented to the ministers of that day evolved into the preamble of the *Municipal Act*, a preamble that exists today and should guide us as we consider the amendments before us.

I think it's just really important to sort of look at what that preamble says. I was so pleased — because you never know what is going to come out of legislation or proposed amendments to legislation — to have it confirmed for me that the preamble to the *Municipal Act* will still guide us as legislators, as we look at the content and context of the *Municipal Act*, and those people who are called to serve under this *Municipal Act*.

The preamble reads that: "...this Act was developed in a spirit of partnership, mutual respect, and trust between the Government of the Yukon and the Association of Yukon Communities;

"AND WHEREAS it is desirable to establish a framework for local government which provides for the

development of safe, healthy, and orderly communities founded on the following principles:

"That the Government of Yukon recognizes municipalities as a responsible and accountable level of government;

"That Yukon municipal governments are created by the Government of the Yukon and are responsible and accountable" — so the accountability provision — "to the citizens they serve and to the Government of the Yukon;

"That the primary responsibilities of Yukon municipal governments are services to property and good government" — good government — "to their residents and taxpayers;

"That public participation is fundamental to good local government;

"That sustainable Yukon communities require financially solvent local governments that are responsive to the public's need for affordable public services; and

"That local governments have a significant responsibility for furthering compatible human activities and land uses.

"AND WHEREAS the Government of the Yukon and municipal governments shall respect each other's responsibilities to provide programs and services to the people of the Yukon;

"AND WHEREAS local governments in the Yukon require greater flexibility to work together with Yukon First Nation governments..."

First Nation governments came into this *Municipal Act* in 1998 — reference to it. It is significant and provides huge opportunities, which I am sure we will see tracked into the proposed amendments.

"AND WHEREAS the Government of the Yukon wishes to empower municipal governments with the authority necessary to effectively govern in the new millennium..." We are in the millennium.

Seventeen years later, the principle of public participation as articulated in the preamble to the act is fundamental to good, local governance. If it is to be more than mere symbolism, the *Municipal Act*, as amended, must continue to provide tangible opportunity for public participation.

I say this — and I am not trying to belabour the point, but absent the compendium approach or the detailed briefing on how these principles are tracked into the proposed amendments, I am stating this as what we expect to see as the Official Opposition in terms of the consistency with the intention of the government in what we say the act should do and then make sure that, as we see the details of the proposed amendments, they are going to be manifest.

As we work our way through the details of these proposed amendments, as I said, we will be seeking clarification and assurances that the means of ensuring public participation continues in the amended legislation.

When the then new *Municipal Act* was presented for second reading, the then minister and former chief, Dave Keenan, from Teslin Tlingit Council, highlighted four aspects of the *Municipal Act* that represented significant change in the long-standing structure of municipal legislation in Canada. Keep in mind, Mr. Speaker — and I know that members of

this House will recall — that Minister Keenan, just three years prior to that, had the coming-into-effect of the Teslin Tlingit final agreement, so he understood full well what a revolutionary change in First Nation governance had occurred has a result of the recognition of the First Nation government.

He recognized the important of ensuring that First Nation governments and that municipal governments were not put at a disadvantage and that the strength of communities like Teslin — and we have seen this manifest over the last 20-some years. The more you empower the local governments, whether First Nation governments through their final agreements or local governments like Teslin, to work together, the stronger the fabric of the Yukon becomes.

When we look at Hansard in November 1998, when he presented that new legislation for second reading, the minister highlighted the aspects that he thought represented those significant changes as I mentioned. The first of those aspects was the provision for public votes, going back to the principle of public participation. I quote: “The provisions for petitioning and public votes put the checks and balances into the hands of the electorate. The new *Municipal Act* gives voters the powers to oversee the affairs of the municipality and to provide binding direction to councils on important issues. Public vote provisions allow the electorate to petition for a vote on matters within municipal jurisdictions. If a petition has enough support for a public vote, the council will be bound to seek input from the electorate, and may be bound by the results. This gives citizens a meaningful process to ensure that councils act on issues the voters” — the voters — “consider important.”

I emphasize this because, as I said earlier, local government is unlike the parliamentary structure, and the principles that were set out ultimately in the legislation — but reflecting the recommendations that had come from the *Municipal Act* Review Committee — was to ensure public participation and accountability. I think that it is generally accepted that Yukon’s 1998 *Municipal Act* did more than expand that idea of ensuring the provision of public participation because it replaced what I understood to be a specification in the law about when a vote must occur by one that empowered the citizens to actually put to the test any matter that had come for their approval. I am raising this and I am not trying to belabour it, but there have been movements of pieces of the provisions with respect to those provisions around petitions, plebiscites and referendums. Quite frankly, on the face of it, I can’t track it, so I want to reiterate why we think this is so important and we will go through it in detail because we want to ensure that we haven’t diminished the importance of that element.

The first step was to be a petition, and we have a petition still referenced in the legislation. I want to keep in mind that the purpose of a petition isn’t to pass judgment on the subject matter, but it’s to ask the citizens’ participation — public participation. Whether or not some matter that I bring forward to the council on petition, whether or not that the decision should be made by council alone, or, if we follow through the

process that was set out in the act, if that decision should be left to the citizens through a binding referendum.

It’s pretty powerful, in terms of investing citizens with those powers.

That petition — and I want to see how it’s reflected in this legislation — was only concerned with the who — that aspect of it — of a decision, or a decision that might be made in the future. The second step — which is still in the act but it’s just not clear as to how it’s following through — is the decision-making referendum. As the minister said, the threshold for the decision-making referendum has been changed.

What will be important is that the process in the legislation that we see before us today will withstand the tests for which the *Municipal Act* has been put to trial and failed, with respect to referenda, in the past. We’ve had the Alberta Court of Appeal that overruled — or basically ruled that the provisions, as they were written, wouldn’t work. If the intention was that decisions could go to referenda and that we did want citizens’ participation, then our job as legislators is to make sure that we craft the legislation to reflect that intent, so we’ll be looking for that kind of confirmation as we go through the legislation with the minister.

I’ve been reading about and getting ready for not just this debate — because I have talked over the last few years about the importance of this *Municipal Act*. Probably it was triggered because of the unfortunate circumstances that arose around the failure of the Yukon government to respond to the challenges placed on the efficacy of the *Municipal Act* when the Alberta Court of Appeal said that provisions of it didn’t live up to what their intentions were. I have spent a fair amount of time over the last few years trying to understand that and reading — and there have been, surprisingly, at least two or three different documents written about the Yukon’s *Municipal Act* — who would have thought? It’s true.

I’m just trying to think — I was writing this very quickly at lunchtime, so I have to find my scribbles. I’m hoping that they haven’t varied the provisions with respect to petitions, plebiscites and referendum. I just know that they’ve been moved and I’m not sure what the impact of the moving and the restructuring of the wording is, and so we’ll look forward to gaining an understanding of whether or not the changes are merely cosmetic, whether they are intended to augment the roles of these means of public participation or if there has been a change to this fundamental element of the *Municipal Act*.

I have commented previously that the *Municipal Act* is a massive document, in excess of 180 pages, and the amendments exceed over 60 pages roughly. My comments this afternoon are not intended to address the whole of the act.

So before I wrap up, I do want to address another matter that has come before this House in this and previous sessions, and that’s the conflict that arises between the authority and responsibility of local governments — as we saw in the preamble to the legislation — with respect to having a significant responsibility for furthering compatible human activities and land uses. That’s the conflict that arises again,

the authority and responsibility of local governments, of municipal governments, to develop comprehensive official community plans and to have those thwarted time and again by the inconsistency and potential and actual real — because we've experienced it — conflict that arises between the powers set out in the *Municipal Act* and the *Quartz Mining Act*.

In 2015 it seems strange that this matter does not appear to have been addressed during the course — or maybe it was addressed; I know it was discussed in various communities, but what I'm not seeing is it reflected in the legislation. So I'll be looking to the minister for explanations of how it has been addressed, because this is a critical issue not just for municipal and local area councils, but for home owners whose most significant single investment is threatened by the anachronism of allowing mining or mining-related activity adjacent to residential properties. I do look forward to discussion on this matter with a view to gaining an insight into how or when this Yukon government will address this issue in a manner that befits the 21st century.

I know there are others today who wish to speak and I do wish to reiterate my previous disappointment in the refusal of the minister to direct his officials to provide the opposition members of the Legislative Assembly with the same tools for analysis and comparison between the current act and proposed amendments. Quite frankly, a seven-paragraph, two-page summary doesn't cut it.

We owe it to all Yukoners to ensure that all members of the Legislative Assembly review proposed amendments with a view to having a full, comprehensive understanding of the intent of the proposed amendments.

As I said earlier, the *Municipal Act* of 1998 was remarkable for the non-partisan manner in which it was developed, starting with the work of a municipal advisory review committee established under a Yukon Party government and carried forward and enhanced and adopted by an NDP government. Surely we can at least meet that test 17 years later.

With that, I look forward to going through the details of the proposed amendments to the Yukon's *Municipal Act* and look forward to being able, pending the outcome of that review, to be able to support the proposed amendments to the *Municipal Act*. Thank you, Mr. Speaker.

Mr. Silver: I am pleased to rise today to speak to Bill No. 89, *Act to Amend the Municipal Act*. Municipalities — we just had an election up in Dawson and I would like to take this opportunity to congratulate Mayor Potoroka, Councillors Stephen Johnson, Bill Kendrick, Kyla MacArthur and Jay Farr. We have a lot of returning councillors and, of course, His Worship, Mayor Potoroka is returning as well. The newbie, I guess, on the council would be Jay Farr, but he comes with an awful lot of experience as being a councillor for the chief and council with the Tr'ondëk Hwëch'in. An excellent team — and I would like to reiterate the words of the Official Opposition: it's a monumental task and not a lot of fiscal reward for these positions. We owe a lot and we thank

them a lot — the council — for the work that they've done in the past and also the work that they continue to do in the future.

I would also like to take this opportunity to welcome to the City of Dawson our new CAO, André Larabie. I had a chance a couple of different times to meet with him and he's a great complement to the team and I look forward to working with him as well in the future.

Mr. Speaker, I'm very happy to see that the majority of the recommendations have been adopted and included in the new *Municipal Act*. These changes will provide much of the clarity that the municipalities have been asking for over the years. I spoke with the AYC president after the legislation was tabled. Our conversation started with the fact that of course, because this was embargoed up until the other day, he was doing what I was doing — poring over the results and making sure that the actual legislation matches up with the recommendations. We spoke on some of the priorities that they were hoping that actually made it into the bill. The biggest recommendation that they were looking for were changes to their ability to levy fees for municipal services, which appears to have been adequately addressed, and I thank the department for that. This is a major issue for them as the municipalities outside of Whitehorse — they take on greater responsibilities and have fewer resources to pay for them, so this was a very important point.

One other point that I would like to touch on is the counter petition. I know that there has been some controversy around the use of petitions at municipal council. My understanding is that the counter petition was a suggestion by YG. Petitions — they're of course an attempt to introduce more direct democracy at the municipal level. The challenge is that sometimes petitions push a council to do things that are counter to other legislation or decisions. The counter petition is a mechanism in which the public has an opportunity to present against another petition to debate both sides of an issue. Now, I have not heard anyone at the municipal level upset over this not being included, but if the minister could explain when we get into Committee why this proposed amendment was rejected by the AYC — then that would be much appreciated.

Mr. Speaker, I would also like to bring up changes to the request for referenda. The new act now has changed the threshold for a petition requesting a referendum to 15 percent of the total population from the previous mark of 25 percent of the electors. I also hope to hear from the minister during Committee as we debate this on why this change was made and how it may impact petitions being put forward.

Another recommendation that is addressed is the elimination of the Yukon Municipal Board from the official community plans. Now I have heard from many people who work in the municipalities that the YMB is a bit of a black box. No minutes or reports are ever released from them. The municipalities appear to be in favour of this move and would like to see its role further reduced.

My understanding from the briefings is that the Yukon Municipal Board is braided through many different pieces of

the legislation and is complex, so hard to eliminate — I guess would be the way of saying it. However, if it is to continue to exist, it should be more open and accountable.

One final issue that was not however addressed is mining within the municipal boundaries. Although this was known in advance, it continues to be an issue that municipalities have to deal with and bears being mentioned here today. Most of Whitehorse, as we know, is now off-limits to mineral staking because of a staking moratorium on about 75 percent of city lands, and this took effect in 2015 for a period of five years. A more decisive approach would provide certainty to the mining industry, to the municipalities and it would be welcomed by the municipalities.

Those are my opening remarks and I look forward to discussing this further in Committee of the Whole and I hope the minister can address some of the concerns that I have raised here today.

Thank you, Mr. Speaker.

Mr. Barr: To begin my remarks about Bill No. 89, which makes amendments to the Yukon's *Municipal Act*, I would like to begin by paying tribute to our community leaders. Yukon is blessed to have a strong corps of municipal councils, local advisory councils and hamlet councils. In most cases these mayors and councillors are volunteers who dedicate countless evenings, weekends and more to the betterment of our community through public office.

I would also like to thank all the work by those officials drafting this Bill No. 89.

As Yukon's NDP Community Services critic, I am fortunate to be able to spend time listening to both public office holders themselves, as well as the Association of Yukon Communities, in order to better communities that continue to require significant capital support.

In some cases there is a high level of interest in municipal politics during this fall's municipal elections. I was glad to see the vote take place this fall without major incidence. However, we also had to dust off our copies of the act to find out how Community Services would handle the fact that, in some communities, fewer people ran for office than there were council seats. In one community, nobody ran at all. Two mayors were acclaimed. The territorial government had to extend the nomination period in order to enhance the opportunity for people to run.

As I mentioned in Question Period today, solid waste continues to be a significant problem for many of Yukon's municipalities. Ongoing challenges in dealing with the territorial government over this and other issues mean that strained relationships reduce our collective capacity to improve the lives of the Yukoners who elected our public officials.

As we look to the next phase of the Building Canada fund, the ability for governments to work together in good faith will become very important indeed for infrastructure. We're being asked to discuss some very important issues as part of this bill's debate: petitioning for referendum, clear conflict of interest rules, official community plan rule changes

and changes to local advisory council creation and operation rules. These are all significant issues that I'm looking forward to debating.

As we discuss the changes in more detail, I look forward to digging into the specifics of what this legislation does and how it will come to be. At their essence, municipalities are an extremely important element of this territory's political fabric. Mayors and councils are often at the front line of service delivery. They do the important work that often receives less recognition than it deserves, because municipalities are the ones that do the work that is so important to our communities' well-being, so we just expect it to happen.

With that in mind, I'm looking forward to the debate on Bill No. 89 and to working to ensure that Yukon's municipalities are supported by an eager and willing partner at the territorial level.

Hon. Mr. Cathers: I'm pleased to rise here today in support of Bill No. 89, *Act to Amend the Municipal Act*. I would like to begin by acknowledging the work of the many people from the Yukon government, as well as municipal governments, who participated in the review and provided their input and thoughts about modernizing the *Municipal Act*.

I would also, as past Minister of Community Services, like to acknowledge the work of staff of the Department of Community Services during my time, as well as during the tenure of the current and previous ministers of Community Services. This has been a very long multi-year project because of the level of detail and the number of people involved in reviewing and contributing to the *Municipal Act*. I would like to as well acknowledge the work of staff of the Department of Justice for drafting this amendment to modernize Yukon's *Municipal Act*.

As I believe my colleague — I may be repeating some of what my colleague, the Minister of Community Services, said, but I will attempt to not repeat it at length. The fact is that what this act does is modernize a number of substantive portions of the act, including clarifying the process for establishing local advisory areas, which then create local advisory councils. It includes removing the requirement for municipalities to post a list of electors. That is due, in part, to the modernization of standards around privacy from where they were in 1988 when the act was first tabled.

The rules around petitions — I heard some questions from the Leader of the Official Opposition in apparent confusion, so I would like to help her and her colleagues in navigating the act. They will find the section on plebiscites and referendums, which include provisions around petitions, contained in division 16 beginning on page 19 of the *Municipal Act*. I think that if members read that section, they would see that it is rather straightforward and clear in the provisions.

I should note that some of the changes that have been made in the *Municipal Act* are substantive in nature and in some cases the language was cleaned up to make it more user-friendly. That was one of the specific requests that the Department of Community Services had received from

municipalities, which were contributing to the review. Some of the provisions in the act were confusing to read and there was a request to make it more readable and have it more in plain language, rather than in language, for some reading it, that seemed like arcane or confusing legislative drafting.

The act modernizes the rules on conflict of interest and disqualification of members for councils. It provides a consistent formula for the number of signatures that are required on a petition with respect to a referendum. It shortens the timeline for notices in respect of a hearing for an official community plan, and it removes the obligation for a council to provide a copy of the proposed official community plan to the Yukon Municipal Board.

I would like to just add, further to a question that came from the Member for Klondike, that we should note that the role of the Yukon Municipal Board is not only covered within a number of acts, but today, the Yukon Municipal Board plays a very important role in rural Yukon — that being outside of municipalities — in the role that it plays for appeals by citizens of decisions that have been made by the Land Planning branch. It provides an important and valuable appeal mechanism for property owners who have an issue or concern with a decision made by an official.

The act contains provisions that clarify the provision and scope of municipal services. Again, some of those changes are new and substantive and some of those provisions are simply cleaning up the language to be more user-friendly and easier to read. As members will probably understand and realize, one of the reasons that this act was put into more readable language and why that was a request from those municipalities and Association of Yukon Communities members, who had asked for that change, is that the turnover in local government, the election of new councillors and the turnover in staff over a period of years can mean that it poses a challenge for local levels of government to try to brief new people and have them fully understand the roles, responsibilities, powers, et cetera as set out in the *Municipal Act*. It is intended to be simplified by making the language easier to read for those who are not familiar with reading legislation on a daily basis for fun.

I also wanted to note that the changes within the legislation here also provide clarification around revenue generation, specifically in relation to a council's authority to impose property taxes, local improvement taxes and municipal service charges.

In closing my remarks on this, I would be remiss if I did not again acknowledge all of the participants in "Our Towns, Our Future" review that began and led up to the specific review of the *Municipal Act* changes and note — as I believe the Minister of Community Services may have, in his introductory remarks — the fact that the act's changes had been delayed from the spring at the request of the Association of Yukon Communities because of a desire to see some additional changes. I believe that, if memory serves, at that point, the request had been made to do some further amendments to sections of the act to make it more user-friendly and easier to read. That, as well as the explanation to

part of the Leader of the Official Opposition's questions regarding why there was a new section related to petitions and referendums — the changes have been explained, both within the explanatory notes and I believe by officials and the minister himself — but portions of that section were cleaned up to make it more readable and less confusing for the average person to read and to navigate through.

With that, I would just like to commend this legislation to the House and again thank all of the staff who spent many, many hours working on this legislation. I believe that this modernization will stand the Yukon, Yukon municipalities and local advisory councils in good stead for years to come.

I would like to again congratulate all of the successful candidates in the recent Yukon municipal elections, both in municipalities and on local advisory councils. They play an important role in their communities and in representing the citizens of their areas to the Yukon government in the case of local advisory councils. In the case of municipalities, they play an important role in managing and running the municipal services within each and every incorporated municipality in the territory.

With that, I will conclude my remarks and commend the legislation to the House.

Hon. Mr. Graham: I come at this piece of legislation in a slightly different manner, I suspect, from other members. I have dealt with the *Municipal Act* since about 1999 or 2000.

I was first elected to a municipal council, I think, in 2000 or 2001, and I wanted to understand what the responsibility of a municipal councillor was long before that election. I made it a point to become familiar with the legislation. I was struck at that time — and this attitude was confirmed by the Leader of the Official Opposition — by the paternalistic attitude of this piece of legislation that was created in 1998, and I only have to echo words uttered by the member, the Leader of the Official Opposition, where she said that, in this legislation, councils should be accountable to their electorate and to the Legislature. I thought to myself at the time, "Why would a fully elected municipal council be responsible to the Legislature?" The Legislature of the Yukon isn't responsible to the Government of Canada, and the Legislature of the Yukon receives a huge amount of money from the Government of Canada, and we sure didn't, at the municipal level, receive that amount of funding from the territorial government. I was struck by that.

The other thing that concerned me was the inclusion in 1998 by an NDP government of the vast powers of the Yukon Municipal Board. I was really happy that the current minister agreed that some authority of the Yukon Municipal Board should be reined in. I was pleasantly surprised to hear that the Leader of the Liberal Party agreed with me and agreed with the minister.

The Municipal Board reduction in authority should be reined back, and there's a very simple reason for that. The Municipal Board, as the member opposite said, isn't really open and accountable for its decisions. In fact, in the *Municipal Act*, it is accountable only to the minister for their

decisions, but it also had authority to change decisions made by municipal councils. and I found that utterly unbelievable — that a municipal council could make a decision with respect to zoning or a number of other areas under the *Municipal Act*, and that decision could be appealed to a group of unelected people who then would make a decision to which they were not responsible to the municipality. They were responsible only to the minister. That always struck me as something that, from a municipal point of view, was totally out of character. I don't believe that unelected officials appointed to a board should ever be able to reverse a decision made by elected members.

It was interesting to me to hear the Leader of Official Opposition when she talked about accountability to the Legislature and where petitions and referendums fit in the whole scheme of municipal elections or municipal operations. I thought, during this time, "Isn't it odd that a government of the day would insist that petitions and referendums be applicable to municipalities throughout the territory but that Government of Yukon isn't bound in any way by a petition or a referendum?" I thought that was kind of unusual and unnecessary as well, because public participation in a municipal arena is something that many territorial legislators probably wouldn't understand, even as small as we are, because public participation means that the public gets to talk to municipal councils on a weekly basis. I'm speaking now in terms of what's available in Whitehorse. It's not only the election process, which I believe is the finest example of public participation, but it's through the weekly interaction between residents who come before councils and the municipal councils.

It was interesting to me also that, in the last referendum held in Whitehorse — or at least the last one that was held while I was a municipal councillor — I believe it was 20 percent of the electorate in total who voted at that referendum. That meant, Mr. Speaker, that a mere 10 percent of the electorate would make a decision that could potentially overturn a municipal council's decision, and that to me also just didn't make a whole lot of sense.

Most of the changes here I agree with wholeheartedly, and I'm not speaking for the government when I say, on a personal level, that in many cases they didn't go far enough. I believe that a municipal councillor should be given a four-year term. However, during my term as president of the Association of Yukon Communities, it became very clear to me that this was not what small rural communities wanted. As president and representing everybody in the territory, I agreed with them that three years should be something that could be carried on, but I really encourage the council of the City of Whitehorse, which in the past has talked about a municipal charter that they would negotiate with the territorial government, to go ahead and do this, because I found during my four terms in the City of Whitehorse that three years didn't give you sufficient time to really take advantage of being an elected member of the City of Whitehorse. When you first came into the council, the budget had been set by a previous

council. By the time you understood the ropes and where you were headed, it was almost time for another election.

I believe that four-year terms, especially in the municipality of Whitehorse, are a good idea. I understand the concerns of small communities — and my friend across pointed out one of the difficulties in those small communities of getting people involved and having people run for these positions. It's a real battle in the smaller communities, and I can see a three-year term being something that would be left there, but a four-year term to me is an appropriate thing for the City of Whitehorse.

I was also really pleased to support the change to the OCP bylaw zoning process, where it could be combined so it could be done almost simultaneously. I found that, with the process required for an OCP, which was the public participation process and the timelines that each step of the process took, if a person was only in for one three-year term, they could be in there and never go through a complete OCP process — let alone an OCP and zoning process.

I also would love to be able to see some additional revenue-generating areas opened up to municipalities, but, in some cases, I believe that municipalities have that ability. I thank the minister for confirming that in this piece of legislation. They only have to be brave enough and bold enough to go ahead and take those opportunities as they can.

It was interesting to me to hear the Leader of the Official Opposition talk about how the process demonstrated a lack of concern for informed debate, and I thought to myself that, when I decided to run for council, I read the whole *Municipal Act*. I then took it apart and made notes. In fact, I was one of the original members of the AYC who brought forward a process to the then Government of Yukon to ask for changes in the *Municipal Act*, and the *Municipal Act* was tweaked by a previous Yukon Party government to take into consideration some of our concerns — not so much was the act tweaked, but the regulations were.

I think that this is a great evolution. I think that in many cases we could have gone much further, but I also understand the reluctance, not only of government, but of the Association of Yukon Communities. I think the process that was followed here is very important — that we dealt with the Association of Yukon Communities and we dealt with them on a very positive basis.

I congratulate both the ministers who went before — now the Minister of Tourism and Culture, who spent a great deal of time and who initiated this final process that resulted in these, and I congratulate her. I didn't have the opportunity while I was president of AYC to deal with her in this capacity, but I am sure we would have gotten along absolutely wonderfully at that time.

I also congratulate the current minister for making sure that these have gone through — and, as he has heard me many, many times during debate in our own caucus, it doesn't go far enough, but it's a step in the evolution, and I appreciate that and I think I'll continue even after I leave this Legislature to petition government on behalf of all Yukon municipalities. Those are the municipalities that are closest to the people and

respond quickest to the people's requirements and needs, and people should be involved in those municipal governments.

Hon. Ms. Taylor: I would like to add my voice to the second reading of the *Municipal Act* — the bill before us, Bill No. 89.

I would first just like to congratulate the Association of Yukon Communities and all of its representative municipalities, local advisory councils and to the many Yukoners who contributed to the development of this legislation.

It has already been said, but it was an act that was introduced back in 1998 after Yukon-wide discussions and consultations. It's a very important piece of legislation, and it really governs and oversees the way that our municipalities operate in the territory.

We have seen a number of revisions to it — a couple of times in 2003 and in 2008. This review that was launched back in 2012 has led us to where we are today, to what we are debating in the Legislature.

When I think about municipalities, I always go back to my roots. My mother served as a councillor for the Town of Watson Lake for a number of years. I learned pretty quickly how integral her role was as a councillor in a smaller community in the Yukon. We often talk and we often reflect upon our own experiences as MLAs in this Legislature about how accessible MLAs are in our territory compared to other larger provinces in southern Canada.

Municipalities are really the foundation, the pillars, of our territory. The role of a councillor, the role of a municipal representative, is no small feat. They deal with everything from concerns with respect to snow removal practices to the conditions of our roads. They are also our first point of contact when tragedy hits a community. Their role is much more above and beyond what is predicated here within this statute that we are talking to today. I want to say thank you very much.

It wasn't that long ago that I had the honour to be able to attend the municipal gala on behalf of our Minister of Community Services. We have done that now a couple of times. It is a way for Yukon government, as elected officials — but also the officials, our community advisors, to all of the individuals who work in community affairs — to say thank you to those outgoing as well as individuals who may be seeking re-election — to say thank you for their years of service.

It is always interesting to see what has transpired over the past three years. I just go back to May 4, 2012. I was actually the Minister of Community Services at that time. I was in Dawson City and was joined by many of the members here in the Legislature. We gathered and we were at the Association of Yukon Communities AGM. They have their annual roundtable discussion, and it was at that time that I was really pleased to be able to speak to the progress that had been made under the guise of OTOF — “Our Towns, Our Future”. I would say that one of the more significant initiatives undertaken in recent years between the Yukon government

and our municipal governments is that of the “Our Towns, Our Future” review, which, I might add, has pretty much been implemented.

One of the key initiatives coming out of that particular initiative, “Our Towns, Our Future”, was that of the *Municipal Act*. OTOF is really a venue for jointly identifying priority areas for action and then tasking our officials to help find the way as to how we can implement those action priorities. The *Municipal Act* — which we were able to launch the review formally. I would like to just pay recognition to Bev Buckway, who was the president at that time, for her work and her leadership on this particular file as well. We were really pleased to announce that we were prepared to move forward with the review — this comprehensive review of Yukon's *Municipal Act*.

The *Municipal Act*, of course, was one of the top priorities coming from OTOF, and we were really excited to start with the official review.

The review, as we've already heard here today — and I don't want to be too redundant — was a comprehensive undertaking and was guided by the *Municipal Act* Review Committee comprised of representation from our government and from representatives from the Association of Yukon Communities. It really started — and it unfolded as the time went on — in a number of key phases, starting with taking stock, including some consultation and discussion with all the municipal councils, First Nations, Yukoners at large — again, for the purposes of identifying issues and priorities related to the legislation.

Consultation proceeded. The next phase saw those members of the committee tasked with really distilling the information received during that initial consultation, prioritizing the issues and reporting on the findings. Then, of course, here we are today with providing the actual legislative amendments themselves.

The *Municipal Act* provides a foundation for good local governance and, as such, a broad review such as what was undertaken was really a great opportunity for dialogue between citizens and our local governments to address a whole host of important matters to communities — important to the communities that we all work very hard to represent.

I want to congratulate the Department of Community Services, the Minister of Community Services, for their good work. The level of professionalism, the expertise that they bring and their skillsets in working with each of the municipal governments are second to none, and I have the utmost respect and gratitude for having talented individuals and having that skillset to be able to deal with such a depth and breadth of issues that each of our municipal governments find themselves working on and working on with their communities to represent their constituents as well.

The proposed amendments speak to a number of modifications made to increase the clarity in terms of simplifying, clarifying and making the act more functional.

I know that a lot has been said already in terms of changes as they refer to the actual elections themselves — the municipal elections, petitions, referendums, conflict of

interest, utilities, local governance, official community plans, to name but a few.

I would like to congratulate all of our newly elected and re-elected representatives throughout the territory. I have always enjoyed working with our mayors and councillors and working with our LACs over the years and working with the AYC to really address issues of ongoing importance.

When I think of my time as Community Services minister, we were also able to work on a new component of the Yukon fire services, providing structural fire protection and adding more capacity to our municipal governments to be able to deliver fire protection in addition to the increased investments through our own Fire Marshal's Office. We were able to also launch a new comprehensive municipal grant formula — a new program with new funding and one that was more equitable and more responsive to our municipal needs.

Of course we were able to also launch a solid waste working group to look at the issues that are so important, as we have been debating here today on the floor of the Legislature in Question Period and here in Committee of the Whole as well. There is no lack of issues — but also opportunities.

One thing that I have learned over the years working in this position is that we are very creative in how we are able to come up with solutions and be very creative in addressing those different priority areas. Those are just but a number of areas that I was really proud to be able to work on, and I know that the Minister of Justice — and now the current Minister of Community Services — is also continuing on that greater work in support of our municipal governments and working in partnership on infrastructure needs and training opportunities, and the list goes on.

I want to thank members again for their comments today and commend the bill before the House, and I thank again all of our officials and all the Yukoners who have really contributed to the successful development of this piece of legislation, one which I wholeheartedly support.

Motion for second reading of Bill No. 89 agreed to

Bill No. 92: Act to Amend the Travel for Medical Treatment Act — Second Reading

Clerk: Second reading, Bill No. 92, standing in the name of the Hon. Mr. Nixon.

Hon. Mr. Nixon: I move that Bill No. 92, entitled *Act to Amend the Travel for Medical Treatment Act*, be now read a second time.

Speaker: It has been moved by the Minister of Health and Social Services that Bill No. 92, entitled *Act to Amend the Travel for Medical Treatment Act* be now read a second time.

Hon. Mr. Nixon: It's certainly a pleasure to rise at second reading to introduce Bill No. 92, entitled *Act to Amend the Travel for Medical Treatment Act*. This bill supports our government's priority of good governance and practising open, accountable and fiscally responsible government. It also supports quality of life and caring for Yukoners.

The *Travel for Medical Treatment Act* has been law in the Yukon for decades. This piece of legislation allows the Government of Yukon to provide financial support for two types of medical travel: emergency medical transportation of all persons and pre-approved travel for Yukoners who require medical treatment away from their homes. This program plays a key role in the delivery of health care services.

The Department of Health and Social Services administers the program under the act. As many Yukoners will know, the program can pay for travel expenses, such as air medevac or ground ambulance in emergencies, scheduled flights for pre-approved travel and subsidies to assist with meals and accommodations at the place of treatment.

The bill proposed today aims to modernize this decades-old legislation and provide a new tool to recoup expenses incurred for non-Yukoners. The bill amends the *Travel for Medical Treatment Act* in the following three key areas: first, the bill provides clear authority for the emergency medical transportation of persons; secondly, the bill clarifies who has the authority to approve the payment of medical travel expenses for Yukoners and in what circumstances; and, finally, the bill provides a new tool to recover expenses, and this will be done by setting off amounts paid by the Government of Yukon for emergency medical travel for non-Yukoners against any income tax refunds that these individuals might be otherwise entitled to.

This bill is being amended to strengthen the legal authorities of the act and ensure services that are now being carried out in the regulations are clearly reflected in the act. This includes emergency transportation of non-insured persons. The current act only authorizes the emergency transportation of insured persons. These amendments will mean that Canadians non-resident to Yukon, or persons from other countries, will continue to have essential emergency medical transportation services provided to them. Such services are paid by another insurer or by the persons themselves.

The bill will also recognize the authority of those persons making the decisions for emergency transportation, such as the director of Insured Health, who is on call 24 hours a day, seven days a week, or the Community Services director of Yukon Emergency Medical Services, or a delegate.

Amendments to the act are also an opportunity to provide valuable education to Yukoners on emergency travel coverage and to raise awareness of the need for additional medical insurance. This includes persons taking a quick trip to Vancouver, Skagway or Atlin to being aware that they should consider the purchase of extra insurance to be sure they're covered for air medevac or ambulance fees when they are away.

It also means that persons going on an extended vacation or attending university, who are gone three months or more, should fill in a temporary absence form and inform Insured Health when they return to Yukon to ensure their enrolment in the Yukon health care insurance plan is still valid.

The bill amendments are also bringing the legislation up to date with practices in place that have occurred in the

evolution of the program. The bill recognizes the role that medical practitioners, nurse practitioners and registered nurses acting in expanded scope play in the application for travel outside medical services on behalf of an insured person. The bill will authorize these Yukon health care professionals to complete travel application forms on behalf of insured Yukon people and meet Yukon realities.

The bill will further enable the powers of the director of Insured Health. This position is involved in making travel decisions and reviewing travel authorization complaints. The position will now be recognized with the authority to approve all travel expenses and perform other functions and discharge duties assigned to the director in the regulations.

The bill will continue to maintain a review committee, but now on an as-needed basis. There are currently a number of checks and balances in the system that do not require a mandatory medical audit of travel applications. This includes an independent contracted physician medically reviewing applications from other health care professionals and the administration of eligibility criteria and benefits that are prescribed in the regulations.

The bill is being amended to strengthen the recovery options available to Yukon government. Over a four-year period, nearly \$100,000 was written off as bad debt for the emergency travel of Canadian residents. Having recovery provisions will provide Yukon government the ability to collect on amounts owing through the use of tools, including working with the Canadian Revenue Agency to withhold income tax returns amounts in the payment of such debt. This type of tool will bring Yukon in line with other jurisdictions in Canada and ensure Yukoners are not carrying the cost of non-insured debt. It will facilitate efficiencies in the system around debt collection. The bill will also ensure Yukon government does not pay for travel expenses that are already covered by another insurer.

This bill now more clearly lays out the benefits that are currently in the regulations, such as travel expenses for insured persons or escorts. The bill also recognizes discretionary travel benefits, such as compassionate travel and travel benefits for others. These benefits are now firmly anchored in the legislation. These discretionary benefits include the types of travel associated with organ donation, such as the case of a kidney donation from a living person to another, or having a parent travel due to a critically ill child receiving medical treatment outside of the territory.

Finally, the amendments to the bill include new definitions to enhance clarity and regulatory powers to further align the regulations with the legislation. Overall, the amendments being made to this act will provide for better legal authority, clarity, system efficiencies and alignment with evolved program practices.

I would certainly like to take the opportunity to thank all of those who were involved with the creation of the amendments to this act. I know a lot of hard work has been completed and I do thank those individuals involved.

On behalf of Yukon government, I commend this bill to the House and look forward to hearing from members opposite.

Ms. Stick: I will keep my comments brief. It is good to see that we are bringing forward legislation that recognizes the broadening of our health care professionals and their ability to authorize or complete applications for medical travel and expenses. I support that.

There are questions I will have to ask in the House, but I do want to thank the member opposite for his officials and the briefing they were able to give us. I think that is all I have, but I will save my questions for the Committee of the Whole and when the officials are here and can answer.

Mr. Silver: I will be brief as well. I am happy to rise today to speak on Bill No. 92, *Act to Amend the Travel for Medical Treatment Act*. Most of the changes are fairly straightforward and will provide clarity in the act for the administration of the medical travel program. The medical travel program is an important and crucial component to Yukon's medical care system. There are many benefits to being a Yukoner, but there are still services that we need from the south, obviously. The medical travel program is expensive, and I am supportive of the changes that will give the department more power to recoup expenses from private insurers and insurance firms when visitors need our services.

While I think that from an administrative perspective, these changes will help administer the program, one question that I do have for the minister is how this will streamline things for the patients, as they are the most important part of our health care system. I know there are changes to the definition of "escort", but how will this expand the availability of compassionate leave for many Yukoners who cannot travel with their loved ones? This and other questions are to come in Committee of the Whole debate. I look forward to discussing this bill further.

Motion for second reading of Bill No. 92 agreed to

Mr. Elias: 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 (Ms. McLeod): Committee of the Whole will now come to order. The matter before the Committee is Vote 3, Department of Education, in Bill No. 20, entitled *Second Appropriation Act, 2015-16*.

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: *Second Appropriation Act, 2015-16* — continued

Chair: The matter before the Committee is Vote 3, Department of Education, in Bill No. 20, entitled *Second Appropriation Act, 2015-16*.

Department of Education

Hon. Mr. Graham: Madam Chair, I am pleased to rise in the House today to speak about the Department of Education's first supplementary budget for 2015-16.

The department's focus continues to be on supporting success for each learner so that every Yukoner has the knowledge and skills to live a meaningful, productive and rewarding life. This supplementary budget request will support this government's continuing commitment to deliver accessible and quality programs to Yukon learners.

A total of \$1.287 million is requested for operation and maintenance of the Public Schools branch. The new collective agreement with the Yukon Teachers' Association, which we were pleased to conclude in the spring, will require a total of \$1.422 million for items such as wage increases, positive behaviour intervention support, parental leave benefits, principal and vice-principal allowances and professional development.

Also, to meet the increased demand for staff accommodation, \$15,000 has been requested — this is 100-percent recoverable from third parties. A decrease in demand for student boarding and accommodations in the 2015-16 school year resulted in a lapse of \$100,000. The local coordinator agreement for French for the Future is requesting an additional \$11,000 for that position. The local coordinator agreement is for \$11,000; the main estimates for 2015-16 included \$9,000 of that \$11,000, so these estimates will request an extra \$2,000 to make up the \$11,000 for the French for the Future coordinator.

To support the e-services initiatives begun by the Department of Education, it is requested that one FTE be transferred from the Department of Education to the Department of Highways and Public Works.

One of the first actions under the *YFN Joint Education Action Plan 2014 to 2024* with the Council of Yukon First Nations was to establish the First Nations Education Commission.

As I have said in the House previously, 13 out of 14 First Nations are represented by the commission. Advanced Education has supported the creation of the First Nations Education Commission by transferring \$30,000 to this initiative.

Advanced Education's O&M — first of all, the Department of Education Advanced Education branch offers programs to support Yukon's adult learners and workers who want to learn a trade, train for a new career, or pursue post-secondary studies. A total of \$144,000 for operation and maintenance is requested to support the Advanced Education branch.

At the present time, the Department of Education is conducting a review of the *Students Financial Assistance Act* and it sought input from current, former and future students, parents, First Nations, educational institutions and anyone else who is really interested. A revote of \$24,000 has been requested for this review and, as I said previously in the House, we hope to have a *What We Heard* document available very quickly. I'll be only too happy to table that in the House as soon as it is ready.

The Yukon government is also working with the Yukon literacy strategy working group to develop a strategy to address literacy for all Yukoners as lifelong learners from early learning and kindergarten to adult education; \$48,000 has been requested from the community trust fund for the Yukon literacy strategy.

Advanced Education continues to provide a range of programs for Yukon workers, which are targeted to meet the demands of job markets in this region. Partnering with the federal government through various agreements means that Advanced Education can offer an extended range of education, training and skill development opportunities for Yukoners. For example, the labour market development agreement supports programs that help EI-eligible, unemployed workers in the Yukon to find and maintain employment. There has been \$37,000 requested for the labour market development agreement, and that total amount is 100-percent recoverable from the Government of Canada.

Another suite of programs are under the Canada-Yukon job fund, which supports training for Yukon workers with greater involvement of Yukon employers in making training decisions. It includes the Canada-Yukon job grant, employer-sponsored training, employment services and support programs. For this fund, a one-time increase of \$51,000 to carry funding over to the new year and a one-time cash-flow adjustment of \$14,000 are requested, both of which are 100-percent recoverable from Canada.

We will get into Public Schools capital now. The Department of Education closely works with the Department of Highways and Public Works to coordinate facility construction and maintenance projects. A few of these projects are underway, one being the F.H. Collins Secondary School.

The school replacement, the operational equipment and the technical education wing redesign and renovation are all part of that project. The net overall request for the F.H. Collins Secondary School project is \$4.635 million. The substantial completion date was this year on August 31 and work is underway with operational equipment and furniture. I have promised the members opposite a tour on Tuesday or Wednesday of next week. As soon as that is arranged — the

exact time — I'll let members opposite know. Currently, furniture and equipment are being placed in the building. We have had a number of moving trucks over at the building, which is one of the reasons we didn't want to do too many tours at the present time.

A reallocation of \$75,000 is requested to begin the planning process for the new francophone secondary school. Site improvement upgrades around the territory are being undertaken and \$215,000 is requested for both playground equipment and to complete fuel tank replacements in a number of areas. As well, \$162,000 is requested as a revote for a number of schools to complete their school-initiated renovation projects and \$25,000 is requested again as a revote for the pilot project between the Yukon Energy Corporation, Yukon Electrical and the Yukon government for the installation of energy dashboards at Selkirk Elementary, Hidden Valley Elementary School, Holy Family Elementary School and Robert Service School in Dawson. Also, \$312,000 is again requested as a revote for schools to allocate to their equipment purchases during the school year.

As part of the new collective agreement with the Yukon Teachers' Association, we are requesting \$123,000 for school-based information technology to support Yukon's teaching staff in leasing tablets and laptops through a cost-shared arrangement with the Department of Education. As well, \$108,000 is requested, again as a revote, to replace the Wood Street Centre School van, as the delivery date for this van was delayed to May 2015.

These investments in education will help the department to continue to offer and develop its many programs that support Yukon students and learners of all ages in gaining the skills they need for lifelong success at work and in their communities.

Mr. Tredger: I welcome the official from the Department of Education back to the Legislature. Thank you for coming and helping us as we work through the supplementary budget, and I thank Minister Graham for his remarks and explanations of the supplementary requests.

I would like to reiterate and emphasize the importance of all the partners in education — the First Nation governments, the First Nations, parents, teachers and the Department of Education.

I would like to note the increasing role of Yukon College in public schools through the YNTEP program, the dual-credit programming and the research that they've been doing that has helped our educators, and the Science Adventures and programs like that which Yukon College offers and which have become an integral part of our school programming and help our teachers in the classrooms broaden their horizons.

I would also like to mention the increasing role that businesses, industry and small businesses are playing in our schools. Whether I'm in Mayo and attending a graduation ceremony where Victoria Gold or Alexco — or in Pelly, with Minto mine — is offering our graduates scholarships and rewards, or where Victoria Gold is developing with Na Cho Nyäk Dun cultural awareness programming that is offered to

their employees as well as in our schools — the stay-in-school initiative is well-supported.

I would like to recognize the Association of Professional Engineers for the work they've done with Science Adventures to bring us programming like bridge-building.

Stores in our communities support our schools and their fundraisers, like Selkirk Groceries or Tatchun Centre or the Mayo Bigway — and there are many more in Whitehorse. I notice I run into them increasingly in my communities and the schools that I visit there. I would like to acknowledge them as an ever-increasing partner in education, and I would like to recognize that and extend congratulations to our principals, to our schools and to the Department of Education for including them in our planning and our moving forward as a partner in education.

As I said, the *Education Act* envisions all partners working together in partnership, in cooperation and respect. It's important that we work together to support our teachers because a teacher-student relationship is of paramount importance. That is where education occurs and where we must direct our support, our resources and our energy.

As we look through the budget, I will be asking how much this will make a difference for our students, how it will improve their ability to learn successfully, and how it will help our parents and our teachers to work with our students. Research has shown us that the closer to that teacher-student interaction to the classroom decisions are made, the more effective and relevant those decisions are. We must ensure that decision-making relies on and is informed by and in response to teacher, school and community input.

The relationship with CYFN and the new committee that is working on programming are an example of that, and I thank the minister for pursuing that and following up on the memorandum. Too often we sign a memorandum of agreement and it sits on the shelf, and we're past that.

We need those memorandums to be enacted. My questions will revolve around that.

I note that the O&M request in our supplementary budget has increased by \$1.287 million. My question for the minister — he outlined a couple of the reasons for that. Has there been any reorganization or new programming to account for that increase? What impacts on the schools and the classrooms will that increase have?

Hon. Mr. Graham: To answer the member opposite, the simple answer is the whole amount of the supplementary request could be explained by the increase brought about by the collective agreement signing with the Yukon Teachers' Association. Then it is offset by a number of other things.

I will make a comment with respect to a couple of other things that the member opposite said too. First of all, I have to introduce you to my official who is here. Cyndy Dekuysscher is the director of Finance and Administration at the Department of Education. She has been there for a number of years, and I have found her to be absolutely wonderful at the job. She and I disagree on a number of things, but basically I have won most of the arguments.

I think one of the comments that the member opposite made that struck home with me, and it is one of the real reasons that our new deputy minister, Judith Arnold — I guess she is not quite so new now — was selected for the job is her attitude that agrees with mine — that the more people in the department who understand the school system, how schools operate and how teachers operate in the classroom, the better off we are. Too often in the past — and not in the recent past so much as in the distant past — you stocked the Department of Education with people who didn't have a huge amount of experience in the classroom or in the school as an administrator, and so decisions were made at the department level that really had no application to the school itself.

One of the things that we are really attempting to do as we fill positions throughout the department — and I know we have a few that are vacant — is to stock them with people who really understand the school system, understand what happens in a classroom and understand what is necessary to assist teachers in the classroom. One of the easy ways that we can demonstrate this is the fact that Judith, with my full and unqualified approval, has indicated that all consultants who work in special areas — assessing students, working with students — whether they are educational assistants or special education people — should spend the vast majority of their time in the schools. We realize it means a lot of travel for these people and it is a hardship on their family, but we also believe that the problems aren't in the Department of Education — the problems with special education and issues such as that. They are actually in the schools, and those people have to be in the schools helping to resolve some of those issues, helping to create educational plans and all those other things that are essential for children to be successful in school. I was glad to hear the member's comments in that area.

The \$1.422 million for the Yukon Teachers' Association collective agreement was split among a number of different areas: \$785,000 went straight to salary increases; \$279,000 went to maternity benefits; \$225,000 is for the positive behaviour intervention support process. That's something that has been negotiated between the department and the YTA, and it's to work with children in the classroom to enhance the behaviour of students in the classrooms themselves, so the intervention support program had a price tag of \$225,000. The respectful workplace office training amounted to \$50,000 in the collective agreement; \$43,000 was for a management compensation allowance; \$16,000 went to the health and safety committee allowance; \$15,000 went for professional development; \$7,000 was for principal and vice-principal allowances — and I know the member opposite will probably agree with a member of my family that those principal and vice-principal allowances that hadn't changed in 15 years should have been up long before this, but we're making progress — and \$2,000 went for the Carcross community allowance.

Those are the numbers that make up the \$1.422 million for the Yukon Teachers' Association collective agreement. The rest are just basically in-and-outs. They are revotes and they're small amounts here and there, but we can go through

them as you wish. Until you indicate a specific amount that you're interested in, I can't really give you how each one will impact the classroom, but I hope that's mostly what the member opposite needed.

Mr. Tredger: I thank the minister for that and for some of his comments. I would say that the school-department relationship is very important, and it's important that the department know what's going on in the schools and the schools know what's going on in the departments.

In the past, the superintendents have attempted to fill that role — sometimes more successfully than others, depending on how many demands are being put on their time by the department and how much time they have in the schools. I would encourage the minister to look at ways to ensure that the superintendents do get time in the schools so they can become an advocate for those schools within the department, and also for the department within those schools and act as an intermediary, as a window both ways, and have the authority within the department to say to principals, "Yes, I understand and I will go forth and see what it is that you need" or to be able to say, "This is why we can't provide it."

It's a long-standing dilemma and, as the minister knows, if you come in on Monday morning and your desk is like this — or piled up high — it's hard to get away from the desk and get out to reach out to the people. Principals have the same problem in their schools when they have a lot of work on their desk, but they know they want to be in the classrooms or with the kids. It's the same for superintendents — so anything that the minister and the department can do to get superintendents into the school — it has been a long-standing request from the Yukon Association of School Administrators.

On that note and to follow up with what the minister said about bringing school personnel or school-experienced personnel into the department, I would like to congratulate the department for bringing in the previous head of the Yukon Association of School Administrators into the special programs position. I am sure that she will, having just recently been in a school and knowing the challenges — it augurs well with his quest. Sometimes, as the minister alluded to, the members of the Department of Education can get isolated from what is happening in the schools and that is renewed, so thank you for that — which brings me to my next question around special programs.

We have heard various reports. Statistics are showing us that the number of special needs kids, the number of people with diagnosed problems, is skyrocketing. I know the Minister of Health and Social Services mentioned that the number of identified autism cases has increased tremendously. This is putting a tremendous strain on our classrooms and on our teachers.

What I hear from many schools is that, when they have a problem, they are met with a request for more paperwork. I know I brought it up last year, and I am wondering if the minister has made any progress on our ability to work with the schools and speed up the response when there is a situation where our students need support and help — so that they can get it at the beginning rather than one, two, three or five

months later when patterns have been established and barriers have been erected and, quite frankly, the school is worn down in their efforts to meet the needs of not only the students with special needs, but all of the students, because it has a multiplying effect, a ripple effect upon the classrooms.

I would ask the minister: What efforts have been made to move away from a statistical analysis and a paperwork analysis to something that is more responsive and more immediate for our schools?

Hon. Mr. Graham: I will refer to the discussion we had last year about student learning plans as opposed to individual education plans and how the two plans differed. I think that this was something that was implemented only in the last year or two, because, up until that time, we did not have a system-wide process for identifying students with learning disabilities and how to implement the IEP process.

Under the act, certain procedures have to be followed before it's determined that a student has a special education need and they should have an IEP developed — or even that an IEP is appropriate for the student. For example, the student must be referred to the department to determine whether any psychological assessments or other specialized tests should be performed. That, as the member opposite probably is well aware, is one of the big holdups in the whole process. We're trying to speed up the process, but there's no doubt that there is a process set out in the act that we have to follow.

What I can tell members is that the overall allocation for paraprofessional staff in the schools for 2015-16 has increased dramatically from 2014-15. In fact, in 2014-15 we had slightly more than 183 FTEs in paraprofessional positions around the territory. This year we have 218, so this was a 35-FTE increase within the two years. Many of those were allocated to the primary grades. As I indicated to the members opposite, one of my priorities was to ensure that the primary grades were the ones that received paraprofessional support. By that I mean educational assistants, primarily, although remedial tutors are in there as well — but that the primary grades receive some of that support.

The early intervention pilot project also was allocated seven EAs.

We're attempting to strengthen the supports for students with special needs, but as for the process of identifying those students and coming up with an IEP or a student learning plan, the process hasn't gotten any quicker, but what we hope to do is have the resources available, primarily for psychological testing. That seems to be the biggest single holdup. We hope to have those resources available in the department in the next budget year.

Mr. Tredger: One of the critical times is when students transition into kindergarten into our K to 4 programs. Has there been any headway made in how we manage to set up our classrooms in a way that can accommodate students who have perhaps come in undiagnosed and are, in some cases, not ready for kindergarten or not ready for learning? In the past, sometimes it has taken until October, November or December to get help to those students. We've looked at perhaps having

every kindergarten class and every grade 1 class having an EA in it just to handle those kinds of situations.

If we wait until October, a lot of times, as I said earlier, patterns have been set and sometimes those patterns can be pretty devastating for the classroom, the teacher, other students in the classroom and the student involved.

If there's any update there, I would appreciate that.

Hon. Mr. Graham: I know from my time in Health and Social Services that the Child Development Centre and the evaluations that they are doing of pre-kindergarten students is absolutely invaluable to the Department of Education, because many children with learning disabilities are diagnosed by CDC and they come into the system with supports already in place.

I know the member opposite is talking about the other ones — the ones who don't have those diagnoses in place and haven't received the assistance that probably they needed prior to coming. That's part of the early intervention program. We've set it up on a three-year basis. This is the first year — this year. After three years, we'll be doing an evaluation to see if the program is actually working. This is the pilot program where we're putting those EAs specifically in those kindergarten years in an attempt to identify children with learning disabilities and be able to assist them.

I know that the member opposite has had this discussion with the former president of the ASA, as have I. If a student loses ground or fails to meet the educational learning objectives in their first three years, the chance that they'll catch up in the next nine is almost nil. That's why we put those resources into the kindergarten to grade 3 system with this early intervention project.

If this project works as I hope it does, then this is something that should be done with every single classroom in the territory in the future.

Mr. Tredger: I thank the minister for that and encourage him to work with YTA and the teachers involved to ensure that transition from home to school is as smooth as possible, and note that CDC is responsible for students up to K to 4 but, once they hit K to 5, they become part of the public system — and help to ensure that transition as well. Sometimes the funding or the assistance that CDC is able to provide is not always maintained as the student moves into kindergarten and grade 1.

I've become aware of an increasing — and this is not necessarily only in education, but certainly it has affected us in education — stress leave and stress-related illnesses. The well-being of our teachers and our teaching force, and the toll that is taking on teachers and staff — does the department have statistics to show whether or not stress-related leave is increasing or decreasing within our workforce? Do we have a management program in place to help teachers in what can be a very stressful and challenging environment at times?

I speak as an educator myself. There are days when life in the Legislature looks pretty good when you are used to facing 15 or 20 kids. It can be very challenging and it can take a real toll on the teachers' well-being. Is the department aware of any statistics, and do we have any workplace management in

place? I know we have the — pardon my memory here — workplace well-being. I cannot remember the exact name for it — but a workplace plan. How is that working, what are the results from that and how well has it been received?

Hon. Mr. Graham: I am sorry, but I don't have any statistics in that area. On the previous subject, what I will do is make sure that the member opposite gets a copy of the plan for the early intervention program. I will make sure you get an outline of the plan that we have implemented in the pilot project. Just so you are aware, at the time of evaluation, we will keep everyone up to date. As far as the number of teachers who are currently on stress leave, we don't have any of those statistics. We believe that they will be primarily through the Public Service Commission. We don't have any statistics with the employee assistance program either. We just do not.

On a separate topic, this one segues quite nicely into the temporary teachers. It is one of the reasons that so many temporary teachers are going past the one year or two years — it is because of people being away either for stress leave or the various other leaves that are available to instructors. It is a concern to us, there is no doubt. If we have any statistics or programs that we are not aware of, we will make sure that we will provide them.

Mr. Tredger: I thank the minister for that. I guess what might be helpful is if we could see if there are any trends — whether it is increasing and if it is, then we can start to make plans and put programming in place to ensure that our teachers are receiving the assistance and support that they need in a timely manner. It would be nice to identify what the triggers might be so that we can respond before they end up having to take stress leave and go from there.

I did want to talk a little bit further to that about a report that was done in 2007 by the YTA called *How Safe are Our Educators?* At that time it was pretty eye-opening and it was also a very shocking report — the amount of violence that happens in our schools. I know that the YTA is having a publicity program about violence in schools and how to account for that.

I know it also has been addressed through collective bargaining and the collective bargaining agreement. It was in the last collective bargaining agreement as well, and it seemed to drop by the wayside until right toward the end, when some of the commitments had started to be acted on. I believe that was about the time you assumed your position.

Under-reporting is, and has, and continues to be a problem. What efforts is the minister making to engage the YTA with follow-up on documentation so that we can get a trend line, and also whether or not we will have a report on the incidence of violence in our schools? How much reporting has been done about violent incidents? How are we managing the under-reporting and the reluctance to bring that forward and to ensure that our teachers and the students in the classroom who are affected, who observe and who are part of the violence receive the support and follow-up they need, so that the trauma has as little effect as possible and that we are able to deal with some of that?

Hon. Mr. Graham: The positive behaviour intervention support program that was negotiated as part of the collective agreement with the Yukon Teachers' Association is something I believe in quite strongly. I believe we report all incidents of violence in the classroom or we share that information with the YTA, but we are going to make sure of that. As far as statistics that go back, I don't know if the department has those statistics. If we do, and if we are able to share them, I will be only too happy to do that. I just don't know at this time. I will take this opportunity, Madam Chair, to assure the members opposite that if I have those statistics, I will make them available.

Mr. Tredger: I realize it is an ongoing challenge as we move to accepting that. As I mentioned, the under-reporting is a real challenge because, for whatever reason, teachers are sometimes reluctant and students are sometimes reluctant to report it, so it may reflect on their ability to manage a class or to handle unforeseen circumstances. Any efforts that the minister can make would be appreciated.

I would like to move on to busing. We had a change in our busing contract over the summer. My question for the minister is: What prompted the change in the busing contract? How has the new busing contract affected the budget and are there any safety or logistical concerns arising from the changeover?

Hon. Mr. Graham: We did have some difficulties with the previous contractor. There were some safety concerns and things that perhaps weren't done as quickly as they should have been done, such as getting criminal records checks for bus drivers. There were a number of other issues as well and we spent two years working with that busing company to try to work out those difficulties. We simply were unable to work out all of the difficulties and the company did agree with us that some of the problems were insurmountable.

So we agreed this summer that we would go with another company to provide a service. We were able to negotiate with that company, fortunately, to take over the contract in early August. On July 6 of this year, we did provide 30 days' notice of intent to terminate the bus contract with Watson Lake Bus Lines, operating as Takhini Transport. It then became apparent, as I said, that we needed someone else. In August, the department reached a tentative agreement with Standard Bus Contracting to provide bus services for Yukon students, and the contract was finalized and signed on August 27.

The additional funding required for the bus contract was around \$250,000 a year over the next three years, because we did extend the three-year original term, so it is slightly more expensive. The very good news to report is that the number of complaints and incidents this September is down to almost nothing, and we've had a very positive response from school councils and from parents about the new bus line, so we're looking forward to those improvements carrying through for the rest of the contract.

The rough number is \$250,000 a year, but if we can refine that, we'll get it for you.

Mr. Tredger: School principals are responsible for the safety of students from pickup to drop-off. We've been

hearing stories of unsafe conditions and mechanical problems, as well as some of the things that the minister mentioned, for nearly two years. How did these conditions persist for nearly two years before the department acted? Why wouldn't the concerns have been heard or acted on sooner? Has an analysis been done of that situation? How will it be monitored in the future? How are we going to be able to ensure that the safety standards of the new bus company and those expected by parents and school personnel, according to what the minister is telling me, have improved immensely? Has an analysis been done as to what happened, why it happened, how we're going to monitor it and ensure that it doesn't happen in the future?

Hon. Mr. Graham: It's a complicated answer that I'm going to give, I guess, because I can't say that, you know — well, we couldn't legally terminate the contract any sooner than we did without substantial risk of a lawsuit.

The approach that the department took and that I took when I became minister was that we work with the contractor as hard as we can to ensure that all of the safety requirements and all of the other things that are built into that contract have been done. I think it's really important that, anytime we're working with a contractor — especially when we're talking about this kind of money, over \$10 million over three years — we want to make that we're getting value for money, first of all, and that we're not inappropriately terminating a Yukon contractor, forcing them to then sue us and both of us spend a lot of money on lawyers that would be better spent improving the system.

I guess it may have seemed like a long time that we were waiting but, throughout that whole time, the department was working with the contractor, trying to improve the services, trying to meet the terms of the agreement, and it was only when that became extremely difficult to do that we entered into any kind of negotiations with respect to terminating contracts.

We even went so far as to enter into a contract with another local business here in Whitehorse to perform safety audits on the buses that were being employed. We were doing other things as we were working with the contractor. In one community in particular, we had a bus driver who didn't have a criminal records check and we had an educational assistant ride on that bus every day to ensure the safety of the students, so there were other things that were happening at the same time. We just didn't think that it was appropriate to terminate the contract before we worked diligently to make sure that we were simply not able to work with the contractor any further.

Mr. Tredger: I thank the minister and the department for working hard in this area. I understand it is a complicated situation. I did hear stories of mechanical concerns as well as other safety concerns, and although it's difficult in many ways, the safety of our children is of paramount importance. I thank the minister for acting when he did. I hope that something is put in place and it becomes a little more black and white so it isn't a two-year process — so that if there are unsafe conditions, conditions that would lead to the termination of a contract, it doesn't take us two years to do that.

One of the things that came out of a community policing request was for dash cameras to be placed on school buses. I know the minister has received a letter to that effect. I'm wondering if there has been anything done with that or whether the minister is contemplating putting dash cameras on the school buses for the safety of the driver, the students and all involved.

Hon. Mr. Graham: Probably the member opposite heard it from the same individual as I did, and that individual proceeded then to send me an e-mail. What we're doing is — the department will be working with the Information and Privacy Commissioner among others to make sure that it's legal and appropriate for us to implement cameras in our buses. With the new ATIPP regulations and the processes that we have to follow, we have to make sure that we are not in contravention of any of those things, so we will be working with them.

One of the other suggestions that probably the same individual made is that the dash cameras can be used at the same time to catch licence plates of people who pass school buses while they are stopped and either picking up or dropping off kids. There were two different functions that they felt that the dash cameras should be able to fulfill. We are looking at it. It is not something that we are going to do right away, but we realize that, in some instances, they could be very helpful. We will have an answer for you before September of next year because that is when they probably would be implemented.

Mr. Tredger: Perhaps you will have an answer by the time next year's budget comes out, because there will be a cost to them.

I want to move on to something that the Premier and the minister have been talking about and, I believe, held a conference on and have been talking to various individuals about. This is a new vision for education.

My question for the minister is: How does this new vision differ from the *Education Act* review, from education reform, from *Together Today for Our Children Tomorrow*? I see there is a common thread through all of the reports and things that have been done. In the *Education Act* review, which was completed in 2005, I believe, there were 153 recommendations. Education reform had a number of areas, each one of them having recommendations. Can the minister tell me how many of the *Education Act* review's 153 recommendations have been acted on? How many have been fulfilled before we begin another visioning exercise?

Hon. Mr. Graham: It was an interesting meeting that we had — our first meeting — a couple of weeks ago. I had the pleasure of speaking to a whole host of people who were there — representatives from all across the territory from communities, school councils, parents, teachers, school principals and First Nations. There was a wide variety of people there, and we outlined what we saw as part of our new vision for education. What I said at that time, and what the Premier said at that time, was that this wasn't time for a new report. This was time for these things to be implemented. What we hope to do is work very hard at implementing the

recommendations or the work that we will achieve through these consultations with stakeholders. One of the comments received from a number of the small working groups that were together all around the room that day was that this is not the time to go back and consolidate all of the information that was done previously. We know what was done previously — and this is not me saying this. These were people who were involved in the sessions themselves, and what we want to do is keep our eye on our goal and work toward that goal as quickly as we can.

If we have information, such as the member opposite has asked for, I'll make sure that I get it. I'm not aware of it at this time, and perhaps that's something I should be aware of. If we have any information or any statistics such as that, I'll get them and make sure I provide them to the member.

Mr. Tredger: It's fine to be working on a new vision and say that we're going to implement it, but I haven't seen anything concrete. I have seen no criteria, no itemization of what we are working on, and that's why I refer back to what previous reports and previous incarnations of new visions of the time have come up with.

I look back to the amount of time and energy that we as a territory put into the original *Education Act*, into the *Education Act* review, into education reform — there are some common themes that are in all of them. I agree with the minister that, sitting in a meeting of people excited and talking about education is very informative and it is exciting, but what we draw from that and where we go — it's fine to say we're going to implement it, but I haven't seen anything. A four-hour meeting or an afternoon meeting, informative as it is — what do we draw from that?

By way of stepping back, I looked at the education reform. Key recommendations — in the introduction, they talked about four things. Those four things seemed to resonate not only in *Together Today for Our Children Tomorrow*, but in the *Education Act*, in the *Education Act* review, in the education reform and any other studies that have been done, coming out of conversations with local First Nations as well as with CYFN.

I'll just read to you what they suggested, and I wonder if the minister could respond and say whether or not those have been met or whether or not they will be part of the new implementation. What vision are we implementing? That'll be my next question, but right now the education reform project team identified four areas that would be essential to meet these goals. They're talking about the goals of the education reform project: (1) a workable and inclusive model of public school governance; (2) the decentralization of decision-making and the empowerment of school councils and communities; (3) a strategy to address aboriginal language revitalization and retention; and (4) initiatives to address the social and community aspects of Yukoners' educational needs.

That formed a background for their many recommendations. We moved into — the Yukon Party moved us into New Horizons. New Horizons had a number of objectives. I am wondering whether those objectives have

been met. Finally, what I would like to hear from the minister is — I agree we have to move to implementation of this new vision. What is the new vision and what are we going to be implementing?

Hon. Mr. Graham: Again, a *What We Heard* document will be ready in the very near future. It will encompass all of the things that we heard at the opening of the new vision workshop.

It is interesting when the member opposite came up with those four principles, because some of those things are being done right now; the first of which is education councils or governance. We included all of the education councils, or at least their representatives, in the new vision meeting. We included all First Nations, so it was as inclusive as we could possible get to make decisions going forward with the Education department.

I think we have some objectives here. One of the objectives is to close the gap between aboriginal and non-aboriginal, rural and urban students — those are two of the objectives, I guess — but it is also to make sure that students in the system today, when they graduate, they graduate with something they can be proud of and that means something. Yesterday I spoke to the Opportunities North conference and, as I said today, at this time there is only one pathway to success in our school system and that is to graduate from high school. There are several different ways you can graduate, but the only way you can show success is graduation. For 20 years at the college, I have had students come to the college and to admissions — as the gatekeeper of the college — they would say: "I graduated and I now want to start in the Yukon Native Teacher Education Program." When you looked at their graduation and saw what they had taken, you had to tell them — and sometimes it would absolutely break your heart to tell these students that were so enthusiastic and so looking forward to starting a university program — "I am sorry, you are going to have to start back at a grade 9 or 10 level, because the courses you took were not adequate to get you into a program here." With all of those students, we did admissions testing before we let them into any program.

Over the years, the college has managed to change some of those things, so a person may only have grade 10 or 11 English and we allow them to upgrade their English skills at the same time they are taking courses in the program they want to be in, so we have managed to work out ways that students can be involved.

My vision of education is that students will have a variety of different pathways, so if they want to get into a trades program, they will understand at a very young age what is required. Today, what students still don't realize is that to get into any trade program, the absolute basic education you need is grade 10 academic math; not Math 10X and not Math 10A, or not a modified math, but academic math. To get into some of the tougher trades — the electrical or the industrial electrical; those kinds of programs — you need grade 12 math.

Those are the kinds of things we want to make sure students are aware of so we're going to improve counselling

in schools. Those are the things that we're trying to do now as we speak. We want to improve the coordination between the college and high schools to ensure that students are more aware, high school teachers are more aware and high school counsellors are more aware as well. We want to be able to take the load off of high school counsellors from both dealing with social and personal problems and educational problems to try to give them one set of issues to deal with and have another group over here that will deal with others.

Those are things that we're talking about with the advisory groups because we don't want to rush off and say, "Oh, this is what we're doing," because then we'll be doing exactly what we've been accused of all this time, which is implementing things without talking with our partners.

This is the vision we have. Where do you think we can tweak it? What do you think is right? What do you think is wrong? It's one of the reasons why I talked with the rural students in Dawson City and the urban students here in Whitehorse and asked about what is working in the system right now. What works for them when they ask for counselling for emotional, social or personal problems or for academic advice? What works? What doesn't work? They were very clear to me what worked and what didn't work. In fact, as I said, if we really want to hear what works and what doesn't work for students, we want to get a bunch of 16, 17-year-olds in the classroom without any teachers around and without any authority figures there and ask them questions. They were more than happy to tell me. That also will be part of the new vision report when we put it on the website. In fact, some of those are available right now, aren't they?

Members can go to the website and see the videos that were made by the students at both the urban and rural meetings and see what some of those students had to say. I know parents will be surprised and I know some educators will be surprised.

The one thing that agrees with everything we both said here today — and I know that the Member for Klondike will agree with this — is that the single biggest difference in a student's life, whether it's high school or grade school or whatever, is the teacher. If they have a teacher who is engaged, who is interesting, who has a sense of humour, they will learn. They will come to school and they will stay in school. They say too many teachers — and this is the students' words, not mine — "too many teachers are simply there to earn a pension and they don't care about us." So that to me was a very, very important point.

We're also implementing — one of the other things that we're discussing with the planning committee is the implementation of career planning right from the earliest grades through to grade 12. We think it's absolutely essential.

Again, my vision of education on an ongoing basis in this territory will allow students to select a vocational path, if that is what they want — a trades and tech path, if that is what they want — or an academic path. We also want to make sure that, if the student changes their mind halfway through the process, that the pathways to get back and forth are there so that it is very clear that, if you decide you want to become a

tradesperson and then, halfway through that program you decide, "My goodness, I really enjoy this. I think I would sooner be an engineer in the same trade, but I want to be an engineer" — we want to make sure that the pathways are clear and that they are there and that students have options and that it is also relevant to Yukon.

The grade 10 unit in social studies on residential schools — as I said yesterday at the Opportunities North conference, and I have probably said here a number of times too — it is only the first in a number of steps that we will be doing to ensure that students understand what happened within the residential school era. We want to make sure too that it is relevant to the grade level. The introduction was grade 10. That is probably not relevant to grade 2, 3 or 4. We want to make sure that students throughout our school system here in the territory learn about that era and understand. We also want to make sure that they are able to take advantage of the rich cultural heritage of our First Nations, and that they are able to do things during their school time that enable them to experience that life, to learn about the cultural and on-the-land experiences that we think every kid in the territory should know.

I think I also said yesterday that it is also very important to us that — I will stop there and, if you have any other questions, I would be happy to go on. I could go on forever.

Mr. Tredger: Why I am wondering is — everything that the minister has said has been part of previous reports and part of previous recommendations. As a school system, there are multiple pathways to graduation and there are options. We have been working very hard to make sure there was a trades option and a university-g geared option. We are struggling with the fact that, when the minister and I went through school, you could leave in grade 10 and get into an electrical trade or something. That is no longer possible. The rigour and the requirements are very similar all the way along.

The multiple pathways — I am not sure what the minister is referring to and how that would change. I agree with the need for more counselling — both social and career counselling — and that should be built in, and part of our curriculum is to deal with that. We need to re-emphasize it and maybe the new visioning is maybe re-emphasizing some of the things that we have been working on for a long time, but I haven't seen anything substantial. We will get a *What We Heard* document, and I thank you very much for that. We have heard it all before. We have heard it many times before. We have heard it in different ways.

I get a sense from educators — and from members of the community sometimes — that there's a bit of a new vision fatigue. I agree with the minister's sentiment that we need to move to implementation and we need to start looking, setting targets and setting goals. We've been trying to deal with the gap between rural and urban, between First Nation and non-First Nation students for a long time. It's time to set some targets on that.

Let's make it our goal. Let's ensure that within five years, this happens; within 10 years, this happens; within one year, this happens — so that we have some benchmarks. Then we

can see that, if we are making it, great, and then let's keep on the path. If we're not, what do we need to do? Do we need more resources? Do we need to change our direction? What do we need to do? But let's set some benchmarks, let's set some goals that we're going to go toward, and let's set them in — out of the many visions that we have had and with our communities. I agree that's important and I congratulate the minister for holding the conferences and checking back with people. That should be an ongoing exercise. It's not new in education. It's an exercise that we continually embark on.

The concern from educators and the concern from parents is that, in our effort to move forward, sometimes we forget what's working already. We need to emphasize that there are things that are working. We need to set benchmarks and move forward with that.

I would ask the minister then — we're going to get a *What We Heard* document. It was an afternoon as well as some time that the minister spent talking to students — and, I assume, to school councils individually and the general public. I guess I'm looking for a timeline. When would we get the *What We Heard* document and when will we see what we discern from the *What We Heard* document? What are our targets going to be? What are our goals going to be? What is this new vision going to mean?

It's fine to have a vision that we're going to have more counselling, we're going to close the gap and we're going to have graduates who are proud of what they get, but we need something concrete. We need some goals, some targets. We need to assess what the risks are, what's happening, what's working and what's not, and how we go forward.

I think it is important that we look at the conclusions and the recommendations of past reports, and that we consider that and move forward. I guess I'm looking for a timeline from the minister.

Hon. Mr. Graham: We're working on some of these projects even now — where something like the REM program that's operating now will probably be expanded. It was something that students in the rural schools really felt was a great plus for them, but they also warned us that we shouldn't try to do everything by distance education because nothing replaces that teacher in the classroom, so we have to make those kinds of decisions.

You should get the *What We Heard* document — I spoke briefly with Cyndy here and they are attempting to compile all of the information. You have to remember that there were a number of different tables, all being asked a number of different questions, so for us to compile all of that information from the different tables — I believe there were 17 tables — and to compile all of that information and get it on the website is time-consuming. As soon as that is done, we will then prepare another “where we go from here”.

I know we will have in there some positive steps and some timelines, so you will know. What we hope to do is have funding in the 2016-17 budget to carry out some of these initiatives and we will proceed from there. Already in the department we have reallocated a little bit of funding and that is how we were able to start the early intervention program

with the seven EAs, which required some additional funding that we were able to reallocate within the department itself. We will continue to do some of those things, but we will be looking at the 2016-17 budget to further move along this path.

Mr. Tredger: I thank the minister for that and I look forward to seeing what the vision is.

I heard from a number of schools within the city and in rural areas that it's becoming increasingly difficult to get substitute teachers. In fact, a number of schools operated without substitute teachers during classroom time. I know that the department in the city has embarked on a central callout system. Has there been any analysis done as to why there is a substitute teacher shortage in the city? How has the new central callout system worked? One of the concerns that I heard from city schools or Whitehorse schools is that, with the central callout system, they were losing the ability to identify teachers who are familiar with the school or who are familiar with the grade or the programming so that they could ensure some continuity.

With the rural schools, I have heard concerns about increased expectations in terms of criminal records checks and delays around that — a delay in communication from the department to the schools in terms of okaying certain people and getting them on to the sub lists so that they can be rehired — and that led to real concerns, especially in September. I understand some of them are being ironed out now and it's starting to get better, but we are now two or three months into the school season. I wonder if there has been any analysis of how that has changed and how it has affected a school's ability to match on-call teachers with the needs of the school and to ensure that schools, especially in our rural area, have access to substitute teachers. Any analysis and suggestions on that would help.

Hon. Mr. Graham: I think the member opposite hit on all of the high points. We are having difficulties. The automated system — EasyConnect — was first piloted in Robert Service School in Dawson City. I am not so sure, as you probably are, that it works well in the rural communities, but when school administrators were polled and brought together, school administrators did agree that EasyConnect was the best system to go with. I am not sure that they got adequate training in the process, so the administrators and people using that system were given some additional training already. Other school administrators are doing additional training at the present time.

The system did go live this fall, but one of the problems we are facing is that we are now emphasizing the requirement for things like criminal records checks. We want to check to ensure that the person is qualified to teach, so some of that documentation is not being provided in time. In fact, I know there is at least one, two or three teachers in the system right now in the territory who were supposed to have all their documentation completed by now and it hasn't been — or by November 1, and it hasn't been.

The department is then in a dilemma. Do we tell them that they have to leave the classroom after they've been there for a couple of months, or do we do like we did with the bus

system — we work with what we have and try to get them through the process?

I think it's fair to say that some of the retired teachers are not really happy with having to go through that process again. If they're out of the school, they need an up-to-date criminal records check and they don't see the need and, in some cases, I agree with them; however, it's a requirement. So for the safety of the kids, which is paramount in our minds, these things have to be completed.

I know we had a difficult time with substitutes at the beginning of the year. I think we've kind of overcome it now, but our HR unit is also looking at going out and doing some additional advertising, making sure that people realize some of the steps they'll have to go through in order to become substitute teachers in the territory.

I'm hoping this is an anomaly that will go away fairly quickly. I'm not sure I'm right, but we're hoping that it's an anomaly that we'll be able to overcome fairly quickly. I have to tell you the EasyConnect system seems to be reducing the amount of time that administrative staff spends on calling substitutes, so once fully implemented, I think it'll be a great assistance to schools around the territory.

Mr. Tredger: I know that substitute teachers remain a concern in rural areas, especially if they don't have a body of qualified people with B.Eds to fulfill that. Some work on that would be — some analysis and some time spent on that to ensure that the qualified people are in the classrooms.

I am wondering if the minister can give me an update. We are moving from YSIS to another form of reporting. I know there have been some concerns about the same system that we are now buying into in British Columbia. I read a couple of articles on that. I am wondering where we are on that — whether there's any feedback from British Columbia, which instituted it earlier — whether we are still having trouble in terms of technology and having the IT capabilities of those kinds of connections, so we don't see the "wheel of death" any more. If the minister could give me a report on that, I would appreciate it.

Hon. Mr. Graham: I fully agree with the member opposite. Every time I see a new computer system, I shudder. I went through a full change at the college and I know how much fun that was. The new system, Aspen, has been implemented — you are right — and I will get you a full written report for the next time. I will get a written report as quickly as possible and we will get it for you.

Madam Chair, seeing the time, I move that you report progress.

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

Are you agreed?

Motion agreed to

Mr. Elias: I move that the Speaker do now resume the Chair.

Chair: It has been moved by Mr. Elias 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

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 20, entitled *Second Appropriation Act, 2015-16*, 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.

Mr. Elias: 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. Monday.

The House adjourned at 5:26 p.m.