



# Yukon Legislative Assembly

---

Number 241

1st Session

33rd Legislature

---

## HANSARD

Tuesday, December 1, 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
<b>Hon. Darrell Pasloski</b>	Mountainview	<b>Premier</b> Minister responsible for Finance; Executive Council Office
<b>Hon. Elaine Taylor</b>	Whitehorse West	Deputy Premier Minister responsible for Tourism and Culture; Women's Directorate; French Language Services Directorate
<b>Hon. Brad Cathers</b>	Lake Laberge	Minister responsible for Justice; Yukon Development Corporation/ Yukon Energy Corporation
<b>Hon. Doug Graham</b>	Porter Creek North	Minister responsible for Education
<b>Hon. Scott Kent</b>	Riverdale North	Minister responsible for Energy, Mines and Resources; Highways and Public Works
<b>Hon. Currie Dixon</b>	Copperbelt North	Minister responsible for Community Services; Public Service Commission
<b>Hon. Wade Istchenko</b>	Kluane	Minister responsible for Environment
<b>Hon. Mike Nixon</b>	Porter Creek South	Minister responsible for Health and Social Services; Workers' Compensation Health and Safety Board
<b>Hon. Stacey Hassard</b>	Pelly-Nisutlin	Minister responsible for Economic Development; Yukon Housing Corporation; Yukon Liquor Corporation

## GOVERNMENT PRIVATE MEMBERS

### Yukon Party

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

## OPPOSITION MEMBERS

### New Democratic Party

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

### Liberal Party

<b>Sandy Silver</b>	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  
Tuesday, December 1, 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 at this time with the Order Paper.

Tributes.

## TRIBUTES

### In recognition of World AIDS Day

**Hon. Mr. Nixon:** Thank you, Mr. Speaker. I rise in the House today in honour of World AIDS Day held each year on December 1 to commemorate those who have passed on and to raise awareness about AIDS and the global spread of the HIV virus.

The theme for this year's World AIDS Day is "Getting to zero" which stands for zero new HIV infections, zero discrimination and zero AIDS-related deaths.

The human immunodeficiency virus, or HIV, targets the immune system and weakens people's defence systems against infections and some types of cancer. As the virus destroys and impairs the function of immune cells, infected individuals gradually become immunodeficient. Immunodeficiency results in increased susceptibility to a wide range of infections and diseases that people with healthy immune systems can fight off.

According to the World Health Organization, there were almost 37 million people worldwide living with HIV at the end of 2014. Of these, two million people became newly infected in 2014 globally. On a national scale, an estimated 75,500 Canadians were living with HIV and an estimated 2,570 new HIV infections occurred in 2014. This is a staggering percentage, and is another example of the need to constantly educate the public on how the virus is spread and encourage testing.

In Yukon, between 2006 and 2013, 11 cases of HIV were identified. Our incidence rate is estimated at 4.5 cases per 100,000 of the population, which is less than the national average of 7.2 per 100,000. While we're happy with our numbers — that they are lower than the Canadian average — we cannot stop our work.

HIV can be transmitted via the exchange of a variety of bodily fluids from infected individuals such as blood, breast milk or secretions exchanged during intimate relations. Individuals cannot become infected through ordinary day-to-day contact, such as kissing, hugging, shaking hands or sharing personal objects, such as food or water. Twenty-one percent of HIV-positive Canadians don't know their status.

The earlier HIV is diagnosed, the better chance of living a long and healthy life. Today a diagnosis of HIV is not a death sentence, but good education, awareness and supports are all

things that can contribute to a good life. We are fortunate to have local organizations that provide education, awareness and support to citizens with HIV and AIDS.

Blood Ties Four Directions, formerly AIDS Yukon Alliance, began in 1988 under Health and Social Services as part of the family life education program. Twenty-seven years on, it works closely in partnership with the Yukon Communicable Disease Control to continue this good work. I would like to thank them for their hard work in our community.

I would also like to take a moment to ask all members in the Assembly today to join me in welcoming the executive director for Blood Ties, Patricia Bacon, to the gallery. Let's all take a moment today to remember those who have died and to raise awareness about AIDS and HIV in our community.

*Applause*

**Ms. Stick:** Today is World AIDS Day and the theme is "Getting to zero", as mentioned by my colleague — zero new infections, zero AIDS-related death, and zero discrimination. These are the goals of the Yukon Blood Ties Four Directions. These are the goals of the UNAIDS strategy. It is a worldwide goal and a commitment to keep fighting for the 34 million who live every day with HIV and AIDS.

There is another group in the Yukon and globally who are also impacted and fighting for their rights, and that is grandmothers. Here in the Yukon we have a dedicated group, Grandmothers to Grandmothers, that raises money to support grandmothers who have been left with the task of raising their grandchildren because the parents have died from AIDS. Some of these grandchildren are infected with HIV.

This year, grandmothers in Uganda — supported in solidarity by delegates from around the world, including Canada — came together to discuss, debate, renew commitment and find new-found resolve to keep moving the grandmothers' agenda forward. The Ugandan grandmothers' statement comes from this gathering, and I would like to read parts of it, Mr. Speaker, because it emphasizes the importance of "Getting to zero" — and I quote: "We, 500 grandmothers from every region in Uganda, have come together for three days in Entebbe for the first ever National Grandmothers' Gathering. We are celebrating our triumphs over the devastation that HIV and AIDS has wrought: over the painful losses of our loved ones, over stigma and discrimination, and over the threat to our very survival. Our love and labour has sown the seeds of new hope for our grandchildren, our families and our communities.

"We have done our part. We care for the sick, we work the land, we hold our collective memory, and fueled by our love we raise the next generations, provide food, schooling, homes and security.

"For far too long we have not been counted, we have not been valued, we have been made invisible. It is time for our contributions to be recognized and our rights to be protected.

"We are 500 grandmothers here today, but we represent millions more. We are not young, but we are strong. We want the world to know how much we have achieved and how

much we have overcome. We have breath to sing and energy to dance. We are moving forward! Join us!”

So I want to thank, Mr. Speaker, those organizations that work hard to get us to zero: Yukon’s Blood Ties Four Directions and Grandmothers to Grandmothers around the world.

**Mr. Silver:** Thank you, Mr. Speaker. I rise today on behalf of the Liberal caucus to also acknowledge and pay tribute to World AIDS Day. It is held on December 1 each year and is an opportunity for people worldwide to unite in the fight against HIV, to show their support for people living with HIV and to commemorate people who have died.

World AIDS Day was the first-ever global health date and it was held for the first time in 1988. Now, Mr. Speaker, globally, there is an estimated 34 million people who have the virus. Despite the virus only being identified in 1984, more than 35 million people have died of HIV or AIDS, making it one of the most destructive pandemics in history. We owe a debt of gratitude to Blood Ties Four Directions for all of their hard work over the years.

We are also, Mr. Speaker, marking Aboriginal AIDS Awareness Week from November 30 to December 5. Aboriginal AIDS Awareness Week is an opportunity to increase awareness and knowledge about HIV/AIDS, establish ongoing prevention and education programs in aboriginal communities, address common attitudes that may interfere with prevention, care or treatment activities, and reduce HIV/AIDS-related stigma and discrimination.

Mr. Speaker, Canada’s aboriginal people make up a highly disproportionate amount of those affected with HIV and AIDS. Despite making up only four percent of Canada’s total population, they make up a full nine percent of those living with HIV in Canada.

World AIDS Day is an opportunity to reflect on progress that we have made in combatting this epidemic. Treatment has improved and life expectancies are much higher than they were in the 1980s, but there is still no cure. Unfortunately, so many of those who suffer live in the world’s poorest communities and the poorest countries, and they do not have access to the right treatments. We, as Canadians, have an important leadership role to play in helping to ease the burden on countries that do not have the resources that we do in combatting the disease.

Let us all recommit to addressing awareness, funding research and, ultimately, ensuring that we create an environment so that those with HIV are not as reluctant to disclose the virus. “Getting to zero”, this year’s theme, reminds us that there is much more work to be done.

### **In recognition of the Dawson City rural experiential model**

**Hon. Mr. Graham:** Thank you, Mr. Speaker. I rise today to pay tribute to another successful rural experiential model held in Dawson City this last September.

For the third year in a row, Robert Service School in Dawson hosted students in grades 10 to 12 and educators from

rural schools for a rural experiential model. The rural experiential model, or REM, is one of the Department of Education’s initiatives under the rural equity action plan, which aims to address the gap in achievement between rural and Whitehorse students by offering more diverse options and support for local school programs.

The REM provides an intensive week of learning and teaching in fine arts and applied skills. Students get to work together in large groups, practising new skills with rural teachers and local experts, and learning about Yukon First Nation culture and traditions on the land. Students choose a main workshop for their daytime sessions and can choose from a variety of activities each evening. The choices vary from ancestral technologies on the land, hair and esthetics, First Nation art, design and carving, mining, sports, crafts, music, hiking, movies and more.

I had the opportunity this year to visit the rural experiential model and was very impressed with the program. Students were excited. They were engaged and focused on their classes. Whether they were dissecting a beaver, paddling the river, styling hair mannequins or framing a shed, they seemed to enjoy themselves immensely.

The staff and instructors went far beyond to deliver remarkable learning opportunities for their sessions. To give you an example, Mr. Mitch Bruce of Tantalus School led the robotics session at this rural experiential model. He created this course to teach students to use robotic sensors and 3D printing to create lab equipment, which they can use then to perform experiments. These experiments can then become part of a science curriculum in the classroom and can be used for science fair projects.

Supported in part by a Department of Education innovation grant, Mr. Bruce is now exploring how to delivery this inquiry-based science course on the Moodle platform, which Yukon schools use as part of their blended learning model. This means that even more students and schools would be able to access this remarkable learning opportunity for robotics.

I would also like to thank the social media project class and the staff who loaned a hand in developing a short video of a sit-down session I had with rural students about education in the territory. I encourage everyone to watch this video, and the video of what students also said here in Whitehorse. They are both posted to the new vision pages of the Department of Education website, and they are very interesting to look at. The students had thoughtful, important things to say about school programs, including the rural experiential model.

The success of the REM is basically thanks to the dedication and efforts of many terrific teachers, administrators and Department of Education support staff who worked together to create a program that engages students and offers opportunities for students and staff to connect with peers and colleagues in other rural communities.

I had an interesting opportunity in the robotics classroom to see an instructor from another school, taking the robotics course, along with the students themselves so that he would be better prepared to assist students in this class in the future. It’s

that kind of dedication that makes the REM such a wonderful model.

I would like to thank the community in Dawson City for hosting this initiative for the third year.

**Mr. Silver:** I rise on behalf of the Liberal Party and the Official Opposition to also pay tribute to the rural experiential model, or REM, which took place in Dawson City at Robert Service School in September. I want to begin by thanking Elder Angie Joseph Rear for the opening prayer for the event. That was a prayer of hope — hope for educators to open their hearts to the many different ways that northern students learn. By all accounts, that is exactly what the REM is all about.

This was the third REM session to be held in Dawson, but there was also a successful session that was held in the spring in Watson Lake. There were approximately 100 students, Mr. Speaker, from across rural Yukon and a total of eight different schools learning from a list of 14 different options, including archery, the gold rush — past, present and future — mountain biking, fiddling, robotics, and much, much more. I witnessed the students making the most of their time with experts, teachers and Tr'ondëk Hwëch'in elders, who were also part of the programming.

This was a very special week for Yukon students. It was certainly a different set-up from the regular school environment, and it proved to be a fantastic chance for people to meet others from other Yukon communities and to even get school credits for the different activities completed that week. The goal of the REM was to present to the students a dynamic way of delivering a specialized program that promotes student engagement and success.

I want to thank the many coordinators of the week's events for all of their hard work that went into preparing and welcoming so many young people to the community of Dawson. I want to especially thank Ms. Liz Woods. Ms. Woods was my colleague at Robert Service School, teaching the high school science program before being seconded to the department. She was instrumental in the implementation of the week's events, and it was absolutely wonderful to see her back in Dawson, engaging with students.

Mr. Speaker, the REM is about trying new things. It is a chance to dip your toe into something and you never know what will come out of it. Hobbies and interests become skills and experiences that can lead to a lifetime of enjoyment and to becoming a larger part of their community at the same time. I know that many of the students in Dawson that week made personal connections and commitments to new skills that will absolutely change their lives.

**Speaker:** Introduction of visitors.

Are there any returns or documents for tabling?

## TABLING RETURNS AND DOCUMENTS

**Mr. Barr:** I have for tabling the document, *Advancing Democracy: Yukon's Pioneering Legislation*, by André Carrel.

**Speaker:** Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

## NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to invite representatives from Yukon's youth organizations to a conversation about improving government youth program supports, including but not limited to core funding options for non-profit service providers.

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

THAT this House urges the Government of Yukon to support a more sustainable Yukon by following through on its commitment to amend the *Environment Act* regulations by:

(a) increasing deposits on refundable beverage containers, and

(b) establishing environmental fees for electronics and other products.

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

THAT this House congratulates the incoming provincial Liberal government in Newfoundland and Labrador.

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

This then brings us to Question Period.

## QUESTION PERIOD

### Question re: Energy projects

**Ms. Hanson:** Thank you, Mr. Speaker. Late last week, the Yukon Development Corporation hosted its third technical workshop on next generation hydro.

To many Yukoners' relief, one of the reports presented shows that a portfolio of renewables — including wind, solar, smaller hydro and one pumped storage hydro project — could meet Yukon's energy demand at roughly the same cost as the megahydro project proposed by the Yukon Party government.

Midgard Consulting was hired to analyze various options. They found that not one of the scenarios is clearly superior over the others.

Does the government now accept that investing in a portfolio of diverse renewable energies is a viable option to meet Yukon's energy needs?

**Hon. Mr. Cathers:** Mr. Speaker, as the member is not acknowledging in her preamble — in fact, we have invested in various areas of renewable energy across the spectrum, including the investments in Mayo B, the investments in the Aishihik third turbine, investments in exploring solar and wind, and work is being done by Yukon Energy exploring a range of options within their 20-year planning horizon as part of their requirements to provide a 20-year resource plan to the Yukon Utilities Board.

As well, Yukon Development Corporation, along with their consultant, has been compiling information and sharing

it with Yukoners to help all Yukoners — and the Yukon government, Yukon First Nations and the boards of both Yukon Development Corporation and Yukon Energy Corporation — make informed decisions about Yukon's energy supply options for the next 20 years and for the next 50 years.

**Ms. Hanson:** If only. In energy charrettes dating back to 2011, Yukoners have advocated for the development of diverse renewable energies that can both displace unnecessary reliance on fossil fuels for things like space heating and add to Yukon's overall capacity to meet future demand.

A portfolio of diverse renewables is exactly what Yukoners have been calling for — for years. Background studies and pilot projects have already laid the groundwork for renewables in Yukon. Mr. Speaker, every year, green and renewable energies are becoming more effective and less expensive and are creating opportunities for more local jobs.

Will the government increase investment toward meeting Yukon's energy needs through a combination of diverse renewable energy projects?

**Hon. Mr. Cathers:** I would encourage the Leader of the Official Opposition to read the report and the information presented to the workshop, because some of her comments and conclusions about cost comparisons would suggest that she has not actually read that information. I believe some of the key information is on page 17 of the workshop handout that was handed out to participants.

In fact, while work has been done to explore a variety of energy supply options, contrary to what the member had noted, the costs for moving forward with purely renewables — small-scale renewables, I should say — have to date come in higher than next generation hydro and also would in fact result in a greater footprint on the environment than large-scale hydro. But again, all of this work is important planning work that is being done by Yukon Development Corporation. It is about providing the Yukon government, Yukon First Nation governments and all Yukon citizens with the ability to make informed decisions about Yukon's energy future.

We are continuing to explore a next generation hydro option because the evidence to date has shown that moving forward with large-scale hydro at some point in time is valuable to Yukon's future, and we are doing that work necessary to develop the pathway in concert with the First Nations and in partnership with the First Nations to provide for the needs of Yukoners for generations to come.

**Ms. Hanson:** Thank you, Mr. Speaker. In fact, the minister may recall that Midgard Consulting was tasked to conduct a high-level analysis, which, by definition, does not drill down into details. For example, financing is not discussed, nor is a price on carbon, though both of these are going to be critical factors 20 years from now when these projects are meant to begin.

The government has indicated its preference for one large megaproject. It would take a long time and be very expensive to build. During construction, Yukon's energy needs will still need to be met. This means that the day the megadam is ready to come online, it will be redundant power.

Does the government admit that there are more financing and partnership possibilities with a diverse portfolio of renewable energies and that capacity could be brought online more gradually to match demand without overbuilding?

**Hon. Mr. Pasloski:** Thank you, Mr. Speaker. For many years, governments from all three parties have built infrastructure really in reaction to growth. This government wants to create infrastructure in anticipation of growth, Mr. Speaker. This is a government that has a long-term vision for the success and prosperity of this territory, and that is why we are moving ahead with a new hydro project, Mr. Speaker. We are very proud that this territory now — of all the electricity that is consumed, 95 percent of it comes from renewables.

I note that Alberta's new plan sets their goal for energy consumption to be 30-percent renewables and Saskatchewan plans to hit 50 percent by 2030, Mr. Speaker. We're at 95 percent, but what is more important is that we're not looking at tomorrow; we're looking and getting ready for the future, Mr. Speaker, ensuring that we have in place all that we can do so that, as our economy turns and as we continue to grow, we offer the best chance for prosperity in the long term for all Yukoners.

#### **Question re: Erik Nielsen Whitehorse International Airport maintenance**

**Ms. Moorcroft:** Mr. Speaker, last week when I raised questions about the project to replace the Whitehorse International Airport runway apron panels, the minister acknowledged that there were problems. When I asked who was responsible, the minister blamed the contractor for the deficiencies.

It has come to our attention that early in the project, the contractor told the Government of Yukon that ground and sub-base conditions, including seasonal permafrost underneath the apron, could cause problems. The contractor halted work because they were concerned that the ground would shift and crack the panels after the project was finished. After raising these concerns to the government and giving them an opportunity to correct them, the government told the contractor to go ahead with the work regardless.

Mr. Speaker, why did the Government of Yukon tell the contractor to continue pouring concrete for the runway apron panels even after the contractor had raised concerns about the ground conditions and the sub-base?

**Hon. Mr. Kent:** Thank you very much, Mr. Speaker.

As with most of the projects that we undertake, it's not unusual for there to be deficiencies on them and it is common practice for the Yukon government to work with contractors to remedy those deficiencies at the end of the project. As part of our fiscal responsibility to the territory, contracting and procurement decisions and actions are made as appropriate to the circumstances. As I've mentioned on a number of occasions, we are in negotiations with the bonding company right now to determine how best to address the deficiencies. Once those discussions are concluded, we will determine how best to fix the deficiencies.

Just as a point of clarification from yesterday, after meeting with HPW officials, it was brought to my attention that there actually is no Transport Canada report on the panel project, as suggested by the Member for Copperbelt South, so I would look for further clarification from her with respect to that particular issue. I just wanted to bring that to the attention of the House.

**Ms. Moorcroft:** Mr. Speaker, I would like to ask the minister why the government would not address deficiencies before, rather than after, the fact. The issues with the ground conditions underneath the panels were made clear to the government. In fact, the last time the apron panels were replaced, a different contractor raised these exact same concerns.

The current contractor stopped the project and told the government that they were not confident that the sub-base would be stable enough to pour the concrete apron panels on. Because of his concerns, the contractor said that the Yukon government had provided him a warranty disclaimer to protect him from liability. Knowing this, the government decided to go ahead with the project, and now they are trying to hang it on the contractor.

Mr. Speaker, why did the department go ahead with work that they knew could be deficient, against the recommendations of the contractor working on the ground?

**Hon. Mr. Kent:** Thank you very much, Mr. Speaker. As a government, we rely on the expertise of those officials who work, in this case, within our Transportation Engineering branch to work with the contractors, as I mentioned, with respect to the deficiencies on the panel project at the airport. We're in negotiations with the bonding company right now to determine how best to address those deficiencies. Once those discussions are concluded, we'll determine how best to fix them. Again, this is a process that's put in place so that we can come to a fair and balanced conclusion with the contracting community. It has happened in other cases on other projects, and this is the process that's determined.

Again, the officials who are in the Transportation Engineering branch — I have full confidence in the work they do on a day-to-day basis on behalf of Yukon taxpayers, and Mr. Speaker, that's who we're looking out for — Yukon taxpayers — when it comes to the investments we make in these projects to ensure that, if the deficiencies are not our responsibility, the appropriate party pays for those deficiencies.

**Ms. Moorcroft:** Mr. Speaker, this wasn't just another case of a capital project mismanagement that we have come to expect from this government. It's a case of the government being told the runway apron panel project would be deficient, and then telling the contractor to do it anyway. What is apparent is that the government should have addressed the problem when it was identified and should not have pushed the contractor to go ahead.

Now we have a runway apron that is deficient due to ground conditions, and below the concrete apron itself. The ground issues must be addressed before the runway apron can

be fixed, but it is sitting underneath nearly two feet of poured concrete.

Mr. Speaker, why does this government wait to address deficiencies in the airport runway apron panels that the contractor was told to complete when they had highlighted their concerns about the stability of the ground?

**Hon. Mr. Kent:** Thank you very much, Mr. Speaker. As I mentioned previously, we have professional public servants who monitor these projects for us. We have professional engineers within the Transportation Engineering branch who put together these tenders and monitor these tenders. Sometimes there are third-party contractors that are hired to project-manage for us as well.

Again, as I mentioned, we are in negotiations with the bonding company right now to determine how best to address those deficiencies. Once those discussions are concluded, we'll determine how best to fix the deficiencies. Again, just to follow up, perhaps we'll have an opportunity later on today in Highways and Public Works debate for the member opposite to clarify which Transport Canada report she has been referring to for the past couple of Question Periods when she has raised this issue. According to my officials, there is no report that exists on the panel project.

#### **Question re: Continuing care facilities**

**Mr. Silver:** With little to no public consultation, the Yukon Party decided midway through its term in office to build a 300-bed continuing care facility. Shortly after it was announced, the government backed away from that commitment and said it was really going to be a 150-bed facility. The project is now in the middle of being tendered. It is my understanding that the facility is being designed with an expansion to 300 beds still in mind. The heating system, for example, will be designed that way — the kitchen and even the parking. The decision to proceed this way means extra costs and it also ties the hands of future governments when it comes to where any new beds will be built.

Can the minister confirm that the building is being designed so that it can be expanded to 300 beds?

**Hon. Mr. Pasloski:** What I can confirm is that either the NDP or Liberals would cancel this project. I can confirm that a project that has been described by health care professionals — by nurses and doctors — as desperately needed; a project that will create many, many jobs for Yukoners at a time when the economy is not performing at its best and great opportunities for young tradespeople to gain apprenticeship hours. This is an important project for Yukoners. Those two parties would simply cancel this project. We're moving ahead with this project.

**Mr. Silver:** Mr. Speaker, the Premier failed to answer the question. The Yukon Party decision to build a warehouse in Whitehorse means that all continuing care beds in the foreseeable future will be in this one facility. The design of this new facility guarantees that. Now this is very disappointing to watch this government make all the big decisions before talking to the public about what it wants.

Fortunately, there is still time to fix this misstep. Just this week, the Province of Alberta made a decision to move a new continuing care facility being built in Alberta. The situation is very similar to ours. The previous government decided to put it out of town, and seniors and residents wanted to be consulted before that decision was made. The government listened. Our project is not as advanced as the one in Fort McMurray — no construction contracts have been signed.

Will the government consult with the public about what type of facility and what location our continuing care facility will be?

**Hon. Mr. Pasloski:** Maybe the leader of the Liberal Party has not been to Whistle Bend. I don't think Whistle Bend is out of town, Mr. Speaker.

Again, what we do know is that the Liberals and the NDP would cancel this project — a project that we have heard doctors and nurses say is desperately needed. I have had seniors tell me that those people on the other side of the House should get down off of their pulpit and maybe go help some of those family members and caregivers who are struggling to look after people now in their homes, waiting for a facility like this to be built. The need is there; the assessment has been done. We will build this because it is important to Yukoners.

**Mr. Silver:** The crux of the conversation here is that the Government of Alberta listened to what the public was saying. The Yukon Party government should try doing that as well instead of continuing with the “father knows best” approach. When it comes to making decisions, the government has an opportunity to address concerns being raised. I am urging them to take this opportunity, but it sounds like they're not interested.

I'll move on. I have asked for some time what the price tag for this project will be. The government repeatedly refused to put that number on the public record. At a briefing this spring, the officials from the department confirmed the estimate for 150 beds at \$159 million. Can the minister confirm that this is indeed the price tag that the government is working with?

**Hon. Mr. Pasloski:** Mr. Speaker, after four years the Leader of the Liberal Party still doesn't understand how the contracting will work. We will soon be announcing who the successful bidder will be. At that time, the plans will move forward.

Mr. Speaker, again, this is a party that looks at the long-term vision for this territory, as we are with the hospital, by creating additional space for future hospital beds, as well as the Emergency expansion. We will do the same with the long-term care facility — a home for people who require an extensive amount of nursing care.

Sadly, the opposition still doesn't understand that this is not a seniors residence; this is a health facility that is a home for people who require a high level of care or specialized care. We will continue to move forward with this project that is desperately needed. It's an opportunity for people who work right now in long-term care for advancement in their careers by opening this facility as well.

This is important for seniors who need the care. This is important for jobs in our local economy and this is important for career advancement for people who work now as government employees, as health care professionals in our facilities that we have.

I take offence to the word “warehouse” and the public record will know that both leaders have called it a warehouse. They are comparing Copper Ridge Place, Thomson Centre and Macaulay Lodge to warehouses. We disagree.

#### **Question re: Palliative care program**

**Ms. Stick:** Thank you, Mr. Speaker. Yukon's palliative care unit or resource team was established using some federal funding. This money was earmarked for making our health system more responsive and improving community-level access to services like palliative care. Federal funding ended in 2014, yet Yukoners are still waiting for northern-focused, community-level access to palliative care beds.

In 2006, this Yukon Party government promised voters they would reopen palliative care beds in the specially designed Thomson Centre. In 2012, again there was talk of opening a palliative care unit at the centre.

Mr. Speaker, Yukoners have waited over 10 years for strategic community-based palliative care framework and services. When will this government act on these promises?

**Hon. Mr. Nixon:** Thank you, Mr. Speaker. I would certainly thank the member opposite. Palliative care is something that we do pay a great deal of attention to in the territory in working with the three hospitals and continuing care facilities. We certainly look forward to the construction and completion of the Whistle Bend continuing care facility. Palliative care will be a great part of that facility, along with mental health and dementia — providing that higher level of care to those individuals who require that palliative care is very important to this government.

As I indicated, we look forward to continuing on with the good work that has been done in the territory and the expansion of that program within the continuing care facility in Whistle Bend.

**Ms. Stick:** Thank you, Mr. Speaker. In 2012, the clinical services plan says — I quote: “Options for a palliative care framework are anticipated in the spring of 2014...”

The minister has not taken action on the long-awaited palliative care framework. He has pulled out the talking point for palliative care — this time the Whistle Bend continuing care facility. Mr. Speaker, the palliative care framework should recommend more than a 12-bed palliative pod in the Whistle Bend facility, but with no consultations and no real plan in sight, there is no way to be sure what the missing framework contains — nearly a year after it was initially due.

Mr. Speaker, will the minister tell us when this government will release the palliative care framework?

**Hon. Mr. Nixon:** Thank you, Mr. Speaker. Certainly as members will fully appreciate, Yukon's population is aging and more Yukoners choose to retire here than they did in the past. We know under the former Liberal and NDP governments, people were leaving the territory. With this



Yukon Party in power, we see more seniors staying here, more people staying in the territory and returning to the territory. The palliative care resource team was established in 2008 under the territorial health access fund or THAF. That has continued to receive increases in referrals every year. This fiscal year, permanent funding has been assigned to support this team's ongoing work.

As I indicated in my former response, unlike the members opposite, we do look forward to the construction and completion of the continuing care facility in Whistle Bend. In that, will be a palliative care unit — something that this government believes is important to invest in.

**Ms. Stick:** Thank you, Mr. Speaker. In the spring of 2014 when the palliative care framework was initially due, the former minister said that a draft framework document had been completed and presented to stakeholders. Revisions were made and consultations began. The former minister said — and I quote: "Once the framework document is ready, we will announce it and table it in the Legislature".

Mr. Speaker, we're still waiting. In the meantime, the minister's current plan is to move palliative care patients and families away from familiar surroundings, away from emergency care and away from 24-hour pharmacy access.

Mr. Speaker, does this minister expect Yukoners to be satisfied with this government's approach to palliative care that has produced no new palliative care beds or a plan after 10 years?

**Hon. Mr. Nixon:** Thank you, Mr. Speaker, unlike the members opposite, we believe in creating those new beds, whether it be in the hospitals, in the hospital expansion, the Dawson the Watson Lake hospitals, or whether it be in the new continuing care facility that we believe is a great investment for all Yukoners.

Mr. Speaker, the palliative care resource team that the member opposite alluded to supports care in all Yukon settings that provide palliative care services, including community nursing, acute care hospitals and continuing care facilities as well as home care and First Nation health programs. The team includes a nurse, a social worker, a community liaison coordinator and a contract physician.

Also, Mr. Speaker, this year, Health and Social Services has provided \$220,000 in funding for Hospice Yukon Society to purchase the house where the services have been provided for the last 17 years. We don't need to go very far to look at the record of the members opposite in voting down those investments.

So we'll continue on with the investments in the community, whether in the hospitals or in the new continuing care facility in Whistle Bend. We do believe that this is a good investment.

#### **Question re: Tree removal and brush clearing in Tagish**

**Mr. Barr:** Mr. Speaker, government workers are headed to Tagish today to fell trees around culs-de-sac in the community's country residential subdivisions. Community members are up in arms about this decision. They were never

asked about this plan and what makes it all the more troubling is the fact that residents only found out yesterday that the trees were coming down. Country residential homes are prized because of their location away from the hustle of urbanized spaces. Trees are an important part of that atmosphere.

My question is simple: Why did the government fail to consult Tagish residents before deciding to cut down the trees around their properties?

**Hon. Mr. Kent:** Thank you very much, Mr. Speaker.

Annual brush clearing and tree removal from our roads is an operational decision that's conducted in Highways and Public Works. The department engages in this brush clearing and tree removal that typically takes place in the fall across the territory to prepare for winter snowfall.

With respect to the culs-de-sac in the Taku subdivision at Tagish, the cutting and clearing is necessary to help prepare for winter by freeing up areas for snow storage and providing safe turnarounds for our snow-clearing equipment. If we were to get a heavy snowfall year, Mr. Speaker, of course it's important for emergency vehicles to be able to access those culs-de-sac and the residents who are there.

That said, Mr. Speaker — just to respond to the member's question — I know we've discussed aspects such as the Dawson ferry, as well as BST, and I'm always endeavouring in the Department of Highways and Public Works to improve our communications. We continue to do so and take the member's question under advisement as we continue this annual brush clearing and tree removal in different areas of the Yukon.

**Mr. Barr:** Mr. Speaker, governments of all stripes are responsible for acting in the interest of the people who they represent. The Tagish residents whose homes are affected by the government's decision to cut down these trees are frustrated because the government did not consult them and did not even warn them that it was happening. The government needs to take a step back from its plan and listen to the community before it moves forward.

Mr. Speaker, will the minister responsible for the decision to cut these trees stop work on the project until they can meet with affected Tagish residents and hear their concerns?

**Hon. Mr. Kent:** Thank you very much, Mr. Speaker. As I mentioned, this is an operational activity that takes place on an annual basis. We're continually clearing brush and removing trees from different areas of the Yukon. I believe this took place in a different part of the member's riding last year.

Again, what it's designed to do is allow our crews to be able to remove snow more quickly and proficiently, enhancing the ability of emergency vehicles to have clear access throughout the year. The cutting and clearing is necessary to help prepare for winter by freeing up areas, as well, for snow storage and providing safe turnarounds for our snow-clearing equipment.

As this is very much an operational issue and a safety issue, we will be proceeding with this work. Again, that said, we're constantly looking for ways to address and improve our communications and we'll take the member's question under

advisement as we continue to make our roads safer. Going forward, we'll look for different ways to engage with constituents and Yukoners throughout the territory.

**Question re: Hunting regulations**

**Ms. White:** Thank you, Mr. Speaker. According to the government's big game harvest statistics, non-resident hunters have more rights to harvest Yukon sheep and goats than resident hunters. Of the 15 goats harvested, 12 went to non-residents and, of the 236 sheep harvested, 140 went to non-residents.

Mr. Speaker, how did the government determine that the majority of these highly prized animals should go to non-resident hunters, which stakeholders were consulted, which policies were followed, and are the policies publicly available?

**Hon. Mr. Istchenko:** All resident and non-resident hunters are bound by the same rules respecting the use of the meat from big game species. Our Yukon *Wildlife Act* prohibits wasting fur from wolves, coyotes, wolverines and bears and wasting meat from all other big game species. The Yukon big game outfitters and guides are responsible for ensuring that their clients' hunting activities comply with the Yukon hunting laws.

Mr. Speaker, the member opposite's question is a good question. We've seen in the media lately rate change proposals moving forward. We work with the Yukon Fish and Wildlife Management Board, the affected First Nations and affected renewable resources councils when it comes to any animals that we have issues we need to work on.

**Ms. White:** The seal fees for the very highly prized goat and sheep are \$10 apiece. Mr. Speaker, seal fees in the Yukon are some of the lowest across Canada and there is general concern that these low fees may undervalue Yukon wildlife.

In the latest round of *Wildlife Act* regulations changes, there is a proposal for moose and caribou seal fees to increase from \$5 to \$10 apiece. This increase is proposed for licensed hunters. In other words, it treats non-resident trophy hunters the same as local folks hunting for food. There is no proposal to increase the seal fees for sheep or goats.

Will the government consider increasing the seal fees for non-resident trophy hunters of Yukon sheep and goats to better reflect the value of these animals and to dedicate more funds to conserving sheep, goats and their habitats?

**Hon. Mr. Istchenko:** We do respect the process. The Yukon Fish and Wildlife Management Board regularly invites governments, First Nations, wildlife associations and the public to submit proposals to amend regulations under the *Wildlife Act* and federal Yukon Territory fisheries regulations.

Proposals can be made by any person or any group. This year's proposals — the Department of Environment; there's one from a renewable resource council; a local First Nation has a proposal; the Whitehorse Archery Club has one; the Yukon Fish and Game Association has one. This will all be done through the great work of the Yukon Fish and Wildlife

Management Board, through public consultation, and we look forward to seeing the outcome.

**Ms. White:** The minister still hasn't explained why non-resident hunters are treated so much differently from resident hunters. Effective management of Yukon's sheep, goats and their habitats depends on accurate data. There was a sheep summit in Vancouver in April 2014, and a Yukoner in attendance reported that — and I quote: "When outfitters release numbers of wild sheep to the government, they become public information. For hunting purposes, it is best to keep the numbers to yourself." Yet, at a recent meeting hosted by the Yukon Fish and Wildlife Management Board, attendees learned that information about outfitters' hunts is proprietary. That means it's protected by ATIPP.

Mr. Speaker, will the government ensure that it gets full and accurate data about sheep populations necessary to develop an effective management strategy, or does the government believe that outfitters need to keep this data secret?

**Hon. Mr. Istchenko:** The annual regulation review process is led by the Yukon Fish and Wildlife Management Board and is an effective way to engage with our First Nations, our renewable resource councils, fish and wildlife harvest associations and the public. Anyone can make a regulation change proposal. If the member opposite would like to make a regulation change proposal, she can also do so.

Our regulation change proposals are reviewed by the Yukon Fish and Wildlife Management Board in a manner that considers the scientific and traditional knowledge, working with the local First Nation and working with the experts within the Department of Environment, and we look forward to seeing these regulations change proposals and seeing what the board comes up with.

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

**Notice of government private members' business**

**Mr. Elias:** Thank you, Mr. Speaker. Pursuant to Standing Order 14.2(7), I would like to identify the items standing in the name of government private members to be called on Wednesday, December 2, 2015. They are Motion No. 1054, standing in the name of the Member for Watson Lake, and Motion No. 1099, standing in the name of the Member for Watson Lake.

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

**ORDERS OF THE DAY**

**GOVERNMENT BILLS**

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

**Clerk:** Third reading, Bill No. 91, standing in the name of the Hon. Mr. Cathers.

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

**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 read a third time and do pass.

**Hon. Mr. Cathers:** I will be quite short in my remarks here at third reading since I have already spoken to this at second reading and during Committee of the Whole and members are familiar with the content. For Yukoners who have not been aware of this to date, or may just be tuning in for the first time, the *Elections Act* changes flowed out of the recommendations for amendments to the *Elections Act* prepared by the Chief Electoral Officer, after consultation with political parties and candidates.

I would again like to thank Chief Electoral Officer Lori McKee for her work on that and would like to, as well, acknowledge and thank the legislative drafter Lawrence Purdy for his work on this bill. The bill began with policy discussion at Members' Services Board about the recommendations of the Chief Electoral Officer. There was then discussion at Members' Services Board, which is, of course, an all-party committee of the Legislative Assembly. Following that discussion — with both the legislation and review of the bill — the Members' Services Board unanimously recommended that this legislation be tabled.

The legislation itself — the most substantive changes include allowing the Yukon to move into the modern world by moving away from the paper-based list system to allow electronic lists. It includes the creation of a permanent registry of electors, or permanent voters list, and it also provides for some additional changes, such as a simplified special ballot, making it easier to vote and expanding the opportunities for Yukoners to vote. It includes expanding the provisions for scrutineers to witness the swearing-in of voters who have not been on the voters list. That was something that was missed in the last amendments to the legislation when, for the 2011 election — for the first time in I believe it was over 20 years — the Yukon election allowed someone to swear in at the polls and it was discovered at that point that scrutineers were not provided for at that stage, so that has been corrected here.

There are also provisions in this that allow for — in extreme cases where voters simply cannot apply for a special ballot, they can contact the Chief Electoral Officer and may apply to vote through remote methods such as Skype or satellite phone.

The other thing that I would note for Yukoners who are listening or reading this is that, in moving to the permanent voters list, it will allow for the sharing of information from Yukon public bodies as well as with the federal government and municipal elections authorities. The Chief Electoral Officer has indicated to us that she is planning to have Elections Yukon do a comprehensive enumeration beginning April 15 and ending May 2, 2016 in preparation for the anticipated fall 2016 territorial election, and that is intended to

be the last full, comprehensive enumeration performed within the territory, although there are provisions for the Chief Electoral Officer to do targeted enumerations or to do a general enumeration if she feels it is necessary at some point in the future to help update that permanent voters list.

I would like to thank all members of Members' Services Board who have participated in this. These are the Minister of Community Services, the Leader of the Official Opposition, the Leader of Third Party, and me.

I would like to acknowledge, as well, the Member for Copperbelt South who, although not a member of Members' Services Board, has put substantial time into reviewing this legislation and providing her comments in its development.

With that, Mr. Speaker, I will commend this legislation to the House.

**Ms. Hanson:** I thank the member opposite for his comments at third reading. I just want to echo the support that we have provided for Bill No. 91, *Act to Amend the Elections Act and the Electoral District Boundaries Act*. As we said at second reading, this was a fairly massive undertaking and we do echo the thanks that were given by the minister and my colleague for Copperbelt South to the Chief Electoral Officer, Ms. McKee, and the legislative drafter, Lawrence Purdy.

The report that the Chief Electoral Officer prepared last December — a year ago — as we said previously, contained about 111 significant operational amendments to the *Elections Act* and over 32 administrative or housekeeping amendments. There was a fair amount of material to go through as we looked toward modernizing this legislation. I just want to reaffirm that the purpose, as specifically stated by the Chief Electoral Officer, is that these proposed amendments will serve to provide — and I quote: “a more accessible voter registration process that lengthens the period for electors to add or update their information on the List of Electors, along with new means to manage their elector records independently; more flexible voter registration and voting opportunities for electors served by advance polls or institution polls; a uniform, simplified approach to absentee voting that allows access by voters throughout the election period, while protecting their independence and the secrecy of their votes; modernization of election practices and increased opportunities for innovations, both short-term and over time, to accommodate evolving expectations and allow for service enhancements; and enhanced clarity and equity within the framework of election finance reporting and disclosure.”

We have had a fairly detailed and extensive debate and discussion about how the intentions of the Chief Electoral Officer in putting forward these amendments are achieved through the amendments that we see before us. As I said, I am happy to see that the all-party Members' Services Board was able to come to an agreement on the vast majority — not all, but the vast majority — of the Chief Electoral Officer's recommendations. We continue to believe that these proposed changes are a good first step in modernizing Yukon's election laws, and we are pleased to add the support of the Official Opposition New Democratic Party caucus to Bill No. 91.

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

**Some Hon. Members:** Division.

### Division

**Speaker:** Division has been called.

### Bells

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

**Hon. Mr. Pasloski:** Agree.

**Mr. Elias:** Agree.

**Hon. Ms. Taylor:** Agree.

**Hon. Mr. Graham:** Agree.

**Hon. Mr. Kent:** Agree.

**Hon. Mr. Istchenko:** Agree.

**Hon. Mr. Dixon:** Agree.

**Hon. Mr. Hassard:** Agree.

**Hon. Mr. Cathers:** Agree.

**Hon. Mr. Nixon:** Agree.

**Ms. McLeod:** Agree.

**Ms. Hanson:** Agree.

**Ms. Stick:** Agree.

**Ms. Moorcroft:** Agree.

**Ms. White:** Agree.

**Mr. Tredger:** Agree.

**Mr. Barr:** Agree.

**Mr. Silver:** Agree.

**Clerk:** Mr. Speaker, the results are 18 yea, nil nay.

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

*Motion for third reading of Bill No. 91 agreed to*

**Speaker:** I declare that Bill No. 91 has passed this House.

**Mr. Elias:** 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 general debate on Bill No. 89, entitled *Act to Amend the Municipal Act*.

Do members wish to take a brief recess?

**All Hon. Members:** Agreed.

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

*Recess*

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

### Bill No. 89: *Act to Amend the Municipal Act*

**Chair:** The matter before the Committee is general debate on Bill No. 89, entitled *Act to Amend the Municipal Act*.

**Hon. Mr. Dixon:** Madam Chair, it is a pleasure to rise today in Committee of the Whole to discuss this bill, *Act to Amend the Municipal Act*. I should start by noting that I'm joined by officials from various departments. Our head legislative drafter on this bill was Terri Cherkewich, and Kirsti Muller is our acting director of Community Affairs and has also been involved in the policy side of this with AYC and the municipalities for a number of years. There are a number of other officials who have been very closely involved with this, including Shehnaz Ali, who is our director of policy currently and who is listening in, although not on the floor of the Legislature — and I know that there are a range of AYC officials and probably elected officials as well who are listening in interestedly.

I will proceed with some opening remarks and then address some of the questions from members opposite with regard to this bill. I think that in my comments in second reading I tried to provide a thorough history of this initiative and where it found its inception. Of course the “Our Towns, Our Future” initiative from several years ago is where it found its impetus and, subsequent to that, the *Municipal Act* Review Committee did a lot of work, which I will discuss.

I had a chance to review the second reading speeches of various members of this House and I know there are some specific questions that will be raised, so I think we're prepared on that front. I look forward to providing information as requested from members. As I indicated, I will get into my opening remarks and then we will proceed with questions.

Madam Chair, the bill before us today is the result of the Yukon government's commitment made during the “Our Towns, Our Future” initiative to conduct a thorough review and provide an updated, more consistent and coherent *Municipal Act*. Bill No. 89 is the outcome of three years of extensive consultation with various stakeholders, including First Nations, the Association of Yukon Communities, municipalities, local advisory councils and the public.

The proposed amendments in this bill will support healthy, sustainable Yukon communities and will provide a stronger foundation for local governance. This bill will improve the *Municipal Act* by providing clarity and consistency, both within the act and with other legislation. For example, there has historically been a lack of clarity regarding when a term of office begins. Bill No. 89 will clarify this start date. By making the voters list available upon request, instead of being posted publicly, we will address the privacy concerns of Yukon voters. In regard to petitions and referendums, we have proposed a consistent minimum number of electors required to petition for a referendum to 15 percent of the municipality's population. This will provide consistency

across the territory and it will eliminate requiring inconsistent or difficult-to-retrieve data.

The proposed amendments define the rules around pecuniary interest in regard to councillors and specify the consequences for members who do not disclose a conflict of interest in a matter that is before the council for discussion or a vote. This is consistent with other jurisdictions and will improve the act by having clear language regarding potential conflicts of interest. In addition, the proposed change that a quorum — normally a minimum of three — can be achieved by two valid council votes in the event that a third councillor must recuse themselves because of a conflict of interest will support decision-making.

The term “municipal service” has been introduced in order to clarify that a municipality may offer both utility and non-utility services. We have also proposed amending the language around the agreements into which municipalities are able to enter. This minimizes potential confusion and encourages new partnerships.

Madam Chair, Bill No. 89 will provide clear options to initiate the processes for creating a local advisory area and for electing and operating a local advisory council, as well as offering increased opportunities for local involvement.

There are three proposed amendments that will directly assist in the development of municipal planning and the implementation process. Those are as follows.

First, the amendments shorten the minimum time between the last notice of a public hearing regarding the creation or amendment of an official community plan and the public hearing itself from 21 days to seven days. This change will help to ensure that the matter stays fresh in the public’s mind.

The amendments will enable appropriate zoning bylaws to be developed in conjunction with changes or adoption of a new official community plan, and the amendments propose that the requirement to have the official community plan draft submitted to the Yukon Municipal Board is removed.

Madam Chair, I would like to thank the Association of Yukon Communities, First Nations, municipalities, local governments and the public for their input. I would also like to thank the staff of the Department of Community Services and the Department of Justice who helped develop this very important bill. As I said, I know there are a number of specific questions that are throughout the bill that have been raised in second reading and otherwise by members, so I look forward to fielding those and look forward to walking through this bill clause by clause. As members have noticed, it is a lengthy bill, but an important one, and I look forward to providing information, as is the practice in Committee of the Whole, and welcome questions from members opposite at this time.

**Mr. Barr:** I thank the minister for his opening remarks. I would also like to thank the officials and welcome them to this House, and to also extend the thanks from this side of the House to all people who have been involved — First Nations, AYC, the local advisory councils — for coming up with this very important bill that we have before us today — Bill No. 89, *Act to Amend the Municipal Act*.

I have spent some time going over it with my colleagues and it is a long, long piece of work. I just basically look forward to some more clarification through line by line and in the details — the how’s and why’s — to seek some further clarity, I guess, as we move forward today.

At this time, what I would like to do is — if there are no other folks who would like to ask any questions — move into clause by clause.

**Ms. Hanson:** I also thank the minister for his comments, as we approach working our way through Committee of the Whole on Bill No. 89, and echo my colleague from Mount Lorne-Southern Lakes. The last time we talked about this bill on October 29, there were, in my view, about four key issues that I, as a member of the Legislative Assembly, raised, and I identified for the minister that there were questions that I would be bringing to him. I’ll just raise them in general and then we can come to them a bit more specifically.

On October 29, I said that, from my perspective and from my reading of this legislation and the overall intent of it — the importance of the *Municipal Act* as a really strong and fundamental piece of our democratic process in the Yukon. I understand, from the explanatory notes and from the rather brief briefing we had when the bill was introduced the day before it was tabled, that, one of the ways for exercising — and the fundamental ways it was contained in this act — were the provisions with respect to petitions, plebiscites, and referenda. I had said on October 29 that I was hoping that the minister could confirm that there has not been an attempt to vary the provisions with respect to petitions, plebiscites and referenda. I just know that they have been moved and I didn’t know what the impact — and I still don’t know what the impact of moving and restructuring of the wording is, so I am looking forward to the minister addressing that and understanding whether or not the changes are merely cosmetic or whether they are intended. I would hope to augment the roles of these means of public participation — or the latter, which would be if there was an intention of a fundamental change to this element of the *Municipal Act*, which we had said at the outset was absolutely integral to the structure of the *Municipal Act* when it was put together in the late 1990s.

**Hon. Mr. Dixon:** Thank you, Madam Chair, and thanks for the comments and questions from members.

I think what I’ll do with members’ indulgence is perhaps walk through the terms — petition, referendum, plebiscite — and explain what they are and what has changed and maybe go through what the process is. It may facilitate a more informed clause-by-clause debate if we do that in general debate. I’ll just proceed with that very briefly and discuss some of these key terms and what is occurring here.

First of all, a petition is a formal written request initiated by the general public and signed by a number of people appealing to a municipal council with respect to a single cause. An elector may petition a council for a binding referendum on a specific matter.

A plebiscite is a polling of electors by a council in order to gauge the public’s opinion or view on a particular issue.

The outcome of the public's response is not binding on a council.

A referendum is a polling of electors on a specific matter initiated by a council. The results of a referendum are binding on the council. As well, I should note that, although we didn't proceed with a counter petition, there has been discussion about what a counter petition is and what its potential role could have been. I wanted to note that a binding counter petition as an alternative to a referendum was something that was considered early on in the review process. In a binding counter petition process, a council identifies a matter, makes a tentative decision and then gives the public the opportunity to petition against the decision. A successful petition would overturn the council's earlier tentative decision. No petition or a petition with insufficient numbers would allow the decision to stand. I should note that a counter petition was not proceeded with. It was vociferously objected to by the Association of Yukon Communities, and I'm happy to get into some of the discussion about where it came from and how we got into that if members wish.

Let me turn to some of the process that is going to occur now as a result of this new act with regard to some of the timelines and requirements that are going to be in place as a result of that.

In response to the question about changes that have been made to the timeline regarding collecting and submitting signatures for a petition for a referendum, I can provide some explanation. The process in respect to referendums by a petition is as follows: a proposed petition is deposited with a designated municipal officer. That designated municipal officer usually is the CAO, but it doesn't necessarily have to be — but that has typically been the case in the Yukon. That officer will now have 15 days to make a determination of whether or not the unsigned petition meets certain requirements — if there is a clear question, if it meets the form outlined in this act, and if it's generally appropriate and a matter that could be considered by the council. If the petition meets the requirements of the act, the representative for the petition has 90 days to collect signatures on the petition. If the request for petition form is reviewed, approved and returned to the representative earlier than the allotted two weeks, the representative will have those extra days to collect signatures.

The petitioner must ensure that the total number of days equals no more than 105 from the time of submitting the petition form for approval to the municipal officer to the time of resubmitting the completed petition form with signatures back to the municipal officer. This approach was chosen to provide the representative of the petition with the ability to determine the exact date on which the signed petition must be resubmitted, regardless of when it was returned to them with approval to start collecting signatures.

So there is a process and timeline in place for an individual who wants to undertake a petition. They have a process and form which will be available to them. They come up with their question, submit it to the municipal officer and they know ahead of time that they will have 105 days from when they submit it to when it is due back with signatures, so

they can do the adequate planning and soliciting of support from their fellow citizens by way of seeking or asking for their signatures. What is different about this than before is that process was not clearly spelled out in the previous act, so municipal officers, as I said before — usually the CAOs — were left to their own sort of interpretation of what ought to be considered. That worked to a certain degree, but what was sought in this initiative was for clarity, and that was something that we worked on with the AYC and municipalities, and the process that we arrived at was what we see before us today.

That's the process by which an individual seeks to undertake a petition and the timelines that they have to collect the signatures necessary to undertake a petition.

With regard to the — well, I will leave it at that maybe and see if there are questions based on that comment.

**Ms. Hanson:** With respect, I appreciate the minister getting into a level of detail — I wasn't asking about the timelines, and I think it would be helpful, just in terms of the general question — the general question was with respect — we're going to have to go into the details because, for example, when he's talking about the amended provisions in section 17 and the change in section 17(4), which talks about petitions, it raises a whole bunch of more questions. Without getting into the issue we face as the opposition of not being provided — as we said on October 29, not being provided with the side by side where we can see where the changes have been made and the impact, that's a challenge. It will be much more useful, I would suggest to the minister, for the level of detail, as my colleague had indicated, when we go through the clauses.

I was just looking to know what the intent was with respect to petitions, plebiscites and referenda. I had said that they had been moved around in the restructuring. I just wanted to gain an understanding of whether they were intended to augment the roles of these means of public participation, so I'm looking more for confirmation of the consistency with the intent of the language of the legislation, which we see set out in the preamble — the objectives of this legislation — as opposed to the mechanics of their operations and the timelines. We will come to that, I believe, as we get through — well, we will as we go through the clause-by-clause debate.

**Hon. Mr. Dixon:** So speaking about the intent — the intent of the changes made around petitions, plebiscites and referenda was to clarify the role. As I indicated, previously there was reference to petitions and referenda, but the process by which you arrive at that and the process by which a citizen would undertake this were unclear. There was a lack of clarity not only for citizens, but for municipal officials. For instance, there was no timeline around how long a municipal official could take to review a question. So theoretically, a citizen could submit to the municipal office previously a question they wanted a petition on, and the municipal office could consider it indefinitely.

That hasn't happened, to my knowledge, but it was raised as an issue that there wasn't clarity around that. So part of the intent of the bill and the clarification that we think we've

achieved here is to set out a clear process with clear timelines and clear expectations from both municipal officials and citizens about what this process would look like.

Ultimately at the end of the day, Madam Chair, the intent is to provide citizens with the ability to affect their municipal governments in certain ways. There are obviously two kinds of referenda. There's a council-driven referendum, which is something a council decides on and undertakes to help it make a decision or if it wants a certain type of decision to be made through referenda, they can do that, but then there are also public-driven referenda, which are done through the petition process.

So the intent of all of this was to engage the public in public policy decision-making at a municipal level vis-à-vis referenda and to clarify the processes that they can do so by. I hope that covers the intent aspect.

**Ms. Hanson:** There were two other matters in general terms that were raised on October 29. One had to do with the conflict of laws. I believe myself and the Member for Klondike both raised this because of history in this Legislative Assembly, as well as discussions with municipal officials and individuals impacted.

The issue here is that the conflict that arises between the authority and responsibility of local governments — and I keep coming back to the principles, in terms of the legislation. One of the principles of this legislation, the *Municipal Act* — and this has not changed from the original — is that the municipalities "... have a significant responsibility for furthering..." — and I'm quoting here — "... compatible human activities and land uses."

That conflict, as we know, has arisen historically with the conflict that arises between the powers set out in the *Municipal Act* and the *Quartz Mining Act*. This is an issue that has led to serious concerns of homeowners. We know it has been discussed in various communities and I had said at the time that I was not seeing how this was being addressed or reflected in the legislation. I said I would be looking to the minister for explanations of how it has been addressed, because it's not just a critical issue for municipal and local area councils, but for homeowners. As we know, for most of us, our single-most significant investment can be threatened by the anachronism of allowing mining or mining-related activity adjacent to residential properties.

We only need to look at the impact on the Dome road of the Slinky mine operation, or within the City of Whitehorse.

I am aware — I believe it's true, and I would ask the minister to confirm this — that we have talked in this Legislative Assembly about most of Whitehorse being off limits to mineral staking because of a moratorium of about 75 percent of the city land, but my understanding is that the moratorium will expire. It begs the question of whether or not the fundamental conflict will persist. It doesn't do much good to pit a municipal government and their citizens against somebody who is validly exercising a right under legislation. There have been many calls to provide a more definitive approach that would give us certainty that those staking — those involved in the mineral industry — and municipalities

and homeowners would be able to have some assurance that their peaceful use and enjoyment — which is sort of a fundamental of the Canadian fabric — of our home and our homestead is not disturbed. How and where is this addressed in this legislation?

**Hon. Mr. Dixon:** The short answer is that it isn't addressed in this legislation. The reason for that relates to the process that we undertook in doing this legislative initiative. That was, of course, the original work of OTOF and then the *Municipal Act* Review Committee. This issue that the member is referring to didn't come up in those processes and it wasn't raised by the AYC in this process. That's not to say it's not an issue that can and should be dealt with in years to come, or in the course of our working with other levels of government, but that is not something that was within the scope of this particular initiative. The initiative that we undertook was, in part, to clarify the existing act. It was, in part, making the act consistent, where possible, and providing new clarity in some of the language and some of the structure of the *Municipal Act*. I think we have achieved that.

On the issue of mining in municipalities in general, I should say that all land use activities within municipalities, including mining, are subjected to municipal zoning regulations, development regulations and land use planning through official community plans. The Yukon government works with municipal governments to clarify and resolve issues with mineral claim and exploration activities on claims within municipal boundaries. That is what we have done traditionally, and the pattern that we have established is by working with municipalities individually and on a case-by-case basis. The member referenced the agreement in Whitehorse. Of course, the Yukon government has a five-year agreement with the City of Whitehorse that prohibits quartz staking in residential areas, and the Department of Energy, Mines and Resources is in discussions with the City of Dawson to enact a similar prohibition in that community.

Of course, if there are other communities that are dealing with issues like that, we're happy to engage and have discussions with them about how to move forward. It doesn't have to be the sort of general prohibition; there could be other tools as well that we would consider working with municipalities on.

As members know, there are some unique issues in Dawson as a result of some of the long history of mining and placer mining in the Klondike area. For instance, the *Placer Mining Act* prohibits making new placer claims within municipal boundaries; however, existing placer claims that predate the creation or expansion of a municipal boundary remain in effect as long as they are in good standing. That's the case certainly in the Klondike where you have some very old claims that have been around for longer than the current boundaries of the municipality. With the *Quartz Mining Act*, that permits quartz staking within the municipal boundaries subject to well-established guidelines that protect the rights of the landowner with regard to surface rights and the prospective miner or the mining company with their subsurface rights. I believe that it's 74 percent of lands within

the City of Whitehorse that are under prohibition from quartz staking.

To circle back to the crux of the issue, this matter in a general sense wasn't dealt with in this bill because it wasn't within the scope of the initiative. Going forward, we are working with municipalities individually to address this issue. I'm not sure if a legislative change will be necessary at some point in time, but I think the best way forward is for us to continue working positively with municipalities to explore options to meet their individual needs. We've done so in Whitehorse, we're in the process of doing so in Dawson, and if any other municipalities are interested in undertaking that sort of solution-oriented approach to dealing with these issues, we would be happy to do that as well.

**Ms. Hanson:** I hear what the minister said. I'm not sure I would agree with him with respect to the paramountcy of the *Quartz Mining Act* over the provisions of an official community plan. I think you would find that you had pretty quickly trumped it right here.

I guess the question I do have is that he has indicated that these issues around conflict of laws is not addressed because of the process that was followed. My question would be: If there had been more than the focus of consultation with the elected officials and their administrative staff through consultation primarily through the vehicle of the AYC — if there had been more than one public meeting, does he not think the scope of what was determined to be important — keeping in mind the preambular principle of the importance of the municipality having responsibility for some of the compatible uses of the land and the impact on human activities — the uses of land within the municipal boundaries.

**Hon. Mr. Dixon:** As I said at the outset, one of the key initiatives in this legislative project was increasing the clarity of the *Municipal Act*. What we mean by that is making changes to the act that outline legal rules that should be easier to understand and implement. The amended act will contain consistent terminology, clear processes and practical rules that are organized for ease of use and are specific and clear regarding scope and application. Improving clarity means including new definitions where they are needed or improving existing definitions that are unclear or inconsistent.

Another method is to ensure that the arrangement of the rules is done in a manner that provides for ease of reference by the user. That was a key part of this. When I say that the process that led into it guided what we see here today, I mean that the issues that we are dealing with here are substantive and it took a long time to get here, and if we had taken a broader approach and dealt with issues like this one, it's possible that we would have taken even more time.

The member opposite referenced the public consultation process and the process that we used, and it seemed that she suggested that AYC or municipalities weren't involved sufficiently. I disagree with that. I think that the changes that have been undertaken began back in 2010 with the creation of the process that became the "Our Towns, Our Future" initiative — from that extensive review that involved municipalities extensively.

The Yukon government moved forward with additional consultation on the findings. The first round of consultations after the findings report was carried out in 2012 by the *Municipal Act* Review Committee — or, as we refer to it, the MARC. MARC included representatives from the AYC and the Yukon government. That committee included CAOs as well as elected officials, so we had representatives from municipalities at the political and at the administrative level.

The consultation targeted AYC and municipalities as well as LACs, interested First Nations and the general public. These consultations resulted in the release of the MARC findings report that outlined issues identified during consultations that were a common interest to all parties and raised the possibility of amending the *Municipal Act* in a number of areas. Those areas, of course, are the ones that we're dealing with today.

The second round of targeted consultations on the proposed changes with AYC municipalities and interested First Nations took place in the fall of 2014. This consultation assisted in determining the final form of the proposed changes. The public was involved in this extensive process as well. During both the first and second rounds of consultation, the public was given opportunities to participate. The first round included public information sessions in all communities, including interested First Nation communities. The second round of consultation included the posting of consultation documents online for public input and comment.

Obviously throughout this entire process, municipalities themselves were involved extensively. They had representation on the MARC and during the second round of consultation on the act and the proposed changes.

The initial response from municipalities to the proposed changes has been very positive, and I think the process as a whole is an excellent example of the Yukon government working closely with the AYC and Yukon municipalities.

The member notes that, if there had been only more public consultation, maybe new issues would have come up, and I guess that's possible. But what we've arrived at is a bill that has the support of the AYC, has support of municipalities, and is a positive step forward in this legislation and a positive step forward for our territory.

I think it's always easy to say you could have done more or dealt with more issues and you could have done more work, but ultimately, through this three-year process, we arrived at the product that we have here today and I think it's a sound bill. I think that, ultimately, all members of the House will likely support it.

With that, Madam Chair, I would just say that I do think it achieves what it set out to achieve and it has the support of all those groups involved.

**Ms. Hanson:** I believe the minister misheard what I said. I said, not that AYC nor the officials were of the — administrative officials of the municipalities, not that they were not involved — I said it was more singularly focused on the AYC members, as well as those people who were CAOs of municipal and other governments, and that if the process had been more open to the public — and I understand the



process he outlined. I did attend the one public meeting that occurred at the MacBride Museum. I think it was the 2012 session. So over the course of those five years, I do think, again going back to the fundamental crux of the matter here, that the *Municipal Act* is really the legislation that governs the interactions between the levels of government that has the most to do with the daily life of Yukon citizens.

That was just to clarify that. The last item I wanted to raise was — and I would be looking to the minister to clarify why there is a reference in the summary notes — and we had this conversation in October — about the continued existence, basically, of the Yukon Municipal Board. I've heard it variously described at AYC meetings as the “star chamber”, the “mystery board” and various descriptions of that nature.

What I can perceive — and of the minister I look for clarification — is that there has been a modification to remove the obligation to have OCPs transmitted to the Municipal Board, but really, if nobody understands who it is, what their powers are, if members of the AYC will say, at a public meeting, we appointed so-and-so to the Yukon Municipal Board and they have not been invited to a meeting and not received minutes of a meeting — so you don't even know what's going on — what's the purpose of the board? Who is it and why?

This is 2015; it was created in 1988. It's my understanding we still have the same chair from 1988, so what does it do?

**Hon. Mr. Dixon:** Obviously there has been discussion about this extensively. The changes that we've made in this bill were to limit the scope of the jurisdiction of the Municipal Board by removing the requirement that the OCP be reviewed in the review process by the Municipal Board. The original requirement to provide copies of official community plans, or OCPs, to the board was to assist them in fulfilling their duties under other government legislation.

Now that OCPs are publicly available online, this requirement is no longer needed. I don't have the list of the members here today, but that's certainly publicly available. The members of the Municipal Board include representatives from Yukon government, the AYC and CYFN. They are nominated by those groups and subsequently appointed to the board. I believe the membership is in the neighbourhood of 10 — I stand to be corrected though — it could be fewer or greater than that, but in that neighbourhood.

If the member is interested in the general jurisdiction of the board, I would direct her to section 330 of this act, which outlines the general jurisdiction of the board, as well as the jurisdiction of the Municipal Board outlined in section 331. Perhaps if there are specific questions about the jurisdiction, we can get into that in clause-by-clause review, but I would note that there wasn't a desire to undertake a broader review of the Municipal Board in this initiative, in part because the Municipal Board is ingrained in so many other pieces of legislation. In order to facilitate moving forward with this great initiative, we made the decision that we would make the changes within the *Municipal Act* that were necessary to

improve the process for OCP review and reduce the scope of the Municipal Board.

Others have noted that maybe we should just scrap the Municipal Board altogether. That may be something that a future Legislature may want to consider, but it will take amendments to at least half a dozen pieces of legislation. The board will continue to provide, in the meantime, an arm's-length forum for reviewing municipal actions and providing an avenue for public input, such as making recommendations on proposals regarding various changes to municipal boundaries; acting as the board of negotiation under the *Expropriation Act*; providing recommendations on an official community plan or amendments, if requested by a municipality; receiving an appeal from a decision of a municipal council on an application of a plan of subdivision; and performing any other duties that Cabinet may delegate to it under the act. I should note that currently, to my knowledge, Cabinet and government have no intention of delegating any authority to the Municipal Board in the near future.

The board will also continue to advise me, as Minister of Community Services, in areas of planning and municipal boundary changes, and deal with appeals of land-related issues under the *Municipal Act* and other statutes, such as the *Subdivision Act*, the *Lands Act*, that *Area Development Act*, and the *Assessment and Taxation Act*.

Again, Madam Chair, this relates to the overall role of the Municipal Board. If there was a desire to make more general changes to the functioning of the board, it would have to be done by making changes to at least these numerous pieces of legislation that I have listed, but that wasn't what we ended up doing. The comments about the minutes and the membership of the board — I would again note that we're happy to provide a list of names of who is on the board and the functions of the board and what constitutes quorum. All those items are in the act that is before us.

Also, on the specific issue of minutes, the board meets on a case-by-case basis to deal with specific issues. They make decisions; they don't hold regular meetings. Their decisions are obviously available publicly and so there are no minutes necessarily; there is nothing to share in that respect.

I think that covered off the list of questions that were raised. The final thing I should note is that the board is an independent board with representatives from AYC, CYFN and Yukon government, so it's not necessarily just up to me to direct the board to do one thing or another.

If there are changes that are sought from the functioning of the board, we can consider them — if AYC or Council of Yukon First Nations or other groups want to make them — but, again, if we want to make legislative changes to the operation of the board it will require a broader initiative that will take a little bit more time. It's not something that I'm willing to put off the table all together — I would be happy to consider it — but for the purposes of passing a piece of legislation that accomplishes what we sought to accomplish, which was further clarity in the *Municipal Act*, I think that we achieved that goal. I look forward to working with the AYC and municipalities to implement this bill and to take into

consideration any other changes that the AYC may want to make in future.

**Ms. Hanson:** It's fairly commonplace to make consequential amendments to legislation when you're contemplating a change. It's not a complex — I mean it can be — it is work, but it's not impossible to do and consequential amendments are done all the time when they're making changes. The minister just outlined a series of functions of a board, but it's not clear whether or not this board ever performs any of those functions.

Does the Yukon Municipal Board file a report with the minister on an annual or semi-annual basis similar to, for example, the Health and Social Services Council? Is there any documentation of the utility of having it?

**Hon. Mr. Dixon:** I have never seen an annual report from the Municipal Board. If it is required, I haven't seen it in my 10 or 11 months as Minister of Community Services.

**Chair:** Does any other member wish to speak in general debate?

**Mr. Barr:** Thank you, Madam Chair. I would like to ask the minister in regard to local advisory councils — some of the concerns and if they're addressed in this act. As we've stated in the House previously, local advisory councils would like to have access to the mailing addresses of those within their districts, and these addresses would be held in confidence and these could be gathered from the tax rolls, but it would be much easier if YG could provide them, especially when they are moving forward to do consultation. Some of these local areas mailboxes and such are outside, so it's difficult for those on the councils to actually be in touch with all the parties in the area.

**Hon. Mr. Dixon:** There is nothing in this bill that deals with the provision of names to the LACs, but as I noted in Question Period a few weeks ago, that was something that was contemplated and we determined through discussions with the Information and Privacy Commissioner that it wasn't appropriate for us to provide that personal information to the LACs.

With regard to this bill, I should note I guess that a local advisory area is a physical area outside of a municipal boundary and the current act allows Cabinet to establish a local advisory area. The proposed changes that are before us today will allow eligible electors of a proposed local advisory council or LAC to request that a local advisory area be established. If a local advisory area is established, then the existing process will apply. A local advisory council will also be established as an advisory body that provides advice to the minister on the needs of the population within that newly established area.

Unlike a municipal council, a local advisory area currently does not have the authority to pass bylaws or enter into contracts, et cetera. The changes that we have made in this bill now define more clearly the process for the establishment and rules of a local advisory area and a local advisory council. The definition of a local area council has been added to the act, along with more detail on how to conduct business.

LACs will continue to be advisors to the minister. More clarity is provided on the creation of a local advisory area, such as clarifying that the minister can start the process for establishing a local area or 30 percent of the eligible electors can request the creation of a local advisory area. So previously there was a lack of clarity or certainty from members of the public about how an LAA — a local advisory area — could be created, and subsequently a local advisory council would be created. This act provides clarity about that process and how members of the public in an unincorporated area can request the creation of an LAA and an LAC.

That's what we did in this initiative, Madam Chair. We didn't deal with the provision of personal information to LACs in this bill.

**Mr. Barr:** I thank the minister for his response. In the area of local advisory areas — I know that Tagish, for example — to have the order-in-council put forward to actually establish the boundaries, it took several years for that to come forward. Has this been addressed so that it's streamlined? I know there was frustration not only from the local advisory council, but from people not knowing if they're in or out or who to go to and so on and so forth.

**Hon. Mr. Dixon:** I can't speak specifically about each individual LAA that currently exists; I don't personally know the history behind the Tagish local advisory area or other ones off the top of my head, but I would be happy to provide further information at a later date.

What I would say, though, is that what the bill before us does is provide additional clarity about how citizens can request an area become an LAA. The extent of the boundaries and where the delineation is of those boundaries is something that would be done by OIC, so it's something that is ultimately put forward by Cabinet.

Prior to that, there would be a recommendation by the minister to do that and, prior to that, as a result of this process, there is an opportunity for the public to encourage the minister to do that. Ultimately where the boundary is — that is something that I would expect Cabinet and the minister would arrive at by consultation with local area residents. That has been my understanding of the process to date; the minister of the day would consult generally with the public in the area about where the boundaries should be and how big or small it should be. Ultimately that's something that isn't prescribed in the act.

What I mean by that is, in this act, there's nowhere that says an LAA must be X number of square kilometres or anything like that, but it's generally understood that the OIC would enact that size, that boundary and the delineation of the area, and, leading up to that decision, there would be engagement with the citizens in the area.

**Mr. Barr:** I guess what I was looking for was — I understand that, once it's decided on the size and so on and so forth, it would be passed through an order-in-council. The frustration, I guess, with this particular area was that — I believe, it was even prior to this government — they had been waiting and wanting an order-in-council to move forward so that it was defined. That was specific to my question to the

minister, as that was a great frustration not only to the local advisory council not knowing where their boundaries lie, but waiting for this order-in-council to actually enact. It was that time period that was very difficult for the people on the local advisory council and the people waiting for it to come about.

**Hon. Mr. Dixon:** Just to be clear, there's nothing in the bill before us that changes that aspect of the creation of an LAA, but I am aware generally of the issue in Tagish. I think there is an OIC in place now; if it isn't, it will be in shortly. I thought it was in place by this year.

I can't speak to the reasoning behind why, in years past, there was no delineation through an OIC of the Tagish LAA, but we've undertaken that now and it's in place now. If it isn't in place now — I stand to be corrected — it will be very soon. I'll double-check with officials as to whether or not that's in place.

It is in place — sorry. I have been corrected now. It is, in fact, in place.

As to why previous governments over the years didn't enact that LAA through an OIC, I don't know, but we have done so; we've moved forward with that. Hopefully residents and citizens in that area are satisfied that an OIC is now in place.

**Mr. Barr:** I thank the minister for his remarks and, yes, they chose the largest area out of the three possible LAAs, so I believe it was the largest one that was adopted and there is an order-in-council.

I would also like to ask — because as we saw in this last municipal election, some of the LACs were struggling to have people come on board. In Carcross, for example, still this week, the two members I spoke to were still uncertain as to who was going to be appointed. They haven't, as yet, had their first LAC meeting in Carcross. One member had no idea. Even some of the ones who were looking to be appointed still didn't know if they were appointed or not.

I believe October 19 was the date of the elections, and people are still very unclear as to what's happening with that LAC.

Is there something in this that will help to not only boost the numbers in the communities to come forward and also to retain them? I know that there are definite suggestions. If they had been taken into account — such as not to be penalized or have to return the extra money when they're finishing an annual budget. Also situations such as — liking a bump up in the amounts in the election years because the LACs pay for their own elections and so on and so forth. Are these taken into account in this act?

**Hon. Mr. Dixon:** I will start with the last few questions. Nothing in this bill changes the amount of funding that's provided to LACs, and nothing in this bill changes the process by which elections occur with regard to the LACs — in the sense that there is no legislative change that can increase participation by electors.

Obviously, as we have discussed previously and even in Committee of the Whole in Community Services debate and in Question Period, engagement by community members is important. I don't think any law will force people to get

involved and put their names forward for office, but where there are cases of a lack of participation and we don't have the necessary amount of people, there is a process for the minister to appoint members.

The member referenced the Carcross LAC. We're hoping to deal with the Carcross LAC later this month, in December, to get them fully stocked with members. We will have all our LACs fully stocked with members. I apologize for the term "stocked". It may not be the most appropriate word — but fully subscribed or fully appointed or some other more appropriate term.

The general answer to the question is that this bill doesn't change how we engage with LACs in the sense of trying to increase voter participation and increase interest in participating in local politics. Ultimately it takes community-minded individuals to step forward and put their name forward to sit on an LAC, just like it does for a municipality or even the Legislature.

We do our best through Community Affairs to try to generate information. We have campaigns to raise awareness of LACs and municipal politics. We have a lot of outreach that goes out to LACs through the Community Affairs branch to try to get members interested and involved, and sometimes we're more successful than other times. For instance, I know that in Mount Lorne we had five new members on the council. That's excellent, because I know that some of the members on the previous council were getting burnout. That happens as well in municipalities.

Nothing in this bill changes how we recruit new LAC members or how we encourage voter participation. This simply clarifies the process of how individuals in an unincorporated area can request the creation of a new LAA and more clearly define the process for the creation of an LAA and an LAC.

**Mr. Barr:** Under the *Municipal Act*, are there any changes for the structure to allow LACs to change their relationship with the local First Nations in the event that the LAC becomes a municipality?

**Hon. Mr. Dixon:** There is no change in the way that a new municipality may be created. How the LAC develops a relationship with its respective First Nation or First Nations is up to them. I don't believe there is any sort of change around how an LAC can engage with its local First Nation. It is up to the LAC to decide how they want to engage with their First Nation, whether it's a single First Nation or multiple First Nations.

**Ms. Hanson:** Just in the course of the discussion there, a couple questions struck me. When the Member for Mount Lorne was asking the questions about local area councils, I was trying to recall some of the discussion we had had about local area councils. The act refers to municipalities in a lot of places. I am wondering if the minister could clarify whether it is intended that "local area council" should be read into it when I read "municipality".

I will give you an example. When section 55 of the *Municipal Act*, I believe, talks about the ability to establish wards, it says a municipal government can establish a ward

system, and there has certainly been some discussion about that over the years in Whitehorse. We do know that, geographically, a number of LACs are spread out and there has been some suggestion that they would like to benefit from a ward system. When I asked the question — when I read municipality in section 55, am I also to read that it would apply to LACs and that LACs could be structured on a ward system?

**Hon. Mr. Dixon:** I'm not entirely clear which section the member was referring to. In sections 54 and 55 of the existing *Municipal Act*, I don't see reference to a municipality, but I would note that LACs are indeed able to have a ward system. I think three of the LACs currently do have wards in place. Municipalities can do the same as well. The act before us doesn't change that ability.

What I would note, I guess, is that the trend we have seen in some LACs — in discussions at least — is that some of them want to move away from having a ward system, but that is something that LACs can decide and they can make recommendations to me or to the minister. If an LAC is interested in having a ward system, I think it's just a matter of changing the OIC, which is possible.

That's my understanding at this point, and if there's additional clarity, I would be happy to provide it.

**Ms. Hanson:** Just to confirm then, when I asked the minister — when I read section 55 of the *Municipal Act*, which says, "For the purposes of section 54, a single area or ward may consist of..." and so section 54 says, "The council may, by bylaw made with the approval of the Minister, provide that all or some of the members of the council be elected on an area or ward basis." My question was really, when I read with respect to the provisions of this, does that include section 54 and section 55? I'm just looking for simple confirmation that sections 54 and 55 of the *Municipal Act* also apply to local area councils. If this is the case, that's great. It's just a question that has been raised by constituents.

**Hon. Mr. Dixon:** The answer is yes, it can include LACs. As I said before, some LACs do indeed have wards and, if an LAC doesn't have a ward and they're interested in making wards, they can make recommendations to the minister and, by virtue of a process of the minister's approval or Cabinet's approval, they can make the necessary change.

**Mr. Barr:** Under roles and responsibilities of YG, LACs and AYC, is it clearly defined in the act if municipalities manage their planning through OCPs, then LACs should have land planning to assist them?

**Hon. Mr. Dixon:** If I misinterpreted the question, I apologize and I'll maybe seek further clarity, but I think the member is asking why LACs don't have the ability to make OCPs. The simple answer is that OCPs are a function of municipalities and LACs are advisory bodies that provide advice to the minister, so they perform very different functions, albeit they're both very important.

The function is different — they play different roles and they operate in a different manner — so LACs don't have that OCP option, but they can provide advice to the minister and enact changes that way, whereas municipalities have the OCP

as sort of their primary planning and organizational document for their community.

The definition of what an OCP is and how it's created is well-defined and well-established in legislation — but for LACs — they're an advisory board, not a government like a municipal government. They provide advice to the minister, so they're two different types of governance; that's why they perform different roles and have different outcomes.

**Mr. Barr:** I thank the minister for his response. What they're asking is that, in the act, there had been concerns where LACs would be given — I know there's a difference between municipal and LACs — that it's advisory. There were things brought forward from LACs that would allow them to have greater power, such as some bylaws around dogs and so on and so forth.

Along with just that one example in itself, are there any extra powers in the act that had been asked for from LACs?

**Hon. Mr. Dixon:** The short answer is no. There are no additional powers that are created by this bill for LACs. They cannot enact bylaws. That is something that municipalities can do — for all the reasons that I explained in my previous response. They function differently from municipalities and have different tools available to them.

With regard to dogs — there is nothing specific about dogs that I'm aware of in this bill.

**Ms. Hanson:** The minister actually confused me in his response to the second last question there, because when I asked the question with respect to for the purposes of the *Municipal Act* whether LACs and when I looked — whether they're deemed to be or treated the same as a municipality when it came to the ability to establish wards, I was told yes, but when I look at the definition of council, council means the council of a municipality. We just heard the conversation that, well, because they're advisory they can't do certain kinds of activities. I can clearly understand the nature of the government versus an advisory council, but it's the language and being able to have a clear delineation of what applies from the *Municipal Act* to a local area council — because the use of the word "council" in section 54 and 55 I've been told now applies to advisory councils, but it doesn't apply when it comes to different issues — when it comes to an OCP for example.

Is there delineation? Again, absent any comparative chart, we're sort of asking these questions as it comes about as opposed to being able to have that tool for analysis. So if the minister could just clarify that, it would be very helpful.

**Hon. Mr. Dixon:** Apologies for the lack of clarity in my previous response.

In that particular section, the term "council" is defined in the act as the council of a municipality. When I said the word "yes", I meant that yes they can have wards, so in that particular section it refers to the council. I believe it's referring the council of the municipality. However, LACs are able to have wards and, as I mentioned, some do indeed have a ward system.

I hope that's the clarity that we're seeking here.

**Ms. Hanson:** Could the minister just point out where the act says that a local area council can do that, given what he just clarified with respect to the definition of council?

**Hon. Mr. Dixon:** The act doesn't say explicitly that LACs can do wards, but it does say that Cabinet can enact an OIC to create an LAC — and the act doesn't define an LAC as well.

I guess what I'm saying is that you won't see an explicit reference in the act that says LACs can have wards but the authority is vested through Cabinet's ability to make an OIC. In section 38 of the *Municipal Act*, it reads: "Unless otherwise prescribed under section 37, the Minister may appoint the members of the first local advisory council or may direct the director to conduct the first election of members of a local advisory council, and the Minister may prescribe the procedures to be followed for conducting any subsequent local advisory area elections or appointments."

I'm not sure why that's relevant, but the point is that the authority rests in the ability of Cabinet to make the OIC to create wards. That's possible and in place already.

**Ms. Hanson:** I have one final question on this matter, Madam Chair. What role does Community Services play in terms of working with local area councils or those groups that are looking to form — I mean, there are not that many of them left but perhaps there would be. What proactive work is done to talk about the merits of ward systems? An ordinary citizen is not going to know. They are finding it difficult to get people involved in local area councils. One suggestion has been that if we have wards, you might find it easier. What role does Community Services play with respect to talking about the options for engagement, including ward systems? If it's all subject to some point — somebody has a brilliant idea and they figure out that they can get a ministerial order-in-council. There must be something before that.

**Hon. Mr. Dixon:** The Department of Community Services doesn't actively advocate for the ward system, but we do advocate for participation in LACs. One thing that has been noted — while I appreciate the point that the ward system may indeed lead to increased participation, it also decreases flexibility, so you may have one area or subarea that has a very active amount of citizens and is able to get five or six people interested, but other areas are not, and then you're stuck. I would simply say that, in a general sense, we don't advocate necessarily for the ward system, but we're happy to entertain providing information or exploring options around the creation of a ward system. What we do certainly undertake is advocacy for participation generally. We do that through a number of ways — in outreach to the community to encourage participation and to try to get new people to put their names forward for LACs. There are many ways. I won't go into them at too great of length because they're not really linked to what's here before us in this bill. Needless to say, we do advocate that people get involved and participate, but we don't pick the ward system or not and we don't encourage either one. We just simply say to get involved and we will help those who do get involved.

**Mr. Barr:** I have a couple of questions around orders-in-council. Is there anything in the act that would have been amended to — sorry, I'm going to switch to ministerial relations first. In LACs, the government interaction — council would like a stronger relationship. Right now the mandate states that LACs advise the Minister of Community Services. There had been thought given to the fact that LACs would like to also provide advice to all ministers of the territorial government. Has this been addressed?

**Hon. Mr. Dixon:** No, the act doesn't change to whom LACs can make recommendations. It remains the Minister of Community Services. With regard to relations, I endeavour to meet with LACs annually, usually twice a year in person. Sometimes not all members are available at various times. If LACs want to meet more, we're obviously interested in that.

More importantly, I would say — or just as importantly — our Community Affairs folks meet with LACs very often. They're in discussions all the time. When certain issues arise, there can be daily or weekly conversations with an LAC or a chair. I think that relationship is solid. I appreciate that maybe some LACs want to have more engagement. If they do, I'm certainly interested in that as well, but it is up to the LACs. It is up to the individual members and the chair to reach out. I'm happy to oblige meeting more frequently, if that's the desire.

With regard to how comments can feed into the rest of government, aside from just Community Services, I find that what has happened over the years is that Community Affairs is playing a much broader and stronger role in advocating for municipalities and LACs throughout government. I know that a lot of municipalities see their community advisor as a point of first contact in government, and even if their interest is in an issue related to EMR or Justice or Highways and Public Works, they will often use community advisors as the point of first contact because they're familiar with them, they're comfortable with them and they know them.

That relationship between the community advisor and either the municipality or the LAC needs to be strong. We try our best to ensure that it is strong. Our folks in Community Affairs are out there, always trying to engage with municipal governments.

While Community Affairs staff are the point of first contact often for LACs, of course there's nothing that prevents LACs from contacting other ministers directly, either by e-mail, phone or letter. I certainly wouldn't stand in the way of an LAC having a meeting with another minister.

From my experience, it's often easiest to have one point of contact with government. Community Affairs staff and I, as Minister of Community Services, are willing and able to be that point, but if LACs are interested in contacting others, they certainly can.

**Mr. Barr:** I was at an LAC meeting last week and that was a concern that was brought up. They are going to be approaching the minister, so they'll be happy to know that.

I do also want to commend the good work that the liaisons, who are out from Community Services, do. They are a gap, and sometimes, because of timelines, some of the LACs would prefer to get it right from the horse's mouth, so to

speak — right from the minister. They will be happy to know that this minister is willing to work in this way.

I think I have just one more question. With LACs — and because there is a struggle to have them — I know that it was mentioned by the minister that Mount Lorne did have a full slate — and it wasn't really that people just jumped forward on it. It was because of the dedication of Peter Percival, actually, who went door to door, trying to get people to come forward. Had he not done that, we wouldn't have the situation that we do have. I am very thankful — and I'm sure the minister is also — that people did come forward to replace the old council because there are five new members.

I would also like to extend, at this point, gratitude for the past chair, Al Foster, who is going to be going out again tonight to help bring the new council up to date and to finalize the elections of the chair, deputy chair, and so on and so forth.

Having said that, there has been limited ability for the LACs to spend the budget and they were unable to purchase a tape recorder for their meetings. Has anything like this in the act been looked at, as far as the ability for LACs to be not so restricted in the budget that they receive?

**Hon. Mr. Dixon:** Nothing in this bill changes the financial arrangements that LACs have, or the funding that is provided to them. With regard to a tape recorder, that is the first I have heard of it. I hadn't heard that they weren't able to purchase a tape recorder, but perhaps that is something we can look into. That is certainly nothing that is in this legislation.

**Mr. Barr:** I know I just kind of mentioned this, but I'm happy to hear that the minister would be willing to look into something like this. As there aren't any changes under budgets in the act, is it also to possibly look into the election years — that is an extra added cost to have a returning officer and so on and so forth, as there was this year. It's just not accounted for. If the minister would be interested in looking at some other arrangement for LACs to be able to function throughout the year with the budget that they have — that when they do have a year such as an election, that cost be somehow topped up in election years.

**Hon. Mr. Dixon:** As I indicated, there is nothing in this bill that changes the financial arrangements between the Yukon government and the LACs, or the funding that is provided to them, whether it's in an election year or not.

**Chair:** Does any other member wish to speak in general debate?

If not, we will proceed with clause-by-clause reading of the bill. Prior to doing that, 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.

We're going to resume discussion of Bill. No. 89, in clause-by-clause debate.

*On Clause 1*

*Clause 1 agreed to*

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

**Ms. Hanson:** Because it is definitions, I just was unclear that clause 3 is all the definitions — just to confirm that.

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

**Ms. Hanson:** All right. Then I just have a question with respect to the definition (j), which says that the definition of "municipal utilities" is repealed. While I was going through that Madam Chair — just hold on here for a second while I get my — so my question, when I had read this the original time and the question still is in my mind so I'm going to ask it.

The definition currently there is that "municipal utilities" means a system or facility that is used to provide any of the following things for the public: water, sewage treatment and disposal, public transportation, heat, waste heat, and waste management; and a service or product that is provided for public consumption, benefit, convenience, or use." My question — two questions. One is: Why is that repealed? I do see in a later part a definition of municipal service, but it seems to me that the definition of "municipal utilities" as it is set out here is broader than the later definitions. My only reason for raising it is that I'm just wondering whether or not it has any potential to limit future options for municipal governments.

**Hon. Mr. Dixon:** The intent of this general definition change is to move away from the specific term of "municipal utility" to municipal service and the reason for that is to increase the flexibility of the application with regard to the general issue of revenue generation for municipalities.

In the bill, here specifically and throughout, we see changes that are made in order to clarify the powers of municipalities regarding generating their own revenue. Under the current *Municipal Act*, municipalities can charge a fee or levy for services within the municipal boundaries.

The development of the service charges, or what is being provided and how charges will be collected, continues to be the responsibility of the municipal council. A significant proposed change to the act is to clearly define the municipal service charge, which includes both utility and non-utility charges that can be imposed through municipal bylaw. Utility services can include heat, electricity, water, sewage treatment and disposal, solid waste management and waste heat. Non-utility charges may include parking, public transportation, ambulance services, recreational and cultural activities.

For example, if a municipality wishes to charge a fee to a resident or non-resident user of water supplied to a local commercial accommodation or lodging, then that charge must be connected to the provision of that water by the municipality. Along with these municipal service charges, a municipality also has the ability to levy local improvement charges and property taxes. The Yukon government is planning to offer a forum next year for municipalities to

provide information and training on a number of areas of revenue-generating topics.

With regard to this specific definition, the changes are to enable greater flexibility for municipalities and clarity around their ability to raise revenue.

**Ms. Hanson:** As I understand it then, this is an enabling provision. If so, that's good to hear. The other definition I was querying is the change to the definition of "development cost charge" — the deletion of "or facilities." So development cost charge means the charge levied by a municipality against a new development to acquire sufficient funds to assist with the expansion of municipal services or facilities to meet the expanded service demands.

My question is simply: Why is "or facilities" deleted?

**Hon. Mr. Dixon:** The reason that is removed is because the words before it, "municipal services", take on a new meaning in the act. The term "municipal services" has a new definition that provides for all of the flexibility and ability to levy those charges. So the word "facilities" in that definition became redundant with the new definition of what municipal services are. So municipal services, as defined in the act, take on a new meaning.

**Ms. Hanson:** So the new definition of municipal service means the utility service or non-utility service that is provided by a municipality, but I don't see "facilities", so how is that addressed there?

**Hon. Mr. Dixon:** It's implied there that both — first of all, there's a list of what utility services are and what non-utility charges may include, so obviously those could include those types of issues as well. I think this is sufficiently enabling to allow a municipality the flexibility to raise revenue.

As well, we see in the definitions that utility service includes any facilities or works required for the operation of that system that provides or makes available to the public a range of things. So "facilities" is incorporated now in the term "utility service", which is incorporated in "municipal service", so we have both utility and non-utility services being discussed here in the concept of a municipal service.

*Clause 3 agreed to*

*On Clause 4*

*Clause 4 agreed to*

*On Clause 5*

*Clause 5 agreed to*

*On Clause 6*

*Clause 6 agreed to*

*On Clause 7*

**Ms. Hanson:** Section 17 — I just want to make sure that I have the correct one here, as I said, this is challenging. Section 17 is dealing with the formation, dissolution, and altering of the boundaries of a municipality. There has been expansion here, so I am just trying to clarify what the intention of the expansion is. In section 17(4), it simply says that any proposal to do that formation, dissolution, or altering of the boundaries of a municipality would be accompanied by a petition. The amendment adds that it has to have not less

than 30 percent of the persons who would be eligible to be electors.

First of all, the question I have is: Why is this threshold established? Secondly, how was the threshold of 30 percent established?

**Hon. Mr. Dixon:** So the threshold of 30 percent was in the original *Municipal Act*, and what we see in this section in 7(1) and 7(2) is the combination of what used to be two sections. Subsection 17(5) is repealed; that is where that 30-percent number comes from. It is now combined — so we have combined two previous subsections into one — and that is why you have this language.

The intent of all this is to clarify how many people must sign this petition in order for it to be valid. The 30-percent threshold isn't new; it's from the original *Municipal Act* and it's just intended to tidy up the act to bring those two subsections together.

*Clause 7 agreed to*

*On Clause 8*

**Ms. Hanson:** Could the minister just confirm that the intent here is similar to clause 7 with respect to the threshold?

**Hon. Mr. Dixon:** Yes, Madam Chair, this clarifies how many people must sign the petition in order for it to be valid. Like the previous section, it combines the two. That's why you see in 8(2) the repeal of a previous 29(5). Again, this is just bringing together the previous subsections for clarity.

*Clause 8 agreed to*

*On Clause 9*

**Mr. Barr:** Could I ask for clarification on clause 9?

**Hon. Mr. Dixon:** This section relates to a request to form a local advisory area. As I noted in my general debate comments, a local advisory area is an area outside of a municipality. It is represented by an elected council but has no legal authority. Its only function is to provide advice to the minister. This section sets out the process to request the creation of a new LAA. As I said in my opening remarks and in general debate, this provides added clarity where it didn't exist before for members of the public who wish to initiate that process. Previously, there wasn't clarity about how an individual or a group of individuals in the public would seek the creation of an LAA. This section forms the basis of how that request to form is taken.

*Clause 9 agreed to*

*On Clause 10*

**Ms. Hanson:** Could the minister clarify why 37(1)(b) is repealed? I'm not sure what the minister's act reads, but the heading there says "Content of ordres" — I imagine it's supposed to be "orders" and not "ordres" — on page 38 of the *Municipal Act* as it was printed off hot today.

**Hon. Mr. Dixon:** This section regarded areas governed by a local advisory council, which, as noted above, are advisory to the minister. The section removed was regarding provision of works and services that cannot be done by LACs. It's just to provide clarity around their role.

Now, I'm just trying to know — if there was a spelling error, could she maybe repeat where that was and I'll see if I can see it.

**Ms. Hanson:** Just directly above 37(1), it says “Content of ordres” and on the other side, “Contenu des décrets”.

**Hon. Mr. Dixon:** Thank you, Madam Chair. I don’t see that particular spelling in the bill that is before us. I’m struggling a little bit to find it. I wasn’t aware of any spelling error that we had encountered to date. That doesn’t mean we wouldn’t have one but —

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

**Hon. Mr. Dixon:** Can I just clarify that she’s talking about the bill, not the previous act?

**Ms. Hanson:** I’m comparing this against — what we have in front of us is a document, which is the bill, *Act to Amend the Municipal Act*, in order to — so we’re talking about the amendments, but the act itself is still intact except as amended. I’m simply raising a question that in the act itself on page 38, as printed out for me, chapter 154, *Municipal Act*, page 38, where it says section 37. It was just a simple noting that it says, “Content of ordres”, which is in bold as the heading.

**Hon. Mr. Dixon:** I’m holding a copy of that and my copy in bold has orders spelled correctly. I’m at loss for explaining why there’s a spelling error, but if there is indeed a spelling error in one of the copies, I’m sure we’ll fix it. I have a copy right here that has the correct spelling and it’s obvious that the member has a copy that has the incorrect spelling. These types of things we can remedy through other processes, but there are ways that we can do that in the future. We’ll check in the future about the spelling.

*Clause 10 agreed to*

*On Clause 11*

*Clause 11 agreed to*

*On Clause 12*

*Clause 12 agreed to*

*On Clause 13*

**Mr. Barr:** Could I see clarification on this clause 13, Madam Chair?

**Hon. Mr. Dixon:** This clarifies the scope of the authority of the local advisory council regarding its meetings. Previously in the act it indicated the word “regulation” and LACs cannot make regulations, so this is a clarifying that they can make resolutions to change their procedures but they cannot make regulations.

**Ms. Hanson:** Just to clarify — the intent of repealing the provision of 43(1) that says that an annual general meeting shall be held in each calendar year. Is there a reason why? Does that mean that there is no expectation of an AGM each year?

**Hon. Mr. Dixon:** This was to allow a greater degree of flexibility. Previously, LACs simply weren’t meeting this part of the act, so we just made this amendment to make it consistent with their practice. This allows flexibility for LACs to determine the frequency of their meetings.

**Ms. Hanson:** I appreciate that, because it does speak about replacement of section 43 with conduct of the meetings and that — presuming there are meetings — but it’s different to talk about meetings in general than an AGM, which is generally an expectation that people would have. We have it

under the *Societies Act*, for example, that there is an annual general meeting where constituents and others may count on having at least one session of accountability.

**Hon. Mr. Dixon:** That is correct. My understanding is that, under the *Societies Act*, societies are required to have an AGM. That’s not the requirement here. The bill is intended to provide flexibility to allow LACs to determine the frequency of their meetings. I think this is just reflective of the difference between an LAC and a society under the *Societies Act*.

I should note that the reason for this was because we didn’t want to have LACs being out of compliance with the act for having meetings at a time of their choosing. It was determined through consultation that this was an appropriate step to allow for flexibility for LACs to determine the procedures of their meetings and the frequency of their meetings.

*Clause 13 agreed to*

*On Clause 14*

*Clause 14 agreed to*

*On Clause 15*

*Clause 15 agreed to*

*On Clause 16*

**Mr. Barr:** Can the minister please give clarification and explain this section?

**Hon. Mr. Dixon:** This creates a deadline by which the designated municipal officer must have completed the preliminary list of electors. It also informs the public that this list is complete and allows an elector, concerned that their appearance on the preliminary or revised list of electors could threaten their safety, to request that their name be removed from the publicly available version of the list.

In general, this just speaks to the process by which the lists are dealt with prior to an election.

*Clause 16 agreed to*

*On Clause 17*

*Clause 17 agreed to*

*On Clause 18*

**Ms. Hanson:** I know this provision has had some discussion in the Legislature with respect to the notion of privacy and posting of preliminary lists of electors but, for the record, could the minister clarify how people know that they’re on the list? Who knows who is an elector in a municipal government election once we have repealed this?

**Hon. Mr. Dixon:** This sets out how a person may view a list of electors. Previously, the list of electors could be posted. Anecdotally I have heard that sometimes they would just post this on a lamppost in the middle of the town. That has changed for a number of reasons. Now an individual can go to the municipal office and request to see the list, look at the list, determine if they’re on it or not and then request revisions, as necessary. I should note that they’re not allowed to make copies of it and take it away, but they are allowed to look at it.

I think that answers the member’s question.

*Clause 18 agreed to*

*On Clause 19*

*Clause 19 agreed to*



*On Clause 20*  
*Clause 20 agreed to*  
*On Clause 21*  
*Clause 21 agreed to*  
*On Clause 22*  
*Clause 22 agreed to*  
*On Clause 23*  
*Clause 23 agreed to*  
*On Clause 24*  
*Clause 24 agreed to*  
*On Clause 25*  
*Clause 25 agreed to*  
*On Clause 26*  
*Clause 26 agreed to*  
*On Clause 27*  
*Clause 27 agreed to*  
*On Clause 28*  
*Clause 28 agreed to*  
*On Clause 29*  
*Clause 29 agreed to*  
*On Clause 30*  
*Clause 30 agreed to*  
*On Clause 31*

**Mr. Barr:** Thank you, Madam Chair. Could I ask the minister to please explain this section?

**Hon. Mr. Dixon:** This section is an interesting one. It's one that determines how ties are settled in the case of an election. The existing section 127 said that the returning officer would draw lots to determine the winner in the case of a tie. Obviously, in the 21<sup>st</sup> century I think "drawing lots" is an unclear term, so the new section 127 sets out a clear process to settle the tie that is consistent with other jurisdictions in Canada and a little more modern than the term "drawing lots."

*Clause 31 agreed to*  
*On Clause 32*  
*Clause 32 agreed to*  
*On Clause 33*  
*Clause 33 agreed to*  
*On Clause 34*  
*Clause 34 agreed to*  
*On Clause 35*  
*Clause 35 agreed to*  
*On Clause 36*  
*Clause 36 agreed to*  
*On Clause 37*  
*Clause 37 agreed to*  
*On Clause 38*  
*Clause 38 agreed to*  
*On Clause 39*

**Ms. Hanson:** At the outset of this afternoon's discussion of Bill No. 89, we indicated that this is an area where it's important to be able to understand the difference between what the existing legislation provides and what the proposed amendments are, so if the minister could explain this.

What we're seeing here is that, in clause 39, Division 16, which is the "Public Votes" section, is replaced and is now called "Plebiscites and Referendums" — if the minister could just explain how this is materially changed and what the implications are.

**Hon. Mr. Dixon:** As I did at the outset in general debate — I explained these terms. I won't just repeat the definitions, but I would just note that this sets out clearly what plebiscites are and what referendums are. Plebiscites are non-binding; referendums are binding; and there are multiple ways with which referendums can be enacted. They can be driven by municipal council or they can be driven by the public vis-à-vis a petition.

Those thresholds — the number of eligible voters required — have all been made clear. They have been made consistent around the territory. Now we have a system that we believe, through this bill, is clear and understandable for municipalities and those who are interested in participating in municipal governments with regard to how plebiscites work and how referendums work.

There are multiple pages that explain the steps that are taken. If it's desired, I'll be happy to repeat my comments from general debate about the process and the timelines. If that's desired, I'll be happy to do so, but, in general, I guess my comment on this section would be that this lays out very clearly that plebiscites are non-binding and that referendums are binding, and the process by which each of them comes about.

**Ms. Hanson:** I do understand that. The old act did say that a plebiscite wasn't binding on a council either, so that's not a change.

The issue is at the core of what I had asked at the outset — for assurances from the minister. I guess I will take that as an undertaking from the minister — that is what I'm looking for — that the intent of the restructuring of the provisions under "Plebiscites and Referendums" is not intended to limit the ability of citizens to participate in either the process of plebiscite — putting a plebiscite — or participating in a plebiscite or a referendum. That's what I'm looking for. That is part of the language that's contained in the current — well, as the amended legislation before us does not change the preambular language of the act. I'm just looking for an undertaking that the democratic rights piece is still honoured in how this is intended to do — and if it's simply to clarify it but not to limit citizens' rights, then I'm asking for the minister's undertaking on that.

**Hon. Mr. Dixon:** Yes, of course, the democratic aspect of the *Municipal Act* is still intact as a result of these changes. If anything, I think it's strengthened in the sense that citizens, municipalities and everyone now have a very clear outline of what plebiscites are, how they're done, who's eligible to vote in them, who's eligible to be considered, and likewise for referendums — and the fact that, in the case of referendums, they are binding on a council and, in the case of plebiscites, not binding. There is no reduction of democratic principles here or changes to the preambular principles that are outlined

at the beginning. This is simply making very clear the process of plebiscites and referendums.

**Mr. Barr:** Can the minister please expand on 152(1)?

**Hon. Mr. Dixon:** This section explains that a petition of electors can request a referendum and outlines some of the matters that they can ask for a referendum on. It explains that, in order to make a request, they may only be made by submitting to the council a petition that contains the signatures of a number of electors that is equal to or more than 15 percent of the population of the municipality where the referendum would be conducted.

Just to add clarity to that, I had said that it lays out what they can ask for referendums on. That is not entirely accurate. What it does is it outlines what they cannot be done on, so that is important to note. This is now going to be a consistent threshold around the territory. I know that previously there were a couple of different options that could have been considered, including a fixed number of people. I believe it was 2,000. We have gone away from the fixed number and gone to percentage-based thresholds because that accommodates for the growth over time of communities — or reduction or decline of communities as well. That is what sections 152(1) and 152(2) are all about.

If there's a specific question, I would be happy to entertain it.

**Mr. Barr:** I would like to move on to 154(1), which speaks to petitions, and seek some clarity there.

**Hon. Mr. Dixon:** This speaks to the time period that a petitioner can anticipate when they've submitted a petition. So it sets a maximum time between the filing of notice and the delivery of the completed petition.

In section 154(1), a petition is valid only if it is deposited with the designated municipal officer within 105 days after the date of the filing of the notice of an unsigned petition under section 153. Again, a person, to undertake this process, would bring a question or a form to the designated municipal officer. As I have indicated, that is usually the CAO or the town manager in most communities. They would then ensure that the petition is accurate, clear enough, and within the realm of relevance or appropriateness for the council to consider. It also puts timelines on the municipal officers to review the petition in question and to respond to the potential petitioner. It then allows a number of days for a group of people to go out and to seek signatures on their petition. Once it is approved by the designated municipal officer, they have a fixed number of days to go out there and do that. This will now provide clarity to a potential petitioner around how long they have to gather signatures and it also puts a fixed amount of time on the designated municipal officer to review that petition and ensure that it is appropriate and accurate.

As I said before, previously under the *Municipal Act*, there was no time requirement for the designated municipal officer to respond to that petitioner or respond to that proposed question. Although it never happened, it could have theoretically happened that a designated municipal officer could have been considering a potential petition indefinitely and we wanted to clarify that.

In general, this section lays out the process and timelines for potential petitioners to get a petition together, get signatures and submit it to council.

**Mr. Barr:** Could a municipality or local government initiate a referendum if it wanted to?

**Hon. Mr. Dixon:** Yes, Madam Chair. Referenda can be driven two ways: either by a council directly — meaning that if a municipal council wanted to have a referendum, they could initiate one — but there is also the opportunity for the public to drive a referendum through a petition, and that's outlined here.

*Clause 39 agreed to*

*On Clause 40*

*Clause 40 agreed to*

*On Clause 41*

*Clause 41 agreed to*

*On Clause 42*

*Clause 42 agreed to*

*On Clause 43*

*Clause 43 agreed to*

*On Clause 44*

*Clause 44 agreed to*

*On Clause 45*

*Clause 45 agreed to*

*On Clause 46*

*Clause 46 agreed to*

*On Clause 47*

*Clause 47 agreed to*

*On Clause 48*

*Clause 48 agreed to*

*On Clause 49*

*Clause 49 agreed to*

*On Clause 50*

*Clause 50 agreed to*

*On Clause 51*

*Clause 51 agreed to*

*On Clause 52*

*Clause 52 agreed to*

*On Clause 53*

**Ms. Hanson:** I just have a clarification here. Section 180 of the act has been amended so that the whole of the section talks about the roles and duties of the mayor, and it has been replaced with a new definition of the roles and duties of a mayor. When I read that through, it seems to me that the current legislation speaks to a time of a slightly different era.

I wanted to ask the minister to clarify — in the previous legislation, it talks about, “The mayor of a municipality shall be a member of the council and shall be chief executive officer of the municipality...” and it has the various duties that he has. Those have been streamlined and he is no longer considered to be the CEO. In the previous legislation, when there was — as I understand it — I'm just wondering about this in the context of smaller municipalities. How viable is it to expect that they're going to be able to find somebody to be the CEO or the CAO?

Is there any thought given to having that leadership role of a mayor for a period of time being carried out by the mayor

as opposed to leaving them in a vacant situation where there is nobody carrying out the operational functions for a period of time — or, in the current era, is that something that's addressed by Community Services, and do they have a cadre of people that they can ship into a community when they have that kind of vacancy occur? I just wondered if the intention of the basket clause in the new 180(1)(e) was to capture that potentiality, or if it's just really not done any more in good practice.

**Hon. Mr. Dixon:** Yes, this is about the roles and duties of the mayor and it reflects a modern reflection of what the mayor is. The member is correct that previously there was the term "CEO" or "Chief Executive Officer" used. That was a bit confusing and a bit antiquated because the mayor is not a CEO; the mayor is the mayor. The definition of the mayor is here. Their roles and duties are outlined in this section.

This doesn't deal with the issue that the member asked about — about whether or not Community Services would fill in capacity if a CAO was unavailable or incapacitated for a period of time — but the answer to that question is yes. We would be willing to step in and provide resources and support to a municipality that, for some reason or another, lost their CAO and couldn't hire a new one in time or something like that, but municipalities often take it upon themselves to deal with that on their own.

Just look at this summer — we saw four different municipalities without a CAO and they took a variety of approaches to respond to that gap in employment. For instance, in Dawson I know they hired rotating CAOs on a week-in, week-out basis — or two week-in, two week-out basis. Other communities, like Watson Lake, had somebody within their organization fill in as an acting CAO until they hired somebody. There are many options for dealing with a gap in employment at the CAO position. It's not captured in this section but, as I said, Community Services would be willing to support and assist municipalities in any way possible — in any reasonable way possible — if they did face that situation.

This section is simply aligning the roles of the mayor in a modern sense in this modern legislation.

*Clause 53 agreed to*

**Ms. Hanson:** Madam Chair, pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem clauses 54 through 58 of Bill No. 89, entitled *Act to Amend the Municipal Act*, read and agreed to.

### **Unanimous consent re deeming clauses 54 through 58 read and agreed to**

**Chair:** Ms. Hanson has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem clauses 54 through 58 of Bill No. 89, entitled *Act to Amend the Municipal Act*, read and agreed to. Is there unanimous consent?

**All Hon. Members:** Agreed.

**Chair:** Unanimous consent has been granted.

*Clauses 54 to 58 deemed read and agreed to  
On Clause 59*

**Ms. Hanson:** In clause 59, we see that section 193 is replaced — if I'm correct — and I hope I didn't jump too quickly on this. My concern is understanding the change from "conflict of interest" to "pecuniary interest". There is a difference. A pecuniary interest, as I understand it, is a financial interest. A conflict of interest could arise from more than just a financial matter or dealing, and it can be influenced; it can be all sorts of different things.

My question is: Why is there a focus solely on taking away the conflict-of-interest aspect of it and focusing on pecuniary interest and disqualification?

**Hon. Mr. Dixon:** A pecuniary interest is set out here. A pecuniary interest is what would create a conflict of interest for a council member. Previously, in the existing *Municipal Act*, it wasn't clearly defined what the link between a pecuniary interest and a conflict of interest was — so that one would lead to the other, I should say. This lays out in law what a pecuniary interest is and at what point a council member would be in conflict as a result of that pecuniary interest, and what happens in that case.

It basically draws the link between pecuniary interest and conflict of interest where there wasn't a clear link between those two previously.

**Ms. Hanson:** Where in the act does it have anything to do about conflict of interest?

**Hon. Mr. Dixon:** What we set out here is what a pecuniary interest can be and what to do when a council member has a pecuniary interest. We don't need to define what a conflict of interest is; we simply define what the pecuniary interest is and what that means in the course of the business of the council.

If a council member has a pecuniary interest, it is established here, and then what you do as a result of that is outlined here. It doesn't say necessarily that there is a conflict of interest, but it says that if you have a pecuniary interest, this is what you do in these various situations.

That is, I think, the best I can possibly explain that section.

**Ms. Hanson:** I'm just trying to clarify. Is it the intention that only if a council member has a pecuniary interest — and one would phrase that, I guess, as a pecuniary benefit — a financial benefit that might flow to them as a result of any of those listed matters. But is there no other potential conflict of interest that's contemplated? I mean, that's one of the reasons why, in other jurisdictions, we've seen municipal councils, as well as provincial governments, adopting lobbying legislation — because there are significant potential and perceived conflicts of interest, not just financial. There's influence in others that may hold sway — no immediate pecuniary interest or declared pecuniary interest.

**Hon. Mr. Dixon:** Pecuniary interest isn't strictly monetary. This lays out, first of all, who is ineligible to be a council member. For instance, judges are ineligible to be members of a municipal council. It lays out that if a matter could monetarily affect a member of council, or an employer of a member of council, they would have a pecuniary interest and issues around family members — whether or not family

members constitute a pecuniary interest. It lays out clearly what pecuniary interests are and, as a result of that, if there is a pecuniary interest, they are required to disclose those and deal with them appropriately as per this section of the act.

I'm not sure how that would be affected by lobbying legislation. That would depend what the lobbying legislation looked like, I guess, but the intent of this is to lay out what pecuniary interests are — whether they are monetary or not — and what to do as a result of them.

**Ms. Hanson:** I think that is the core of what I'm asking the minister. He just said, "whether they are monetary or not", and my understanding of the definition of "pecuniary" is that it is financial. What I'm asking the minister to clarify is, in fact, how these proposed amendments to the legislation address the broader aspect of conflict of interest, not just the financial advantages or interests that somebody may have. Those financial pieces are clearly laid out, as the minister has referenced.

I'm asking the minister to clarify if there was a reason why the broader issue of conflict of interest, as opposed to just a simple pecuniary interest, is addressed. There may be a perfectly good reason; it's just not yet clear to me from what has been described by the minister.

**Hon. Mr. Dixon:** I wasn't clear earlier and the member did appropriately correct me: pecuniary is a monetary interest. What I meant is that in this section — at the beginning there are things that are considered in here, like the fact that judges can't be members of council and if they have an interest in the society, there could be a potential conflict there, but maybe I could seek just a little more clarity on the question. I think what we see here is a list of just what a pecuniary interest is and what to do in the event of it.

I'm not exactly sure just what else is being asked here, so maybe I could just ask for a little more clarity?

**Ms. Hanson:** I'm simply asking — there is a broader definition of conflict of interest than is commonly understood when we talk about a financial interest, so yes, it's clear and, in many situations, yes, I would expect that a judge and other people who because of their position aren't engaged in political offices — because we just don't do that, at least not in Canada..

I read those as for greater certainty — it is just confirming that a person who is appointed or elected as a judge or as a Member of Parliament or an MLA — the Member for Porter Creek North is here and not on municipal council; the Member for Riverdale South is here, and not on municipal council — so those are choices we make; they are either/or. Those are clear. I'm talking about a conflict of interest and the broader issue of the potential of — without a financial interest — conflicts that arise because of influence and those kinds of matters. Not all pressures that are placed on elected officials come from simply — are not subject to financial reward or pecuniary interest. There are other conflicts of interest that exist. Not wanting to belabour this, I just want him to know that — when I asked the question at the outset if there was a clear reason why — the choice of narrowing it down to

pecuniary interest as opposed to the broader definition of conflict of interest.

**Hon. Mr. Dixon:** Yes, this section does deal with pecuniary interests and I think it is acknowledged that there can be non-pecuniary interests.

Later on in section 209, we have a clause that says that a member of council must vote on each matter that is subject to a vote by council unless in respect of the matter that member of council is excused by council from voting on the matter or prohibited. That section allows council to decide if an individual has a non-pecuniary interest, what the recourse should be and whether they should not participate in a vote.

This section, the section that was before the one that we are talking about right now, is the pecuniary section. That is laid out in this section through 193. There are pecuniary interests. That's here. It's acknowledged that there are non-pecuniary interests that may come up and it will be put to the council to decide how to deal with them once they're disclosed by the member.

**Ms. Hanson:** That's kind of circular because that takes us right back — it says if there is some financial interest. I think we should just let it rest here, Madam Chair. It is clear that there is no broad definition, no interpretation and no intention to talk about the broad issues of the conflict of interest. It's a narrow focus on pecuniary interest and when we circle it back to why they might be prohibited from voting, pursuant to what the minister just said, it's because they have a pecuniary interest.

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

**Ms. Hanson:** They're not.

*Clause 59 agreed to*

*On Clause 60*

*Clause 60 agreed to*

*On Clause 61*

*Clause 61 agreed to*

*On Clause 62*

*Clause 62 agreed to*

*On Clause 63*

*Clause 63 agreed to*

*On Clause 64*

*Clause 64 agreed to*

*On Clause 65*

*Clause 65 agreed to*

*On Clause 66*

*Clause 66 agreed to*

*On Clause 67*

**Mr. Barr:** Could the minister please expand on this clause?

**Hon. Mr. Dixon:** This clause deals with dozens of sections. I'm wondering if the member could give me a little guidance on what he's specifically looking for. It begins with the fact that council acts by bylaws and resolutions. It talks about the location of the council meetings and the fact that regular council meetings should occur. I think those are relatively self-explanatory. It contemplates the idea of a special council meeting and how those can occur.

This clause also talks about the mayor in their role as the presiding officer at a council meeting and talks about what quorum is. It does set quorum as the minimum number of members for the council required to make a formal decision. That's pretty self-explanatory. There's some discussion about votes. I'm just looking for a little guidance as to what the member is specifically interested in.

**Mr. Barr:** Section 209(1) is the explanation of a conflict of interest.

**Hon. Mr. Dixon:** That's the section I was just referencing in discussion with the Member for Whitehorse Centre. This section — particularly (a) and (b) — reads: "A member of council must vote on each matter that is subject to a vote by council unless in respect of the matter that member of council... is excused by council from voting on the matter..."

So if council determines that perhaps the member has a non-pecuniary interest in the matter, they would be excused from voting, so they don't have to vote on every matter. I thought that was self-explanatory. Subsection (b) discusses the prohibition from voting by paragraph 193.02, and that forbids a councillor from voting on a matter in which they have a pecuniary interest, which we discussed previously.

Basically this is saying that the member of council must vote on matters unless there's a pecuniary or non-pecuniary interest that precludes them from participating in debate and voting.

In (a), you have non-pecuniary interests that are contemplated by whatever rules council sets up — and then (b) for the pecuniary interests that are defined in the previous section that we debated earlier.

**Mr. Barr:** Further to that, is a perceived conflict of interest covered in this — to be declared?

**Hon. Mr. Dixon:** That would be encompassed in a non-pecuniary interest. It would be self-declared, so if a member of council decides that they have a non-pecuniary interest — meaning something that is not discussed in the pecuniary interest section — and they feel it should be declared, and the council decides that there is a perceived conflict and they shouldn't participate in the vote, then this section would allow them to be excused from voting on that matter.

**Ms. Moorcroft:** There has been considerable discussion this afternoon regarding conflict of interest, which is referred to in numerous sections of the amendments to the *Municipal Act*. There is no definition of "conflict of interest" in the amendments to the *Municipal Act* itself. What definition of "conflict of interest" is being used? Is there a definition from the *Interpretation Act* that comes into play? Is there a definition in another Yukon statute?

**Hon. Mr. Dixon:** I don't believe we use the term "conflict of interest" in the act for the reasons I explained earlier. We use "pecuniary interest". If there is a pecuniary interest, then a member of council is precluded from participating in the vote. If there is a non-pecuniary interest, then, for the reasons in this section that I just described, they would have to declare that and council will decide whether or not they can participate. If there's a specific section that

includes the words "conflict of interest", I don't see it immediately. I would be happy to respond if we could find that.

Well, there you go — the conflict of interest. This is a good example. Right above here, in section 208, it says that, in the case of a person having a pecuniary interest, they aren't allowed to participate. How does council deal with that in the sense of having quorum? In the case that there is a pecuniary interest of a member of council in relation to a matter, and more than two members have that situation, they can allow for quorum through a reduced quorum in this section.

Again, when we have a pecuniary interest and there is a conflict as a result of that, then there are a variety of provisions that should give some guidance to municipalities as to what they're supposed to do.

**Ms. Moorcroft:** I thank the minister for that explanation.

*Clause 67 agreed to*

*On Clause 68*

*Clause 68 agreed to*

*On Clause 69*

*Clause 69 agreed to*

*On Clause 70*

*Clause 70 agreed to*

*On Clause 71*

*Clause 71 agreed to*

*On Clause 72*

*Clause 72 agreed to*

*On Clause 73*

*Clause 73 agreed to*

*On Clause 74*

*Clause 74 agreed to*

*On Clause 75*

*Clause 75 agreed to*

*On Clause 76*

*Clause 76 agreed to*

*On Clause 77*

*Clause 77 agreed to*

*On Clause 78*

*Clause 78 agreed to*

*On Clause 79*

**Ms. Hanson:** In clause 79, it says that sections 229 and 230 are replaced — 230 is agreements with First Nations. I'm looking for clarification because the new provision — the old provision said in 230: "If authorized by bylaw, a municipality may enter into an agreement with one or more Yukon First Nations for the provision of a municipal-type system or service by either party in the boundaries..."

In the new 230, it says that all that is preceding — the language has been fixed a bit — has jurisdiction, but it is "with a Yukon First Nation" — and how does that accord with a municipality like Whitehorse, which in fact has the potential to be entering into municipal-service-type agreements with Ta'an Kwäch'än and Kwanlin Dün for sure and possibly Carcross/Tagish First Nation?

In the previous wording, it seemed to be a bit more broad and enabling and this one seems to limit it to “a First Nation”. Is that the intention?

**Hon. Mr. Dixon:** No, it certainly isn’t meant to limit. I read this to be enabling of a municipality to enter into agreements with “a Yukon First Nation”. That doesn’t mean just one. It means that they can make arrangements with a Yukon First Nation; they could make arrangements with a municipality. It could be multiple municipalities; it could be multiple First Nations; it could be multiple departments in the Government of Yukon, or the Government of Canada.

I read this section as being pretty much enabling of a municipality to enter into agreements with other levels of government.

**Ms. Hanson:** I don’t dispute the listing of the other governments and the other levels of government, but I do point out that the previous clause was quite clear that entering into an agreement with one or more — so that enabling in a broader sense, for one or more First Nations — as opposed to simply saying “a First Nation” because “a First Nation” is different from the Government of Canada.

The Government of Canada, as we all know, has many entities within many departments, which members opposite — ministers — deal with many federal departments and agencies, but you’re not dealing with that kind of an arrangement with First Nations. They are each legal entities on their own. So I am simply asking that question, Madam Chair.

**Hon. Mr. Dixon:** I guess I’ll just read this: “A council may, by bylaw, authorize its municipality to enter into an agreement with any of the following entities for the purpose of collectively providing a municipal service within the boundaries of the municipality or within the area over which the other entity has jurisdiction” — and then it enumerates all of the possible agreement partners. It certainly is enabling of all those types of government. I don’t think it in any way restricts the ability of the municipality to enter into agreements with multiple First Nations — especially if you have multiple First Nations within your municipality.

I would respectfully disagree. I think the wording is fine and sufficiently enabling.

**Ms. Hanson:** I hope that the minister is correct and I hope somebody doesn’t read that down and just simply say that, because you’ve entered into agreement with a Yukon First Nation, you may not enter into an agreement with multiple First Nations.

**Hon. Mr. Dixon:** I also hope that no one misinterprets this act.

*Clause 79 agreed to*

*On Clause 80*

*Clause 80 agreed to*

*On Clause 81*

*Clause 81 agreed to*

*On Clause 82*

*Clause 82 agreed to*

*On Clause 83*

*Clause 83 agreed to*

*On Clause 84*

*Clause 84 agreed to*

*On Clause 85*

*Clause 85 agreed to*

*On Clause 86*

*Clause 86 agreed to*

*On Clause 87*

*Clause 87 agreed to*

*On Clause 88*

*Clause 88 agreed to*

*On Clause 89*

*Clause 89 agreed to*

*On Clause 90*

**Ms. Hanson:** I just wanted to confirm with the minister — I had reacted because I thought I had missed — there was a provision earlier that spoke to the broader powers. Is this an example — when you have the emergency powers of council, because there were emergency powers of the council in the earlier section that was repealed — which I can’t find right now, Madam Chair, which is frustrating.

Is this a simpler matter or example of the reordering and the restructuring of the legislation to make it flow better and to be more clear about what additional powers a council may assume and may need to assume, in terms of the peace, order and good government that we expect governments to be able to do in times of emergency?

**Hon. Mr. Dixon:** That is correct. This is just a reordering to make it easier to read. These sections are provisions for emergency circumstances and were relocated from the earlier act. There’s no change here in substance; this is just a reordering.

*Clause 90 agreed to*

*On Clause 91*

*Clause 91 agreed to*

*On Clause 92*

*Clause 92 agreed to*

*On Clause 93*

*Clause 93 agreed to*

*On Clause 94*

*Clause 94 agreed to*

*On Clause 95*

*Clause 95 agreed to*

*On Clause 96*

*Clause 96 agreed to*

*On Clause 97*

*Clause 97 agreed to*

*On Clause 98*

*Clause 98 agreed to*

*On Clause 99*

*Clause 99 agreed to*

*On Clause 100*

*Clause 100 agreed to*

*On Clause 101*

*Clause 101 agreed to*

*On Clause 102*

**Ms. Hanson:** I’m just looking for clarification. I understand this is to ensure — so we’ve repealed or replaced

section 288, which talks about the adoption of zoning bylaws. Is the intention of this section to provide clarity that there is a time frame within which a municipality, after it has adopted its OCP, has to have zoning bylaws completed within this two-year period? Is that, for all the verbiage that's there, the intent of that?

**Hon. Mr. Dixon:** Yes, that's generally what we're talking about here. This is a clarification. It's my understanding that, previously, some municipalities thought that they could only make the changes to zoning after two years, which didn't make sense, so this is just a clarification that they need to have their bylaws in order with their OCP.

*Clause 102 agreed to*

*On Clause 103*

*Clause 103 agreed to*

*On Clause 104*

*Clause 104 agreed to*

*On Clause 105*

*Clause 105 agreed to*

*On Clause 106*

*Clause 106 agreed to*

*On Clause 107*

**Ms. Hanson:** So this is the section that deals with — it's 107 we're talking about? We're talking about the Municipal Board, right?

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

**Ms. Hanson:** Yes, section 328. I'm looking right at it. Thank you, Madam Chair.

So the previous legislation had great detail about the Municipal Board and all the things that it might do. We simply reduced that quite a bit so that a board would be established by the Commissioner in Executive Council. Is that all that will be referenced in the *Municipal Act* with respect to the Municipal Board? Perhaps I'm missing something in the interpretation here — again, not having it side by side, this is very difficult to follow through.

**Hon. Mr. Dixon:** This deals with the issue of pecuniary interests and conflicts for the Yukon Municipal Board in the same way that it's dealt with for a municipal council. So in all the same manner that we discussed earlier about what a pecuniary interest is, that applies here now as well. It seems like it's getting shorter, but it's really simply tidying it up and making it the same for a municipal council.

*Clause 107 agreed to*

*On Clause 108*

*Clause 108 agreed to*

*On Clause 109*

*Clause 109 agreed to*

*On Clause 110*

*Clause 110 agreed to*

*On Clause 111*

*Clause 111 agreed to*

*On Clause 112*

*Clause 112 agreed to*

*On Clause 113*

*Clause 113 agreed to*

*On Clause 114*

*Clause 114 agreed to*

*On Clause 115*

*Clause 115 agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. Dixon:** Madam Chair, I move that you report Bill No. 89, entitled *Act to Amend the Municipal Act*, without amendment.

**Chair:** It has been moved by Mr. Dixon that the Chair report Bill No. 89, entitled *Act to Amend the Municipal Act*, without amendment.

*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 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. 89, entitled *Act to Amend the Municipal Act*, and directed me to report the bill without amendment.

**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. tomorrow.

*The House adjourned at 5:24 p.m.*