



Yukon Legislative Assembly

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HANSARD

Thursday, April 28, 2016 — 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

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

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Jan Stick	Official Opposition House Leader Riverdale South
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Lois Moorcroft	Copperbelt South
Jim Tredger	Mayo-Tatchun
Kate White	Takhini-Kopper King

Liberal Party

Sandy Silver	Leader of the Third Party Klondike
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**Yukon Legislative Assembly
Whitehorse, Yukon
Thursday, April 28, 2016 — 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 Yukoners cancer care fund

Hon. Mr. Nixon: I rise today on behalf of all members to tribute the Yukon Hospital Foundation's Yukoners cancer care fund.

In 2013, the Yukon Hospital Foundation established the Yukoners cancer care fund to raise awareness and funds to support both Yukoners who are fighting cancer and their families who help care for them. The advantage of a local fund like this is that all of the money it raises stays in Yukon, assisting our neighbours, family, colleagues and our friends. Like many other local organizations, the fund is supported by events led by volunteers who devote time, energy and passion to ensure that the fund can help as many Yukoners as possible.

Mr. Speaker, the fund has been operating for four years now and it has continued to increase the amount raised each year. So far, it has been able to support over 65 families across the territory, with hopes of helping many more each year.

As I spoke about earlier, one of those volunteer-led events is happening tonight. The Speaker's reception will be held tonight at 5:30 p.m. in the lobby of the main administration building. There will be both silent and live auctions, with items donated from many local businesses. Additionally, there will be live music and appetizers provided by Yukon College. All money raised at the reception will be put toward the fund and used for Yukoners. Come for some great food, some drinks and entertainment and to support a great cause.

I certainly hope to see everyone there and, Mr. Speaker, I would like to extend my appreciation and thanks to you as a key driver behind this initiative. I would also ask all members of the Legislative Assembly to join me in welcoming another key volunteer for this fund to the gallery today — Ms. Geraldine Van Bibber. Welcome.

Applause

In recognition of National Day of Mourning

Hon. Mr. Nixon: I rise today on behalf of the Yukon government in recognition of the National Day of Mourning. Since 1984, the year that Canada officially began to observe this day, 63 Yukon workers have died on the job. That's an average of two Yukoners lost each year to their work — two

families now missing a loved one — but don't lose heart, Mr. Speaker — that's an average, not a regular pattern.

Last year, for example, no worker died on the job in Yukon — not one. Let's take some solace in that fact. Let's recognize that our goal as a community — the goal of zero worker deaths — is not as far-fetched as it might seem because, for one precious calendar year, we achieved it. We have demonstrated that bringing all of our loved ones home from work — our friends and our colleagues — is indeed possible. We can take comfort in this, but we cannot grow complacent.

Although no worker died in Yukon last year, there were still 434 injured. On average, that is at least one worker removed from a Yukon workplace every day. That makes our success seem fragile, but we still must rally around it. After all, we are not dealing with numbers; we are talking about people — people in our homes, people at the office, people on the jobsite, people in stores and people we see on the street. Don't forget that person who we see every morning in the mirror, because that is where safety in the workplace begins. Each of us has the right to be safe and healthy, but we also share in the responsibility to make that true for everyone.

Ms. White: I rise today on behalf of the NDP Official Opposition to pay tribute to the National Day of Mourning for workers injured or killed on the job. This tribute is never easy. It is personal in a way that I wish no one ever has to experience.

It is not comfortable to share these feelings or these emotions — especially in such a public way — but I want you to understand that this isn't just another day. It hurts me to my core that people across the country and here at home are wrestling with the feelings of loss and heartache. I am relieved that, during today's ceremony, we didn't need to add another black floating candle to the fountain; that today we didn't need to bring one more family into the fold.

I have a hard time wrapping my head around the 63 lives lost to workplace injuries in the Yukon since 1984 — 63 stories that never got finished, thousands of bedtime stories that never got read, the tens of thousands of sunsets that never got marked.

That we gather once a year as a community, as a country, to remember those who were lost or those lives that were forever changed by workplace accidents rings bitter. I'm grateful for the sense of community. I'm grateful for the beautiful ceremony. I'm grateful that my friends and others are remembered with floating black candles in the memorial fountain, but underneath it all I'm angry.

I had a hard time dealing with my anger leading up to today. I lash out with the least amount of provocation. I overreact. Sometimes I don't even realize that I'm picking a fight until it's over. It's like the anger that I feel over the futility of these losses permeates the rest of my life and I'm powerless to stop it.

I'm furious — furious because, despite all we know, despite our pledges to do better, despite everything, there is no guarantee that your loved one will make it home at the end of

a workday. Across the country, good people still — despite our best efforts — continue to lose their lives every year to workplace accidents.

This week, this year, has been particularly hard. I woke up on Monday morning not being able to remember if his eyes were blue or green. I remember the light that they held and the way they twinkled when he laughed, but I couldn't remember their colour. I looked at a picture on my mantel before leaving for work because I needed to know. Today marks the 10-year anniversary that we lost my friend Jean-François Pagé.

I remember the day we met like it was yesterday. It was at the Kopper King on a Thursday night and he was wearing his signature insulated Green River boots, his floppy leather hat and his hair was in braided pigtails. I don't remember what we talked about, but I know that there was lots of laughter because JF loved to laugh — he could find the humour in any situation.

I remember beer-blurred dance parties and taking hundreds of photos of our friends with disposable cameras. I remember that at night when the temperature really dropped, he, his dog Nobu and his massive cellphone battery charger thing would show up at my parents' house — because although he loved living in his cabin, he appreciated the comforts provided by electricity and a furnace. I remember the barbecues with the smallest fish proudly caught or the caribou or moose meat from this fall's harvest. I remember driving out to his cabin for quiet Sunday morning brunches to watch the world wake up from his bluff. I remember how much he loved his family and his friends.

I remember the confusion on that April morning when my dad called and told me that I needed to get home to listen to a message on the answering machine. It was his mother Ginette, but I couldn't understand what she was saying and the number she left wasn't clear. I remember trying to call him and then driving out to his cabin to leave a note on his door, asking him to call his mom, because she sounded upset. I remember going home and listening to the message again, and then dialing the number over and over again, with mounting panic, changing the last digit until I got it right.

I remember the sound of her voice and the words that she whispered when I finally understood what had happened. He was gone. I remember being driven back out to his cabin, taking the note down off his door, sitting in the stillness of his space, trying to make sense of the impossible. I remember being driven back home, thinking how beautiful the sun piercing the clouds was and realizing he was never going to see another cloudburst.

On the morning of April 28, 2006, Jean-François got dropped off at the start of his staking line. It was a day just like any other, until he neared the end of his line when he met the grizzly. Even after all this time, the irony still doesn't escape me — to be killed on the day that commemorates workers injured or killed on the job.

I think he would see the dark humour in it; he would slowly shake his head and he would chuckle. I take comfort knowing that he was doing something that he loved in the land

that he loved so much that he had chosen to make his home. He was 28 years old when he died on April 28, 2006.

Mr. Speaker, there will be a celebration for Jean-François this weekend in Bonsecours, Quebec. What his family said in the invitation rings true: it has been 10 years since we've learned to live without him in our daily lives, 10 years of having him live in our thoughts, 10 years of remembering the happy memories and regretting that there haven't been new ones, 10 years of "why" and "what if" and "I wish I could", 10 years of loving him despite his absence. We miss him.

We have all gotten through the last 10 years in our own way and it's a good time to come together to remember together, to have him live on in us. We'll visit his tree; we'll make a fire; we'll raise a glass, maybe two; we'll drink to his health and to our own.

Mr. Speaker, you don't ever get over the sudden and unexpected death of a loved one to a workplace injury but you do get better at living alongside it.

Today, I remember my friend, Jean-François — a lover of life, an adventurer and an incredible human with a beautiful soul. On this National Day of Mourning, we honour the memory of those we've lost and we honour those left behind.

Mr. Silver: Today, I rise on behalf of the Liberal caucus to also pay tribute to the National Day of Mourning. On April 28 every year, we come together and we remember the workers whose lives have been lost and those who have been injured while on the job and to renew our collective commitment to occupational health and safety.

Today, we join the rest of Canada and countries around the world to honour the millions of lives that have been forever changed by workplace injuries. Although we continue to make gains forward together for stronger health and safety regulations, workplace injuries and related deaths are still far too common. One workplace injury is one too many injuries in the workplace, Mr. Speaker.

Since 1984, 63 Yukoners have not returned home from work. The Day of Mourning reminds us how critical it is to enforce and follow all health and safety regulations. All workers should have the right to workplace safety and a healthy work environment, and no one should ever become a victim of unsafe workplaces.

Mr. Speaker, workplace health and safety is a shared responsibility. It is up to both the employer and the employee to follow workplace safety procedures and to report any unsafe conditions immediately. Even something that may seem small can become catastrophic if left ignored. By working together, then — and only then — can we hope not only to reduce but to prevent and eliminate workplace injuries.

As we gather to renew our commitment to preventing further workplace injuries, we also pause to reflect on and honour all workers who have been injured or killed on the job and mourn with the families and the friends they have left behind. As we pay our respects, we must not allow the memory or suffering of those workers to be forgotten. We remember the tragedies suffered and we also unite in the triumphs that are achieved.

Speaker: Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Pasloski: It is indeed my honour to recognize the Premier of the Northwest Territories, the Hon. Robert R. McLeod; the Premier of Nunavut, the Hon. Peter Taptuna; and Peter's lovely wife is here as well — Joanne Taptuna.

I cannot also go without recognizing my lovely wife Tammie, who is here as well.

Mr. Speaker, they are here to join us today for the beginning of the 2016 Northern Premiers' Forum. This is an annual meeting of Canada's territorial premiers. This is the 14th time that northern premiers will meet to discuss issues in common in our jurisdictions. I am pleased to share with the House that this year's forum will be held in Dawson City and in Old Crow. Not only is the forum an opportunity for the territories to work collaboratively on northern issues, including tourism, health care, climate change and infrastructure, but it is also an opportunity to showcase our territory and build connections between northern communities.

On behalf of all Yukoners, I am pleased to welcome them here today, and I would encourage all members of the Legislative Assembly to join me in collectively welcoming them.

Applause

Hon. Ms. Taylor: Mr. Speaker, I am very privileged also to help introduce Robert C. McLeod, who is the Deputy Premier for the Government of the Northwest Territories, the Minister of Finance, Minister of Lands, Minister of Municipal and Community Affairs, as well as Minister with Lead Responsibility for Infrastructure.

I have had the privilege of working with Minister McLeod over the years in many different capacities, but primarily as a previous minister responsible for Community Services. I really enjoyed the opportunity to further many shared priorities among our respective territories and, in particular, our work when it came to the Arctic Winter Games and working together.

I have to share a quick story though — because I would be very remiss if I did not share this — and I know he knows it is coming. In 2012, when Yukon hosted the 2012 Arctic Winter Games, we had a little bit of friendly rivalry and a bit of a friendly wager that took place over a gold-medal hockey game. The wager was that if Minister McLeod, my counterpart, was to win, I would don one of the hockey jerseys from the Northwest Territories, and vice versa. Fortunately — and, of course, with our skill, expertise and talent in the Yukon — we did succeed with gold in midget boys hockey. As a result, he did don a beautiful Yukon jersey — the Whitehorse Mustangs jersey — and it had the name "Taylor" on the back of the jersey. He had to not only wear that with great pride but actually wear it in the Legislative

Assembly for the Northwest Territories. I just want to say thank you for being a great sport and welcome to Yukon.

Applause

Speaker: I would like to take this opportunity to introduce a very good friend, Ruth Abercrombie, who is up visiting from Kelowna — a former, long-time Yukoner and lifelong friend of my wife, Leslie Goring. She is here visiting us for a little while. Thanks for joining us today, Ruth.

Applause

Speaker: Are there any returns or documents for tabling?

Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

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

THAT this House urges the Government of Yukon to use the 2016-17 budget to allocate \$100,000 for Nahanni Range Road highway surface restoration.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to use the 2016-17 budget to invest \$150,000 for walkway design and option study for the Takhini River bridge on the Mayo Road.

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

THAT this House urges the Government of Yukon to consult with Yukoners ahead of the 2016 First Ministers' meeting in order to determine the next steps toward developing a low-carbon economy that promotes fiscal prosperity and environmental sustainability from coast to coast.

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

THAT this House urges the Government of Canada to follow through with its commitment to restrict the use of solitary confinement in federal prisons.

I also give notice of the following motion:

THAT this House urges the Minister of Justice to implement the recommendations of the United Nations special rapporteur to abolish the use of separate confinement in Yukon's corrections system for people with FASD, cognitive impairment, addictions issues and mental health difficulties.

Speaker: Is there a statement by a minister?
This then brings us to Question Period.

QUESTION PERIOD

Question re: *Corrections Act* amendments

Ms. Hanson: Mr. Speaker, two years ago, this House passed a motion introduced by the Official Opposition to endorse a federal bill to amend the *Criminal Code* to include a definition of “fetal alcohol spectrum disorder” and to consider it a mitigating factor during sentencing. In its original format, the motion also urged amendments to Yukon’s *Corrections Act* in order to better meet the needs of individuals with FASD. However, this Yukon Party government opposed making changes to Yukon’s *Corrections Act*, saying it had already done enough. The preliminary results from the FASD prevalence study show that, at minimum, 17.5 percent of inmates in the study were diagnosed with FASD.

Mr. Speaker, given the evidence that has been presented at an international conference by this government, will this government now support the proposed changes to Yukon’s *Corrections Act*?

Hon. Mr. Cathers: I would remind the member that the member is referring back to several years ago when a new *Corrections Act* was introduced by a previous minister, as following the correctional reform process. I believe the section that the member is referring to is section 10 of the act. While we will not rule out considering amendments at some point in the future, it is our view that — as I believe the minister of the day expressed — that act is enabling enough to allow the correctional system to implement programming that recognizes and supports the needs of persons with FASD who have come into contact with the justice system. As well, it should be noted that steps taken to recognize issues related to FASD as well as addictions issues have been done through the Community Wellness Court and there have been great steps taken across several Yukon government departments, as well as work in partnership with the court system, to improve how the Yukon system deals with and supports persons with FASD, as well as implementing programming that is aimed at having them avoid reoffending in the future if they have come into contact through the court system.

Ms. Hanson: The minister may have misheard me. I was speaking about a debate in 2014. Once again, we are hearing this government think that the status quo is good enough for those who are suffering from permanent brain injury.

It is important to note that government numbers only include those actually diagnosed with FASD. It doesn’t include those deemed as probable — individuals who showed all the symptoms, but a confirmation of maternal consumption of alcohol could not be made. If those cases are included, the number would even be higher. Federal legislation is currently being considered that will allow judges to treat fetal alcohol spectrum disorder as a mitigating factor understanding that the offender’s disability is a source of their behaviour, but how does our correctional system accommodate that person’s disability when they arrive in jail?

What immediate changes to corrections policy is the minister prepared to implement to reflect the needs of individuals with FASD?

Hon. Mr. Cathers: Again, what the Leader of the NDP is not recognizing is the significant work that has been done by not only the Yukon government but partner NGOs — including the Fetal Alcohol Syndrome Society Yukon, Options for Independence and the Child Development Centre — all of which are important partners in implementing our five-step FASD action plan. They have built on the work that has been done over the last number of years, which has made the Yukon one of the leaders not only in Canada but, in fact, the world, in terms of better addressing fetal alcohol spectrum disorder and better supporting people who have that.

Again, as I stated in a previous Question Period, great work has been done. We believe that people in the departments, including and especially Justice and Health and Social Services, should be congratulated and commended for the good work to date. In fact, we are committed to continuing to build on the great work that has been done to date and continuing to build on the excellent programming that has been done. This is, in fact, exactly why we had this study done — to better provide us with information to enable us to take the next steps in improving and continuing to enhance the programming at not only the Whitehorse Correctional Centre but in after-care.

Again, I would point out to the member the preliminary results. The preliminary reports showed 17.5 percent with FASD, and one should not suggest that number is over 90 percent as the member’s colleague did the other day.

Ms. Hanson: The minister can try to deflect. We’re talking about his responsibility and accountability as minister responsible for Corrections.

Fetal alcohol spectrum disorder is a permanent brain injury acquired before birth. When we fail to make fundamental changes to our *Corrections Act* we continue to punish individuals for failure to meet a standard of behaviour that their disability prevents them from meeting. Our system is recriminalizing individuals with FASD because of their disability. If one-fifth of inmates at WCC were in a wheelchair with no ramp to accommodate them, Mr. Speaker, you can bet the changes would happen pretty quickly, but when it comes to accommodating FASD this government refuses to act.

How can the minister continue to stand by legislation that does not recognize the consequences of treating individuals with permanent brain injuries the same as someone who responds to —

Speaker: Order, please.

Hon. Mr. Cathers: I need a lot longer than 90 seconds to list the long list of steps that this government has taken to improve programming for FASD in partnership with the NGOs that I mentioned earlier. I would remind the member to look only to her left and ask her colleague what the programming was like when the NDP was last in power and that member was Minister of Justice.

We’ve taken significant steps to improve the programming. We recognize that more work is necessary, but, in fact, the Yukon government is very proud of the investments we’ve made both supporting non-governmental

organizations and directly within our system through the departments of Justice and Health and Social Services primarily — also through areas — as my colleague reminded me during Question Period — of supports like the family supports for children with disabilities program, which is part of what the government is doing in a broader sense of supporting people who have disabilities, whether physical or cognitive.

In the area of FASD, this specific study is aimed at helping us take the next steps to continue to improve programming at the Whitehorse Correctional Centre and in after-care. Great work has been done to date and we are committed to building on that work.

Question re: Mental health services

Ms. Stick: Mr. Speaker, on Tuesday, the Minister of Health and Social Services told us that the most urgent mental health patients may wait up to 48 hours to be seen. These are patients who are — and I quote: “... potentially suicidal and have deteriorated so significantly they are virtually not functioning and have minimal or no supports.” Other patients with a high risk of self-harm may wait two weeks to be seen.

Does the Minister of Health and Social Services acknowledge that any wait times for patients at risk for self-harm or suicide are unacceptable?

Hon. Mr. Nixon: In addressing the member opposite, the department currently provides a range of services and supports to individuals with mental illnesses, mental health challenges and concurrent disorders and addictions, as well as to their families. The Yukon is placing a greater focus on child and youth needs through its policies, structures and mental health services and we have access to a child psychiatrist.

We are challenged by the large geographical area and the inability to provide services to all people in all communities, but I also identify that this government has made significant investments over the last number of years in the area of mental health and we will continue on with those investments.

I would extend my appreciation and thanks to those working in mental health with the Yukon government at the Hospital Corporation and with NGOs throughout the territory.

Ms. Stick: These citizens, these Yukoners, are individuals who are at highest risk. Hopefully, there will be something in this mental health strategy to address these wait times.

On Tuesday, the Minister of Health and Social Services told us that, after an intake screening, individuals who require comprehensive mental health assessment may be on a wait-list for up to eight months. While these individuals wait, their mental health conditions may deteriorate, resulting in the need for more complex interventions at a later date. Communities and families are left to cope with loved ones they do not know how to help.

Mr. Speaker, what concrete action is this government taking to reduce mental health treatment wait times?

Hon. Mr. Nixon: I think the member opposite is talking about one tool in the toolbox. Within government, we have a number of tools at our disposal, both within Yukon

government and the Hospital Corporation. I believe it was yesterday when we signed a new contract with a psychiatrist who will be providing services at Whitehorse General Hospital, and we look forward to the continued relationship we have with that individual.

Yukon currently has two resident psychiatrists; as well, we have an itinerant psychiatrist, as I indicated earlier, for children, youth and seniors, who provides services for our residents.

This Yukon Party government is proud of the investments we've made in the area of mental health. We're very proud of the partnerships we have with First Nations, with corporations — such as Northwestel and Bell, through the Bell Let's Talk program — and we'll continue down that path, making those investments and caring for Yukoners at a point in time in their life when they need that support.

Ms. Stick: There are still wait times, Mr. Speaker. Individuals awaiting mental health assessment can access group services, such as skills courses and anxiety management, while they wait for individual services. Others may be referred directly to group services after an initial assessment. But depending upon when the referral is made, a patient may go immediately into a course or have to wait for when the course is offered next — apparently not offered at all in the summer. The wait-list for group services can be up to three months or longer.

Mr. Speaker, does the Minister of Health and Social Services recognize that these extended wait times in our mental health system are failing Yukoners?

Hon. Mr. Nixon: I thank the member opposite for her question. It gives me an opportunity to highlight some of the great work that is being done in the territory. Mental Health Services delivers a host of programs to our residents and Many Rivers, our partner NGO, also provides a variety of services to our residents to help ensure their mental well-being.

We're working together with the resident psychiatrist, management from the Yukon Hospital Corporation and members from the Yukon Medical Association to address gaps in service that have been identified. Work is underway to address these gaps on a short-, medium- and long-term basis.

We continue our relationship with the Yukon Medical Association with a number of other NGOs and are very excited about the opening of the Sarah Steele Building — which will address a number of these gaps — in the fall and we look forward to the members supporting those investments when it comes time to vote on this budget.

Question re: Stewart-Keno transmission line

Mr. Silver: So far this Sitting, we've heard about several projects that the government said that it's proceeding with and they all have one thing in common: the government has no idea how they're going to pay for them. The proposed fibre optic line is one; the Whistle Bend continuing care facility and also the paving of the Dawson runway are also on the list as well.

I would like to add one more to that — the Keno-Stewart Crossing transmission line. First announced in 2014, the government has spent more than \$5 million on this project to date. It is currently before YESAB for review. Originally pegged at about \$40 million, the cost of this project has now ballooned to over \$80 million before it has even started.

Mr. Speaker, will the minister confirm that the price tag is now at \$86 million?

Hon. Mr. Cathers: The work on the Stewart-Keno transmission line — some of the numbers are being finalized. The member is correct that the initial estimate before the detailed work was done on that had the cost estimate lower. The current cost estimate is roughly \$86 million.

As I've indicated previously, we are currently looking at this project. We're also currently considering options for phasing-in repairs because that line itself is one of the oldest pieces of line in Yukon Energy's systems. A significant portion of power outages affect that section, but we are looking at options for doing the project differently from what was originally conceived and comparing those cost options to long-term needs.

Mr. Silver: It's worth noting that the last time Yukon Energy Corporation did a major capital project under this government's watch, it was the LNG facility — and that was \$6.4 million or 18-percent overbudget.

Earlier this year, the Government of Yukon sent a wish list to the new Government of Canada for projects that it wants Ottawa to help fund. The proposed Stewart-Keno power line wasn't on that list. The Government of Yukon said that it would pay \$22 million and was looking for Ottawa to provide \$64 million. We've learned recently that the minister's colleagues haven't actually asked Ottawa for the funding of their project.

Mr. Speaker, can the minister confirm that no application has been made to Ottawa for the Stewart-Keno line either?

Hon. Mr. Cathers: In fact, we've looked into whether the opportunities for federal funding for the Stewart-Keno transmission line — the indications we've received from the federal government were not initially clear about whether we could apply under Building Canada. We now understand that does not appear to be a pathway forward, so it was not part of the formal applications to date; however, the new federal Liberal government has made promises in terms of increased investment in green energy infrastructure. Depending on whether they actually follow through on those promises and the details of how they put in place a federal funding program, that may be a potential avenue for investment in this project.

Of course, we're also looking at the options within the territory, which include funding the project within the rate base or funding it through a combination of putting it into the rate base and an investment from the Yukon government. No final decisions have been made and the costs themselves are not finalized because there is more engineering work that needs to be done.

I would point out to the member that the line itself is in fact in need of repair and replacement. What I have back from the Yukon Energy Corporation and Yukon Development

Corporation is that the cost difference between putting in place a 69-kilovolt line and a 138 kV — is about a 10-percent difference in total project cost. Both options are still being explored.

Mr. Silver: Just for review, the last time the Yukon Energy Corporation built a big project it was almost 20-percent overbudget. \$5 million has already been spent on the Stewart-to-Keno project. Cost estimates have jumped from \$40 million to \$86 million before the project has even started — the largest federal transfer in Yukon history and it is still “blame Ottawa”.

We know that the Yukon Party government hasn't even applied for funding for Ottawa to help in the cost of this project. All this adds up to another poorly planned capital project from a government that is well known for these. We know that the money from Ottawa has not even been asked for.

Let's turn to the Yukon's \$22-million share of this project. Will we be borrowing this money? Because it sure isn't in this budget that we're currently debating.

Hon. Mr. Cathers: Unfortunately, it appears that the member did not adjust his supplementary question after I answered that question during my previous response.

Again, the decisions for how this project will be funded and the exact scope of the project have not been finalized. What the member does not seem to recognize also is that, in fact, this Yukon Energy Corporation is a board that is governed by appointees who are made to that board, and the member sits on the all-party committee that reviews nominees to that board. They in turn answer to their parent corporation and are accountable to the Yukon government through an annual protocol and letter of expectations.

What I should again remind the member of with this project is that we do need to invest in repairs to the line to Keno, which is one of the oldest ones on Yukon Energy Corporation's grids and is responsible for a high proportion of power outages and is actually slightly past end of life.

As I indicated to the member previously, we are considering options for reducing the cost, but the numbers that I have from Yukon Energy Corporation as recently as this morning — is that the cost difference between putting in place a 69-kV line and 138-kilovolt line is roughly 10 percent difference in the cost. But again, we are considering both options at this point in time, considering phasing it and looking at financing models.

The bottom line is that some investment does need to be made in the line to improve reliability in this area.

Question re: COR certification

Ms. Moorcroft: April 28 is National Day of Mourning, which commemorates workers who have been killed, injured or suffered illnesses due to workplace hazards and incidents. Injuries and deaths continue to be a matter of important concern across Canada as today we see our flags at half-mast and hold remembrance ceremonies.

In 2009, the government announced the certificate of recognition — COR — safety certification requirements for

Yukon government construction contracts. In order to make it easier for companies, the program was introduced in three phases: 2009 for contracts over \$500,000; 2010 for contracts over \$100,000; and 2011-12 for contracts of any value. Phase 3 has not been implemented.

Mr. Speaker, can the Minister of Highways and Public Works explain why this government has stopped COR implementation?

Hon. Mr. Kent: We're very proud of the COR program. It certainly has led to a number of companies getting the certification that is required for COR. We have made some alterations with respect to the thresholds for the COR requirements.

I personally have heard from many of the contractors who are COR-certified and some of them would like to see the COR certification aspects expanded to other potential products and services that this government contracts. With respect to the member opposite's question, I will get back to her with further details at a later date. The COR certification program is something that we've had in place for a number of years. We're proud of it and it's recognized not only territorially for what it has done, but also by companies outside of the Yukon.

Ms. Moorcroft: Mr. Speaker, many Canadians work hard each day in an effort to minimize accidents. The objectives of COR are to provide industry employers with an effective safety and health management system to reduce accidents and injuries. To help smaller businesses, the small employer certificate of recognition was created for businesses with less than 10 employees during peak times. There is also the owner-operator certificate of proficiency certification program for the Yukon owner-operator businesses.

The minister has just said that he has heard from companies that they would like to see the program expanded. Can the Minister of Highways and Public Works provide a valid reason to this House for why the COR program was not completed to apply to all government contracts?

Hon. Mr. Nixon: Mr. Speaker, the *Occupational Health and Safety Act* requires all companies employing 20 or more workers to have safety programs in place. The certificate of recognition program certainly helps employers comply with Yukon health and safety regulations. The Yukon Workers' Compensation Health and Safety Board supports the efforts of the Northern Safety Network Yukon and contractors committed to building safe and healthy workplaces. Studies in Alberta, Manitoba and Nova Scotia and other provinces have shown that safety measures and return-to-work programs save businesses money and protect their workers.

I thank the member opposite for her question and certainly thank those at Yukon Workers' Compensation Health and Safety Board for their continued efforts in ensuring that Yukon workers return home safely.

Ms. Moorcroft: Mr. Speaker, I don't appreciate being thanked for a question that the minister won't answer.

Risk is an inherent element of many jobs and this is why safety should be one of the core values in any workplace. We need to develop a better culture of safety. Safety doesn't only

apply to Yukon government's contracts, but to other government programs such as the owner-build loan program from Yukon Housing Corporation.

The Procurement Support Centre's website proclaims, "Because safety is everyone's responsibility" in bold, red letters. Absolutely — safety programs help reduce the injury rate for Yukon workers, those who get up every day to go to work and provide for their families. It can create a culture of safety and reduce the costs of workers' compensation.

Mr. Speaker, will this government now set a date for applying COR safety training responsibility to construction contracts under \$100,000?

Hon. Mr. Kent: Of course, our government is focused on safety — the safety of those workers. We heard some very passionate speeches from both sides of the House today with respect to April 28, National Day of Mourning, and I should recognize the Member for Takhini-Kopper King for her speech as well. She did a very exemplary job of delivering a speech under difficult circumstances.

Mr. Speaker, there is a lot of work underway across government. There is interdepartmental work. Highways and Public Works is working with the Public Service Commission on a contractor safety management program. We have also, through Workers' Compensation Health and Safety Board, engaged the Northern Safety Network Yukon to provide training and raise awareness. When it comes to workplace safety, we'll continue to look for other ways to explore this. We certainly don't want to overburden some of the smaller contractors when it comes to the requirements for this type of thing.

Then again, we could look for other ways for them to become COR- or SECOR-compliant. We will continue to focus on a number of different programs within Highways and Public Works and other departments of government working with our partner, the Workers' Compensation Health and Safety Board, to make sure that our workplaces are as safe as they can be on a day-to-day basis.

Question re: Waste management strategy

Ms. White: Mr. Speaker, this winter, Yukon's path toward zero waste was brought into focus by a pan-northern conference for stakeholders and governments to discuss how we can reduce the waste we generate. Yukon is at a crossroads when it comes to waste management. As a growing northern community, we are producing more waste while dealing with the special challenges of northern diversion and recycling. But there is an important aspect of zero waste that we should look at more closely — that is of extended producer responsibility. That is the idea that manufacturers are responsible for reducing the environmental consequences of what they make.

Has the Yukon government taken steps to work with its municipal partners and community stakeholders to implement the principles of extended producer responsibility as part of a Yukon-wide waste management plan?

Hon. Mr. Dixon: Mr. Speaker, we have discussed the EPR model numerous times over the years. I should note that a few years ago we amended the *Environment Act* to allow for

the possibility of the development of an EPR system here in Yukon. Beyond that, we haven't gone down the EPR road necessarily. We have been focused on improving our current system as it stands now. We have a stewardship-based program that is in place for some products. We are looking at expanding that system to include new products very soon, and that is what we have been working on to date.

When it comes to recycling, obviously we have made considerable investments in recycling throughout the territory. We fund the depots that are throughout Yukon communities. We fund the transportation of those recyclable goods to Whitehorse to be processed and then, once they are here in Whitehorse, we fund the processors themselves through diversion credits and through the beverage container regulation. We are certainly investing considerably in the recycling system. That is one component of our overarching solid waste action plan, and it is one that we have been working very closely on with municipalities over the past number of years.

Going forward, we intend to make improvements to our stewardship program to expand and enhance it and make it more encompassing for other products. That is the path we are on today.

Ms. White: Mr. Speaker, Yukon municipalities and community partners have been asking this government to do more to help divert waste for a very long time. Yukon's designated materials regulation currently only lists one item, and that is tires, and we are waiting for those regulation changes to add to that list. By comparison, there are over 20 items on British Columbia's registry.

The registry is important because it applies the principles of zero waste to products with potential harmful environmental consequences when they end their usable lives. The City of Whitehorse has asked the territorial government about adding a number of other materials to our registry including e-waste, household hazardous waste and products containing mercury.

Has the government agreed to implement the City of Whitehorse's proposed designated materials regulation expansion and, if so, when will it begin implementation?

Hon. Mr. Dixon: Mr. Speaker, the City of Whitehorse, as well as the Association of Yukon Communities, has communicated to the Yukon government that they would like to see the number of products included in the designated materials regulations increased. They have provided a list of possible materials in addition to some that the member suggested. We have indicated that we do plan to bring forward regulation changes to increase the number of products. We hope to do so in the coming weeks, and those products, as we have consulted with Yukoners about, include e-waste and the expansion of a range of rubber tires.

We do intend to expand that list of products, and we do intend to respond to the requests of Yukon municipalities and the Association of Yukon Communities. We've been working with them collaboratively to date and we look forward to unveiling those changes to the regulations in the coming weeks.

Question re: Corrections programming, First Nation consultation

Ms. Moorcroft: The 2015 Auditor General report on the state of corrections in Yukon found that the department was not meeting its obligations under the *Corrections Act* to incorporate the cultural heritage and needs of Yukon First Nations into its programs and services. While some First Nation cultural programs are provided to inmates at WCC, none of the department's core rehabilitation programs incorporate First Nation cultural heritage.

This March, the government sent out a letter to Yukon First Nation governments to seek their input on incorporating First Nation cultural heritage into corrections programming — more than a year after the Auditor General's report.

Why did it take this government more than a year to address this significant component of the Auditor General's report on corrections in the Yukon?

Hon. Mr. Cathers: What the member is failing to understand is the other work that has been done by the department, including the work in assessing and responding to the audit, as well as considering what steps should be made to change programming here. We are consulting with First Nations on this specific area, and I would remind the member again of the significant work that has been done to date in improving correctional programming.

What the member is also failing to acknowledge in her question is the fact that one area that the Auditor General found WCC was lacking in, in 2012 — during the period they reviewed — was in meeting the new standard that we had set out for ourselves as the new raised bar for the standard of programming. The department is, of course, working on addressing that as well as where there were issues in gaps in programming being provided. They are working on addressing those specific issues.

Ms. Moorcroft: You would think that addressing the Auditor General's recommendations on First Nation cultural programming would be a priority for this government — with such a disproportionately high number of First Nation inmates in our system.

The 2009 *Corrections Act* sets out a number of principles of corrections. I quote the previous Minister of Justice, who said: "High on this list is collaboration with First Nations, who make up a majority of inmates held at the Correctional Centre or on probation. There is an onus on government to provide programming that is culturally relevant for Yukon First Nations." This is from April 30, 2014.

Since 2009, the Yukon Party has asserted a commitment to these principles but only now are they taking action. Mr. Speaker, why has this government only in March of this year reached out to First Nation governments to seek their input on how best to incorporate First Nation culture into the Whitehorse Correctional Centre programming?

Hon. Mr. Cathers: I'm not sure if the member actually read the letters that were sent out and understands this, because, in fact, what is happening is that some of the programs that were put in place at the Whitehorse Correctional Centre were programs that were developed based

on programs used in other jurisdictions successfully — the intention behind that, of course, is having an evidence-based program to meet the needs for First Nation cultural programming within the Whitehorse Correctional Centre

In addition to that — through the work of the elders committee — there have been other elements to offer specific cultural programming to First Nations within Whitehorse Correctional Centre, but part of what is occurring right now is consultation with First Nations to talk about where those modules that we imported from other jurisdictions may not be culturally relevant to Yukon First Nations, and to get their input on that.

What the member is either failing to understand or conveniently missing in her question is the good work that has been done, not only in designing the new facility to incorporate First Nation culture but, through the help of the elders committee, to better incorporate a number of cultural and craft programs within Whitehorse Correctional Centre. This specific part is simply building on the good work that has been done. We will continue to build on the excellent work that has been done to improve the standard of programming at WCC —

Speaker: Order, please.

Ms. Moorcroft: The Auditor General is not a lone voice in finding fault with the Yukon Party approach to corrections. This Yukon Party government hasn't met all the provisions of the *Corrections Act*, a law that they take pride in but fail to observe. The *Corrections Act* says that the director of corrections must establish a strategic plan for community involvement in the correctional system. This has not happened.

What this government can't seem to understand is that people at Whitehorse Correctional Centre will ultimately be released and return to their homes in Yukon communities. Rehabilitating people who have done something wrong makes us all safer.

Mr. Speaker, why has this government consistently failed to implement the provisions of the *Corrections Act*, like First Nation programming and the community involvement, that would improve rehabilitation outcomes?

Hon. Mr. Cathers: Again, what the member is conveniently missing in her question is the fact that, first of all — several facts. First of all, the period that the Auditor General reviewed was a snapshot in time that also occurred when there was transition between the two facilities: the old facility and the new Whitehorse Correctional Centre. There were gaps in implementation as that occurred, and that is something that steps were taken to address in several of those areas, even prior to receiving that report from the Auditor General that covered the time period in 2012.

There have been significant steps taken to improve programming there. The standard set out in the *Corrections Act* is a standard that this government implemented, raising the bar from the level at which it stood, when the member herself was Minister of Justice.

We've significantly improved the programming, including First Nation cultural programming, in cooperation

with Yukon First Nations and the elders committee. We are committed to doing more and we are committed to meeting the standard set out in the *Corrections Act*. We are committed to doing just what we are doing right now, which is seeking input from all Yukon First Nations on how we can continue to improve the First Nation programming at Whitehorse Correctional Centre to ensure that it's culturally relevant and effective. We are continuing to do that good work in strengthening the program we have in place.

Speaker: The time for Question Period has now elapsed.

We will now proceed to Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 97: *Chartered Professional Accountants Act* — Second Reading

Clerk: Second reading, Bill No. 97, standing in the name of the Hon. Mr. Dixon.

Hon. Mr. Dixon: I move that Bill No. 97, entitled *Chartered Professional Accountants Act*, be now read a second time.

Speaker: It has been moved by the Minister of Community Services that Bill No. 97, entitled *Chartered Professional Accountants Act*, be now read a second time.

Hon. Mr. Dixon: It's a pleasure to rise today and speak to this bill at second reading. Of course, this is Bill No. 97, the *Chartered Professional Accountants Act* which is intended to modernize the regulation and overview of the accounting profession in Yukon.

I want to begin by thanking those members of the accounting community who have provided significant feedback to the Yukon government over the years and, more recently and more specifically, over the past number of months. This initiative has been led by the Department of Community Services, but it has certainly been supported by Justice and other departments in bringing it forward.

In particular, while there are a number of individuals in the accounting world who deserve to be thanked for their input, I did want to note three in particular: first, the presidents of the three existing organizations — the chartered accountants, the CGA organization and the CMA organization. Those are Jason Bilsky, Robert Fendrick and Kelly Steele respectively. Those groups and those individuals provided significant input on the development of this bill and I wanted to extend my thanks to them and their members for their input. Obviously, more than just the presidents or the heads of the organizations provided input, but those are the representatives so I highlighted those three individuals.

Mr. Speaker, moving on now, I should note that the bill before us today supports this government's priority to create a business and legislative environment that supports and encourages economic growth. Bill No. 97 is the outcome of significant consultation and collaboration with Yukon's

regulated accountants. It is also the outcome of extensive work and consultation done in British Columbia and many other provinces across Canada. This bill will bring Yukon in line with other Canadian jurisdictions, modernizing our legislation and enabling Yukon's three regulated accounting professions to unify under an internationally recognized professional designation. The regulatory regime for Yukon's professional accounting industry will be consistent with those in other Canadian jurisdictions in accordance with the *Agreement on Internal Trade*.

Most importantly, Mr. Speaker, this bill will better protect the public's interest and simplify the selection process for consumers when hiring accountants. This bill repeals the *Chartered Accountants Act*, the *Certified General Accountants Act*, and the *Certified Management Accountants Act* — replacing them all with the single bill that we have before us, the *Chartered Professional Accountants Act*.

Under this bill, the three regulatory bodies responsible for each of the current accounting designations will be combined into a new single organization: the Chartered Professional Accountants of the Yukon, or CPA Yukon for short. This bill also sets out the legislative framework for the newly established CPA Yukon to regulate its members.

CPA Yukon's regulatory authority will cover essential aspects of the accounting profession, including the ability to: (1) establish and enforce ethical and professional standards among Yukon's unified regulated accountants; (2) increase the professional competence of members through comprehensive and ongoing professional development requirements; and (3) provide a transparent, fair and effective mechanism for investigating and resolving complaints against any of its members.

While the list above is not exhaustive, these are very important functions, Mr. Speaker, and the legislative framework in this bill will ensure a high standard of professional regulation.

One central aspect of this bill is that it enables CPA Yukon to ensure flexibility and adaptability to changing circumstances because it allows the members to develop bylaws. This approach is similar to that taken in British Columbia and other Canadian jurisdictions. In fact, it is consistent with the approach taken under the three existing accounting acts here in Yukon.

The fact that it is similar to British Columbia's approach is significant. Yukon's cooperative relationship with British Columbia has been a long and successful one, and both jurisdictions certainly wish to see this continue.

As with the current three accounting acts, the bill before us enables CPA Yukon to delegate many of its functions to another provincial body that regulates charter professional accounts, which at this time is CPA British Columbia.

Affiliation with accounting professionals in British Columbia has served Yukon's accountants very well for many years. It gives them access to required specialized training and extensive professional resources in collaboration with their accounting colleagues to the south.

The CPA Yukon board, comprised of elected members, is authorized in legislation to make the bylaws I have previously mentioned — bylaws that relate to the functions and purposes of the organization. In order to facilitate the process of creating these necessary bylaws, an interim board of CPA Yukon will be appointed. This will be done upon passage of this bill in the coming weeks and during this Sitting to enable important work by CPA Yukon before the act would come into force.

This interim board would be comprised of two members from each of the three current accounting bodies: the Institute of Chartered Accountants of the Yukon, the Certified Management Accountants Society of the Yukon, and the Certified General Accountants' Association of Yukon. Composition of the interim board in this way would ensure that the perspectives of each of the three current designations will be incorporated into the bylaws of the new organization, as has been the case in the development of this bill. Upon completion of the bylaws and once the act has come into force, the interim board would be replaced by a new board. This new board would be elected from the members of CPA Yukon by the members of CPA Yukon.

While this bill combines the best practices from the three current accounting acts and, in many cases, maintains the status quo, this bill also introduces some new and important features that will help to better regulate accountants and ultimately better serve the public interest.

One new feature I should note is regarding the use of professional designations. Use of the designation "chartered professional accountant" — or CPA, for short — and the designation "professional accountant" are reserved for members of CPA Yukon. This will help simplify the process for those seeking accounting services from a regulated accounting professional.

As in other jurisdictions, Yukon's regulated accountants would be required to use the new chartered professional accountant designation alongside their current designation of either chartered accountant, certified general accountant or certified managerial accountant referred to in this bill as a legacy designation for a period of 10 years.

By using the new CPA designation and their legacy designation throughout this transition period, Yukon's regulated accountants would be showing the path they took to become a chartered professional accountant. It will also serve to significantly clutter their respective business cards.

Another new feature in this bill is the inclusion of professional accounting services. As defined in this bill, professional accounting services refer to a narrow set of high-level accounting functions. As in the case in other jurisdictions, the public interest will be better protected if only chartered professional accountants are permitted to certify that an auditor's report or financial statements have been prepared in accordance with the standards of the Chartered Professional Accountants of Canada.

Another new aspect in this bill is the concept of custodianship. Under this bill, CPA Yukon would have the ability to apply for a court order to appoint a custodian of the

accounting practice of a member of CPA Yukon in some very limited circumstances. Some of these limited circumstances include situations where an illness or a disability leaves an accountant unable to continue his or her practice. If a custodian is appointed, he or she would then be able to ensure the accounting practice is continued, taking care of the needs of clients as required. While this is an unlikely occurrence, it is an important new regulatory aspect introduced by this bill that will help enhance public protection.

In conclusion, I should also note that, as I referenced at the beginning of my speech today, this is the result of significant contribution and feedback from the regulated accountants in Yukon — from the three respective organizations. I would also like to thank the Department of Community Services and the Department of Justice who helped develop this very important bill.

The accounting function is an essential service here in Yukon and elsewhere in Canada. These highly trained and respected professionals play an essential role, often behind the scenes, in many areas of public and private enterprise. I know there are a number of details in this bill that I am sure we will get into in Committee of the Whole.

I am sure there will be questions as to why there are some particular references, including specific references to the country of Bermuda, as well as some questions around why we have chosen British Columbia as a model jurisdiction to base our legislation on. I will be happy to describe and answer those questions as best I can once we get into Committee of the Whole.

With that, I will conclude my second reading speech and commend this bill to the House. I look forward to hearing from members of the Legislature further about this bill.

Ms. Moorcroft: I rise on behalf of the Yukon NDP Official Opposition in support of Bill No. 97, entitled *Chartered Professional Accountants Act*, at second reading. I want to thank the minister and his officials for providing information to members of the opposition at a briefing.

This bill results from a national trend to unify three accounting designations: chartered accountant, certified general accountant and certified management accountant into one designation of chartered professional accountant — the CPA designation. Currently there are three accounting designations in Yukon. The CA, the CGA and the CMA will over time change to one designation — CPA, chartered professional accountant.

This bill establishes a new organization, known as Chartered Professional Accountants of the Yukon, CPA Yukon, which will be formed by amalgamating the three current accounting bodies. Section 57 sets out the bylaw-making process. Yukon accountants are a small, self-regulating group of professionals who work closely with the Chartered Professional Accountants of British Columbia in order to take advantage of economies of scale for administering the regulatory process.

Under the act, the minister has the ability to require or disallow bylaws for a number of the components

contemplated under the act. We heard in the briefing that many of the rules that will be set out will be done through bylaw, rather than through regulation or legislation — specifically the training and standards for education to receive the CPA designation will be set out in the bylaws.

Internationally, there is a growing understanding of the challenges that professionals face in maintaining and expanding their knowledge and skills after they have been licensed, especially in the face of an escalating pace of technological change. This has resulted in a growing investment of regulatory effort into continuing competency. Here the professions will set the standard for continuing competency.

The minister noted too that the regulatory body will be comprised of members of the present three accounting designation boards. I would like to ask the minister to think about a role for lay people on governing boards of professionals when he's looking at this bill.

The Yukon *Chartered Professional Accountants Act* will allow BC and Yukon to continue to have similar regulatory frameworks. This legislation will also harmonize us with much of the rest of Canada.

The minister spoke about custodial powers, which allow CPA Yukon to apply for a custodial order from a court that allows the custodian to take control of an accountant's affairs, property and business. These are new provisions. This means that, in the case of a death or a revoked licence, the affairs can be taken over by CPA Yukon and carried on.

This bill also introduces different legal structures for regulating firms, professional accounting corporations and partnerships. It is based on the Chartered Professional Accountants Canada national regulatory framework. This bill also amends the fine levels and increases them, as they are dated in the older bills that will be replaced. We support this work to conform to national initiatives and we look forward to debate in Committee of the Whole.

Mr. Silver: I'll be very brief in my second reading speech to Bill No. 97, entitled *Chartered Professional Accountants Act*. I'm happy to rise today and speak to the proposed changes. I am relieved to see that the Yukon government is catching up with the industry and national standards for accounting designations.

The addition of the single act, in replacement of three, is much more efficient and coincides with the all-encompassing chartered professional accounting designation.

The new act creates a parallel with the BC Legislature as well and also national standards. I'm happy to see a 10-year transition period as well to allow those with legacy designations to identify themselves as such and to receive the professional development and training necessary to bring them to the bar set by the CPA designation.

I do want to thank all the people who have put the long hard hours into bringing this act to fruition. I will be voting in favour of Bill No. 97, entitled *Chartered Professional Accountants Act*, and I also want to take this opportunity to plug two of my ex-students who are both back in Whitehorse

working on their designation for CPA. One is Janelle Favron and the other one is Julia Spriggs — just in time for new regulations, Mr. Speaker.

Motion for second reading of Bill No. 97 agreed to

Bill No. 98: *Miscellaneous Statute Law Amendment Act, 2016* — Second Reading

Clerk: Second reading, Bill No. 98, standing in the name of the Hon. Mr. Cathers.

Hon. Mr. Cathers: Mr. Speaker, I move that Bill No. 98, entitled *Miscellaneous Statute Law Amendment Act, 2016*, be now read a second time.

Speaker: It has been moved by the Minister of Justice that Bill No. 98, entitled *Miscellaneous Statute Law Amendment Act, 2016*, be now read a second time.

Hon. Mr. Cathers: I'm pleased to rise here today to introduce Bill No. 98, entitled *Miscellaneous Statute Law Amendment Act, 2016*. It's common practice for government to bring forward a miscellaneous statute law amendment act from time to time. Acts of this type are used to make minor corrections, typically to a series of Yukon acts. Those amendments can, in some cases, be as simple as punctuation, or the addition or deletion of a letter. In some cases they refer to errors in an original bill that may be referencing the wrong clause.

The practice of the Legislative Assembly is that the amendments in this type of act not be associated with any policy changes or be controversial, but rather be technical in nature, correcting things such as language errors, grammatical and numbering errors, removal of incorrect references, correction of the French version of the law if it isn't matching the English version or vice versa, and ensuring that all consequential amendments resulting from previous changes have been made. In keeping with that practice, the bill before the Assembly today is not making any changes that are significant in nature from a policy perspective.

In September of last year, the Department of Justice policy unit issued a government-wide call for items that departments might need to be added to a miscellaneous statute amendment bill for the spring legislative Sitting and, based on the feedback and the specific requests from nine departments, three corporations, the Legislative Assembly and Yukon Workers' Compensation Health and Safety Board, these minor housekeeping amendments make changes to 53 different pieces of legislation. But, as members will have seen from the briefing as well as through reading through the act, the actual amendments themselves, though important, are not substantive in nature nor do they have any major policy implications.

The correction of errors in legislation enables greater clarity in Yukon law and the public, of course, expects that although our government identifies technical issues or errors in law or in the references to other sections, steps be taken to make those amendments. This is a rather large miscellaneous statute law amendment act. The last miscellaneous statute law amendment act was made passed in the fall of 2012 in that

Sitting of the Legislative Assembly. Routinely, when legislative drafters are working on legislation or identify issues after dealing with the interpretation of legislation, they keep a list of changes that are needed and bring them forward at that point in time the next time a miscellaneous statute law amendment act is presented to the Assembly.

I hope this act will give comfort to members that government is doing as we do and as is expected in taking the responsible approach to ensure legislation is up to date and accurate.

Mr. Speaker, for the information of members, I would like to provide some explanation about the specific acts being amended. I will go through them in alphabetical order: (1) the *Access to Information and Protection of Privacy Act*; (2) the *Assessment and Taxation Act*; (3) the *Builders Lien Act*; (4) the *Business Corporations Act*; (5) the *Cabinet and Caucus Employees Act*; (6) the *Canadian Blood Services Indemnification Act*; (7) the *Care Consent Act, 2003* in Schedule B; (8) the *Cemeteries and Burial Sites Act*; (9) a change to the *Child and Family Services Act*; (10) a change to the *Child Care Act*; (11) *Children's Law Act*; (12) *Conflict of Interest (Members and Ministers) Act*; (13) *Coroners Act*; (14) *Corporate Governance Act*; (15) *Corrections Act, 2009*; (16) *Education Act*; (17) *Education Labour Relations Act*; (18) *Elections Act*; (19) *Act to Amend the Elections Act and Electoral District Boundaries Act*; (20) *Enforcement of Canadian Judgements and Decrees Act*; (21) *Act to Amend the Environment Act, 2014*; (22) *Environment Act*; (23) *Evidence Act*; (24) *Family Property and Support Act*; (25) *Health Professions Act*; (26) *Housing Corporation Act*; (27) *Human Rights Act*; (28) *Insurance Act*; (29) *Interpretation Act*; (30) *Land Titles Act, 2015*; (31) *Languages Act*; (32) *Legal Profession Act*; (33) *Legislative Assembly Act*; (34) *Legislative Assembly Retirement Allowances Act, 2007*; (35) *Liquor Act*; (36) *Medical Profession Act*; (37) *Municipal Act*; (38) *Municipal Finance and Community Grants Act*; (39) *Oil and Gas Act*; (40) *Ombudsman Act*; (41) *Partnership and Business Names Act*; (42) *Placer Mining Act*; (43) *Public Guardian and Trustee Act, Schedule C*; (44) *Public Service Labour Relations Act*; (45) *Quartz Mining Act*; (46) *Real Estate Agents Act*; (47) *Residential Landlord and Tenant Act*; (48) *Small Claims Court Act*; (49) *Statistics Act*; (50) *Supreme Court Act*; (51) *Workers' Compensation Act*; (52) *Young Persons Offences Act*; and last, but not least, (53) *Yukon Development Corporation Act*.

In my speech at second reading, I will not go through the details at this point, but would be happy to discuss those specific details in debate in Committee of the Whole later this afternoon. Again, as I noted for members and for anyone listening to debate here in the Assembly today, this legislation, when it's in its full version — the English and French version — is about 17 pages in length. As Yukoners will see, they will note that a number of these changes are simply correcting things including, for example: in the *Builders Lien Act*, a spacing error between words; in the *Cabinet and Caucus Employees Act*, replacing the reference to "Government Leader" with the reference "Premier"; and again

in the *Cabinet and Caucus Employees Act*, putting in apostrophes in the term “Members’ Services Board” and replacing the term “Legislature” with the proper term “Legislative Assembly”.

With that, I will wrap up my comments. I am just trying to illustrate for people who are wondering about the nature of these changes that, as you will see through a detailed read of the bill, they are themselves quite technical and grammatical in nature, as well as including some corrections to referencing sections in other acts and correcting either the English or the French version of language.

With that, I commend this legislation to the House.

Ms. Moorcroft: I rise on behalf of the Yukon NDP Official Opposition. We will be supporting Bill No. 98, entitled *Miscellaneous Statute Law Amendment Act, 2016*.

I want to again express my thanks to the minister for making his officials available to go through these 54 amendments. As the minister has indicated they correct editorial mistakes, and they remove outdated provisions and make other minor changes to ensure that the acts operate as intended.

One of the items that we discussed related to a bill that we have debated in the House previously. Often commitments are made to revisit legislation when it is going to be opened at a later date and then forgotten or deemed not important enough. My colleague from Takhini-Kopper King noted that the *Miscellaneous Statute Law Amendment Act, 2016* failed to include language changes that the former minister responsible for the Yukon Liquor Corporation said would be included when the act was next opened up.

On March 22, 2012, the Member for Riverdale North sent a letter to the Chief of Na Cho Nyäk Dun First Nation and the Mayor of the Village of Mayo regarding amendments to the *Liquor Act* that were requested jointly by Na Cho Nyäk Dun and the Village of Mayo to request a public drinking ban in Galena Park.

The minister stated — and I quote: “On a related matter, you will note that the amendment to the *Liquor Act* retains the somewhat outdated terms of ‘Indian band’ and ‘band community’, for consistency in the *Act*. Similarly, the term ‘hamlet’ has also not been updated. These revisions can be made in future, when other terminology in the *Act* is modernized.”

Mr. Speaker, we did raise this question at the technical briefing on the bill before us and were told that the term “band” is still legal because it still applies to three First Nations in the Yukon that have not completed a final agreement. Further, we heard that the miscellaneous statutes don’t deal with any policy matters.

I did, however, want to put on the record that this is a commitment that was made and that we think should have attention soon.

With that, I will conclude my remarks and say that we will be voting in support of Bill No. 98, the *Miscellaneous Statute Law Amendment Act, 2016*.

Mr. Silver: I will be very brief but I am happy to rise today and speak to the *Miscellaneous Statute Law Amendment Act, 2016*.

I am happy to see the editorial changes made on a regular basis. They are critical for the clarity of legislative documents, and it does show the commitment to regularly reviewing legislation that our public service has. I would like to thank all of those who have contributed to making these changes and those who are making notes of corrections to be made on a regular basis.

I have one question on consistency of these changes — amendment 5(4) is replacing “Legislature” with “Legislative Assembly”, whereas amendment 31(4) is the reverse — replacing “Legislative Assembly” with “Legislature”. The question is: Is there a reason specific to the definition of the term — “Legislature” versus “Legislative Assembly” — that these changes are being made, or are these terms interchangeable? If they are interchangeable, then why are we not remaining consistent across the acts? That would be one question and I look forward to further debate in Committee of the Whole.

I will be supporting this amendment.

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

Hon. Mr. Cathers: I thank the Member for Copperbelt South and the Leader of the Third Party for their comments and their indication that they will be supporting this legislation.

In answering the Member for Copperbelt South’s question, I can advise the member that I did ask the Department of Justice about the possibility of addressing those amendments within the *Liquor Act* and what we heard back was that, to change and update that line and to move away from outdated language that refers to “Indian” or to “bands” in legislation with more common language — that was a larger project and affects more pieces of legislation than the *Liquor Act* itself.

I should note that both the government and the courts interpret any language of that nature as referencing First Nations. We are interested in updating that legislation at a future date, but the reason that it was not included in this specific bill was because of the number of pieces of legislation that would need to be addressed and the wording also — from what I heard from officials — got to, in some cases, a level of detail and the addition of language that arguably could have put it outside of the normal scope of *Miscellaneous Statute Law Amendment Act, 2016* into a change to update language while also inserting and adjusting the scope of certain clauses.

With that, I hope that has provided an explanation to the Leader of the Third Party’s question regarding the change to the *Cabinet and Caucus Employees Act* — to replace the term “Legislature” with “Legislative Assembly” and the other change in section 31 of the *Miscellaneous Statute Law Amendment Act, 2016*, which refers to replacing “Legislative Assembly” with “Legislature”. I think the member will also

see that in the *Languages Act* there are references to replacing the definition “journals of the Assembly” with capitalized “Journals of the Assembly” and that, in the case of the difference between “Legislative Assembly” and “Legislature” — I will just confirm my understanding with the officials before providing it, but I think that it relates to the difference between whether it is being referenced in the context of legislation, or whether it is being referenced in the context of the body and the members who form part of that body. I think that is the clarification of the definition, but I will double-check with officials on that before stating that definitively.

I’m sure the Leader of the Third Party is listening to my explanation here, but I’ll be happy to provide it again later.

With that, I commend this legislation to the House and thank members for their support.

Motion for second reading of Bill No. 98 agreed to

Hon. Mr. Cathers: 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 Deputy 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): Order. Committee of the Whole will now come to order. The matter before the Committee is general debate on Bill No. 98, entitled *Miscellaneous Statute Law Amendment Act, 2016*.

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. 98: *Miscellaneous Statute Law Amendment Act, 2016*

Chair: The matter before the Committee is general debate on Bill No. 98, entitled *Miscellaneous Statute Law Amendment Act, 2016*.

Hon. Mr. Cathers: I would like to, first of all, thank the officials who are supporting me here in debate this afternoon — Lesley McCullough and Lawrence Purdy — for joining me here to help me answer any questions members may have regarding the *Miscellaneous Statute Law Amendment Act, 2016*, beginning with an answer to the question asked by the Leader of the Third Party. The explanation I have for the difference between the definition of “Legislature” and “Legislative Assembly” is that, as the

Yukon Act indicates, the “Legislature” means the Legislative Assembly and the Commissioner, whereas “Legislative Assembly” means the Assembly alone. That refers to the difference — for example, a motion passed by the Legislative Assembly is not signed by the Commissioner, and so the Legislative Assembly is acting on its own; whereas, in the case of legislation, it requires that signature from the Commissioner in his capacity as the Queen’s representative.

The correct use of the two terms is important, both constitutionally and practically, as to which body is to do any particular thing or which is being referred to. Thus, for example, in referring to the leaders of parties in the House, the *Cabinet and Caucus Employees Act* means, and should say, the “Legislative Assembly”. On the other hand, section 5 of the *Languages Act* refers to courts established by statute. In that case, the Legislature as a whole is what is meant.

I will just briefly reference the *Yukon Act*, which is available on the federal Department of Justice website. The current version of the act was put into place in 2002 and there are a number of terms in it that begin with defining the *Yukon Act*. It provides for the clarification of the former act, which means the old *Yukon Act*. It makes reference to a number of terms, including the definition of “Yukon” itself, although, to my disappointment, it refers to “Yukon”, not “the Yukon” — which of course is the proper term, in my humble opinion.

It defines the government and it describes the executive power, which refers to both the creation of the Commissioner and the appointment, via order of the Governor in Council, which of course is the federal Cabinet, acting with the approval of, in that case, the Governor General of Canada as the Queen’s representative. It applies the ability of the Governor in Council to appoint an administrative act in the Commissioner’s absence or illness and to pay their salary. I won’t read that full clause there for members. It can be found under the section Executive Power in the *Yukon Act* and the sections pertaining to the Commissioner and Administrator, to which I’m referring, are sections 4, 5, 6 and 7.

It provides as well that the seat of government is in Whitehorse, but it allows the Legislature — which again means the Legislative Assembly plus the Commissioner — to designate another place in Yukon as the seat of government. Then it goes on to describe in sections 10 through 16 of the *Yukon Act* the Legislative Assembly. The council, established by the former act, is hereby continued as the Legislative Assembly of Yukon. Each member of the Legislative Assembly is elected to represent an electoral district in Yukon. It provides for the duration of the Legislative Assembly being five years. Again, noting the difference in terms, section 11(1) of the *Yukon Act* prescribes that “No Legislative Assembly shall continue for longer than five years after the date of return of the writs for a general election, but the Commissioner may dissolve it before then.”

The Commissioner, as part of the body collectively referred to as the Legislature, of course continues to serve in their capacity and is the one who provides writs for the election of members of the Legislative Assembly — and shall

be issued by the Chief Electoral Officer, but under the instruction of the Commissioner, I believe.

It provides, as well, in section 17 of the *Yukon Act*, clarification that the institution referred to in the former act as the Commissioner in Council and which consisted of the Commissioner and Council of Yukon Territory is hereby continued as the Legislature of Yukon, consisting of the Commissioner and the Legislative Assembly. The Legislative Assembly, of course, is described in the *Yukon Act* as those of us who are members standing here today as well as those who would normally be present in this Assembly.

Madam Chair, I think that probably provides an adequate explanation. If the Leader of the Third Party or other members wish any more detailed explanation, I would be happy to provide it.

There are a couple of other things I just want to point to in the *Miscellaneous Statute Law Amendment Act, 2016*. Just in reference, I'll refer to a few pieces of legislation that have sometimes been more common topics of debate or of interest to the public, and I would just provide clarification about the amendments being made to those acts.

In the case of the *Access to Information and Protection of Privacy Act*, the amendment being brought forward in clause 1 is a very simple amendment. "In the English version of subsection 64(1) of the *Access to Information and Protection of Privacy Act*, the expression 'categories of or records' is replaced with the expression 'categories of records.'" That is the sole change to that piece of legislation that is being made by this bill that we're debating here this afternoon.

As well, in the case of the *Assessment and Taxation Act*, "In the English version of paragraph 57(12)(b) of the *Assessment and Taxation Act*, the expression 'an improprement shall be determine' is replaced with the expression 'an improvement shall be determined.'" That, of course, is simply replacing what was a typographical error and a non-word with the correct word "improvement." For Hansard, you'll see the exact wording of this in the act. The first word was, as it sounded, a non-word, so perhaps you might want to check the text of the bill itself.

In the *Builders Lien Act*, that was the example I gave where literally the only change is the insertion — pardon me, not the insertion of a space; this one was a correction of literally one letter, replacing the letter "y" with the letter "e" to provide the expression of "may be".

In the *Cabinet and Caucus Employees Act*, as I briefly mentioned before, the only change being made is to replace the expression "Government Leader" with the expression "Premier". At the time that act was brought in, "Government Leader" was the common terminology and, after some years of debate and governments going back and forth on whether they referred to the leader as "the Government Leader" or "the Premier", for the last — I think this will be the fifth Legislative Assembly and government in a row where we've called the leader "the Premier".

I think it's commonly accepted now in the territory that, rather than being, as it was once seen — for the first person to take on the title of "Premier" instead of "Government Leader"

— at the time it was seen as perhaps putting on airs by Yukon citizens. I think it's probably fair to say that most would agree now that "Premier" helps, when we're in federal, provincial and territorial meetings and on the national stage, to clarify that the leaders of the territories are premiers and have them not seen as being a lower rung of leader than the premiers of provinces.

Again, the other changes in the *Cabinet and Caucus Employees Act* are very minor in nature: the insertion of an apostrophe in Members' Services Board; the change from the reference of "Legislature" to "Legislative Assembly" — though as the officials with me helpfully explained, it is quite an important one in the fact that, since it's referring to the ability of party leaders related to the staffing of those caucus offices, it's important to distinguish that it's "Legislative Assembly" and not "Legislature" — and there's a change updating the definitions in the French version of that legislation as well.

Again, I will skip over most of these but I do want to touch on a few that are more likely to be of interest to people. In the *Child and Family Services Act*, for example, the only change being made in this legislation is in the French version of subsections 198(3), 199(2), 199(3) and 199(4) of the *Child and Family Services Act*. The expression — and apologies to any francophones for my pronunciation of this — the expression "la Loi sur les services à la famille et à l'enfance" is replaced with the expression "la Loi sur les services à l'enfance et à la famille". I hope I don't get kicked out of Quebec the next time I try to enter for any mispronunciation. It's the same in the *Children's Law Act*. I won't attempt to read it again, but the same basic term is being replaced in the French version.

Again, another one of the acts that can be of interest is the *Conflict of Interest (Members and Ministers) Act*. The amendments to the *Conflict of Interest (Members and Ministers) Act* are simply to replace the expression "Government Leader" with "Premier", replace the expression "clerk of the Legislative Assembly" with the capitalized term "Clerk of the Legislative Assembly", and to insert an apostrophe in "Members' Services Board".

Let's see — what else do we have of significant interest here? The changes being made to the *Education Act* are replacing the French version of the *Education Act*. I'm not going to attempt to read the clause as it is lengthy in nature, but it is referring to parts including the reference to the age at which somebody is qualified to stand for election to school council.

The amendments being made to the *Elections Act* are themselves quite minor in nature: the re-numbering of section 105 is 105(1) and renumbering subsection 3 as subsection 2; in the French version, replacing expressions with the proper French expressions; in the French version of subsection 224, doing the same, as well as in 291 and 423 replacing those expressions with the proper French terms; the *Act to Amend the Elections Act and Electoral District Boundaries Act*, which amends section 12 of the *Elections Act*, the expression — and this is a numbering error — 'subsection 12.01(1) of the

Elections Act is replaced with the expression ‘section 12.01 of the Elections Act’ — and that is the only amendment being made to that piece of legislation.

There are also some other minor changes, including to the *Land Titles Act, 2015*. There were errors around capitalization of the “Queen in Right of Canada” and the insertion of the word “means” to the current phrase “approving authority” — replaced with the expression “‘approving authority’ means” in the English version of subsection (1). In the English version of section 1, in paragraph (d), “the expression ‘survey plan’ is replaced with the term ‘plan of survey’”. In section 1, in paragraph (g), and the definition of “Yukon First Nation”, the spelling of “Nacho” as in Na Cho Nyäk Dun is corrected because of a typographical error. There are a few other ones, primarily the insertion of the word “and” after a semicolon, the insertion of the word “the” in a different spot, the correction of a French expression, and the addition of the letter “f” to the word “sheriff” where it was inadvertently left off due to a typographical error.

Moving on to the *Legislative Assembly Act*, there are minor changes here as well. In the English version, the expression “clerk of the Legislative Assembly” is replaced with the capitalized version of that title. In the French version, the expression — I don’t think I can pronounce that word, so I am not going to attempt that one — is replaced with the expression “vice-président”. There are changes to a punctuation correction in the reference to the *Elections Act* in the English version: a correction to the French wording describing the electoral boundaries act; correcting the expression “any province” with the expression “any province or territory”; the correction in the English version of section 14, replacing the expression “who order” with the expression “who shall order”; in subsection 13(2) and section 17, capitalizing the term “Journals” in the phrase “Journals of the Legislative Assembly”; in sections 14, 15 and 17, changing “chief electoral officer” to the capitalized version of that title; in section 16, replacing “an oath of allegiance” with the term “the oath of allegiance”; in the English version of section 27, capitalizing the term “Standing Orders”, as it refers to Standing Orders of the Legislative Assembly; in the English version of subsections 32(1) and 35(2), correcting the expression “judgement”, which has an “e” in it that should not be there; and in sections 34, 35 and 36, the expression “journals, votes, and proceedings” is replaced with the capitalized version of those titles. There are some renumbering changes as well and a correction of the heading before section 41 with “Executive Council” and the heading before section 42 is replaced with “Premier”. In section 42(3), the expression “Premier-elect” is replaced with the expression “Premier-designate”. Section 44 is renumbered 44(1).

The expression “Members Services Board” is replaced with another insertion of an apostrophe in that term. In the English version of the heading before section 52, the expression “Workers Compensation Act” is replaced with the typographically correct version of that term. As well, subsections of that are replaced with references to the Workers’ Compensation Board and Workers’ Compensation

Health and Safety Board. The expression “the Executive Council” is replaced with the expression “or the Executive Council”. The heading “Review of salaries and benefits of members” is added before section 54.

Those are the only amendments being made to that piece of legislation, which is very important to the function of this territory. The only change being made to the legislative assembly retirement is to replace — the expression “Premier-elect” is replaced with the expression “Premier-designate”. Madam Chair, I should have referenced the proper name of that act, which is the *Legislative Assembly Retirement Allowances Act, 2007*.

That wraps up my introductory remarks.

Ms. Moorcroft: I too would like to welcome the officials, Lesley McCullough and Lawrence Purdy, to the Assembly again to support the minister in the debate on Bill No. 98, entitled *Miscellaneous Statute Law Amendment Act, 2016*. It is important to correct these small errors, whether they are editorial, spelling mistakes or other minor changes.

I want to acknowledge the officials across government for their diligence in identifying these errors and the officials at the Department of Justice for preparing the amendments. At second reading, the Minister of Justice read into the record that the 53 statutes would have small amendments, and followed up with further detail in Committee of the Whole. I note one of these changes is the use of the term “Premier” — which at one time, the Yukon Party was opposed to using and preferred the term “Government Leader”, but now this government accepts and uses the term “Premier” and, accordingly, has amended miscellaneous statutes.

I also noted that the *Education Labour Relations Act* and the *Public Service Labour Relations Act* were amended to use the name of the new federal act, which is the *Public Service Labour Relations and Employment Board Act (Canada)*.

I have no questions related to these corrections and, accordingly, Madam Chair, pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 98 —

Chair: Prior to moving all the clauses, I would like to check with the members to see if any other member would like to speak in general debate on this bill.

Since there will be no further general debate, we will proceed to line-by-line reading.

Ms. Moorcroft: Madam Chair, pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 98, entitled *Miscellaneous Statute Law Amendment Act, 2016*, read, and agreed to.

Unanimous consent re deeming all clauses of Bill No. 98 read and agreed to

Chair: Ms. Moorcroft has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 98, entitled *Miscellaneous Statute Law Amendment Act, 2016*, read, and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.
Clauses 1 to 53 deemed read and agreed to
On Title
Title agreed to

Hon. Mr. Cathers: Madam Chair, I move that you report Bill No. 98, entitled *Miscellaneous Statute Law Amendment Act, 2016*, without amendment.

Chair: It has been moved by Mr. Cathers that the Chair report Bill No. 98, entitled *Miscellaneous Statute Law Amendment Act, 2016*, without amendment.
Motion agreed to

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

Chair: It has been moved by Mr. Cathers that the Speaker do now resume the Chair.
Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 98, entitled *Miscellaneous Statute Law Amendment Act, 2016*, 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?

All Hon. Members: Agreed.

Speaker: I declare the report carried.

GOVERNMENT BILLS

Bill No. 200: *Technical Amendments Act, 2016* — Second Reading

Clerk: Second reading, Bill No. 200, standing in the name of the Hon. Mr. Cathers.

Hon. Mr. Cathers: Mr. Speaker, I move that Bill No. 200, entitled *Technical Amendments Act, 2016*, be now read a second time.

Speaker: It has been moved by the Minister of Justice that Bill No. 200, entitled *Technical Amendments Act, 2016*, be now read a second time.

Hon. Mr. Cathers: Thank you, Mr. Speaker. The people of the Yukon elected this government to ensure good governance by practising open, accountable and fiscally responsible government, and one of the ways government achieves this is through regularly reviewing its operations. Achieving efficiency sometimes requires overhauling existing legislation and, at other times, requires minor adjustments to ensure that Legislation meets the current needs and that any errors have been corrected.

While this legislation is somewhat similar in nature to that of the *Miscellaneous Statute Law Amendment Act, 2016*, the reason it is a separate bill is the convention of having miscellaneous statutes acts not make any policy changes, whereas the *Technical Amendments Act, 2016* does make changes that could be considered policy changes, though relatively minor ones.

While we discussed and considered whether it was in the line of being a miscellaneous statute law amendment act, we decided it was better to present it as a separate piece of legislation to distinguish the fact that there are, in fact, some minor policy changes being made to legislation through the *Technical Amendments Act, 2016*.

The bill before us today deals with several of those minor amendments, which are intended to improve efficiency and ensure legislation is aligned with best practices that guide the work of department staff and align with current needs.

Mr. Speaker, the bill before us today, through minor changes, will increase access to the child support administrative recalculation service, if passed by the Legislative Assembly, and will clarify as well processes in the new *Land Titles Act, 2015* and the amended *Summary Convictions Act*.

Although, as I mentioned, these amendments are minor in scope, I do want to explain them so that members understand how the bill improves existing legislation. The amendments have been drafted together in one bill to make the best use of legislative development resources and because, although we decided they were larger than should be in a miscellaneous statute law amendment act, they are fairly technical in nature in most cases.

Explaining those specific changes, the amendments to the *Child Support Administrative Recalculation Act*, will allow Yukoners expanded access to the child support administrative recalculation service, which, of course, is something that has only been in place for a few years now. This is based on feedback after the legislation was passed, that the Department of Justice heard from members of the local law community, based on the current trends when it comes to matters related to child support. Currently, if child support orders include special expenses for things like sports costs, for example, parents cannot use the administrative recalculation services and must go back to court to include things like sports costs in that order.

Family orders have told us that many child support orders now include special expenses such as sports costs and so this has now become commonplace, rather than the exception as it was understood to be when the law was first put into place. By expanding the service, families will now be able to avoid going to court and in doing so, save time as well as money on legal costs and also freeing up time in the court that can be spent on dealing with other matters more expeditiously.

The proposed amendments contained in this bill to the *Land Titles Act, 2015* reference the appropriate sections of Yukon First Nation final agreements, as recommended by First Nations. The amendments are responsive to advice received from First Nations, as we continue to engage with

First Nation governments, as work continues on the land titles regulations that are currently expected to be completed in June 2016, or late spring, early summer.

The regulations that are being developed will guide implementation of the *Land Titles Act, 2015* and the first package of regulations, as I have explained to this Assembly previously, include regulations to allow First Nations to register category A and category B settlement lands in the Land Titles Office if they choose to do so and if they have entered into an agreement with the Government of Yukon for that purpose.

I should also note that the ability to register First Nation land in the Land Titles Office without losing First Nation title to that property is new within Canada. It is a new type of title — the first of its kind — and we believe, in doing that, we've struck the balance between providing opportunity for First Nations to take advantage of this while ensuring that someone who purchases property or purchases an interest in that property has a clear understanding of the legal rights pertaining to that property.

As I have previously explained to this Assembly, if a First Nation chooses to register category A or B settlement land in the Land Titles Office, it does provide the ability for someone to get a mortgage on that property or financing related to it, and while any encumbrances exist on that property, the First Nation is not able to deregister that property from being in the Land Titles Office. However, once they have cleared up any financial encumbrances on it, they have the ability at any time they choose to withdraw that land from being registered in the Land Titles Office if they consider that something they wish to do at that point in time.

Additionally, the amendments to the *Land Titles Act, 2015* allow the registrar to create and modify forms and establish processes for registration of documents as required, thereby achieving efficiency in the Land Titles Office and speeding up the implementation of the new *Land Titles Act, 2015*. That is a change from the legislation that we passed in this Assembly last fall. It did require those forms to be established by regulation, which, of course, is more time-consuming and allows less flexibility for the registrar. Based on further consideration since the bill was passed, the decision was made to request the Legislative Assembly to make an amendment to that act to allow the registrar to create and modify those forms and establish the process for registration of documents as required without having to go to Cabinet to seek approval of minor form changes.

Amendments to the *Summary Convictions Act* will create efficiencies for police registries that administer summary convictions and police officers who issue tickets. In reviewing the new *Summary Convictions Act* with our stakeholder group, they noticed some processes that could be further improved on before the act is brought into force. For example, the RCMP currently sends a court liaison officer to swear complaints in tickets in court, but this practice is not supported by the *Act to Amend the Summary Convictions Act*, which requires this to be done by the enforcement officer who issued the ticket. That change would pose an additional administrative burden both

on the issuing enforcement officer as well as Justice officials who may have to spend an inordinate amount of time tracking down the issuing officer rather than allowing another officer to appear on their behalf.

The amended proposal will allow enforcement agencies to send one officer to swear all complaints before the court that day instead of every officer who issued a ticket having to be available and wait until their time to appear before the court. This change does not negate the need for an officer who is a witness to be available for trial if the matter proceeds to trial.

We are committed to having legislation that works for the public and for public servants. In conclusion, we believe that this bill supports the Yukon government's commitment to ensure good governance by practising open, accountable and fiscally responsible government as well as the Department of Justice's commitment to ensuring access to high quality justice services. Together, these amendments show that government is consistently attending not only to the big picture, but to the details that allow the function of government to be improved by realizing efficiencies that save time and cost and provide benefits for staff as well as for all Yukoners.

With that, I will conclude my introductory remarks and look forward to comments from other members.

Ms. Moorcroft: I am pleased to rise on behalf of the Yukon NDP Official Opposition. We support Bill No. 200, entitled *Technical Amendments Act, 2016*. These are important acts. While these are small changes, they are important changes that deal with policy matters.

The minister has spoken about the changes to the *Child Support Administrative Recalculation Act*. This is an act that allows for the use of administrative recalculation of support orders in order to save court costs. However, it also ensures that if there are special expenses and if the orders are having a wider scope, then they must go before a judge.

In the *Land Titles Act, 2015*, the amendments deal with the First Nations' registration of lands and clarify register equivalents.

In the *Summary Convictions Act*, it highlights the importance of, in writing statutes, accurate language. The inadvertent use of the word "the" instead of the word "an" in relation to an enforcement officer created a barrier and an inefficiency for dealing with tickets, and so that has been corrected.

We do support these technical amendments. The one other matter that I would again draw to the minister's attention to — which we have discussed before in the Assembly — is the clarification of the definition of "spouse" across all statutes. There have been changes to the *Marriage Act* and there have recently been changes to the *Vital Statistics Act* to ensure that same-sex parents were able to adopt children.

There are, however, other areas of law where the family law subsection of the Yukon chapter of the Canadian Bar Association has indicated they have concerns related to the definition of "spouse". I wanted to draw to the minister's

attention that the *Family Property and Support Act* and the *Estate Administration Act* are among those statutes where this question has come up.

We also have a motion on the Order Paper in the name of my colleague, the Member for Riverdale South, urging the Government of Yukon to introduce amendments to the *Married Women's Property Act* to reflect marriage equality for same-sex couples.

Perhaps the minister could indicate whether amendments to the *Land Titles Act* would still need to be made to reflect equality for same-sex couples.

Mr. Speaker, that concludes my remarks on second reading, and we are in support of Bill No. 200, entitled *Technical Amendments Act, 2016*.

Motion for second reading of Bill No. 200 agreed to

Hon. Mr. Cathers: 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 Deputy 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. 200, entitled *Technical Amendments Act, 2016*.

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. 200: *Technical Amendments Act, 2016*

Chair: The matter before the Committee is general debate on Bill No. 200, entitled *Technical Amendments Act, 2016*.

Hon. Mr. Cathers: In rising here, I would like to begin by thanking Lesley McCullough for joining me here this afternoon to assist me with technical questions on Bill No. 200, entitled *Technical Amendments Act, 2016*. I just would touch on a few other things that I did not mention in my introductory remarks at second reading of this bill.

The bill amends the *Child Support Administrative Recalculation Act*, it amends the *Land Titles Act, 2015*, and it amends the *Summary Convictions Act*.

The amendments to the *Child Support Administrative Recalculation Act* allow for child support orders with special

or extraordinary expenses to be recalculated administratively rather than requiring that the parents go to court.

In the *Land Titles Act, 2015*, as mentioned, it clarifies provisions related to the correct reference to Yukon First Nation final agreements and it also makes changes to allow the registrar to amend the forms without having to go to Cabinet because of forms being prescribed in regulations.

As mentioned, the *Summary Convictions Act* allows the enforcement officer to swear a complaint on a ticket issued by another officer and allows the court registry to set a time for the trial of a charge contained in a ticket before the complaint is sworn. That again, as I mentioned, is just to avoid the situation where every single officer who filled out a ticket would have to appear in front of a judge when being filed in court.

I should just actually add, Madam Chair, for the reference of people who are unfamiliar with it, the *Summary Convictions Act* typically refers to matters that can be typically addressed through the payment of a fine. For example, in the case of a speeding ticket or rolling through a stop sign — those matters — if someone does not request a trial or enter a plea of not guilty, they are then deemed or dealt with by the court in their absence if they do not show up to contest it. In the case of a ticket — although there is a requirement for them to be sworn in court — those matters can be resolved by the payment of a fine under the *Summary Convictions Act*.

Before we go into line-by-line reading, some of the specific changes in the *Child Support Administrative Recalculation Act* include: amendments to sections 2 and 3 amend the *Child Support Administrative Recalculation Act* in subparagraph 7(1)(b)(i). Clause B is replaced with the following: “(B) on the basis of any special or extraordinary expense, unless the order includes an amount of child support determined using the guidelines and that amount is expressed separately from the amount determined on the basis of the special or extraordinary expense.” The clause is added immediately after: “(B.01) on the basis of any undue hardship.”

Secondly, section 3 adds the following subsection immediately after subsection 11(2): “(2.01) For greater certainty in determining under subsection (1) the amount of child support payable under an eligible child support order that is described in clause 7(1)(b)(i)(B), the recalculation officer is not empowered to modify the amount of child support determined on the basis of any special or extraordinary expense.” That is to preserve, as well, the ability that they can't change a court order that has been made with respect to special expenses.

Additionally, Madam Chair, moving on to the changes under the *Land Titles Act* — sections 5 to 8 of the *Technical Amendments Act*, amend the *Land Titles Act, 2015*, in the following manner — subsection (14) is amended — in subsection 14(3), paragraph (a) is repealed and paragraphs (b) and (c) are renumbered to paragraphs (a) and (b) respectively.

Section 15 is also amended in the following manner: “Subsection 15(3) is replaced with the following: “(3) A

record number assigned in accordance with paragraph (2)(a) is also the title number for the certificate of title.”

Section 67 is also amended by this bill, subject, of course, to it passing the Assembly. “In paragraph 67(1)(a), the expression “section 5.4.1” is replaced with the expression “paragraph 5.4.1.1(a) or subsection 5.4.1.2”.”

Section 212 is amended. “The following section is added immediately after section 212

“Registrar may determine forms.

“212.01(1) Despite any provision of this Act that requires a form to be prescribed, the registrar may determine a form for the purposes of this Act.

“(2) If the registrar has determined a form under subsection (1), the form is deemed to be prescribed for the purposes of this Act.”

Again, that is clarifying that it doesn’t need a regulation to make it a prescribed form.

That is the extent of the amendments to the *Land Titles Act, 2015*. The changes to the *Summary Convictions Act* — pardon me, Madam Chair — I am just seeking clarification about the term. In the *Act to Amend the Summary Convictions Act*, Statutes of Yukon 2014, chapter 8, sections 10 to 12 amend that act. “In section 29 which amends section 23 of the *Summary Convictions Act*, subsection 23(2) is replaced with the following:

“(2) No trial set under subsection (1) may proceed until an enforcement officer swears, in writing and under oath or solemn affirmation before a justice, the complaint containing the charge to which the trial relates.”

That is the section that I had already explained in less legalese for members in my earlier remarks.

Section 31 is also amended. “In section 31 which amends section 25 of the *Summary Convictions Act*

“(a) in paragraph 25(2)(b), the period is replaced with the expression “; and”; and

“(b) the following paragraph is added immediately after paragraph 25(2)(b)

“(c) before the time specified in the ticket for the appearance, an enforcement officer must swear, in writing and under oath or solemn affirmation before a justice, the complaint containing the charge to which the ticket relates.”

Section 32 is also amended. “In section 32 which amends section 26 of the *Summary Convictions Act*, in subsection 26(2), the expression “the enforcement officer” is replaced with the expression “an enforcement officer”. Again, that is the section that clarifies that, rather than each officer who filled a ticket having to appear in court, it allows one officer to appear and present several tickets.

With that, I should mention that — jumping back to the changes to the *Land Titles Act*, the amendments to section 14 relate to the record-keeping function of the registrar of the Land Titles Office and will not affect clients or stakeholders, but as written, both sections 14 and 15 require that the registrar assign record numbers in chronological order. On further consideration, it was determined that leaving these provisions in the act as initially presented would be problematic because it limits the options for the registrar. The

Land Titles Office record-keeping is to ensure that the records can be tracked and ultimately verified, but eliminating the manner in which this is done removes options that might work more efficiently than a strict chronological order and the proposed amendment is intended to improve business processes in the Land Titles Office once the new act is brought into force and effect.

I should again just remind members of the age of that legislation. Madam Chair, I should just note again that the *Land Titles Act* that was replaced by the new version — or is in the process, I should say, of being replaced by the new version since the bill has been passed — is not in force until the regulations are approved later this year. The provisions of the old act, in some cases, date back to 1898, so they are being replaced with modernizations, as members know and as we discussed on several occasions last fall.

It is quite significant in nature — a major piece of legislative drafting work — and that is the reason why there are some additional adjustments and corrections that were identified after the fact simply due to the sheer volume that staff and legal drafters were dealing with at the time of getting the act ready for debate in this Assembly.

I should also just explain — under the section related to the *Summary Convictions Act* — the change I read in the amendments to section 29, which amend section 23 of the act: “(2) No trial set under subsection (1) may proceed until an enforcement officer swears, in writing and under oath or solemn affirmation before a judge, the complaint containing the charge to which the trial relates.” This change will allow court registries to set the trial dates for not guilty pleas before the enforcement officers have appeared to swear the complaints and the tickets, and this is intended to improve administrative efficiency.

Again, in the *Summary Convictions Act*, section 31, which amends section 25 of the *Summary Convictions Act*, the changes to paragraph 25(2)(b) and the addition of paragraph (c) after 25(2)(b) of the clause, “(c) before the time specified in the ticket for the appearance, an enforcement officer must swear, in writing and under oath or solemn affirmation before a justice, the complaint containing the charge to which the ticket relates.” What this amendment is about is it specifies that a complaint in a ticket must be sworn before it can go to trial. It was not specified in previous versions of the legislation and the change would increase the transparency of the court process.

Last, but not least, as I mentioned, the change from “the enforcement officer” to “an enforcement officer” allows officers other than the issuing officer to go to court, as it is a major drain on police time as well as other agencies that are covered under this, which does include the City of Whitehorse. Pardon me, Madam Chair — I am just being corrected on that point. In fact, the City of Whitehorse would be covered under a different section of the act, not under this clause, as I had previously understood. I thank the official with me for providing that correction. This section does relate to the RCMP. This does free up the time of enforcement officers as well in several other areas also.

With that, I think I have hopefully provided an introductory that is clear and explains those sections for the Official Opposition and for the Third Party leader to understand the contents of this *Technical Amendments Act, 2016*. As members will see from reading through the bill, the changes themselves are not massive policy changes, but we did feel it was appropriate to separate them from the *Miscellaneous Statute Law Amendment Act, 2016* because some of them in fact do have a minor policy effect and the tradition has been to keep miscellaneous statutes amendments acts to housekeeping and extremely technical and minor matters.

With that, I will wrap up my introductory remarks in Committee of the Whole on the *Technical Amendments Act, 2016*, and I would be happy to answer any questions that members may have on this legislation.

Ms. Moorcroft: I would like to thank the minister for his remarks in the House today explaining the *Technical Amendments Act, 2016*, which deal with, firstly, the *Child Support Administrative Recalculation Act* to allow for child support orders with special or extraordinary expenses to be recalculated administratively if certain requirements are met. Secondly, it deals with the *Land Titles Act, 2015* to allow the registrar to determine forms and to clarify references to provisions of a Yukon First Nation's final agreement.

Finally, the act amends the *Act to Amend Summary Convictions Act* to allow an enforcement officer to swear a complaint in a ticket that has been issued by another officer and to allow the court registry to set a time for trial of a charge contained in a ticket.

I again want to thank the officials who walked us through the legislation and answered questions when we had a briefing on this bill. We understand these changes and we support them.

In second reading, I did ask the minister a question related to other legislative amendments. I believe it's time to update Yukon laws to recognize the rights of common-law partners as spouses. Most other jurisdictions in Canada have done so. The minister is aware of concerns raised by members of the family law section of the Yukon chapter of the Canadian Bar Association and this is a concern of the public as well. A priority of revision to the definition of "spouse" would be the *Family Property and Support Act*. The *Family Property and Support Act* affects the lives of many families in Yukon whether they are married, whether they are same-sex couples or whether they are common-law couples.

In 2007, the Yukon Advisory Council on Women's Issues brought to the attention of the minister responsible for the Women's Directorate, who is in that position today, to ask for her help on amending legislation. The advisory council brought forward issues that had been raised by the Yukon Gay and Lesbian Alliance — GALA Yukon — and the Yukon Public Service Alliance of Canada Pride Committee. The letter referred to changes that were made to the *Marriage Act* after the Dunbar and Edge case, but pointed out that there was other legislation that needed to be amended. First on that list was the *Family Property and Support Act* as well as the

Children's Law Act the *Vital Statistics Act* and the *Land Titles Act*. I understand that there also are references to spouses that could be updated in the *Evidence Act*, the *Married Women's Property Act* and the *Spousal Compensation Act*.

The question that I have for the minister is: If he is unable to fit these amendments related to the definition of "spouse" into the *Technical Amendments Act, 2016*, can he explain why he has not addressed those concerns by some other bills?

Hon. Mr. Cathers: I thank the member for Copperbelt South for the question.

I had intended to respond to her remarks at second reading when I stood up at the beginning here and I sat down and immediately realized that I had missed doing that and I apologize for that.

With the spousal and same-sex definitions, there are a number of pieces of legislation that are affected both as it pertains to common-law spouses and to same-sex couples. We are in the process of looking at changes to legislation that include that because what we're doing in part because of the availability of drafting resources is focusing on changes that have more substantive policy effect, rather than ones that are correcting outdated definitions because those outdated definitions are already read by the court and by the Yukon government of course as reflecting the modern definitions.

I can also tell the member that we are looking at and we'll likely be consulting on amendments to the *Estate Administration Act* later this year. That is in discussion and review. We felt that law probably had the most significant outstanding policy issues that needed to be addressed as it pertains to common-law couples, whether same sex or not — whether heterosexual or same-sex couples. On that basis, we're in the process of looking at amendments to the *Estate Administration Act*.

In terms of the priorities identified with the Yukon Advisory Council on Women's Issues, I am aware that in 2007, they had identified their priorities and listed which they felt were the highest priority. I would note for the Member for Copperbelt South that the Minister for the Women's Directorate and I did meet with the Yukon Advisory Council on Women's Issues at their quarterly meeting, I believe it was.

I met with them at their meeting in Haines Junction earlier this year and talked about issues pertaining to definitions and their effect. At that time, I explained to them what we were currently thinking, in terms of amending legislation and the reason why the Government of Yukon felt the *Estate Administration Act* was probably the one that should be the highest priority for change, and our reasoning for that. Although I don't believe they passed an official resolution on that basis, or made an official recommendation, the informal discussion at that table, members seemed to be very supportive of that and pleased to see that we were making progress on the project to update definitions in Yukon legislation.

Again, I don't want to put words into the mouths of the women who were members of the Yukon Advisory Council on Women's Issues, but my understanding, from our discussions in January of this year in Haines Junction, was

that they did not seem to have any concerns with our view that the *Estate Administration Act* should be the first piece to be dealt with and, as I indicated to them at that time, it's one that we're planning to do public consultation on later this year.

Those changes would include updating the definitions in that area, what currently occurs — and I'll explain the reasoning to the Member for Copperbelt South. There have been several situations that have come to our attention where people who have had a long-time common-law spouse pass away, are not aware of the fact, because of common misconception, that after a period of time — anecdotally, it seems a lot of people understand — because of common practice in several other jurisdictions, they have the perception that after living together for two years, you are considered, in the eyes of the law, to be married, when in fact, under the *Estate Administration Act*, a common-law spouse — even one who has lived together with their partner for decades — currently in the situation where they are not listed on the automatic list of priority of how relatives will be considered, if someone dies without a will.

While we do encourage people to make sure they have a will, in fact, as a result of concerns we heard from several people about specific situations that came to our attention, we decided to launch the Make a Will Month project in November of last year, encouraging people to understand the importance of having a will.

We also hosted just a week or two ago a Family Law Information Centre event, which I think the member may have attended. I know a number of Yukoners did, which was explaining to people the importance of developing a will and helping them to understand what their rights currently are. It is our plan to consult on potential amendments to the *Estate Administration Act* that include putting in the ability for a common-law spouse to be considered.

At risk of getting a little ahead of myself on this — the discussions we've had to date with the Yukon Advisory Council on Women's Issues, as well as with my colleagues, are that we are planning to seek public feedback on whether it should be an automatic situation without any legal option otherwise that, in the absence of a will, someone you've been living with for more than a certain length of time — we'll be consulting on that length of time as well — but for the sake of illustration, if the number chosen was two years, one of the options that we intend to seek feedback on from Yukoners, including YACWI and other stakeholders, and also individuals, is whether it should be an automatic situation where, after living together for, let's say, two years, you are considered to be equivalent to married, or whether there should be an option for common-law couples. In particular, the informal feedback we've heard in discussion with the Yukon Advisory Council on Women's Issues at the meeting I referenced, was about the possibility of recognizing that it has become more common for people, including later in life, to choose to live together, but particularly for the thinking of what we're going to present for consultation is whether there should be an option and recognition that couples may have previous families and may wish to have those assets go to

children from a previous marriage, that there be potentially the possibility in the act of allowing a couple to opt out from the normal trigger, if they filled out a declaration to that effect.

That, again, is not something that is set in stone; it's simply an option we'll be presenting to Yukoners about whether it should be an automatic trigger at a period of two years, three years, et cetera, after which you're considered the same as married and assets joined, if someone dies without a will, or if there should be an option for Yukon couples who choose to live together but wish their assets to remain separate and continue to be allocated for children or other heirs, to be able to declare that for better legal protection of that separate interest.

We look forward to hearing feedback from Yukoners, once we actually begin formal consultation on that, about which path they would like us to take in this, including also the length of time after which common-law couples should be normally considered to be married.

That change is also intended to update the language in that act to recognize common-law couples, including same-sex common-law couples. I do recognize that there are other pieces of legislation that do need to be changed to update definitions to reflect current law but, again, I hope that has provided clarity to the member. I hope she might even agree with the explanation of why we are focusing drafting resources on dealing with things that seem to have the biggest effect on Yukoners' lives under the current legislative framework and then, after that, we are envisioning the other changes to update outdated definitions, as being the second part of that overall modernization project.

I think that hopefully addressed the member's questions and explains the reason for placing a priority in that area. I have a feeling the member asked another question that I may have missed. If I did, please let me know.

Ms. Moorcroft: I would like to thank the minister for his response. I did get the impression from what the minister just said that he considered outdated definitions not to be a priority. I apologize if I am mistaken in that impression. I want to point out that clear definitions are fundamental to laws. They affect policy and they affect social conditions.

I am glad to hear that the minister has announced, at least to some, that the government has a plan to update the *Estate Administration Act* as a priority and to look at the definition of "spouse". The *Family Property and Support Act* is also a significant act that does affect the lives of many families in the Yukon, whether they are married, common-law or same-sex partners. I think that both of those statutes should be a priority for revision. Also, an inclusive definition of "spouse", which could be updated for the *Estate Administration Act*, could be used consistently across other statutes.

I would like to ask the minister whether there are drafting instructions or broad policy instructions for the department to look at related statutes when they are considering the language in an updated definition of "spouse".

The minister also referred to the information session that was offered recently about married and common-law couples. I had planned to attend that and it was in my calendar;

however, the Equal Voice Yukon chapter held an event the same day and I chose to go that one and couldn't be at both events at the same time.

I would also like to ask the minister if there is a presentation that was offered, or whether there is a summary document, and if the minister could provide me with a copy of the information that was offered at the public session that I was unable to attend.

Hon. Mr. Cathers: I was just seeking clarification to provide the right answer to the Member for Copperbelt South.

When it comes to the definitions, what I would note to the member is, yes, changing those is a priority but, as the member knows, there are many competing priorities in government and there are times when you have to choose what the highest priority is. In this case, our highest priority in this area has been changing the legislation that we see as having the biggest effect in its legal impact on people's lives and its financial effect on their lives, rather than focusing immediately on those definitions that are simply outdated in their language and are interpreted in a different way by government and the court from what they actually say in the act — if that language is outdated in its references to spouses or to men and women, for example.

While it would be a little premature for me to commit to making changes to other acts' definitions while we're dealing with the *Estate Administration Act* and its definition pertaining to "spouse", that's an interesting suggestion from the member. In preliminary discussion with the official with me, it's something that we could look into, but I can't quite commit to it at this point today. It is possible that if there are other acts that we determine are just as simple as updating the definition — to use the definition that is brought in through the amendments to the *Estate Administration Act* — we might be able to make some relatively simple ones at that time. We'll look into whether that is possible or whether they are more substantive in nature and affect things such as other provisions related to how those acts apply or policy provisions there.

The short answer to the members question is perhaps that we'll look into it. I do appreciate the suggestion.

The presentation that the member asked about, which was put on by the Family Law Information Centre related to common-law rights, wills, et cetera, my understanding is that it was probably not a formal presentation in the form of a document, but we'll look into what was presented — whether there is a PowerPoint presentation, a handout or something that we can share with the Member for Copperbelt South. If there is, I would be happy to share that with her, but I do not actually know the answer to that.

I do know that there is information — I believe it's on the Family Law Information Centre website — that we did present as part of the Make a Will Month campaign last year that included some of that information in short form. I think it was the Family Law Information Centre that had prepared most of that. I don't know the website off the top of my head but I could undertake to look into it for the member.

I expect it's probably fairly easy to find on the department website, but I'll ask officials to provide me with the link to where the information is that we presented as part of the Make a Will Month campaign last November — the web link — so that the member can share it with constituents or others if she would like to pass that on to people so that they can find it easily without having to search or find out where it might be on the website.

In recapping for the member, I hope the explanation provided of why the *Estate Administration Act* is the one we see as the highest priority is satisfactory, but I do want to acknowledge that there are other pieces of legislation that are in need of modernization, including, but not limited to, their definitions pertaining to common-law couples and same-sex couples. I would note that, just as we are planning to do with the *Estate Administration Act*, there are some policy questions where we think Yukoners' input would be valued and important, such as whether — for common-law couples who die without a will — the *Estate Administration Act* should automatically deem them to be equivalent to married, after living together for a period of time, or whether there should be an option for maintaining separate assets if they choose to do so and specifically declare that.

That is something that has not, to my knowledge, been done in other jurisdictions, but was something that we had heard informally from a few Yukon citizens as we were looking at the possibility of making changes to legislation such as the *Estate Administration Act*. While Yukoners may or may not choose to have that choice in final legislation, we thought it was an idea worth considering and worth presenting to Yukoners and hearing their feedback on whether they thought that was a good idea or whether it's not a good idea.

Like that, as we proceed with the project to amend other pieces of legislation and modernize them relating to things such as common-law couples, marital property, et cetera, we will also — where we see areas where there are either different approaches from across the country or policy ideas that we have heard either from the Department of Justice stakeholder groups or Yukoners and that we think are worth considering, we look forward to hearing from Yukon citizens about their views on that and believe that — as with some other pieces of legislation and policy — there is the possibility that a made-in-Yukon solution may be a better solution than what has been done in other jurisdictions. We're not intending to solely focus on what has been done in other jurisdictions, but we do want to be mindful of it and make Yukoners aware of that in the interest of ensuring that we're looking at what is and isn't working in other jurisdictions and the effect of it.

In some cases, there is arguable merit for ensuring consistency in legislation between provinces and territories. People often assume that legislation is the same from jurisdiction to jurisdiction, but the flipside of the coin is the argument that a big part of the reason that we have local government — in that successive governments of various stripes and Yukoners before — former Commissioner Jim Smith comes to mind — they worked so hard and tirelessly to give the Yukon Legislative Assembly the power it received

following the Epp letter and through devolution as that constitutional development of the territory has occurred.

It is also all about ensuring that Yukoners have the ability to make our own decisions rather than being dictated to by Ottawa or a province about what models we should use. That includes the ability for us to decide to use a different model that meets the needs of the Yukon better than the — for lack of a better characterization — off-the-shelf legislative models that we see in other provinces or territories.

I look forward to that work progressing. It isn't a simple task, in some cases, and particularly as it relates to policy questions in other pieces of legislation. Those where there are substantive changes being contemplated to modernize legislation — that's one that I personally believe very strongly about. It's important to give Yukoners the opportunity to provide their feedback and to seek the input of stakeholder groups on those potential changes so that very act of public consultation does place a limitation to how many pieces of legislation we can change at one time, while giving people, stakeholder groups and NGOs with limited resources the ability to have a chance to fully understand what we're proposing and provide us their thoughtful feedback on it.

I think that about wraps up that issue. The only other thing that I would note is that we have taken a number of steps within the past year to strengthen the ability of people within the legal system, including the creation and partnership of the Department of Justice and the Women's Directorate. The minister responsible for Women's Directorate and I announced last year the creation of the new women's legal advocate position and the ultimate awarding of the contract for that position to Skookum Jim Friendship Centre. That was something that was the last substantive outstanding recommendation from the *Sharing Common Ground Report* on Yukon's police system.

As well, work done by the Yukon Advisory Council on Women's Issues helped define what that role should be. We appreciate the many hours that volunteers and stakeholders put into providing us with their thoughts on this. While that position is still in its first year of operation, we hope that it will achieve its intended purpose of helping women, including women who are part of a common-law couple, better understand their rights in navigating the legal system and understand what supports exist for them through other resources, including the Family Law Information Centre, the Yukon Public Legal Education Association — YPLEA — and through other resources, including the Yukon legal aid society, which provides support as well.

With that, I hope that has provided an explanation to the member about the rationale for the approach that we are looking to take on this, as well as some of the intended next steps in addressing this area of law and updating and modernizing it with the input of Yukoners.

Ms. Moorcroft: I have looked at the Family Law Information Centre website and the Make a Will Month campaign, so the minister doesn't need to send me an e-mail or a letter with that link. I am not trying to make additional work for officials. If the information that was presented at the

session about the rights of married and common-law couples is already available on the web, then there isn't a need for them to prepare a summary document. However, if officials have put that information together in a new way, and if it is something that is underlying the public consultation work the minister just spoke about in relation to updating the *Estate Administration Act*, then I would appreciate having a written response from the minister.

I want to thank the minister for providing a few details about the government's plans — which they had shared with the Yukon Advisory Council on Women's Issues — about modernizing estate administration law. The minister spoke about a priority being to deal with situations where people's legal and financial status is affected. I agree that the *Estate Administration Act* is a priority, and I am pleased that they are making a start on that. I do argue as well, though, that there is a need to apply a consistent definition of "spouse" across all legislation — a definition of "spouse" that recognizes the rights of people who choose to live in a common-law relationship and, as well, people who choose to live in a same-sex relationship.

My view is that the *Family Property and Support Act* is a statute that affects the daily lives of many families and is one where the family law section of the Canadian Bar Association has raised concerns specifically about the definition of spouse as one that should be addressed as a priority as well.

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

Hon. Mr. Cathers: I thank the Member for Copperbelt South for her comments. I am pleased to hear her indication that she supports modernizing the *Estate Administration Act*.

I do take her points — and appreciate them — about the importance of a consistent definition of "spouse" across legislation. As I indicated, though, it would be premature for me to make any commitments today without checking into the details of it. We will commit to taking her suggestion under consideration and, as we look at modernizing the *Estate Administration Act*, if there is the ability to modernize the *Family Property and Support Act*, as she mentioned, and if there are very simple definition changes that can be made without broader policy changes that should be consulted on, then we can consider doing that at that time, as part of that same legislative package.

I do agree that the definition of "spouse" should be consistent across Yukon legislation, even if it's currently read consistently by the court, just simply for the ease of public readability and for lack of confusion, as well as in the interest of good legislative drafting policy and ensuring clarity and consistency. There is benefit in updating that definition and standardizing it across Yukon legislation.

I should also note that, in addition to meeting with the Yukon Advisory Council on Women's Issues, I appreciated the opportunity to attend and speak at their forum last September, along with the minister responsible for the Women's Directorate, and appreciated hearing from the many people who were there at that event on issues of concern to them and hearing their priorities. That, of course, helped

inform and lead to the conversation the minister responsible for the Women's Directorate and I had with the Yukon Advisory Council on Women's Issues earlier this year — I believe it was in January in Haines Junction.

In terms of the FLIC — Family Law Information Centre — presentation that was made, I appreciate the member's comments and that she has found the make-a-will information online. I will ask officials, as per her request, that if what was presented at that information night is new or substantively different from what we've already made available online, we'll undertake to provide it to the member. If it's similar, then we will not prepare and send her the information that she already has a second time.

I don't know the answer to the format of that, but I think the basic structure of it will likely be very similar. The law hasn't substantively changed, and I don't think they've changed — describing it differently in any large way. But I will undertake to have officials look into it and, if it is substantively different, then present it and share it with the member so she has that information as well.

Madam Chair, I know that debate, in part because of questions the member asked us, has strayed from what's in this bill, and I would just note for any Yukoners listening and recap the fact that we've strayed into other areas of law and potential legislative changes. The bill in front of us today is itself a fairly simple one, dealing with changes to the *Technical Amendments Act* to make changes to the *Child Support Administrative Recalculation Act*, the *Land Titles Act, 2015*, and the *Act to Amend the Summary Convictions Act*. Much of our discussion has actually strayed into other policy areas that are important, which is why I took the opportunity to discuss them with the Member for Copperbelt South, rather than noting that they are not in the legislation in front of us here today.

I have enjoyed the debate with the Member for Copperbelt South. If she or other members have any other questions later in general debate or line by line, I look forward to addressing them.

Ms. Moorcroft: I believe the first question that I asked the minister when we started in debate on the *Technical Amendments Act, 2016* this afternoon was whether some of the changes that were requested by the Yukon Advisory Council on Women's Issues and that were also raised by Yukon's Gay and Lesbian Alliance and the Public Service Alliance of Canada Pride Committee could be addressed in a technical amendments bill. Perhaps that's not the case, but I would note that those requests for amendments to the *Family Property and Support Act*, the *Children's Act*, the *Vital Statistics Act* and the *Land Titles Act* to include same-sex relationships in the definition of "spouse" were made in 2007.

I would note, too, that when my colleague, the Member for Riverdale South, brought forward the difficulties a same-sex couple were having in adoption, that amendments to the *Vital Statistics Act* were brought forward to the floor of this Assembly within one Sitting in order to deal with that.

These issues I have been raising this afternoon are ones that have been drawn to the attention of government for some

time. It may have been possible to deal with some of them in a technical amendments act, and it may not. I do want to thank the minister though for engaging in debate on this today, because I believe these are important issues. They are certainly ones that we have been raising in this Assembly over the last five years.

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

Hon. Mr. Cathers: I thank the member for restating the question she asked earlier in debate. I apologize for missing responding to it at that time.

The changes that the member is referring to — the changes related to same-sex couples, common-law couples, et cetera, and related to the rights of transgender people — are ones that would be beyond the scope of a technical amendments act, because some of those changes have a policy effect. That is something that, again as I've noted, we are very closely monitoring what is going on in other Canadian jurisdictions. I very much appreciate the concerns brought forward to us by Yukoners in this area and the suggestions.

I would note, just as a reminder to the member, that when discussion relates to specific changes to the *Vital Statistics Act* related to gender on birth certificates, that the newness of this issue and how quickly it has emerged both on — I shouldn't say it's a new issue, that's the wrong way to describe it but — the newness of this issue being a subject of major debate on the national agenda in Canada and in the United States as well, is demonstrated by the fact that, when amendments to the *Vital Statistics Act* were made earlier this term, that was not something that, at the time, was either on the government's radar screen or on the Official Opposition's. To my recollection, there was not a discussion in that debate on that bill of making additional amendments in that area.

I will stand to be corrected, if the member did, in fact, say that in Hansard — made comments at that time related to this — but I don't think that was the case.

What I would note is that, in reference to this being an emerging issue across the country, some of the activity in provinces includes changes that were made just very recently. I believe it was a few weeks ago in Newfoundland and Labrador that a bill was brought forward, and there is a story as recently as this morning from the *Globe and Mail* relating to a private member's bill presented to the BC Legislature relating to changing British Columbia's human rights code as it pertains to gender identity and expression under that province's legislation.

Again, because it's an evolving area and some of the issues that have come up are new and not all of them relate to legislation, this is an issue that government — when we had a person who had a specific concern related to a driver's licence contact us last fall, that policy was changed to allow the issuance of that licence. Also, pursuant to a commitment made by the Department of Highways and Public Works in response to that specific complaint, there was a commitment made to put in place a policy, which they have done, effective at the beginning of April, I believe it was.

The act we were debating in the Legislative Assembly earlier this month on this — I have received several e-mails from Yukoners who self-identify as transgender or who are the family members or friends of Yukoners who self-identify as transgender — I believe the member for Copperbelt South has been cc'd on some of those. I won't, of course, bring anyone's name into the Legislative Assembly, to protect their privacy, unless I know that they are comfortable with that occurring.

I would just note that, among the specific concerns and issues we've heard, they relate to things other than the *Vital Statistics Act*. One Yukoner in particular provided us with a list — I believe it was an eight-page e-mail, listing a number of concerns related to Yukon government departments. If that person is listening or reading Hansard, I would note that we'll actually be responding to that e-mail very shortly.

I apologize for not having a response to him immediately, but I can report in that area that many of the issues identified relate to operational matters affecting government departments. We appreciate the specific issues and concerns identified, since they do relate in most cases to departments other than the Department of Justice. Those issues and concerns have been passed on to the responsible departments and they have been asked to look into it. We will be replying to them.

I can also note the importance of understanding that if Yukoners have concerns — while they are, of course, welcome to send them to me or to other responsible ministers — what that one e-mail especially — as well as some of the other comments in other e-mails — notes is that this isn't as simple as just changing legislation. Some of the changes that would be required to have a government response, I should say, include things like signage. They include things like a website with a specific concern identified. Those are things that are operational in nature.

While we do appreciate those concerns and are looking into those concerns and treating them seriously, those issues themselves are best addressed at an operational level. If any Yukoner or a family member or friend who self-identifies as transgender is running into issues of that type with government departments, probably the best level to bring them forward at, in most cases, would be to the deputy minister responsible for that department. If they are not able to do so or if they are not clear about who that should go to, of course, if they pass them on to any minister or to MLAs, we will attempt to forward them to the responsible department so they can be looked into.

INTRODUCTION OF VISITORS

Hon. Mr. Cathers: Madam Chair, I would also note and ask all members to join me in welcoming to the gallery a part-time constituent, Mr. Jonas Smith.

Applause

Hon. Mr. Cathers: Madam Chair, in the interest of the Yukoners cancer care reception that is in the lobby — I believe it starts at 5:30 p.m. or close to it. I understand that

there has been some discussion about the possibility of wrapping up a little earlier today just in the interest of allowing members to attend.

I will sit down at this point in time. I look forward to any other questions. If there aren't any other questions from members, I would just like to again thank Lesley McCullough for joining me here today. I thank officials in all departments for the work that they have done in identifying the policy issues that are presented in the *Technical Amendments Act, 2016* and for their work in preparing this legislation.

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

We are now going to proceed with line-by-line debate.

Ms. Moorcroft: Pursuant to Standing Order 14.3, I request the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 200, entitled *Technical Amendments Act, 2016*, read and agreed to.

Unanimous consent re deeming all clauses and title of Bill No. 200 read and agreed to

Chair: Ms. Moorcroft has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all clauses and the title of Bill No. 200, entitled *Technical Amendments Act, 2016*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Chair: Unanimous consent has been granted.

Clauses 1 to 12 deemed read and agreed to

On Title

Title agreed to

Hon. Mr. Cathers: Madam Chair, I move that Bill No. 200, entitled *Technical Amendments Act, 2016*, be reported without amendment.

Chair: It has been moved by Mr. Cathers that Bill No. 200, entitled *Technical Amendments Act, 2016*, be reported without amendment.

Motion agreed to

Hon. Mr. Cathers: Madam Chair, I move that the Speaker do now resume the Chair.

Chair: It has been moved by Mr. Cathers that the Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order.

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

Chair's report

Ms. McLeod: Mr. Speaker, Committee of the Whole has considered Bill No. 200, entitled *Technical Amendments Act, 2016*, 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.

Hon. Mr. Cathers: Mr. Speaker, I move that the House do now adjourn.

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

Motion agreed to

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

The House adjourned at 5:07 p.m.