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HANSARD

Tuesday, November 14, 2023 — 1:00 p.m.

Speaker: The Honourable Jeremy Harper

YUKON LEGISLATIVE ASSEMBLY

2023 Fall Sitting

SPEAKER — Hon. Jeremy Harper, MLA, Mayo-Tatchun
DEPUTY SPEAKER and CHAIR OF COMMITTEE OF THE WHOLE — Annie Blake, MLA, Vuntut Gwitchin
DEPUTY CHAIR OF COMMITTEE OF THE WHOLE — Lane Tredger, MLA, Whitehorse Centre

CABINET MINISTERS

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

OFFICIAL OPPOSITION

Yukon Party

Currie Dixon	Leader of the Official Opposition Copperbelt North	Scott Kent	Official Opposition House Leader Copperbelt South
Brad Cathers	Lake Laberge	Patti McLeod	Watson Lake
Yvonne Clarke	Porter Creek Centre	Geraldine Van Bibber	Porter Creek North
Wade Istchenko	Kluane	Stacey Hassard	Pelly-Nisutlin

THIRD PARTY

New Democratic Party

Kate White	Leader of the Third Party Takhini-Kopper King
Lane Tredger	Third Party House Leader Whitehorse Centre
Annie Blake	Vuntut Gwitchin

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Yukon Legislative Assembly
Whitehorse, Yukon
Tuesday, November 14, 2023 — 1:00 p.m.

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

Prayers

DAILY ROUTINE

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

Introduction of visitors.

INTRODUCTION OF VISITORS

Hon. Mr. Streicker: Mr. Speaker, we have a tribute today for Morris Lamrock and there are a number of family and friends who have come to hear us give this tribute. Can we please welcome Susie Anne Bartsch, Morris' partner; and Morris's daughter, Jessie Bartsch. We have Aura-Leigh Birss, Remy Rodden, and Judy Forrest. From the Respectful Workplace Office, Jodi-Lyn Newnham and Morgan Settle, Rob Florkiewicz, Vanessa Stewart, Shyloh van Delft — they are dressed in the bright colours — Lauren Wonfor, Ella Parker, Carrie McClelland, Jacquie Van Marck, Ryan Benson, Heather Ashthorn, Robert Collins, and Deputy Minister Manon Moreau.

Welcome them all, please.

Applause

MLA Tredger: Just to add one more name, Judy Forrest is here.

Applause

Speaker: Are there any tributes?

TRIBUTES

In remembrance of Morris Lamrock

Hon. Mr. Streicker: Mr. Speaker, on behalf of the Government of Yukon and the Official Opposition, I rise today to pay tribute to Morris Lamrock, who passed away earlier this year on Groundhog Day.

Morris was an exceptional, lifelong voice for community and environmental stewardship. He committed so much of his life to building a stronger, more inclusive world.

For many years — the better part of two decades — Morris inspired the next generation of environmentally minded Yukoners through the coordination of Environment's beloved Yukon Youth Conservation Corps and Conservation Action Team programs, Y2C2 and CAT camp. Through CAT camp, he provided over 500 youth with opportunities to experience the Yukon's environment through multi-day river trips.

Over the years, Morris oversaw hundreds of Department of Environment summer students. Many of them have gone on to become environmental and conservation leaders in their own right. Over the years, his students completed more than 250 environmental and community-service projects across the

territory, creating an impact in our territory that is still felt today.

Morris was truly unique. He helped others feel comfortable beating to the tune of their own drum — or pennywhistle — and served as a role model for so many young people. He was a great dancer, Mr. Speaker.

When people talk about being their authentic self, Morris certainly walked that walk. He was an amazing listener, an out-of-the-box thinker, and a 100-percent, all-the-time voice for a more sustainable Yukon and world.

When we think of the potential behind the idea of my work family, we can see Morris' legacy shine brightly. He was a community builder, a work culture guru, a connector, and an idea spreader. He had contagious energy and was an example of creating win-wins at every turn. He was also a long-standing member of the Department of Environment's wellness committee, the health and safety committee, and was the shop steward and union representative.

Other highlights of Morris' varied career include: founding the Moss Street Farmers Market in Victoria, BC; helping to establish the Whitehorse thrift store; creating a uniquely Yukon board game to help students learn about human-environmental impacts; writing a book about the wisdom of cats subtitled "What Cats Can Teach Us About Being Fully Human If We Would Only Slow Down and Listen"; and, finishing his career in the public service, working at the Respectful Workplace Office. All of this work led to his recognition through a Premier's award in 2019, alongside his partner in good work, Remy Rodden.

Through little ways, he made big changes — the work hockey rink, the compost program, the claim to fame that Morris had more plants per square foot than any other government desk — that was all Morris.

While Morris is gone now, he remains our instigator of joy and his legacy lives on. I remember myself walking with Morris and his incredibly earnest way of listening. He just made me feel so important.

Of all his relationships, Morris most cherished his family: his mom, Anne; his partner, Susie Anne; and his daughter, Jessie, who, by the way, just graduated from high school with honours.

Thank you for being here today. Take this moment to remember him and recognize the impact that he had on our territory as a builder of community and a steward of life.

Mr. Speaker, thank you for this opportunity to remember Morris Lamrock and celebrate a life well lived.

Applause

Ms. White: Mr. Speaker, I stand on behalf of the Yukon NDP to celebrate the beautiful life of Morris Lamrock and I thank my colleague for his heartfelt tribute.

Morris was kind, he was curious, he was playful, and he deeply loved people, the environment, and the world around him. I remember meeting him for the first time in 2011 when I was invited for tea during the territorial election campaign. Lucky for me, his dear friend Lisanna lived in the riding. What I didn't realize is that, at the time, I was walking into an

intervention on electoral reform. The conversation was educational, it was passionate, it was respectful, and it was deep. It made an impact and I am still trying to accomplish the work that he envisioned that day.

Very few of our conversations in the following years were ever about the weather. He liked to get straight to the heart of things and I always left feeling better. Morris made a huge impact on all who knew him. He would give you his full attention. Talking with Morris was like standing in a warm and caring spotlight — you were the centre of attention.

The stories and photos that were shared before and after his passing showed the true depth of the man and the sheer reach of his impact. I thank Susie Anne and Jessie for sharing so much of him with the community, for your open hearts mirrored his so perfectly.

Morris was loved by many. The lessons he shared and the life he lived will carry ripples forever. He is deeply missed.

Applause

Speaker: Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Ms. McPhee: Mr. Speaker, I have for tabling the *Yukon Judicial Council Annual Report 2022*, which is tabled pursuant to section 37(2) of the *Territorial Court Act*.

I also have for tabling the *Yukon Law Foundation Annual Report* for 2021-22, which is tabled pursuant to section 150(2) of the *Legal Profession Act, 2017*.

Hon. Mr. Streicker: Mr. Speaker, I have for tabling a statement in my capacity as Minister responsible for the French Language Services Directorate.

Speaker: Are there any reports of committees?

Are there any petitions to be presented?

Are there any bills to be introduced?

Are there any notices of motions?

NOTICES OF MOTIONS

Hon. Mr. Silver: Mr. Speaker, I rise to give notice of the following motion:

THAT this House supports the Government of Yukon introducing legislation in the 2024 Spring Sitting that will confirm Yukon's participation in the coordinated vaping products taxation framework.

Mr. Cathers: Mr. Speaker, I rise to give notice of the following motion for the production of papers:

THAT this House do issue an order for the return of:

(1) the full report done by Ernst & Young Orenda Corporate Finance Inc. regarding the financial management of the Yukon Hospital Corporation, which was done under a \$300,000 sole-source contract approved by the Premier against the advice of government officials; and

(2) all e-mails and documents regarding any requests for changes to the draft report by Ernst & Young that may have

been made by the Premier, the Minister of Health and Social Services, Cabinet Office staff, Executive Council Office, and the Department of Health and Social Services between August 1, 2023 and October 31, 2023.

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

THAT this House urges the Government of Yukon to introduce legislation that would ban the practice of hydraulic fracturing for oil and gas in the Yukon.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to act on the recommendations of *Our Clean Future, Putting People First, Aging in Place Action Plan, Yukon's Missing and Murdered Indigenous Women, Girls and Two-spirit+ People Strategy*, and the Yukon community travel project by developing a collaborative public transportation solution in the territory.

MLA Tredger: Mr. Speaker, I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to engage with First Nations, local residents, and stakeholder groups on the development of regulations pertaining to and a management plan for Yukon's feral horse population.

Ms. Blake: Mr. Speaker, I rise to give notice of the following motion:

THAT this House urges the Government of Yukon to work with Canadian and Alaskan universities currently offering physician assistant programs, as well as Canadian universities that will soon be opening physician assistant programs, to ensure spaces for Yukoners in these programs.

I also give notice of the following motion:

THAT this House urges the Government of Yukon to provide mental health supports and post-partum services to new parents and to develop a parents' perinatal mental health strategy.

Speaker: Is there a statement by a minister?

This then brings us to Question Period.

QUESTION PERIOD

Question re: Residential lot development

Ms. Clarke: Mr. Speaker, last week, the Yukon Bureau of Statistics released the 2023 residential construction numbers. These annual statistics show a disturbing trend for the Yukon's housing crisis. Despite desperately needing more houses to be built, the stats released last week show that residential construction is down 7.8 percent compared to last year. In the period from January to September 2023, the value of residential building permits decreased by \$4.8 million compared to the same period last year. That means that under this Liberal government, fewer homes are being built this year than last year, which means that the housing crisis is only getting worse.

Can the minister of housing tell us why fewer homes are being constructed this year?

Hon. Mr. Streicker: Mr. Speaker, one of the things we are doing is that we are putting out more lots. We will continue to do that.

There are ebbs and flows in the construction market. I think some of that has to do with the nature of what's happening with interest rates at the moment, but I don't think that it has anything to do with government activity, working through Yukon Housing Corporation, working through Community Services, and working through Energy, Mines and Resources' Land Management branch. Also, in working with Yukon First Nation partners, we will continue to work to provide more opportunities for housing across the territory.

Ms. Clarke: Mr. Speaker, the biggest choke point for housing construction has been the lack of residential lots in the City of Whitehorse. The government has simply not been able to get enough lots out to meet the demand. Earlier this month, the Minister of Community Services told the Legislature that, so far, the government had only released 240 lots since the last election. This is nowhere near enough and is well short of even the government's own targets.

What is the Liberal government doing to get more residential lots to market?

Hon. Mr. Mostyn: Mr. Speaker, I am happy to talk this afternoon about all the work that we are doing to build more lots for Yukoners across the territory. Our government has, to date, delivered 807 lots since 2016 in Whitehorse and in rural communities for residential, commercial, and industrial development. We are on track to deliver 1,000 lots over five years by fiscal year 2025-26, just like we promised. This is a historic investment in lot development, Mr. Speaker, and our Liberal government has built strong, collaborative relationships with municipalities, private land owners, developers, and First Nation partners across the territory to speed up the development of lots and homes in the territory. We are doing good work with those partners and we are providing more housing opportunities for Yukoners every single day.

Ms. Clarke: Mr. Speaker, even before 2021, there was a housing crunch in the Yukon. Since 2021, the population of Yukon has grown by almost 2,000 people. The number of lots that the Liberal government is releasing is nowhere close to keeping pace with our population growth. As a result, we now see that housing construction is actually 7.8 percent lower than last year.

The housing crisis is growing, and yet housing construction is slowing down under this Liberal government.

When will the Liberal government take substantive action and release the proper number of shovel-ready residential lots to keep up with population growth?

Hon. Mr. Mostyn: Mr. Speaker, I want to begin by just vehemently disagreeing with the opening remarks by the member opposite. I want to remind Yukoners that the Yukon Party's record on housing is embarrassing. The Yukon Party sat on millions of dollars and refused to invest in affordable housing. We are still paying the price for the Yukon Party's inaction on housing.

I want to remind folks that this year's budget includes \$26 million for land development projects to address the strong demand for residential lots across the territory — a strong demand for lots driven in large part by our incredible economy. There are a lot of things at play here. We are working very, very hard to make sure that we keep on top of the lot development in the territory.

Unfortunately, the Yukon Party does not believe in spending money on this stuff. They voted against our budgets for land development again, again, and again. They do it again and again and again, voting against Yukoners, and that has to be acknowledged as well. We are working very hard on behalf of Yukoners to get lots in the ground so that they have places where they can build in the territory — not only in Whitehorse but across the territory. We are doing that hard work with more than \$26 million this year in lot development.

Question re: Recycling program in Whitehorse

Ms. McLeod: Mr. Speaker, last week, the City of Whitehorse launched a request for information to explore the feasibility of a curbside recycling program.

According to the tender document, the annual operating expenses for the collection and processing of non-refundable recyclables is estimated at \$2.2 million. Last week, the Minister of Community Services told the Legislature that he was working on providing funding support for the city for this project.

Can the minister tell us how much funding the Yukon government will be providing to the city to assist with their curbside recycling program?

Hon. Mr. Mostyn: Mr. Speaker, I am happy to talk about all the work we are doing to improve our landfills and our garbage and waste disposal in the territory, which, of course, includes recycling. The goal with recycling is to keep all the detritus from our packaging and everything else out of the landfills. That's important.

We do know that Raven has given governments a deadline of the end of December to come up with a solution to increase recycling in the territory. I am fully in support of that, as are my colleagues. Our government is committed to promoting environmental sustainability and waste reduction across the territory.

Because our current recycling system in Whitehorse is financially unsustainable, we have introduced extended producer responsibility to provide financial sustainability for the system that will keep waste out of the landfills and help us reach our waste diversion and greenhouse gas reduction targets under *Our Clean Future*.

We have had extensive engagement with Raven ReCentre and the City of Whitehorse on this issue. Those discussions are ongoing, Mr. Speaker. We all agree that our goal is to create a healthy, sustainable, and environmentally conscious community here in the Yukon. We are fully in support of that and we will continue that work until it's finished.

Ms. McLeod: Mr. Speaker, it's well understood that the City of Whitehorse is currently facing some difficult budget challenges. The creation of this new program will likely only

be possible with funding support from the Yukon government. Earlier this Sitting, the minister suggested that the Yukon government may direct some of the money identified for diversion credits to the city to help with this program, but he has not been clear about how much.

Will the minister clearly explain how much funding the Yukon government will provide to support the city with the development of a curbside recycling program?

Hon. Mr. Mostyn: Mr. Speaker, well, it's fishing season this afternoon here in the Yukon Legislative Assembly. I see the hooks being tossed out, but I'm not taking the bait. I am not conducting a negotiation about recycling here on the floor of the Legislative Assembly. I know that the members opposite are now really engaged and interested in recycling because Yukoners, frankly, are engaged in recycling and they want to know what's happening. It's a big issue.

I want to be clear this afternoon that we have made it very clear that we are here to support the city as they stand up a new municipal curbside recycling program, in whatever way it looks. We are here to support the city as they stand up their new curbside recycling. There are many ways we can do that. Those talks are ongoing and I know the members opposite want a spoiler. That's not happening this afternoon. They will have to wait until we get a deal with the city, Raven ReCentre, and other recyclers on what that curbside recycling system looks like.

Ms. McLeod: Mr. Speaker, this morning, the Mayor of Whitehorse gave an interview on CBC Yukon where she noted that the new curbside program would not be in place in time to meet the planned closure date of Raven ReCentre. The latest that Yukoners have heard is that Raven ReCentre will close its doors to the public drop-off at the end of next month. Many Yukoners are wondering what that will mean for recycling options in Whitehorse.

What actions are the government taking to ensure that recycling options are available to the citizens of Whitehorse in the new year?

Hon. Mr. Mostyn: Mr. Speaker, we are working very closely with our partners — the City of Whitehorse and Raven ReCentre and other recycling folks in the territory — to make sure that there is an opportunity for citizens of Whitehorse to take their recycling to a location. We are working with Raven ReCentre. Those talks are going well. I heard the mayor this morning and I think it was a great interview on a very, very complicated issue. We are working together to resolve the issues to get a curbside system in the City of Whitehorse.

I have said several times this afternoon and in previous discussions that we are here to support the City of Whitehorse as they look after the recycling within their municipal boundaries and their landfill.

It is important to consider, though, Mr. Speaker, that the Yukon Party's historical stance on similar initiatives in support of a clean and sustainable future for Yukoners is simply not that great. The Yukon Party voted against nearly \$60 million for climate change initiatives last session alone. None of the Yukon Party caucus members and none of the Yukon Party caucus public-facing staff have been involved in any conversations

between our government, the City of Whitehorse, and Raven ReCentre. Given that some Yukon Party MLAs cannot even seem to acknowledge that climate change is real, any of their criticism regarding our government's approach to building a clean and sustainable future for all Yukoners is frankly unfounded.

Question re: Whitehorse General Hospital laboratory services

Ms. Blake: Mr. Speaker, the Yukon Hospital Corporation assumed control of the Whitehorse General Hospital 30 years ago. Since that time, the medical laboratory, where lab technicians test blood and other samples, has never received accreditation. Every four years, Accreditation Canada comes to the Whitehorse hospital and reviews each department as part of the process. While the hospital as a whole passed accreditation, the lab itself has failed every time.

Accreditation is a way to be publicly accountable and demonstrate ongoing commitment toward quality and best practices. When will this government work with the Yukon Hospital Corporation to achieve accreditation for the lab?

Hon. Ms. McPhee: Mr. Speaker, I thank you for the question. The Government of Yukon is, of course, committed to working with the Yukon Hospital Corporation to meet the needs of Yukoners through the establishment of at least three hospitals and increasing access to timely, safe, and quality care, as well as culturally safe services. It is a focus of the Hospital Corporation to ensure that Yukoners receive safe, timely, and high-quality care. The corporation is an important partner as we move forward in the direction laid out by *Putting People First*, and the hospitals are identifying and working to eliminate systemic barriers to any care and building competency and capacity at all levels, diversifying our workforce and leadership, managing how flow and occupancy impact patients to ensure that the right patient is in the right place at the right time, and continuously assessing policy, programs, and services to support equity, diversity, and inclusion.

I do not have any specific information on the accreditation of the laboratory and I will look into that issue.

Ms. Blake: Mr. Speaker, the June 2023 report from Accreditation Canada found that the medical lab at Whitehorse General Hospital did not meet Canadian standards in several areas. For instance, the lab does not have a comprehensive way to measure errors and evaluate standards of practice. The report also indicates that lab technicians are being asked to use outdated procedures and obsolete documents. The way the lab is laid out was shown to create risks of cross-contamination and the lab also failed on several safety practices. That report noted that an immediate effort needs to be made to improve the safety and quality standards of the hospital lab.

Has this government addressed these very serious issues with the Yukon Hospital Corporation, and if yes, what is the plan to get the lab up to standard?

Hon. Ms. McPhee: Mr. Speaker, as I have already noted, I don't have any up-to-date information with respect to the accreditation assessment and/or reports with respect to that process. What I can say is that we meet regularly — the

Department of Health and Social Services, the Yukon government, and the Yukon Hospital Corporation — to meet the needs of Yukoners and to determine how we can best do that — making sure that Yukoners have access to timely, safe, quality, and culturally safe services. As I have noted, we are working with the Hospital Corporation as it leads its work to make sure that Yukoners have the services that they need at the time that they need them.

It is a very serious approach that the Yukon Hospital Corporation has taken to make sure that patient care is at the centre of their guiding principles. They are working to build competency and capacity at all levels, and the work that they are doing is focused on diversifying the workforce and the leadership and on managing flow and occupancy to ensure that Yukoners have safe care and the care that they need.

Ms. Blake: Mr. Speaker, over the last years, the medical laboratory at Whitehorse hospital has stopped processing several types of tests. Microbiology samples, for instance, must now be sent out for analysis at a medical lab out-of-territory. This means weeks of waiting for results for antibiotic-resistant infections like MRSA or for sexually transmitted infections like syphilis. These delays can have very serious public health consequences, especially since Yukoners were recently alerted by the chief medical officer of health about the concerning increase in syphilis cases in the territory. Yukoners cannot afford to wait weeks to hear about their test results.

Will this government work with the Yukon Hospital Corporation to ensure that critical samples can be tested locally and quickly?

Hon. Ms. McPhee: I look forward to being able to speak to the member opposite with respect to many of the facts that she has put forward today in relation to this question. It is certainly not my understanding that it is taking weeks for those kinds of tests — the ones that she noted. In fact, the Yukon Hospital Corporation is working very diligently to make sure that those kinds of test results are returned quite quickly — so that exactly what she anticipates could be the problem as a result of people waiting too long to get the treatment that they need.

There are some functions with respect to testing — certain kinds of tests — that must be done outside the territory. We just don't have the capacity to do so. We work diligently and I know that the Hospital Corporation does every day to make sure that any results that are returned do so very quickly, and I know that to be the case. I will speak to the member opposite if she so chooses to determine the facts of her question and make sure that she has the correct information with respect to what that waiting time is for those kinds of test results, because it's simply not weeks and weeks.

Question re: Health care specialist wait times

Mr. Cathers: Mr. Speaker, we continue to hear from Yukoners who are concerned about growing wait times for surgeries, diagnostic tests, and specialists' appointments. Earlier this Sitting, I asked the minister of health about wait times for cataract surgery and she revealed that the wait time

was 12 months. The recognized target for cataract surgery in the Yukon is within 6 months.

What, if anything, is the minister doing to bring down the wait time for cataract surgery?

Hon. Ms. McPhee: Mr. Speaker, I appreciate the opportunity to answer this question again. It is, in fact, the case that specialist and hospital services under our government at the Yukon Hospital Corporation have been greatly expanded. I can certainly indicate that we appreciate when Yukoners do have to wait for some services. We have additional medical travel options if individuals are medically assessed to need the services faster than they can be produced here in the territory. As a result, we have that opportunity. The Yukon Hospital Corporation and the Department of Health and Social Services work together every day to make sure, as I have just said in relation to the other questions today, that Yukoners are assessed and their medical needs are properly assessed and that the Yukon Hospital Corporation, as well as the specialists who visit our hospital, can address the needs of those patients.

Mr. Cathers: Mr. Speaker, we have also heard that wait times for orthopaedic surgery have grown. Some Yukoners tell us that they have been informed that they will need to wait for up to two years for hip or knee surgery. Last November, the CEO of the Yukon Hospital Corporation told this House that the target wait time for hip and knee surgery was — quote: "... less than approximately one year from time of referral to time of surgery..."

Can the minister confirm what the current wait time for orthopaedic surgery is in the Yukon and what steps the government is taking to reduce that wait time?

Hon. Ms. McPhee: Mr. Speaker, let's remind ourselves — and I love the opportunity to remind Yukoners that there were no orthopaedic surgeons doing surgery in the territory prior to 2017. As a result of the work that this government did to bring those services here in the territory, hundreds of Yukoners have had the opportunity to have their orthopaedic surgery needs met in the territory. The Yukon is currently supported by two resident orthopaedic surgeons with additional coverage provided by locums. The first resident orthopaedic surgeon was introduced here in 2017, and the second orthopaedic surgeon was introduced in 2019.

We initially had 28 joint-replacement surgeries back in 2017-18. That increased in 2022-23 to a total of 104 joint-replacement surgeries that were completed here in the territory. That does not take into account emergency surgeries that are needed to be responded to by our very competent and dedicated orthopaedic surgeons.

I look forward to the next question.

Mr. Cathers: Mr. Speaker, the minister might want to check her facts, because orthopaedic surgeries had been performed in the territory many years before she indicated.

We have also heard that wait times for cardiology are too long. Last November, there were 298 people on the wait-list with a wait time of five months.

Can the minister confirm what the current wait time for cardiac care is here in the Yukon, and what steps, if any, is the government taking to reduce that wait time?

Hon. Ms. McPhee: Mr. Speaker, I appreciate the question and the opportunity to give information to Yukoners about the importance of these services, which are provided here by our local orthopaedic surgeons, the cardiologists, of course — and the program with respect to cardiology is one supported by locum experts. The cardiology services are provided by visiting specialists. Wait times and the wait-list fluctuate, depending on the frequency of the visits of the visiting specialists.

Whitehorse General Hospital is supported by three visiting cardiologists who provide six visits per year and two visiting pediatric cardiologists who offer two visits per year. This also allows testing to be done here in the territory, and the review by those visiting specialists is incredibly important to those individuals who have issues — and particularly the pediatric cardiologists and supporting those families. As of the summer of 2023, a total of 439 individuals have received services through this program. In 2022, a total of 1,531 services were supported through the program. Yukoners are well served by this cardiology program.

Question re: Yukon River crossing at Dawson City

Ms. Van Bibber: Earlier this summer, the Yukon government hosted a public information session so that Dawson residents could share their opinions about the future of the river crossing in Dawson City. When will the results of that engagement be available to the public, and what are the next steps for this planning initiative?

Hon. Mr. Clarke: Thank you, Mr. Speaker, and thank you for the question from the member opposite. Certainly, the engagement process with respect to the Dawson river crossing is an important component. I have had the opportunity to travel to Dawson on a number of occasions over the course of the last seven years but certainly over the course of the last two and a half years or three years in my capacity as Minister of Highways and Public Works.

I have engaged both with the town of Dawson City and with First Nations and other persons with respect to the issue of river crossings. We also know that this process has been engaged in by various governments over the course of many years. We are going to do it again and start this process.

I will get back to the member opposite with respect to the timing of the release of the results of the consultation.

Question re: Mining legislation

Mr. Kent: Mr. Speaker, this past spring, the Minister of Energy, Mines and Resources boasted about the Yukon's 2021 top-10 position in the Fraser Institute's rankings for mining. Then in May, the 2022 rankings came out and we had plummeted to 20th overall. One of the issues dragging us downwards is the ranking on policy perception, as we had dropped to 23rd overall in 2021.

Has the minister made any policy changes this year in order to reverse this slide?

Hon. Mr. Streicker: Mr. Speaker, I have never bragged about the position of where the Yukon is at. I have certainly stated it, and I think that most of that credit goes to industry,

not to government. What we are talking about is being in the top 20 jurisdictions in the world for mining. Again, the credit goes to the industry — not to take away from the great work that the department is doing.

What policy work are we doing of late? Here is a list: resource road regulations; new minerals legislation; working with governments; we're engaging in land use planning; we are doing mining intensity targets. We have certainly been working with industry across the board around modernizing the industry to make sure that it is environmentally, socially, and governance responsible. What I will say is that, as we come up to the Geoscience Forum next week, the industry is keen to make that transition as well.

Mr. Kent: Mr. Speaker, the Fraser Institute has us at 20th overall — a drop of 11 spots from ninth overall in 2021. This is the lowest we have been since 2019 when we were 23rd overall. We currently have well over half of the Yukon unavailable for staking new claims. This may be why a Yukon government geologist suggested at last year's Geoscience Forum that the Yukon prospector could be considered an endangered species.

So, what work is the minister doing to increase the amount of land available for staking new claims?

Hon. Mr. Streicker: Mr. Speaker, one of the main things that we are doing is land use planning. It's not a fast process, but the process that we agreed to under our *Umbrella Final Agreement* was that we would make efforts to plan across the territory. We are currently working on the Dawson regional land use plan. We are at the initial stages of the northern part of the Northern Tutchone plan. This is a stark contrast to what was happening under the Yukon Party. Under the Yukon Party, we ended up in the Supreme Court around the Peel plan.

The purpose of land use planning is to try to agree upon together — with Yukoners, with First Nations, with us as a government, and with industry — about where the smart areas to develop are and where the areas to protect are. We will continue to do that work. It does take time, but it is very important work.

Mr. Kent: Mr. Speaker, our overall rankings in the Fraser Institute report place us lower than Botswana and Morocco. The score on policy perception is by far the lowest that it has been in the last five years. The report also says — quote: "... it is important to note that 25 percent of respondents for Manitoba and the Yukon claimed that it took 24 months or more for them to get their exploration permits — the highest percentage for all surveyed Canadian jurisdictions."

The former Premier made a promise to the mining industry almost seven years ago to develop a collaborative framework to deal with timelines and reassessments regarding YESAA. Unfortunately, this promise has gone unfulfilled. What actions is the minister undertaking to ensure that permits for exploration can be issued in a more timely manner?

Hon. Mr. Streicker: Mr. Speaker, the member opposite is talking about Botswana. If he wishes to go and be an MLA in Botswana, have at it. I think that here in the Yukon we envision a modern mineral industry and that mineral industry is working with us on redoing our legislation, working directly

with First Nations, government to government, to do that new mineral legislation. It is more than a century old. Yes, there is some work to be done and we are willing to do that work.

The member asked about other programs. He asked a question last week and I didn't have the opportunity to rise at that time, but I will note that in our Yukon mineral exploration program funding, this year we decided to add critical minerals as an evaluation criterion for the mineral exploration program.

Of course, this program — in 2023, we invested \$1.4 million, committing support to 44 exploration projects, but the part that I like is that it leveraged an additional \$3.2 million in exploration.

There are always challenges that face our industry, but what I will say is that we believe in a modern mining industry and we will work with industry to move in that direction.

Speaker: The time for Question Period has now elapsed. We will now proceed to Orders of the Day.

ORDERS OF THE DAY

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

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chair (Ms. Blake): Order. I will now call Committee of the Whole to order.

The matter before Committee is general debate on Bill No. 34, entitled *Technical Amendments (Finance) Act (2023)*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

Deputy Chair (MLA Tredger): Order. Committee of the Whole will now come to order.

Bill No. 34: *Technical Amendments (Finance) Act (2023)* — continued

Deputy Chair: The matter before the Committee is general debate on Bill No. 32, entitled *Technical Amendments (Finance) Act (2023)*.

Is there any general debate?

Hon. Mr. Silver: I appreciate the opportunity to speak to Committee of the Whole on Bill No. 34, entitled *Technical Amendments (Finance) Act (2023)*.

I would also like to ask all my colleagues to welcome Clarke LaPrairie to the Legislature. Clarke is the ADM of Economics, Fiscal Policy and Statistics for the Department of

Finance and is no stranger to the Legislative Assembly. I would like to thank him for supporting me in answering questions from the members and for his and the rest of the department's work in putting this bill together.

I gave an overview of the contents of this bill during second reading. Committee of the Whole allows us to understand the proposed changes in a little bit more detail. The *Technical Amendments (Finance) Act (2023)* amends three Yukon statutes: the *Income Tax Act*, the *Yukon Government Carbon Price Rebate Act*, and also the *Financial Administration Act*.

Bill No. 34 ensures that Yukon's legislation is consistent with changes to federal law or the knock-on effects from engaging other territorial legislations. It also updates the wording in certain sections that have gone out of date, makes some minor updates, and also clarifies areas where the meaning was open to question.

The *Technical Amendments (Finance) Act (2023)* allows us to make a broad range of changes under one bill to address all of these issues. I will consider the amendments in the order in which these things will impact the public most and go from there, so that would mean that I will start with the proposed changes to the *Income Tax Act*.

Section 1 of the Canada-Yukon tax collection agreement stipulates that the territory must make best efforts to harmonize their tax legislation to reflect the amendments in the federal *Income Tax Act*. In order to satisfy the terms of the agreement, we are amending subsection 6(51) of the *Income Tax Act* in two different places. The first amendment adds references to ensure that Yukon residents who file taxes in multiple jurisdictions can receive non-pro-rated, non-refundable tax credits for the caregiver amounts for infirm children, the employment amounts, and the children's arts amounts. The amendment applies retroactively to January 1 of the year each tax credit became available.

Yukon residents who file taxes in other jurisdictions as well are entitled to these credits in full, and up until now, the Canadian Revenue Agency had been administering these credits under the same principle. This amendment simply makes the Yukon legislation line up with what the CRA has already been doing.

Another update that we are making to subsection 6(51) is to add language that properly references other subsections for taxpayers filing in multiple jurisdictions who are not Yukon residents. The goal of this change is to ensure that non-residents who pay over 90 percent of their taxes to Yukon can still access adoption and pension credits. This amendment brings Yukon's *Income Tax Act* in line with the federal *Income Tax Act*.

Because of federal tax changes introduced in Bill C-32 in 2022, the Yukon *Income Tax Act* requires further amendments that expand the definition of "individual" to include trusts and estates and makes reference to the federal act. The changes will apply beginning in the 2024 taxation year.

For the last amendment — from changes to the federal *Income Tax Act* — we added a reference to subsection 21(1) to the federal law about notice of determination made under the

general anti-avoidance rule. This change affects transactions made after April 6, 2022.

Next, we have had to make three amendments to address some unintended consequences from the wording in Bill No. 21, the *Carbon Price Rebate Amendments Act (2022)*. Before diving in, I will explain the roots of this issue.

Bill No. 21, as members know, included provisions to prevent businesses from claiming both general and mining business rebates. However, it was determined that the double-dipping — we'll call it the "double-dipping provision" — could result in mining businesses not being able to access the amount of the rebate that they are entitled to because of the different rates applied to mining assets. The consequence came out of how the legislation defined an "eligible mining asset". To address this issue, we are changing subsection 16(1) and subsection 16(5) of the *Income Tax Act* to segregate eligible Yukon mining assets from the general business asset. This allows for the separate treatment of these assets for the purpose of calculating the carbon rebate.

Further, in addressing the double-dipping provision of Bill No. 21, we are amending the *Yukon Government Carbon Price Rebate Act*. Subsection 15(1) will also include the definition change that prevents mining assets from being claimed in the general business rebate. I believe there is still no mining company that is in consideration of a double jeopardy, but it is something that we are just being pertinent over. The changes to the *Income Tax Act* from Bill No. 21 will apply effectively on January 1 of next year. These amendments are very important to the mining community and reduce confusion over what assets can be claimed for the carbon price rebate.

This brings us to our next statute — the *Financial Administration Act*. The changes that we are making to this legislation largely reflect changes in government practices and we are simply aligning the act with how things are done. In 2019, the Government of Yukon streamlined the delivery of printing, storage, and distribution services from two agencies and shifted certain tasks to local, private businesses. Central Stores kept inventories of office supplies that were distributed to government offices and programs across the Yukon. Central Stores stopped keeping these inventories, and departments now buy office supplies and other consumables through buying agreements directly with local suppliers. The King's Printer — previously the source of a wide range of printing services for the government — also narrowed its scope to sensitive materials only, and the high-volume printing machines that used to belong to the King's Printer are no longer in operation.

All printing is now outsourced to local companies. To this end, we are repealing paragraph 44(a) of the *Financial Administration Act*, which established the Central Stores revolving fund.

We are also repealing section 48, which outlined the King's Printer revolving fund that was used to maintain, operate, and replace publishing equipment. I will note that the central store inventory has no items in it as of March 31, 2023, and the King's Printer revolving fund also has a zero balance since March 31, 2021.

As neither fund is necessary, these administrative amendments just reflect the current reality. We are making similar amendments to section 48.01 for a different reason. Originally, the wildland fire suppression revolving fund was created under this act. Beginning in the 2020-21 fiscal year, costs for suppressing wildland fires had been budgeted as part of the operations and maintenance estimates for the Department of Community Services, making this revolving fund redundant. We are therefore repealing this section of the act, and I once again note that the wildland fire suppression revolving fund has had a balance of zero since March 31, 2020.

Our final change to the *Financial Administration Act* is to correct some language that has gone out of date. Subsection 20(3) refers to the federal-territorial financial agreement. This agreement has not been in effect since 1985. We are updating the section to instead reference the current *Federal-Provincial Fiscal Arrangements Act*, which covers territorial formula financing, the Canada health transfer, Canada social transfer, and cannabis transfer.

That basically covers all of the amendments that are included in Bill No. 34. I thank the members of the House for their time and consideration on this bill, and I will answer any questions that members have about the *Technical Amendments (Finance) Act (2023)*.

Mr. Cathers: I appreciate the introduction. I do have concerns, though, regarding the changes that are being proposed in this legislation related to revolving funds. I am also including the fact that the minister cited the dates that the balances of each of those areas had been at zero. The issue there, particularly with changes such as the 2019 change to which the Minister of Finance referred to regarding Central Stores — the government made a decision to bring in that change. There was quite a bit of conversation in this Assembly about that, including questioning if it was actually improving efficiency or not.

But in the legislation under section 44(a), there is a specific requirement for a Central Stores fund to be established and a specific dollar amount that it references in there. The fact that the government appears to not have been in compliance with that part of the *Financial Administration Act* for four years does raise the question of why they didn't change the legislation at the time they made the policy decision to ensure that they were not violating the Yukon government's most important financial accountability piece of legislation.

Similarly, the references to sections 48 and 48.01 of the King's Printer revolving fund — formerly the Queen's Printer revolving fund — is again specifically established by this section of the law and it states an amount under it, which is required to be used. The question of why the government didn't change the law so that they weren't out of compliance with the law for a period of roughly four years is a concerning one.

Last but not least, under 48.1, the wildland fire suppression revolving fund is established by law, with a limit of \$30 million for the purpose of suppression of wildland fires.

My point in all three cases, Deputy Chair, is that if government was making the policy decision, why didn't they

change the law at that time to ensure that they weren't out of step with it?

My next question is regarding the actual impact of the decisions, particularly regarding Central Stores and the Queen's Printer. We had concerns about it at the time. The government asserted what they claimed the impacts would be and claimed that it would create efficiencies. We have, however, heard concerns coming forward from staff about a lack of efficiencies that have resulted from that, including that the cost of some items has increased due to a lack of ability to get a cheaper price by buying in bulk. Also, instead of having a central agency conducting the buying of office supplies and other items, now staff of multiple departments are going out — while being paid their normal wage, of course, Deputy Chair — and having to spend their time purchasing those items, so there are some questions about lost efficiencies.

Has the government actually done an analysis, and if so, will they share it — of where the costs have increased and where they have decreased as a result of the decisions both to eliminate Central Stores and the Queen's Printer? Have they analyzed the impact and determined where costs have increased and where costs have decreased and what the total picture looks like?

Hon. Mr. Silver: Despite what the member opposite said, we are not offside of any legal parameters. The numbers that were cited — for example, up to \$3 million — are just maximums. The number can be zero as well. Those numbers have been zero for a while, but they could range from zero up to millions of dollars — so, not offside. Ideally, we could have put this forth in the past; we didn't. I did make reference to part of the bill today where we are changing language that has been in error since the 1980s as well. So, again, we have reasons for bringing these forth now, but to say that we are legally off because the balance was zero is just not accurate.

When it comes to — and I know that the member opposite asked some questions about the Queen's Printer and Central Stores in response to the second reading as well. There are efficiencies in these reductions. I hear what the member opposite is saying as far as time from a government employee position, having to go out and interact with the private sector. I think that this is a good thing — to make sure that local business providers can help the government out and increase the efficiency of the government at the same time as lending to some more sales in these local businesses. I think that is a good idea.

In the past, the Queen's Printer Agency had a budget that ranged between \$530,000 to \$600,000. That budget is zero now. Central Stores had a previous budget that ranged from \$550,000 to about \$570,000 a year. That is now zero as well. The King's Printer — that service has less responsibility now, making sure that they ensure that official versions of legislation are accessible to those who request them, but a lot more contracts are going into the private sector, which I believe is a good idea.

I believe that the member opposite, who is very passionate about the private sector, would agree that more businesses

benefiting from the pages that we create and the office supplies is important.

We are limiting long-term warehousing of a wide variety of centrally distributed supplies through these changes. It could be small things or large things. We no longer have supplies that can expire on our shelves or become outdated because they are just being sourced by the government. Also, supplies like high-visibility vests, for example, that become outdated — we have seen that in the past when safety regulations change — and other things like contracting out printing that used to be done in the Queen's Printer Agency, including confidential printing and budget items. We are very pleased that we have also modernized many of the processes through these changes. For example, with this change came a whole bunch of modernization of digitization, which now lives in e-services. We no longer have staff doing actual printing; instead, we are facilitating materials and contracts with, as I said before, local printing companies.

I believe that answers the member opposite's questions. If not, I will cede my time here to see if there are any more questions.

Mr. Cathers: What I didn't hear in the minister's response was confirmation of whether they have actually had an analysis done of where costs have increased and where they have decreased and the impact on efficiency and staff time, et cetera, of both of those decisions. Again, we have heard concerns from managers and others that, instead of simply being able to order things from Central Stores in the way they used to, they now have to send staff out of the office to shop for notebooks and so on at local stores, which is taking a lot more paid staff time from individual departments. Again, all I am asking is whether they have done an analysis of those decisions, not the predictive one at the outset but actual impacts after the fact. If the answer is that they have not, I would encourage the minister to have that done.

Another question I would ask, since this legislation is amending the *Financial Administration Act* — as the minister knows, the *Financial Administration Act* requires the minister by law to table the Public Accounts for the fiscal year no later than October 31. As the minister is aware, he did not meet that legislated timeline. Can the minister tell us when he will table the audited Public Accounts, and will he confirm that it will be before the end of this Fall Sitting?

Hon. Mr. Silver: I know that Highways and Public Works was tasked with an analysis as far as the efficiencies and savings, and they are still diligently working on that, so I will leave it up to the department to finalize that analysis. It is still early times to compare. We had a global pandemic in there, as well. So, in a little bit of a more normal setting, we will take an analysis and do that report.

When it comes to the Public Accounts, I know that the chair of the Public Accounts mentioned a date. We are not mentioning a date right now as far as when the Public Accounts will be tabled. The member opposite knows what his leader has said as far as a date, and supposedly he had that confirmed. I am assuming that he must have had that confirmed before he decided to make that statement, but we are going to continue to

just work with the OAG — the Office of the Auditor General — to make sure that we get it done as soon as possible. We are targeting to get it done before the Legislative Assembly rises this fall. We want to make sure that we are going to have a Public Accounts with the cover letter, with the blessing of the Office of the Auditor General, and not do what the Yukon Party did in 2008-09 when they tabled the Public Accounts without the auditor and it took until June of that year before they could finally get that confirmation. We believe that something like that would create more delay, and there is an example to test that theory.

As the member opposite knows, the act and the *Financial Administration Act* require Public Accounts to include the auditor's report. We are going to work with the Office of the Auditor General to make sure that we get both of those in, as opposed to running the risk of tabling our numbers and then having the OAG have a different report after that. We are definitely running out of days right now before the end of this session. We are hoping that we can get this thing tabled with the Office of the Auditor General audit as well, and I know that the Department of Finance and the federal Office of the Auditor General are working diligently toward that goal.

Mr. Cathers: We look forward to that occurring and I would note that the minister has at times been — in my view — too dismissive of the fact that it is a legislated requirement under the *Financial Administration Act* to table the Public Accounts by the end of October, and the responsibility does fall personally on the minister and pursuant to the act. It is quite clear that this responsibility also falls on Management Board. In that context, for clarity, I should make it clear that I am referring to the committee of Cabinet — not the secretariat. Cabinet is responsible, as well, for ensuring the format of this. The minister does have a legal responsibility, which he has not been in compliance with for the last two weeks. More to come on that matter. I will thank officials for their briefing on this legislation and the work that they do on behalf of Yukoners. I will cede the floor to the Third Party at this point.

Hon. Mr. Silver: Deputy Chair, this isn't the first time that I have heard that I am dismissive in some way when it comes to the Public Accounts. I went back and reviewed the one time — just two questions, not three — when the opposition, the Yukon Party, asked about this. I don't feel like I was being dismissive. I took on the responsibility. I agree that it is absolutely the Minister of Finance's responsibility; I admitted that. It's in Hansard. Also, I was being very matter of fact but not dismissive, so I would push back a bit and say — not dismissive. We take this very seriously and we believe that working with the Office of the Auditor General to be able to table their audit with our accounts — with our mains and with the Public Accounts — makes more sense than being delayed by months and months and months before the Office of the Auditor General report comes in, which, again — that is the requirement. It is not only the Public Accounts but also the auditor's report as well. We're not going to do what the Yukon Party did and just put half of the equation in and wait months before the auditor's report.

We know that with the five new obligations that we have — including 3280 — these are some new requirements. I had a good time reading through the Hansard of the public debate back in the day when the Yukon Party was late on their Public Accounts — a very similar situation back then. It was a federal program that was causing some consternation to the Finance department and now we are seeing a very similar thing with these asset retirements obligations.

Anyway, just to stand to say that I don't think I was dismissive. I apologize if I came across that way — being very matter of fact about what the obligations are and my responsibilities.

Ms. White: On the issue of the *Technical Amendments (Finance) Act (2023)*, Bill No. 34, I thank the official for the fantastic briefing, and I commend the minister on best efforts to walk us through what is very complicated. I feel like, if anyone ever gets the chance to get a briefing on taxation law in the Yukon from the officials who continue to present it — Clarke LaPrairie walking us through taxation law made something that is very, I'm going to say, "dull" into something quite a bit more interesting. I thank him for those briefings and I commend the minister on the efforts to try to also make it interesting, but at this point, we have no questions.

Hon. Mr. Silver: I don't normally do this, but the audible that you may not have heard when the Leader of the Third Party just said it was dull — we had Clarke LaPrairie on record saying that it is.

Deputy Chair: Is there any further general debate on Bill No. 34, entitled *Technical Amendments (Finance) Act (2023)*?

Seeing none, we will proceed clause-by-clause.

Ms. White: 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. 34, entitled *Technical Amendments (Finance) Act (2023)*, read and agreed to.

Unanimous consent re deeming all clauses and the title of Bill No. 34 read and agreed to

Deputy Chair: The Member for Takhini-Kopper King 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. 34, entitled *Technical Amendments (Finance) Act (2023)*, read and agreed to.

Is there unanimous consent?

All Hon. Members: Agreed.

Deputy Chair: Unanimous consent has been granted.

Clauses 1 to 15 agreed to

On Title

Title agreed to

Hon. Mr. Silver: Deputy Chair, I move that you report Bill No. 34, entitled *Technical Amendments (Finance) Act (2023)*, without amendment.

Deputy Chair: It has been moved the Member for Klondike that the Chair report Bill No. 34, entitled *Technical Amendments (Finance) Act (2023)*, without amendment.

Motion agreed to

Deputy Chair: The matter now before the Committee is continuing general debate on Vote 8, Department of Justice, in Bill No. 211, entitled *Second Appropriation Act 2023-24*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

Deputy Chair: Committee of the Whole will recess for 10 minutes.

Recess

Deputy Chair: Order, please. Committee of the Whole will now come to order.

Bill No. 211: *Second Appropriation Act 2023-24* — continued

Deputy Chair: The matter now before the Committee is continuing general debate on Vote 8, Department of Justice, in Bill No. 211, entitled *Second Appropriation Act 2023-24*.

Department of Justice — *continued*

Deputy Chair: Is there any further general debate?

Hon. Ms. McPhee: Deputy Chair, I would like to come back Mark Radke, the Deputy Minister of the Department of Justice, and Luda Ayzenberg, the director of finance for the Department of Justice, who are here to assist us today, and I thank them for doing so. I think that when we left off the other day — I want to say November 2, but I am not sure if it was November 2 or 3 — when we were debating this portion of the supplementary budget which has one single line item that totals \$1,734,000. It is all related to the increases for the Yukon Employees' Union after negotiations earlier this year and includes the payments that are made pursuant to that agreement.

However, we have had other questions regarding Justice initiatives, and I recall — and I looked it up earlier today — that I had just completed an answer in relation to a question from the Member for Vuntut Gwitchin and I look forward to further questions if she has any.

Ms. Blake: Thank you, Deputy Chair, and I welcome the officials for being here today.

I believe that when I left off with my questions, I asked about supports for communities when there is a process in place for severe charges. One of the questions that I often get in communities when I am visiting is about the support for victims' families and the offenders' families. This continues to be an ongoing concern for communities up the Klondike Highway. One of the questions that I often get asked is: What supports are available in communities for victims and offenders, for the families, for the community and First Nations after court processes have been done, especially when there are court matters unfolding related to manslaughter or murder charges in the community?

At present, there are some First Nations that feel a lot of pressure and they feel a bit stuck with the limited resources they have in communities. What resources does the government

provide in communities to support the offenders' and victims' families after court proceedings have been completed?

Hon. Ms. McPhee: Thank you for the question. I think that this is what we were discussing at the end of the other day. Victim Services is a branch of the Department of Justice and provides services to victims throughout the territory. It's not related only to Whitehorse; it is throughout the territory. Victim Services workers who are assigned to assist individuals on a court circuit or perhaps at a trial that might be occurring in a community, which is what I understand is being asked about, would attend and support a victim at the victim's discretion. So, if a victim chooses to have that assistance, it would be provided to them.

What I can say is that the Victim Services workers who work to support victims through those difficult times and processes do so — it doesn't end at the end of a trial. If a victim is struggling or needing further services, those continue. They are also available — and I think this is incredibly important for Yukoners to know — even if there are no criminal charges laid in a particular matter. If someone is being victimized or has been victimized by someone and needs the supports and the kind of supports that can be offered or needs access to further supports, Victim Services is a great resource for helping individuals.

I can also note that the Mental Wellness and Substance Use Services branch services the Department of Health and Social Services and works in conjunction with Victim Services if there is a community issue. The tragedy that I mentioned the other day — the criminal activity that took place in Faro, for instance — was supported both by Mental Wellness and Substance Use Services workers as well as Victim Services. That support continues to go on — again, at the victim's discretion.

We continue to support a program of Indigenous courtworkers who are working to support — and I think one of the most important things is that some communities have individual support folks. Again, I am thinking of Faro and the way that the community came together. In other communities — I know, for instance, in the community that the member opposite represents, community members come together to support each other. They also have their own health centre workers and health workers and support workers — mental wellness folks — and it is incredibly important that those community resources are combined with whatever the Government of Yukon can help provide so that individuals in those communities get all of the support they need.

We continue to support the Gladue reports that are provided to courts with important background information on Indigenous offenders. This is also an opportunity for victims to have a say in the kind of ultimate sentence that is granted in a court. The Gladue reports work to inform on fit sentences, and the information included in those reports could be the effects of residential schools and the effects on an individual from systemic discrimination and economic and social disadvantages, if that is the case. And the government of Yukon, along with the federal government, continues to support Gladue report writing to meet the needs of Indigenous

offenders and the courts through the access-to-justice funding agreement.

The program is administered by the Council of Yukon First Nations and is carried out by trained First Nation Gladue writers.

A joint management committee provides oversight to the Gladue report-writing project. This committee is comprised of: the Council of Yukon First Nations; the Public Prosecution Service of Canada; the Kwanlin Dün First Nation; the Yukon Legal Services Society, also known as Legal Aid; and the Government of Yukon. It is an important aspect of the information and support to both offenders and victims. There is also an opportunity for victims to work with Victim Services to present a victim impact statement before the court that will educate the individual judicial decider, if I can say it that way, as to what the impact has been on a victim and the importance of taking all of those things into account to determine an appropriate or fit sentence.

That, of course, is with respect to matters of a criminal prosecution that comes before a court, but I guess I want to be clear to Yukoners that Victim Services, Mental Wellness and Substance Use Support Services — the supports that come through there that are available to victims are not dependent on a criminal charge being before a court.

Ms. Blake: I thank the minister for her response to that question.

In the minister's response, she mentioned Mental Wellness and Substance Use Support Services, Victim Services, the Indigenous courtworkers, the First Nation, and the health centre. One of the things I often hear in communities from folks who are involved in the justice system is that they indicated that they see supports or resources working in silos. I am just wondering what the minister is doing within the Department of Justice to ensure that these resource people are not working in silos or that the barriers they face that create the situation of working in silos are removed so that there is more space for collaboration and support for people involved in justice.

Hon. Ms. McPhee: I thank the member for the question. It is a great opportunity to reinforce the attitude and approach that has been taken with all departments within our government but certainly within the departments that work closely together, including Justice and Health and Social Services. I don't want to speak for the former Premier, but I know that part of the determination of putting Health and Social Services and the Department of Justice with the same minister was part of the determination about the work that is so connected between them. I can indicate that both of my portfolios and all three of my deputy ministers and the deputy ministers from other departments — and the one-government approach that has been led by the former Premier and now the current Premier as an approach to all this work is incredibly important in the areas of Justice and Health and Social Services. We are working all the time to remove barriers because these organizations do — and must — work together.

I can indicate that Health and Social Services and the work that is being done with the individual health centres across the territory is ongoing and growing to be a collaborative approach.

We have restorative justice initiatives where Justice and Health and Social Services work together on those.

There are also examples in the *Substance Use Health Emergency Strategy* where Justice is responsible for certain aspects but only in collaboration with Health and Social Services. There are cooperative approaches to the land-based healing files and, as I said in the beginning, it is truly about attitude and approach. If we are working very hard to build partnerships with organizations outside of government, we need to make sure that, inside of government, the one-government approach is successful and that the deputy ministers of all the departments work very closely to foster that attitude and to make sure that we work on those projects together.

As the member opposite has noted, it's incredibly important that we do not work in silos and that we remove barriers to any collaboration. I can tell you that this is certainly the direction that we have given to the Department of Justice and the Department of Health and Social Services. It really goes from the deputy minister level down through the departments so that each of those front-line individuals who provide services to Yukoners know that they will be supported by the deputy ministers in making sure that collaboration between the departments and between aspects of the departments that all work, for instance, on mental wellness are shown to be doing that together. Another example is the services for sexual assault victims, the SART program, because it cannot operate without collaboration and without an approach where everyone works together for the same purpose of providing those services.

Ms. Blake: I thank the minister for her response. My next question is in regard to the process of Gladue reports. One of the issues that I have heard from those who work in the court system or from people who are offenders — they have shared that, with the Gladue report-writing process and the referral process, it's not often clear to the lawyers how to initiate that process. In talking to a couple of Gladue report writers, it has been indicated that there is a timeline that you have to follow in terms of doing the referral, and what they're seeing is that the referral is often happening at the last minute through the court process.

What is the minister doing in her department to ensure that service providers who are involved with the court understand the process of accessing Gladue reports to ensure that Gladue reports are supported through the court process for offenders?

Hon. Ms. McPhee: In the 2023-24 budget, the Yukon government has supported Gladue report writing with a \$175,000 dedication to that project. The Government of Canada is committed to ongoing funding for the Gladue report-writing project through the access-to-justice funding agreement and the umbrella agreement for legal aid, Yukon public legal education, and the Indigenous courtworkers — all supported by both the Yukon government and the federal government.

The Council of Yukon First Nations, which is responsible for the Gladue report-writing process, has reported that, in the first quarter of 2023-24, they have received 15 applications, and 13 were accepted and seven reports have been completed to

date. This note was last updated in August 2023. In 2022-23, a total of 102 reports were completed.

Indigenous adults — overrepresented in admissions to provincial and territorial correctional centres and have been for many years — in 2013-14 accounted for nearly one quarter, or 24 percent, of admissions while representing only three percent of the Canadian adult population at that time.

In 1999, the decision in *R. v. Gladue*, which is the Supreme Court of Canada decision, referred to their overrepresentation as — quote: “... the tip of the iceberg...” Between 2016 and 2019, First Nation citizens represented 66.5 percent to 68.4 percent of admissions at the Whitehorse Correctional Centre here in the Yukon. Clearly, that needed to be addressed. In 2015, Council of Yukon First Nations, the Law Society of Yukon, and the Public Prosecution Service of Canada approached the Government of Yukon with a report and recommendations to establish a formal report-writing service, and these recommendations were put to the Government of Yukon and received approval in early 2018 under the leadership of CYFN and the Gladue Management Committee, and that program was developed and now receives ongoing federal funding.

The program has seen a roster of Yukon First Nation Gladue report writers trained to provide the court with Gladue reports, as requested. Annual Gladue report-writing training sessions have been held and the Gladue report writer mentoring program has been developed. A report template has been developed and serves as a guide for Gladue reports. Initially, there was a prerequisite. The clients had to be Yukon First Nation individuals and that prerequisite was changed in November 2018 to allow for Indigenous applicants from other First Nations or Inuit or Métis people.

The Council of Yukon First Nations has proactively engaged with others, including Victim Services and Yukon community corrections, to improve collaboration and services for Yukon First Nation citizens. Gladue reports support Indigenous accused persons, either adult or youth, and the judiciary and the justice personnel in applying the sentencing principles that are set out in section 718.2(e) of the *Criminal Code of Canada* and subsection 38(2)(d) of the *Youth Criminal Justice Act*. So, these have now been entrenched in the law of the country with respect to criminal matters.

Both statutes indicate that a court that imposes a sentence on an Indigenous offender shall take into consideration a number of principles. They include all available sanctions other than imprisonment that is required by the court and by the law, which may have played a part in bringing a particular individual before the courts. They have to consider the unique systemic or background factors of an individual, and they have to consider the types of sentencing procedures and sanctions that may be appropriate in the circumstances of the offender because of their Indigenous heritage or connection.

The Gladue report writing program has been quite successful here. It is led by the Council of Yukon First Nations. The Department of Justice supports it financially; Legal Aid and defence lawyers are very familiar with the process. Indigenous courtworkers are very familiar with the process and

being in touch with the Gladue report writing program. It is not a complicated situation; it is something that is available to any individual who is proceeding through the court process and has an Indigenous background. As far as I know, there is not an extensive waiting period. They are often ordered by the court or sought by defence lawyers or Indigenous courtworkers on behalf of an individual who is going through the process. All they have to do is ask the court to order such a report, and then the process is usually delayed. By that, I mean the matter could be adjourned for the purposes of an individual having that report completed with their cooperation and assistance. Then the matter would be adjourned until a time when the report could be completed and they come back to court.

Ms. Blake: Deputy Chair, with the Gladue report writers in the territory, how many Gladue report writers do we have in the Yukon? How many of those report writers are trained to provide the training? And how many Gladue report writers do we have located in communities, or are they centralized in Whitehorse?

Hon. Ms. McPhee: That is not a number that I have with me. I would not want to guess — it does fluctuate from time to time. As I understand it, the Gladue report writers tend to be centralized in Whitehorse, but it is not required, and they certainly will attend communities for the purposes of completing a report, or they might do so virtually, being connected with a number of people by phone or by other methods of virtual attendance, in order to complete a report. There is no restriction whatsoever on a Gladue report being required in a court in Whitehorse, or it could be a court in Pelly Crossing, or it could be a court anywhere where the Territorial Court sits here in the territory. We can get numbers. We will have to contact the Council of Yukon First Nations; they are responsible for the program, and they hire the Gladue report writers. They train the Gladue report writers, and they have a mentorship program, as I said earlier, and I don't know what those numbers are, but we can return those numbers to the member opposite.

Ms. Blake: My next question is in regard to the income threshold for access to Yukon's legal aid services. I have been hearing from a few people who have applied for legal aid, but they didn't meet the income threshold, so they were denied access to legal aid. My question is: How is the department supporting clients who do not qualify for legal aid services, and is there a liaison or a person they could reach out to, to help navigate the legal support services in Whitehorse if they don't qualify for a lawyer through legal aid?

Hon. Ms. McPhee: Thank you for the question. What the member opposite is asking about is access to justice, which is an incredibly important criteria and issue for the Department of Justice and for our government. We have worked very hard to make sure that there are services available for individuals who need support through a court process or other kinds of support that might be outside of the court process but that support them for not returning to the court process. I am thinking intentionally here about the restorative justice process, which is supported financially by our government and is an opportunity for individuals who are going through that process

to have their matter dealt with through a restorative justice initiative.

Our government has a project that was initially a pilot project and now has been turned into one of restorative justice, connecting with the communities, connecting with every First Nation government, and connecting with community individuals and victims who might want to work through that process. I can advise that our Department of Justice officials attended a restorative justice conference — I believe that it was earlier last year or late 2021 — in Nova Scotia, where our program was truly heralded by other jurisdictions in Canada. The opportunity for the Yukon Department of Justice and our partners, including court officials and individual justice support workers for Yukon First Nations, et cetera, were sought after for information and asked to train other departments across Canada about how this can be spread throughout Canada and the impact of the success of that program here.

Legal aid is an incredibly important service here in the territory. We recognize the importance of predictable funding, as well, to ensure the continued operational stability and accessibility of this truly vital service for low-income Yukoners to increase their access to justice. Many Yukoners may know that one of the ministers of our government was the executive director of Legal Aid for more than 18 years.

I have a background of dealing with criminal matters through the court process as a Crown prosecutor and supported the Yukon Legal Services Society and Legal Aid Society throughout my career, and that has continued in my career here, in recognition of the important service that is provided by the Yukon Legal Services Society and doing so with increased funding to provide a stable core budget for the regular operations. The budget for 2023-24 has allocated \$3.288 million in core funding, which includes \$550,000 in time-limited funding to support a new legal aid clinic. We look forward to the continued support of legal aid.

With respect to the question regarding if someone doesn't meet the income threshold, there is discretion at the board level of the Yukon Legal Services Society to have the matter appealed. There are other opportunities, all supported by Yukon government, for individuals to have some assistance. Indigenous courtworkers are very skilled individuals to help a person go through the court process. They are available to anyone who is going through the court process; it is not only for Indigenous people. The courtworkers themselves are Indigenous, which is where the title comes from, and their specialized skills and traditional ways and knowledge of Yukon First Nation persons is always part of their support.

There is a family law liaison unit that provides free information to individuals about family law cases. There is the Yukon public legal education opportunity that is supported by Yukon government. There are individuals who provide pro bono services — lawyers here in town who support individuals who may not be able to afford legal counsel. All of those things — services and initiatives — are supported by Yukon government, and I know that they are supported by the individuals who assist people through the court process.

Ms. Blake: My next question is: Does the department plan to review the income threshold for access to Yukon's legal aid services?

Hon. Ms. McPhee: Certainly, we meet with the Yukon Legal Services Society board on a regular basis, at least annually and sometimes more than that. Department officials work with them through the budgeting process, but the decision about income threshold and how they can operate the independent society, known as the Legal Services Society, is theirs alone, and the board would be determining what the threshold is for services.

Ms. Blake: Deputy Chair, my next question is from the Whitehorse Correctional Centre inspection report from May 2018. Has the government established a secure forensic unit at the Whitehorse General Hospital, as recommended by this 2018 inspection report?

Hon. Ms. McPhee: Deputy Chair, I appreciate the opportunity to address this particular recommendation from the David Loukidelis report in May 2018. The secure forensic unit noted in that report has been renamed as the mental wellness unit. It is currently being constructed at the Whitehorse General Hospital. There is a secure forensic unit currently at the Whitehorse General Hospital, if need be. When it is not being used in that way, there is an opportunity for the hospital to use that space otherwise, but if it is needed, it is available at the Whitehorse General Hospital currently.

I can also indicate that we look forward to the mental wellness unit, which will be designed for the purpose of treating mental wellness, presenting mental wellness, and promoting mental wellness for individuals who might need such services. There will be a portion of that location that will be the equivalent of a secure forensic unit — again, if need be. We continue to support the complex needs of individuals who require forensic care, as well as the limited availability of resources here in the territory, recognizing that they have historically presented challenges. The Whitehorse Correctional Centre statutory designation as a hospital or a location will currently be maintained on a short-term basis until the mental wellness unit is available at the Whitehorse Correctional Centre.

As I said, that work is ongoing at the moment. The Whitehorse Correctional Centre does not have the capacity to house individuals who require forensic care for prolonged periods of time and require complex care in psychiatric facilities with medical professionals who specialize in forensic services. Currently, there is the Whitehorse Correctional Centre. If an individual is having complex care needs or forensic needs or psychiatric care, they are seen to by a psychiatrist here in the territory. A determination could be made that they should be at the secure forensic unit at the hospital that currently exists. Ultimately, if they cannot be served in either of those two places here in the territory to meet their medical needs, then they might be transferred to a facility that specializes in forensic care or to the complex psychiatric care in certain other facilities.

The Yukon government has agreements — arrangements — with certain places in Canada where individuals may be sent

for the purpose of their own safety and the safety of others, if need be. I look forward to having the new mental wellness unit open at Whitehorse General Hospital and ultimately making the necessary changes in law to make sure that place is recognized as one of safety and care for individuals.

Ms. Blake: Thank you, Deputy Chair, and I thank the minister for her response to the previous question.

My next question is regarding the rehabilitation programs that are available to folks who are at WCC or those who are on community-based sentences. What rehabilitation programs does the government have available both in WCC and in communities, and how are those programs coordinated?

Hon. Ms. McPhee: The programming at the Whitehorse Correctional Centre is coordinated there. It offers programming to both individuals who are on remand status or individuals who have been sentenced and are serving a sentence there. They offer programming regardless of incarceration status; however, the criminogenic programming is mandatory for all sentenced clients. Programming at the Whitehorse Correctional Centre is classified into four areas: criminogenic; cultural and spiritual; educational, vocational, and health promotion; and leisure, recreation, and well-being. Programming is offered through the facility-based program staff or contracted service providers, in some cases, or professional partners.

The Whitehorse Correctional Centre has a dedicated First Nation liaison officer whose work includes connecting clients with available cultural and spiritual supports. Cultural programming at the Whitehorse Correctional Centre includes opportunities for beading, carving, drumming, fire ceremonies, and talking circles. There is also work to build relationships with Yukon First Nations to provide ongoing support for offenders reintegrating into the community.

Over the past five years, the Department of Justice, I am proud to say, has been steadily increasing support for delivering culturally appropriate programming at the Whitehorse Correctional Centre. It has been a direction of our government and of mine as the minister that we should have as much appropriate programming at the Whitehorse Correctional Centre as possible. Plans for the 2023-24 year with respect to programming are to continue to deliver all the existing programs and expanding program options through in-house training of program staff and exchanges of ideas and program options in partnership with federal, provincial, and territorial colleagues in all four areas of care and development.

We will continue to partner with Yukon University to provide educational and vocational options for clients — or inmates. There is cultural programming, including emphasizing First Nation culture. Those services are contracted for the provision of carving programs, drumming, fire ceremonies, talking circles, and targeted referrals for individual First Nations for ongoing community support and assistance.

There is individual spiritual and cultural support by the Yukon First Nation liaison officer, which must continue. There are spiritual supports through partnerships with community, spiritual leaders in multiple faiths, including First Nation spirituality, group church services, individual clergy, and counselling, and one-on-one First Nation elders and

knowledge-keepers provide counselling services. There is bi-monthly health promotion programming on relevant topics provided by the centre's health services team.

In 2022-23, substance use counselling was offered by the Aurora Wellness Group in response to referrals submitted through WCC case management. This contractor began seeing clients in November 2022, and the substance use contract will be tendered again this fall, probably just right about now. Clients receiving physician-supervised opioid agonist therapy are required to attend substance use counselling as part of that treatment program, and the centre's health services teams refer all clients who are required to attend counselling to the contracted provider.

In conjunction with the Department of Health and Social Services, the Whitehorse Correctional Centre offers two 5-week intensive treatment sessions at the facility for substance use issues. A lot of this work to support individuals is done by case managers at the Whitehorse Correctional Centre. They may also refer inmates to the forensic complex care team for therapeutic programming, if that is appropriate, and those counsellors and therapists conduct most of the therapeutic counselling and deliver most therapeutic programs. The therapeutic counselling may be individual or group-based and often includes individual counselling for criminogenic needs — for example, sexual offending or spousal violence. Individual counselling is also available to address other mental health or substance use concerns.

To support programming at the Whitehorse Correctional Centre, staff are receiving training in respectful relationships, living without violence, and thinking leads to change — which is a female woman-focused program — and they also have training in facilitation skills on substance use management, and that is provided by the Justice Institute of British Columbia.

What I can note is that there are, at the Whitehorse Correctional Centre and the youth correction centre — they coordinate and can start at — sorry, they can start at WCC and then continue with the Yukon community corrections in order to start programming inside at WCC and then continue that when it is monitored and assisted by Yukon community corrections.

They also — one of the parts of the question, Deputy Chair, was: What about when somebody is no longer in the correctional facility? Individuals are provided service to the Yukon community corrections — some people call it the “probation office”. They do both of those things, and those programs are coordinated with the individuals who are — some are provided for by the case managers or the staff at the Whitehorse Correctional Centre, but by far, most of these programs are provided by individuals who are contracted outside.

Ms. Blake: In the minister's response to my question, she indicated that there is a First Nation liaison at the Whitehorse Correctional Centre. Is it just one First Nation liaison worker at WCC? Also, what is the current population of WCC, and how much of the population is First Nation? Also, how many of the staff of WCC are First Nation?

Hon. Ms. McPhee: Thank you, Deputy Chair, for the question. There is currently one First Nation liaison position — one individual working in that position — at the Whitehorse Correctional Centre, but a second person is starting next week. I don't have the current population numbers, but I do have some numbers that might be of assistance. I am told that 66.5 percent of the current population self-identifies as First Nation. With respect to the staff, there is a really large multicultural component of the staff now at the Whitehorse Correctional Centre. It has been growing as a more diverse group of individuals and that is certainly supported by us going forward. I don't have the number with respect to how many staff self-identify as First Nations or other individuals, but we can see if we can determine that number.

I do have some numbers. In the 2022-23 reporting year, there were 293 admissions, and in 2021-22, there were 325 admissions, so the admissions are going down. Of the current total this year, of 98 admissions — that is in the 2023-24 fiscal year — 75 individuals were on remand, 18 are serving a territorial sentence of incarceration, four are serving a federal sentence of incarceration, and one individual was temporarily held while they were engaged in proceedings before the Yukon Review Board. Of the 98 admissions in the current fiscal year — for 2022-23 — 68 individuals self-identified as a First Nation person. Of the 293 admissions in the 2022-23 fiscal year, 133 individuals self-identified as a First Nation person. We can return with the additional numbers. I can present a return for you.

Ms. Blake: I thank the minister for her response on those numbers.

My next question is in regard to the case managers at WCC. How many case managers currently work at WCC, and what is the number of clients per case manager?

Hon. Ms. McPhee: I don't have the number of case managers currently employed. I am told that there are at least four and that the average caseload is generally around 10 individuals, but I would like to confirm those numbers and present them in a return or in a response directly to the member opposite.

Ms. Blake: Of the four case managers, how many of those case managers identify as First Nation?

I will just add a couple of questions here. In reading the Auditor General's report from 2015, one of the areas of concern was in regard to case plans. Another question that I have is: How many of the folks at WCC have a completed case plan? What is the average length of time to develop a case plan, and what are the timelines that are incorporated into case plans to ensure that the goals are met by those in WCC? What programs are offered as part of the case plan to support those incarcerated?

Hon. Ms. McPhee: All the inmates at the Whitehorse Correctional Centre currently have a completed case plan. Case plans are initiated upon admission of an individual. They are growing, living documents. They are adjusted during their period of time that they stay at WCC. It's not possible to talk about the timelines that would be put in place.

They would be individual, depending on the case plan that is developed in relation to the individual who is either serving the sentence or spending time in remand and the case manager, and there would be different timelines for different people for different things. Determining how those timelines are met or determining how the plan is being assessed is an ongoing process with case managers and the individual who is either incarcerated or otherwise on remand at the Whitehorse Correctional Centre.

I need to determine if we can respond to the question about — with there being so few case managers — whether or not they self-identify. I don't know that anyone has self-identified, but we can certainly check on that. Also, what we will be doing is checking with that individual to determine whether or not they mind. Because there are so few of them, we are getting very close to discussing individuals' personal information and disclosing that here on the floor of the Legislative Assembly, which is considered a public forum. I don't think that I will do that just now, but I can certainly check into that and determine whether or not they have any concerns about that information being provided.

I think that it is important for Yukoners to know that the Whitehorse Correctional Centre offers programming to both — as I said earlier — remanded and sentenced clients, regardless of the incarceration status, and that the important programming that I have spoken about earlier — in the last few questions, I think — that is available at Whitehorse Correctional Centre is what primarily makes up the case plan for an individual and their personal goals and the programming that they will participate in and ultimately hopefully achieve their goals.

Ms. Blake: My next question is in regard to the needs and risk assessments and core programs at Whitehorse Correctional Centre, which were indicated in the Auditor General's report. Needs and risk assessments are a step in case management that are supposed to happen at first contact, and the needs assessment is the basis of the case plan for those who are incarcerated, no matter what their status of incarceration is. The department's policy states that an offender's needs and risk assessment need to be reassessed every six months.

My questions in regard to the risk assessments are: Are case plans being built on these needs and risk assessments for those who are at Whitehorse Correctional Centre? Who monitors the timeline of the assessments? How often do case managers collaborate on the needs and risk assessments? And how are core programs responding to the needs of clients with what is identified in their needs and risk assessments?

Hon. Ms. McPhee: Needs assessments are the first part of building a case plan. A needs assessment is the first part of that plan. It is initiated upon admission. I didn't make the breakdown in the answer to my last question, but the first thing that is done would be a needs assessment to determine what the priorities and goals are for a particular inmate. Those needs assessments and ultimately the case management plans are done by case managers. They are reviewed every six months — again, by the case manager — and probably more often than that if there are short-term goals. If there is certain programming that inmates want to achieve and they do so, then

that would obviously be a conversation that they have. I can ask if I can get some information about how often a case manager might meet with an individual, but it is certainly every two weeks — if it's not weekly or more often than that. Obviously, it can be casual or more formal.

Although I don't have the number — in one of the statistics I gave earlier — many inmates may not stay more than six months. Some will, of course, depending on the situation, but many inmates would stay for shorter periods of time than that. That isn't to say that the case management or the needs assessment aren't done; it would just be that the review of that would have to be sooner than every six months. I can also note that the average stay — I do have that — at Whitehorse Correctional Centre is 38 days, so that is considerably less. I note also that, based on the statistic I gave you earlier, 188 inmates were on a remand status — I just need a moment.

The information I now have is that case management meetings would happen at least every two weeks but sometimes every few days, depending on the needs of the particular inmate and, again, what they are trying to achieve and what is in their case management plan.

Ms. Blake: I thank the minister for her response. In the reports that I read recently, it was indicated that a high number of folks come into WCC with substance use challenges. I am wondering what withdrawal management supports are available upon admission to WCC?

Hon. Ms. McPhee: I thank the member for the question. I did mention a bit about the substance use assistance — addiction assistance that is given to inmates if they want to participate in those programs. It is important to note that the WCC has a health services team. They focus as well on the whole person, but substance use counselling is an important part of that.

I noted that in the 2022-23 year, a contract began in November 2022; it is just coming to an end now. We will be looking to tender that contract again.

It was offered and met by Aurora Wellness Group and they provided substance use counselling and referrals to them through the WCC case management. I also indicated that clients can receive physician-supervised opiate agonist therapy. If they do receive that, they are also required to attend substance use counselling as part of that program. The centre's health services team refers all clients required to attend counselling to the contract service provider. We noted that, in conjunction with the Department of Health and Social Services, the Whitehorse Correctional Centre offers two 5-week intensive treatment sessions at the facility for substance use issues. Case managers can also refer inmates to the forensic complex care team for therapeutic programming, as appropriate. Those therapists conduct most of the therapeutic counselling and deliver those therapeutic programs.

Therapeutic counselling may be individual or as a group. It also serves to address other issues of violence or substance use that might be of concern to individuals. We certainly are aware that individuals who come to the Whitehorse Correctional Centre might be struggling with substance use, substance use addictions, or withdrawal from those things.

They are supported by the health services team and through not only local physicians that we have who operate the opiate agonist therapy options but the physicians who provide services — and, may I say, the nursing staff who provide services — and counselling services at WCC.

Ms. Blake: Another area that was highlighted throughout the Auditor General's report from 2015 was with regard to transitioning back into the community or reintegration supports for those who are incarcerated. I am just wondering: How are reintegration plans developed and implemented within WCC, and what elements of the reintegration plan address the reduction of recidivism?

Hon. Ms. McPhee: I agree that reintegration plans are incredibly important as individuals attempt to change their lives. All of the programs that I have noted in the response to a couple of questions here — and it's quite a lengthy list available at the Whitehorse Correctional Centre — remain available to individuals who are trying to reintegrate into their community through the Yukon community corrections programming. Yukon community corrections develops plans for reintegration with individuals who are leaving the Whitehorse Correctional Centre.

I can also note that there are individual programs happening now through communities across the territory. I will take the time to note and to herald, if that is possible, the Dawson men's shelter program. A part of their work is focused on reintegrating people into their community, having individuals come and stay at their facility, and then supporting them through that and through a partnership with Yukon community corrections.

I can indicate that we are introducing a program for supporting on-the-land programs and the ability of individual communities to develop those kinds of programs in partnership with individual First Nations or First Nation community-led programming. There is important work being done through the restorative justice initiative. It works closely with individual communities — both with the individual offender and their home community. The level of community justice services available does differ from community to community, depending on the capacity and the priorities of that community, but we continue to be available to work with all of them.

Community-led programs are developed and implemented through collaborative work with Yukon First Nations and are responsive to their priorities as well. The roles and the responsibilities of the community justice workers and the Indigenous courtworkers, who work closely with this program and with individual offenders, are community-specific. Generally, they are responsible for establishing a community-based justice process designed to meet the community needs, supported by Yukon government. They work to promote community healing, to facilitate restorative justice approaches at a community level, to develop positive relationships with the community, and to educate the community about existing justice alternatives, demonstrating accountability to the community about justice matters and establishing a proactive approach to healing with long-term community wellness.

The Government of Yukon is truly committed to advancing restorative justice practices and building capacity in communities with key partners that include the Yukon First Nation governments, the Council of Yukon First Nations, the RCMP, the Territorial Court, therapeutic courts, Corrections, the Government of Canada, the Public Prosecution Service of Canada, and the Correctional Service of Canada.

Other work within the Department of Justice is also to advance the principles of restorative justice, and they include work to expand therapeutic court models.

The partnerships that I have described are designed to support individual inmates as they are returning to their home communities. The programs that are developed are designed to reduce recidivism and support individuals returning to their communities. We have more work to do with respect to these services, because it is truly an opportunity to support individuals in reintegrating into their community.

I can also indicate that, through the substance use strategy, we are hiring front-line support staff to better support people transitioning back into communities, particularly when they are struggling with substance use challenges. I certainly look forward to the development of land-based healing programs that will be designed, I hope, by individual First Nation communities to support the current gap in reintegrating. Despite all of these services, there is sometimes still a gap, and we hope that the land-based healing programs truly help not only to reintegrate people into communities when they have finished treatment for substance use or abuse or addictions but as they are reintegrating into their communities from the Whitehorse Correctional Centre.

Deputy Chair: Do members wish to take a brief recess?

All Hon. Members: Agreed.

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

Recess

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

The matter now before the Committee is continuing general debate on Vote 8, Department of Justice, in Bill No. 211, entitled *Second Appropriation Act 2023-24*.

Is there any further general debate?

Ms. Blake: Thank you, Deputy Chair. I wanted to follow up on one of the responses from the minister with regard to opioid agonist therapy available at WCC. Can the minister confirm if folks at WCC are required to access counselling to access opioid agonist therapy, or is counselling optional when folks need to access OAT?

Hon. Ms. McPhee: Thank you, Deputy Chair, and thank you for the question.

Clients receiving physician-supervised opioid agonist therapy are required to attend substance abuse counselling as part of the opioid agonist therapy treatment program, and the Whitehorse Correctional Centre health services team offers all clients required to attend counselling — refers them to the contracted provider, which I noted earlier was Aurora

Wellness. I think that their contract ends in November of this year, and I am sure that it has been tendered again, but I can also confirm that. The timing would be — it would seem that it would have to be out very soon.

Ms. Blake: My follow-up question in regard to mandatory counselling for folks to access the OAT therapy at WCC: How are folks supported if they are not ready for counselling but are in need of opioid agonist therapy but don't want counselling?

Hon. Ms. McPhee: I don't think that I can answer that question for the member opposite. Those would be medical decisions being made as part of the care for the individual. I mean, certainly, someone who is being treated through that program would be required to go to counselling as part of that program, but that is because that is the entire wraparound service given to an individual who is searching for the alternative to toxic drugs, to poison drugs, and rightly so. As far as forcing someone to do that, I think that it is required as part of the program, but ultimately, those counsellors would work with individuals to determine what is in their best interest.

Ms. Blake: I thank the minister for her response. My next question is in regard to the programming that is available at WCC. Are there any Yukon First Nations providing programming in WCC, or is the programming mainly done by service providers here in Whitehorse?

Hon. Ms. McPhee: I just want to make sure that I understand the question. I think the question is: Are there any First Nation individuals providing counselling or providing any of the programming at the Whitehorse Correctional Centre; is that right? Is that the question?

Ms. Blake: Sorry, Deputy Chair; I should have been more clear. My question is: In terms of the programming that's offered at WCC, the minister mentioned in her response that currently the Dawson City men's shelter is offering a program. There are conversations happening with First Nations and service providers regarding land-based programming and restorative justice, so I am wondering if any First Nation governments are involved in delivering programs at WCC for clients.

Hon. Ms. McPhee: I hope I can answer this. If I can't, I hope that the member opposite will tell me that I'm not addressing it. We continue to partner with Yukon University to provide educational and vocational options for clients. Cultural programming, including the emphasizing First Nation culture program, is delivered by contracted services for the provision of carving programs, drumming, fire ceremonies, talking circles, and targeted referrals for individual First Nations for ongoing community support and assistance. Those are all delivered by First Nation individuals or community groups or elders.

There is also the opportunity for First Nations — we have a contract with the Council of Yukon First Nations, which organizes First Nation programming at the Whitehorse Correctional Centre. As I have noted, there are elders who attend to provide programming to inmates. CYFN is the largest provider for cultural programming, as they can address the needs of individuals. It is incredibly important that this

programming is delivered by individuals who are experts in the traditional ways and culture and can connect with First Nation individuals. I can also indicate that through the restorative justice program, which was referred to, and the land-based healing programs that will be forthcoming, those are all — the restorative justice one, for instance, is entirely built on having strong relationships with communities, organizations, and governments, all from First Nation communities for the purpose of making sure that, when we are dealing and supporting First Nation individuals to go through those restorative justice processes, the community has come forward and has the capacity and the interest in making sure that their community justice programs align with restorative justice principles and, more importantly, that the restorative justice principles align with what is necessary for their community members.

Ms. Blake: My next question is in regard to the cultural programming that was indicated by the minister, which included beading, carving, drumming, talking circles, and fire ceremonies. In the Yukon, we have 14 First Nations, and if there are 14 First Nations represented in WCC, I think it's important that we recognize the cultural diversity that is here in the Yukon and remind ourselves that some of these elements may not be a part of one's culture.

So, my question is — I respect the work that CYFN is doing in terms of providing cultural programs, but I do believe that the cultural experts are those who are located in communities that are part of the 14 nations here in the Yukon. How is the department working with each community to ensure that each Yukon First Nation's cultural practices are reflected at WCC?

I also know that, with First Nation culture — culture encompasses land; it encompasses language; it encompasses family; it encompasses community; it encompasses connection and relationship. My question is: How is the department working to ensure that those incarcerated at WCC are given an opportunity to build those relationships, especially when they are incarcerated at WCC?

Hon. Ms. McPhee: Deputy Chair, certainly we recognize the cultural diversity of the Yukon and the individual First Nations and their cultural traditions that are different from one another. It's incredibly important to recognize that. As one example, in the Victim Services branch of the Department of Justice, they work very hard to make sure that individuals are comfortable in their space when they need to be working with a Victim Services worker or with a support person, and in that room in particular, there is one where Victim Services has sought out one important artifact or aspect of each First Nation in the territory, and they all exist in that room so someone can see themselves there. That's the attitude and the approach that we have taken throughout the Department of Justice and, I would go so far as to say, across government.

In specifics, with respect to the Whitehorse Correctional Centre, I am advised that the First Nation liaison officer works on a care plan for each individual who they work with, and they do so by contacting their First Nation — the one that an individual identifies with. They work on a care plan with the

individual inmate. The purpose is to specifically reach out to each of those First Nations as they are working on those care plans for individuals, the purpose of which is to strengthen their connections with their First Nation should they need to be strengthened or to support an individual by being aware of how their First Nation would go about supporting that individual and hopefully ultimately work through these plans that we have talked about, including a reintegration plan when they go home.

Ms. Blake: My next question is with regard to return-to-custody interviews, which was indicated in one of the reports I read. My question is: Who is conducting return-to-custody interviews for offenders who re-offend and are returned to the custody of WCC, and how are these carried out?

Hon. Ms. McPhee: I think I understood the question to be: What is the process for supporting individuals who might be released from custody and then, for some reason, need to return to custody?

In that case, a case manager would be responsible, as if somebody were returning or coming for the first time to the Correctional Centre, and a new risk assessment would be done, and then a case plan with a case manager would either be updated, depending on how long someone was gone — that case plan updated — or reintroduce a new case plan to support the individual.

Ms. Blake: My next question is regarding probation officers in the Yukon. I am wondering: How many communities have a full-time probation officer? How many probation officers are based in Whitehorse? How often are performance plans reviewed with probation officers?

Hon. Ms. McPhee: I thank the member for the question. There are 11 full-time probation officers who work out of Whitehorse. There is one probation officer who works full time in Dawson City and a receptionist in Dawson City. There is a probation officer who works full time in Watson Lake and a receptionist who works in Watson Lake. Those communities that do not have a full-time probation officer have visiting probation officers — someone who is assigned to work in their community and with the individuals who live in that community and are otherwise being provided services through the probation office every two weeks.

Ms. Blake: One of the reports I read talked about the importance of cultural education training for probation officers or anyone who is a service provider within Justice.

My next question is: How is the department working with communities to ensure that their staff have access to community or cultural education training in communities that are not available in Whitehorse?

Hon. Ms. McPhee: Training is provided to all staff with respect to the Department of Justice staff. Certainly, we encourage individuals to become part of their community to build relationships in those communities. Cultural training can be and sometimes is part of that, either officially or unofficially, in building those relationships. We provide culturally based and culturally aware training to all of our staff. Individuals might have it in their own community if there were enough people and the opportunity to deliver it there, or they would be able to travel to Whitehorse to obtain that training.

Ms. Blake: This will be my last stack of questions. My next area of focus is regarding health and safety at WCC. On October 27, the Yukon Coroner's Service released the inquest report on the death of Leon Nepper, an inmate at WCC. This report laid out four recommendations to the director of the Correctional Centre and to the Deputy Minister of Justice.

These recommendations covered areas like medical intake information, emergency medical training for corrections officers, and the suitability of facilities, training, and policies for housing inmates with serious medical conditions.

Will this government work with WCC to improve its medical intake assessments to include information about advance directives and do-not-resuscitate orders and introduce a follow-up process with a doctor when this information is not available?

Will this government work with WCC to offer more opportunities for generalized advanced training for higher levels of care and emergency response for correction officers?

Will the government work with WCC to present the Nepper incident in internal training to improve future responses to inmates with medical concerns?

The last question is: Will this government evaluate the suitability of facilities to house inmates with significant and serious medical conditions and how the existing policies and facilities might be improved?

Hon. Ms. McPhee: I appreciate the questions. This is an important opportunity with the inquest having recently occurred and then ultimately the recommendations with respect to the impact on Whitehorse Correctional Centre — in particular, medical intake or follow-up with medical professionals.

I want to take the opportunity now to thank the individuals who participated in that inquest. It was required by law because the particular person died while technically considered to be in custody at Whitehorse Correctional Centre. The individuals involved considered the matter seriously. There were thoughtful and careful recommendations. We are reviewing those recommendations. I don't see any reason why they would not be implemented. We are always looking to improve that process and improve the training of individuals who provide services at the Whitehorse Correctional Centre. As a result, I think those four recommendations will allow us to make improvements and also to make sure that — which I think is a very important aspect of this — our staff are properly supported and properly able to evaluate in order to get additional support if they need to — whether that be from supervisors or from medical professionals — and the opportunity to make sure that inmates who present upon their arrest or are at the Whitehorse Correctional Centre and are very ill get the opportunity and get the medical care that they need.

Mr. Dixon: I just have one further question for the Minister of Justice. On the Order Paper, there is currently Motion No. 644, which was tabled by the Minister of Justice and reads: "THAT this House adopts the International Holocaust Remembrance Alliance's working definition of anti-Semitism..."

I would just like to ask the minister: What is intended with that government motion? Has anything happened on that front? Has the government looked at including that working definition in legislation? Some provinces, I note, have taken the step of adopting the definition by regulation. What actions has the minister taken so far and what further actions is she considering with regard to that government motion?

Hon. Ms. McPhee: Thank you for the question. I do recall bringing the motion. If I could have one moment, maybe I can get the answer. I recall the correspondence that I had around the time of presenting that motion. I don't want to comment on it because I don't want to get it incorrect. I am happy to get the correspondence — with whom I sent a letter dealing with this definition — saying that it was certainly acceptable and that I would commit to seeing if it was acceptable to the Legislative Assembly, and that is the basis for that motion.

We have not put that definition in regulation at this time. There isn't a legal or regulatory approach of adopting it here in the territory as there is in some other places. It would, in my view, be meaningful or relevant if we could proceed with the idea that the motion would be adopted by the Legislative Assembly if it were brought forward.

That is an opportunity to ask the other parties — which we can follow up on to see if that is a positive action. I will seek out the correspondence with respect to what we were thinking about in bringing forward this motion and provide it to the member opposite or perhaps table it here in the Legislature. We have not adopted that definition by regulation here in the territory, although I have presented it by way of a motion that it is a definition that would certainly be acceptable to our government.

Mr. Dixon: Just for clarification, Deputy Chair, can the minister describe what correspondence she is referring to? I am not quite sure — she referenced correspondence that she is going to table. I am just curious if she can tell us what correspondence she is referring to.

Hon. Ms. McPhee: My recollection, which I will say now is shaky, was that an organization in Canada was asking each government to consider adopting that definition. It was acceptable to me, as the minister, such that I introduced the motion so that we might discuss it here as a Legislative Assembly and provide direction. My recollection is that I responded to that organization and told them what we had done. But again, that is quite a long time ago and it is my recollection, so, rather than rely on that to be the facts of the situation, I will go and obtain the letter and provide it.

Mr. Dixon: Just one final point, I suppose — I think that the organization that the minister is referring to is likely the B'nai B'rith, and, of course, they have written to all three political parties about this. What is being sought is some sort of action or some sort of step taken by the Yukon government to act on this commitment that the minister has made by way of this motion.

I will just leave it there and note that what I think everyone is looking for is just a sense from the department or the government about what sort of steps could be taken to act on

this commitment. I would also note that I wrote to the minister on May 2 about this, and I have not yet heard back, so I would look forward to hearing back at some point in the future. I will leave it there.

Deputy Chair: Is there any further debate on Vote 8, Department of Justice?

Seeing none, we will proceed to line-by-line debate.

Mr. Dixon: Deputy Chair, pursuant to Standing Order 14.3, I request unanimous consent of Committee of the Whole to deem all lines in Vote 8, Department of Justice, cleared or carried, as required.

Unanimous consent re deeming all lines in Vote 8, Department of Justice, cleared or carried

Deputy Chair: The Member for Copperbelt North has, pursuant to Standing Order 14.3, requested the unanimous consent of Committee of the Whole to deem all lines in Vote 8, Department of Justice, cleared or carried, as required.

Is there unanimous consent?

All Hon. Members: Agreed.

Deputy Chair: Unanimous consent has been granted.

On Operation and Maintenance Expenditures

Total Operation and Maintenance Expenditures in the amount of \$1,734,000 agreed to

On Capital Expenditures

Total Capital Expenditures in the amount of nil agreed to

Total Expenditures in the amount of \$1,734,000 agreed to

Department of Justice agreed to

Deputy Chair: The matter now before the Committee is continuing general debate on Vote 52, Department of Environment, in Bill No. 211, entitled *Second Appropriation Act 2023-24*.

Do members wish to take a brief recess?

All Hon. Members: Agreed.

Deputy Chair: Committee of the Whole will recess for five minutes.

Recess

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

The matter now before the Committee is continuing general debate on Vote 52, Department of Environment, in Bill No. 211, entitled *Second Appropriation Act 2023-24*.

Department of Environment — continued

Deputy Chair: Is there any further general debate?

Hon. Mr. Clarke: Thank you for the opportunity to return to Committee of the Whole with the Department of Environment. To my left, in my support, I have Deputy Minister Manon Moreau, and to my right is one of the assistant deputy ministers for the Department of Environment, Briar Young.

I have a few minutes here, so I will try to answer some of the questions that arose from the previous Committee of the Whole, and then we can move on to some other questions.

The Department of Environment continues to work toward reducing our emissions, building communities that are more resilient to the impacts of climate change, and ensuring that we continue to champion and protect Yukon's natural spaces and environment. I appreciate the opportunity to address some of the questions the members opposite had during Committee debate on October 30, 2023. I have had an opportunity to engage with the Department of Environment officials on these matters, and I hope I can provide some clarity before we resume debate today.

The Member for Whitehorse Centre inquired about the status of the *Our Clean Future* annual report. I have indicated that we are on track to release the report by the end of this year, which will highlight all the work that has been done in 2022.

Our Clean Future is an adaptive strategy that involves 14 departments and agencies and it is taking some time to ensure that the report is strategically focused on helping us reach our targets. Every year, we are and will continue to assess our progress and analyze where we can alter our actions to best respond to the climate emergency. For example, this year, we considered the recommendations put forward by the Yukon Climate Leadership Council and the Yukon Youth Panel on Climate Change, which are valuable resources to reach the goals set out in *Our Clean Future*.

We also look to knowledge-holders, researchers, and other experts to better understand how new technology and innovative solutions can be incorporated into a Yukon context. To better understand our progress and how best to reach our targets, we work with an independent consultant to provide objective modelling and analysis of our climate actions. Given this, it takes time to ensure that the report is strategically focused on helping us reach our targets. We will continue to work with experts, stakeholders, and partner governments across the territory and beyond to identify opportunities to accelerate and intensify our efforts to reach our ambitious targets.

Our Clean Future is the Yukon's path to addressing the climate emergency, and it's a strategy that continues to be strengthened year after year as we assess our progress, renew research, consider input from other organizations and bodies, and identify emerging and innovative solutions that will help us reach our goals.

I wanted to take a moment to highlight some of the work that we have completed to date that is helping us fulfill our commitments in *Our Clean Future*. We have legislated greenhouse gas emissions and targets and associated reporting through the *Clean Energy Act*. This year, we launched a five-year sustainable Canadian agricultural partnership, which will enhance the agricultural sector's resiliency and adaptation to climate change. We created the Better Buildings program, which is helping Yukon home and business owners finance energy retrofits to their homes and buildings. We established a geohazard mapping program to understand how our transportation corridors could be impacted by climate change.

This is just some of the work that we have completed under *Our Clean Future*. I look forward to providing a full update on the work that we have completed under the strategy by the end of the year. I will leave it at that. I do have more, but for now, I'll sit down, and I look forward to further questions.

Mr. Istchenko: I want to thank the staff who are here today helping. I do have a few more questions. I would like to ask some questions about the mobile abattoir — or lack of. I understand — I have been talking to local farmers, especially some of the ones in the rural communities who have stopped basically raising animals because of not having the mobile abattoir that can come out to their location, so I would like the minister to expand on this and maybe answer why there isn't one anymore.

Hon. Mr. Clarke: In consultation with my officials, a brief conversation with the Minister of Energy, Mines and Resources, and also based on my understanding of this file, I understand that the provision of mobile abattoir services is under the purview of the Agriculture branch, which is the responsibility of the Minister of Energy, Mines and Resources. It is certainly likely that he will be in a position to answer that question when he returns to Committee of the Whole prior to the end of the Sitting.

Briefly, I have been advised that the Agriculture branch is in consultation with the Yukon Agricultural Association on this topic and is also in conversation to try to incentivize the private sector becoming involved in this space, but as indicated, it is the responsibility of the Agriculture branch and by extension Energy, Mines and Resources.

Mr. Istchenko: I will get the critic for that to ask that question when the department comes up.

I have some questions around the sheep population in game zone 5. I understand from community locals that, because of a few bad weather years, the population is not good. When I asked the minister a little bit about this before — I will quote what he said in the House: “In fact, we have observed the lowest number of sheep in Brooks Arm since we started monitoring in 1974.

“Similarly, Parks Canada recently reported low adult sheep populations in the Tachäl Dhäl survey area — the lowest since their monitoring program began in 1977. Our Alaskan counterparts note similar patterns on the Alaska side of Kluane National Park, particularly in recent years.

“In the summer of 2023, we conducted further aerial surveys of the Kluane Wildlife Sanctuary and the Brooks Arm, Ruby Range, Donjek, Nutzotin, and Flat Top sheep management units. We will continue our long-term monitoring of population estimates and recruitment rates across these areas to determine the need for further management actions.”

This government sometimes, when it comes to wildlife management, doesn't like to use the process set out in the *Umbrella Final Agreement* when it comes to a regulation change proposal, but I am just wondering if there will be any regulation change proposals coming forward this year from the department in reference to those populations in game zone 5, which would affect, I guess, the next hunting season.

Hon. Mr. Clarke: I thank the member opposite for the question and certainly for his ongoing concern for viable wildlife populations in the Yukon, wherever that may be and whichever species.

Just briefly, thinhorn sheep are an iconic species of Yukon wildlife and are economically and culturally significant. As the member opposite did indicate, aerial sheep surveys conducted by the Department of Environment this summer noted sheep population declines in several management units across southwest Yukon. Similarly, in recent years, other government wildlife agencies, as indicated, have observed low sheep population counts and low lamb survival rates in northern British Columbia and in Alaska as well.

As the member opposite has no doubt reviewed, the results of the 2022 and 2023 aerial surveys conducted by the Department of Environment were published on yukon.ca on November 2, 2023. It is likely that environmental factors such as deep snowpacks and late springs over the last few years have reduced survival rates and contributed significantly to the decline in sheep populations.

As the member opposite will know, due to a conservation concern with these populations, the Kluane First Nation cancelled their auction of the Kluane Wildlife Sanctuary sheep permit for the 2023-24 season. In the spirit of co-management, the Yukon government also cancelled the 2023-24 lottery for the single-permit hunt authorization.

To answer the member opposite's question, the Yukon government intends to work with affected First Nations in the southwest Yukon, the Yukon Fish and Wildlife Management Board, and other stakeholders in order to create adaptive sheep management tools for southwest Yukon before the next hunting season.

Adaptive wildlife management tools would allow us to increase or decrease resident harvest in response to population fluctuations. We are committed to working with our Yukon First Nation partners and the Yukon Fish and Wildlife Management Board, among others, to develop a sheep management plan for the southwest Yukon in order to ensure the long-term sustainability of sheep in the area.

The member opposite is quite correct that the areas impacted are Brooks Arm, Donjek, Flat Top, the K.W.S. permit area, the Nizotun, and Ruby Range. I believe that this answers the member opposite's question, but I am sure that there may be a follow-up.

Mr. Istchenko: I thank the minister for that.

This morning, I drove here in a snowstorm and it got me thinking. I popped this letter up — a response from the Minister of Highways and Public Works — that I wrote back in 2020. It was a question about brushing. They had done a little brushing between Whitehorse and Haines Junction, and I know that you are the minister of both, but I am going to take this angle on Environment and ask you some questions here. They did some work out there, which was incredible because the wild horses, deer, and stuff like that can be seen now, but this morning, the elk herd that I passed was in the area that has not been brushed. The Minister of Highways and Public Works told me, in this letter of December 11, 2020 — and I quote: “Planning work for

the Roadside Safety Improvement Program is underway for the 2021/22 season. The segment of road you identified is planned for the construction season 2021/22 and 2022/23, subject to plan finalization and budget...”

We are at the end of, basically, the brushing season for the summer and it still hasn't been done, so I am wondering if the Department of Environment has concerns with the Department of Highways and Public Works, because if the minister could list the number of elk, deer, moose, bison, or feral horse — or even domestic horse — vehicle collisions between Whitehorse and Haines Junction — I am just wondering if the minister would be concerned about the Department of Highways and Public Works not getting that work done.

Hon. Mr. Clarke: I will try to be relatively brief on this. One of the questions is with respect to statistics on wildlife collisions. I am advised that I am in a position to provide that to the House and to the member opposite. We will certainly provide the most up-to-date data on that.

With respect to prioritizing vegetation control between Whitehorse and Haines Junction, I do anticipate that Highways and Public Works will be up again in Committee of the Whole, so I can certainly provide some additional information on that. Anecdotally, what I would say is that I did have the opportunity during the course of this summer to drive from Whitehorse to Haines Junction to Burwash Landing and further than Burwash Landing on three occasions, I believe — three occasions over the summer period. Of course, I am not the expert, but my observations were that I thought the vegetation control between Whitehorse, Haines Junction, and Burwash was pretty solid. Of course, it is never going to be perfect, and I am sure that there are areas where the wise Member for Kluane, who has the local knowledge, will know that there are areas that could use more attention.

I do have some late-breaking information here, but wildlife-vehicle collisions are another form of human-wildlife conflict, resulting in the deaths of 67 wildlife in 2023, with most being ungulates. The departments of Environment and Highways and Public Works work together to develop and implement adaptive strategies to decrease the rate of wildlife collisions on Yukon roads, such as signage and brush-clearing to improve visibility.

We manage these conflicts through prevention strategies like installing signage, brushing road corridors to improve visibility, and through our social media communication and advertising campaigns. Road ecologists and biologists have been contracted to analyze collision data and recommend appropriate and effective mitigation measures. This has included actions like the removal of snow berms in order to facilitate animal movement off the roadways.

As indicated, I do anticipate that Highways and Public Works will be back in Committee of the Whole, and I will certainly do my best to provide — assuming that question arises again with respect to prioritization. Once again, my non-expert opinion with respect to the roadway between Whitehorse, Haines Junction, and Burwash is that it is in quite good shape with respect to vegetation control. Actually, the road itself — my anecdotal observation is that it is in quite good shape as

well. Kudos to the hard-working Highways and Public Works teams today.

Nevertheless, it can, of course, be better and we certainly do wish to reduce motor vehicle-animal collisions. I can undertake to dig down into the data. I am sure that my department loves to hear when I provide these assurances, but I believe that we can probably dig down into that data and provide a geographic spot map as to where these collisions have occurred and provide that information to the Member for Kluane as to what the statistics look like between Whitehorse and his constituency.

Mr. Istchenko: I have one more quick question here. I asked the minister about the request from the Fish and Wildlife Management Board to the Premier that the outfitter guidelines be reviewed. He said that he had received the correspondence, and then he told me that he has responded to the board, inviting them to initiate the review. My question for him is: Is there a timeline for this review? What information will the department be providing to the Yukon Fish and Wildlife Management Board? Who will be the key players who will be consulted on that?

Hon. Mr. Clarke: The Government of Yukon has responded to the board that, given its mandate to make recommendations on all matters related to Yukon fish and wildlife management legislation, research, policies, and programs, the board could initiate the review and engagement on, among other things, Yukon outfitter quota guidelines. Should the board accept this role, the Government of Yukon is committed to providing the board with technical and financial support to undertake this work. We are waiting to hear the response from the Yukon Fish and Wildlife Management Board with respect to this and any requests that they may have for resourcing. We certainly anticipate that this consultation and engagement process will take some time and that they will be looking at a lot of different elements of the legislation. The preliminary meeting with the Yukon Fish and Wildlife Management Board was quite positive, but we are waiting for them to respond and to advise if they wish to initiate the review and engagement and, if so, what resources they will require in order to initiate and complete said review and engagement.

MLA Tredger: Thank you to the officials who have hung around so that we can have these brief questions at the end of the day. I really appreciate it. I want to start by talking about feral horses. I'm wondering how, if at all, they are protected since they are neither domestic nor wild animals and whether there is any consideration to bringing in regulations that would either protect or address that population. I'm curious if the *Animal Protection and Control Act*, when it comes into force, will have any impact on feral horses.

Hon. Mr. Clarke: I thank the Member for Whitehorse Centre for the question.

The Department of Environment has received reports — as the members of the Assembly will likely know — of two young feral horses, one of which had an injured front leg, that were separated from adults in their band and were wandering in the Champagne area. We share the concerns of the community about the well-being of these animals, and an animal protection

officer from the Department of Environment attended the area last week but was unsuccessful in locating either of the two young horses.

Concerned citizens subsequently reported finding the bodies of two adult feral horses that are believed to be part of the same band. There was considerable speculation that the horses may have been shot and that the younger horse was injured at the same time.

The Department of Environment deeply values the welfare and respectful treatment of all animals. We understand that Yukoners feel strongly about the feral horse population and that there are diverse values and viewpoints. The Yukon feral horse population does not currently meet the definition of “wildlife”, according to the *Wildlife Act*. “Wildlife” are species that are wild by nature, and horses are domestic by definition. The feral population is wild by circumstance, and they have survived in the wild for multiple generations.

The animal protection officer and livestock control officers have authority under the *Highways Act* to deter feral horses from being on the highways or right-of-way for the protection of drivers. The tip line reports regarding these horses are being referred to the animal protection officer and the animal health unit.

Currently, the Department of Environment has limited options to manage or control feral horses in the Yukon, other than deterring them from roadways and responding to reports of injured or distressed animals. Animal protection officers and the RCMP have the authority to relieve any animal, including feral horses, of suffering. Animal protection officers do have the authority to relieve an animal of suffering, but the priority is to give any animal every chance to survive.

There are strong opinions in the Yukon and elsewhere about how feral horses should be treated. There is debate about whether they belong on the landscape or if they compete with wildlife and damage the ecosystem. In the past, efforts were made by the government to corral and rehome these animals. Some of the captured feral horses tested positive for a disease called equine infectious anemia, also known as “swamp fever”, which can be spread to other horses by biting flies. This disease is controlled by the federal government and affected horses and those in contact with them were ordered destroyed.

There were also few homes identified for feral horses, and the effort was expensive; capture was extremely stressful for horses and tragically resulted in the death of a wrangler in 2014. Feral horses can cause damage to agricultural properties, such as fencing, and have been reported to harm and injure domestic horses and their riders. They can also be host to winter ticks, which they share with elk in the Ibex Valley. There is concern for owners of valuable horses that might be infected by the feral horse groups.

It is currently an offense to violate the existing *Animal Protection Act*, which prohibits someone from causing distress to an animal. This applies to feral horses as well as owned animals, and the animal protection officer does investigate reports when presented with evidence that this may have occurred. The officer may take action to relieve the distress of a feral horse, provided conditions are met for an animal to be

euthanized. This includes whether a firearm can be used safely, surrounding traffic and environmental conditions, and the state of the animal. An animal protection officer can investigate allegations that someone has violated the existing *Animal Protection Act*, which prohibits someone from causing distress to an animal. If capture methods or the method of killing a feral horse caused distress, then a person could be charged.

We are working on this for greater protection. The Government of Yukon’s new *Animal Protection and Control Act*, which is not yet in effect, will provide a comprehensive legal framework for managing all aspects of animal protection and control in the Yukon. I would like to take the opportunity to thank the Yukon NDP for supporting this incredibly important legislation — less so for the Yukon Party, but that’s for another day.

The act expands enforcement tools to address high-risk feral animals and prohibits anyone from capturing or killing animals defined as “feral” or “high risk” unless they have a permit issued by the department. Under section 46, it is stated that “A person must not kill or capture a feral animal or a high-risk animal that is at large unless authorized to do so in accordance with this section ... [and that] The Minister may, in writing, designate individuals or classes of individuals as feral and high-risk animal control officers.”

I can advise that we are working with the Department of Justice in order to expedite the regulations. The act and its extended provisions will come into effect in early 2024, once the development of the regulations is complete.

Our government has engaged and consulted with Yukoners extensively on the new act to be able to better respond to and have better tools in order to address animal protection and control. It will include permits and inspections of animal-related businesses, expand enforcement tools, and address high-risk and feral animals.

To answer the member opposite’s question, yes, there are currently some protections for feral horses, but as with many aspects of the new and updated *Animal Protection and Control Act* and the related regulations, which are in the process of being completed, they will be in many ways preferable and more significant in the provisions that they provide to protect all manner of animals in the territory. That is where we are at with feral horses.

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

Chair (Ms. Blake): It has been moved by the Member for Riverdale North that the Chair report progress.

Motion agreed to

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

Chair: It has been moved by the Member for Mount Lorne-Southern Lakes 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. Blake: Mr. Speaker, Committee of the Whole has considered Bill No. 34, entitled *Technical Amendments (Finance) Act (2023)*, and directed me to report the bill without amendment.

Committee of the Whole has also considered Bill No. 211, entitled *Second Appropriation Act 2023-24*, and directed me to report progress.

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

Are you agreed?

Some Hon. Members: Agreed.

Speaker: I declare the report carried.

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

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

Motion agreed to

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

The House adjourned at 5:29 p.m.

The following sessional papers were tabled November 14, 2023:

35-1-128

Yukon Judicial Council Annual Report 2022 (McPhee)

35-1-129

Yukon Law Foundation Annual Report — November 1, 2021 to October 31, 2022 (McPhee)

The following document was filed November 14, 2023:

35-1-165

2023-25 Strategic framework for French-language services announcement (November 14, 2023) (Streicker)

Written notice was given of the following motion November 14, 2023:

Motion No. 839

Re: resources for municipalities to address accessibility (McLeod)